

Bond Case Briefs

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DEVELOPMENT - CALIFORNIA

Citizens for Ceres v. City of Ceres

Court of Appeal, Fifth District, California - September 12, 2016 - Cal.Rptr.3d - 2016 WL 4733253

Objector petitioned for writ of mandate challenging city's approval of shopping center construction project under California Environmental Quality Act (CEQA).

The Superior Court denied the petition but denied the shopping center developer's request for an award against the objector of the cost of reimbursing the city for the city's outside counsel's preparation of the administrative record. Objector and developer appealed.

The Court of Appeal held that developer was eligible to recover the cost of reimbursing the city for preparation of the administrative record.

A shopping center developer that reimbursed a city for the city's outside counsel's preparation of the administrative record for objector's unsuccessful California Environmental Quality Act (CEQA) challenge to the city's approval of the development was eligible to recover the cost of reimbursing the city from the objector, subject to the trial court's power to reduce unreasonable costs, since the developer was a prevailing party under CEQA.