

## Land Use Insights

July 24, 2012

# California Supreme Court Accepts Review Of The Case That Applied CEQA To A Large Single-Family Residence

By: Karen Ahearn

Here at the Land Use Lab, we previously reported on *Berkeley Hillside Preservation v. City of Berkeley*, 203 Cal.App.4th 656, in which the California Appeals Court applied the California Environmental Quality Act (“CEQA”) to a single-family residence that totaled approximately 10,000 square feet. In that case, the Appeals Court determined that the CEQA exception applicable to construction of a single-family residence did not apply to this home, which presented “unusual circumstances” due to its size, location, nature and scope.

On May 23, 2012, the California Supreme Court accepted review of *Berkeley Hillside Preservation v. City of Berkeley*. The California Supreme Court’s decision to look at this case has two practical implications.

First, the California Supreme Court could overturn the Appeals Court’s decision and find that large single-family homes should not be subject to CEQA’s environmental review process.

Second, it means that *Berkeley Hillside Preservation v. City of Berkeley* is not currently precedent to be followed by other California courts, as the California Supreme Court is reviewing the decision.

Both of these outcomes are good news if you are seeking to build a large single-family residence in California.