

Planning and Land Use Committee
ZA-2020-0055-CU-SPR-1A Revised Conditions and Findings
January 31, 2023

Pursuant to the California Environmental Quality Act (CEQA), the Planning and Land Use Committee hereby DETERMINES:

based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, that the project is within the scope of the South Los Angeles Community Plan Program EIR No. ENV-2008-1781-EIR ("Program EIR"), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project;

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24.W.24, the Planning and Land Use Committee hereby APPROVES:

a Conditional Use Permit to allow a 168-room Hotel located within 500 feet of a Residential Zone.

Pursuant to Los Angeles Municipal Code (LAMC) Section 16.05.C, Planning and Land Use Committee hereby APPROVES:

a Site Plan Review for a development project which creates, or results in an increase of, 50 or more guest rooms, in the C2-2D-CPIO zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the revised plans submitted with the application and marked Exhibit "A", dated December 6, 2022, except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Planning and Land Use Committee or its designee to impose additional corrective Conditions, if, in the Planning and Land Use Committee or its designee's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.

Entitlement Conditions

7. **Uses.** Approved herein is a Conditional Use authorizing the construction, use and maintenance of a seven-story, 75-foot tall, 168-room hotel building totaling 101,928 square feet.
 - a. The hotel project shall provide a minimum 3,896 square feet of ground floor retail,
 - b. The hotel project shall provide a minimum of 1,500 square feet along the first floor designated for an educational center,
 - c. The hotel project shall provide a minimum of 1,660 square feet along the second floor designated for banquet space,
 - d. The hotel project shall provide a minimum 1,034 square feet along the second floor designated as a meeting space for local residents.

Community Benefits

8. The hotel project shall provide the following Community Benefits as required pursuant to the Request For Proposal issued January 3, 2019, by the Economic & Workforce Development Department.
 - a. One Million Dollars shall be provided follows:
 - i. \$650,000 - Neighborhood Housing Services Los Angeles,
 - ii. \$150,000 – Red Roses Enrichment Program
 - iii. \$50,000 – Reimagine LA
 - iv. \$65,000 – Soledad Enrichment Action,
 - v. \$30,000 – Avalon Carter
 - vi. \$15,000 – Earth Angels,
 - vii. \$25,000 – Innovative Housing,

- viii. \$15,000 – University Little League
- b. Prior to the issuance of any building permit relative to this matter, a covenant acknowledging and agreeing to provide a 2nd story meeting space for Local Residents use shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns.
 - c. Prior to the issuance of any building permit relative to this matter, a covenant acknowledging and agreeing to provide a 2nd story banquet space for Local residents use shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns.
 - d. Prior to the issuance of any building permit relative to this matter, a covenant acknowledging and agreeing to provide an educational center shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The educational center shall be provided free of charge. The educational center shall be named after Mary McLeod Bethune and read as follows.

Mary Jane McLeod Bethune (born July 10, 1875-May 18, 1955) was an African American educator, philanthropist, humanitarian and civil rights activist. Bethune founded the National Council of Negro Women in 1935, established the organization's flagship journal Aframerican Women's Journal, and presided as president or leader for a myriad of African American women's organizations including the National Association for Colored Women and the National Youth Administration's Negro Division. She also was appointed as a national adviser to President Franklin D. Roosevelt, who she worked with to create the Federal Council on Colored Affairs, also known as the Black Cabinet. Bethune was the sole African American woman officially a part of the US delegation that created the United Nations charter. She was known as "The First Lady of the Struggle: because of her commitment to gain better lives for African Americans.

- e. Prior to the issuance of any building permit relative to this matter, a covenant acknowledging and agreeing to allow the hotel lobby to be used as an art gallery, shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The hotel lobby shall be used as an art gallery for local artists of all ages. The hotel shall partner with local schools and galleries to display artwork. A copy of said partnership agreement shall be submitted to the case file.

Site Plan Review

9. **Floor Area Ratio (“FAR”).** The project shall be limited to a Floor Area Ratio (FAR) of 3:1, or approximately 101,928 square feet per Exhibit “A”.
10. **Height.** The project shall be limited to seven (7) stories and a maximum of 75 feet in height per Exhibit “A”.
11. **Transitional Height.** The project shall comply with transitional height requirements in pursuant to Section III-3.A.4.(a) of the South Los Angeles Community Plan Implementation Overlay and as shown on Sheet 40 of Exhibit “A”.
12. **Open Space.** Open space shall be provided consistent with LAMC Section 12.21 G.
13. **Automobile Parking.** The project shall provide 70 parking spaces, with one parking level located at-grade (20 parking spaces) and one subterranean parking level (50 parking spaces) with vehicular access on Vermont Avenue, as provided in Exhibit “A”.
14. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
15. **Landscape Plan.** The landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit “A”.
16. **Construction Traffic Control Plan.** A construction work site traffic control plan shall be submitted to DOT’s Citywide Temporary Traffic Control Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to off-peak hours.
17. **Trash Storage.** Trash storage and collection shall be fully enclosed in the parking garage and not visible from the public right-of-way. Trash collection shall occur within the enclosed parking garage and shall not interfere with traffic on any public street.
18. **Street Trees.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
19. **Soil Depths.** Shrubs, perennials, and groundcover shall require a minimum soil depth as follows:

- a. A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
- b. A minimum depth with a height ranging from 1 to 15 feet shall be 24 to 36 inches.
- c. A minimum depth with a height of less than 1 foot shall be 18 inches.
- d. A minimum depth of an extensive green roof shall be 3 inches.
- e. Trees shall require a 42 inch minimum soil depth.

Further, the minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

- a. 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
 - b. 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
 - c. 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
 - d. 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.
20. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets.
 21. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
 22. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as far as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
 23. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
 24. **Parking Structure Design.** Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts (“spillover”) on adjacent streets and properties.

25. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
26. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
27. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
28. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
29. **Community Plan Implementation Overlay.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the South Los Angeles Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 181,482.
30. Prior to the issuance of grading permits, the applicant shall demonstrate clearance for closeout of Los Angeles County Fire Department Site Mitigation Unit - Case No. 900070107 or shall demonstrate that the site has been cleared by the Department of Toxic Substances Control ("DTSC").
31. **South Los Angles CPIO Environmental Standards** – The South Los Angeles CPIO contains Environmental Standards to implement the Mitigation and Monitoring Program as part of the Southeast Los Angeles Community Plan Update that were reviewed in the Program EIR. All projects in CPIO Subareas are required to comply with any applicable Environmental Standards. The proposed project is required to comply with conditions number 28.1 through 28.8 and the following regulatory compliance measures.
 - **29.1 - Environmental Standard AQ1:** Projects (except for Residential Subareas M, N, and O) shall ensure all contractors include the best management practices provided in the bulleted list below in contract specifications:
 - Restrict idling of construction equipment and on-road heavy duty trucks to a maximum of 5 minutes when not in use.
 - Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.

- Use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
- Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
- All on-road heavy-duty diesel trucks or equipment with a gross-vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with EPA 2007 on-road emission standards for PM and NOx:
 - PM – 0.01 g/bhp-hr
 - NOx – at least 1.2 g/bhp-hr
- Use zero-emission trucks and equipment where available, or cleanest available technology.
- Every effort should be made by the Contractor to utilize grid-based electric power at any construction site, where feasible.
- Where access to the power grid is not available, on-site generators are required to meet 0.01 g/bhp-hr standard for PM, or be equipped with Best Available Control Technology (BACT) for PM emissions reductions.
- Use building materials, paints, sealants, mechanical equipment, and other materials that yield low air pollutants and are nontoxic.
- Construction contractors shall use pre-painted construction materials, as feasible.
- Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- Prepare haul routes, when required by the LAMC, that conform to local requirements to minimize traversing through congested streets or near sensitive receptor areas.
- Maintain a buffer zone that is a minimum of 1,000 feet between truck traffic and sensitive receptors, where feasible.
- When required by LADOT, upgrade signal synchronization to improve traffic flow.
- Configure construction parking to minimize traffic interference.
- When required by LADOT, provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site.
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.
- Traffic speeds on all unpaved roads shall be 15 mph or less.
- Construction contractors shall reroute construction trucks away from congested streets or sensitive receptors areas, as feasible.

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- Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation. The name and contact information of the construction relations officer shall be posted at a location on the project site that is accessible and visible from the public right-of-way.
- Identify Sensitive Uses within 500 feet of a project that involves ground-disturbing activities and notify sensitive uses before construction projects occur, including disclosure of the name and contact information for the construction relations officer acting as the community liaison.
- Implement the fugitive dust control measures as required in the South Coast Air Quality Management District's Rule 403 Fugitive Dust.
- **29.2 - Environmental Standard CR1:** If during construction activities any cultural materials are encountered, construction activities within a 50-meter radius shall be halted immediately and the project applicant shall notify the City. A qualified archeologist (as approved by the City) shall be retained by the project applicant and shall be allowed to conduct a more detailed inspection and examination of the exposed cultural materials. During this time, excavation and construction would not be allowed in the immediate vicinity of the find. However, those activities could continue in other areas of the project site. If the find were determined to be significant by the archeologist, the City and the archeologist would meet to determine the appropriate course of action. All cultural materials recovered from the site would be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.
- **29.3 - Environmental Standard CR2:** Projects that involve construction-related soil disturbance shall require that during excavation and grading, if paleontological resources are uncovered, all work in that area shall be halted immediately and the project applicant shall notify the City. The project applicant shall retain a paleontologist to assess the nature, extent, and significance of any cultural materials that are encountered and to recommend appropriate methods to preserve any such resources. Said paleontologist will have the authority to put a hold on grading operations and mark, collect and evaluate any paleontological resources found on the site where it is discovered during construction. Said paleontologist shall be provided a reasonable amount of time to prepare and implement protection measures coordinating with the City of Los Angeles Building and Safety Department. Any paleontological remains and/or reports and surveys shall be submitted to the Los Angeles County Natural History Museum.
- **29.4 - Environmental Standard CR3:** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of

any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable

- and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- **29.5 - Environmental Standard HM1:** A Soil Management Plan shall be prepared prior to the Department of Building and Safety's issuance of a grading permit to review and address any impacted soil that may be encountered during excavation and grading. The SMP shall provide for the sampling, testing, and timely disposal of such soil and properly treated and disposed of in accordance with applicable SCAQMD, DTSC, and LARWQCB requirements. An Environmental Professional shall be on-site during excavation and grading of the project site to monitor environmental conditions pertaining to soil. Written confirmation by the Environmental Professional stating that required site remediation was completed consistent with the relevant federal, state, or local requirements shall be provided to the City prior to issuance of certificates of occupancy.
- **29.6 - Environmental Standard N1:** Projects (except for Residential Subareas M, N, and O) shall ensure that all contractors include the following best management practices in contract specifications, where applicable:
 - Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
 - The construction contractor shall locate construction staging areas away from sensitive uses.
 - When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
 - Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
 - Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
 - The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible.
 - Use electric or solar generators, when available.
- **29.7 - Environmental Standard N2:** Projects (except for Residential Subareas M, N, and O) shall comply with the following conditions:

- Mechanical equipment (e.g., heating, ventilation and air conditioning (HVAC) Systems) shall be enclosed with sound buffering materials.
- Truck loading/unloading activity shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. when located within 200 feet of a residential land use.
- Parking structures located within 200 feet of any residential use shall be constructed with a solid wall abutting the residences and utilize textured surfaces on garage floors and ramps to minimize tire squeal.
- **29.8 - Environmental Standard N4:** Projects (except for Residential Subareas M, N, and O) shall ensure that all contractors include the following best management practices in contract specifications, where applicable:
 - Impact pile drivers shall be avoided where possible in vibration-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are alternatives that shall be utilized where geological conditions permit their use.
 - The construction activities shall involve rubber-tired equipment rather than metal-tracked equipment.
 - The construction contractor shall manage construction phasing (scheduling demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period), use low-impact construction technologies, and shall avoid the use of vibrating equipment where possible to avoid construction vibration impacts.

32. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. 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.
- b. 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.

- c. 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 (b).
- d. 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Decision Maker are located within Section 12.24-W of the Los Angeles Municipal Code.

Prior to issuing the Letter of Determination, the Decision Maker considered all of the testimony from affected and/or interested persons regarding the project as well as written communications received prior to, or at, or subsequent to the hearing as well as the merits of the project as it relates to the existing environmental and land use regulations.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is an approximately 33,400 square feet vacant (0.77 acres) lot and it is zoned C2-2D-CPIO with a Community Commercial land use designation with corresponding zones of C2, C4, RAS3, R3, RAS4, and R4, within the South Los Angeles Community Plan Area. This subject site is also located within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District (ZI-2397), a Los Angeles State Enterprise Zone (ZI-2374), a City of Los Angeles Transit Priority Area (ZI-2452), an area subject Local Emergency Temporary Regulations – Time limit and Parking Relief – LAMC 16.02.1 (ZI-2498), the Exposition/University Park Redevelopment Project (ZI-2488), the South Los Angeles Alcohol Sales Specific Plan (ZI-1231), and the South Los Angeles Community Plan Implementation Overlay (CPIO) District (ZI-2484). Further, the subject property is within the TOD High Subarea of the South Los Angeles Community Plan Implementation Overlay (CPIO) District.

Vacant since 2010, the publicly-owned 33,400 square-foot site is located within a well-established community commercial corridor of South Los Angeles south of Jefferson Boulevard, with neighborhood serving retail, uses and services primarily situated along the west side of Vermont Avenue. The neighborhood serving uses consist of local grocery stores, post office, local eateries, childcare facilities, religious institutions, and personal grooming and health care businesses and typically operate within structures that are one or two stories.

Further south, the community commercial corridor is comprised of a local non-profit institution, a Los Angeles County Public Health building, a senior housing development and a Los Angeles County Probation Building, and a preparatory high school. The institutional and regional serving uses are situated along the east side of Vermont Avenue, which are comprised of the University of Southern California (USC), the Los Angeles Coliseum, the Natural History Museum, the California African American Museum, the California Science Center, the Banc of California Stadium and the Lucas Museum, now under construction.

The commercial uses and services along the westerly side of Vermont Avenue, support the adjacent residential community that extends west of the community commercial corridor. The destination attractions and regional serving uses, which generally front along Figueroa Street, are served by the international, nationally and regional serving brands and goods (Felix Chevrolet, McDonalds, Starbucks, FedEx, Mercedes, Audi, Toyota, Porsche, Bank of America, etc....). Uses established to serve the University of Southern California are typically found along Figueroa Street.

The proposed hotel project is an internationally branded hospitality operation seeking to meet the needs and demands of the destination attractions and regional users that visit and patronize such uses located along Figueroa Street. It is also intended to meet the USC's needs and demand for lodging. Additionally, the proposed project along with the proposed community benefits proposed by the applicant will serve the adjacent residential community west of the publicly- owned parcel.

As conditioned, the project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community, city or region.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

As previously stated, the publicly owned 33,400 square-foot site is situated in the Community Commercial land use designated district that abuts the predominantly residential neighborhood west of Vermont Avenue. The typical height of structures in this Community Commercial area range from one, two, and three story residential buildings, as well as some county buildings reaching as high as five stories. The CPIO's Community Commercial area, however, permits seven-story structures and such structures like the proposed project are therefore within the applicable height limit and were contemplated as part of the City's envisioned zoning for the site..

The adjacent and surrounding residential neighborhoods are served by the

Community Commercial uses along Vermont Avenue and to some degree, they are served by the businesses along Martin Luther King Jr. Boulevard. The proposed hotel intends to meet the needs and demands of the destination and regional attractions fronting along Figueroa Street and of the predominantly residential neighborhood west of Vermont Avenue. Testimony was provided during the Commission hearing that the area lacks hotels in the surrounding area and the proposed hotel will fill in the gap and help diversify the range of uses to support the area.

The proposed hotel project is an internationally branded hospitality operation seeking to meet the needs and demands of the destination attractions and regional users that visit and patronize such uses located along Figueroa Street. It is also intended to meet USC's needs and demand for lodging. Additionally, the proposed project along with the proposed community benefits proposed by the applicant will serve the adjacent residential community west of the publicly-owned parcel.

As conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. The project substantially complies with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. Most of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans and the South Los Angeles Community Plan's goals, objectives and policies apply to the 33,400 square-foot publicly owned parcel.

The South Los Angeles Community Plan Map designates the property for Community Commercial land use with corresponding zone of C2 and Height District 2D-CPIO. The Community Commercial Land Use Section of the Community Plan states its goals and policies seek to revitalize the Community Commercial corridors through the implementation of design standards and guidelines, as well as by limiting the proliferation of undesirable uses and encouraging an equitable and diverse mix of quality uses along the corridors. The plan also establishes guidelines that improve the transition between new development along the corridors and adjacent lower-scale, single-family and multi-family homes. The intent of the Community Commercial land use designation is to provide a variety of retail establishments, services, and

amenities for residents, employees, and visitors of the surrounding area.

Land Use Element – South Los Angeles Community Plan

The proposed hotel project aligns with the intent, goals, and policies of the South Los Angeles Community Plan, including the following:

Goal LU6: A commercial sector that is strong and competitive, that serves the needs of individual neighborhoods and the broader community, and that provides local residents with access to high quality jobs providing a pathway out of poverty.

Policy LU6.3: Attract a diversity of uses that strengthen the economic base and expand market opportunities for existing and new businesses and provide a distribution of desirable amenities throughout the community, including full-service grocery stores, sit-down restaurants, and entertainment venues.

Goal LU8: High quality, context-sensitive design that is reflective of the desired community character, and preserves the historic and cultural character of the district.

Policy LU8.1: Create adequate transitions between commercial uses along the corridors and adjacent residential neighborhoods through elements such as transitional height requirements and landscape buffers.

Policy LU8.2: Support efforts to enhance community character, scale and architectural diversity, by promoting quality site and landscape design for new commercial uses.

Policy LU8.3: Enhance the public realm in commercial areas by promoting quality site, architectural and landscape design, as well as vibrant streetscapes.

Policy LU8.6: Encourage the redevelopment of existing vacant lots throughout the community that create unsightly and blighting conditions along the corridors,

Goal LU12: Strong and competitive community commercial area that serve the needs of the surrounding community while preserving historic commercial and cultural character.

Policy LU12.1: Locate higher densities and a mix of uses in areas designated community commercial, as appropriate, unless identified as commercial-only.

Policy LU12.2: The scale and massing of new development along corridors should provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods with lower development intensities and building heights.

Policy LU12.3: Recommend that new development projects conform to design standards and guidelines that promote high-quality and attractive buildings, as well as an active pedestrian-oriented environment.

The project is the construction of a seven-story, 75-foot tall, 168-room hotel building with a proposed Floor Area (“FAR”) of approximately 3:1 and 101,928 square feet of floor area. The project will provide 3,031 square feet lobby/lounge space, 3,896 square feet of ground floor retail space, 1,500 square feet designated for an educational center, 1,043 square feet of meeting space, and 1,660 square feet designated for banquet space. The proposed redevelopment of the publicly owned land is intended to meet the demands of the users, patrons and visitors to the destination attractions and regional uses situated along Figueroa Street and of the predominantly residential neighborhood west of Vermont Avenue.

The project substantially complies with the Community Plan Design Guidelines by providing a pedestrian-oriented environment and promoting a high quality and attractive building through a covered pedestrian entrance along Vermont Avenue with transparent glazing, articulating the street facade with design treatments, incorporating landscaping along setbacks to serve as a “green screen”, providing one vehicular access from the Vermont Avenue, and breaking up the building mass that faces the lower-density residential neighborhood. While the proposed project exceeds the existing height of the Community Commercial area along Vermont Avenue, it is within the height limit.

South Los Angeles Community Plan Implementation Overlay District

The proposed project is in the subarea G: TOD High of the South Los Angeles Community Plan Implementation Overlay District (CPIO). “The intent of the supplemental development regulations in [the TOD Subareas] is to provide for well designed, pedestrian-oriented projects that are appropriate to the scale and context of each specific transit neighborhood. Use regulations promote the establishment of much needed uses (such as Full-Service Grocery Stores and Banks), as well as incentivize 100 percent affordable housing and mixed-income housing projects to be built near transit.” The South Los Angeles Community Plan Implementation Overlay, Subarea G: TOD high limits the FAR to 4:1 and 8 stories.

The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, and

1,660 square feet of banquet room space.

The proposed project complies with the CPIO development regulations. Although the building heights in this Community Commercial District along Vermont Avenue typically range from 1 to 3 stories, the proposed project at seven stories high is within the height limit of this Community Commercial district.

Mobility Plan 2035

The proposed project also *conforms* with the following policies of the Mobility Plan, including:

3.1 – Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City’s transportation system.

3.3 – Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The proposed project is the redevelopment of a publicly owned 33,400 square-foot parcel into a 168-room hotel intended to meet the needs and demands of the uses fronting along Figueroa Street and of the predominantly residential neighborhood west of Vermont Avenue.

The proposed project which is intended to meet the needs and demands of the uses fronting along Figueroa Street and of the predominantly residential neighborhood west of Vermont Avenue will result in less vehicular trips given its proximity to the uses and area it is intended to serve. The proposed project is also 970 feet from the Expo/Vermont Metro station. Therefore, it can be said that the proposed project is consistent with the above goals of the Mobility Plan.

Exposition/University Park Redevelopment Project Area

The project site is located within the Exposition/University Park Redevelopment Project Area, which would be subject to any unexpired provisions of the Hoover Redevelopment Project Redevelopment Plan and applicable amendments. The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, and 1,660 square feet of banquet room space.

In this instance, the proposed project is not subject to the restrictions set forth in the Redevelopment Plan. The project is located within the “Original Hoover Redevelopment Plan” area that was approved and adopted on January 27, 1966 by the City Council of the City of Los Angeles. Pursuant to Ordinance 181,682,

the Original Hoover Redevelopment Plan expired on January 1, 2013. (Of note, the Fifth Amendment to the Hoover Redevelopment Plan does not apply to the proposed project because it governs the “Expanded Project Area”, as defined in the Fourth Amendment to the Redevelopment Plan, which is not at issue here.) Therefore, the proposed project shall conform to the LAMC because restrictions set forth in Section 200 and Sections 400-1000 of the Original Hoover Redevelopment Plan do not apply due to the expiration of the plan.

SITE PLAN REVIEW FINDINGS

4. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. Most of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans and the South Los Angeles Community Plan's goals, objectives and policies apply to the 33,400 square-foot publicly owned parcel.

The South Los Angeles Community Plan Map designates the property for Community Commercial land use with corresponding zone of C2 and Height District 2D-CPIO. The Community Commercial Land Use Section of the Community Plan states its goals and policies seek to revitalize the Community Commercial corridors through the implementation of design standards and guidelines, as well as by limiting the proliferation of undesirable uses and encouraging an equitable and diverse mix of quality uses along the corridors. The plan also establishes guidelines that improve the transition between new development along the corridors and adjacent lower-scale, single-family and multi-family homes. The intent of the Community Commercial land use designation is to provide a variety of retail establishments, services, and amenities for residents, employees, and visitors of the surrounding area.

Land Use Element – South Los Angeles Community Plan

The proposed hotel project aligns with the intent of the South Los Angeles Community Plan including the following:

Goal LU6: A commercial sector that is strong and competitive, that serves the needs of individual neighborhoods and the broader community, and that provides local residents with access to high quality jobs providing a pathway

out of poverty.

Policy LU6.3: Attract a diversity of uses that strengthen the economic base and expand market opportunities for existing and new businesses and provide a distribution of desirable amenities throughout the community, including full-service grocery stores, sit-down restaurants, and entertainment venues.

Goal LU8: High quality, context-sensitive design that is reflective of the desired community character, and preserves the historic and cultural character of the district.

Policy LU8.1: Create adequate transitions between commercial uses along the corridors and adjacent residential neighborhoods through elements such as transitional height requirements and landscape buffers.

Policy LU8.2: Support efforts to enhance community character, scale and architectural diversity, by promoting quality site and landscape design for new commercial uses.

Policy LU8.3: Enhance the public realm in commercial areas by promoting quality site, architectural and landscape design, as well as vibrant streetscapes.

Policy LU8.6: Encourage the redevelopment of existing vacant lots throughout the community that create unsightly and blighting conditions along the corridors,

Goal LU12: Strong and competitive community commercial area that serve the needs of the surrounding community while preserving historic commercial and cultural character.

Policy LU12.1: Locate higher densities and a mix of uses in areas designated community commercial, as appropriate, unless identified as commercial-only.

Policy LU12.2: The scale and massing of new development along corridors should provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods with lower development intensities and building heights.

Policy LU12.3: Recommend that new development projects conform to design standards and guidelines that promote high-quality and attractive buildings, as well as an active pedestrian-oriented environment.

The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet

including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, and 1,660 square feet of banquet room space. The South Los Angeles Community Plan Implementation Overlay, Subarea G: TOD high limits the FAR to 4:1 and 8 stories.

The proposed redevelopment of the publicly owned land is intended to meet the demands of the users, patrons and visitors to the destination attractions and regional uses situated along Figueroa Street and of the predominantly residential neighborhood west of Vermont Avenue.

The project substantially complies with the Community Plan Design Guidelines by providing a pedestrian-oriented environment and promoting a high quality and attractive building through a covered pedestrian entrance along Vermont Avenue with transparent glazing, articulating the street facade with design treatments, incorporating landscaping along setbacks to serve as a “green screen”, providing one vehicular access from the Vermont Avenue, and breaking up the building mass that faces the lower-density residential neighborhood.

South Los Angeles Community Plan Implementation Overlay District

The proposed project is in the subarea G: TOD High of the South Los Angeles Community Plan Implementation Overlay District (CPIO). “The intent of the supplemental development regulations in [the TOD Subareas] is to provide for well designed, pedestrian-oriented projects that are appropriate to the scale and context of each specific transit neighborhood. Use regulations promote the establishment of much needed uses (such as Full-Service Grocery Stores and Banks), as well as incentivize 100 percent affordable housing and mixed-income housing projects to be built near transit.” The South Los Angeles Community Plan Implementation Overlay, Subarea G: TOD high limits the FAR to 4:1 and 8 stories.

The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, and 1,660 square feet of banquet room space.

The proposed project complies with the CPIO development regulations. Although the building heights in this Community Commercial District along Vermont Avenue range from 1 to 3 stories, the proposed project at seven stories high is within the height limit of this Community Commercial District. The CPIO’s Community Commercial area permits seven-story structures, and such structures like the proposed project are therefore within the applicable height limit and were contemplated as part of the City’s envisioned zoning for the site.

Mobility Plan 2035

The proposed project also conforms with the following policies of the Mobility Plan, including:

3.1 – Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City’s transportation system.

3.3 – Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The proposed project is the redevelopment of a publicly owned 33,400 square-foot parcel into a 168-room hotel intended to meet the needs and demands of the uses fronting along Figueroa Street, which are generally destination or regional attractions, and of the predominantly residential neighborhood west of Vermont Avenue.

The proposed project which is intended to meet the needs and demands of the uses fronting along Figueroa Street and of the predominantly residential neighborhood west of Vermont Avenue will result in less vehicular trips given its proximity to the uses and area it is intended to serve. The proposed project is also 970 feet from the Expo/Vermont Metro station. Therefore, it can be said that the proposed project is consistent with the above goals of the Mobility Plan.

Exposition/University Park Redevelopment Project Area

The project site is located within the Exposition/University Park Redevelopment Project Area, which would be subject to any unexpired provisions of the Hoover Redevelopment Project Redevelopment Plan and applicable amendments. The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, and 1,660 square feet of banquet room space.

In this instance, the proposed project is not subject to the restrictions set forth in the Redevelopment Plan. The project is located within the “Original Hoover Redevelopment Plan” area that was approved and adopted on January 27, 1966 by the City Council of the City of Los Angeles. Pursuant to Ordinance 181,682, the Original Hoover Redevelopment Plan expired on January 1, 2013. (Of note, the Fifth Amendment to the Hoover Redevelopment Plan does not apply to the proposed project because it governs the “Expanded Project Area”, as defined in the Fourth Amendment to the Redevelopment Plan, which is not at issue here.) Therefore, the proposed project shall conform to the LAMC because restrictions set forth in Section 200 and Sections 400-1000 of the Original Hoover Redevelopment Plan do not apply due to the expiration of the

plan.

5. **That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The project site is located in the South Los Angeles Community Plan, on a site generally bounded by Vermont Avenue on the east, 37th Street on the south, Multi-family residential building on the west and church use on the north. The subject property is a vacant lot with a total lot area of approximately 102,069 square feet (2.34 acres). The proposed project is for a development project 168-room hotel building with frontage of approximately 185 feet on the westerly side of South Vermont Avenue and frontage of approximately 183 feet along the northerly side of 37th Street.

The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, and 1,660 square feet of banquet room space.

The primary pedestrian entrance to the project is located along Vermont Avenue, the primary frontage. The project will provide a total of 70 vehicular parking spaces, with 20 at grade-level and 50 within a subterranean level parking structure that is accessed from the South Vermont Avenue at the northeast corner of the project. The project provides 40 bicycle parking spaces including 20 short-term and 20 long-term spaces.

The project includes a gradual stepped profile along the west property, which fronts a residential neighborhood. All exterior open spaces and terraces with activity only front active street areas directing noise away from the residential neighborhood.

Height

The proposed use of the publicly owned land is for the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, 1,660 square feet of banquet room space, and code required open space. The project site is zoned C2-2D-CPIO and is located in the South Los Angeles Community Plan Implementation Overlay District (CPIO), Subarea G: TOD High that limits the height to 8-stories for hotel uses. The properties to the south across 37th Street, are zoned C2-2D-CPIO and developed with a four-story multi-family residential building. The properties to the east of the site across Vermont Avenue

are zoned USC-1A and developed with a three-story USC educational and research building. The property to the west of the site, is zoned RD1.5-1 and developed with a two-story duplex residential building, and the project is designed in a gradual stepped profile to be compatible with the lower height of the residential neighborhood. Therefore, the project is designed and oriented to be compatible with surrounding properties. In addition, the project complies with the Ground Floor height and transitional height requirements of the CPIO and has not requested any deviations from height restrictions from the code or the South Los Angeles Community Plan Implementation Overlay (CPIO).

Bulk/Massing

The proposed project is of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space, 1,034 square feet of meeting room space, 1,660 square feet of banquet room space, and code required open space.

The project site is zoned C2-2D-CPIO and is located in the South Los Angeles Community Plan Implementation Overlay District (CPIO), Subarea G: TOD High that limits the FAR to 4:1 for the hotel uses. The building design incorporates changes in building plane, varied rooflines, recesses, open-air-walkways, and balconies, patio, deck and canopy to add architectural interest to the building and creates distinct breaks in the building plane. Together, these elements are applied to create sufficient breaks in plane and articulation. Therefore, the project is designed and oriented to be compatible with surrounding properties.

Building Materials

The building design incorporates changes in building plane, varied rooflines, recesses, open-air-walkways, and balconies, patio, deck and canopy to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated with a variety of building materials that include GFRC panels, phenolic panels, integrated color stuccos, storefront glazing system, woodwall soffit, and wood screen. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with the Community Plan Design Guidelines, changes in building materials are applied purposefully to modulate the building façade.

Entrances

The project site has frontages along South Vermont Avenue and West 37th Street. The hotel building has a street-oriented entrance along South Vermont Avenue (the Primary Lot Line) and is augmented with design features that establishes a strong visual connection to Vermont Avenue. Vehicular access to Project Site, including loading and unloading of trucks, is provided via one driveway on South Vermont Avenue that was reviewed and approved by LADOT. Access from Vermont Avenue would be a right turn-in only.

Setbacks

The project site has frontages along South Vermont Avenue and 37th Street. The project provides a strong street wall with 11-foot setbacks along South Vermont Avenue and 37th Street as allowed by code. The project will provide substantial landscaping along the setbacks to enhance the streetscape and create a pedestrian friendly environment. The project provides a 5-foot landscape buffer between the project site and the westerly abutting residential used to the rear.

Parking/Loading

The project will provide a total of 70 vehicular parking spaces with 20 at grade-level and 50 within a subterranean parking structure that is accessed via one driveway on the South Vermont Avenue and will accommodate right-turn only ingress and egress movements. The driveway is at the northeast of the project, and it is integrated into the architecture and massing of the building and appears as a defined and articulated opening at grade. All on-grade parking is hidden behind the building mass, as well as screening elements along the north property line. The loading dock will be located in the parking garage on the ground floor. The driveway will comply with LADOT standards ensuring that adequate area would be provided within the parking garage to accommodate the vehicle and truck turning maneuvers.

Lighting

The project will provide lighting fixtures that are harmonious with the building design. As conditioned, all pedestrian walkways and vehicle access points will be well-lit and all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping/Open Space

The project provides 5,631 square feet of landscaped area. On-site landscaping is provided in the form of a 5-foot landscape buffer along the abutting residential property to the west, 3-foot landscape buffer along the abutting church property to the north, 11-foot setback along South Vermont Avenue to the east and 11-foot setback along 37th Street, a dog park at the ground floor and landscape planters at the third and seventh floor exterior terraces facing the southern property line in order to reduce the urban heat island effect. The project will remove fifteen (15) existing on-site trees with more than 8" Diameter trunk and will maintain the seven (7) existing non-protected street trees along the public right-of-way. The project is proposing twenty-one (21) new trees (140% of required). The project will provide substantial landscaping along the setbacks to enhance the site and help buffer from surrounding uses.

Trash Collection

The project will provide trash storage and collection to be enclosed in the ground floor parking garage, where it will not be visible from public view from the street. Trash collection can only be accessed from the driveway on the South Vermont Avenue. The trash storage and collection shall not interfere with traffic on any public street, as conditioned.

Therefore, as proposed and conditioned, the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

The proposed project complies with the CPIO development regulations. Although the building heights in this Community Commercial District along Vermont Avenue range from 1 to 3 stories, the proposed project at seven stories high is within the height limit of this Community Commercial District. The CPIO's Community Commercial area permits seven-story structures, and such structures like the proposed project are therefore within the applicable height limit and were contemplated as part of the City's envisioned zoning for the site.

6. **That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed project is not a residential development therefore this finding is not applicable. However, the proposed hotel includes two outdoor terraces and a fitness center for use by hotel guests that will improve the hotel experience and minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 0.2 percent annual chance floodplain.

CEQA FINDINGS

As the designee of the Director of Planning, the City of Los Angeles found, based on its independent judgment, and after consideration of the whole of the administrative record, that the project is within the scope of the South Los Angeles Community Plan Program EIR No. ENV-2008-1781-EIR ("Program EIR"), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The proposed project is the development of a new seven-story, 75-foot tall, 168-room hotel building, totaling 101,928 square feet including 3,896 square feet of ground floor retail, 1,500 square feet designated for educational center space,

1,034 square feet of meeting room space, 1,660 square feet of banquet room space, and code required open space.

The subject site is located within the South Los Angeles Community Plan and is designated for Community Commercial land uses. The subject site is zoned C2-2D-CPIO, which is consistent with the land use designation. As shown in the case file and under Finding No. 2 herein, the project is consistent with the General Plan, the applicable South Los Angeles Community Plan designation and policies, South Los Angeles Community Plan Implementation Overlay (CPIO) regulations and development standards, and all applicable zoning designations and regulations.

Regulatory Compliance Measures – The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to the following, to ensure the project will not have significant impacts.

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling

of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.

- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
 - The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report

Approval Letter for the proposed project, and as it may be subsequently amended or modified.

These RCMs will reduce any potential impacts to less than significant and will ensure the project will not have significant impacts on noise and water. RCMs also include the submittal of the Geology and Soils Report to the Department of Building and Safety (“DBS”), and compliance with a Soils Report Approval Letter, which details conditions of approval that must be followed. In addition, the RCMs require that design and construction of the building must conform to the California Building Code, and grading on site shall comply with the City’s Landform Grading Manual, as approved by the Department of Building and Safety Grading Division.

Traffic - A Transportation Memo prepared by Gibson dated January 8, 2020 concluded that the project is anticipated to generate 988 daily vehicle trips, however that the project results in a Daily Household VMT per Capita of 11.4, which does not exceed the Daily Household VMT per Capita threshold of 11.6. The Department of Transportation (“LADOT”) reviewed the VMT analysis and confirmed its findings in a memo dated February 12, 2020, confirming that implementation of the Project would not result in a significant VMT per capita impact. Therefore, the project will not have any significant impacts relating to traffic.

Noise - The Project must comply with the adopted City of Los Angeles Noise Ordinances No. 144,331 and 161,574 and LAMC Section 41.40 as indicated above in RC-NO-1, LAMC Section 112.05, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed Project will not result in any significant noise impacts. Furthermore, the Technical Memorandum Noise Impacts Assessment prepared by Environmental Science Associates (ESA dated December 31, 2019 evaluated the combined noise from the Project's various operational noise sources to conservatively ascertain the potential maximum project-related noise level increase that may occur at the noise-sensitive receptor locations. Noise sources associated with the Project include traffic on nearby roadways, open space, on-site mechanical equipment, loading area, and parking area. The Technical Memorandum Noise Impacts Assessment confirmed that the Project would not result in construction-related or operational noise impacts on the environment.

Air Quality - The Project’s potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project’s

emissions were estimated using the CalEEMod 2016.3.2 model (December 2019, from Environmental Science Associates (ESA)) for the purposes of evaluating air quality impacts of proposed projects. The analysis took into account demolition, site preparation, excavation/grading, foundation/envelope construction, and paving/architectural finishing and operational detail as well as effects to sensitive receptors. The analysis confirms that the proposed project would not exceed SCAQMD significance thresholds for air quality impacts during construction or operational activities. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide as noted above.

Hazards & Hazardous Materials -- The subject site is a vacant land with no above-grade improvements. It has been used as a gasoline station (1920's); a used car lot; a battery and repair facility; a printing shop; a plumbing contractor; and a fast-food restaurant/bakery (1940's to 1970). The Bethune Library was constructed in 1973 and was demolished in 2010. Based on a Site Characterization Report prepared by Wood Environmental and Infrastructure Solutions, Inc. on January 2019, the soil underlying the Project Site was determined to contain lead in excess of the Department of Toxic Substances Control (DTSC) screening levels.

On February 26, 2020, the Los Angeles Regional Water Board's concluded that based on the site-specific information and data available in GeoTracker the site (Case No. 900070107) (Global ID No.: T100000012939) meets all the criteria of the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy and that a case closure determination is appropriate. However, lead has been detected in soil samples collected during subsurface investigations completed at the site, but the lead contamination at the site is not associated with a petroleum hydrocarbon release. The site has been referred to the County of Los Angeles Fire Department, Site Mitigation Unit, for further investigation and potential remediation of the lead contamination.

Wood Environmental and Infrastructure Solutions, previously prepared a Removal Action Workplan, dated June 26, 2019. The Los Angeles County Fire Department (CoLAFD) Site Mitigation Unit (SMU) reviewed the Wood Report and presented their comments to LA Sanitation and Environment. (LASAN) on May 12, 2020. With regulatory oversight of the Site having been transferred from LARWQCB to The Los Angeles County Fire Department, Site Mitigation Unit (CoLAFD) (Authorization Number 109LA / Case No. 900070107), LASAN requested that a new Remedial Action Workplan be prepared for the Site.

The new Remedial Action Workplan (RAW) for the subject site was prepared by Stantec Consulting Services Inc. on July 2, 2021, to address lead and copper detected in the shallow site soils at concentrations in excess of their respective Department of Toxic Substances Control established screening levels (DTSC) for residential land use. The RAW proposes the excavation, removal, and off-site disposal of approximately 4,945 cubic yards of lead and copper Impacted

soil from the site. The report includes a Soils Management Plan (SMP), Traffic and Transportation Plan (TP), and Site-specific Health and Safety Plan (HASP). These plans would be modified by the selected excavation contractor, and an Implementation schedule for the proposed excavation activities presented in the RAW will be provided to the CoLAFD for review prior to Implementation. Condition of approval number 29.5 which implements Environmental Standard HM1 will ensure that any impacted soils shall be properly treated and disposed of in accordance with applicable SCAQMD, DTSC and LARWQCB requirements and that written confirmation by an environmental professional stating that the required environmental remediation of the site was completed in accordance with the Soils Management Plan and consistent with state, local or federal requirements, the Los Angeles County Fire Department, Site Mitigation Unit (CoLAFD) (Authorization Number 109LA / Case No. 900070107) will be provided to the City prior to the issuance of a Certificate of Occupancy.