Los Angeles City Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

January 20, 1998

ACTION OF THE CITY PLANNING COMMISSION

At its meeting of December 11, 1997, the City Planning Commission acted on CPC 97-0278(ZC)(GPA)(SPR) as follows:

Approved the Planning Department's staff report and Approved Findings for a General Plan Amendment from Heavy Industrial to Neighborhood & Office Commercial and a zone from the M3-1 industrial zone classification to the C2-1 commercial zone classification over the entire project 27.5 acre site, subject to the attached conditions.

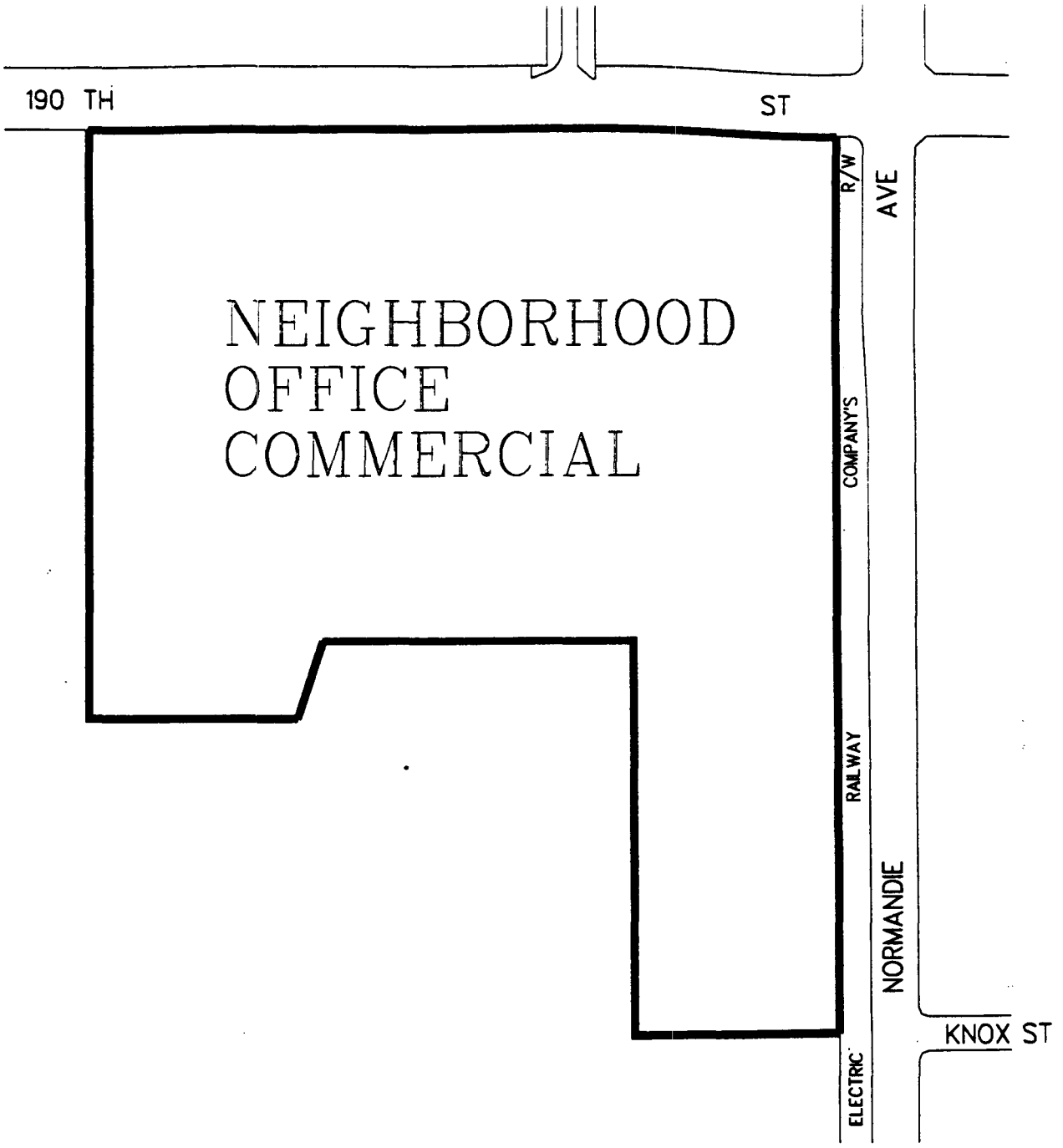
VOTE:	Moved	Seconded	Ayes	Nays	Absent
12/11/97	Scott	Zamora	Schnabel Stonnington Weil		

Gabriele Williams

GABRIELE WILLIAMS, Commission Executive Assistant
City Planning Commission

Note: The Zone Change portion of the Commission action may be appealed within 20 days from the date of this communication unless an appeal is filed by the owner or lessee of property included within the area of the proposed change of zone or district within that time on forms provided at the Planning Department's Public Counters at City Hall, Room 460-Counter S, 200 N. Spring Street, Los Angeles or at 6255 Van Nuys Boulevard, First Floor, Van Nuys.

CP-5006



NOT TO SCALE

PLAN AMENDMENT	CPC 97-0225 ZC/GPA
CM 057B193 057B197 060B193 060B197	AFT / R A J 12/22/97

HARBOR GATEWAY

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1, of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

CONDITIONS FOR PERMANENT "T" CLASSIFICATION CLEARANCE RELATING TO THE SUBJECT PROPOSED PROJECT

Provisions of the following will clear the conditions for the Permanent Classification or by posting of guarantees satisfactory to the City Engineer to assure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the Planning Department for attachment to the subject City Plan Case file.

Notice. If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice. Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.

1. Pursuant to Section 21.32.A of the Los Angeles Planning and Zoning Code, reclassification of the zone shall not occur until the recordation of the final map for Vesting Tract Map No. 52172, Block 01.

BOE-C6-0130753

[Q] QUALIFIED
CONDITIONS OF APPROVAL

Sec. 2 Pursuant to Section 12.32-K of the Los Angeles Municipal Code the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the Permanent "Q" Qualified Classification.

A. Administrative

1. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.

2. Approval verification and submittal. Copies of any approvals, guarantees or verification of consultations, reviews or approvals, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

3. Definition. Any agencies, public officials, or legislation referenced in these conditions shall mean the agencies, public officials, legislation or their successors, designees or amendments to any legislation.

4. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.

5. Plan. The subject property shall be developed substantially in conformance with Exhibit No. E-3, attached to City Plan Case No. 97-0278(ZC)(GPA)(SPR), and subject to the conditions of approval. Deviations may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization.

6. Prior to recordation of the final map, or prior to the issuance of any grading or building permit, whichever occurs first, the applicant shall submit and record as a

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Covenant and Agreement a Mitigation Monitoring and Reporting Program satisfactory to the Department of City Planning that incorporates all mitigation measures required in the Final EIR No. 96-0096(SUB)(CUB)(ZV)(DA) and additional conditions required by the subject action.

The program shall require the applicant to identify mitigation monitor(s) who shall provide annual status reports for a period of ten years, beginning immediately after completion of construction of each phase of the development, to implement mitigation items required. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/ maintenance) to ensure continued implementation of the mitigation items, and identify the method of City Planning Department Plan Approval Sign-off (i.e., development conditions shown on plans, operational conditions shown in covenant and agreement, and/or verification letters from the responsible agencies).

B. Conditions on Use.

1. Hotel.

a. No residential development, defined in terms of a dwelling unit used as a primary residence by its occupant, shall be allowed.

b. Kitchenettes. If development of a hotel occurs, said hotel may include guest rooms which have hospitality kitchenettes provided that the design of such a kitchenette is limited to a single compartment sink, a microwave oven, a two-burner cook top, and a refrigerator. The appliances in these rooms shall provide only hospitality conveniences to business travelers and shall not be of a full service nature such as a full 4-burner stove top range and oven, garbage disposal, and dishwasher. The floor area for such kitchenettes shall be less than 50 square feet.

c. Remediation. The California Regional Water Quality Control Board (RWQCB) is the lead agency responsible for the assessment and regulation of environmental site conditions related to past industrial uses of the property. Prior to the issuance of building permits for any hotel use, the project applicant, or hotel developer, will provide a letter from the RWQCB indicating that the RWQCB does not object to surface development on the subject property and any required conditions.

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2. All other requirements of Los Angeles Municipal Code shall be fully complied with as though written herein.

C. Conditions on Development and Design.

1. Graffiti removal and deterrence. The property owners and all successors shall acknowledge the applicability of the graffiti removal and deterrence requirements pursuant to Municipal Code Sections 91.8101-F, 91.8904.1 and 91.1707-E relative to the subject project, particularly with regard to the following:

   a. The first nine feet of exterior walls and doors, measured from grade, and all of any walls enclosing the property shall be built and maintained with a graffiti resistant finish consisting of either a hard, smooth, impermeable surface such as ceramic tile, baked enamel or a renewable coating of an approved, anti-graffiti material or a combination of both pursuant to Section 91.1707-E; and

   b. the period for compliance with a graffiti removal order issued by the Building and Safety Department is 15 days following which period with failure to perform, the City or its contractor is empowered to enter the property to remove such graffiti with costs accruing to the property owner (91.8904.1); and

   c. the period for compliance with a subsequent order for a subsequent occurrence is three days (91.8904.1.).

   d. In addition to a,b, and c above, exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vine, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to the height of at least 9 feet, excluding windows and signs.

2. Landscape. All landscape areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor and approved by the Director of Planning or the Director's designee. The Director or the Director's designee shall determine whether the plan is in compliance with all provisions below, Xeriscape and Landscape ordinances, and the attached Exhibits:

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a. General. Landscaping shall consist of plant materials such as trees, shrubs and planted ground cover. All grade level planting areas shall be contained within a minimum six-inch-high continuous concrete curb. Patios or other hardscape shall not constitute landscaping.

b. General. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan.

c. Amount. Landscaping shall be equal to not less than five percent of the parking area, exclusive of walkways and trash areas. Shade providing trees shall be planted at a ration of one tree for every four surface parking spaces. The shade producing trees shall be approved by the Director of Planning or the Director's designee. The trees shall be located in such a manner and size so that the trees produce an overhead canopy effect that is anticipated to cover at least 50 percent of the parking area after ten years of growth.

3. Lighting(Night/Security). All lighting shall be shielded and directed onto the site. This condition shall not preclude the installation of low-level security lighting.

a. Parking areas: 3/4-foot candle flood lighting measured at the pavement.

b. Walkways and trash storage areas: Low level lighting. Areas of the subject site not covered by a building shall have night lighting for safety and security.

4. Pay Phones. All pay phones on the subject property shall be inside the buildings where they can be readily monitored by facility staff.

5. Police Department. Preparation of a plot plan in conformance with the Design Out Crime Guideline Booklet and Incorporate Crime Prevention Through Environmental Design (CPTED) to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. The plans shall

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be to the satisfaction of LAPD Crime Prevention Section Personnel (213/485-3134).

6. Rooftop Mechanical Equipment and/or ductwork that exceeds the roof ridge or parapet wall, whichever is higher shall be screened horizontal view with materials compatible with the design of the building.

7. Signs. Signs shall conform to provisions in Division 62 (Building Code) of the City of Los Angeles Building Code.

8. Utilities. All new utility lines that directly service the site shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.

9. Walls Trash/Storage. Open areas devoted to trash storage or other storage shall be buffered so as not to result in noise, odor, or debris impacts. A solid masonry block walls or similar material as related building, a minimum of six feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates.

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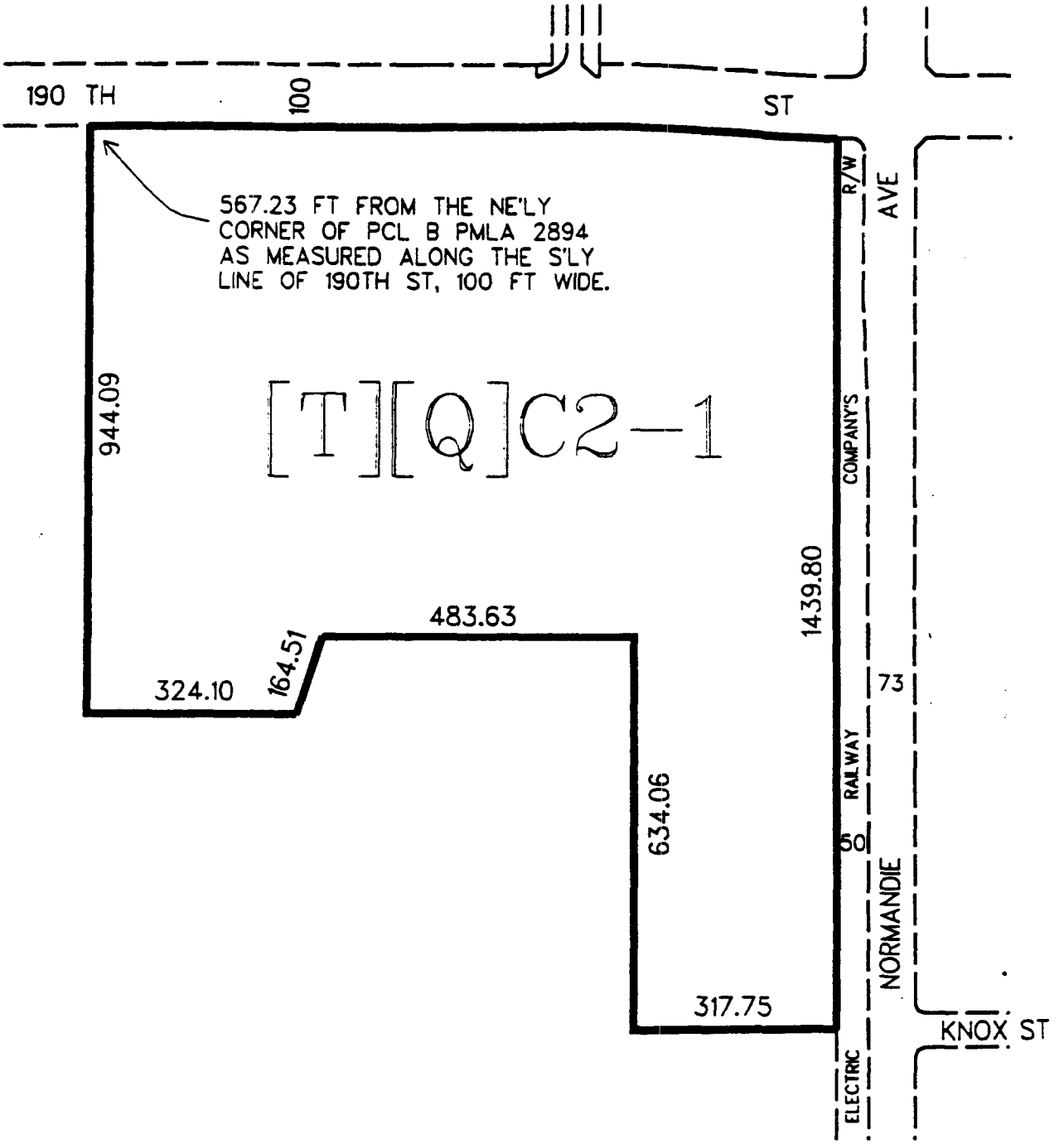

NOT TO SCALE

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AFT / R A J

12/22/97

Sec.....The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of .....

J. MICHAEL CAREY, City Clerk

By.....
Deputy

Approved.....

.....
Mayor

Approved as to Form and Legality

.....
JAMES K. HAHN, City Attorney

By .....
Deputy

File No.....

City Clerk Form 23

Pursuant to Section 97. 2 of the City Charter, the City Planning Commission on 12-11-97 recommended that this ordinance be adopted by the City Council.

Gabriele Williams
Commission Executive Assistant

FINDINGS

1. General Plan. The Harbor Gateway District Plan designates the subject site as Heavy Industrial. The request for a zone change to C2 requires an amendment of the General Plan to "Neighborhood and Office Commercial". The recommended amendment is consistent with intent and purposes stated in the General Plan in that:

   A. The recommended designation of Neighborhood and Office Commercial, conforms with intent of the General Plan Footnote No. 5 in regulating the height of buildings and structures in the area. [1]

   B. Under Chapter I of the Community Issues and Opportunities Section, it states the area has "availability of large sites for reuse or development which are planned for job producing uses that improve the economic and physical conditions of the area." The majority of the Harbor Gateway Center is planned for employment-generating office/industrial park uses and the subject site of the amendment is proposed for retail which would provide between 1,000 and 1,100 jobs anticipated to be filled largely by area residents. [2]

   C. Under Chapter III of the update Land Use Policies and Programs Section, it states, "The Harbor Gateway Center in the vicinity of the Harbor and San Diego Freeways junction has been designated as a center for commercial and industrial growth." The proposed retail center conforms to the District Plan that encourages a mix of uses along the 190th Street corridor. The action would also conform to the land use trend on 190th Street away from the historic heavy industrial character to an area of retail and office park character.

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1. Footnote No. 5, (Community Plan Update, adopted by the City Council on January 26, 1996) reads: "Industrial areas not within specific plan study area boundaries or the area bounded by San Diego Freeway to the north, Del Amo Boulevard to the south, Western Avenue to the west, and the Harbor Freeway to the east, are intended to be limited to Height District 1VL." The project site is therefore exempt from the height restrictions of 1VL as industrial and as commercial designations.

2. Section IV.G, Land Use of the Draft EIR, page 200.

BOE-C6-0130761

2. General Plan Framework. The action is consistent with the Los Angeles Citywide General Plan Framework Element, as approved by City Council July 17, 1996 in that:

A. General Plan Framework (GPF) designates the subject site as *Regional Center* (e.g., large office buildings, major entertainment facilities, extensive retail including large shopping malls, overnight accommodations, served by major transportation and close to housing). The commercial general plan designation encourages use of the site as a Regional Center with large scale shopping and overnight accommodations. Also, the site is at the junction of two major freeways (i.e., San Diego and Harbor).

B. *Policy 3.14.6* states "Consider the potential re-designation of marginal industrial lands for alternative uses amending the community plans based on the following criteria:"

(1) *Where it can be demonstrated that the existing parcelization precludes effective use of industrial or supporting function and where there is no available method to assemble parcels into a unified site that will support viable industrial development.*

The existing unified site is not effectively marketable as a single large-scale industrial/ manufacturing site. Land use changes due to the growing post-industrial economy and defense downsizing has decreased the need for large industrial sites. The subject 27.5 acre site is part of the proposed 170 acre Harbor Gateway Center development plan which proposes over 30 office/industrial lots and the 27.5 acres of commercial retail. The subject action, to establish a commercial designation on approximately 27.5 acres of the 170 acre project, helps create a complementary and functionally integrated mix of uses with marketable lot sizes. The proposed hotel use and other uses permitted in the C2 zone classification will support the office/industrial uses planned in the Harbor Gateway Center and the existing surrounding land uses.

(2) *Where the size and/or configuration of assembled parcels are insufficient to accommodate viable*

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industrial development.

As stated by the applicant, initial attempts to sell the assembled site with the industrial designation and zone classification were to no avail. The action is intended to design lots with sizes and permitted uses that would be more desirable to potential tenants.

(3) *Where the size, use, and/or configuration of the industrial parcels adversely impact adjacent residential neighborhoods.*

There is no adverse impact of the existing site to the surroundings. It has been underutilized as industrial/manufacturing for several years. Furthermore, there are no residential neighborhoods within 500 feet (i.e., public notice radius) of the subject site. The action would permit the development of uses desirable to residential communities outside the immediate area of the subject site.

(4) *Where available infrastructure is inadequate and improvements are economically infeasible to support the needs of industrial uses.*

There is no indication that available infrastructure is inadequate for industrial uses. However, development of the subject site for a higher and better use would require improvements in infrastructure. Infrastructure improvements, such as streets, sewer, water, and electric are not possible without substantial public expenditure or private funding. The action would encourage the phased development of older, undersized onsite infrastructure facilities with new facilities that are adequately sized and phased to serve new development. Some project related infrastructure improvements, such as certain circulation systems proposed to mitigate traffic impacts of the project, will provide for improved circulation beyond that which would otherwise occur if the project was not developed.

(5) *Where the conversion of industrial lands to an alternative use will not create fragmented patterns of development and reduce the integrity and*

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viability of industrial areas.

Redevelopment of the property, as proposed, replaces underutilized, obsolete and inefficient industrial facilities with a mix of economically viable, modern and efficient uses. The retail is part of the cohesive and integrated Harbor Gateway Center master planned project consisting of office/industrial and retail. The subject site is more viable as commercial use supporting the office/industrial uses of the Harbor Gateway Center and the surrounding community.

(6) *Where the conversion of industrial lands to an alternative use will not result in an adverse impact on adjacent residential neighborhoods, commercial districts, or other land uses.*

The action will not adversely impact the surrounding land uses. The project is designed and the action is conditioned to ensure mitigation of potential impacts to the surrounding area.

(7) *Where it can be demonstrated that the reduction of industrial lands will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts.*

The Harbor Gateway Center, of which the subject site is part of, will revitalize employment in the area previously lost due to defense downsizing and restructuring of the industrial economic sector. The development of commercial uses will provide both local jobs and economic benefits to the City.

(8) *Where the existing industrial uses constitute a hazard to adjacent residential or natural areas.*

The previous industrial uses were lost due to restructuring of the industrial economic sector of the nation and region. The previous industrial uses were not a hazard to adjacent residential or natural areas. Revitalization of the site with uses in demand by residents and businesses in the area will provide public convenience and welfare to the surrounding community.

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3. City Charter Section 96.5(5). The general plan amendment to Neighborhood and Office Commercial complies with City Charter Section 96.5(5) in that the action revitalizes the area with a master plan development and complies with the District Plan and General Framework Element.

4. City Charter Section 97.2(1)(a). The general plan amendment is consistent with City Charter Section 97.2(1)(a), in that the action furthers the objectives of the of existing and foreseeable plans of the City.

5. Zone Change (L.A.M.C. Section 12.32). The action is to change the zone classification from M3-1 to [T][Q]C2-1.

   C2 Zone Classification, [T], [Q]. The C2 zone classification is a corresponding zone to the General Plan designation "Neighborhood and Office Commercial". The applicant did not request a permanent T and Q. However, the action is for [T] Permanent and [Q] Permanent classifications. Private applications are usually granted a temporary status, which pursuant to the Los Angeles Municipal Code allows six years plus extensions for all attached requirements to the new zone to be satisfied or guaranteed for. A permanent zone classification, pursuant to Section 12.32.K of the Code, eliminates this time limit. It is not, as a rule, granted to a private project. An exception, as here, is made when the phasing of the project may require a longer period and when the underlying zone (i.e., M3) would be inconsistent with the general plan (i.e., commercial).

   The Zone Change is not affected by any applicable specific plans or plans being prepared. The action is in conformance with public necessity, convenience, general welfare and good zoning practice in that the zone change will allow optimal use of the site as commercial that would support the revitalized office/industrial component of the Harbor Gateway Center and provide a convenience to the surrounding area.

6. Site Plan Review (L.A.M.C. Section 16.05.F) The Harbor Gateway Center obtained Site Plan Review under Vesting Tract Map No. 52172. This review is only for the revised use of part of the site as a hotel.

   A. *That the project complies with all applicable provisions of this Code and any applicable specific plan.*

      The project is the construction of a hotel. Upon granting a zone change from M3 to C2, the project will comply with the Planning and Zoning Code that allows a hotel by-right

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within the C2 zone classification. No portion of the hotel is within 500 feet of any A or R zone; therefore, the project is in compliance with Section 12.24.C.19(a) of the Code. The project complies with applicable Code provisions related to area, height, and parking. There is no specific plan governing the subject site.

B. *The project is consistent with the General Plan.* (Refer to Finding No. 1)

C. *That the project is consistent with any applicable adopted redevelopment plan.*

There is no redevelopment plan governing the subject site.

D. *The project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting. landscaping, trash collections, and other pertinent improvements, which are or will be compatible with existing and future development on neighboring properties.*

The project is part of the 170 acre master planned Harbor Gateway Center that has been designed in an integrated and coordinated fashion to be compatible with existing and future development:

Arrangement of buildings and structures (including ***height***, ***bulk***, and ***setbacks***): The ***height*** of the hotel is 42 feet throughout most of the building and 47 feet for a single architectural tower element. The project, with an approximate 0.53:1 floor area ratio (FAR), complies with 1.5:1 FAR ***bulk*** limitation required by Height District No. 1. Section 12.14.C of the Code does not require front, side or rear yards ***setbacks*** for the project. Notwithstanding the lack of a setback requirements, the project is setback from Denker Avenue (to the west) by approximately 15 feet and other surrounding lot lines by a minimum of 75 feet. In conclusion, the height, bulk, and setbacks comply with the Code and as arranged on the site complies with the intent of Site Plan Review.

Off-street parking: Section 12.21.A of the Code sets forth parking requirements for a hotel. Based

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on 122 guest rooms, the required number of parking spaces is sixty-six. The hotel includes a total of 143 off-street parking spaces which exceeds that required by Code.

Lighting: Parking areas and walkways ai conditioned to meet City Planning Commission standards.

Landscaping: Landscaping is conditioned to meet City Planning Commission standards.

Signage: The location of the signage shown on the proposed motel (i.e, west, south, and north elevations) is appropriate. This finding is not made for the two proposed 120-foot signs that exceed the maximum height allowed under the City sign ordinance (42 feet). No information was submitted as part of the subject request regarding these signs.

7. Wastewater treatment. Pursuant to the report of Bureau of Engineering, the City wastewater treatment capacity may not be sufficient to accommodate the subject project.

8. The Highways and Freeways Element of the General Plan will not be affected by the requested action. Dedications and improvements, as per Bureau of Engineering, will assure compliance with the City's street improvement standards pursuant to Municipal Code section 17.05.

9. The Sewage Facilities Element of the General Plan will not be affected by the action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of city inhabitants will assure compliance with the goals of this General Plan Element.

10. Any City required installation or upgrading of street lights, if necessary to complete the City street improvement system, is to increase night safety along the streets that adjoin the subject property.

11. Environmental Impact Report

    A. ***An Environmental Impact Report No. (EIR No. 96-0090 (SUB) (ZV) (CUB) (DA))*** pursuant to and in accordance with Section 21081 of the State of California Public Resources

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Code, identified the potential adverse impacts from the project. However, procedural requirements, changes to the project, and conditions of approval are to mitigate or avoid significant environmental effects identified in the completed environmental impact report. The EIR reflected the independent judgement of the Environmental Review Section of the Department of City Planning, pursuant to and in accordance with Section 21082.1(c)(3) of the State of California Public Resources Code and was certified by City Council.

B. *Subject Grant Environmental Clearance.* The action is a minor modification to Harbor Gateway Center EIR (No. 96-0090 (SUB)(ZV)(CUB)(DA)). The Addendum adequately describes the environmental impacts of the project as modified. Since no new significant impacts will result, the Addendum, with the originally certified EIR and Statement of Overriding Considerations, is adequate for environmental clearance of the action.

12. The subject project, which is in Los Angeles County, will not have an impact on fish and wildlife resources or habitats upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2. The project is exempt from the Fish and Game Fee.

13. The proposed project has been further restricted by the conditions of approval. Such limitations are necessary to protect the best interests of, and to assure a development more compatible with the surrounding property. The conditions are tailored to the specific issues of the site and drafted to ensure that development proceeds in an attractive, orderly and harmonious fashion and in conformance with the general plan. Most of the conditions are standard.

14. Based upon the above findings, the action is deemed consistent with the public necessity, convenience, general welfare, and good zoning practice.

BOE-C6-0130768

CEQA FINDINGS

FINDINGS OF FACT (CEQA) findings, adopted by Vesting Tract Map No. 52172 and ZA 97-0327(CUB)(CUZ), are presented verbatim except where modified to reflect the Addendum to EIR dated September 1997.

In making the decision to approve Vesting Tentative Tract No. 52172, the Advisory Agency of the City of Los Angeles certified that it reviewed and considered the information contained in EIR 96-0090 (SUB)(CUB)(ZV)(DA), with all written communications and oral testimony regarding this subdivision. As part of this approval, the Advisory Agency, pursuant to Sections 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), made the prescribed findings as follows, except where modified *(italic added)*:

On April 10, 1996, the Planning Department Environmental Staff Advisory Committee (ESAC) reviewed the project for an environmental clearance and required an Environmental Impact Report (EIR) be prepared for the project to address the following potential negative impacts of the project.

Earth (Grading, Drainage, Geologic Hazards)
Air (Stationary and Mobile Sources)
Water Conservation
Water (Ground and Surface Water)
Noise (Stationary and Mobile Sources)
Light and Glare (Artificial)
Plant Life
Human Health
Land Use
Risk of Upset
Transportation-Circulation, Driveway/Access, Parking and Regional Traffic Analysis
Public Services
Energy Conservation
Aesthetics/Views

The Draft Environmental Impact Report (DEIR) No. 96-0090 (SUB)(ZV)(CUB)(DA) circulated on February 6, 1997 through March 24, 1997 and the Final Environmental Impact Report (FEIR) on May 16, 1997 analyzed the following potential negative impacts resulting from implementation of the proposed project.

Mitigation measures proposed in the EIR mitigate all of the impacts to less significant levels except for those identified with asterisks (*). The cumulative impacts are noted by (**).

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Earth: Approximately 473,000 cubic yards of earth would be graded during project construction of which 421,100 cubic yard would be imported fill material. The depth of excavation would be less than the depth to groundwater, which lies 80-90 feet below the surface level. With mitigation measures, impacts are considered less than significant.

Addendum: *The Final Environmental Impact Report ("FEIR") addresses potential impacts related to the existing topography. soils, and seismicity related to the Harbor Gateway Center site and provides mitigation measures for grading/erosion and seismicity. Both impact analysis and identification of mitigation measures are applicable to all buildings and developments within the Harbor Gateway Center. Hence, potential impacts associated with the hotel project are adequately addressed within the FEIR and no changes or additions to the analysis are necessary.*

Air Quality: Project construction would generate emissions of fugitive dust (PM10) and nitrogen oxides (Nox) that exceed SCAQMD daily and quarterly significance thresholds.

The combined mobile and stationary source emissions associated with operation of the project would exceed SCAQMD operational thresholds for Nox, carbon monoxide (CO) and reactive organic gases (ROG). Therefore, construction and operational impacts are considered significant.

Addendum: *The FEIR addresses regional and local air quality issues associated with development of the Harbor Gateway Center. The air quality analysis includes short-term construction-related emissions and long-term operational emissions from stationary sources and mobile sources. The analysis of short-term emissions is based on assumed construction days/activities applicable to development of any use onsite. Hence, construction emissions of the hotel project are addressed in the FEIR. Operational emissions from stationary sources are addressed in terms of electricity and natural gas consumption, at which the energy consumption characteristics of a hotel use are generally comparable to those of other retail uses addressed in the FEIR. Long-term mobile source emissions, including these from vehicles traveling to and from the project site, are anticipated to be generally comparable to those previously addressed in the FEIR.*

Surface Water: On-site or off-site water retention would be designed to avoid damage to any on and off-site structures, and no significant impacts are anticipated.

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Addendum: *The FEIR addresses potential impacts to surface hydrology (drainage) and surface water quality based on the conversion of Harbor Gateway Center property from the provision industrial and manufacturing uses to the proposed mix of retail, office, and industrial park uses. The FEIR discussion of mitigation meas includes requirements that detailed flood control plans be prepared to provide for adequate drainage, for any development within the site, and that surface water quality control measures be implemented on all lots within Vesting Tract Map No. 52172. As such, the surface water quality impacts of the proposed hotel project are adequately addressed in the FEIR.*

Plant Life: All existing on-site trees with a trunk diameter greater than 12 inches will be replaced at a minimum ratio of 1:1 and no significant impacts are anticipated.

Addendum: *The FEIR analysis indicates that the only biotic resources of note on the Harbor Gateway Center site are limited areas of landscape and remnant ruderal vegetation; none of which occur on or near the proposed hotel site. As such, the potential for impacts to biotic resources is not an issue of concern for the hotel project.*

Noise: Project construction activity would have the potential to generate noise levels that exceed the 75 dBA level allowed for construction under the City Noise Ordinance. Nearby receptors that may be affected by construction noise include residential properties to the south, nearby commercial and industrial uses, and on-site uses. Construction-related impacts are considered potentially significant.

Project operation would not be expected to include any significant noise-generating activities on-site. Vehicle movement associated with project operation would increase noise levels along roadways in the site vicinity. However, never would the increase in vehicular noise be greater than 0.4 dBA. Such noise level increases would not be discernable above ambient noise levels and considered less than significant. Therefore, no significant impacts are anticipated from the project operation including mobile source noise.

Addendum: *The FEIR addresses noise impacts in terms of compatibility of proposed uses within the future local noise environment and the potential for noise from the construction and operation of proposed uses to impact noise sensitive receptors in the local area. With regard of the compatibility of the proposed hotel with the future noise environment, the most notable noise*

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source affecting the subject area is traffic on 190th Street. Table 20 on page 165 of the FEIR estimates the future noise levels, including project traffic, along 190th Street east of Western Avenue to be approximately 75.6 dBA at 50 feet from a roadway centerline. Based on a very conservative sound attenuation of three dBA per doubling of distance, which does not take into account any attenuation from barriers or ground surface, the noise level at the northern edge of the hotel would be approximately 64.8 dBA (i.e., 10.8 dBA of sound attenuation based on ten log (measured distance/reference distance) where the interest distance is 600 feet and reference distance is 50 feet). Figure 22 on page 158 of the DEIR presents Community Noise Compatibility Criteria. Although hotel uses are not included in any of the land use categories presented in the figure, even the most noise sensitive land use categories such as residential development, schools, places of worship, and hospitals are considered "Normally Acceptable" in areas with noise levels up to 65 dBA. As such, development of the hotel project would be compatible with the future noise levels of the local area, notwithstanding the conservative nature of the future noise level estimates for the hotel site. With regard to the potential for noise impacts from construction and operation of the proposed hotel, the construction noise levels are anticipated to be comparable to those assumed and addressed in the DEIR and the noise from project-related traffic would also be comparable to that in the DEIR analysis. There would be no other notable sources of noise associated with long-term operation of the hotel (e.g., noise-generating activities or equipment). As such, the noise impacts associated with the hotel project are adequately addressed in the DEIR.

Light and Glare (Light): Lighting associated with the project would be perceptible from off-site and would increase ambient light levels in the site vicinity. However, lighting would generally be directed inward and would be reduced by minimum landscape parkway requirements for the site. No significant lighting impacts are anticipated.

Addendum: *The FEIR addresses potential light and glare impacts in terms of nighttime artificial illumination such as from parking lot lighting, lighted signs, and other general site lighting, and glare from the building and structural surfaces (i.e., primarily relative to multistory office buildings with glass exteriors). The proposed hotel is anticipated to have nighttime lighting characteristics which are generally comparable to those of other commercial retail uses proposed for the Harbor Gateway Center and addressed in the DEIR. No significant glare impacts are expected to occur from the*

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hotel project because the buildings exterior finish would be mostly of non-reflective material (i.e., wood, stucco, masonry materials, etc). Also, the signage on the hotel and the exterior lights will not create significant glare onto adjoining properties.

Light (Glare): The use of concrete, metal panels, and limited reflectivity glass in building construction would minimize the potential for glare effects upon adjacent roadways. No significant glare impacts are anticipated.

Addendum: *Refer to above.*

Land Use: The proposed project would be allowed under the existing zoning and general plan land use designation. No significant compatibility conflicts are anticipated.

Addendum: *The Harbor Gateway District Plan allows for a hotel in limited and light industrial zone classifications by conditional use. Hotels are not permitted in the heavy industrial classification. The Heavy Industrial classification does permit restaurants, stores, and office buildings. These uses are proposed as part of the Harbor Gateway Center master planned project and the action will allow a hotel by-right.*

With regard to current surrounding land uses, the buildings and other facilities associated with the former use of the Harbor Gateway Center site for aerospace manufacturing are in the process of being removed and do not pose a potential land use conflict with the hotel development. The proposed hotel project is considered to be consistent and compatible with future land uses planned nearby. Commercial retail uses are planned for the areas to the north and east of the hotel site and office and industrial park uses are planned for the areas to the south and east. Section IV.G.3 of the DEIR provides mitigation measures to address potential land use compatibility impacts.

***Transportation/Circulation:** Project operation would result in significant traffic impacts at 30 of 41 study intersections during the morning and/or evening peak hours. It would also incrementally add to congested conditions on area freeways, resulting in significant impacts at up to three freeway locations.

With mitigation measures, impacts are reduced to a less than significant level except for freeway locations and four intersections (Western Avenue/190th Street, Western Avenue/Torrance Boulevard during AM and PM peak hours, and Western Avenue/Carson Street and Western Avenue/Pacific Coast Highway during AM peak hour

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only) at which impacts would remain as significant levels.

Based upon peak demand, 2,200 shared surface parking spaces are proposed in Area 1 where retail uses are proposed. For industrial and office park uses, parking spaces would be provided per code. No significant parking impacts are anticipated.

Addendum: *The FEIR traffic analysis for the Harbor Gateway Center indicates that, without mitigation, project buildout of 450,000 square feet of commercial retail uses and 2,517,700 square feet of office and industrial park uses would result in significant traffic impacts at 30 of the 41 study intersections during the morning and/or evening peak hours and would incrementally add to congested conditions on area freeways, resulting in significant impacts at up to three freeway locations. However, with implementation of specific circulation system improvements and other mitigation measures, these impacts would be reduced to level whereby only four intersections would remain significantly impacted (i.e., Western Avenue/190th Street and Western Avenue/Torrance Boulevard during A.M. and P.M. peak hours, and Western Avenue/Carson Street and Western Avenue/Pacific Coast Highway during A.M. peak hour only). Significant impacts on the freeways would remain.*

Development of the proposed 53,400 square-foot 122-room hotel, as part of the commercial retail area, is not expected to alter the conclusions of the traffic analysis. The original project would generate approximately 1,651 AM peak hour trips and 1,802 PM peak hour trips. The revised project would generate approximately 1,630 AM peak hour trips and 1,743 PM peak hour trips. Therefore, the revised project is expected to generate 21 fewer AM peak hour trips and 59 fewer peak hour trips.

Los Angeles Department of Transportation concurred "with the results of the revised traffic study that the traffic impacts for the revised project would remain similar to the original project, that no new significant traffic impacts would occur and that all traffic mitigation measures and LADOT tract conditions for the original project would still be applicable for the revised project."

Public Services (Fire Protection): Although both project construction and project operation may cause minor delays in emergency response due to increased traffic in the site vicinity, neither would significantly affect fire response times in the area. Improved access to the project site and installation of fire sprinklers and other mitigation measures would reduce impacts to a less than significant level.

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Addendum: *With respect to public services of fire protection, as well as police protection, the nature of the proposed hotel use is generally comparable to that of the retail uses addressed in the FEIR; no new or different impacts are anticipated.*

Public Services (Police Protection): The project may generate demand for additional police officers in order to maintain existing levels of service. Although the impacts are not considered significant, impacts to police protection service are therefore considered adverse and are not eliminated.

Addendum: *Refer to above.*

Energy Conservation (Electric Power: Full occupancy of the Harbor Gateway Center would increase on-site electricity consumption by about 21 million kilowatt hours per year. Because adequate infrastructure would be provided, no significant impacts are anticipated.

Addendum: *Similar to above, the nature of the proposed hotel use is generally comparable to that of the retail uses addressed in the FEIR; no new or different impacts are anticipated.*

Energy Conservation (Natural Gas): At build out, the project is estimated to consume 76.1 million cubic feet (mcf) of natural gas per year, a net increase of 62.8 mcf as compared to existing on-site consumption. No significant impacts to natural gas service are anticipated.

Addendum: *With respect to utilities such as communication, water, sewer, and solid waste, the nature of the proposed hotel use is generally comparable to that of the retail uses addressed in the FEIR; no new or different impacts are anticipated.*

Energy Conservation (Construction): Project construction would consume an estimated 2.79 quadrillion BTUs of energy. It would not, however, use energy in a wasteful manner or adversely affect energy supplies.

Addendum: *Refer to above.*

Utilities (Communications: With compliance with all applicable rules and regulations of the telecommunications service provider and serving cable television company, no significant impacts are anticipated.

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Addendum: *Refer to above.*

Utilities (Water): Full occupancy of the project would consume an estimated 269.4 million gallons of water per year, which represents an annual increase in on-site demand of 263.4 million gall. With infrastructure improvements proposed in conjunction w. project build out, the water supply companies would be able to supply both domestic and fire water to the site. Therefore, no impacts are considered significant.

Addendum: *Refer to above.*

Utilities (Sewer): At project build out, on-site wastewater generation is estimated to be 244.6 million gallons per year, an increase of 239.1 million gallons per year over existing on-site conditions. With on-site sewer system improvements proposed in conjunction with project build out, no significant impacts are anticipated.

Addendum: *Refer to above.*

Risk of Upset: Implementation of a remediation plan for the site would result in a long term reduction in hazards related to soils and groundwater contamination. A total of 26 on-site buildings have been found to have asbestos containing materials (ACM). Demolition of these structures with full compliance with applicable regulations relating to ACMs would eliminate on-site asbestos. Therefore, no significant impacts are anticipated.

Addendum: *As indicated in the FEIR, Phase I and Phase II environmental site assessments have been conducted throughout the Harbor Gateway site. Building 29, which formerly occupied the area near the proposed hotel site, was noted in the FEIR as one of several areas of interest relative to potential soil contamination; however, based on the results of the Phase II investigation of the area proximate to the hotel site, no areas of concern were identified for remediation. A condition has been added to ensure that the California Regional Water Control Board does not object to surface development on the subject site.*

Aesthetics: Project structures and signs would be visible from various public and private vantages in the site vicinity and may partially block distant view. However, on-site development would not block any unique or valued views or scenic vistas. Impacts to views are, therefore, considered less than significant.

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Addendum: *Section IV.M.2.a of the DEIR addresses visual and aesthetic impacts relative to Area 1 development (i.e., the retail portion of Harbor Gateway Center). The analysis anticipates the development of large-scale retail development in the subject area and notes the beneficial change in appearance of the site due the removal of existing aging, heavy industrial facilities. The development of the proposed hotel as part of the commercial retail area would be consistent with such conclusions of the FEIR.*

Fish and Game:

The Initial Study prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, risk of upset are concerned.

However, the project site, as well as the surrounding area, is presently developed with industrial structures and does not provide a natural habitat for either fish or wildlife.

In light of the above, the project qualifies for the De Minimis Exemption for Fish and Game Fees (AB 3158).

ALTERNATIVES

The following alternatives were analyzed in the EIR 96-0090 (SUB)(ZV)(CUB)(DA).

1. **No project:** No redevelopment of the project site would occur and on-site conditions would remain as they are today. This alternative would not change existing conditions on the project site. As such, it would have none of the significant, adverse impacts with respect to traffic and air quality, but also would not have any of the potentially beneficial impacts of the project related to aesthetics, remediation of soil contamination and asbestos removal.

2. **Master Planned Block Development:** This alternative involves the development of a master planned block-wide development on the proposed project site and the adjacent international light metals site (adjacent to the west from the project site). This alternative would include 480,000 square feet of retail development including a 5,000 seat theater complex, 320,000 square feet of hotel/local service development including a 350 room hotel, and 3.347 million square feet of office/industrial park development.

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The impacts of this alternative to physical resources such as earth and water would be similar to those of the combined projects. Traffic generation would be reduced by approximately 16,000 daily trips, or 37% compared to the combined projects due to the reduced retail uses.

3. **Alternative Land Use:** This alternative involves the redevelopment of the project site with a different mix of uses along the 190th Street frontage of the project site and increased intensity of development within the office/industrial park component. In place of the proposed 450,000 square foot retail theater/restaurant component on a 40 acre site facing 190th Street, a 192,000 square foot hotel/local service component consisting of a 200 room hotel, a sports club, supporting limited retail and restaurant development, and a one-half acre plaza, would be developed on a 12 acre site. The 2.5 million square foot office/industrial park component of the proposed project on a 115.6 acre site would be increased to 4.2 million square feet on a 148.4 acre site. The office/industrial park component would be developed an FAR of 0.63:1, rather than the 0.33:1 FAR for the proposed project.

   The more intense office/industrial park development under this alternative would have somewhat greater impacts upon local drainage infrastructure, solid waste generation, water and utility consumption as well as a greater potential to adversely affect residences immediately south of the site in terms of aesthetics and nighttime lighting. Because trip generation associated with this alternative would be nearly identical to the proposed project, traffic, air quality, and noise impacts would be similar. Overall, the environmental impact of this alternative would be similar to the proposed project.

4. **Reduced Intensity:** The types of on-site uses (retail and office/industrial park development) would be the same as those of the proposed project, but overall building area for each project component would be reduced by approximately 25%. Overall on-site development at project build out would total about 2.2 million square feet, as compared to the nearly 3 million square feet that would be developed under the proposed project. The impacts of the alternative would generally be less than the proposed project due entirely to the reduced size of the alternative. Significant traffic impacts would occur under the alternative, although traffic impacts would generally be lower than those of the proposed project. Overall, this alternative would environmentally superior to the proposed project.

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5. **Golf Course:** Retail uses would be identical to that of the proposed project. However, in place of the 2.4 million square feet of office/industrial park development, a 130.2 acre project would be developed with a 18-hole golf course. Traffic and traffic-related air quality and noise impacts would be lower under this alternative, as would impacts to local drainage infrastructure, public services, and utilities.

6. **Large Parcelization:** The entire 170.2 acre site would be developed with an approximately 3.7 million square feet of office industrial park uses. This alternative would generate about 31 percent fewer vehicle trips than the proposed project. The impacts of this alternative with respect to traffic, noise, and air emissions would therefore, be lower. Overall impacts would be similar to those of the proposed project.

7. **Environmentally Superior Alternative:** The No Project, Reduced Intensity and Golf Course alternatives would have generally lower impacts than the proposed project for most environmental issue areas. However, these alternatives do not meet all of the objectives of the project as proposed.

   The Master Planned Block Development alternative would be environmentally superior to the individual projects on the project site and adjacent former International Light Metals site. However, the Master Planned Block Development alternative may not be feasible because it would require the cooperation of the adjacent property owner, and the City has no authority to compel such cooperation.

Addendum: *Development of hotel uses within or near the Harbor Gateway Center site is included within two of the alternatives addressed in the FEIR. The Master Planned Block Development Alternative includes a 350 room hotel on the parcel directly west of the Harbor Gateway Center site. In the FEIR analysis of this alternative, the only impact which is identified specific to the hotel use relates to its inconsistency with the existing General Plan designation and zoning classification for the subject area. With respect to the currently proposed hotel project, this potential land use impact is addressed through this subject action.*

The Alternative Land Use alternative in the FEIR includes a 200 room hotel within the Harbor Gateway Center site. The FEIR analysis indicates no impacts particular to the hotel use in this alternative (i.e., impacts are due to the overall development of the various uses proposed).

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STATEMENT OF OVERRIDING CONSIDERATIONS (FULL EIR)

The final EIR has identified unavoidable significant impacts which will result from implementation of the proposed Project. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency allows the occurrence of significant impacts which are identified in the Final EIR but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Section 10 of Article VI of the City CEQA Guidelines requires that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of the project if it finds that significant environmental impacts have been identified in the EIR which cannot be mitigated to an insignificant level or eliminated.

Accordingly, the Advisory Agency adopted the following Statement of Overriding Considerations. The Advisory Agency recognized that unavoidable significant impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected the alternatives of the Project discussed above, (iii) recognized all unavoidable significant impacts, and (iv) balanced the benefits of the Project against the Project's unavoidable significant effects, the Advisory Agency found that the benefits outweigh and override the unavoidable significant effects for the reasons stated below.

The reasons discussed below summarize the benefits, goals and objectives of the proposed Project, and provide, in addition to the above findings, the detailed rationale for the Project. These overriding considerations of economic, social, aesthetic and environmental benefits of the Project outweigh its environmental costs, and justify adoption of the Project and certification of the completed Final EIR. Many of these overriding considerations individually would be sufficient to outweigh the significant environmental impacts of the Project. In particular, the redevelopment of the property in a manner that replaces underutilized, obsolete and inefficient industrial facilities with a mix of economically viable, modern and efficient retail and office/industrial park uses would, alone, be sufficient to override the significant environmental impacts of the Project. Other related benefits of the project are summarized below.

- The creation of a master planned office/industrial park environment that meets the need for high quality industrial land in the City of Los Angeles, as cited in the Harbor Gateway District Plan and the General Plan Framework as well as the New Economy Project Report dated September 16, 1994, prepared by the Community Redevelopment Agency and the

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Department of Water and Power.

- The improvement of the aesthetic and community character of the area by the replacement of an older, underutilized manufacturing/warehousing facility with a new campus-like office/industrial park community and complementary retail center. Implementation of the project would reinvigorate occupation of the site with over 6,000 employees and visitors estimated to occupy the property daily at project build out.

- The provision of high-quality employment opportunities in a range of occupations, including manufacturing, assembly, distribution, services, administration and management.

- The provision of construction jobs within a variety of trades during the phased development of the 170-acre site.

- The provision of new retail development that meets community needs for goods and services and is responsive to the needs of future office/industrial development nearby.

- The realization of fiscal benefits to the City due to increased sales and property tax revenues from the proposed uses.

- The provision of direct and indirect economic stimulus associated with the development of up to 2,967,700 square feet of new retail, office, and industrial park uses.

- The provision of key development entitlements for the entire 170-acre site which are both sufficiently defined and flexible to attract high-quality tenants/occupants positioned for immediate development.

- The provision of opportunities to develop large scale, high technology, state-of-the-art industrial park activities which require large sites not available in other parts of the City of Los Angeles.

- The development of safe, efficient, and attractive pedestrian and vehicular circulation systems that minimize traffic impacts both within the development and upon the surrounding community and the adjacent cities of Torrance, Carson, and Gardena.

- The phased replacement of older, undersized infrastructure facilities onsite with new facilities that are adequately sized and phased to serve new development. Some project-related infrastructure improvements, such as certain

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circulation systems improvements proposed to mitigate traffic impacts of the project, will provide for improved circulation conditions beyond that which would otherwise occur if the project was not implemented.

The lead agency, as part of certifying the EIR found that the EIR reflected the independent judgement of the lead agency.

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