

City's General Plan Policies Allowing Exemptions from Zoning Requirements Did Not Violate Fourteenth Amendment or Result in Spot Zoning

The City of Sacramento did not violate constitutional law or implied-in-law zoning contract when it approved a project with characteristics that deviated from the City's zoning ordinance. *Sacramentans for Fair Planning v. City of Sacramento*, 2019 WL 620,600 (9th Cir. 2019).



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City relied on a unique policy provision in the general plan, LU 1.1.10, which gave the City "authority to approve projects that do not conform with building intensity standards if the project provides significant community benefits." The plaintiffs argued, among other things, that (i) such exception to the zoning ordinance violated the doctrine of zoning uniformity, which can be derived from Fourteenth Amendment and implied-in-law zoning contract and (ii) the project's approval resulted in unlawful spot zoning. The court was not persuaded. It rejected the notion the project resulted in spot zoning, reasoning that unlawful spot zoning only occurs when a lot within a zoning district is given lesser rights than those around it. Here, the lot in question received greater rights than those around it. Next, the court rejected the notion the project violated the Fourteenth Amendment reasoning that "the guarantees of equal protection...do not mandate such a high standard of zoning uniformity."

A city's right to regulate land within its jurisdiction is broad and stems from its police power. The regulation, therefore, is presumed valid so long as it is rationally related to a legitimate government interest. The court quoted at length the findings of City staff setting forth the project's significant community benefits and concluded the approval of the plan under LU 1.1.10 had rational basis and therefore did not violate the Fourteenth Amendment. Finally, the court rejected plaintiffs' contention that certain common law zoning uniformity standards would control the analysis of this case. The court concluded that "nothing ...[in California common law] establishes a doctrine of zoning uniformity that would require courts to look for more uniformity that is required by the equal protection and due process clauses."

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