

Bond Case Briefs

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ZONING & PLANNING - CALIFORNIA

Friends of Spring Street v. Nevada City

Court of Appeal, Third District, California - March 28, 2019 - Cal.Rptr.3d - 2019 WL 1487515 - 19 Cal. Daily Op. Serv. 3181 - 2019 Daily Journal D.A.R. 2897

Neighborhood association filed petition for writ of mandate and complaint for declaratory and injunctive relief, challenging city's determination that landowners had right to resume operation of bed and breakfast facility in residential district.

The Superior Court entered judgment in favor of city. Association appealed, and the Court of Appeal reversed and remanded. On remand, the trial court entered judgment in favor of association in part but struck association's memorandum of costs and denied request for fees. Association appealed.

The Court of Appeal held that:

- Trial court abused its discretion in determining that association was not a prevailing party that could recover costs, and
- Trial court abused its discretion in determining that association's action did not serve to vindicate an important right and public interest, so as to justify attorney fee award.

Trial court abused its discretion in determining that neighborhood association was not a prevailing party that could recover costs, in association's action against city challenging city's determination allowing landowners' operation of bed and breakfast facility in residential district, even though association only obtained relief on one of its five causes action; association's litigation resulted in a court order requiring city to set aside its decision granting landowners' appeal of planning decision, which thus resulted in denial of landowners' request to commence bed and breakfast operations remaining intact, and this was association's primary litigation objective.

Neighborhood association was a successful party, as could support recovery of attorney fees under statute providing for fees to successful party in an action resulting in enforcement of an important right affecting public interest, in association's action against city challenging city's determination allowing landowners' operation of bed and breakfast facility in residential district, even though association only obtained relief on one of its five causes action; association's litigation resulted in a court order requiring city to set aside its decision granting landowners' appeal of planning decision, which thus resulted in denial of landowners' request to commence bed and breakfast operations remaining intact, and this was association's primary litigation objective.

Trial court abused its discretion in finding that neighborhood association's action against city did not serve to vindicate an important right and public interest, so as to justify an attorney fee award, in association's action against city challenging city's determination allowing landowners' operation of bed and breakfast facility in residential district, which resulted in landowners being precluded from commencing bed and breakfast operations; association's action preserved integrity of zoning regulation, and enforcement of regulation resulted in substantial benefit to city residents by holding city zoning decisions to letter and spirit of municipal code.

