

ALSTON & BIRD_{LLP}

LAND USE MATTERS

A publication of Alston & Bird's Land Use Group

November 2014

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.

Please visit the firm's website for additional information about our [Land Use Group](#).

City of Los Angeles

Department of Building and Safety

Inspection Case Management Program

In support of Mayor Garcetti's "Back to Basics" agenda for city governance, the Department of Building and Safety has introduced an Inspection Case Management (ICM) program to facilitate the construction inspection process for projects with a construction valuation above \$10 million and for restaurants and charter schools. Case managers will work with construction and inspection teams to resolve inspection and code interpretation issues, mobilize same-day inspections and facilitate the issuance of Certificates of Occupancy. As a service for major projects, ICM will provide a full-time department inspector as the case manager whose compensation will be funded by the specific project. To apply for the ICM service, click [here](#).

California Environmental Quality Act

Saltonstall v. City of Sacramento (Third App. District, 11/20/14)

The court upheld the recent CEQA legislation that established accelerated timelines for expedited CEQA review and litigation for the new basketball arena in downtown Sacramento. The plaintiff challenged the legislation on constitutional grounds, claiming that it violated the separation of powers between the legislative and judicial branches of government. The court rejected that claim on a number of different grounds. Most notably, the court held that the Legislature acted within its powers since it had the greater power of completely eliminating any CEQA review for a particular project without running afoul of any constitutional protection. Further, the court held that while the timeline for judicial review was "extremely aggressive," the timeframes were legally permissible since the legislation required implementation of the accelerated timeline "to the extent feasible." The court noted that the legislation did not impose any penalties for not meeting the accelerated litigation deadlines and therefore, the deadlines were only "suggestive." For those reasons, the court held that there was no violation of the separation of powers doctrine. [Download Opinion](#)

Paulek v. California Dept. of Water Resources (Fourth App. District, 10/31/14)

The court rejected a challenge to an environmental impact report (EIR) prepared by the Department of Water Resources (DWR) for three activities aimed at improving the Perris Dam in Riverside County. The bulk of the decision addressed the plaintiff's claim of improper project segmentation and piecemealing. The draft EIR evaluated the impacts of three different activities aimed at improving dam operations and flood control. In response to public comments, the DWR removed one of the activities from further consideration in order to evaluate more alternatives for that activity in a later CEQA document. The court held that the DWR's decision did not constitute project segmentation or piecemealing for a variety of reasons, including (1) the removed (or third) activity was not a "reasonably foreseeable consequence" of the two other activities, (2) the approval of the other two activities did not "legally or practically compel completion" of the third activity, (3) the third activity was not an "integral part" of the two approved activities because the two approved activities will accomplish their stated purpose whether or not the third activity was ever implemented, and (4) the third activity was not a future expansion of the two approved activities. [Download Opinion](#)

Subscribe to Land Use Matters

Contributing Authors



Edward J. Casey, Partner
Environment, Land Use & Natural Resources
ed.casey@alston.com



Kathleen A. Hill, Planning Director
Environment, Land Use & Natural Resources
kathleen.hill@alston.com

This publication by Alston & Bird LLP provides a summary of significant developments to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation. This material may also be considered attorney advertising under court rules of certain jurisdictions.

If you have any questions or would like additional information, please contact your Alston & Bird attorney or any of the following:

Doug Arnold
404.881.7637
doug.arnold@alston.com

Skip Fulton
404.881.7152
skip.fulton@alston.com

Geoffrey Rathgeber
404.881.4974
geoff.rathgeber@alston.com

Sarah Babcock
404.881.7632
sarah.babcock@alston.com

Maureen Gorsen
916.498.3305
maureen.gorsen@alston.com

Beverlee Silva
404.881.4625
beverlee.silva@alston.com

Ward Benshoof
213.576.1108
ward.benshoof@alston.com

Ronnie Gosselin
404.881.7965
ronnie.gosselin@alston.com

Jocelyn Thompson
213.576.1104
jocelyn.thompson@alston.com

Meaghan Goodwin Boyd
404.881.7245
meaghan.boyd@alston.com

Maya Lopez Grasse
213.576.2526
maya.grasse@alston.com

Andrea Warren
213.576.2518
andrea.warren@alston.com

Andrew Brady
213.576.2527
andrew.brady@alston.com

Mark Johnson
213.576.1089
mark.johnson@alston.com

Jonathan Wells
404.881.7472
jonathan.wells@alston.com

Nicki Carlsen
213.576.1128
nicki.carlsen@alston.com

Clay Massey
404.881.4969
clay.massey@alston.com

Diane Wizig
404.881.4954
diane.wizig@alston.com

Edward Casey
213.576.1005
ed.casey@alston.com

Elise Paeffgen
202.239.3939
elise.paeffgen@alston.com

Lee DeHihns
404.881.7151
lee.dehnhns@alston.com

Bruce Pasfield
202.239.3585
bruce.pasfield@alston.com