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Approval of Class 32 Exemption Invalid Without Analysis of Project Consistency with Redevelopment Plan



The Court of Appeal held that before issuing a CEQA Class 32 exemption, the City of Los Angeles was required to assess whether the project was consistent not only with the applicable zoning ordinance but also with the area's redevelopment plan. *West Adams Heritage Assn. v. City of Los Angeles*, 106 Cal. App. 5th 395 (2024).

This case involved a 2.8-acre project site near the University of Southern California on which the applicants proposed constructing six, three-story buildings, above a podium parking structure, and a four-story clubhouse with amenities, including a swimming pool and rooftop spaces.

The City zoning administrator determined that the CEQA Class 32 exemption applied and that no exceptions to the exemption existed. Following appeals to the planning commission and city council, the council upheld the Class 32 exemption. Appellants, two organizations representing local residents, argued that (i) the City failed to assess the project's consistency with the applicable redevelopment plan, and (ii) the project exceeded the density allowed under the redevelopment plan.

The court noted that the project was subject to the "Redevelopment Plan for the Hoover Redevelopment Project," and that the City's zoning ordinance had been amended in 2019 to provide that whenever regulations in a redevelopment plan conflicted with provisions of the zoning ordinance, the redevelopment regulations would prevail. The court found that, by virtue of this provision, the land use requirements of the redevelopment plan were effectively incorporated into the zoning ordinance. The City was therefore required to assess whether the project was consistent with both the zoning ordinance and redevelopment plan before granting the exemption. In this case, because the City did not conduct this "required redevelopment plan consistency analysis" before granting the exemption, its decision was invalid.

On the issue of density, the court observed that the state density bonus law required the City to apply the highest maximum residential density allowed under the City's general plan, specific plan, or zoning ordinance at the time of the developer's application. When the project application was submitted in 2018, the redevelopment plan

had not yet been effectively incorporated into the zoning ordinance through the 2019 amendment. Under state law, therefore, the zoning ordinance, which allowed higher density than the redevelopment plan, established the density requirements for the project.

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