

Researching Land Use Regulation

Liz Parker
Publication Services Librarian



Topics for Today

- Secondary sources on land use and zoning law
- Fact finding about local land use regulation issues
 - Local news
 - City, county, and state government & agency meetings
- Municipal codes

Selected Secondary Sources

- American Law of Zoning ([Westlaw](#))
- Land Use Law in a Nutshell ([West Academic ebook](#) or [print](#))
- The Law of Zoning and Planning ([Westlaw](#))
- The California Municipal Law Handbook ([CEB OnLaw Pro](#))
- California Land Use Practice ([CEB OnLaw Pro](#))

[About the Authors](#)[About the Update Authors](#)[Acknowledgments](#)[Selected Developments](#)[Cutoffs and Citation](#)[▼ 1 Overview of Land Use Regulation](#)[▶ I. POLICE POWER: THE SOURCE OF LAND USE AUTHORITY](#)[▶ §1.12 II. STRUCTURAL HIERARCHY OF LAND USE LAW](#)[▶ §1.19 III. PLAYERS/PARTIES](#)[▶ §1.37 IV. COMMON STEPS IN THE LAND USE PERMITTING PROCESS](#)[▶ V. FINDINGS](#)[▼ 2 General and Specific Plans](#)[▶ I. GENERAL PLANS](#)[▶ II. SPECIFIC PLANS](#)[▼ 3 Growth Management](#)[▶ I. INTRODUCTION](#)

4 Zoning

[California Land Use Practice](#)

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§4.12 IV. RECENT TRENDS IN ZONING APPROACHES

For the nearly 80 years since restrictive zoning was upheld in *Village of Euclid v Ambler Realty Co.* (1926) 272 US 365, 47 S Ct 114, most cities and counties have used the Euclidian approach to zoning. Even though ordinances have become longer and more complex, most jurisdictions rely on the same techniques that characterized early 20th-century codes, with the primary focus on the use of individual lots within use-defined districts. See §4.7. Emerging trends in the 1990s indicate that those jurisdictions are beginning to adopt a wider variety of regulatory approaches.

§4.13 A. New Urbanism

New urbanists advocate what they characterize as a traditional approach to neighborhood design embodying principles that predate 20th-century zoning ordinances. The Congress for the New Urbanism (CNU) was founded in 1993. In 1996, a group of architects and planners from the CNU adopted a set of principles promoting compact, pedestrian-friendly, mixed-use neighborhoods as

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Researching Local and State Land Use Issues

- Local and California news
 - San Diego Union-Tribune (on [Lexis](#))
 - Google News searches
 - [CEB Daily News](#) (filter to Environmental, Land Use & Natural Resources)
- City and County government
 - San Diego City Council
 - City of San Diego Planning Commission
 - [San Diego County Board of Supervisors](#)
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 - [Governor's Office of Planning and Research](#)

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Ninth Circuit Rules Against California City in Discrimination Cases Involving Sober Living Home Operators

Robia Crisp January 25, 2023

A panel of the Ninth Circuit Court of Appeals recently reversed the decision of the Southern District Court of California that would have allowed Costa Mesa to restrict sober living home operations and deny land use permits to existing operations, holding that residents of the homes are protected under anti-discrimination laws and don't have to present individualized evidence of being disabled.

Environmental, Land Use & Natural Resources

State & Local Government



Parking Minimums Reconsidered: Housing Against a Ubiquitous California Feature

Thomas Lee January 17, 2023

In the last few years, and especially with the COVID-19 pandemic, the housing crisis in California has grown. Fortunately, this has finally spurred a series of measures aimed to curb this crisis, and both residents and legislators are taking increasingly drastic and once-unthinkable actions to do so. This space has discussed legislation and policies which have changed and or taken on some of California's most important issues in the name of affordable housing: Sports stadium construction, environmental regulation,

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Affordable Housing and Trade Unions

Thomas Lee December 27, 2022

As the California housing crisis continues, legislators are trying new ways to expedite the creation of affordable housing. Previously, some efforts included streamlining environmental regulations and more quickly identifying and making available surplus land. State Senator Scott Wiener's proposed SB 4 would combine these two principles by opening up land owned by any religious group or institute of higher education to similar streamlined environmental approval for affordable housing projects.

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Real Property

State & Local Government



First District Court of Appeal Delivers Major Win for Developers Under the Housing Accountability Act

Robia Crisp December 14, 2022

A recent opinion by California's First District Court of Appeal is the first appellate decision that interprets the Housing Accountability Act (HAA) and the Permit Streamlining Act (PSA) together, to determine that a development application does not automatically expire under the PSA if the application is not approved within the PSA's deadlines. The case -- *Save Lafayette v. City of Lafayette*, Case No. A164394, filed Nov. 30, 2022 -- demonstrates how California's various housing production laws must be harmonized to carry out the state's pro-housing mandate.

Environmental, Land Use & Natural Resources



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Plan for University City will change it too much

Quick View 

The San Diego Union-Tribune | Jan 10, 2023 | OPINION; Part B; Pg. 1 | 803 words | Bonnie Kutch

Headline

Body

... Walking or driving down Genesee Avenue at the heart of **University City** today, it's hard to ignore the immense concrete structures that block out sunlight and give the sense of being walled in. Of particular concern to residents of south **University City** is the city's proposal to add as many as 1,000 housing units to **University City** Marketplace, which isn't even a transit priority area with buses stopping there every 15 minutes or near a trolley stop, and University Square, the only two shopping centers along Governor Drive. ... [View excerpt](#)

2 

University City plan could double its population New blueprint adding housing, jobs, people set for approval in 2023

Quick View 

The San Diego Union-Tribune | Dec 26, 2022 | NEWS; Part A; Pg. 1 | 1052 words | David Garrick

Headline

Body

... But city officials say **University City**, the city's top employment center, is primed for such growth. The most recent draft of the plan, which was presented to community leaders last month, would more than double the number of housing units in **University City** from



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Current Planning Commission Dockets and Brown Act Compliance - COVID-19 Public service announcement regarding meeting access and public comment.

Until further notice, Planning Commission meetings will be conducted pursuant to the provisions of California Government Code section 54953(e), added by Assembly Bill 361, which allows the City to use teleconferencing and to provide the public an opportunity to address the Planning Commission via a call-in option or an internet-based service option, during a proclaimed state of emergency. Additionally, the City Council has approved Temporary Rules as amended on September 13, 2022, to be used until further notice.

Members of the public in attendance at the Planning Commission meetings are encouraged to maintain social distancing in Chambers. Additionally, we are continuing to provide alternatives to in-person attendance for participating in Planning Commission meetings.

In lieu of in-person attendance, members of the public may also participate and provide comment via telephone, ZOOM, using the Planning Commission [webform](#), or via U.S. Mail of written materials, as follows:

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Speakers on the project:
Lori Saldana, Allen Kashani

COMMISSION ACTION:

MOTION BY COMMISSIONER BOOMHOWER TO:

- RECOMMEND THE CITY COUNCIL APPROVE REZONE NO. 2568954
- RECOMMEND THE CITY COUNCIL APPROVE ADOPT ADDENDUM NO. 690358 AND THE MITIGATION MONITORING AND REPORTING PROGRAM TO PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 30330/304032/SCH NO. 2004651076
- RECOMMEND THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 2568959
- RECOMMEND THE CITY COUNCIL APPROVE MASTER PLANNED DEVELOPMENT NO. 2568951
- RECOMMEND THE CITY COUNCIL APPROVE SITE DEVELOPMENT PERMIT NO. 2568952
- RECOMMEND THE CITY COUNCIL APPROVE NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2568953
- RECOMMEND THE CITY COUNCIL APPROVE VESTING TENTATIVE MAP NO. 2568950

Second by Vice Chair Modén. The motion passed by a vote of 7-0-0 with Commissioners Hofman, Otsuji, Miyahara, Modén, Boomhower, Malbrough and Vann yea

ITEM 3: UNIVERSITY COMMUNITY PLAN UPDATE - WORKSHOP

City Council District: 1 **Plan Area:** University

Staff: Nancy Graham

Speakers on the project:

Jennifer Dunaway, Lori Saldana, Pablo Lanatha, Paul Goldstein, Geoff Hueter, Melanie Cohn, Scott Miller, Suzy Shamsky, Jennifer Martin, Katie Rodolico, Ted Shaw, Joe Barbarie, Katie Crist, Chris Nielson, Leana Cortez, Gail Friedt, Joshua Jones, Zach Tompson, Nicole Lillie, Jonathan Parot, Jim Smith, Bonnie Kutch, Satomi, Ryan Clumpner, Nancy Powell, Deborah Knight, Lisa Brezina, Linda Beresford, Michael Lin, Sparky Mitra, Aidan Lin, Carey Algaze, Richard Bartell, Jesse O'Sullivan, Jeff Dosick, Manny Rodriguez, Rachel Graham, Masaki Mendoza, Armando Sepulved, and Cheryl Stigall

COMMISSION ACTION:

Workshop was given. No Action was taken by the Commission.



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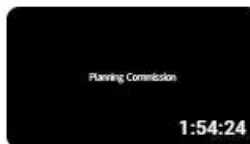


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ITEM 1: *Appeal of Hearing Officer decision on 12/15/2021*
***B-WEST RESIDENCE – PROJECT NO. 643954**

Staff: Ben Hafertepe
City Council District: 1
Plan Area: La Jolla

Coastal Development Permit and Site Development Permit to amend Coastal Development Permit No. 852026 and Site Development Permit No. 852027 to construct a new two-story single dwelling unit with an attached garage and two basement levels of approximately 16,488 square-feet, which equates to a habitable area of 5,399-square feet (6,432 square-feet above ground and 10,056 square-feet of basement levels) located at 9872 La Jolla Farms Road. The 1.52-acre site is in the RS-1-2 Zone, Coastal (Appealable) Overlay Zone, and First Public Roadway within the La Jolla Community Plan area. CEQA 15162 Consistency Determination to Mitigated Negative Declaration No. 237107.

[REPORT NO PC-23-006](#)

PROPOSED ACTION

Process 3. Uphold or Deny the appeal of the Hearing Officer.

DEPARTMENT RECOMMENDATION

Uphold the appeal and approve the project with the modifications which were agreed upon between the applicant and the California Coastal Commission after the Hearing Officer's decision to approve the project on December 15, 2021.

ITEM 2: *MISSION VALLEY WEST AMENDMENT – PROJECT NO. 685501

Staff: Martha Blake
City Council District: 7
Plan Area: Mission Valley

A Community Plan Amendment to Amend the First San Diego River Improvement Project Specific Plan (FSDRIP) to remove the Mission Valley West property from the plan and bring the Mission Valley Community Plan into consistency with the FSDRIP and Rezone to remove Community Plan Implementation Overlay Zone (CPIOZ) from the property. The 19.82-acre project site is located at 1072 Camino Del Rio North within the EMX zone of the Mission Valley Community Plan area. CEQA 15162 Consistency Determination to Environmental Impact Report No.

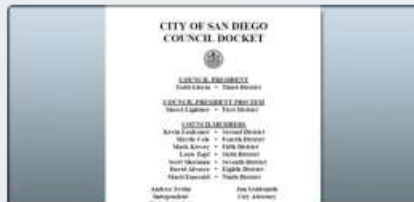
Municipal Codes

- Municipal law covers areas like residential rules, zoning, local business, and more
- No one-stop source for municipal law research
 - Try city and county websites (look for tabs labeled “government,” “code,” “city clerk,” or “laws and regulations”)
 - Online compilations are available at Municode.com, American Legal Publishing
 - Be sure to check currency

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