

Bond Case Briefs

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Berkeley Hills Watershed Coalition v. City of Berkeley

Court of Appeal, First District, Division 1, California - January 30, 2019 - Cal.Rptr.3d - 2019 WL 365765 - 19 Cal. Daily Op. Serv. 958 - 2019 Daily Journal D.A.R. 818

Interest group petitioned for writ of mandate to challenge city's approval of construction of three new single-family homes on adjacent parcels in hills after determining that project was exempt from California Environmental Quality Act (CEQA) review.

The Superior Court denied the petition, and interest group appealed.

The Court of Appeal held that:

- Earthquake fault zone and earthquake-induced landslide area were not "environmental resources of hazardous or critical concern" within meaning of location exception to categorical exemption from CEQA review;
- Project site was not located in an environmentally sensitive area, and thus location exception to categorical exemption from CEQA review did not apply;
- Evidence did not support fair argument that project might have an adverse effect on the environment; and
- City "Mini-dorm ordinance," which required permits for certain bedroom additions, did not apply to project.