

Bond Case Briefs

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DEVELOPMENT AGREEMENTS - CALIFORNIA

Center for Community Action and Environmental Justice v. City of Moreno Valley

Court of Appeal, Fourth District, Division 1, California - August 23, 2018 - Cal.Rptr.3d - 2018 WL 4025516 - 18 Cal. Daily Op. Serv. 8650

Objectors petitioned for writ of mandate, challenging city's adoption of initiative to approve a development agreement.

The Superior Court denied petitions, and objectors appealed.

The Court of Appeal held that development agreement statute, providing that a development agreement is a "legislative act" that is "subject to referendum," exclusively delegated the approval of development agreements to the local legislative body, even though statute did not expressly state that adoption of a development agreement by initiative was barred.

Development agreement scheme was of statewide concern, legislature could reasonably have found it appropriate to limit only initiative or referendum but not both, and initiative process was inconsistent with fundamental concept of development agreement as negotiated contract.