

The background features a dark blue gradient with faint, light blue circular patterns and a scale. The scale is a large arc on the left side, with numerical markings from 140 to 260 in increments of 10. Several smaller circles and arcs are scattered across the background, some with arrows indicating direction. The overall aesthetic is technical and modern.

LAND USE AND CEQA UPDATE, FALL 2023

JOHN M. LUEBBERKE

OF COUNSEL

HERUM CRABTREE SUNTAG

ANDERSON V. COUNTY OF SANTA BARBARA

Code enforcement activity, such as nuisance abatement implemented through standard agency practices is not subject to injunction under CEQA.

OLEN PROPERTIES V. CITY OF NEWPORT BEACH

Changes in CEQA regulations alone do not constitute “new information” that would trigger the need for a subsequent or supplemental EIR.

UNITED NEIGHBORHOODS V. CITY OF LOS ANGELES

When relying on the infill exemption, the agency general plan consistency analysis must consider all relevant policies, including housing policies that may be affected by a non-housing project.

LUCAS V. CITY OF POMONA

The Court upheld city's findings that cannabis businesses were sufficiently similar to other businesses allowed in the relevant zones such the city could rely on the exemption for projects that are consistent with its general plan and zoning (14 CCR section 15183).

CLAREMONT CANYON CONSERVANCY V. REGENTS OF THE UNIVERSITY OF CALIFORNIA



A legally sufficient project description can provide for adaptation to changes in site conditions, so long as the criteria is clear and the project impacts are adequately described and analyzed.

SHENSON V. COUNTY OF CONTRA COSTA

Damage caused by a failure of private infrastructure will not give rise to a takings claim, even if the infrastructure was required as a condition of project approval.

HAMILTON AND HIGH V. CITY OF PALO ALTO



Failure to comply with the five-year findings requirement of the Mitigation Fee Act risks a claim against the entire balance of the relevant fee account.

SPENCER V. CITY OF PALOS VERDES ESTATES

Agency tolerance and/or complicity with private actions that limit access to public facilities can lead to liability.

SAVE OUR CAPITOL V. DEPARTMENT OF GENERAL SERVICES

For complex projects, providing the public with elevations and/or other visual exhibits may be required to ensure the public is adequately informed of the issues raised.

AIDS HEALTHCARE FOUNDATION V. CITY OF LOS ANGELES

90 day statute of limitations applied to an action filed challenging a discretionary land use decision under the Political Reform Act.

SAVE N. PETALUMA RIVER V. CITY OF PETALUMA

An EIR may rely on studies conducted prior to the NOP, so long as the overall analysis included in the EIR was sufficiently thorough and included actions that ensure the studies used are relevant to addressing the existing conditions.

COUNTY OF SAN BERNADINO V. MANCINI

Regulating the commercial dispensing of cannabis by a church does not constitute a substantial burden on religious exercise when the church was permitted to provide free “blessed” cannabis for use in church services.

QUESTIONS?

