

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & LAND USE - CALIFORNIA

Orange Citizens for Parks and Recreation v. Superior Court

Supreme Court of California, California - December 15, 2016 - P.3d - 2016 WL 7241419

City filed petition for writ of mandate and complaint for injunctive and declaratory relief, seeking to stop a ballot referendum that sought to nullify a general plan amendment providing that golf course property was designated low density residential.

Citizens filed cross-petition for writ of mandate and cross-complaint for declaratory relief, seeking to set aside zoning change and development agreement as inconsistent with city's general plan. City filed another petition for writ of mandate and cross-complaint for declaratory relief, specific performance, and injunctive relief, seeking to establish that project was consistent with general plan even without general plan amendment.

After bifurcation, the Superior Court entered judgment in favor of city, and citizens filed a petition for writ relief. The Court of Appeal affirmed in part, reversed in part, and remanded. The Supreme Court granted petition for review, superseding the opinion of the Court of Appeal.

The Supreme Court of California held that:

- City council resolutions not adequately reflected in planning documents did not validly zone the property for residential development, and
- Residential development was inconsistent with the property's zoning for open space.

City abused its discretion in interpreting its general plan to include a city council resolution that upheld a planning commission recommendation to designate a subdivision for low density residential development in the land use element of the general plan, or a later resolution that purportedly amended the general plan's land use element to permit low density residential development in the subdivision, where the city never updated the land use policy maps of the general or specific plans to include the low density designation, any members of the public who requested a copy of the specific plan would have received a copy of the earlier resolution but not the underlying planning commission recommendation, the city later adopted a general plan amendment stating that a residential construction project in the subdivision was consistent with the general plan, opponents of the construction successfully conducted a referendum campaign against the amendment, and there was no evidence that city officials intentionally flouted the city council's directive to update the plan documents and map.