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Eldercare Facility Properly Approved Under Class 32 Infill Exemption from CEQA



The Court of Appeal upheld the approval of an eldercare facility, rejecting claims that the project was inconsistent with the zoning code based on architectural incompatibility and interference with views and ineligible for the Class 32 categorical exemption. *Pacific Palisades Residents Association, Inc. v. City of Los Angeles*, 88 Cal. App. 5th 1338 (2023).

The City approved an eldercare facility on a one-acre parcel in an urbanized area adjacent to a restaurant, an office and business center, and condominiums. The City Council determined that the project complied with the zoning code and was exempt from CEQA under the Class 32 exemption for infill development and issued a Coastal Development Permit. Neighbors sued, asserting claims under the zoning code, the Coastal Act and CEQA, all of which the Court of Appeal rejected.

Addressing the neighbors' contention that project violated the zoning code because the facility was larger than what was permitted on the lot considering required yard space, the court found that the "plain English interpretation of the zoning code" exempted the project from the yard space requirement. Regarding the neighbors' claims that the project was architecturally incompatible with the area and would adversely impact views, the court noted that these inherently subjective aesthetic judgments could prevail only if no "reasonable person could agree with the City's conclusion that adding this urban building to this urban area was compatible with the [general] plan." Under this standard, the court found the City's determination of compatibility "eminently reasonable."

As to the neighbors' claim that the Class 32 exemption did not apply, the court upheld the City's determinations that the project met applicable requirements because it was consistent with general plan policies and zoning designations, was substantially surrounded by urban uses, had no habitat value and would not result in any significant effects relating to traffic, noise, air quality, or water.

Regarding the City's issuance of a Coastal Development Permit, the neighbors appealed to the Coastal Commission, which concluded that the appeal did not raise a "substantial issue." The court upheld this determination, finding that the same substantial evidence supporting the City's decision also supported the Commission's decision.

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