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ZONING & PLANNING - CALIFORNIA

San Pablo Avenue Golden Gate Improvement Association, Inc. v. City Council of City of Oakland

Court of Appeal, First District, Division 4, California - June 28, 2024 - 103 Cal.App.5th 233 - 322 Cal.Rptr.3d 870

Neighborhood organizations petitioned for a writ of administrative mandamus following dismissal of administrative complaint against city in which they sought initiation of revocation review process for zoning clearance issued to applicant to operate commercial kitchen in "Housing and Business Mix-1 Commercial Zone," on basis that applicant's proposed use was incorrectly classified as "Light Manufacturing Industrial" and that zoning clearance contravened zoning regulations.

The Superior Court denied petition, and organizations appealed.

The Court of Appeal sitting by assignment, held that section of municipal code governing enforcement of zoning regulations, which was the provision relied upon by organizations, did not provide a legal basis to challenge city planning department's interpretations and determinations of zoning regulations, including use classifications and zoning clearances.

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