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New Commune DTLA LLC v. City of Redondo Beach

Court of Appeal, Second District, California - October 10, 2025 - Cal.Rptr.3d - 2025 WL 2886322

Developers brought action against charter city, challenging city's housing element and seeking writ of mandate and declaratory relief.

The Superior Court denied developers' petition and complaint. Developers appealed.

The Court of Appeal held that:

- City's residential overlay zone permitting construction of housing on sites otherwise zoned for commercial and industrial use was subject to mandatory minimum density requirements under Housing Element Law;
- Overlay zone failed to comply with statutory requirements;
- Presumption of validity for housing element was rebutted by failure of overlay zone;
- Substantial evidence supported city's identification of parking lot as site that could accommodate 486 lower income housing units; but
- Substantial evidence did not support city's determination that existing use of other parking lot would be discontinued or not impede development of 175 housing units.

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