

Bond Case Briefs

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Lucas v. City of Pomona

Court of Appeal, Second District, Division 8, California - June 13, 2023 - Cal.Rptr.3d - 2023 WL 3962513

Property owner filed a petition for writ of mandate to overturn city's creation of overlay district designating areas for permissible commercial cannabis activities, alleging that the city made the decision improperly by failing to conduct a new environmental impact review (EIR).

Following a hearing, the Superior Court denied the petition and entered judgment in favor of the city. Property owner appealed.

The Court of Appeal held that:

- Substantial evidence standard rather than a fair evidence standard applied;
- Substantial evidence supported city's determination that the proposed commercial cannabis activities were exempt from CEQA as consistent with existing land uses and density covered by previous EIR;
- Substantial evidence supported city's determination that overlay district had no project-specific effects requiring a new EIR; and
- Substantial evidence supported city's determination that overlay district would not create environmental impacts beyond those identified in previous EIR.