

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2020-2122-COA-DRB-SPP-1A	ENV-2020-2123-CE-1A	9 - Price
PROJECT ADDRESS:		
1122 West 30 th Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jeff Zbikowski, JZA Architecture <input type="checkbox"/> New/Changed	(310) 853-5004	Jeff@jzarch.la
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
James R. Childs	(213) 747-2526	Jeanjim2341@att.net
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Daniel Mata	(213) 847-3657	Daniel.Mata@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
N/A		

FINAL ENTITLEMENTS NOT ADVANCING:

Certificate of Appropriateness (COA), Project Permit Compliance Review (SPP),
Design Review Board Review (DRB)

ITEMS APPEALED:

California Environmental Quality Act (CEQA) Appeal of Categorical Exemption (CE)

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other

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NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:

Yes

No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
March 2, 2021	3-1
LAST DAY TO APPEAL:	APPEALED:
April 1, 2021	CEQA appealed on March 22, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez, Commission office	April 6, 2021



SOUTH LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

*CORRECTED LETTER OF DETERMINATION

MAILING DATE: MAR 18 2021

Case No. DIR-2020-2122-COA-DRB-SPP-1A

Council District: 9 – Price

CEQA: ENV-2020-2123-CE

Plan Area: South Los Angeles

Project Site: 1122 West 30th Street

Applicant: Jeff Zbikowski, JZA Architecture

Appellant: James Childs, North University Park Community Association

At its meeting of **March 2, 2021**, the South Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of an approximately 3,037 square-foot, three-story duplex with ground floor interior parking for six cars, landscaping and hardscaping, and restoration work to the existing historic primary structure at the front of the lot.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15303, Class 3, Section 15331, Class 31, and Section 105332, Class 32 (infill), and there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustain** the Planning Director's determination dated January 7, 2021;
3. **Approved**, pursuant to Sections 11.5.7 and 12.20.3 K of the Los Angeles Municipal Code and Section 2 of the North University Park Specific Plan, Ordinance 158,194, a Certificate of Appropriateness and Project Permit Compliance, for the construction of an approximately 3,037 square foot, three story duplex with ground floor interior parking for six cars, landscaping and hardscaping, and restoration work to the existing historic primary structure at the front of the lot;
4. **Adopted** the attached modified Conditions of Approval; and
5. **Adopted** the Findings.

This action was taken by the following vote:

Moved: Orozco
Seconded: Willis
Ayes: Bates
Nays: Stern
Absent: Anderson

*Vote: 3 – 1

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
South Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the South Los Angeles Area Planning Commission is final upon the mailing date of this letter, and it is not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Interim Appeal Procedures

c: Shannon Ryan, Senior City Planner
Daniel Mata, Planning Assistant

CONDITIONS OF APPROVAL
(As modified by the South Los Angeles Area Planning Commission on March 2, 2021)

1. The use and development of the subject property shall be in substantial conformance with this approval and the plans submitted by the applicant, signed and dated by staff and attached to the case file as **Exhibit A**. Any changes to the project or these plans shall be approved by the Director of Planning and may require additional review by the HPOZ Board. Each change shall be identified and justified in writing. Modified plans shall be signed and dated by staff and attached to the case file as **Modified Exhibit A**, etc.
2. New and replacement sidewalk shall have a diamond pattern to match the original pattern of sidewalks in the area and shall be constructed to the satisfaction of the Bureau of Engineering.
3. Any fencing shall be screened from the pedestrian level of any adjoining lot or street by landscaping such as pyracantha, natal plum, Texas Ligustrum, raphiolepis, or tecomaria capensis.
4. *Prior to the issuance of a building permit*, the applicant shall submit the two final sets of architectural/construction drawings that have been reviewed by LADBS plan check engineers, as well as two additional sets of architectural drawings for final review and approval by Department of City Planning staff (four sets of plans total). Final drawings shall substantially resemble the Approved Exhibit (or any subsequent Modified Exhibits) and shall be stamped and dated by staff and attached to the case file as **Final Plans**.
5. *Prior to the issuance of a building permit*, the following statement shall be imprinted on the site plan, floor plan, elevations and any architectural detail sheets of any construction drawings submitted to the Department of Building and Safety:

NOTE TO PLAN CHECKER AND BUILDING INSPECTOR - These plans, including conditions of approval, shall be complied with and the height, size, shape, location, texture, color, or material shall not differ from what the Director of Planning has approved under DIR-2020-2122-COA-DRB-SPP. Any change to the project shall require review by the Director of Planning and may require additional review by the DRB Board. A request for variation shall be submitted in writing and include a specific notation of the variation(s) requested. Should any change be required by a public agency then such requirement shall be documented in writing.

6. *Prior to the issuance of a building permit*, these Conditions of Approval shall be printed on the cover sheet of all four sets of drawings submitted for review as Final Plans.
7. The granting of this determination by the Director of Planning does not in any way indicate compliance with applicable provisions of LAMC Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
8. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
9. Code Compliance. All area, height and use regulations of the zone classification for the subject property shall be complied with.

10. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees, or amendment to any legislation.
11. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.
12. Indemnification and Reimbursement of Litigation Costs.
Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute

resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment