

ALSTON & BIRD^{LLP} LAND USE MATTERS



A publication of Alston & Bird's Land Use Group

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Each month, *Land Use Matters* will provide information and insights into legal and regulatory developments, primarily at the Los Angeles City and County levels affecting land use matters, as well as new CEQA appellate decisions.

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City of Los Angeles

City Council

Development Services Reform

At the March 4, 2014, meeting the Planning and Land Use Management (PLUM) Committee considered a report on the opportunities to improve development services. The report provides an analysis of, functions and processes in eleven categories: (1) Development Reform and Strategic Plan, (2) Development Services Technology, (3) Discretionary Review, (4) Ministerial Review, (5) Public Improvement/Engineering, (6) Code Enforcement, (7) Regulations, (8) Co-Location of Development Services, (9) Culture of Development Service, (10) Plan of Organization, and (11) Cost Recovery for Development Services. The report includes 329 recommendations to improve development services along with timing for implementation and the cost impact. The report acknowledges that it may not be time to functionally transfer development services functions to a new department and recommends the implementation of the recommendations that are most feasible now and to implement the more challenging recommendations of the next few years. One of the immediate actions recommended by PLUM is the development of Memoranda of Agreement (MOA) that establishes the division of authority, roles and responsibilities between the Department of Building and Safety, the Department of City Planning and the Bureau of Engineering for zoning and land use compliance and review. The City Council will consider the recommendations at the meeting on April 2, 2014. Review the full report and recommendations for Council action [here](#).

Department of City Planning

General Plan Amendment Initiations

On March 18, 2014, the Director of Planning issued a memorandum to that outlines a new process for General Plan Amendment initiation requests. The new process requires that an applicant considering a General Plan Amendment submit a letter describing the development proposal along with exhibits to the department's management team for review prior to filing the application at the Development Services Center. If the Director of Planning determines that the request is worth consideration and has the potential for meeting the required findings, the applicant will be directed to proceed with the application. The management-level review does not have a fee and the turnaround time for feedback is estimated to be less than two weeks. Click [here](#) to review the memorandum.

California Environmental Quality Act

Foothill Communities Coalition v. County of Orange (February 2014)(4th Dist.)

While not a case arising under CEQA, this case addresses an issue that arises with greater regularity in the context of urban infill projects—spot zoning. The land agency created a new zone called “senior residential housing” to facilitate the development of 153 senior living units. In response to the plaintiff’s claim of impermissible spot zoning, the Court articulated a two-part test. First, does the zoning constitute spot zoning? In that regard, the Court held that spot zoning occurs when an “island” is created in that a small parcel of land is zoned so that it has *either* more restrictions imposed on it than the surrounding properties *or* less restrictions than the surrounding properties. The second part of the test is whether a “substantial public need exists” for the spot zoning; if such a need is demonstrated, then the spot zoning is legally valid. Under the highly deferential test applied by the courts to zoning questions in general, the Court held that the zoning met this part of the test because, among other reasons, the project was consistent with State policy promoting senior citizen housing, the local county’s general plan (specifically, its Housing Element) and the Specific Plan that covered the area in which the project would be located. Therefore, the zoning was upheld by the Court. Download opinion [here](#).

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