

**CENTRAL AREA PLANNING COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 13, 2011, After 4:30 P.M.
CITY HALL, 10TH FLOOR
200 NORTH SPRING STREET
LOS ANGELES, CA 90012**

Franklin Acevedo, President
Chanchanit Martorell, Vice President
Young Kim, Commissioner
Kevin Norton, Commissioner
Daniel Suh, Commissioner

Sheldred Alexander, Commission Executive Assistant

(213) 978-1300

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AT THE MEETING AND SUBMIT IT TO THE COMMISSION EXECUTIVE ASSISTANT.

POLICY FOR DESIGNATED PUBLIC HEARING ITEM 3

Pursuant to the Commission's general operating procedures, the Commission at times must necessarily limit the speaking times of those presenting testimony on either side of an issue that is designated as a public hearing item. All requests to address the Commission on public hearing items must be submitted prior to the Commission's consideration on the item.

TIME SEGMENTS noted * herein are approximate. Some items may be delayed due to length of discussion of previous items.

To ensure that the Commission has ample opportunity to review written materials, members of the public who wish to submit written materials on agenda items should submit them to the Commission office, 200 North Spring Street, Room 272, Los Angeles, CA 900152, at least 10 days prior to the meeting at which the item is to be heard in order to meet the mailing deadline.

The Commission may RECONSIDER and alter its action taken on items listed herein at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case.

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 N. Main Street, Los Angeles, California, and are accessible through the internet World Wide Web at <http://www.lacity.org/pln/index.htm>.

In the case of a Commission meeting cancellation, all items shall be continued to the next regular meeting date or beyond, as long as the continuance is within the legal time limits of the case or cases.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at this public hearing, or in written correspondence on these matters delivered to this agency at or prior to the public hearing.

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.

GLOSSARY OF ENVIRONMENTAL TERMS:

CEQA – California Environmental Quality Act
CE – Categorical Exemption
EIR – Environmental Impact Report

MND – Mitigated Negative Declaration
ND – Negative Declaration

1. **DIRECTOR'S REPORT**

Items of interest

2. **COMMISSION BUSINESS**

- A. Advanced Calendar
- B. Commission Requests
- C. Approval of minutes for November 22, 2011

3. **DIR-2011-1324-DB-SPR-1A**

CEQA: ENV-2007-5180-MND-REC1

Plan: Wilshire

Council District: 10 – Wesson

Expiration Date: December 13, 2011

Appeal Status: Not further appealable

PUBLIC HEARING

LOCATION: 375-393 North La Cienega Boulevard
407-417 North Westmount Drive

PROPOSED PROJECT:

Site Plan Review to allow the construction of an approximately 110,465 square foot mixed-use apartment building with a maximum of 125 units, including 11 Very Low Income Affordable Units, and 7,900 square feet of ground floor retail uses. The project will provide 176 parking spaces in surface and two subterranean parking areas. The project will be 5-stories tall, with a maximum height of 56 feet with the following two incentives or concessions for a project that reserves at least 10% of total units for Very Low Income households, as defined by Ordinance 179,681:

- a. Height: An 11 foot, increase in height, for a maximum height of 56 feet in lieu of the permitted height of 45 feet.
- b. Floor Area Ratio: A floor area ratio of 3:1 in lieu of the permitted 1:5:1.

REQUESTED ACTION:

Appeal of the Director of Planning's **Conditional Approval of a Site Plan Review** pursuant to Section 16.05 of the Los Angeles Municipal Code (LAMC).

Applicant: Neil Shekhter, NMSLuxe375, LLC

Appellant: Padi Moschetta

RECOMMENDATIONS:

1. **Deny** the appeal;
2. **Sustain** the Determination of the Director of Planning in approving a Site Plan Review case to allow the construction of 110,465 square feet of floor area mixed-use apartment building with 125 residential dwelling units, 7,900 square feet of ground floor retail uses, and 176 parking spaces in surface and two subterranean parking areas;
3. **Adopt** the Findings;
4. **Find** that:
 - a. Pursuant to Public Resources Code section 21166, and CEQA Guidelines section 15162, the project changes as set forth in the May 26, 2011, application do not trigger the need for an environmental impact report or a subsequent mitigated negative declaration.
 - b. Pursuant to CEQA Guidelines section 15164(b), none of the conditions described in Guidelines section 15162 calling for the preparation of an EIR or subsequent negative declaration have occurred, and thus, the City has prepared an addendum pursuant to Guidelines section 15164(a).
 - c. The changes to the project proposed in September 2011, have been analyzed under CEQA Guidelines section 15162, and that the changes do not trigger the need for additional environmental analysis.
 - d. Prior to making its determination on the project, and pursuant to CEQA guidelines section 15164(d), the City has considered the July 14, 2011 addendum, ENV-2007-5180-MND-REC1; and
5. **Find** that the addendum to the Mitigated Negative Declaration, ENV-2007-5180-MND-REC1, dated July 2011 as shown in the exhibits, is adequate environmental clearance and complies with the California Environmental Quality Act.

Staff: Courtney Schoenwald (213) 978-1166

4. PUBLIC COMMENT PERIOD

The Area Planning Commission shall provide an opportunity in open meetings for the public to address it, on items of interest to the public that are within the subject matter jurisdiction of the Area Planning Commission. (This requirement is in addition to any other hearing required or imposed by law.) Persons making requests are encouraged to do so in writing and should submit 10 copies to the Area Planning Commission for its consideration.

Persons wishing to speak must submit a speaker's request form prior to the commencement of the public comment period.

Individual testimony within the public comment period shall be limited to five (5) minutes per person and up to ten (10) minutes per subject.

The next regular meeting of the **Central, Area Planning Commission** will be held at **4:30 p.m.** on **Tuesday, December 27, 2011** at

City Hall
200 North Spring Street, 10th Floor
Los Angeles, California 90012

An Equal Employment Opportunity/Affirmative Action employer

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Executive Assistant at (213) 978-1300 or by e-mail at APCCentral@lacity.org.