

Bond Case Briefs

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Save Lafayette Trees v. City of Lafayette

Court of Appeal, First District, Division 3, California - October 23, 2018 - Cal.Rptr.3d - 2018 WL 5262888 - 18 Cal. Daily Op. Serv. 10, 333

Environmental group petitioned for writ of mandate challenging city's agreement with electric company to remove numerous trees.

The Superior Court sustained demurrer without leave to amend. Environmental group appealed.

The Court of Appeal held that:

- Ninety-day statute of limitations period for causes of action based on violations of zoning law applied, rather than 180-day period for municipal code challenges to city council decisions, and
- One-hundred-eighty-day statute of limitations period for causes of action under California Environmental Quality Act (CEQA) applied, rather 90-day limitations period for causes of action based on violations of zoning laws.

One-hundred-eighty-day statute of limitations period for causes of action under California Environmental Quality Act (CEQA), rather 90-day statute of limitations period for causes of action based on violations of zoning laws, applied to environmental group's suit challenging city's agreement with electric company to remove numerous trees, since requiring service within 90 days would impermissibly cut in half the more specific 180-day period allowed for filing the CEQA action under the Public Resources Code.