



# ALSTON & BIRD LAND USE MATTERS

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*Land Use Matters* provides 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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## California Environmental Quality Act

### ***Covina Residents for Responsible Development vs. City of Covina (2nd App. Dist. March 2018)***

The Court of Appeal confirmed a ruling by Los Angeles Superior Court Judge Amy Hogue upholding a Mitigated Negative Declaration for a significant mixed-use project near the Covina Metrolink station. The plaintiff's primary claim was that the project lacked sufficient parking. Citing to Senate Bill 743 and CEQA Section 21099, the court held that a project's parking impacts are exempt from CEQA. It should be noted, however, that the court held that "secondary parking impacts caused by ensuing traffic congestion must be addressed" in the CEQA document.

[Download Opinion](#)

### ***Visalia Retail, L.P., vs. City of Visalia (5th App. Dist. February 2018)***

The Court of Appeal upheld a policy in the city's updated General Plan limiting tenants in areas designated as neighborhood commercial to 40,000 square feet. The plaintiff challenged the adequacy of the Environmental Impact Report (EIR) prepared for the General Plan update on the ground that the EIR should have studied urban decay impacts that may be caused by limits on the size of commercial tenants in such areas. The court held that the city had no obligation to analyze urban decay impacts because the plaintiff had offered insufficient evidence during the administrative process to support its claim (although it offered a report from a real estate broker).

[Download Opinion](#)

## State of California

### **Office of the Governor**

#### **Opportunity Zone Nominations**

The Investing in Opportunity Act, enacted as part of the 2017 Tax Cuts and Jobs Act, is a new tax incentive to stimulate economic development in certain low-income urban and rural communities. Using low-income census tracts as the basis for determining eligibility, governors from each state and U.S. territory can nominate up to 25 percent of the total number of census tracts for designation. The Opportunity Zone designation will open up financing for businesses and commercial projects that would otherwise not be available. California has 3,516 census tracts eligible for designation, and on March 21, 2018, Gov. Jerry Brown nominated 879 census tracts as California Opportunity Zones. The U.S. Department of the Treasury has 30 days to approve or provide feedback. If approved the Opportunity Zone designations will last for 10 years.

[Investing in Opportunity Act](#)

[California Opportunity Zones](#)

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