

Bond Case Briefs

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Schreiber v. City of Los Angeles

Court of Appeal, Second District, Division 6, California - September 28, 2021 - Cal.Rptr.3d - 2021 WL 4436987 - 21 Cal. Daily Op. Serv. 9989 - 2021 Daily Journal D.A.R. 10,274

Neighbors filed petition for writ of administrative mandamus to challenge city planning commission's approval of a mixed-use development project which included density bonus incentives and waivers.

The Superior Court denied the petition, and neighbors appealed.

The Court of Appeal held that:

- Developer was not required to show that the incentives granted under the density bonus law would actually result in cost reductions;
- City ordinance requiring documentation to show that the waiver or modification of any development standards are needed in order to make restricted affordable units economically feasible is therefore preempted by state law; and
- Financial feasibility study was sufficient to support any required finding by city planning commission under the density bonus law that incentives would result in cost reductions.