

JUSTIFICATION TO APPEAL

ADM-2023-4682-DB-VHCA-ED1; PAR-2023-3811-AHRF-ED1

Appellants: Missouri Avenue Neighbors, a group of residents living in the community adjacent to and surrounding the proposed Project and immediately impacted thereby.

Project: Density Bonus Housing Project at 11418-11424 West Missouri Avenue, Los Angeles, CA, 90025.

I. The Project Does Not Qualify for a Statutory Exemption

California Public Resources Code Section 21080(b)(1) provides that the California Environmental Quality Act (“CEQA”) does not apply to ministerial projects proposed to be carried out or approved by public agencies.

In this case, the Project has been determined to be “ministerial” because of the Declaration of Local Emergency by the Mayor, known as “ED1.”

However, ED1 was not ratified by the City Council, as required by state law and is, therefore, invalid. Furthermore, even if validly ratified, which it was not (see Los Angeles Superior Court Case No. 23STCP03519), the Declaration of Local Emergency expired and cannot be used as a procedure to deem otherwise discretionary zoning processes ministerial.

Therefore, the Project may not rely on ED1. The Project is a Density Bonus project seeking off-menu incentives and waivers which requires discretionary review pursuant to Los Angeles Municipal Code Section 12.22.A.25(g)(3).