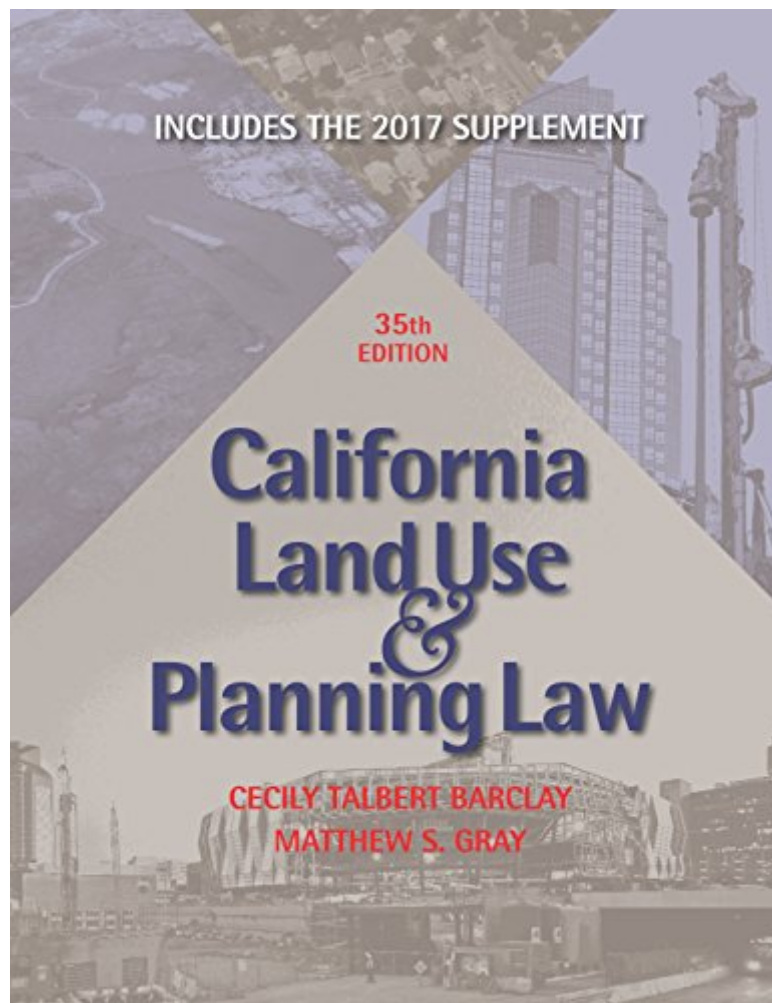




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California Land Use & Planning Law: With 2017 Supplement



Synopsis

Now updated with the 2017 Supplement containing analyses of the most important decisions published in 2016 and 2017 (through March 31st) affecting California land use and planning. For over three decades, California Land Use & Planning Law has provided a succinct and definitive summary of the major provisions of California's land use and planning laws. This book has been cited by the California Supreme Court and numerous appellate courts as an authoritative source. This 35th edition summarizes two years of published decisions, statutory revisions and other agency policies and guidance, including:

- Discussion of the California Supreme Court's decision in *California Building Industry Association v. City of San Jose* holding that inclusionary housing programs are to be evaluated like zoning and other land use measures that restrict use, rather than as exactions (chapters 4, 15)
- Discussion of several cases addressing the degree of deference owed to various local agency approvals or denials of applications for land use permits (chapter 4)
- Description of the Legislature's further statutory extension in 2015 of tentative subdivision maps in some, but not all, California counties (chapter 5)
- Discussion of the California Supreme Court's decision in *Tuolumne Jobs & Small Business Alliance v. Superior Court* holding that an agency's decision to adopt a voter-sponsored initiative rather than place it on the ballot is exempt from CEQA (chapters 6, 13)
- Discussion of numerous cases decided under CEQA addressing when a project is exempt from CEQA, the permissible baseline for project review, when tiering is appropriate, when a supplemental or subsequent EIR is required, and the scope of alternatives that must be considered (chapter 6)
- Discussion of the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* affirming that CEQA generally does not require an analysis of the impacts of the surrounding environment on the project (chapter 6)
- Discussion of the California Supreme Court's decision in *Center for Biological Diversity v. California Department of Fish & Wildlife* (the "Newhall" decision) in which the Court upheld use of CARB's goal of 29 percent reduction from "business as usual" as a significance threshold, but held that an individual project's 29 percent reduction in greenhouse gas emissions did not necessarily establish consistency with CARB's statewide goal (chapter 6)
- Discussion of amendments to the Density Bonus Law prohibiting density bonuses for redevelopment projects on sites where affordable units exist, or have been vacated or demolished in the previous five years, unless those affordable units are first replaced (chapter 15)
- Analysis of new regulations defining "waters of the United States" and identifying categories of waters that are exempt from federal jurisdiction (chapter 7)
- Analysis of new case law and regulatory guidance on the scope of critical habitat designations and standards for excluding areas from such designations (chapter 8)
- Discussion of how the United

States Supreme Court's recent takings guidance in *Koontz* has been applied to local agency regulations (chapter 12) Discussion of the more rigorous quantitative approach to industrial stormwater regulation adopted by the State Water Resources Control board in its 2014 Industrial General Permit (chapter 9) Discussion of cases excepting certain public interest lawsuits from anti-SLAPP protections (chapter 19) Discussion of recent decisions adjusting or denying attorney's fees sought by petitioners under the private attorney general statute (chapter 19)

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