

JUSTIFICATION TO APPEAL

CPC-2023-5116-DB-PHP-HCA; ENV-2023-5117-CE

Appellants: North Orange Grove Residents, a group of residents living in the community adjacent to and surrounding the proposed Project and immediately impacted thereby.

Project: Demolition of an existing one-story single-family dwelling and the construction of a new, approximately 14,111 square foot, 45 feet in height, four-story residential apartment building with zero vehicular parking, zero bicycle parking and zero Open Space.

I. The Project Does Not Qualify for a Class 32 Categorical Exemption from the California Environmental Quality Act (“CEQA”)

Class 32 Categorical Exemptions only apply to projects “consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.”

As part of the Density Bonus requests, the Applicant is requesting deviations from the Los Angeles Municipal Codes, particularly the Zoning Code. And while such incentives and waivers may be authorized in specific circumstances under state density bonus law, they do not affect the CEQA requirement that Class 32 Categorical Exemptions apply only to projects which are consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. In this case, the Project is specifically not consistent with the applicable zoning designation and all regulations. Furthermore, the Project is not consistent with the City’s Historic Preservation Overlay Zone regulations.

Furthermore, a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. *Cal. Code Regs. Tit. 14, §15300.2.*

In this case, the Project not only fails to adequately evaluate the historical resources in the area, but, based on expert evidence which will be submitted to the City Council, it poses a substantial adverse change in the significance of a historical resource.