

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

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2017-5423-VZC-HD-CUB-CUX-SPR	ENV-2017-5424-EIR	4 – Raman
<b>RELATED CASE NOS.:</b>	<b>COUNCIL FILE NO:</b>	<b>PROCEDURAL REGULATIONS:</b>
<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
<b>PROJECT ADDRESS / LOCATION:</b>		
555 East Universal Hollywood Drive		
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Hillcrest Real Estate, LLC	(818) 509-2013	<a href="mailto:mdavis@hiltonuniversal.com">mdavis@hiltonuniversal.com</a>
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Edgar Khalatian, Mayer Brown, LLP	(213) 229-9548	<a href="mailto:ekhalatian@mayerbrown.com">ekhalatian@mayerbrown.com</a>
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
More Song	(213) 978-1319	<a href="mailto:more.song@lacity.org">more.song@lacity.org</a>
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>		
<input type="checkbox"/> <i>The preparation of a draft ordinance by the City Attorney will be required.</i>  Vesting Zone Change (VZC); Height District Change (HD)		
<b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>		
<input checked="" type="checkbox"/> N/A		
<b>ITEMS APPEALED:</b>		
<input checked="" type="checkbox"/> N/A		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> T Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Mailing List (both Word and PDF)	<input type="checkbox"/>	<input type="checkbox"/> Other:	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>		
<input type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input type="checkbox"/> Other:	<input type="checkbox"/>		

**NOTES / INSTRUCTIONS:**

Please create CF #.

Copies of the Draft EIR and Final EIR are available on Planning’s website:

Draft EIR: <https://planning.lacity.gov/development-services/eir/hilton-universal-city-project-0>

Final EIR: <https://planning.lacity.gov/development-services/eir/hilton-universal-city-project-1>

CITY COUNCIL NOTICE TIMING:	NOTICE LIST (SELECT ALL):	NOTICE PUBLICATION:
<input type="checkbox"/> 10 days	<input type="checkbox"/> Owner	<input type="checkbox"/> 10 days
<input type="checkbox"/> 15 days	<input type="checkbox"/> Applicant	<input type="checkbox"/> 15 days
<input type="checkbox"/> 24 days	<input type="checkbox"/> Adjacent/Abutting	<input type="checkbox"/> 24 days
<input checked="" type="checkbox"/> N/A / None	<input type="checkbox"/> 100’ radius	<input checked="" type="checkbox"/> N/A / None
<input type="checkbox"/> Other: [enter here if applicable]	<input type="checkbox"/> 300’ radius	<input type="checkbox"/> Other: [enter here if applicable]
	<input type="checkbox"/> 500’ radius	
	<input type="checkbox"/> Neighborhood Council	
	<input type="checkbox"/> Interested Parties	
	<input type="checkbox"/> Other: [enter here if applicable]	

**FISCAL IMPACT STATEMENT:**

Yes  No

\*If determination states administrative costs are recovered through fees, indicate “Yes.”

<b>PLANNING COMMISSION:</b>	
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
September 12, 2024	7 – 0
<b>LAST DAY TO APPEAL:</b>	<b>DATE APPEALED:</b>
October 28, 2024	N/A
<b>COUNCIL TIME TO ACT:</b>	<b>TIME TO ACT START:</b>
<input type="checkbox"/> 30 days <input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input type="checkbox"/> 75 days <input checked="" type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input type="checkbox"/> Appeal Filing Date <input checked="" type="checkbox"/> Received by Clerk <input type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other:
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant II	November 4, 2024



# LOS ANGELES CITY PLANNING COMMISSION

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

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: OCTOBER 8, 2024**

**Case No.: CPC-2017-5423-VZC-HD-CUB-CUX-SPR**  
CEQA: ENV-2017-5424-EIR (SCH. No. 2020100057)  
Plan Area: Sherman Oaks – Studio City – Toluca Lake  
Cahuenga Pass

Council District: 4 – Raman

**Project Site:** 555 East Universal Hollywood Drive

**Applicant:** Hillcrest Real Estate, LLC  
Representative: Edgar Khalatian, Mayer Brown, LLP

At its meeting of **September 12, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

The Hilton Universal City Project (Project) involves the construction of an approximately 300,000 square-foot, 18-story Hotel Expansion Building addition to the existing 24-story Hilton Universal City Hotel. The Hotel Expansion Building would be comprised of 395 guestrooms, a spa, three restaurants, an indoor/outdoor bar, two pools, a single-level lobby lounge/bar connecting to the existing hotel building, a meeting room addition to the ancillary building, and an expansion of the existing three-level parking garage. Upon completion, the Project would provide 890 guestrooms and 696,609 square feet of floor area, resulting in a Floor Area Ratio (FAR) of 2.2:1 for the 7.26-acre site.

1. **Found**, pursuant to Sections 21081.6 of the Public Resources Code (PRC), that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report (EIR) No. ENV-2017-5424-EIR (SCH No. 2020100057) dated November 2023, and the Final EIR, dated June 2024 (collectively, Hilton Universal City Project EIR), as well as the whole of the administrative record;

**Certified the following:**

- a. The Hilton Universal City Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Hilton Universal City Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The Hilton Universal City Project EIR reflects the independent judgment and analysis of the lead agency;

**Adopted the following:**

- a. The related and prepared Hilton Universal City Project EIR Environmental Findings;
  - b. The Statement of Overriding Considerations; and
  - c. The Mitigation Monitoring Program prepared for the Hilton Universal City Project EIR.
2. **Approved and Recommended** that the City Council **adopt**, pursuant to Sections 12.32 F and Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change and Height District Change from C2-1, RE15-1-H, and PB-1 to (T)(Q)C2-2D across the entire property;
  3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed expansion of an existing hotel;

4. **Approved**, pursuant to LAMC Section 12.24 W.18, a Conditional Use Permit to allow patron dancing and live entertainment in conjunction with the proposed expansion of an existing hotel;
5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development that results in an increase of 50 or more guest rooms;
6. **Adopted** the Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
 Second: Newhouse  
 Ayes: Cabildo, Diaz, Klein, Saitman, Zamora  
 Absent: Lawshe, Mack

**Vote: 7 – 0**

Cecilia Lamas, Commission Executive Assistant II  
 Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the Vesting Zone Change and Height District Change are appealable by the Applicant only if disapproved in whole or in part by the Commission. The decision of the Commission regarding the remaining approvals is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012 or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**FINAL APPEAL DATE: OCTOBER 28, 2024**

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

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

Attachments: Zone Change Ordinance, Maps, Modified Conditions of Approval, Findings, Appeal Filing Procedure

cc: Milena Zasadzien, Principal City Planner  
 Mindy Nguyen, Senior City Planner  
 More Song, City Planner

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 zone 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:



**(Q) QUALIFIED CONDITIONS**

(As Modified by the City Planning Commission at its meeting on September 12, 2024)

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit A, dated September 12, 2024 (hereafter referred to as Exhibit A) and attached to the subject case file. No change to the plans (except as conditioned) will be made without prior review by the Department of City Planning, Major Projects Section and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the Project conditions. The project shall be in substantial conformance with the following project description:
  - a. Retention of the existing 24-story hotel building;
  - b. Development of new 18-story hotel expansion building with 395 new guest rooms;
  - c. Development of approximately 12,000 square feet of restaurant space, approximately 5,000 square feet of bar space, an approximately 9,000 square-foot spa, an approximately 2,700 square-foot fitness center, and approximately 3,400 square feet of new meeting room space; and
  - d. Total new development not to exceed approximately 300,000 square feet.

## DEVELOPMENT “D” LIMITATIONS

Pursuant to LAMC Section 12.32 G, the following limitations are hereby imposed upon the use of the subject property, as shown on the attached Zoning Map, subject to the “D” Development Limitations:

1. **Building Height.** Development on the Project Site shall not exceed 258 feet in height measured from the lowest point of that individual building. Certain exceptions may apply for roof structures and elevator shafts, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Department of Building and Safety.
2. **Floor Area.** Development on the Project Site shall be limited to a maximum floor area ratio (FAR) of 2.2:1

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

### Dedications/Improvements and Responsibilities/Guarantees.

Dedications and Improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering:

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be to the satisfaction of the City Engineer.
3. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to the satisfaction of the City Engineer.
4. **Driveway/Parkway Area Plan.** Preparation of a parking plan and driveway plan to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
5. **Fire.** Incorporate into the building plans the recommendations of the Fire Department relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.

Notice: Certificates of Occupancy 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.

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on September 12, 2024)

Pursuant to Sections 12.24 W.1, 12.24 W.18, and 16.05 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

### **Conditional Use Conditions**

1. 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 City Planning Commission or its designee to impose additional corrective Conditions, if, in their opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
2. **Use.** Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption only in conjunction with a proposed hotel expansion. The grant shall be subject to the following limitations:
  - a. Alcoholic beverage service shall be permitted within the following areas of the hotel:
    - Minibars in the 395 new guest rooms
    - In-room dining (room service) in the 395 new guest rooms
    - A 1,473 square-foot restaurant/bar on the Basement Level of the new building
    - A 6,472 square-foot restaurant on Level 3 of the new building
    - A 1,590 square-foot lobby lounge/bar on Level 4 of the new building
    - A 7,232 square-foot restaurant on Level 18 of the new building
    - A 3,400 square-foot meeting room addition to the existing ancillary building
    - A 8,630 square-foot spa on Level 2 of the new building
  - b. Seating shall be limited to the following:
    - A maximum of 75 indoor seats within the 1,473 square-foot restaurant on the Basement level of the new building
    - A maximum of 180 indoor seats within the 6,472 square-foot restaurant on Level 3 of the new building
    - A maximum of 75 indoor seats within the 1,590 square-foot lobby lounge/bar on Level 4 of the new building
    - A maximum of 100 indoor seats and 180 outdoor seats within the 7,232 square-foot restaurant on Level 18 of the new building
  - c. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
3. **Hours of Operation:**
  - a. Hours of operation for alcoholic beverage service shall be permitted within the following areas of the hotel:
    - 24 hours daily for the 395 new guest rooms (in-room minibars and in-room dining [room service])
    - From 6:00 a.m. to 2:00 a.m. daily for a 1,473 square-foot restaurant/bar on the Basement Level of the new building
    - From 6:00 a.m. to 2:00 a.m. daily for a 6,472 square-foot restaurant on Level 3 of

- the new building
    - From 6:00 a.m. to 2:00 a.m. daily for a 1,590 square-foot lobby lounge/bar on Level 4 of the new building
    - From 6:00 a.m. to 2:00 a.m. daily for a 7,232 square-foot restaurant on Level 18 of the new building
    - 24 hours daily in conjunction with use of the meeting room addition
    - From 6:00 a.m. to 11:00 p.m. daily for a 8,630 square-foot spa on Level 2 of the new building
  - b. No after-hours use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
4. **Music / Live Entertainment.** Music and live entertainment are permitted within the hotel and ancillary uses and subject to the following limitations:
- a. Live entertainment is limited to ensembles of a maximum of three people.
  - b. DJs and amplified music are permitted. Amplifiers are limited to no more than one amplifier in any individual area (e.g. each restaurant, lounge, meeting room, etc).
  - c. There shall be no topless entertainment anywhere on the premises.
5. **Patron Dancing:**
- a. Dancing is permitted within the following areas of the hotel:
    - Within the 3,400 square-foot meeting room addition
    - An approximately 200 square-foot area within the 6,472 square-foot restaurant on Level 3 of the new building
    - An approximately 200 square-foot area adjacent to the lobby lounge/bar on Level 4 of the new building
    - An approximately 200 square-foot area within the 7,232 square-foot restaurant on Level 18 of the new building
6. **Security:**
- a. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
  - b. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
  - c. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
  - d. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.

- e. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
7. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
8. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
9. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation for each tenancy. The phone number and email address shall be posted at the hotel lobby.

Complaints shall be responded to within 24-hours. Each tenancy shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

10. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
11. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the project site.
12. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
13. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
14. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within ten feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B.2.c. This prohibition applies to all outdoor areas of the project site if the outdoor area is used in conjunction with food service and/or the consumption, dispensing, or sale of either alcoholic or non-alcoholic beverages.

15. The applicant(s) and all tenancies shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant/any tenancy shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
16. **Designated Driver Program.** Prior to the utilization of this grant, the operator of the hotel, and each operator of each restaurant/bar/spa establishment if applicable, shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program, at each tenancy. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas of each tenancy. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
17. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
18. **Private Events.** Any use of any tenancy for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
19. The applicant shall not sublet any portion of the premises to outside "promoters" for nightclub activity.
20. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01 E.3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
21. At any time during the period of validity of this grant (authorizing the sale of alcoholic beverages), if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the

peaceful enjoyment of the adjoining and neighboring properties, the City Planning Commission or their designee reserves the right to require that the owner or operator file a Plan Approval application, in association with the appropriate fees, and a 500-foot notification radius. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the City Planning Commission or their designee may modify, add, or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

### **Site Plan Review Conditions**

22. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit A, dated September 12, 2024 (hereafter referred to as Exhibit A) and attached to the subject case file. No change to the plans (except as conditioned) will be made without prior review by the Department of City Planning, Major Projects Section and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the Project conditions.
23. **Design.**
  - a. All building façades shall utilize a minimum of two different materials. Windows, doors, balcony railings, decorative features (such as light fixtures, planters, etc.), and perimeter walls (e.g. walls along a street that are not a part of the building) are excluded from meeting this requirement.
  - b. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
  - c. Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.
24. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
  - a. Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
  - b. All pedestrian walkways, storefront entrances, and vehicular accessways shall be illuminated with lighting fixtures.
  - c. Light fixtures located on the Project Site (and not in the public right-of-way) 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.
25. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

26. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A, dated September 12, 2024. Minor deviations from the requirements provided below may be permitted by the Department of City Planning to permit the existing landscaping conditions provided that the plantings are well established and in good condition.
27. **Required Trees.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit A, dated September 12, 2024. There shall be a minimum of 115 24-inch box, or larger, trees onsite pursuant to LAMC Section 12.21 G.2.
28. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City-determined physical constraints.
29. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - d. Minimum depth for an extensive green roof shall be three inches.

The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:

  - a. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
  - b. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
  - c. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
  - d. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.
30. **Tree Maintenance.** 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.
31. **Graffiti.** 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.
32. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
33. **Mechanical Equipment / Utilities.** All mechanical equipment and utilities shall be fully screened from view of any abutting properties and the public right-of-way.

34. **Solar Energy Infrastructure.** 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.
35. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, shall be maintained in an attractive condition and shall be kept free of trash and debris.
36. **Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The Project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
37. **Construction Traffic Management Plan.** The Applicant shall prepare a Construction Traffic Management Plan which will include a construction work site traffic control plan, DOT recommends that the construction work site traffic control plan be submitted to LADOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work.

### **Environmental Conditions**

38. **Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
39. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

40. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

41. **Inadvertent Discovery of Archaeological Resources.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. The applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified archaeologist and approved by the Department of City Planning must be followed unless avoidance is determined to be unnecessary or infeasible by the qualified archaeologist. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

### **Administrative Conditions**

42. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
43. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
44. **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 assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
45. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

46. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
47. **Building Plans.** 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.
48. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
49. **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 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 in paragraph (b).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.

## FINDINGS

### Zone Change and Height District Change Findings

**1. The action is in substantial conformance with the purposes, intent, and provisions of the General Plan.**

The Applicant is requesting a Vesting Zone Change to the C2 Zone across the entirety of the subject property to enable the development of the proposed Project across a uniform site. In addition, the existing Height District 1 zone limits development on the property to a maximum FAR of 1.5:1; as such, the Applicant is also requesting a Height District Change to Height District 2 across the entire site, to enable the increased amount of floor area proposed under the Project. The Project would be in substantial conformance with the applicable Elements of the General Plan, including the Framework Element; Land Use Element (Community Plan); Transportation Element (Mobility Plan 2035); Health and Wellness Element; and Air Quality Element.

### Framework Element

The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project Site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The Project supports the following specific Goals, Objectives, and Policies of the Framework Element:

### Chapter 3: Land Use

The Land Use Chapter of the Framework Element identifies objectives and supporting policies relevant to the Project Site. Those objectives and policies seek, in part, to encourage the development of commercial uses and structures that integrate a mix of commercial uses. The Project supports and will be generally consistent with the General Plan Framework Land Use Chapter as it accommodates development of hotel, restaurant, and other compatible ancillary uses in accordance with the applicable policies of the Central City North Community Plan. Specifically, the Project would be consistent with the following goals, objective and policies, as set forth in the General Plan Framework Land Use Chapter:

**Goal 3A:** *A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city.*

**Objective 3.1:** *Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*

**Objective 3.2:** *To provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.*

**Objective 3.4:** *Encourage new multi-family, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

#### Chapter 5: Urban Form and Neighborhood Design

**Goal 5A:** *A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.*

**Objective 5.5:** *Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.*

**Objective 5.9:** *Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.*

**Policy 5.9.1:** *Facilitate observation and natural surveillance through improved development standards which provide for common areas, adequate lighting, clear definition of outdoor spaces, attractive fencing, use of landscaping as a natural barrier, secure storage areas, good visual connections between residential, commercial, or public environments and grouping activity functions such as child care or recreation areas.*

#### Chapter 7: Economic Development

**Goal 7A:** *A vibrant economically revitalized City.*

**Goal 7B:** *A City with land appropriately and sufficiently designed to sustain a robust commercial and industrial base.*

**Goal 7C:** *A City with thriving and expanding businesses.*

**Objective 7.2:** *Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

**Objective 7.3:** *Maintain and enhance the existing businesses in the City*

The Framework Element Land Use Chapter identifies the Project Site and the surrounding area as a Regional Center, which “serve as the focal points of regional commerce” and activity and include “concentrations of entertainment and cultural facilities”. The policy further defines Regional Centers as characterized by development with FARs ranging between 1.5:1 to 6:1, and between six to 20 stories or higher.

The Project would support the applicable Framework Element policies regarding land use and economic development, by concentrating a commercial development in an existing/designated commercial center and in close proximity to transit. Specifically, the Project consists of new hotel guest rooms and ancillary amenities on an infill site in a heavily urbanized location, directly across the street from and supporting the Universal Studios

Hollywood complex, one of the most heavily trafficked destinations in the region. The proposed new building would be 18 stories in height and result in a total FAR of 2.2:1 across the subject property, in line with the scale and nature of development envisioned by the Framework Element in this location. The Project Site is located approximately 1,100 feet east of the Universal / Studio City station on the Metro B Line subway line; and would develop expanded commercial uses in close proximity to this major transit station, facilitating transit use and alternative transportation methods in the region.

The Project would support the applicable Framework Element policies regarding urban form and neighborhood design by developing of a new modern hotel building that would complement and enhance the existing development on the Project Site and in the immediate vicinity. As such, the Project would improve the physical environment by upgrading the quality of development in the area. The Project would further improve the environment and enhance the parking areas and pedestrian walkways by modernizing the existing buildings and landscaping, as well as providing lighting, wayfinding signage, and other human-scale improvements that would serve to improve security and facilitate pedestrian movement in the area.

Therefore, the Project is in substantial conformance with the relevant portions of the Framework Element.

### **Land Use Element**

The Project Site is located within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan, adopted on May 13, 1998, which designates the entirety of the subject property for Regional Commercial land uses. The Community Plan, and the General Plan as a whole, seeks to reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, compatible with adjacent land uses, and developed to enhance urban lifestyles. The Community Plan considers a broad array of uses within the Regional Center land use designation to serve as the focal points of regional commerce, identity, and activity. The Project is consistent with the applicable Goals, Objectives, and Policies of the Community Plan, as follows:

***Goal 2:*** *A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.*

***Objective 2-1:*** *To conserve and strengthen viable commercial development.*

***Policy 2-1.1:*** *New commercial uses shall be located in existing established commercial areas or existing shopping centers.*

***Policy 2-1.3:*** *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.*

***Objective 2-4:*** *To enhance the appearance of commercial districts.*

***Policy 2-4.1:*** *Require that any proposed development be designed to enhance and be compatible with adjacent development.*

The development of sites and structures providing hotel services and amenities to serve the regional population and economy is encouraged along with supporting services, recreational uses, open spaces, and amenities. The Project consists of new hotel guest rooms and

ancillary amenities on an infill site in a heavily urbanized location, directly across the street from a major activity center in the region. Approval of the requests herein will enable the provision of new high-quality hotel guest rooms to meet the continued demand for lodging for visitors and workers in the region as well as support the future growth of the regional economy. The new guest rooms will complement the existing hotel and support the existing Universal Studios Hollywood complex within the existing developed area. The new building has been thoughtfully designed to be compatible with the existing hotel on the property as well as the adjacent Sheraton Hotel and nearby NBC office tower, while maintaining its own distinct style and façade treatment. The Project will further improve the environment and enhance the parking areas and pedestrian walkways by modernizing the existing buildings and landscaping. Therefore, the Project and the requested Zone Change and Height District Change would be in substantial conformance with the Community Plan.

### **Mobility Plan 2035**

The Mobility Plan 2035, adopted in September 2016, guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods and recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities and sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Proposed Project would be in conformance with following objectives and policies of the Mobility Plan 2035 as described below.

#### **Chapter 2: World Class Infrastructure**

***Policy 2.3:*** Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

#### **Chapter 3: Access for All Angelenos**

***Policy 3.1:*** Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

***Policy 3.3:*** Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

***Policy 3.5:*** Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

***Policy 3.8:*** Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The Project would provide access for all modes of travel, including vehicular, pedestrian, and bicycles. The Project Site's proximity to the Universal / Studio City station on the Metro B Line subway line, located approximately 1,100 feet to the west of the Project Site would increase accessibility to and from the Project Site via walking and transit. The Project would introduce new and additional commercial uses including hotel and ancillary service uses such as restaurants to complement the existing similar uses in the area, which would reduce the

vehicle miles travel to the Project Site as on-site employees and nearby residents and visitors would be able to walk and/or utilize transit to patronize the Project. The Project also provides bicycle infrastructure, including 118 bicycle parking spaces (including 54 short-term and 64 long-term spaces). These spaces would be located at ground level closest to the building entrances as well as within easy access in the parking structure, which would facilitate alternative modes of transportation and enhance access to and from the Project Site. In addition, the Project Site as a whole would be developed with improved building materials, lighting, wayfinding signage, and landscaping. These Project features and improvements would lend themselves to create a safe and engaging pedestrian environment and would enrich the quality of the public realm.

As such, the Project would be consistent with the Mobility Plan 2035 through its proximity to public transit options, on-site improvements, pedestrian and bicycle amenities, and pedestrian-friendly design.

### **Health and Wellness Element**

Adopted in March 2015, the Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos. As the Health and Wellness Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Through a new focus on public health from the perspective of the built environment and City services, the City of Los Angeles will strive to achieve better health and social equity through its programs, policies, plans, budgeting, and community engagement. The Project is consistent with the following:

#### **Chapter 2: A City Built for Health**

***Policy 2.2:*** *Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.*

#### **Chapter 5: An Environment Where Life Thrives**

***Policy 5.1:*** *Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.*

***Policy 5.7:*** *Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and other susceptible to respiratory diseases.*

### **Air Quality Element**

***Policy 4.2.3:*** *Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.*

***Policy 5.1.2:*** *Effect a reduction in energy consumption and shift to non-polluting sources of energy in its buildings and operations.*

The Project would comply with applicable provisions of the CALGreen Code and the Los Angeles Green Building Code, which would serve to reduce the Project's energy usage. Furthermore, in compliance with Code requirements, a minimum of 30 percent of the total

code-required parking spaces would be capable of supporting future electric vehicle supply equipment (EVSE), and 10 percent of the total code-required parking spaces would be equipped with EV chargers.

The addition of 395 new hotel guest rooms and over 28,000 square feet of restaurant, bar/lounge, and other amenity spaces in close proximity to a major transit station (the Universal / Studio City subway station on the Metro B Line, located approximately 1,100 feet west of the Project Site) would enhance access for visitors and workers alike, thereby reducing commute times to work and reducing reliance on single-occupancy vehicle trips. Additionally, the Project would provide short- and long-term bicycle parking throughout the Project Site, further facilitating alternative modes of transportation in the area.

In addition to adhering to smart growth principles of locating infill development adjacent to existing employment centers and public transportation options, the Project would incorporate a wide range of building technologies and design features, such as water conservation features, smart irrigation systems with weather-based irrigation controllers, and low-emission building materials, all of which would produce better indoor and outdoor environmental quality.

The Project's energy efficiency features and location near major transit facilities, which designates it in a Transit Priority Area, could help reduce the energy and emission footprint of the Project and the per capita GHG emissions of the employees and visitors from private automobile travel. With existing code-requirements and as conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element mentioned above, by ensuring that future developments are energy efficient and shift to efficient and non-polluting sources of energy. The Project's EV parking would also provide a convenient service amenity to the employees and visitors who utilize electricity on site for other functions. As such, the Project would provide service amenities to improve useability for on-site employees of the Project and to minimize impacts on neighboring properties.

Therefore, the Project would promote a healthy built environment, encourage healthy working conditions, reduce air pollution, and promote land use policies that reduce per capita greenhouse gas emissions.

**2. The proposed ordinance is in conformance with the public necessity, convenience, general welfare, and good zoning practice.**

The Applicant is requesting a Vesting Zone Change to the C2 Zone across the entirety of the subject property to enable the development of the proposed Project across a uniform site. In addition, the existing Height District 1 zone limits development on the property to a maximum FAR of 1.5:1; as such, the Applicant is also requesting a Height District Change to Height District 2 across the entire site, to enable the increased amount of floor area proposed under the Project. The Project would be in conformance with the public necessity, convenience, general welfare, and good zoning practice.

Public Necessity

The Project proposes the expansion of an existing 24-story hotel with a new 18-story building with 395 guest rooms and various ancillary uses and amenities, including three restaurants, two outdoor pools, and a spa. The Project would enable the provision of new high-quality hotel guest rooms to meet the continued demand for lodging for visitors and workers in the region as well as support the future growth of the regional economy. The Project Site is located across the street from Universal Studios Hollywood, one of the most heavily trafficked destinations and activity centers in the region; the Project would support the continued success of Universal Studios Hollywood as well as the broader economy and the entire region.

The Project will also provide new modernized ancillary amenities, including several new restaurants, a spa, and two outdoor pools, which will provide valuable recreational amenities for visitors and residents alike. Therefore, the requested Zone Change and Height District Change are a public necessity to facilitate the development of a publicly beneficial Project.

### Convenience

The request will enable the provision of additional hotel guest rooms and ancillary service and amenities in a location where such uses can directly support a highly trafficked activity center and entertainment destination. The Project would also provide enhanced and modern amenities including new restaurants, pools, and a spa that will serve patrons of the Project Site as well as visitors and workers alike in the surrounding area, including those patronizing nearby uses. The Project Site is located within close proximity to transit, with the Universal / Studio City station on the Metro B Line subway approximately 1,100 feet to the west. The provision of hotel guest rooms and supporting services is desirable in a regional commercial center in close proximity to transit and a major activity, employment, and entertainment hub. Therefore, the project will support and enhance public convenience.

### General Welfare

The Project would be consistent with the general welfare by locating hotel and restaurant and other ancillary uses in a transit-rich, centrally-located neighborhood in proximity to transit and a major activity, employment, and entertainment hub. The Project's location would reduce congestion and air pollution in the area by facilitating transit use and alternative modes of transportation. Furthermore, as the expansion of an existing hotel and ancillary building with identical uses, the project represents an urban infill development which will result in a moderate increase in intensity of use and scale. Such developments are desirable and encouraged in centrally located and heavily urbanized neighborhoods such as that surrounding the project site and promote sustainable development and good planning practice. The Project is a desirable use in an area designated for such uses and will provide a valuable service. Therefore, the Project supports the general welfare of the community.

### Good Zoning Practice

The requested Zone Change and Height District Change are appropriate and are substantially consistent with good zoning practice. The requested Vesting Zone Change and Height District Change will correct an outdated unintuitive pattern of zoning and enable a uniform development on the Project Site.

In addition, the request is in substantial conformance with good zoning practice because it will serve to better align the zoning on the subject property with the land use designation. The Project Site is located within the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the entirety of the subject property for Regional Commercial land uses corresponding to the CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, and R5 Zones. The majority of the property (the area encompassing the existing hotel and ancillary building) is zoned C2-1 (Commercial Zone, Height District 1), while the surrounding area (the access driveway and parking area) is primarily zoned PB-1 (Parking Building Zone, Height District 1); two small narrow strips of land (one along the southern portion of the property and one at the northern tip of the property abutting Universal Hollywood Drive) are zoned RE15-1-H (Residential Estate Zone, Height District 1, Hillside Overlay). The Regional Commercial land use designation and C2 Zone permits a wide range of commercial and residential uses; Height District 1 does not limit height for the C2 Zone but limits FAR to 1.5:1. The PB Zone permits primarily vehicle parking uses and structures only; Height District

1 does not limit height or FAR for the PB Zone but limits the number of stories to a maximum of two. The RE15 Zone permits primarily single-family uses (with a minimum lot area of 15,000 square feet); Height District 1 limits buildings to a maximum of either 30 or 36 feet depending on roof slope, while the Hillside Overlay designation prescribes additional development standards such as setbacks and FAR limits. The PB and RE15 Zones do not correspond to the Regional Commercial land use designation, but the C2 Zone is a corresponding zone; as such, the requested zone change will correct an existing inconsistency between the zoning and land use designation. In addition, the Regional Commercial land use designation envisions the most intensive regional activity centers, for example consisting of large shopping centers and downtown cores. The area surrounding the Project Site is dominated by Universal Studios Hollywood, a large theme park and production studio/office complex that draws millions of visitors annually; other uses nearby, including the existing 24-story Hilton hotel complex on the subject property and a neighboring 20-story Sheraton hotel tower, primarily support this use. Such uses and scale of development would be expected and are desirable in a heavily trafficked urban activity center like the Project Site, and the proposed Project, with a new 18-story hotel expansion tower, would complement these existing uses and scale of development, as desired by the Community Plan and the land use designation. Parking buildings and large-lot residential estate homes are not desired uses within such a land use designation. Additionally, the unusually narrow dimensions and significant slope of the RE-zoned portions of the subject property would render residential-estate development infeasible on the property. As such, the requested Zone Change and Height District Change would support good zoning practice.

### **3. Tentative “T” and Qualified “Q” Classification Findings**

Per LAMC Sections 12.32 G.1 and 2, the current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed Project. The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” Conditions limit the scope of future development on the site and require that the applicant adhere to various development, design, and operational considerations as memorialized in the application; these are all necessary to protect the best interests of the community and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

Therefore, the imposition of the included “T” and “Q” Conditions herein are in conformance with the public necessity, convenience, general welfare, and good zoning practice.

### **4. Development “D” Limitations Findings**

Per LAMC Section 12.32 G.4, the current action, as recommended, has been made contingent upon compliance with new “D” conditions of approval imposed herein for the proposed Project. The “D” Conditions limit the size and scale of future development on the site, which is necessary to protect the best interests of the community and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

The Project Site is located within a commercial corridor with properties which are generally designated Regional Commercial and limited to Height District 1 and a corresponding FAR of 1.5:1. The Regional Commercial land use designation envisions the most intensive regional activity centers, for example consisting of large shopping centers and downtown cores, in locations where the permissible FAR is often upwards of 4.5:1, 6:1, or higher. The proposed change from Height District 1 to 2 would enable the expansion of the existing hotel complex while remaining consistent with the intents and purposes of the existing land use designation. The adoption of the "D" Development Limitations would limit the maximum FAR on the project site to 2.2:1 and a maximum height of 258 feet, as proposed. This proposed FAR represents a modest increase over the current permissible FAR and would enable the development of a desirable infill project in this location. The Project is further similar in scale to many adjacent properties, including an existing 20-story hotel complex abutting the Project Site to the west and an existing 34-story office tower located approximately 1,000 feet further to the west. The proposed FAR is also well within the range of that permitted in the broader surrounding area, which consists of a variety of commercial and multi-family neighborhoods zoned for FAR ranging from 1.5:1 to 3:1.

In addition, while the proposed new building will rise to a maximum height of 231 feet as measured from its lowest point, the existing hotel building presently measures 258 feet as measured from its lowest point; therefore, the existing building is currently inconsistent with the present zoning, and the request herein will better align the zoning designation with the existing scale and nature of development on the Project Site and in the surrounding area. As recommended, the "D" Conditions on the project site would ensure that the Project would maintain compatibility with the surrounding area and any future development. Therefore, the "D" Conditions would secure an appropriate development in harmony with the goals of the General Plan and are in conformance with the public necessity, convenience, general welfare, and good zoning practice.

### **Conditional Use Findings**

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

The Project Site is currently developed with an existing 24-story hotel with 495 guest rooms, a two-story ancillary building with a lobby, restaurant, and meeting rooms, and a three-level parking structure. The Project proposes the development of a new hotel expansion building with 395 new guest rooms and ancillary uses including a 1,590 square-foot lobby lounge/bar, three restaurants totaling 15,177 square feet in area, two pools, and an 8,630 square-foot spa, as well as a 3,400 square-foot addition to the existing meeting rooms.

The Applicant requests approval of a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the expansion of the existing hotel. Alcoholic beverage service is proposed within the new hotel guest rooms in the form of in-room minibars and in-room dining (room service), as well as the three restaurants, the lobby lounge/bar, the meeting room addition, and the spa. Additionally, live entertainment and patron dancing are proposed in conjunction with two of the restaurants, the lobby lounge, and the meeting room addition.

The sale and dispensing of alcoholic beverages and incidental entertainment functions, in conjunction with the proposed hotel expansion, will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community by providing and adding to the number of available dining venues and entertainment establishments offering food and alcohol in conjunction with the proposed uses to serve and

benefit as an amenity to current and future the residents, employees, and visitors in the area. The project will also increase the economic vitality of the area by expanding on an existing hotel use, thereby contributing to the economic strength of the development and immediate vicinity and supporting Universal Studios Hollywood nearby, a major activity center, employment hub, and entertainment destination in the region. The ability for hotel and restaurant operators to offer a full line of alcoholic beverages would also allow the establishments to remain competitive with other similar uses serving the same area, since alcohol service is commonly expected by patrons as part of such uses. Further, patrons are drawn to the area due to the lodging, entertainment, and dining experiences available to them, and offering a full line of alcoholic beverages and entertainment options at these uses on the Project Site would enhance the experience for visitors, employees, and residents in the vicinity. In addition, the project will enable the property to provide multiple service amenities and unique dining destinations for the local community and greater region. The Project will provide new restaurants, pools, and a spa, providing enhanced and expanded service offerings as compared to the existing hotel. Furthermore, the Project will develop a new modern building that is both compatible with existing development and possesses unique styling and design that will enhance the appearance of the Project Site and community.

Thus, the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing at this location will both provide a valuable community service and enhance the physical environment.

**6. 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.**

The Project Site is currently developed with an existing 24-story hotel with 495 guest rooms, a two-story ancillary building with a lobby, restaurant, and meeting rooms, and a three-level parking structure. The Project proposes the development of a new hotel expansion building with 395 new guest rooms and ancillary uses including a 1,590 square-foot lobby lounge/bar, three restaurants totaling 15,177 square feet in area, two pools, and an 8,630 square-foot spa, as well as a 3,400 square-foot addition to the existing meeting rooms.

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The Project Site is located on Universal Hollywood Drive, a major arterial roadway in the area providing primary access to Universal Studios Hollywood, a major entertainment destination. The Project Site abuts the Universal Studios Hollywood complex to the north and east; to the west is an existing 20-story hotel tower, and to the south is heavily sloped undeveloped land, with the US-101 freeway further to the south. The existing and proposed hotel and ancillary uses, including the request for the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing, are compatible with the land use designation, as the Project supports the form and function of the surrounding area as a major activity center, employment hub, and entertainment destination in the region, which includes other hotels, restaurants, and other compatible uses. The Project will enhance the desired land use for the site and support planning goals of furthering the surrounding area as a major commercial and activity center where visitors, workers, and residents alike can take advantage of a range of dining, drinking, and social activities. Moreover, the Project Site is located within a major

commercial neighborhood, and there are no residential or other potentially incompatible uses immediately adjacent to the property.

The sale of alcohol, live entertainment, and patron dancing is typical and expected in conjunction with hotel and ancillary restaurant uses. As primarily a hotel development with incidental alcoholic beverage sales and entertainment, the proposed operations are unlikely to have any significant adverse impacts. Proposed hours of operation are from 6:00 a.m. to 2:00 a.m. daily for the restaurants, in keeping with typical restaurant operations and other alcoholic beverage service requests commonly found throughout the City. Alcoholic beverage service, live entertainment, and dancing will all be self-contained in designated areas within the proposed hotel building, and no dancing or live entertainment is proposed outdoors. Thus, the Project will not likely have any significant additional adverse impacts and will be compatible with adjacent properties and the surrounding community. Nonetheless, conditions have been imposed to encourage responsible management and deter criminal activity. These conditions will ensure that the operation complies with all applicable regulations and that any aspects of the operation will not adversely affect the surrounding area.

Therefore, as proposed and conditioned, the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety and the development of the community.

**7. The project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any specific plan.**

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. The requested alcoholic beverage service is a conditionally permissible use, and thus does not propose to deviate from the requirements of the LAMC.

Pursuant to LAMC Section 13.A.2.10D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same Project. This finding is substantially identical to the finding found earlier in this document as Finding No. 1 and is hereby incorporated by reference. As discussed previously, the Project would be consistent with the purposes, intent and provisions of the General Plan and its applicable elements, including the Framework Element, Transportation Element, Health and Wellness Element, Air Quality Element, and the Land Use Element (Community Plan). Approval of the Project would enhance the built environment in the surrounding neighborhood and would provide a function that is fitting and compatible with the desired use of the subject property, the character of the surrounding community, and the commercial viability of the region as a whole.

The Community Plan does not contain policies that specifically address requests for the sale of alcoholic beverages, live entertainment, or patron dancing; however, the sale of alcohol as well as associated entertainment functions is inherent in the operation of similar commercial uses. The proposed request for the sale and dispensing of a full line of alcoholic beverages for on-site consumption, live entertainment, and patron dancing is consistent with the following Community Plan goal and objective:

***Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.***

***Objective 2-1: To conserve and strengthen viable commercial development.***

The Project would contribute to the area's viable commercial development by introducing new hotel and associated restaurant and other support/service uses adjacent to other similar uses. The area surrounding the Project Site is urbanized and improved with a range of similar hotel and restaurant uses, in support of the nearby location of Universal Studios Hollywood and the neighborhood's function as a heavily trafficked commercial center and destination. Alcohol sales for on-site consumption and associated entertainment functions as part of the Project would be desirable to the public convenience and welfare as the uses are in an infill location accessible to nearby visitors, workers, and residents alike.

The ability for the Project to offer a full line of alcoholic beverages and associated entertainment functions would allow the hotel and restaurant uses to remain competitive with other similar uses serving the same area, as alcohol service is an expected and common part of such uses. Further, patrons are drawn to the Universal Studios Hollywood neighborhood due to the lodging, entertainment, and dining experiences available to them, and offering a full line of alcoholic beverages, live entertainment, and dancing at these uses on the Project Site would be added amenities for patrons of the Project that would help to strengthen economic development and support a strong and competitive commercial sector in the Community Plan area.

Therefore, the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing at this location would be substantially in conformance with the General Plan and Community Plan.

**8. The proposed use will not adversely affect the welfare of the pertinent community.**

The property is zoned to permit commercial development and it will be utilized as such. The sale and dispensing of alcohol, live entertainment, and patron dancing in conjunction with the proposed new hotel and ancillary amenity spaces will not only the existing hotel complex and support the continued operation of the existing hotel but will also enhance the economic vitality of the surrounding community by providing additional dining, lodging, and recreation amenities.

As a hotel development with alcoholic beverage sales and associated entertainment functions incidental to hotel and restaurant service, the proposed operations are unlikely to have any significant adverse impacts. Proposed hours of operation are from 6:00 a.m. to 2:00 a.m. daily, in keeping with typical restaurant operations and other alcoholic beverage service requests commonly found throughout the City. Alcoholic beverage service, entertainment, and dancing will also be self-contained on the Project Site within internal designated areas, and amplified music is not permitted outdoors. Furthermore, the closest uses adjacent to the Project Site are an existing 20-story hotel complex approximately 250 feet to the west and the Universal Studio Hollywood complex approximately 600 feet to the northeast; the closest neighborhood-oriented commercial uses and residential uses are located approximately 550 to 750 feet south of the Project Site, located on Cahuenga Boulevard and separated from the Project Site by the US-101 freeway. Thus, the Project will not likely have any significant additional adverse impacts and will be compatible with adjacent properties and the surrounding community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department (LAPD) Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community.

Therefore, as proposed and conditioned, the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing at this location will not adversely affect the welfare of the surrounding community.

- 9. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 1437). Currently, there are 14 active on-site licenses (although as some single operators have multiple licenses, there are only seven distinct licensees) and three active off-site licenses total in this census tract. The existing Hilton Universal City Hotel on the Project Site currently holds four of the on-site consumption licenses for its existing hotel and restaurant uses.

According to statistics provided by LAPD's Valley Bureau North Hollywood Division Vice Unit, within Crime Reporting District No. 1587 which has jurisdiction over the subject property, a total of 41 crimes were reported in 2023, including 232 Part I and 19 Part II crimes, compared to the Citywide average of 162 crimes and the High Crime Reporting District average of 194 crimes for the same reporting period. Alcohol-related Part II crimes reported include DUI-related (17) and Miscellaneous Other Violations (6). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. Although the number of existing licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a neighborhood-serving commercial center with a variety of commercial service establishments. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In this case, the subject property is located adjacent to Universal Studios Hollywood, a major employment and entertainment hub in the region anchoring a neighborhood consisting of various commercial services, hotels, restaurants, and entertainment venues. In such an area, a higher number of alcohol licenses would be expected in conjunction with the many other hotels, restaurants, and other commercial services in the area. The Project will provide new and unique services and will cater to both local residents and workers as well as tourists and visitors, and thus will provide a beneficial service. In addition, an alcohol license would not be unusual or unexpected with a proposed new hotel or restaurant venues. Thus, the project will not result in undue concentration.

The project will not adversely affect public welfare because as self-contained operations within a high-quality major chain-operated hotel, incidental alcoholic beverage service and entertainment functions are unlikely to have a significant direct impact on the local crime rate, which includes particularly low alcohol-related crimes. Additionally, the proposed hotel and ancillary uses with alcoholic beverage service, live entertainment, and patron dancing will be desirable uses in an area designated for such uses. In this case, the Project will provide valuable and unique services and amenities to workers, visitors, and residents and, as conditioned, will not negatively impact the area. Nonetheless, operational conditions have been incorporated to the grant that address noise, safety, and security to further ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. In particular, the Project has been conditioned to develop a Designated Driver Program, which will help prevent any significant impacts on DUI-related crimes. Therefore, as proposed and conditioned, the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing at this location will not result in undue concentration.

**10. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The Project Site is primarily zoned for commercial uses and will continue to be utilized as such. The only sensitive uses have been identified within 1,000 feet of the subject property are residential uses located approximately 750 feet south of the Project Site.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The Project will not be detrimental to the character of development in the immediate neighborhood. The Project Site is located on Universal Hollywood Drive in the core of the Universal Studios Hollywood area, a densely developed major commercial and entertainment center with a high concentration of retail services, hotels, restaurants, and entertainment venues, as well as the Universal Studios Hollywood theme park and production complex. While residentially-zoned properties exist in proximity to the project site, the entire Universal Studios Hollywood area is located on a hill and is separated from residential and commercial neighborhoods to the south by topography and the US-101 freeway. Due to the distance and natural separation, the Project, including the service of alcohol, live entertainment, and dancing, would not result in any direct impacts to any residences.

Furthermore, there are no public playgrounds, parks, schools, or other sensitive uses in immediate proximity to the project site, as the area immediately surrounding the subject property consists of a variety of hotel, office, restaurant, and retail uses that characterize the Universal Studios Hollywood entertainment center.

The sale of alcoholic beverages and associated entertainment functions is of importance to operators of restaurants and hotels to attract and cater to their clientele. Such uses at the Project Site would be incidental to the Project's primary operation as a hotel with ancillary amenities including restaurants and a spa. The sale of alcoholic beverages and associated entertainment in conjunction with the proposed Project would be part of a high-quality unified development, and all service of alcohol, entertainment, and dancing would be within a carefully controlled environment served by a responsible operator. Additionally, the grant has been conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Further, the project is consistent with the zoning and in keeping with the existing uses adjacent to the

development and the Project will contribute to the neighborhood and serve neighboring residents and local employees as well as visitors.

Therefore, as proposed and conditioned, the sale and dispensing of a full line of alcoholic beverages, live entertainment, and patron dancing at this location will not detrimentally affect nearby residentially zoned communities or any other sensitive uses in the area.

### **Site Plan Review Findings**

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

Pursuant to LAMC Section 13.A.2.10 D, when acting on multiple applications for a project, when appropriate, findings may be made by reference to findings made for another application involving the same Project. As detailed above in Finding No. 1, the Project is in substantial conformance with the purposes, intent and provisions of the General Plan and its elements, including the Framework Element, Transportation Element, Health and Wellness and Air Quality Elements and the Land Use Element (Community Plan). There is no Specific Plan applicable to this Project. As proposed, the Project will result in the development of valuable hotel guest rooms and ancillary services and amenities in a location designated for such uses and will contribute to the form and function of the surrounding area as a major regional economic center and entertainment destination. Therefore, the Project is in substantial conformance with the purposes, intent, and provisions of the General Plan and the Community Plan.

#### **12. 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 neighboring properties.**

The subject property is located on Universal Hollywood Drive, a private roadway that primarily provides access to the Universal Studios Hollywood complex. The property has a total lot area of 316,249 square feet (approximately 7.26 acres) and is currently improved with the existing 24-story Hilton Universal City hotel complex. Specifically, the northern portion of the property abutting Universal Hollywood Drive is developed with access driveways and an ancillary hotel building containing a lobby, restaurant, and meeting rooms, while the central/eastern portion of the property is developed with the existing hotel tower and parking structure. The southern portion of the property is developed with the current outdoor pool area (which is proposed to be removed by development of the Project) but is otherwise primarily undeveloped due to the sloping terrain.

The Project Site is located across the street from the Universal Studios Hollywood theme park, which is primarily located outside of the City limits and in the County of Los Angeles and abuts the Project Site to the north and east. The Project Site is otherwise adjacent to an existing 20-story Sheraton hotel to the west. Land to the south of the Project Site is primarily undeveloped due to significant sloping terrain; the US-101 freeway is located approximately 200 feet further south of the Project Site.

The Project proposes to develop a new 18-story hotel tower on the southern portion of the subject property, removing the existing open pool area and developing a portion of the presently undeveloped sloped land in that area of the property. The expansion would include 395 new guest rooms, three new restaurants totaling approximately 11,933 square feet, an approximately 1,590 square-foot lobby bar and lounge space, approximately 3,244 square feet of outdoor uncovered restaurant and/or bar seating, an approximately 8,630 square-foot

spa, an approximately 2,666 square-foot fitness center for hotel guest use only, and two new pools, including an outdoor rooftop pool and a pool area on the basement level of the new expansion building. The Project would also expand the existing ancillary building to include 3,400 square feet of additional meeting room space (consisting of four meeting rooms each less than 750 square feet, connected by a hallway). The new hotel building would have a maximum height of 231 feet and add approximately 299,088 square feet of new floor area; at completion, the Project would encompass a total of approximately 696,609 square feet of building floor area, resulting in a FAR of 2.2:1.

The Project would also include an expansion of the existing three-level parking structure as well as restriping of the existing parking spaces and drive aisles; through this expansion and restriping, the Project would provide an additional 464 vehicle parking spaces at a minimum, in addition to the existing 652 spaces, for a total of at least 1,116 parking spaces. Access and circulation would be maintained as-is, with vehicle access from Universal Hollywood Drive along the existing internal drive aisles and hotel pick-up and drop-off roundabout.

The Project, inclusive of all pertinent improvements, will be compatible with neighboring properties. The Project is a desirable hotel development in a location zoned and designated for such uses. The Project is an infill development located within a major and heavily urbanized commercial center developed with similar and compatible uses, including a variety of hotel, entertainment, and other commercial developments. The Project follows good planning principles by situating the proposed uses within a location designated for such uses. The Project also follows good design principles, with a unique building shape and façade design motif, and it will enhance the surrounding area with a modern high-quality development that will be compatible with the surrounding area.

#### Height, Bulk, and Setbacks

The Project proposes the development of a new 18-story hotel building adjacent to an existing 24-story hotel building. As the proposed building will be built on the sloped southern portion of the property, the lowest point of the new building will be significantly lower than that of the existing building, and the new building will appear significantly shorter. As a result, the Project will result in a varied building mass and skyline appearance. The Project Site is also located adjacent to an existing 20-story hotel tower to the west; there are also other mid- and high-rise commercial developments in the surrounding area, including a 36-story office building 750 feet west of the Project Site. As such, the Project's height and scale will be similar to other existing developments on the Project Site and in the immediate vicinity.

The proposed new hotel building has been designed with a narrow diamond-shaped floor plan. This design both takes advantage of the topographical challenges on the subject property and results in a unique building shape that minimizes the appearances of bulky mass. The building further features a unique façade design motif and incorporates a variety of materials and colors which complement the existing hotel development on the Project Site and adjacent to the property, all of which serve to enhance the Project's compatibility with existing and surrounding uses while creating a high-quality modern development.

The Project includes a request to change the zoning on the subject property to C2 across the entire site. While commercial zones do not prescribe any setback requirements for entirely commercial projects, the Project would nonetheless provide an effective setback of 16 feet for the new hotel building. New construction for the Project primarily consists of the new hotel building located along the southern portion of the property, which abuts undeveloped land and a freeway and does not abut any existing uses; the proposed ancillary building addition is located in the middle of the property, and the proposed parking structure expansion will not expand the structure any closer to the property lines (e.g. the expansion will be inwards within

the Project Site). The Project will maintain all other existing improvements and will not change the existing conditions along the other property boundaries, including the existing setbacks of five feet for the parking structure and over 100 feet for the existing hotel tower. As such, the Project will not preclude existing development on and adjacent to the Project Site.

#### Parking, Loading, and Trash Collection

The existing hotel complex on the Project Site includes internal roadways, a pick-up / drop-off roundabout, and a three-level parking structure. The Project proposes an expansion of the existing parking structure, but as previously mentioned, this expansion will be inwards within the Project Site and will not expand the structure closer to the property lines or adjacent properties. Other than minor alignment and restriping modifications, the Project does not propose to modify the existing internal roadways, loading areas, and trash collection areas, which will all remain in their same respective locations throughout the Project Site. As a self-contained hotel complex, these uses will continue to serve the existing hotel as well as the new proposed hotel expansion and will not result in a new impact on adjacent properties.

#### Landscaping and Lighting

The Project would not be required to provide open space (as defined in the LAMC), as only commercial uses are proposed. However, the Project would include the development of multiple recreation and amenity spaces, including a fitness center, two pools, and a spa. In addition, the Project grounds will be extensively landscaped. The Project will create new landscaping along the southern and eastern boundaries where the new hotel building is proposed, which will serve to shield the Project Site from the freeway to the south. In addition, the Project will revitalize and enhance the existing landscaping on the Project grounds, such as along the existing internal roadways, along the pick-up / drop-off roundabout, and along the existing ancillary building. While the Project would result in the removal of 88 trees and 95 palm trees, all tree removal would be replaced in compliance with the requirements of the LAMC and the Conditions of Approval.

The Project would also create signage and lighting enhancements, especially at the entryways from Universal Hollywood Drive and along the internal roadways and pedestrian walkways. These improvements would both enhance the public realm with human-scale features and facilitate movement throughout the Project Site. Lighting has been conditioned to provide security while minimizing potential impacts, for instance by being installed with shielding to prevent light spillage. All signage shall be required to comply with LAMC requirements.

The Project, as an infill commercial project, would be compatible with existing and future development on adjacent and neighboring properties with regards to height, bulk, and setbacks, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements. Therefore, the arrangement of the development would be consistent and compatible with existing and future development on the subject property and adjacent properties.

### **13. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The Project does not include any residential uses. Nevertheless, the Project will provide a variety of recreational and service amenities, including multiple restaurants, outdoor pools, and indoor fitness center and spa, which will provide valuable amenities and services to visitors and workers alike.

## **Environmental Findings**

### **I. Introduction**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of Hilton Universal City Project (Project), located at 555 East Universal Hollywood Drive, Los Angeles, California 91608 (Site or Project Site). The Project would redevelop the approximately 7.26-acre Project Site currently occupied by a 24-story hotel with 495 guestrooms, ancillary amenities and a three level parking structure. New development would consist of the construction of an 18-story, approximately 295,688 square-foot hotel with 395 guestrooms, a 3,400 square foot meeting room, ancillary hotel amenities, and an expansion of the existing three-level parking structure (by restriping and reconfiguring the existing 652 spaces and provision of an additional 104 vehicle parking spaces), with the retention of the existing uses on site. In total, the Project would add approximately 299,088 square feet of additional floor area to the Project Site. Upon completion of the Project, the Project would result in a maximum of 890 guestrooms and 696,609 square feet of total floor area, with a floor-to-area ratio of 2.2:1 for the Project Site.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2017-5424-EIR/State Clearinghouse No. 2020100057). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final Environmental Impact Report for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR which was determined to be less than significant with mitigation or significant and unavoidable, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects—A description of the environmental effects identified in the EIR.
- Project Design Features—A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures—A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding—One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding—A summary of the rationale for the finding(s).
- Reference—A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].)

## II. Environmental Review Process.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles Department of City Planning (Lead Agency) in accordance with the requirements of CEQA (PRC Section 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the CEQA Guidelines.

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on October 6, 2020 and ending on November 4, 2020. The NOP also provided notice of a Public Scoping Meeting held on October 20, 2020. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various

public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2020100057), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 60-day public comment period beginning on November 16, 2023, and ending on January 15, 2024. A Notice of Availability (NOA) was distributed on November 16, 2023 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library and Studio City Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on November 16, 2023.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on November 16, 2023, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on June xx, 2024, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Chapter II, Responses to Comments, of the Final EIR. On June 28, 2024, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held by the Hearing Officer on behalf of the City Planning Commission on July 24, 2024.

**City Planning Commission.** The City Planning Commission took action on the Project on September 12, 2024

### III. Record of Proceedings.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;

- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061));
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- Studio City Branch Library, 12511 Moorpark Street, Studio City, CA 91604

#### IV. **Project Description.**

The Project proposes to expand the existing Hilton Universal City Hotel facilities located within the approximately 7.26-acre Project Site. The Project Site is currently developed with a 24-story hotel building containing 495 guestrooms (Existing Hotel Building), an attached ancillary hotel building providing meeting/banquet rooms and ancillary hotel uses (Existing Ancillary Hotel Building), a three-level parking garage, vehicular circulation facilities (i.e., internal driveway and service road), an outdoor pool area (Existing Outdoor Pool Area), and pedestrian walkways and landscaped areas in both the north and south plazas (Existing North Plaza and Existing South Plaza), which provide access and gathering space for the north and south entryways, respectively, on the main hotel entry level.

The Project would involve the construction of a new 18-story, approximately 295,688-square-foot hotel building (Hotel Expansion Building) with 395 guestrooms, a new lobby, three restaurants (including bars) and a bar and lounge space, a spa, a new outdoor pool area on the roof, and a new outdoor pool area on the Basement Level on the southern portion of the Project Site. A new, approximately 2,300-square-foot steel frame canopy with glass and steel design features would be constructed above the main entrance of the Hotel Expansion Building. An existing,

undeveloped, approximately 3,149 square-foot sub-basement in the southwest corner of the existing parking garage would be developed to house mechanical, engineering, and plumbing equipment for the Hotel Expansion Building. The Project would also expand the northern portion of the Existing Ancillary Hotel Building to include a one-story meeting room addition (Meeting Room Addition) of approximately 3,400 square feet, which would consist of four separate meeting rooms of less than 750 square feet each and a connecting hallway. The Project would include the horizontal and vertical expansion of the existing parking garage. In addition, the Project would include a revised surface parking program, new retaining walls along the eastern side of the Project Site, a new fenced area of approximately 2,000 square feet for electrical transformers and switchboards, and landscape and hardscape improvements throughout much of the Project Site. To accommodate the proposed development, the Existing Outdoor Pool Area on the southern portion of the Project Site would be demolished, and the Existing North and South Plazas would be reconfigured.

Overall, the Project would add approximately 299,088 square feet of additional floor area to the Project Site. The Project would provide at least 464 new vehicle parking spaces to accommodate additional employees, hotel guests, and restaurant/spa visitors. Upon completion of the Project, the Hilton Universal City Hotel, which includes existing uses to remain and all proposed Project features, would provide a maximum of 890 guestrooms and approximately 696,609 square feet of total floor area, resulting in a floor-to-area ratio of approximately 2.2:1 for the Project Site.

#### V. **No Impact or Less than Significant without Mitigation.**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and compliance with existing regulations) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

**Aesthetics:** As stated on pages 59 through 69 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not have a substantial adverse effect on a scenic vista, nor substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway, nor conflict with applicable zoning and other regulations governing scenic quality, nor create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, in part because: the Project Site is located within an urbanized area, is fully developed and does not contain natural scenic resources, such as outcroppings or native trees and vegetation; broad scenic vistas are currently not available across the Project Site from surrounding representative public view points; while the Hotel Expansion Building would be visible from Mulholland Drive, it would not block views of scenic vistas across the Project Site; the Hotel Expansion Building would also be lower in height than surrounding existing high-rise buildings in Universal City and would be consistent with the modern architectural character of existing development and, thus, would not comprise dominant or conflicting features that would substantially change the basic character of the view and the Project would not cause a substantial adverse effect on a scenic vista; the Project would not block scenic vistas or features, significantly change the character of the view, or have a substantial adverse effect on a scenic vista; the Project Site is not located adjacent to a State-designated scenic highway; the Project would not conflict with regulations and policies that govern scenic quality, including the Los Angeles Municipal Code (LAMC), the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Community Plan (Community Plan), including Chapter V, Urban Design, as well as the Urban Form and Neighborhood Design Chapter of the City's General Plan Framework Element (Framework

Element); lighting and signage would comply with the LAMC; and, the Project would not generate light or glare that would substantially adversely affect views in the area.

Furthermore, pursuant to PRC Section 21099(d)(1) and ZI No. 2452, impacts on scenic vistas from an employment center project, such as the Project, located within a Transportation Priority Area (TPA) shall not be considered significant impacts on the environment. As such, the Project's contribution to aesthetic impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to aesthetics would be less than significant.

**Agriculture and Forestry Resources:** As stated on pages 71 through 72 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not have an impact on agriculture or forestry resources, in part because: the Project Site is currently developed with buildings containing hotel-related uses and associated supporting infrastructure; no agricultural uses or related operations are present on the Project Site or in the surrounding urbanized area; the Project Site does not contain farmland, forest land, or timberland, and is not located on designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland); and neither the Project Site or nearby lands are enrolled under the Williamson Act. As such, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance to non-agricultural use, conflict with existing zoning for agricultural use, or a Williamson Act contract, conflict with existing zoning for, or cause rezoning of forest land, timberland or timberland zoned Timberland Production, result in the loss of forest land or conversion of forest land to non-forest use, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. As such, the Project would not contribute to cumulative impacts related to agriculture forestry resources. Therefore, the Project would have no Project-level or cumulative impacts on agricultural or forestry resources.

**Air Quality (Except Construction Impacts Related to NO<sub>x</sub> emissions):** As stated on pages IV.A-45 through IV.A-56 in Section IV.A, Air Quality, of the Draft EIR, and in Appendix B, Air Quality and Greenhouse Gas Technical Appendix, of the Draft EIR, Project construction and operation would result in increased air quality emissions. However, as to construction-related emissions, as shown in Table IV.A-5, Estimated Maximum Regional Construction Emissions (Pounds Per Day), the Project would not exceed the threshold of significance for Volatile Organic Compounds (VOC), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), Particulate Matter 10 microns (PM<sub>10</sub>) or Particulate Matter 2.5 microns (PM<sub>2.5</sub>), although it would exceed the threshold of significance for Nitrate Oxide (NO<sub>x</sub>). As to operation-related emissions, as shown in Table IV.A-6, Estimated Maximum Regional Operational Emissions For The Project (Pounds Per Day), operation-related emissions would not exceed any of the thresholds of significance. Therefore, as discussed therein, other than construction-related NO<sub>x</sub> emissions, the Project would not conflict with or obstruct the implementation of the Air Quality Management Plan (AQMP) (operation only) or the Air Quality Element of the General Plan (Air Quality Element) (construction and operation), in part because the Project construction and operation are consistent with the population and employment growth projections upon which the AQMP's forecasted emissions are based; construction and operation of the Project would comply with applicable required Southcoast Air Quality Management District (SCAQMD) fleet rules and control strategies to reduce on-road truck emissions and other applicable rules specified and incorporated in the 2016 AQMP; the Project's location, design, and land uses would be consistent with both the 2016 and 2022 AQMPs as well as both the 2016-2040 RTP/SCS and the 2020-2045 RTP/SCS that are intended to reduce vehicle miles traveled (VMT) and resulting regional mobile source emissions; the Project would support transportation control strategies related to reducing vehicle trips for patrons and employees by increasing hotel and restaurant density near public transit, and regional transportation facilities, including the Metro B Line (Red Line) Universal City/Studio City Station; the Project Site is located entirely within a TPA and High Quality Transit Area (HQTA); Project would achieve the United State Green Building Council Leadership in Energy and Environmental

Design (LEED) Gold Certification or equivalent, which includes improving building energy efficiency above regulatory requirements that would reduce emissions from area sources located on-site; the Project would support clean transportation technologies by providing a minimum of 8 percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles and by pre-wiring, or installing conduit and panel capacity for a minimum of 30 percent of the LAMC required electric vehicle parking spaces, with 10 percent of the required spaces further improved with electric vehicle charging stations; and, the Project is designed to be pedestrian-friendly and promote access from the nearby transit and commercial uses, which would encourage non-automotive transportation and reduce mobile source emissions. Therefore, Project operation would not conflict with or obstruct implementation of applicable air quality policies of the AQMP, SCAG's RTP/SCS, or the Air Quality Element, and impacts would be less than significant. (Nonetheless, in order to not conflict with applicable plans during construction, the Project would require mitigation measure to reduce NOx emissions as discussed below in Section VI, Less than Significant Impacts with Mitigation, of these Findings).

As stated on pages IV.A-57 through IV.A-58 in Section IV.A, Air Quality, of the Draft EIR, and in Appendix B, Air Quality and Greenhouse Gas Technical Appendix, of the Draft EIR, Project operation would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or State ambient air quality standard, in part because: the Project would comply with all applicable regulations related to operational emissions, including without limitation, SCAQMD Rule 1113 (Architectural Coatings), which limits the VOC content of architectural coatings; and, as shown in Table IV.A-6, Estimated Maximum Regional Operational Emissions For The Project (Pounds Per Day), the Project would not exceed the thresholds of significance for VOC, NOx, CO, SO2, PM10, and PM2.5. Therefore, the Project's operations impacts related to criteria pollutants would be less than significant.

As stated on pages IV.A-61 through IV.A-69, in Section IV.A, Air Quality, of the Draft EIR, and in Appendix B, Air Quality and Greenhouse Gas Technical Appendix, of the Draft EIR, Project construction and operation would not expose sensitive receptors to substantial pollutant concentrations, in part because: the closest air quality sensitive receptors are the single-family and multi-family residential uses located approximately 750 feet to the southwest of Project Site, which provides a substantial buffer distance for the atmospheric dispersion of emissions from the Project Site minimizing the concentrations at these sensitive receptor locations; there are no existing air quality-sensitive land uses adjacent or in the immediate vicinity of the Project Site as hotels are not considered sensitive receptors per the SCAQMD guidance; as shown Table in IV.A-6, Estimated Maximum Regional Operational Emissions For The Project (Pounds Per Day), and in Table IV.A-8, Estimated Maximum Localized Construction Emissions (Pounds Per Day), and in Table IV.A-9, Estimated Maximum Localized Operation Emissions (Pounds Per Day), emissions during construction and operation would not exceed the thresholds of significance for VOC, NOx, CO, SO2, PM10, and PM2.5; CO concentrations at Project-impacted intersections would be below the threshold of significance; given the temporary construction schedule of approximately 30 months, the Project would not result in a long-term exposure of toxic air contaminants (TACs); the Project would not include any truck stop or warehouse distribution uses, and, as such, operations would generate only minor amounts of diesel emissions from mobile sources, such as delivery trucks; the Project would comply with all applicable regulations including, without limitation, SCAQMD Rule 1138 (Control of Emissions from Restaurant Operations) and Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines); and, the Project's land uses would not include sources of substantial TAC emissions such as installation of industrial-sized paint booths, dry cleaning operations, and printing shops. As such, Project construction and operation would not expose sensitive receptors to cumulatively considerable increase in criteria pollutants, and impacts would be less than significant.

Additionally, as stated on pages IV.A-69 through IV.A-72 in Section IV.A, Air Quality, of the Draft EIR, cumulative air quality impacts are determined based on the same thresholds as project-level impacts. As such, as summarized above, and shown in Table IV.A-8, the Project would not result in an exceedance of localized significance thresholds during construction and, therefore cumulative impacts related to localized construction emissions would be less than significant. As further stated therein, and shown in Table IV.A-6 and Table IV.A-9, the Project would not result in an exceedance of regional or localized threshold of significance during operation, and, therefore, cumulative impacts related to operational emissions would be less than significant. With respect to air quality emissions related to odors, as stated on pages 73 through 74 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not have a significant impact related to odors, in part because: the Project includes new facilities and structures within the Project Site that would not introduce any major odor-producing uses that would have the potential to affect a substantial number of people which are typically associated with such uses as industrial, sewage treatment facilities, and landfills; activities and materials associated with Project construction would be typical of construction projects of similar type and size; on-site trash receptacles would be covered and properly maintained; and, odors associated with Project operation would be limited to those typical activities associated with on-site waste generation and disposal (e.g., trash cans, dumpsters) and occasional minor odors generated during food preparation activities. Thus, Project operation would not create substantial objectionable odors and the Project's contribution to cumulative impacts related to odors would not be cumulatively considerable. As such, Project-level and cumulative impacts related to odor emissions would be less than significant.

(For findings related to air quality impacts related to construction NO<sub>x</sub> emission, see Section VI, Less than Significant with Mitigation, of these Findings.)

**Biological Resources (Except Direct Construction Impacts to Special Status Bat Species):**

As discussed on pages IV.B-19 through IV.B-21, and IV.B-24 through IV.B-28 in Section IV.B, Biological Resources, of the Draft EIR, and in Appendix C, Biological Resources Documentation, of the Draft EIR, Project construction would not have an indirect impact on Candidate, Sensitive, or Special-Status Wildlife, nor conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, in part because: the indirect effects of the Project would be similar to those currently experienced from existing on-site conditions since the Project land uses would be similar to the existing land uses; invasive plant species are not included in the Project's landscape plan; lighting would be similar to existing conditions; noise from construction would be limited; while operational noise would be increased over existing conditions, noise levels would not exceed the daytime or nighttime thresholds of significance as shown in Table IV.I-13, Composite Noise Levels from Project Operations. Further, as stated on page IV.B-24, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, with the exception of special status bat species, in part because: Project operations would be similar in nature to existing conditions; on-site species are adapted to urban areas and would be expected to persist on-site following construction with the proposed landscaping; no fish habitat exists on the Project Site; the urban ornamental landscaped areas in the Project vicinity would provide alternative locations for nesting birds to nest; and, the Project would comply with all regulatory requirements regarding nesting birds and raptors. Additionally, as stated on pages IV.B-25 through IV.B-26; the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, in part because: the Project would not remove any trees that are listed as protected trees by the City's Tree Preservation Ordinance; Project landscaping would comply with all tree replacement requirements of the City; and, the landscaping plan requires a combination of native plants and plants adapted to the Southern California climate that have low to medium water demand. As to cumulative impacts, Chapter III, Environmental Setting, of the Draft EIR identified 15 projects within a 1.15-mile radius that have the potential to contribute to cumulative impacts (Related Projects). As stated on pages IV.B-26 through IV.B-27 in Section

IV.B, Biological Resources, of the Draft EIR, similar to the Project, each Related Project would be subject to CEQA analysis to identify any project-specific mitigation for biological resources and, except as to special status bat species, the Project's impacts to biological resources would be less than significant without mitigation. As such, the Project's contribution to cumulative impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts on biological resources, except special status bat species, would be less than significant.

As stated on pages 75 and 77 in Appendix A-2, Initial Study, of the Draft EIR, and on pages IV.B-22, IV.B-23 and IV.B-26 in Section IV.B, Biological Resources, of the Draft EIR, the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, nor on State or federally protected wetlands, nor conflict with a habitat conservation plan, in part because: the Project Site consists entirely of developed areas and/or ornamental landscaping; the Project Site does not contain any riparian habitat or other sensitive natural communities; the Project Site is not located in or adjacent to a Significant Ecological Area nor contain wetlands; and, the Project Site is not located within a habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. As such, the Project would not contribute to a cumulative impact. Therefore, the Project would not have a Project-level or cumulative impact on riparian habitats, sensitive natural communities, wetlands, or habitat conservation plans.

(For findings related to biological resources impacts related to special status bat species, see Section VI, Less than Significant with Mitigation, of these Findings.)

**Cultural Resources:** As stated on pages IV.C-32 through IV.C-38 in Section IV.C, Cultural Resources, of the Draft EIR, and Appendix D, Cultural Resources Assessment Report, of the Draft EIR, the Project would not cause a substantial adverse change in the significance of a historical or archaeological resource, in part because: there are no historical or known archaeological resources on the Project Site; of the six historical resources and one potential historical district within 0.25-mile radius of the Project Site, none would be impacted by the Project because of their distance from the Project Site and because of the prior disturbance of the setting through development of the surrounding areas and the Existing Hotel; no significant changes in views and/or effects on the setting, feeling, and association of these historical resources would result in a substantial material change to their integrity and significance such that their eligibility would be materially impaired; and, if there is an inadvertent discovery or an archaeological resource during construction, the City's standard condition of approval would require temporary halting of construction activities near the discovery of the archaeological resource so the find can be evaluated and the Project would comply with the recommendations of evaluating archaeologist, as well as all applicable regulations, to assure proper handling of the find. Additionally, as stated on pages IV.C-36 through IV.C-38, due to the distance of the Related Projects and different historical context of their settings, the Related Projects would not result in impacts to the historic resources identified in vicinity of the Project Site. As further stated therein, the Related Projects are also located in highly developed urban areas with sites that have been previously disturbed and they would also be required to comply with the City's standard condition of approval related to inadvertent finds, as well as all applicable regulations regarding archeological resources. Therefore, the potential of the Related Projects to encounter and cause, in conjunction with the Project, a significant cumulative impact on archaeological resources is limited. As such, the Project's contribution to a cumulative impact on historical and archaeological resources would not be cumulatively considerable. Therefore, Project-level and cumulative impacts on historical and archaeological resources would be less than significant.

As stated on pages 78 through 79 in Appendix A-2, Initial Study, of the Draft EIR and on pages IV.C-36 in Section IV.C, Cultural Resources, of the Draft EIR, and Appendix D, Cultural Resources Assessment Report, of the Draft EIR, the Project would not have a significant impact

on human remains, in part because: no human remains are known to exist within the Project Site; the Project would comply with applicable regulatory requirements in the event human remains are discovered; and, the soils within the Project Site (from the Upper Topanga Formation) are too old to preserve prehistoric archaeological resources, including human remains. As such, the Project's contribution to a cumulative impact related to human remains would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to humans remains would be less than significant.

**Energy:** As stated on pages IV.D-31 through IV.D-47 in Section IV.D, Energy, of the Draft EIR, and shown in the calculations contained in Appendix F, Energy Calculation Worksheets, of the Draft EIR, Project construction and operation would consume electricity, natural gas and transportation energy. However, the Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation or result in a conflict with or obstruct a State or local plan for renewable energy or energy efficiency, in part because; the Project's energy usage during peak and base periods would be consistent with electricity, natural gas, and transportation fuel future projections for the region; during operations, the Project would comply with and exceed existing minimum energy efficiency requirements such as the applicable Title 24 standards and CALGreen Code; the Project's energy demands would not significantly affect available energy, natural gas, and transportation fuels supplies as the Project's demands are within the forecasted supplies; the Project would include Project Design Features, such as GHG-PDF-1 (Green Building Features) which would incorporate energy efficiency features, solid waste reduction features, and optimization of building energy performance, which will minimize building energy demand and associated air pollutant emissions, WS-PDF-1 (Water Conservation Features) which would reduce water consumption, and TRAF-PDF-1 (Transportation Demand Management Program [TDM]) which would reduce Project VMT and thereby reduce operational transportation fuel consumption, that would ensure that the Project's energy use is not wasteful, inefficient or unnecessary; the Project's increase in density on an infill site within a TPA and HQT in proximity to transit, existing off-site retail, restaurant, entertainment, commercial, and job destinations, and its walkable environment would achieve a reduction in VMT; and, the Project would incorporate energy-conservation measures beyond regulatory requirements, such as meeting LEED Gold standards, installing water fixtures that exceed applicable standards, and implementing water-efficient landscaping techniques. Therefore, Project construction and operation would not cause wasteful, inefficient, and unnecessary consumption of energy Project or conflict or obstruct renewable energy or energy efficiency plans.

Additionally, as stated on pages IV.D-50 through IV.D-56, in Section IV.D, Energy, of the Draft EIR, and Appendix F, Energy Calculation Worksheets, of the Draft EIR, cumulative impacts would not be significant, in part because: the Los Angeles Department of Water and Power (LADWP) has issued a will-serve letter confirming that the Project is part of the total load growth forecast, has been taken into account in the planned growth of the City's power system, and would not adversely affect the LADWP electrical grid; the Project would account for approximately 0.001 percent of the forecasted consumption in SoCalGas' planning area which includes the Related Projects; the Project's transportation-related fuel usage would represent approximately 0.012 percent of the 2021 annual on-road gasoline-related energy consumption and 0.016 percent of the 2021 annual on-road diesel-related energy consumption in Los Angeles County; the Project would comply with applicable regulations related to conservation and efficient energy use and would incorporate additional energy efficiency measures outlined in its Project Design Features; and, the Related Projects would be required to adhere to any applicable energy conservation features, comply with applicable codes and regulations, including the applicable Title 24 standards, at the time of each project's application and incorporate mitigation measures to reduce electrical, natural gas and transportation fuel use, as necessary. As such, the Project's contribution to cumulative impacts related to energy would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to energy would be less than significant.

**Geology and Soils (Other than Construction Impacts to Paleontological Resources):** As stated on pages IV.E-21 through IV.E-33 in Section IV.E, Geology and Soils, of the Draft EIR, and Appendix E-1, Geotechnical Investigation, of the Draft EIR: the Project does not have an active fault underlying the Project Site nor is it within the Alquist-Priolo Earthquake Fault Zone; compliance with applicable regulatory requirements and incorporation of the recommendations of the Final Geotechnical Report required for the Project would reduce any potential damage resulting from strong seismic ground shaking or failure due to liquefaction; the Project Site's potential for lateral spread is remote due to the non-liquefiable characteristics of the underlying bedrock; the slope stability analysis done for the Project Site identified the slope to have a factor of safety greater than the minimum required for both static and pseudostatic conditions; compliance with applicable regulatory requirements for planned excavation and construction activities on-site would preclude geologic hazards associated with slope instability at the Project Site and would protect surrounding developments; the potential for water erosion would be reduced by the implementation of standard erosion control measures during site preparation and grading activities; no concerns regarding landslide potential exist; the Project Site is not located on a geologic unit that is unstable, or that would become unstable as a result of the Project, nor result in impacts associated with expansive soils, creating substantial direct or indirect risk to life or property; and, Project operation would have no impacts on paleontological resources because there would be no continuous significant groundbreaking or excavation activities during Project operation. Further, as stated on pages IV.E-32 through IV.E-33, as with the Project, the Related Projects would be subject to established guidelines and regulations pertaining to building design and seismic safety, including those set forth in the LAMC. Therefore, considering the Project's proposed land uses, as well as the existing regulatory requirements that would apply to all development, the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, Project-level and cumulative impacts regarding geology and soils, other than paleontological resources, would be less than significant.

(For findings related to construction impacts on paleontological resources, see Section VI, Less than Significant with Mitigation, of these Findings.)

**Greenhouse Gas Emissions:** As stated on pages IV.F-55 through IV.F-84 in Section IV.F, Greenhouse Gas Emissions, of the Draft EIR, and in Appendix B, Air Quality and Greenhouse Gas Technical Documentation, of the Draft EIR, the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of Greenhouse Gases (GHG), including 2022 Scoping Plan Update, the 2025–2045 RTP/SCS, the City's Green New Deal, and the City's Green Building Code, in part because: the Project would provide the type of development in a TPA/HQTA that is encouraged by these plans to reduce VMT and expand multi-modal transportation options in order for the region to achieve the GHG reductions goals; the Project is a hotel expansion project and represents an infill development at a location adjacent to major tourist and entertainment destinations such as Universal Studios Hollywood and Universal Citywalk, employment, restaurant and residential uses; the Project Site is located in an TPA and HQTA that is well served by public transit options; the Project would provide electric vehicle (EV) charging stations in both the underground and at-grade parking facilities for public visitors and install conduit and panel capacity to accommodate future electric vehicle charging stations for a minimum of 30 percent of the Code-required parking spaces and have 10 percent of the spaces with charging stations; the Project would designate a minimum of eight percent of on-site parking for carpool and/or alternative-fueled vehicles; the Project would implement Project Design Feature TRAF-PDF-1 (TDM) to reduce single-occupant vehicle trips and associated emissions and increase the trips arriving via alternative modes of transportation (e.g., walking, bicycle, carpool, vanpool, and transit); the Project would include 118 bicycle spaces and access to shower facilities for employees, which would facilitate a reduction in VMT and vehicle trips resulting in GHG emission reduction; the Project would include energy-saving measures, in part through implementation of Project Design Feature GHG-PDF-1 (Green Building Features); the Project's contribution to employment would be consistent with SCAG employment projections for the City;

the Project would implement WS-PDF-1 (Water Conservation Features) which would reduce operation GHG emissions; the Project would comply with Title 24 Standards and would implement measures to reduce overall energy usage compared to baseline conditions; and, the Project's strategies to reduce GHG emissions would reduce the Project's GHG emissions by 16.8 percent compared to the Project without implementation of GHG reduction characteristics, features, and measures. Therefore, the Project would not conflict with applicable regulations and policies and would comply with or exceed the regulations and reduction actions/strategies outlined in the 2022 Scoping Plan Update, the 2020-2045 RTP/SCS, the City's Green New Deal, and the City's Green Building Code. Accordingly, since the Project would not conflict with applicable plans, regulations or goals adopted for the purpose of reducing GHG emissions, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Thus, Project-level and cumulative impacts related to GHG emissions would be less than significant.

**Hazards and Hazardous Materials:** As stated on pages 86 through 92 in Appendix A-2, Initial Study, of the Draft EIR, and in the Phase I Environmental Site Assessment (ESA) included in Appendix B of the Initial Study, while Project construction would involve the temporary use of hazardous substances such as paint, adhesives, fuels, and oils, and Project operation would involve the storage of small quantities of potentially hazardous materials such as cleaning solvents and pesticides for landscaping, all materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Moreover, as explained in the Initial Study, the ESA determined that no significant impacts from a former dry cleaning operations would occur with respect to Project construction or operation; underground storage tanks at the Project were closed pursuant to applicable regulations; underground fuel pipes were sealed in place and should they need to be removed during Project construction, their handling, removal and disposal would occur in accordance with applicable regulatory requirements; and, no off-site conditions are known that could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. As further stated therein, the Project Site is not located within a methane hazard zone or methane buffer zone nor listed as a hazardous materials site, no oils wells are located on the Project Site, and nearby schools would not be significantly impacted because they are located at a sufficient distance (and with a barrier such as the Hollywood Freeway) from the Project Site; the Project would develop and implement Project Design Feature TRAF-PDF-2 (Construction Management Plan [CMP]), which includes designation of a haul route, to ensure that adequate emergency access is maintained during construction; emergency access to the Project Site and surrounding area would continue to be provided as under existing conditions; and, although the Project is located in a Very High Fire Hazard Severity Zone, the Project would be constructed primarily of concrete, steel, and glass, and would limit the use of flammable building materials that could create a substantial fire risk and would comply with all fire safety regulations and would include smoke/fire alarms, fully sprinklered indoor spaces, and irrigated landscaped areas, which would serve to reduce potential hazards related to structure fires. As such, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; nor emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; nor create a significant hazard to the public or the environment due to being on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; nor impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; nor expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. For these reasons, the Project's contribution to cumulative impacts related to hazards and hazardous materials would not be cumulatively

considerable. Therefore, Project-level and cumulative hazards and hazardous material impacts would be less than significant.

Additionally, as stated on page 90 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not result in a safety hazard or excessive noise for people residing or working in the project area because the Project Site is not within an airport land use plan, nor within two miles of a public airport or public use airport. As such, the Project would not contribute to a cumulative impact. Therefore, the Project would not have a Project-level or cumulative impact related to excessive noise resulting from an airport.

**Hydrology and Water Quality:** As stated on pages IV.G-28 through IV.G-41 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, and in Appendix G, Hydrology and Water Quality Report, of the Draft EIR, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, nor substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, or increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, nor create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, nor impede or redirect flood flows, in part because: any contaminated soils encountered as a result of former underground storage tanks on the Project Site would be below screening levels and would be removed from the Project Site and remediated at an approved disposal facility in accordance with applicable regulatory requirements; the Project would comply with all permitting requirements including the preparation and implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP) and use of Best Management Practices (BMPs); the Project would comply with applicable regulations that require measures, plans, and inspections to reduce sedimentation and erosion; the Project would comply with all applicable regulatory requirements for dewatering; the SWPPP will ensure that construction would not create or contribute runoff water which would exceed the capacity of existing stormwater drainage systems; operation of the Project would result in a net reduction of pollutants compared to existing conditions as the Project Site currently has no structural BMPs for treatment of stormwater runoff and the Project would implement capture and reuse for managing stormwater runoff in accordance with the City's Low Impact Development (LID) requirements; the Project's increase in stormwater runoff would be less than one percent; all hazardous materials used during construction and operation would be handled, stored, and disposed of in accordance with applicable regulations and manufacturers' recommendations; the Project would not impede or redirect flood flows as the Project Site is located outside of the 100- and 500-year floodplain and is currently developed with structures which do not allow the free flow of water from off-site sources across the Project Site; the Project Site's three drainage areas would largely remain the same under the Project with each drainage area having a dedicated stormwater system; and, the Project would implement a combination of pre-treatment and capture and reuse systems to collect and store stormwater runoff which would ensure runoff discharged from the Project Site would not exceed the capacity of the stormwater infrastructure. Therefore, the Project would not result in significant hydrology or water quality impacts. Moreover, as stated on pages IV.G-40 through IV.G-41, the Project would not conflict with, nor obstruct implementation, of a water quality control plan or sustainable groundwater management plan since the Project would implement an on-site drainage system that would meet regulatory requirements of the applicable plans for the protection of water resources, including installation of a capture and reuse system in compliance with the City's LID requirements. As such the Project's impacts related to hydrology and water quality would be less than significant.

Additionally, as stated on pages IV.G-42 through IV.G-44 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, and Appendix G, Hydrology and Water Quality Report, of the Draft EIR, the Related Projects are located within the highly urbanized area which include mostly hard-

surface project sites and the Related Projects would be required to comply with all applicable regulations during construction and operations including the LID requirements. Accordingly, the potential for the Related Projects to generate a substantial amount of new impermeable surfaces, and subsequently contribute to a substantial change in drainage patterns within the Los Angeles River Watershed, or impact the water quality is limited. As further indicated therein, while the Project would result in an increase in stormwater water flow, this increase would be less than one percent and the Project would not significantly alter or increase stormwater flows from the Project Site or alter drainage patterns in the area. As such, the Project's contribution to cumulative impacts would not be cumulatively considerable. Therefore cumulative impacts related to hydrology and water quality would be less than significant.

Further, as stated on pages 93 through 95 in Appendix A.2, Initial Study, of the Draft EIR, and pages IV.G-32 and IV.G-40 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge which could impede sustainable groundwater management of the basin, in part because: the Project does not propose groundwater withdrawal; while there is a potential for dewatering during construction, any dewatering would be limited in duration and all dewatering activities, including disposal of removed groundwater, would be subject to applicable dewatering requirements set forth by the Los Angeles Regional Water Quality Control Board (LARWQCB); the Project's proposed landscape improvements would not increase the amount of pervious surfaces or materially improve the groundwater recharge potential of the Project Site, and, therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. As such, the Project's contribution to a cumulative impact would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to ground water levels, recharge and management would be less than significant.

As further indicated therein, the Project would not release pollutants due to inundation from flood hazards, tsunami, or seiches, in part because: the Project Site is not located within a flood zone, including a federally designated 100-year flood zone nor a City-designated inundation hazard area; there are no levees or dams in the Project vicinity; the Project Site is approximately 12 miles inland from the Pacific Ocean and separated from the ocean by the Santa Monica Mountains; the Project Site is not located within a City-designated tsunami hazard area; and, the Project Site is located on a promontory and there are no bodies of water are located in close proximity. As such, the Project's contribution to a cumulative impact would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to the release of pollutants due to Project Site inundation from flood hazards, tsunami or seiches would be less than significant impact.

**Land Use and Planning:** As stated on page 96 in Appendix A-2, Initial Study, of the Draft EIR, and page IV.H-16 in Section IV.H, Land Use and Planning, of the Draft EIR, the Project would not physically divide an established community since the Project consists of infill hotel expansion development which is consistent with, and which would promote, the existing commercial character of the surrounding area. As such, the Project's contribution to a cumulative impact would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to land use and planning associated with dividing an established community would be less than significant.

As stated on pages IV.H-16 through IV.H-26, in Section IV.H, Land Use and Planning, of the Draft EIR, and in Appendix H, Land Use Plans and Policies: Project Consistency Tables, of the Draft EIR, with approval of the requested entitlements, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect since the Project would promote and not conflict with applicable provisions of the 2020-2045 RTP/SCS, the Framework Element, the Community Plan, the LAMC, and the Citywide Design Guidelines, in part because: the Project Site is located within a TPA and HQT

due to its location within 0.25 miles of the Metro B Line (Red Line) Universal City/Studio City Station; the Project would provide bicycle parking spaces and amenities and is within walking distance from Universal Studios, thereby facilitating multi-modal access to work, educational and other institutions and increasing pedestrian activity and connectivity in the existing area; the location of the Project within the TPA and HQTAs would contribute to the reduction in VMT and GHG emissions; the Project would protect water resources by incorporating a variety of water conservation features pertaining to water-efficient fixtures as set for in Project Design Feature WS-PDS-1 (Water Conservation Features); the Project would comply with the sustainability regulations guidelines and in the CALGreen, the City's Green Building Code, the LAMC, and the LEED Gold certification or equivalent standards; the Project would comply with recycling regulation including implementing a program for all disposable products from rooms including soap, shampoo, kitchen glass and plastic; the Project would retain surface water runoff in accordance with LID requirements; the Project would be consistent with Framework Element policies to promote an improved quality of life by facilitating a reduction of vehicle trips, VMT, and air pollution; the Project would continue the existing comprehensive security program, 24 hours per day/seven days per week, to ensure the safety of hotel guests and visitors; the Project would be consistent with the goals of the Community Plan to conserve and strengthen the Community's commercial sector, to enhance the visual character of the Project Site, to provide on-site open space and landscaping, and to increase use of public transit for work trips and non-work trips and to encourage alternative modes of transportation; and, the Project would replace and upgrade existing landscaping with a landscape palette consisting of plants adapted to the Southern California climate that have low to medium water demand. Additionally, as discussed in Section IV.A, Air Quality, of the Draft EIR, Section IV.F, Greenhouse Gas Emissions, and Section IV.K, Transportation of the Draft EIR, the Project would not conflict with applicable air quality or transportation plans for the reasons set forth therein and summarized these Findings. As such, the Project would not conflict with or impede the plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, Project impacts related to conflicts with applicable land use plans, policies and regulations would be less than significant. Additionally, as stated on pages IV.H-25 through IV.H-26 in Section IV.H, Land Use and Planning of the Draft EIR, the Project, together with the Related Projects, would provide a range of uses, including residential, studio, office, entertainment, hotel, retail, restaurant, and car wash uses. The variety of uses and densities reflected in the Related Projects would be consistent with the general intent of the applicable policies and objectives of the 2020-2045 RTP/SCS, the Framework Element, and the Community Plan as the Related Projects are in-fill in nature and, while increasing density in the area, would not alter the basic land use patterns and would contribute to the diversity of uses, as well as providing needed housing. Similar to the Project, the Related Projects are subject to CEQA review and compliance with all applicable regulations. As such, the Project's contribution to a cumulative impacts related to land use and planning would not be cumulatively considerable. Therefore, the Project's cumulative impacts related to land use and planning would be less than significant.

**Mineral Resources:** As stated on page 99 in Appendix A-2, Initial Study, of the Draft EIR, the Project would have not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State nor result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, in part because: the Project Site does not contain mineral extraction uses; the Project Site is not classified by the City as containing significant mineral deposits; the Project Site is not designated as an existing mineral resource extraction area by the California Geological Survey; and, the Project Site is designated for Regional Center Commercial and not designated or zoned for mineral extraction uses. Therefore, Project implementation would not result in the loss of availability of a locally important mineral resource or resource recovery site delineated on a local general plan, specific plan, or other land use plan. As such, the Project would not contribute to cumulative impact and there would be no Project-level or cumulative impacts related to mineral resources.

**Noise (R2; Project-level off-site construction noise; operation noise; vibrations):** As stated on pages IV.I-34 through IV.I-71 in Section IV.I, Noise, of the Draft EIR and in Appendix I, Noise and Vibration Technical Appendix, of the Draft EIR, Project construction and operation would generate noise and vibrations that could exceed thresholds for noise and vibration impacts. Specifically, as stated on pages IV.I-34 through IV.I-40, Project construction would require the use of heavy equipment during demolition, site preparation, grading/excavation, drainage/utilities/trenching, foundation concrete pour, building construction, architectural coating, and paving stages at the Project Site. Noise from these construction activities would be reduced through implementation of Project Design Feature NOI-PDF-1 (Construction Equipment Maintenance) and NOI-PDF-3 (Impact Drivers Prohibited) and compliance with the applicable LAMC provisions regarding noise emissions. As further stated therein, and shown in Table IV.I-8, Estimate of Construction Noise Levels (Leq) at Sensitive Receptors, noise levels from on-site construction at the South Weddington Park and the residential uses approximately 1,550 feet northwest of the Project Site (R2) would not exceed the threshold of significance of 5 dBA (A-weighted decibels) above ambient noise levels due to its distance from the Project Site, and as shown in Table IV.I-9, Off-Site Construction Traffic Noise Impacts – Existing Plus Construction, off-site construction noise would not exceed the thresholds of significance of 5 dBA above ambient levels at any location. Further, as stated on pages IV.I-41 through IV.I-53, while Project operation would generate noise from on-site activities, off-site traffic and composite noise, on-site and off-site noise from operation of the Project would not exceed the threshold of significance at any of the sensitive receptors. Additionally, as stated on pages IV.I-58 through IV.I-64, groundborne vibrations from on- and off-site Project construction and operation activities would not exceed the thresholds of significance for structural damage or human annoyance. Therefore, Project construction on-site noise impacts would be less than significant on sensitive receptor R2; Project construction off-site noise would be less than significant on all sensitive receptors; Project on- and off-site operation noise impacts would be less than significant on all sensitive receptors; and, Project on- and off-site construction and operation impacts associate with structural damage and human annoyance from groundborne vibrations would be less than significant.

As stated on page IV.I-66 through IV.I-69 in Section IV.I, Noise, of the Draft EIR, with respect to on-site noise sources and off-site operational noise and vibration impacts, the Project's contribution would not be considerable, in part because: similar to the Project, Related Project No. 1, the NBC Universal Evolution Plan, which is the closest to the Project Site, and sensitive receptor location R1 would be required to comply with applicable LAMC noise regulations; on-site noise generated by Related Project No. 1 would be sufficiently low and sufficiently distant from the Project Site and R1 that it would not result in an additive increase to Project-related noise levels, resulting in cumulative noise impacts; as shown in Table IV.I-18, Off-Site Traffic Noise Impacts – Future (2027), the maximum cumulative noise increase where there are sensitive receptors from the Project plus Related Project traffic and ambient background growth would be 3.1 dBA, along Universal Hollywood Drive, south of the Project driveway which is below the 5 dBA threshold of significance; the portion of Related Project No. 1 that is adjacent to both the Project Site and the Sheraton Hotel property consists of a landscaped slope south of Universal Hollywood Drive, which should it be developed, is sufficiently distant that construction vibrations would not exceed structural damage or human annoyance thresholds while other areas of Related Project No.1's potential development area are at even greater distances; due to the rapid attenuation characteristics of groundborne vibration and distance from each of the Related Projects to the Project Site, there is no potential for cumulative operational impacts related to structural damage or human annoyance as a result of groundborne vibration. Therefore, the Project's cumulative noise and vibration impacts related to construction and operation, other than on-site noise to R1, R3, R4, and R5 and off-site construction noise, would be less than significant.

As stated on pages 100 through 101 in Appendix A-2, Initial Study of the Draft EIR, and page IV.64 in Section IV.I, Noise, of the Draft EIR, the Project Site is not located within an airport land

use plan, within two miles of a public use airport, or within the vicinity of a private airstrip. Therefore, the Project would not expose people residing or working in the Project vicinity to excessive noise levels from an airport use nor contribute to cumulative impact and, therefore, there would be no Project-level or cumulative impacts related to exposure to excessive noise levels from an airport use.

Additionally, as explained on page IV.I-20 in Section IV.I, Noise, of the Draft EIR, the Draft EIR also provides analysis of noise and vibration levels at the Existing Hotel Building (R6). However, as explained therein, R6 is not considered a sensitive receptor because it is located on the Project Site and is a part of the Project (e.g., the Project proposes improvements to the existing uses on the Project Site). Nonetheless, since the Existing Hotel would remain operational during construction and operation, information regarding noise and vibrations at R6 is included for informational purposes only since it is not subject to CEQA analysis.

(For findings related to on- and off-site construction noise at the lower levels of R1 [levels 1 through 5], R3, R4, and R5, see Section VI, Less than Significant with Mitigation, of these Findings. For findings related to on-site construction noise at the upper levels of R1 [levels 6 through 17] and cumulative on- and off-site construction noise at R1, see Section VII, Significant and Unavoidable Impacts, of these Findings.)

**Population and Housing:** As stated on pages 100 through 102 in Appendix A-2, Initial Study, of the Draft EIR, while the Project would create new construction and operation employment opportunities, the Project would not induce substantial direct or indirect unplanned population growth in an area, either directly or indirectly, in part because: construction workers would remain at a job site for only the timeframe in which their specific skills are needed to complete a particular phase of the construction process, which would occur over an approximate two-year timeframe, and, therefore, they are unlikely to relocate their households as a result of their employment; based on SCAG's 2016-2040 RTP/SCS, any employment growth from the Project's 220 new employment opportunities during operation would be less than one percent (approximately 0.3 percent) of future projected employment growth for the City; most of the expected employees would be drawn from the existing labor force in the region and would not need to relocate to the Project area; even if all the new employees were to relocate to the area, indirect population growth resulting from the Project's 220 new employment opportunities, would be less than one percent of future projected growth for the City; and, the Project would not include the construction of new homes that could directly induce population growth or require the extension of public roadways or other infrastructure into undeveloped areas that could indirectly induce population growth. As such, the Project's contribution to a cumulative impact related to inducing population or housing growth would not be considerable. Therefore, Project-level and cumulative impacts related to induced growth would be less than significant.

Additionally, as stated on page 102 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, since there are no dwelling units located on the Project Site and, therefore, neither housing nor people would be displaced by the Project. As such, the Project would not contribute to a cumulative impact related to displacing people or housing. Therefore, there would be no Project-level or cumulative impacts related to the displacement of existing people or housing.

**Public Services - Fire Protection:** As stated on pages IV.J.1-20 through IV.J-24 in Section IV.J.1, Public Services – Fire Protection, of the Draft EIR, Project construction could cause the need for increased Los Angeles Fire Department (LAFD) protection services due to construction activities including, but not limited to, equipment sparking, exposed electrical lines, welding activities, and chemical reactions in combustible materials and coatings. However, this potential increase would be reduced as a result of the Project's: compliance with the Occupational Safety

and Health Administration (OSHA) and applicable City Building and Fire Code requirements; compliance with applicable regulations related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials; training of construction personnel in fire prevention and emergency response; and maintenance of on-site fire suppression equipment. Additionally, while Project construction activities could also potentially affect emergency response times and emergency access to the Project Site, the Project would be implement Project Design Feature TRAF-PDF-2 (CMP), which would minimize disruptions to traffic flow and maintain emergency vehicle access to the Project Site and neighboring land uses. As further discussed therein, regarding Project operations, the Project's increased occupation and activity at the Project Site have the potential to increase the need for fire protection services. However, as shown in Appendix M, Utility Infrastructure Technical Report: Water, of the Draft EIR, LADWP confirmed that there is adequate fire flow pressure for the Project from the existing infrastructure; the Project would comply with applicable regulatory requirements of City's Fire Code, and development plans would be subject to review and approval by the LAFD; the Project would install a fire sprinkler system; LAFD would conduct an inspection prior to occupancy to ensure that the Project's fire/life safety requirements are satisfied, including those set for in Appendix J, Public Service Correspondence, of the Draft EIR; and, the Project would maintain emergency access at all times, including through the Project's new service road. As such, Project construction and operation would not result in substantial adverse physical impacts associated with the provision of new or physically altered facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and Project impacts would be less than significant.

Furthermore, as stated on pages IV.J.1-25 through IV.J.28, in Section IV.J, Public Services – Fire Protection, of the Draft EIR, while the Project and the Related Projects would result in increased demand on the LAFD, the Project's compliance with all applicable regulations and fire/safety requirements would ensure that the Project's contribution to a cumulative impact regarding fire protection services would not be cumulatively considerable. Additionally, the Related Project's would also be required to comply with all applicable regulations and requirements related to fire/safety and emergency access. Moreover, consistent with *City of Hayward v. Board Trustees of California State University* (2015) 242 Cal.App.4th 833 ruling and the requirements stated in the California Constitution Article XIII, Section 35(a)(2), the obligation to provide adequate fire protection service is the responsibility of the City. At this time, LAFD has not identified that it will be constructing a new station in the area impacted by the Project either because of the Project or the Project and the other projects in the service area. If LAFD determines that new facilities are necessary at some point in the future, such facilities (1) would occur where allowed under the designated land use, (2) would be expected to be located on parcels that are infill opportunities on lots that are typically between approximately 0.5 to 2 acres in size (such as the five stations identified in the Draft EIR as serving the Project Site), and (3) would likely qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332 or Mitigated Negative Declaration and would not be expected to result in significant impacts. Further analysis, including a specific location for a new fire station or expansion or alteration of the existing fire stations which would service the Project Site and the Related Projects' sites, would be speculative. As such, the Project's contribution to cumulative impacts associated with the provision of new or physically altered fire facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection would not be cumulatively considerable, and cumulative impacts would be less than significant.

**Public Services - Police Protection:** As stated on pages IV.J.2-14 through IV.J.2-19 in Section IV.J.2, Public Services – Police Protection, of the Draft EIR, Project construction can result in demand for Los Angeles Police Department (LAPD) services, particularly for theft or vandalism. However, construction of the Project would not generate a demand for additional police protection

services that could exceed the LAPD's capacity, in part because the Project would: implement Project Design Feature POL-PDF-1 (Construction Security Features); provide adequate security lighting; and, maintain emergency access. As further stated therein, while the Project would increase the activity and occupancy at the Project Site during operation, the Project would not generate a significant demand for additional police protection services that could exceed the LAPD's capacity, in part because: the Project would implement Project Design Feature POL-PDF-2 (Operation Security Features); the Project does not propose any residential uses; existing security measures provided at the Project Site would be maintained, including, but not limited to full time 24-hour security staff, well-lit public and semi-public spaces, comprehensive coverage and monitoring of key areas through closed circuit television (CCTV), restricted access to non-public areas, alarm systems, and electronic parking garage gate access gate which is monitored by CCTV. As such, Project construction and operation would not result in substantial adverse physical impacts associated with the provision of a new or physically altered police facility, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection and impacts would be less than significant.

Furthermore, as stated on pages IV.J.2-19 through IV.J.2-22, in Section IV.J.2, Public Services – Police Protection, of the Draft EIR, while the Project and the Related Projects would result in increased demand on the LAPD, similar to the Project, each related project would be required to implement a construction management plan to ensure that adequate emergency access to the property and neighboring properties is maintained as well as to implement similar security measures as under the Project to limit access to construction areas, and provide operational security measures pursuant as required on a case-by-case evaluation. Additionally, the Project and the Related Projects would contribute revenue to the City's General Fund which could fund LAPD expenditures as necessary to offset the cumulative incremental impact on police services. Through this process, LAPD would be able to provide adequate facilities to accommodate future growth and maintain acceptable levels of service. Additional increased demands for LAPD staffing, equipment, and facilities would be funded via existing mechanisms (e.g., property taxes and government funding), to which both the Project and related projects would contribute. Moreover, the Related Project's would also be required to comply with all applicable regulations and requirements related to fire/safety and emergency access. Also, consistent with City of Hayward v. Board Trustees of California State University (2015) 242 Cal.App.4th 833 ruling and the requirements stated in the California Constitution Article XIII, Section 35(a)(2), the obligation to provide adequate police protection service is the responsibility of the City. At this time, LAPD has not identified that it will be constructing a new station in the area impacted by this Project either because of the Project or the Project and other projects in the service area. If LAPD determines that new facilities are necessary at some point in the future, such facilities (1) would occur where allowed under the designated land use, (2) would be expected to be located on parcels that are infill opportunities on lots that are typically between approximately 0.5 to 1 acres in size, and (3) would likely qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332 or Mitigated Negative Declaration and would not be expected to result in significant impacts. Further analysis, including a specific location for a new police station or expansion or alteration of the existing police stations which would service the Project Site and the Related Projects' sites, would be speculative. As such, the Project's contribution to cumulative impacts associated with the provision of new or physically altered police facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection would not be cumulatively considerable, and cumulative impacts would be less than significant.

**Public Services - Schools:** As stated on pages 104 through 105 in Appendix A.2, Initial Study, of the Draft EIR, while there are no existing or proposed residential uses on the Project Site that would result in direct student enrollment, the Project would result in 220 new employees, which could indirectly result in approximately 50 new students within the Los Angeles Unified School

District (LAUSD), which would be dispersed throughout LAUSD elementary, middle and high schools. Due to this small increase in student population, the Project would not result in an exceedance of capacity at nearby schools to the extent that the provision of new or physically altered school facilities would be required, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Nonetheless, to the extent that on-site development increases demand at LAUSD schools, State laws, including Government Code Section 65995 and Education Code Section 17620, require the payment of fees at a specified rate for the funding of improvements and expansion to school facilities. Payment of the fees is deemed to provide full and complete mitigation for impacts to school facilities. As such, the Project's contribution to school related impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts associated with the provision of new or physically altered school facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios or other performance objectives for school services would not be cumulatively considerable, and cumulative impacts would be less than significant.

**Public Service - Parks:** As described on pages 105 through 106 in Appendix A-2, Initial Study, of the Draft EIR, the Project Site is in proximity to Griffith Park, which is a regional park, and within two miles of 16 other parks, as well as within two miles of several overlooks including several designated scenic overlooks. However, the Project would not develop any residential uses, which typically generate the greatest demand for parks and recreational services. While the Project would generate additional hotel guests, visitors, and employees that might utilize nearby parks, any increase in the use of public park and recreation facilities would not be substantial because hotel guests would likely prefer the use of the private amenities provided by the Hilton Universal City Hotel, including a spa, two pool areas, fitness room, and a landscaped multi-use open space area, and the Project's 220 new employees would tend to utilize facilities near their residences since they typically do not have long breaks. Further, as under existing conditions, many guests stay at the hotel specifically to visit Universal Studios Hollywood and Universal CityWalk and would not visit local parks, which would further reduce the demand for parks and recreational facilities. Thus, the Project would not likely result in any measurable demand for parks and recreational services, and therefore, would not create the need for new or altered parks and recreational facilities and the Project's contribution to cumulative impacts related to parks would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to parks would be less than significant.

**Other Public Facilities:** As described on pages 106 through 107 in Appendix A-2, Initial Study, of the Draft EIR, the Project does not include residential uses and, as such would not significantly increase demand for library services and facilities. Employees are likely to continue to use the libraries near their place of residents and employees that would relocate their place of residence to the Project vicinity would be expected to move into existing housing which is already accounted for in library facility demand projections. As further indicated therein, existing roads would continue to be utilized by Project guests, visitors, and employees. While the Project would result in an increase in the number of vehicle trips, the additional vehicle trips on local roadways would not include the long-term use of significant numbers of regular heavy-duty truck/vehicle trips that would necessitate the upkeep of roadway facilities beyond typical City standards. As such, the Project's contribution to cumulative impacts related to libraries and roads would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to the need for new or physically altered libraries or roads would be less than significant.

**Recreation:** As stated on pages 107 through 108 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, in part because: the Project would not develop any residential uses; any increase in the use of public park and recreation facilities would not be substantial because hotel guests

would likely prefer the use of the private amenities provided by the Hilton Universal City Hotel, including a spa, two pool areas, fitness room, and a landscaped multi-use open space area; and, as under existing conditions, many guests stay at the Hotel specifically to visit Universal Studios Hollywood and Universal CityWalk and would not visit existing neighborhood and regional parks of other recreational facility; and, the impacts of the Project, which includes the recreational amenities, has been fully analyzed in the Draft EIR. As such, the Project's contribution to a cumulative impact to recreation facilities would not be cumulatively considerable. Therefore, as the Project is not anticipated to increase the use of nearby parks and recreational facilities such that substantial physical deterioration of these facilities would occur or be accelerated, Project-level and cumulative impacts related to recreational facilities would be less than significant.

**Transportation:** As stated on pages IV.K-30 through IV.K-39 in Section IV.K, Transportation, of the Draft EIR, as revised on pages 3-18 through 3-21 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and in Appendices K-1, Transportation Assessment, K-2, Los Angeles Department of Transportation (LADOT) Assessment Letter, of the Draft EIR, K-3, Transportation Assessment Addendum, of the Draft EIR, as revised on pages 3-30 through 3-31 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and K-4, LADOT Addendum Assessment Letter, of the Draft EIR, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, in part because: as summarized in Table IV.K-3 Consistency Of The Project With Applicable Policies And Programs Of Mobility Plan 2035 and Table IV.K-4, Consistency of the Project With Applicable Policies and Programs of the Community Plan, of the Draft EIR, the Project is an infill development within a TPA, in close proximity to public transit, employment, entertainment and restaurant uses and within walking distance to public transit routes; the Project would implement Project Design Feature, TRAF-PDF-1 (TDM); the Project would include EV charging stations and conduit for future installation of addition EV charging stations, bicycle parking and amenities; the Project would not alter adjacent streets or the right-of-way, pedestrian infrastructure, or ADA infrastructure, in a manner that would preclude, or conflict with, future changes by the City; all loading activities would continue to occur off-street and internal to the Project Site; the Project Site would continue to provide vehicle parking spaces in accordance with the LAMC and provide bicycle parking spaces in excess of the LAMC-required number of short-term and long-term bicycle parking spaces; and, the Project would minimize interference with pedestrian access and vehicular movement. As further stated therein, the Project would not conflict with the LADOT Manual of Policies and Procedures (MPP), Vision Zero, Plan for a Healthy Los Angeles, Citywide Design Guidelines, Mobility Hub Guide, and the Walkability Checklist, in part because, in addition to the features listed above: Project driveways would not adversely affect traffic at the nearby intersections; the roadways within the immediate area of the Project are not within a High Injury Network; the Project would continue to provide pedestrian access between the Project Site and the nearby Universal Studios Hollywood and Universal CityWalk attractions; the Project would not add additional curb cuts along the public right-of-way in order to provide a continuous walkway that ensures a safe pedestrian connection between the Project Site and the nearby attractions; and, loading activities associated with service and delivery operations, trash collection, and waste management for the Project would occur within the Existing Ancillary Hotel Building and away from on-site pedestrian and vehicular circulation. As such, the Project would not conflict with the applicable provisions of the Transportation Element of the General Plan (Mobility Plan 2035), the Community Plan, LADOT MPP, Vision Zero, Plan for a Healthy Los Angeles, Citywide Design Guidelines, Mobility Hub Guide, and the Walkability Checklist, and impacts would be less than significant. Additionally, as stated on pages IV.K-30 through IV.K-42 in Section IV.K, Transportation, of the Draft EIR and Appendix K, of the Draft EIR, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), in part because: the Project would generate 8.8 daily work VMT per employee, which is below the threshold of significance for the South Valley Area Planning Commission (APC) of 11.6 daily work VMT per employee and would not contribute to

significant visitor/guest trips due to the Project's proximity to Universal Studios and Universal CityWalk.

As stated on page 109 in Appendix A-2, Initial Study, of the Draft EIR, and on pages IV.K-40 through IV.K-42 in Section IV.K, Transportation, of the Draft EIR, the Project would not substantially increase geometric hazards due to a design feature or incompatible uses nor result in inadequate emergency access, in part because: the roadways adjacent to the Project Site are part of an established urban roadway network and contain no sharp curves or dangerous intersections; although the Project would increase the number of vehicle trips to and from the Project Site, the Project would not include new access driveways or stairways with the potential for substantial pedestrian/vehicle conflicts; as described in the Transportation Addendum contained in Appendix K-3 of the Draft EIR, the additional traffic associated with the Project at the US-101 Freeway Southbound Off-Ramp right-turn approach can be accommodated by the existing off-ramp and the vehicle queue would not extend onto the mainline; Project construction would not significantly impact emergency access with implementation of Project Design Feature TRAF-PDF-2 (CMP); and, the Project would maintain emergency access throughout Project operation including through the improved service road. As such, Project impacts related to transportation would be less than significant.

Moreover, as stated on pages IV.K-42 through IV.K-44, of the Draft EIR, and Appendix K, of the Draft EIR, similar to the Project, each Related Project would be subject to determination of their consistency with applicable transportation programs, plans, policies and would be required to determine whether they would create a hazard or impede emergency access. Additionally, the Related Project would add development and density in TPA and HQTAs with robust transit accessibility and high levels of pedestrian activity. As further indicated therein, since the Project's daily work VMT per employee would be below the City's efficiency-based impact threshold, the Project's contribution to cumulative transportation VMT impacts would not be considerable. As such, the Project's contribution to a cumulative impact related to transportation would not be cumulatively considerable, and, therefore, cumulative impacts would be less than significant.

**Tribal Cultural Resources:** As stated on pages IV.L-10 through IV.L-12 in Section IV.K, Tribal Cultural Resources, of the Draft EIR, as revised on pages 3-21 through 3-25 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and Appendix L, Tribal Cultural Resources Technical Report, of the Draft EIR, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, in part, because there are no known tribal cultural resources within the Project Site and the Project Site has been previously disturbed for construction of the existing facilities. Nonetheless, as an additional protection, the Project would implement Project Design Feature TCR-PDF-1 which, while consistent with the City's standard condition of approval for inadvertent finds, incorporates elements of the requested measures proposed by the Kizh Nation, including, in part, retention of a tribal monitor, procedures for on-site monitoring, identifying, handling and disposition of any tribal cultural resources including human remains and funerary items which are encountered; training of construction workers; and, authority by the tribal monitor to halt construction in the event of discovery until the proper identification and disposition is determined. Moreover, as discussed on page IV.K-12, as revised on page 3-25 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, similar to the Project, the Related Projects would be required to comply with mandatory consultation requirements and either develop appropriate monitoring measures or be subject to the City's standard condition of approval for inadvertent discovery of a tribal cultural resource. Furthermore, because the Project would result in less than significant impacts to tribal cultural resources since no known tribal cultural resources are located within the Project Site, and adherence to Project Design Feature TCR-PDF-1, which is consistent with the City's standard condition of approval, would further ensure potential impacts to unknown resources, if any are encountered, would be less than significant, the Project's contribution to cumulative impacts

would not be cumulatively considerable. As such, Project-level and cumulative impacts related to Tribal cultural resources would be less than significant.

**Utilities and Service Systems – Water Infrastructure and Supply:** As stated on pages IV.M.1-26 through IV.M.1-30 in Section IV.M.1, Utilities and Services Systems – Water, Wastewater and Energy, of the Draft EIR, and Appendix M-1, Utilities Infrastructure Technical Report: Water, of the Draft EIR, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction of which would cause significant environmental effects and the City has sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years, in part because: construction activities would result in a temporary and intermittent demand that can be accommodated by existing infrastructure and supply; construction impacts associated with the water distribution would primarily involve trenching in order to place the water distribution lines below the surface and would be limited to on-site water distribution and minor off-site work associated with connections from the Project buildings to the public mains; with regard to water flow during Project operation, the existing infrastructure has sufficient flow to meet the demand for the existing six fire hydrants and the Project's fire sprinkler system; with implementation of Project Design Feature WS-PDF-1 (Water Conservation Features), as revised on page 3-26 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the Project's net additional water demand for the Project Site would be less than the demand estimated in the LADWP approved Water Supply Assessment (WSA); the approved WSA demonstrates that the existing public water distribution infrastructure has sufficient capacity to serve the Project; and, new service connections required by the Project would be subject to LADWP's review and approval of final design. As such, LADWP has determined that there is sufficient infrastructure and supply to serve the Project and reasonably foreseeable future development during normal, dry, and multiple-dry years, and impacts on water infrastructure and supply during would be less than significant.

Moreover, as stated on pages IV.M.1-31 to IV.M.1-34 in Section IV.M.1, Utilities and Service Systems: Water, Wastewater and Energy, of the Draft EIR, the Project's contribution to cumulative impacts related to water supply and infrastructure would not be cumulatively considerable, in part because: compliance by the Project and the Related Projects with regulatory requirements that promote water conservation, such as the CALGreen Code, City's Green Building Code, and the LAMC, would ensure that cumulative water demands are reduced compared to what could occur without such measures; the approved WSA for the Project identifies long-term water conservation strategies; similar to the Project, for each Related Project, LADWP would be required to determine whether or not it could provide a highly reliable water supply to its customers; each Related Project would be subject to City review to assure that the existing public utility facilities would be adequate to meet the domestic and fire water demands of each project; and, LADWP, together with the City's Department of Public Works, conducts ongoing evaluations to ensure facilities are adequate and requires infrastructure system improvements as needed. As such, the Project's contribution to impacts related to water infrastructure and supply would not be cumulatively considerable. Therefore, the Project's cumulative impacts on water infrastructure and supply would be less than significant.

**Utilities and Service Systems - Wastewater:** As stated on pages IV.M.2-11 through IV.M.2-16 in Section IV.M.2, Utilities and Service Systems – Wastewater, of the Draft EIR, and in Appendix M-1, Utility Infrastructure Technical Report: Water, Wastewater, and Energy, of the Draft EIR, the Project would not result in the relocation or construction of new or expanded wastewater facilities, the construction of which would cause significant environmental effects, in part because: the Project Site is currently developed and served by the existing wastewater infrastructure; removal of some existing uses during construction would temporarily reduce wastewater generation; temporary facilities, such as portable toilets and hand wash areas, would be provided for the construction workers; the Project would include all necessary on- and off-site sewer pipe

improvements and connections to adequately connect to the City's existing sewer system; the Project would implement Project Design Feature TRAF-PDF-2 (CMP) to maintain emergency access during all stages of construction including wherever construction of wastewater lines would impede such access; during operation, the Project's wastewater would be treated at Hyperion Water Reclamation Plant (HWRP); the Project's estimated wastewater generation is equal to less than 0.04 percent of the HWRP total capacity; and, the existing sewer infrastructure has sufficient capacity to handle the Project's sewer generation. As further discussed therein, and in the Request of Wastewater Services Information (WWSI) contained in Exhibit 4 of Appendix M-1, the City has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments, in part because: the Project would obtain approval from the Los Angeles Bureau of Sanitation (LASAN) to discharge the Project's proposed wastewater flows to the existing sewer systems and would comply with relevant design requirements, and applicable plumbing and sanitation requirements; pursuant to Project Design Feature WS-PDF-1 (Water Conservation Features), the Project includes water conservation measures that would reduce wastewater generation including flow rate limits on plumbing features, specifications on landscaping and irrigation, and leak detection and filters for the pools; and, pursuant to the WWSI, the wastewater treatment provider for the Project has confirmed that it has adequate capacity to serve the Project's projected demand in addition to their existing commitments. Therefore, the Project's construction and operation impacts related to wastewater would be less than significant. Additionally, as stated on pages IV.M.2-16 through IV.M.2-20 in Section IV.M.2, Utilities and Service Systems – Wastewater, of the Draft EIR, and in Appendix M-1, the Wastewater Report, of the Draft EIR, cumulative impacts would be less than significant, in part because: as shown on Table IV.M.2-5, Estimated Existing Sewer Capacity Analysis (Project plus NBC Universal Evolution Plan [Related Project No. 1]), assuming a full NBC Universal Evolution Plan buildout, the Project does not trigger a need for sewer replacement or relief; and, as shown in Table IV.M.2-6, Estimated Cumulative Wastewater Generation for Related Projects 2 Through 15, the Project's combined with the Related Projects' wastewater generation would only represent approximately 0.36 percent of the Hyperion Service Area's design capacity and therefore could be accommodated by the HWRP. As such, the Project's contribution to an impact related to wastewater would not be cumulatively considerable. Therefore, the Project's cumulative impacts related to wastewater infrastructure and capacity would be less than significant.

**Utilities and Service Systems – Solid Waste:** As stated on pages 117 through 120 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, in part because: while the Project would generate construction debris, a minimum of 50 percent of the construction and demolition (C&D) waste would be recycled; the Project's C&D waste, which would be disposed of at Azusa Land Reclamation Facility, would represent approximately 0.001 percent of the estimated remaining capacity of the Facility; there are other sites within the County and out-of-County that could potentially be utilized for disposing Project C&D waste; Project operation would comply with the State's 75 percent diversion goal; the Project's operation waste, which would be disposed of at the Sunshine Canyon Landfill, would represent approximately 0.00008 percent of the remaining capacity at the Landfill; and, the Project Site is located in an urban area with established solid waste collection routes (i.e., private haulers under contract to LASAN). Moreover, as stated on page 120, the Project would comply with all applicable regulations regarding solid waste including the State's Integrated Waste Management Act of 1989, the City's Demolition Waste Recycling Ordinance, and the City's Zero-Waste-to Landfill goal, in part, by providing source receptacles to facilitate recycling. As such, the Project's contribution to impacts related to solid waste would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

**Utilities and Service Systems – Electric Power, Natural Gas and Telecommunications:** As stated on page 116 in Appendix A.2, Initial Study, of the Draft EIR, the Project would not require

or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, in part because: the Project Site is located in a developed, urbanized portion of Los Angeles that is served by existing electrical power, natural gas, and telecommunications services; the Project Site would be connected to existing electricity, gas and telecommunications infrastructure; the existing infrastructure has the capacity to meet the Project's construction and operation demand; installation of electric power, natural gas, or telecommunications infrastructure would primarily involve minor trenching in order to place the lines below the surface and/or connections to such existing infrastructure, would be limited in extent and temporary in nature, and would occur within the Project Site and/or within the adjacent right-of-way; the Project's CMP would minimize disruptions to traffic flow, if any, during connection activities; and, the Project's electricity and natural gas demand would be able to be served by projected supplies of the LADWP and SoCalGas. As such, the Project's contribution to impacts related to electric power, natural gas, and telecommunications would not be cumulatively considerable. Thus, Project-level and cumulative impacts would be less than significant.

**Utilities and Service Systems – Stormwater Drainage:** As stated on pages IV.G-18, IV.G-34 and IV.G-39 in Section G, Hydrology and Water Quality, of the Draft EIR, and in Appendix G, Hydrology and Water Quality Report, of the Draft EIR, the Project would not require or result in the relocation or construction of new or expanded stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects; in part because: the Project vicinity has a network of existing underground stormwater drainage facilities; the stormwater runoff from the Project Site is discharged into off-site catch basins and underground stormwater drainage pipes; during construction-related ground disturbing activities, the pervious area on the Project Site would temporarily increase due to demolition of existing impervious surfaces (i.e., structures, hardscape), which would temporarily reduce off-site runoff from the Project Site; the Project would comply with all applicable regulatory requirements including, without limitation, complying with City grading permit regulations, obtaining a Construction General stormwater permit, and implementing specific BMPs to manage runoff flows; the Project would comply with the City's LID ordinance (including implementation of LID BMPs) that requires that the first flush runoff be captured and reused on-site; the required on-site drainage infrastructure would be designed in accordance with applicable codes and would safely convey stormwater from the Project Site to the municipal storm drain system; with implementation of the proposed LID BMPs, the increase in volume of water leaving the Project Site would result in a minor increase in runoff (0.054 percent) compared to existing conditions; and the on-site stormwater conveyance system, together with LID BMPs that would capture and treat the first flush of rainfall, would serve to ensure runoff discharged from the Project Site would not exceed the capacity of the municipal stormwater infrastructure during a larger storm event. Therefore, no new off-site stormwater drainage infrastructure is required or proposed. As such, Project construction and operation would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage system, and the Project's impacts on stormwater drainage facilities would be less than significant.

Additionally, as discussed on pages IV.G-42 through IV.G-44 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, the Project combined with the Related Projects have the potential to cumulatively impact the capacity of the storm drain system. However, similar to the Project, the Related Projects would be required to comply with all applicable regulations and obtain all relevant permits to ensure that the stormwater drainage from the project does not exceed the capacity of the stormwater drainage facilities. As further stated therein, the County of Los Angeles Public Works Department would also review each future development project on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available to accommodate the project's stormwater runoff. As such, and since the Project would increase stormwater flow by less than 1 percent, the Project's contribution to cumulative impacts would not be cumulatively

considerable. Therefore, the Project's cumulative impacts on stormwater drainage facilities would be less than significant.

**Wildfire:** As stated on pages 121 through 123 in Appendix A-2, Initial Study, of the Draft EIR, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, nor exacerbate wildfire risks; nor require the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; nor expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, in part because: the Project Site is located in an urbanized area; while the Project Site is located in a very high fire hazard safety zone, no wildlands exist on the Project Site nor in areas immediately adjacent to the Project Site; the urbanized nature of the Project Site and surrounding area, as well as the nature of the Project's building materials would limit the potential for wildland fire hazards; the Project would comply with the Fire Code and other fire safety requirements and would include smoke/fire alarms, fully sprinklered indoor spaces, and irrigated landscaped areas, which would serve to reduce potential hazards related to structure fires (i.e., fires potentially ignited by wildland fires in the hillside areas to the south across the Hollywood Freeway); emergency access would be maintained at all times; the Project Site is currently developed with existing hotel-related uses and supporting infrastructure that are typical of an urban setting; the Project would not include the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing significant impacts to the environment; the engineered hillsides within the Project Site would be landscaped similar to that occurring under existing conditions; the slopes within the Project Site are engineered and would remain stable even in the event of a fire on the Project Site; and, there are no structures or features that could expose people to significant safety risks downslope of the Project Site, as the downslope area south of the Project Site includes a paved storage lot followed by a local roadway. As such, the Project's contribution to a cumulative impact related to wildfires would not be cumulative considerable, and Project-level and cumulative impacts would be less than significant.

## VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### A. Air Quality (Construction NO<sub>x</sub> Emissions Only):

1. **Impact Summary:** As discussed on pages IV.A-45 through IV.A-60 and IV.A-71 through IV.A-72 in Section IV.A, Air Quality, of the Draft EIR, Project construction would result in temporary release of pollutants. Specifically, Project construction would result in NO<sub>x</sub> emissions exceeding the regional threshold of significance established by the SCAQMD. As such, Project construction has the potential to conflict with or obstruct the implementation of the AQMP; result in a cumulatively considerable net increase of criteria pollutant for which the Project region is in non-attainment; and, contribute to cumulative construction impacts for regional construction emissions. As such, Mitigation Measure AQ-MM-1 (Construction Equipment Features), is required to reduce the NO<sub>x</sub> emissions below the threshold of significance. With implementation of Mitigation Measure AQ-MM-1, Project-level and cumulative construction air quality impacts would be less than significant with mitigation.

2. **Project Design Features:** No specific Project Design Features are proposed with regard to Air Quality. However, as stated on pages IV.A-44 through IV.A-45, of the Draft EIR, other Project Design Features would contribute to a reduction in air quality impacts, including: Project Design Feature GHG-PDF-1, which states that the Project would be designed to achieve the equivalent of the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification level or equivalent for new buildings and includes optimization of building energy performance, which would reduce building energy demand and associated air pollutant emissions; Project Design Feature WS-PDF-1 (Water Conservation Features), which includes water conservation features, which would reduce energy required for domestic/potable water supply and for water associated with landscaping, and associated pollutant emissions; and Project Design Feature TRAF-PDF-1, which would require implementation of a TDM Program to reduce Project VMT and related vehicular exhaust emissions.
3. **Mitigation Measures:** The City finds that Mitigation Measure AQ-MM-1, located on pages IV.A-58 through IV.A-59, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, and included in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below, would reduce the potential impacts on air quality due to construction NOx emissions to less than significant.

**AQ-MM-1: Construction Equipment Features:** The Applicant shall implement the following construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply such equipment. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent. □
- Prior to any demolition or construction activity, the Project's representative shall make available to the lead agency and South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be maintained on-site at the time of mobilization of each applicable unit of equipment.
- Prior to any demolition or construction activity, the Project representative shall provide documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485.
- Prior to and during any demolition or construction activity haul trucks shall be limited to not more than 5 minutes of idling for loading and unloading activities.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and

maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.

- Construction activities shall be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable shall be maintained by the Contractor on-site and provided to the City Planning Department annually during construction.
4. **Finding:** Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

5. **Rationale for Finding:**

- a) **Construction Regional NO<sub>x</sub> Emissions:** As described on pages IV.B-37 through IV.B-42 and IV.B-45 through IV.A-60 in Section IV.A, Air Quality, of the Draft EIR, and in Appendix B, Air Quality and Greenhouse Gas Technical Appendix, of the Draft EIR, Project construction activities that would have the potential to create regional air quality impacts include vehicle trips generated by construction workers, vendor trucks, concrete trucks and haul trucks traveling to and from the Project Site and building activities, including emissions associated with heavy-duty equipment use during excavation and grading activities. The Project's daily regional criteria pollutant emissions during construction were estimated by assuming a conservative scenario for construction activities (i.e., assuming all construction occurs at the earliest feasible date). As shown in Table IV.A-5, Estimated Maximum Regional Construction Emissions (Pounds Per Day), Project construction would result in emissions of 108 pounds of NO<sub>x</sub> per day which exceeds the threshold of significance of 100 pounds per day established by the SCAQMD. The short term impact of this exceedance is that Project construction would have the potential to conflict with or obstruct the implementation of the AQMP because the exceedance in NO<sub>x</sub> emissions could increase the frequency or severity of an existing air quality violation or cause or contribute to new air quality violations. Additionally, as shown in Table IV.A-1, Ambient Air Quality Standards, and explained on pages IV.A-3 through IV.A-5, in Section IV.A, Air Quality, of the Draft EIR, the Project is located in a federal and State air basin which is in non-attainment for ozone (O<sub>3</sub>) and NO<sub>x</sub> emissions are a precursor to the formation of O<sub>3</sub>. Therefore, the Project's emission of NO<sub>x</sub> during construction would result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is in non-attainment under an applicable federal or State ambient air quality standard. As such, mitigation is required to reduce the construction NO<sub>x</sub> emissions below the 100 pounds per day threshold.

As described on page IV.A-60, in order to reduce the NO<sub>x</sub> emissions, the Project would implement AQ-MM-1 (Construction Equipment Features), as revised on pages 3-12 and 3-14 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, which requires, in part: using off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction; outfitting of such equipment with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent; limiting haul trucks to not more than 5 minutes of idling for loading

and unloading activities; maintaining, and documenting maintenance of, construction equipment in accordance with the manufacturer's specifications; prohibiting tampering with construction equipment to defeat emission control devices; and, stopping construction activities during second-stage smog alerts. As shown in Table IV.A-7, Estimated Maximum Mitigated Regional Construction Emissions (Pounds Per Day), implementation of Mitigation Measure AQ-MM-1 would reduce the Project's construction NOx emissions to 83 pounds per day, well below the threshold of 100 pounds per day, thereby, reducing the short-term temporary regional construction emissions, including from haul trucks during grading activities. As such, with implementation of Mitigation Measure AQ-MM-1, the Project construction emissions would not result in conflict with applicable ambient air quality plan, nor in a considerable net increase of a criteria pollutant. Therefore, the Project's construction impacts related to air quality would be less than significant with mitigation.

- b) **Cumulative Impacts:** As described on pages IV.A-69 through IV.A-72 in Section IV.A, Air Quality, of the Draft EIR, and in Appendix B, Air Quality and Greenhouse Gas Emissions Technical Appendix, of the Draft EIR, pursuant to SCAQMD guidelines, the threshold for determining whether a project would result in a cumulative impact is the same as the project-level threshold. Therefore, because the Project's construction NOx emissions before mitigation would exceed the threshold of significance, the Project would contribute to cumulative impacts related to regional air quality emissions, including conflicts with applicable plans. However, as shown in Table IV.A-7, Mitigation Measure AQ-MM-1 (Construction Equipment Features) would reduce the construction NOx emissions to a less-than-significant level. Therefore, with implementation of Mitigation Measure AQ-MM-1, the Project's short-term, temporary construction cumulative air quality impacts would be less than significant.
6. **Reference:** For a complete discussion of air quality impacts, including impacts associated with NOx emissions, please see Section IV.A, Air Quality, and Appendix B, Air Quality and Greenhouse Gas Technical Appendix, of the Draft EIR, and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR.

## B. Biological Resources (Special Status Bat Species Only):

1. **Impact Summary:** As discussed on pages IV.B-18 through IV.B-19, IV.B-23 through IV.B-24, and IV.B-26 through IV.B-48 of the Draft EIR, while no special status bat species were observed on the Project Site during the Biological Survey, four special-status bat species were identified as having a potential to occur within the Project Site or use the Project Site, at least on a temporary basis, based on literature review and habitat assessment of the Project Site. One of the four species, western yellow bat (roosting and foraging), has a moderate potential to occur on the Project Site, the other three have low potential to occur on the Project Site. As such, Project construction has the potential to impact these species during the maternity roosting season (generally April 1 through August 31) due to the removal of trees and palms. Therefore, Mitigation Measure BIO-MM-1 is required to provide protection to these bat species during construction. With implementation of Mitigation Measure, BIO-MM-1, both Project-level and cumulative impact would be less than significant with mitigation.
2. **Project Design Features:** No specific Project Design Features are proposed with regard to Biological Resources.
3. **Mitigation Measures:** The City finds that Mitigation Measure BIO-MM-1, located on pages IV.B-21 through IV.B-22, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, and included in Chapter

4, Mitigation Monitoring Program, of the Final EIR, and set forth below, would reduce the potential impacts on special status bat species to less than significant.

**BIO-MM-1:** Due to the presence of potentially suitable roosting and foraging habitat (palms) for western mastiff bat, western yellow bat, silver-haired bat, and Townsend's big-eared bat, the Project shall carry out the following steps and to the satisfaction of the City Planning Department:

- Disturbance to suitable bat roosting habitat shall be scheduled from September 15 – November 30, outside of the maternity roosting and hibernation seasons. If suitable roosting habitat (palm trees) does need to be removed, a qualified biologist shall conduct a pre-construction survey using acoustic bat detectors (e.g., Anabat) and night vision goggles for an emergence survey (for at least one-hour after sunset) to determine whether special-status bat species are roosting within the suitable roosting habitat. A qualified biologist is a biologist with specialized bat experience including the familiarity with bat roost biology (i.e., a professional biologist with a minimum of two years of bat survey experience, inclusive of acoustic survey experience).
- If the qualified biologist determines that no potential suitable roosting habitat is present within the survey area, no further action shall be necessary in regard to roosting bat species (both special-status and non-special status, non-game species).
- If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project construction activities shall be conducted as recommended by the qualified biologist to avoid the area, which may include temporary postponement of activities or provision of a suitable buffer around the roost until roosting activities cease.
- If special-status bats are detected, a qualified bat specialist shall prepare species specific mitigation measures to reduce or avoid impacts to each special-status species detected. Recommended measures include avoidance by postponing or temporarily halting construction until the special-status bats are no longer detected or implement a 100-foot no-work buffer.
- If bats are not detected during the pre-construction survey, but the qualified biologist determines that roosting bats may be present at any time of year and could roost in palms at a given location, removal activities shall be initiated by pushing palms using heavy machinery prior to using a chainsaw to remove the tree. In order to provide the optimum warning to any roosting special-status bats that may be present, palms shall be pushed lightly two or three times, with an approximately 30-second pause between each nudge/push to allow bats to become active. A period of at least 24 hours shall elapse between such operations to allow special-status bats to escape the construction area.
- A report shall be submitted to the City Planning Department with the results of the pre-construction survey and any avoidance actions prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of bat roosting habitat. Avoidance measures developed by the qualified biologist shall be based on site-specific factors to prevent roost disturbances; proposed construction activities, height and distance of bat roosts from proposed construction activities, the presence of visual and/or acoustic barriers between the roost and proposed

activities, and the pre-existing level of human activities (e.g., ambient noise, potential movement, etc.) to which the bats may already tolerate.

4. **Finding:** Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

5. **Rationale for Finding:**

- a) **Construction:** As stated on pages IV.B-14 through IV.B-15, IV.B-18 through IV.B-19, and IV.B-23 through IV.B-24 of the Draft EIR, and in Appendix C, the Biological Resources Report, of the Draft EIR, while no special status bat species were observed on the Project Site during the Biological Survey conducted for the Project area, four special-status bat species were identified as having a potential to occur within the Project Site or use the Project Site, at least on a temporary basis, based on literature review and habitat assessment of the Project Site. One of the four species, the western yellow bat, has a moderate potential to occur on the Project Site for roosting and foraging. While the western yellow bat could utilize the Project Site's palms, the nearest occurrence of this species recorded in the California Department of Fish and Wildlife's California Natural Diversity Database was recorded in 1984, approximately two miles to the south of the Project Site. The other three species, the western mastiff bat, the silver-haired bat, and the Townsend's big-eared bat have a low potential to occur on the Project Site primarily because the Project Site does not contain the habitat typical for these species and the nearest recorded sighting of these species have occurred approximately six miles to 20 miles from the Project Site. Nonetheless, since these four bat species have the potential to occur on the Project Site, Project construction could impact their nesting and foraging activities.

Specifically, as described in Chapter II, Project Description, of the Draft EIR, the Project would remove 88 trees and 95 palms. Although the trees would be replaced in accordance with the City's policies, at a minimum of a 1:1 ratio, the palms are distinguished from trees as they are part of the grass family and are not subject to the City's tree removal and replacement requirements. The removal of the palms, therefore, would lead to removal of palm skirts or dead palm fronds which could provide roosting cover. Therefore, although the urban ornamental landscaped areas in surrounding the Project Site include palms that would provide alternative locations for bats to roost, palm removal within the Project Site would impede the use of the Project Site as a nursery site for roosting bats and would be a potentially significant direct impact. In order to ensure the impacts to special status bat species are not significantly impacted during construction, the Project would implement Mitigation Measure BIO-MM-1, as revised on pages 3-14 through 3-17 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, which would require protection through various measures including, without limitation, (i) scheduling disturbance to suitable bat roosting habitat outside of the maternity roosting and hibernation seasons; (ii) having a qualified biologist conduct a pre-construction survey and determining appropriate steps to provide protection of any roosts that are located on the Project-Site, which may include temporary postponement of activities or provision of a suitable buffer around the roost until roosting activities cease; and, (iii) reporting requirements. With implementation of this Mitigation Measure, the potential impact to special status bat species would be reduced to less than significant since the measure would ensure that roosts are not disturbed. As such, with implementation of Mitigation Measure BIO-MM-1 impacts on roosting and foraging bat species would be less than significant with mitigation.

b) **Cumulative Impacts:** As stated on pages IV.B-26 through IV.B-28 in Section IV.B, Biological Resources, of the Draft EIR, and in Appendix C, the Biological Resources Report, of the Draft EIR, because of the urban and developed nature of the Related Project sites, these projects also have limited potential for biological resources, aside from nesting birds and roosting bats adapted to urbanized environments that utilize urban landscaping for nesting and roosting. Implementation of Mitigation Measure BIO-MM-1 would reduce the Project's potentially significant impacts to special status bat species and to bat nursery sites/roosts to a less-than-significant level. The Related Projects, subject to CEQA, would likely include similar mitigation measures for construction activities if roosting bat habitat is identified on site and, similar to the Project would be required to comply with all applicable regulations regarding the for protection of nesting birds during construction activities. As such, with mitigation the Project's contribution to cumulative impacts would not be cumulatively considerable. Therefore, cumulative impacts on biological resources would be less than significant with mitigation.

6. **Reference:** For a complete discussion of biological resources impacts, including impacts on special status bat species, please see Section IV.C, Biological Resources, and Appendix C, Biological Resources Documentation, of the Draft EIR, and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR.

### C. Noise (On-Site Construction Noise at R1 lower levels only, and R3, R4 and R5)

#### 1. Impact Summary:

a) **On-Site Construction:** As stated on pages IV.I-34 through IV.I-40 and IV.I-54 through IV.I-58 in Section IV.I, Noise, of the Draft EIR, Project on-site construction noise would exceed the 5 dBA thresholds of significance for sensitive receptor location R1, the Sheraton Hotel as well as receptor location R3 (residential uses approximately 1,100 feet west of the Project Site along Kentucky Drive near the intersection of Fredonia Drive), R4 (residential uses approximately 760 feet south of the Project Site along Fredonia Drive, just south of Cahuenga Boulevard), and R5 (residential uses approximately 1,100 feet southeast of the Project Site along Oak Glen Drive near the intersection of Broadlawn Drive). While the upper levels of R1 (levels 6 through 17) are higher than the most practical height of a noise barrier, lower levels (levels 1 through 5) of the Sheraton Hotel are either below the level of the Project Site, therefore are not in the direct line of sight of Project construction, or at the below the level of a feasible noise barrier, and would be able to be mitigated below the noise threshold of significance. As such, Mitigation Measure NOI-MM-1 (Noise Barriers), which requires a temporary 20-foot-tall construction noise barrier equipped to achieve sound level reductions of at least 15 dBA would be required to reduce the impact at R1 at the lower levels, to a less-than-significant level. Mitigation Measure NOI-MM-2 (Construction Equipment Noise Shielding and Muffling), which requires the use of equipment muffler systems that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system, would be required to further reduce the noise impacts at R1 at the lower levels, and to reduce the impacts at R3, R4 and R5 to a less-than-significant level. Thus, with implementation of NOI-MM-1 and NOI-MM-2, on-site construction noise impacts to the lower levels of R1 would be less than significant with mitigation, and with implementation of NOI-MM-2, on-site construction noise impacts to R3, R4 and R5 would be less than significant with mitigation.

b) **Cumulative Impacts:** As stated on pages IV.I-64 through IV.I-65 in Section IV.I, Noise, of the Draft EIR, the southwestern portion of Related Project No. 1 is within 500 feet of both the Project Site and the Sheraton Hotel property (R1). While there are no

near-term plans for development proposed within 500 feet of the Project Site and the Sheraton Hotel, assuming that there would be overlapping construction activities, even with implementation of Mitigation Measures NOI-MM-1 and NOI-MM-2, cumulative impacts to R1 would be significant, as described below in Section VII, Significant and Unavoidable Impacts, of these Findings. However, since the other Related Projects are more than 1,000 feet from the Project Site and R1, and since the Project would implement Mitigation Measures NOI-MM-1 and NOI-MM-2, the Project's contribution to a cumulative noise impact related to on-site construction activities when combined with the Related Projects, other than Related Project No.1, would not be cumulatively considerable. As such, other than at R1, the cumulative impacts would be less than significant with mitigation.

- 2. Project Design Features:** The following Project Design Features which are set forth on page IV.I-34 in Section IV.I, Noise, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, in the Final EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below, are incorporated into the Project with regard to on-site construction noise.

**NOI-PDF-1 (Construction Equipment Maintenance):** During plan check for each phase of the Project, the contractor will provide a statement to the City indicating attesting that their powered construction equipment (including combustion engines), fixed or mobile, will be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated.

**NOI-PDF-3 (Impact Pile Drivers Prohibited):** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles will be permitted.

- 3. Mitigation Measures:** The City finds that Mitigation Measures NOI-MM-1 (Noise Barriers) and NOI-MM-2 (Construction Equipment Shielding and Muffling Devices), located on pages IV.I-53 through IV.I-54, in Section IV.I, Noise, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, and included in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below, would reduce the potential on-site construction noise to less than significant.

**NOI-MM-1: (Noise Barriers).** The Project shall provide a temporary 20-foot-tall construction noise barrier equipped with noise blankets or equivalent noise reduction materials rated to achieve sound level reductions of at least 15 dBA along the western boundary of the Hilton Property, to block the line of sight with nearby receptors such as the adjacent hotel's lower floors, from the start of demolition through the completion of architectural coating activities. The barrier shall be placed on top of the Project parking structure at the same level as the existing Project building entrance.

**NOI-MM-2: Construction Equipment Noise Shielding and Muffling Devices:** Prior to any construction activities, the Applicant shall provide a list of equipment and attachments such that demonstrates that Contractors shall ensure that all construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' specifications. Prior to any construction activities, the Applicant shall provide documentation prepared by a noise consultant verifying compliance with this measure to the City Planning Department. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications. The contractor equipment shall use be equipped with muffler systems that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system, reducing

maximum construction noise levels. The contractor shall also keep documentation onsite prepared by a noise consultant verifying compliance with this measure. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications.

4. **Finding:** Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

5. **Rationale for Finding:**

- a) **On-Site Construction:** As stated on pages IV.I-34 through IV.I-40 and IV.I-54 through IV.I-58 in Section IV.I, Noise, of the Draft EIR, as revised on page 3-18 in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, and in Appendix I, Noise and Vibration Technical, of the Draft EIR, construction of the Project would require the use of heavy equipment during demolition, site preparation, grading and excavation, drainage and utilities trenching, foundation concrete pour, building construction, architectural coating, and paving stages at the Project Site. Although construction noise levels on and near the Project Site would fluctuate depending on the type, number, and duration of use of various pieces of construction equipment operating at a given time, the Draft EIR's noise analysis assumed that the loudest equipment types would operate at the point nearest to the closest sensitive receptor R1 (Sheraton Hotel) to the Project Site boundary and that the remaining equipment would operate at further distances from the receptor. Project construction would incorporate Project Design Features NOI-PDF-1 (Construction Equipment Maintenance) and NOI-PDF-3 (Pile Drivers Prohibited), as revised on pages 3-17 through 3-18 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, in order to decrease equipment noise. However, as discussed therein, and as shown in Table IV.I-8, Estimate of Construction Noise Levels (Leq) at Sensitive Receptors, the estimated construction noise levels that would occur at the sensitive receptors during a peak day of construction activity would result in exceeding the threshold of significance of 5 dBA over ambient noise levels at R1. As construction activities are completed near the Project Site boundary and construction activities move toward the interior of the Project Site, the construction noise levels at the sensitive receptors would decrease. Nonetheless, as explained on pages IV.I-54 through IV.I-55, as revised on page 3-18 in Chapter 3, Revision, Clarifications and Corrections to the Draft EIR, of the Final EIR, due to the location of the Sheraton Hotel (R1), adjacent to, and partly below the Project Site, the Sheraton Hotel would experience different levels of noise impacts depending on the level of the hotel. As discussed in Section VII, Unavoidable Impacts, of these Findings, R1 upper levels (levels 6 through 17) would not benefit from the noise barrier because they are located higher than the top of the barrier. However, as to the lower levels (levels 1 through 5) of R1, as well as to R3, R4 and R5, feasible mitigation measures are available to reduce the on-site construction noise to a less-than-significant level.

As further indicated therein, Mitigation Measure NOI-MM-1 (Noise Barriers) requires a temporary 20-foot-tall construction noise barrier equipped to achieve sound level reductions of at least 15 dBA and NOI-MM-2 (Construction Equipment Noise Shielding and Muffling Devices) requires the use of equipment muffler systems that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system. As shown in Table IV.I-15, Estimate Of Mitigated Construction Noise Levels At Sensitive Receptors, the combined noise reduction abilities of these two mitigation measures would reduce the noise level at the lower levels of R1 to 59.6 dBA which is less than the threshold of significance of 64.6 dBA. Therefore, with

implementation of Mitigation Measure NOI-MM-1 noise impacts at the lower levels of R1 would be less than significant with mitigation. Mitigation Measure NOI-MM-1 would not be effective for Receptor Locations R3, R4 or R5 because these sensitive receptors are at a higher elevation than the Project Site and would have a direct line-of-sight to the construction area. However, Mitigation Measure NOI-MM-2 would reduce the increase in on-site construction noise at these receptor locations to less than the threshold of significance. Specifically, R3 would be reduced to 61.1 dBA, R4 to 63.5 dBA and R5 to 60.4 dBA which are all below the threshold of significance of 67.1, 68.0 and 66.9, respectively. Therefore, with implementation of Mitigation Measure NOI-MM-2, impacts at R3, R4, and R5 would be less than significant with mitigation.

- b) **Cumulative Impacts:** As stated on pages IV.1-6 and IV.1-7 and IV.1-64 through IV.1-65 in Section IV.1, Noise, of the Draft EIR, and in Appendix I, Noise and Vibration Technical, of the Draft EIR, when noise propagates over a distance, the noise level reduces, or attenuates, with distance depending on the type of noise source and the propagation path. The rate of sound attenuation for a point source, such as an idling vehicle (e.g., bulldozer), is 6 dBA per doubling of distance from the noise source to the receptor over acoustically "hard" sites and 7.5 dBA per doubling of distance from the noise source to the receptor over acoustically "soft" sites. As such, the potential for cumulative construction noise impacts from on-site construction activities to occur is based on the distance between the Project and each of the related projects. Cumulative noise impacts could occur at receptor locations that are within 500 feet from two different construction sites. Therefore, based on the 500-foot screening criterion distance, with a sensitive receptor located within 500 feet of the Project Site and the related project site (that is located halfway between the two sites), cumulative construction noise would only occur within 1,000 feet of the Project Site. Only one Related Project is located within 1,000 feet of the Project Site, Related Project No. 1 the NBC Universal Evolution Plan. Related Project No. 1 consists of a plan for the future development of the Universal City area. The southwestern portion of Related Project No. 1 is within 500 feet of both the Project Site and the Sheraton Hotel property (R1). While there are no near-term plans for development proposed within 500 feet of the Project Site and the Sheraton Hotel, the Draft EIR conservatively assumed that future construction activities could occur near the Project Site. However, due to the distance of the other Related Projects and the Project Site and R1, that is, greater than 1,000 feet, and the Project's implementation of Mitigation Measures, the Project's contribution to a cumulative noise impact related to on-site construction activities when combined with the Related Projects, other than Related Project No.1, would not be cumulatively considerable. As such, other than at R1, the cumulative impacts would be less than significant with mitigation.

(For findings regarding construction and cumulative noise impacts at the upper levels of R1, see Section VII, Significant and Unavoidable Impacts, of these Findings.)

6. **Reference:** For a complete discussion of noise impacts please see Section IV.1, Noise, and Appendix I, Noise and Vibration Technical Appendix, of the Draft EIR, and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR.

#### D. Paleontological Resources:

1. **Impact Summary:** As stated on pages IV.E-30 through IV.E-33 in Section IV.E, Geology and Soils, of the Draft EIR, the Project has the potential to encounter paleontological resources during construction. Although no known fossils are located on the Project Site, Project construction would require excavation at planned depths of up to 50 feet below

ground surface (bgs). As such, Project excavation would encounter sediments that have a high potential for fossils. Thus, mitigation measures are necessary to ensure the proper treatment of any fossil that are encountered during Project construction. Mitigation Measures PALEO-MM-1 (Retention of a Qualified Paleontologist), PALEO-MM-2 (Construction Worker Paleontological Resources Sensitivity Training), and PALEO-MM-3 (Paleontological Resources Monitoring) would ensure that the Project's impacts would be less than significant. With implementation of these three Mitigation Measures, both Project-level and cumulative construction impacts to paleontological resources would be less than significant with mitigation.

2. **Project Design Features:** No specific Project Design Features are proposed with regard to Paleontological Resources.
3. **Mitigation Measures:** The City finds that Mitigation Measures PALEO-MM-1, PALEO-MM-2, and PALEO-MM-3, located on pages IV.E-31 through IV.E-32, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, and included in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below, would reduce the potential construction impacts on paleontological resources to less than significant.

**PALEO-MM-1:** Retention of a Qualified Paleontologist. A Qualified Paleontologist meeting the Society of Vertebrate Paleontology Standards (SVP, 2010) (Qualified Paleontologist) shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the Project Site in the event potential paleontological resources are encountered.

**PALEO-MM-2:** Construction Worker Paleontological Resources Sensitivity Training. The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training at the Project kick-off meeting prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional training shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered.

**PALEO-MM-3:** Paleontological Resources Monitoring: Paleontological resources monitoring shall be conducted for ground disturbing activities in previously undisturbed sediments. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP, 2010) under the direction of the Qualified Paleontologist. Depending on the conditions encountered, full-time monitoring can be reduced to part-time inspections or ceased entirely if determined acceptable by the Qualified Paleontologist; the Qualified Paleontologist shall document any such decision in the Monitors' applicable daily log as well as in their final report. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed and any discoveries. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to the City in order to document the results of the monitoring effort and any discoveries, as well as any decisions (and justification) to modify full-time monitoring. If there are significant discoveries, fossil locality information and final disposition shall be included with the final report, which shall be submitted to the appropriate repository and the City.

4. **Finding:** Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

5. **Rationale for Finding:**

- a) **Construction:** As stated on pages IV.E-31 through IV.E-32 in Section IV.E, Geology and Soils of the Draft EIR, and in Appendix E-2, Paleontological Resources Assessment Report, of the Draft EIR, the Project would involve construction excavation activities which would reach an approximate depth of 50 bgs. This depth would encounter the Topanga Formation which is present beneath the fill on the Project Site at depths as shallow as one foot, and which has a high potential to have preserved fossils. Although the records search conducted for the Project resulted in locating no known archeological resources within the Project Site, two vertebrate fossils are known from discoveries in similar sedimentary deposits in Los Angeles and in nearby areas. Therefore, given the discovery of significant fossil remains near the Project Site, the fact that the Project would excavate into the Topanga Formation sediments which have high paleontological sensitivity as they are of an age to preserve fossils, and the Project's excavation activities during construction for parking, shoring, ancillary uses and other improvements, which would encounter high sensitivity Topanga Formation sediments, impacts to unique or significant paleontological resources could occur during Project construction-related ground disturbance. As such, impacts to paleontological resources would be potentially significant without mitigation.

Accordingly, the Project would incorporate three mitigation measures to ensure that construction impacts are reduced to a less-than-significant level. Mitigation Measure PALEO-MM-1 (Retention of a Qualified Paleontologist) requires that a Qualified Paleontologist, as defined in the mitigation measure, is retained to provide technical and compliance oversight of all work as it relates to paleontological resources. Mitigation Measure PALEO-MM-2 (Construction Worker Paleontological Resources Sensitivity Training) requires the training of the construction workers by the Qualified Paleontologist focusing on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Mitigation Measure PALEO-MM-3 (Paleontological Resources Monitoring), as revised on pages 3-17 through 3-18 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, requires monitoring for ground disturbing activities in previously undisturbed sediments, temporarily halting or diverting work away from exposed fossils or potential fossils, and proper identification and curating of the discovery into an accredited repository with retrievable storage and with a final report to the appropriate repository and the City. As result, with implementation of these three Mitigation Measures, impacts to previously unknown paleontological resources would be less than significant with mitigation.

- b) **Cumulative Impacts:** As stated on page IV.E-33 in Section IV.E, Geology and Soils, of the Draft EIR, the Related Projects are on parcels that have been disturbed or are already developed. However, similar to the Project, if the potential for significant impacts on paleontological resources were identified given the site characteristics and development program of the Related Projects. Similar to the Project, the Related Projects would be required to comply with the City's standard condition of approval to address inadvertent discovery of paleontological resources and/or site specific mitigation measures on site with a high paleontological sensitivity would be required.

Implementation of these standard conditions of approval and/or mitigation measures would reduce the potential for adverse effects on paleontological resources individually and cumulatively. Therefore, with implementation of Mitigation Measures PALEO-MM-1 through PALEO-MM-3, the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts to paleontological resources would be less than significant with mitigation.

6. **Reference:** For a complete discussion of paleontological resources, please see Section IV.E, Geology and Soils, and Appendix E-2, Paleontological Resources Assessment Report, of the Draft EIR, and Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR.

## VII. **Significant and Unavoidable Impacts**

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the Project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XIII below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the Project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the Project as described in the Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

### A. **Noise**

#### 1. **Impact Summary:**

- a) **On-site Construction Noise (Project-level - R1 Upper Levels):** As stated on pages IV.I-34 through IV.I-37 and IV.I-54 through IV.I-57 in Section IV.I, Noise, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, Project construction can cause noise emissions which exceed the 5 dBA threshold of significance at nearby sensitive receptors. Receptor location R1 (Sheraton Hotel) is the nearest sensitive receptor to the Project Site. While the lower levels (level 5 and below) would have on-site construction noise impacts mitigated to a less-than-significant level by Mitigation Measure NOI-MM-1 (Noise Barriers) and Mitigation Measure NOI-MM-2 (Construction Equipment Noise Shielding and Muffling) would further reduce the noise at those levels, R1's upper levels (levels 6 through 17) would not benefit from implementation of a noise barrier because these levels are at a higher elevation than the Project Site and would have a direct line-of-sight to the construction area. Therefore, noise impacts from on-site construction at the upper levels of R1 (levels 6 through 17) would not be reduced to less than significant with implementation of Mitigation Measures NOI-MM-1 and NOI-MM-2. Consequently, with implementation of technically feasible mitigation measures,

construction noise impacts at the upper levels of noise-sensitive receptors R1 (Sheraton Hotel levels 6 through 17) would exceed the significance threshold temporarily during certain months of construction when there would be multiple simultaneous construction activities and some equipment used near the periphery of the Project Site. There are no other feasible mitigation measures that could be implemented to reduce the temporary noise impacts from on-site construction. Therefore, construction noise impacts associated with on-site noise sources at the upper levels of R1 would remain significant and unavoidable.

- b) **On-site Construction (Cumulative - R1):** As stated on pages IV.I-64 through IV.I-65 and IV.I-70 in Section IV.I, Noise of the Draft EIR, cumulative construction noise impacts associated with on-site construction equipment could be significant in the event that construction activities as part of a related project occurs within 1,000 feet of the Project Site. The southwestern portion of Related Project No. 1 is within 500 feet of both the Project Site and R1 (Sheraton Hotel) property. The Project would implement Mitigation Measures NOI-MM-1 (Noise Barriers) and NOI-MM-2 (Construction Equipment Noise Shielding and Muffling Devices) to reduce certain on-site construction noise impacts. Implementation of these mitigation measures would reduce the Project's construction noise impacts at the lower levels of R1; however, construction noise impacts the upper levels of R1 (Levels 6 through 17) would continue to be significant. Overlapping construction activities at Related Project No. 1 and the Project could result in significant cumulative impacts as it could contribute to construction noise at receptor location R1 that may exceed the significance threshold. Thus, if the construction activities overlap, the Project's contribution to cumulative construction noise associated with on-site construction equipment would be cumulatively considerable and would represent a significant and unavoidable cumulative impact at receptor location R1.
- c) **Off-site Construction Noise (Cumulative - R1):** As stated on pages IV.I-65 through IV.I-66 and IV.I-70 through IV.I-71 in Section IV.I, Noise, of the Draft EIR, the Project would not result in any significant off-site construction noise impacts due to construction trips in excess of standards established by the City. However, cumulative construction noise impacts associated with off-site construction truck traffic from multiple related projects could potentially overlap with the Project on some days and generate noise in excess of the significance threshold if the related projects contribute more than 61 truck trips per hour at the same time as the Project's maximum truck trips of 50 per hour. No feasible mitigation measures are available for the Project to implement to further reduce off-site, mobile, noise impacts. Thus, the residential land uses which comprise the majority of existing sensitive uses within the vicinity of the Project Site could be impacted by the increase in construction traffic generated noise levels. Thus, the Project's contribution to cumulative construction noise associated with off-site construction truck traffic along the haul route could be cumulatively considerable and would represent a significant and unavoidable of-site construction noise cumulative impact.
2. **Project Design Features:** The following Project Design Features which are set forth on page IV.I-34 in Section IV.I, Noise, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, in the Final EIR, and in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below, are incorporated into the Project with regard to on-site construction noise.

**NOI-PDF-1 (Construction Equipment Maintenance):** During plan check for each phase of the Project, the contractor will provide a statement to the City attesting that their powered construction equipment (including combustion engines), fixed or mobile, will be

properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated.

**NOI-PDF-2: (Mechanical Equipment Noise):** Prior to issuance of building permits, the Applicant shall provide documentation to show that all outdoor mounted building mechanical equipment and/or ventilation systems not fully enclosed will be designed to not exceed the noise level limits specified in the LAMC through the use of quiet fans, duct silencers, parapets, enclosures, mufflers, or similar noise attenuation methods.

**NOI-PDF-3 (Impact Pile Drivers Prohibited):** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles will be permitted.

3. **Mitigation Measures:** The City finds that Mitigation Measures NOI-MM-1 (Noise Barriers) and NOI-MM-2 (Construction Equipment Shielding and Muffling Devices), located on pages IV.I-53 through IV.I-54, in Section IV.I, Noise, of the Draft EIR, as revised in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, and included in Chapter 4, Mitigation Monitoring Program, of the Final EIR, and set forth below, would reduce the potential on-site construction noise to the extent feasible.

**NOI-MM-1: Noise Barriers:** The Project shall provide a temporary 20-foot-tall construction noise barrier equipped with noise blankets or equivalent noise reduction materials rated to achieve sound level reductions of at least 15 dBA along the western boundary of the Hilton Property, to block the line of sight with nearby receptors such as the adjacent hotel's lower floors, from the start of demolition through the completion of architectural coating activities. The barrier shall be placed on top of the Project parking structure at the same level as the existing Project building entrance.

**NOI-MM-2: Construction Equipment Noise Shielding and Muffling Devices:** Prior to any construction activities, the Applicant shall provide a list of equipment and attachments such that demonstrates that construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' specifications. Prior to any construction activities, the Applicant shall provide documentation prepared by a noise consultant verifying compliance with this measure to the City Planning Department. The equipment shall be equipped with muffler systems that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications.

4. **Finding:** Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment. However, these effects have not been reduced to a less than significant level.

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report.

5. **Rationale for Findings:**

- a) **On-Site Construction Noise (Project-Level):** As stated on pages IV.I-34 through IV.I-37 and IV.I-54 through IV.I-57 in Section IV.I, Noise, of the Draft EIR and in

Appendix I, Noise and Vibrations Technical Appendix, of the Draft EIR, Project construction would require the use of heavy equipment during demolition, site preparation, grading/excavation, drainage/utilities/trenching, foundation concrete pour, building construction, architectural coating, and paving stages at the Project Site. Construction noise levels on and near the Project Site would fluctuate depending on the type, number, and duration of use of various pieces of construction equipment operating at a given time. Multiple pieces of construction equipment would not all operate at the same point on the Project Site, however, to present a conservative analysis, the Draft EIR assumed that the loudest equipment types would operate at the point nearest to the closest sensitive receptor R1 (Sheraton Hotel) to the Project Site boundary and that the remaining equipment would operate at further distances from the receptor (see Appendix I for construction noise calculations). Project construction equipment noise emissions would be tempered through Project Design Features NOI-PDF-1 (Construction Equipment Maintenance) and NOI-PDF-3 (Impact Drivers Prohibited), as revised on page 3-17 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR. Nonetheless, as shown in Table IV.I-8, Estimate of Construction Noise Levels (Leq) at Sensitive Receptors, the estimated construction noise levels that would occur at the sensitive receptors during a peak day of construction, construction noise levels were estimated to reach a maximum of 81.3 dBA at R1, although individual and overlapping construction phases would result in varying noise levels and each of these phases would be shorter in duration than the overall construction period. Also, as construction activities are completed near the Project Site boundary and construction activities move toward the interior of the Project Site, the construction noise levels at R1 would decrease. Thus, construction of the Project would generate construction noise levels that would temporarily exceed the applicable significance thresholds at R1 of 64.6 dBA. Therefore, the Project would result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City, and, as such, on-site construction noise impacts would be potentially significant.

Pursuant to CEQA Guidelines Section 15126.4, the Project would be required to implement mitigation measures to reduce the impacts to the extent feasible. Therefore, the Project would implement Mitigation Measures NOI-MM-1 and NOI-MM-2, as revised on pages 3-17 through 3-18 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR. Mitigation Measure NOI-MM-1 (Construction Noise Barrier) requires the construction of a temporary 20-foot-tall construction noise barrier equipped with noise blankets or equivalent noise reduction materials rated to achieve sound level reductions of at least 15 dBA. Mitigation Measure NOI-MM-2 (Construction Equipment Noise Shielding and Muffling Devices) requires that construction equipment be equipped with muffler systems that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system. Nonetheless, as explained on page IV.I-54 and shown in Table IV.I-15, Estimate of Mitigated Construction Noise Levels at Sensitive Receptors, the upper levels of R1 (levels 6 through 17) would not benefit from implementation of a noise barrier because the receptors are at a higher elevation than the Project Site and would have a direct line-of-sight to the construction area. Additionally, although Mitigation Measure NOI-MM-2 (Construction Equipment Noise Shielding and Muffling Devices) would provide a reduction of 8 dBA, Project on-site construction noise would not be reduced to less than significant when construction phases overlap. It is not feasible to install noise barriers with height sufficient to block the line-of-sight for noise-sensitive receptors located at higher elevations (the upper levels of R1) due to barrier foundation and wind load restrictions and because such a high wall would pose a safety risk to workers. There are no additional feasible measures that would reduce on-site

- construction noise impacts to a less-than-significant level. Therefore, the Project's on-site construction activities, although temporary, would be significant and unavoidable at levels 6 through 17 of sensitive receptor location R1.
- b) **On-Site Construction Noise (Cumulative – R1):** As stated on pages IV.I-64 through IV.I-65 and IV.I-70 in Section IV.I, Noise, of the Draft EIR and in Appendix I, Noise and Vibration Technical Appendix, of the Draft EIR, the potential for cumulative construction noise impacts from on-site construction activities to occur is based on the distance between the Project and each of the related projects. Noise from construction activities would normally affect areas that are less than 500 feet from a construction site and cumulative noise impacts could occur at receptor locations that are within 500 feet from the Project site and a related project site. Therefore, based on the 500-foot screening criterion distance, the cumulative construction noise impacts analysis is limited to related projects within 1,000 feet of the Project Site which assumes that the sensitive receptor is halfway between the Project Site and the Related Project site. Although there are 15 Related Projects, only one development project is situated within 1,000 feet of the Project Site, Related Project No. 1 (NBC Universal Evolution Plan) which consists of a plan for the future development of the Universal City area. The southwestern portion of Related Project No. 1 is within 500 feet of both the Project Site and the Sheraton Hotel property (R1). While there are no near-term plans for development proposed within 500 feet of the Project Site and R1, the Draft EIR conservatively assumed that future construction activities could occur in this area. Therefore, in the unlikely event that potential construction within Related Project No. 1 occurs within 500 feet of the Project Site and the Sheraton Hotel (R1) at the same time as Project construction, there could be potential for the overlapping of construction activities that could cumulatively add to the Project's construction noise that may potentially impact the Sheraton Hotel. As such, since even with mitigation the Project-level on-site construction noise impacts on the upper floors of R1 are significant and unavoidable, any noise increase generated by construction activities as part of Related Project No. 1 could contribute to the Project's on-site construction noise impacts at R1. Thus, the Project's cumulative on-site construction noise impacts at R1 would be significant and unavoidable.
- c) **Off-Site Construction Noise (Cumulative – R1):** As stated on pages IV.I-65 through IV.I-66 and IV.I-70 through IV.I-71 in Section IV.I, Noise, of the Draft EIR and in Appendix I, Noise and Vibration Technical Appendix, of the Draft EIR, if construction of the Related Projects overlap with Project construction and construction trucks would utilize the same roadway network as the Project, cumulative off-site construction noise level increases would occur in the Project area. As shown in Table IV.I-9, Off-Site Construction Traffic Noise Impacts – Existing Plus Construction, the Project would not result in any significant off-site construction noise impacts due to construction trips. Nonetheless, the Project's projected 50 truck trips per hour would generate a noise level of approximately 69.6 dBA along W.C. Fields Drive west of Universal Studios Boulevard. Related projects contributing an additional 61 truck trips per hour on the same roadway segment at the same time as the Project would generate a noise level of approximately 67.0 dBA which would, combined with the Project's off-site noise level, result in a cumulative noise level of approximately 71.5 dBA, which is equal to the significance threshold of 5 dBA over ambient noise levels. Therefore, Related Projects contributing more than 61 truck trips would result in a cumulatively considerable contribution to off-site construction noise, and impacts would be significant. As explained on pages IV.I-70 through IV.I-71, there are no feasible mitigation measures to reduce off-site construction traffic noise to the residential land uses which comprise the majority of existing noise-sensitive uses within the Project Site area that could be impacted by the increase in traffic generated noise levels.

Construction of sound barriers would be inappropriate for residential land uses that face the roadway as it would be impractical and create aesthetic and access concerns. Thus, given that it is possible that the Project and Related Projects could contribute to cumulative off-site construction traffic noise levels and could exceed a significance threshold with sufficiently high cumulative traffic levels, the Project's contribution to cumulative construction noise associated with off-site construction truck traffic would be cumulatively considerable and would represent a significant and unavoidable cumulative impact.

6. **Reference:** For a complete discussion of noise impacts please see Section IV.I, Noise, and Appendix I, Noise and Vibration Technical Appendix, of the Draft EIR, and Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR.

## VIII. **Alternatives.**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

### **A. Summary of Findings**

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15091, that no feasible alternative or mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

### **B. Project Objectives**

CEQA Guidelines Section 15124(b) states that a project description shall contain "a statement of the objectives sought by the proposed project," and further states that "the statement of objectives should include the underlying purpose of the project."

As set forth on page II-12 in Chapter II, Project Description, of the Draft EIR, the underlying purpose of the Project is to expand and upgrade the existing Hilton Universal City Hotel to maintain its competitive position as a hub for regional commerce with convenient visitor access to Universal Studios Hollywood, Universal CityWalk, and other proximate tourist and entertainment destinations. The Project's specific objectives are as follows:

1. Expand hotel capacity and local employment opportunity through infill development on a parcel located within close proximity to tourist destinations, entertainment-related uses, and transit centers, thereby promoting local, regional, and State land use and mobility objectives, enabling visitors to use alternative modes of transportation (e.g., walking, bicycling, transit) and reducing vehicle miles traveled.
2. Maximize the usefulness of the Project Site by redeveloping portions of the property and upgrading other areas of the Project Site with an economically viable designed project with comprehensive ground-level landscape and entry upgrades and a new hotel building

with guestrooms, spa and meeting rooms, and restaurants to support anticipated market demand.

3. Preserve views to and from the Hollywood Hills by developing a hotel building that is compatible with the height and massing of nearby high-rise buildings while aligning the building in a way that preserves existing view corridors from public viewing areas.
4. Provide efficient and convenient site access for all modes of transportation, and enhance pedestrian circulation and bicycle amenities.
5. Strengthen the economic vitality of the local area by expanding employment opportunities and visitor-serving uses through construction and operation of an infill project within a TPA on a site that is served by existing infrastructure and would generate additional annual tax revenues to the City, including sales taxes and transient occupancy taxes.
6. Support the City's commitment to green building design, conservation, recycling, and sustainability through sustainable design and construction that promotes resource conservation, including waste reduction, efficient water management techniques, and conservation of energy.

### C. Alternatives Analyzed

#### 1. Alternative 1 – No Project/No Build Alternative

- a) **Description of Alternative:** As stated on page V-15 in Chapter V, Alternatives, of the Draft EIR, in accordance with CEQA Guidelines Section 15126.6(e), the No Project/No Build Alternative (Alternative 1) assumes that no new development associated with the Project would occur within the Project Site. The Project would not be built and the Existing Hotel Building would remain as under the existing uses and existing conditions.
- b) **Impact Summary:** As stated on pages V-15 through V-26 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid the significant and unavoidable Project-level on-site construction noise and cumulative on- and off-site construction noise. However, Alternative 1 would not construct the improvements that would be implemented under the Project, such as LID BMPs (i.e., capture and reuse from catch basins, and landscaped areas providing filtration with planter drains) designed to prevent an increase in stormwater discharge rates and water would continue to flow off-site without treatment. As such, Alternative 1 impacts related to drainage would be less than significant but greater than the Project's less than significant impacts. With the exception of water quality standards and altering existing drainage, all other environmental impacts would be less than the Project's less than significant impacts.
- c) **Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
- d) **Rationale for Finding:** As stated on pages V-15 through V-26 in Chapter V, Alternatives, of the Draft EIR, under Alternative 1, the Project would not be constructed and the Project Site and uses would remain the same as under existing conditions. Therefore, there would be no construction activities, including excavation, grading and truck trips occurring at the Project Site. As such, Alternative 1 would eliminate the Project's significant and unavoidable Project-level and cumulative construction noise

impacts from on-site construction activities and from off-site mobile sources. However, as shown in Table V-2, Comparison Of Impacts Associated With the Alternatives and the Project, since there would be no new development under Alternative 1, no modifications to improve the existing drainage patterns, quantity, or type and quality of runoff generated from the Project Site would occur. Specifically, Alternative 1 would not include the development of the on-site structural BMPs that would be implemented under the Project, and thus untreated stormwater would continue to flow to the City's stormwater system. As a result, because there are no existing structural BMPs in place at the Project Site, upon Project buildout, less pollutants would be transported through the conveyance systems into local watersheds and the ocean than under Alternative 1. As such, Alternative 1 impacts related to water quality would be less than significant but greater than the Project's less than significant impacts. Additionally, improvements that would be implemented under the Project, such as LID BMPs (i.e., capture and reuse from catch basins, and landscaped areas providing filtration with planter drains) designed to prevent an increase in stormwater discharge rates, would not occur under Alternative 1. That is, Alternative 1 would not construct a capture and reuse system, form catch basins, nor implement any other LID-related improvement. As such, Alternative 1 impacts to drainage would be less than significant but greater than the Project's less than significant impacts. With the exception of water quality standards and altering existing drainage, all other environmental impacts would be less than the Project's less than significant impacts.

Additionally, as stated on page V-25 through V-26, since under Alternative 1 there would be no Project, Alternative 1 would not meet the Project's underlying objective to expand and upgrade the existing Hilton Universal City Hotel to maintain its competitive position as a hub for regional commerce with convenient visitor access to Universal Studios Hollywood, Universal CityWalk, and other proximate tourist and entertainment destinations, nor meet any of the Project Objectives.

- e) **Reference:** For a complete discussion of impacts associated with Alternative 1, refer to Chapter V, Alternatives, of the Draft EIR.

## 2. Alternative 2 – New Parking Garage Alternative

- a) **Description of Alternative:** As stated on page V-26 in Chapter V, Alternatives, of the Draft EIR, the New Parking Alternative (Alternative 2) would eliminate the Project's expansion of the existing parking garage; reduce the Project's 464 new parking spaces to 360 new spaces, a reduction of approximately 22 percent; and locate all of the new parking in a new three-story parking garage structure over the North Plaza. All other Project components would be constructed under Alternative 2 which would provide the same square footage and building heights for the Hotel Expansion Building and Meeting Room. However, with the elimination of the garage expansion, the total soil export would be reduced from 87,000 cubic yards (CY) for the Project to 39,300 CY for Alternative 2. As with the Project, Alternative 2 would provide the same restaurant, spa, lounge, and pool uses (indoor and outdoor spaces). The new parking garage structure would reduce the proposed landscaping.
- b) **Impact Summary:** As stated on pages V-26 through V-53 in Chapter V, Alternatives, of the Draft EIR, the purpose of Alternative 2 is to reduce the Project's excavation volumes and, thus, reduce the Project's significant and unavoidable construction-related noise impacts associated with excavation and grading. To achieve the reduction in grading, Alternative 2 would eliminate the Project's proposed parking garage expansion and would locate all new parking in an enclosed parking structure within the North Plaza. All other Project components would be constructed apart for a

- minor reduction in landscaping and Alternative 2 would implement all the same Project Design Features and Mitigation Measures as the Project. Nonetheless, since Alternative 2 would only eliminate the excavation materials associated with the parking garage expansion, Alternative 2 would not avoid the Project's significant and unavoidable impacts associated with on-site construction noise nor the significant and unavoidable cumulative impacts that cannot be feasibly mitigated with regard to on-site construction noise and off-site construction noise – mobile sources. All other environmental impacts would be less than or similar to the Project.
- c) **Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
- d) **Rationale for Finding:** As stated on pages V-26 through V-53 in Chapter V, Alternatives, of the Draft EIR, as revised on pages 3-26 through 3-28 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the purpose of Alternative 2 is to reduce the Project's excavation volumes and, thus, reduce the Project's significant and unavoidable construction-related noise impacts associated with grading. Although Alternative 2 would reduce excavation material extracted to construct the garage expansion under the Project, it would not eliminate all Project excavation and grading activities. The total soil export for Alternative 2 would be reduced from 87,000 CY under the Project to 39,300 CY under Alternative 2, an approximately 55 percent reduction. As such, Alternative 2 would correspondingly reduce the duration of impacts associated with excavation, grading, and foundation work by 55 percent as compared to the Project (from approximately 87 days to approximately 40 days based on the corresponding 55 percent reduction in grading quantities). Both Alternative 2 and the Project would implement Mitigation Measures NOI-MM-1 (Noise Barriers) and NOI-MM-2 (Construction Equipment Noise Shielding and Muffling Devices), as applicable, to reduce on-site construction noise levels in excess of ambient noise standards. As with the Project, impacts would be less than significant at R2, impacts to the lower levels of receptor R1 would be reduced to less-than-significant with implementation of Mitigation Measures NOI-MM-1 and NOI-MM-2, and impacts at receptors R3, R4, and R5 would be reduced to less-than-significant levels with implementation of Mitigation Measure NOI-MM-2. Even so, with implementation of all feasible mitigation measures, Alternative 2 and the Project's construction noise impacts although temporary, would continue to be significant and unavoidable at the adjacent Sheraton Hotel (R1). Therefore, Alternative 2 and the Project would result in a temporary increase in ambient noise levels that would be significant and unavoidable and maximum daily impacts, the focus of a significance analysis, would be similar. However, because of the reduced duration of overlapping construction activities associated with development of the parking garage, impacts would be less under Alternative 2 than under the Project. As to off-site construction noise, the Project would result in a maximum of approximately 70 worker trips and 50 haul truck trips per hour (assuming a maximum of 400 haul truck trips per day evenly distributed over an eight-hour work day) which would result in an increase in traffic noise levels that would not exceed the threshold of significance but could, with the addition of Related Project construction traffic result in a significant and unavoidable impact. As Alternative 2 would reduce the number of haul truck trips required to haul the reduced quantity of excavated material, it would reduce the number of days with haul truck trips and the duration of off-site roadway noise during the grading/excavation phase which would be reduced from approximately 87 days to approximately 40 days based on the corresponding 55 percent reduction in grading quantities. Nonetheless, as noise impacts are based on a maximum daily noise level,

Alternative 2 would still contribute to significant and unavoidable cumulative on- and off-site noise impacts. Therefore, although Alternative 2 would have less impact as compared to the Project, both Alternative 2 and the Project would have a significant and unavoidable impact (with mitigation) related to Project-level on-site construction noise, cumulative on-site construction noise, and cumulative off-site construction noise.

Additionally, as stated on page V-52 and as shown in Table V-2, Comparison Of Impacts Associated With the Alternatives and the Project, while Alternative 2 would not avoid the Project's significant and unavoidable impacts associated with on-site construction noise nor the Project's significant cumulative impacts that cannot be feasibly mitigated with regard to on-site construction noise, cumulative on- and off-site construction noise, Alternative 2's other impacts would be less than, or similar to the Project's less than significant impacts or less than significant with mitigation impacts. As further stated therein, Alternative 2 would include a similar amount of overall development with the same 2.2:1 FAR and the same operational uses at the Project Site as the Project with 104 fewer parking spaces and a minimal reduction in landscaping as compared to the Project. As such, Alternative 2 would meet the underlying purpose of the Project and would meet Project Objectives 1, 3, 4, 5 and 6 to the same extent as the Project. However, since Alternative 2 would develop a parking structure over the North Plaza rather than expanding the existing parking structure, Alternative 2 would only partially meet Objective 2 which seeks to maximize the use of the Project Site.

- e) **Reference:** For a complete discussion of impacts associated with Alternative 2, refer to Chapter V, Alternatives, of the Draft EIR.

### 3. Alternative 3 – Office Use Alternative

- a) **Description of Alternative:** As stated on page V-53 in Chapter V, Alternatives, of the Draft EIR, the Office Use Alternative (Alternative 3) would retain the Project Site's existing hotel use and the Existing Outdoor Pool Area would be maintained in its current condition. However, an approximately 105,000-square-foot, 8-story office building would be developed on the southern portion of the Project Site adjacent to the Existing Outdoor Pool Area. Total new floor area under Alternative 3 would be 105,000 square feet. In addition, the existing parking garage would remain the same as under existing conditions, and all new parking for the office building would be at surface level. Parking would be reduced from 464 new spaces to 215 new spaces, an approximately 54 percent reduction compared to the Project. Unlike the Project, Alternative 3 would not provide any restaurant, spa, meeting room, or hotel uses and would not generate any new restaurant or hotel employees and would not generate any new visitors or guests to the Existing Hotel Building. Alternative 3 would reduce the Project's 2.2:1 FAR to 1.6:1. Alternative 3 would reduce the Project's total soil export from 87,000 CY to 17,800 CY.
- b) **Impact Summary:** As stated on pages V-53 through V-82 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would include a smaller amount of overall development consisting of office uses. Alternative 3 would not require the excavation associated with expansion of the existing parking garage. With the reduction in excavation, total soil export for Alternative 3 would be reduced by approximately 80 percent from 87,000 CY under the Project to 17,800 CY under Alternative 3. Since Alternative 3 would not eliminate all excavation and grading activities, Alternative 3 would not avoid the Project's significant and unavoidable impacts associated with on-site construction noise. Alternative 3 would also not avoid the Project's significant cumulative impacts

that cannot be feasibly mitigated with regard to on-site construction noise. All other environmental impacts would be less than or similar to the Project.

- c) **Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
- d) **Rationale for Finding:** As stated on pages V-53 through V-82 in Chapter V, Alternatives, of the Draft EIR, as revised on pages 3-28 through 3-30 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, like Alternative 2, the purpose of Alternative 3 is to reduce the Project's excavation volumes and, thus, reduce the Project's significant and unavoidable construction-related noise impacts associated with excavation and grading. Alternative 3 would include a smaller amount of overall development with a 1.6:1 FAR compared to the Project's 2.2:1 FAR, and consist of office uses in an 8-story office building instead of the Hotel Expansion Building and the new Meeting Room. The overall new floor area for Alternative 3 would be 105,000 square feet, which is approximately 35 percent of the Project's floor area of 299,088 square feet. Under Alternative 3, the office building would be constructed on the south side of the Project Site and would not require the removal of the Existing Outdoor Pool Area nor require the excavation associated with expansion of the existing parking garage. With elimination of the expansion of the existing parking garage, soil excavation and removal would be reduced by approximately 80 percent from 87,000 CY under the Project to 17,800 CY under Alternative 3. Parking under Alternative 3 would be reduced by 54 percent from 464 new spaces under the Project to 215 spaces under Alternative 3. Unlike the Project, Alternative 3 would not provide any restaurant, spa, meeting room, or hotel uses and would not generate any new restaurant or hotel employees and would not generate any new visitors or guests to the Existing Hotel Building.

As stated on pages V-71 through V-72, Alternative 3 would result in approximately 65 percent reduction in building and 54 percent reduction in parking construction activities. Additionally, the duration of building and parking construction activities would be reduced from approximately 582 days to approximately 228 days for the Project. With the approximately 80 percent reduction in grading activities under Alternative 3, the duration of grading related noise emissions would be shortened under Alternative 3 by approximately 80 percent (from approximately 87 days to approximately 18 days based on the corresponding 80 percent reduction in grading quantities). Due to this decrease in the overall construction program as the result of the reduction of overall development floor area and reduction in grading quantities, Alternative 3 would reduce the overall use of heavy equipment, such as loaders, graders, and haul trucks, as well as worker trips. However, while Alternative 3 would reduce the overall use of heavy equipment and worker trips, the maximum daily noise levels, the focus of the significance analysis, would be generally similar to the Project, but reduced in duration. Both Alternative 3 and the Project would implement Mitigation Measures NOI-MM-1 (Noise Barriers) and NOI-MM-2 (Construction Equipment Noise Shielding and Muffling Devices), as applicable, to reduce on-site construction noise levels in excess of ambient noise standards. As with the Project, impacts would be less than significant at R2, impacts would be reduced to less-than-significant at the lower levels of receptor R1 with implementation of Mitigation Measures NOI-MM-1 and NOI-MM-2 and impacts at receptors R3, R4, and R5 would be reduced to less-than-significant levels with implementation of Mitigation Measure NOI-MM-2. Even so, with implementation of all feasible mitigation measures, Alternative 3 and the Project's construction noise impacts although temporary, would continue to be significant and

unavoidable at the upper levels of the adjacent Sheraton Hotel (R1). Therefore, Alternative 3 and the Project would result in a temporary increase in ambient noise levels that would be significant and unavoidable and maximum daily impacts would be similar. However, because of the reduced duration of overlapping construction activities associated with development of the parking garage, impacts would be less under Alternative 3 than under the Project.

As further stated therein in regards to off-site construction noise, grading and excavation activities under the Project would result in a maximum of approximately 70 worker trips and 50 haul truck trips per hour (assuming a maximum of 400 haul truck trips per day evenly distributed over an eight-hour work day). While the Project's increase in truck and vehicle trips would increase existing traffic noise levels by less than the threshold of significance, it could result in a cumulatively significant and unavoidable noise impact. However, as Alternative 3 would reduce the Project's total soil export by approximately 80 percent it would result in a corresponding 80 percent reduction of truck trips and number of days with truck trips. It would also result in the duration of off-site roadway noise during the grading/excavation phase being reduced from approximately 87 days under the Project to approximately 18 days under Alternative 3. Therefore, because of the reduced number of days and truck trips, impacts would be less under Alternative 3 although the potential still exists to be significant and unavoidable should the Related Projects' construction truck traffic and Project's construction truck traffic use the same routes during the same days combining to exceed the applicable noise threshold. As under the Project, there are no feasible mitigation measures to reduce off-site construction noise resulting from mobile sources.

Additionally, as stated on pages V-81 through V-82, and as shown in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, while Alternative 3 would not avoid the Project's significant and unavoidable impacts associated with on-site construction noise, and on- and off-site cumulative construction noise, all other environmental impacts would be less than or similar to the Project. As further stated therein, Alternative 3 would fully meet the Project Objectives 4, 5 and 6 and would partially meet Objectives 1 and 3. However, since Alternative 3 would develop offices uses rather than hotel uses and therefore not provide any restaurant, spa, meeting room or hotel uses and would not generate any new restaurant, hotel employees or new visitors or guests to the Existing Hotel Building, Alternative 3 would not meet the overall objective of the Project and would not meet Objective 2.

- e) **Reference:** For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, Alternatives, of the Draft EIR.

#### **D. Alternatives Rejected as Infeasible**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

1. **Alternative Off-Site Locations:** As stated on pages V-5 through V-6 in Chapter V, Alternative, of the Draft EIR, development of an alternative site would not be consistent

with the Project's underlying purpose and primary objective which is to expand and upgrade the existing Hilton Universal City Hotel to maintain its position as a hub for regional commerce with convenient access to Universal Studios Hollywood, Universal CityWalk, and other proximate tourist entertainment destinations. Further, the Project Site is located adjacent to other existing high-rise hotel buildings and would be compatible with the height and massing of the surrounding area while preserving view corridors to the Hollywood Hills. In addition, the Project Site's proximity to entertainment destinations, providing pedestrian access to Universal Studios Hollywood and similar attractions is key to achieving the Project's main purpose. No equivalent alternative site exists, which renders an alternative project site location infeasible.

As further stated therein, the Project's construction-related significant and unavoidable noise impacts are characteristic of infill development in urbanized areas within the Universal City community and elsewhere in the Los Angeles area, particularly those areas identified as TPA districts suitable for high-rise hotels. Additionally, it is possible that development of the Project at an alternative site could potentially be closer to sensitive uses and thus may produce other environmental impacts that would otherwise not occur at the current Project Site or result in greater environmental impacts when compared to the Project. As such, the Project's construction-related significant and unavoidable construction noise impacts, including on- and off-site construction noise cumulative impacts, would be similar at an alternative site to the Project and would also likely be significant and unavoidable. As such, in accordance with CEQA Guidelines Section 15126.6(f), this alternative was rejected from further consideration.

2. **Existing Zoning Compliant Alternative:** As stated on page V-6 in Chapter V, Alternatives, of the Draft EIR, development of the Project would require a Vesting Zone Change for the portions of the Project Site from PB and RE15 to allow for a uniform C2 zone for the entire Project. Development of an alternative that is compliant with the Project Site's existing zoning would eliminate the need for the Vesting Zone Change. However, in order to comply with the Project Site's existing zoning, only parking would be permitted to be developed in the PB area and only hillside residential would be permitted to be developed in the RE15 area. Neither additional parking nor residential land uses would meet the Project's purpose or objectives, and there is no room within the existing C2 zone to accommodate infill development. Additionally, similar to issues with the Off-Site Location Alternative, it is possible that development of the Project at an alternative zoning compliant site could potentially be closer to sensitive uses and thus may produce other environmental impacts that would otherwise not occur at the current Project Site or result in greater environmental impacts when compared to the Project. As such, the Project's construction-related significant and unavoidable construction noise impacts, including cumulative on- and off-site construction noise impacts, would be similar at an alternative site to the Project and would also likely be significant and unavoidable. Therefore, in accordance with CEQA Guidelines Section 15126.6(f), an existing zoning compliant alternative was rejected from further consideration.

## **E. Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

As stated on pages V-82 through V-86 in Chapter V, Alternatives, of the Draft EIR, and summarized in Table V-2, Comparison of Impacts Associated With the Alternatives and the Project, Alternative 1, the No Project/No Build Alternative, would have less impacts than the Project, other than to water quality and alteration of drainage, or the other alternatives, as it would have no direct or indirect impacts on the environment. Further, it would avoid the Project's short-term less-than-significant with mitigation construction impacts related to air quality, noise, cultural resources and paleontological resources and the Project's significant and unavoidable construction noise impacts. Therefore, Alternative 1 would be the overall Environmentally Superior Alternative. However, although Alternative 1 would avoid all the Project's significant environmental impacts relating to Project-level on-site construction noise and cumulative on- and off-site construction noise, it would not include the Project's beneficial impacts to water quality and drainage, it would not meet the Project's underlying purpose and, as shown in Table V-3, Ability of Alternatives to Meet Project Objectives, it would not meet any of the Project Objectives. As further explained therein, Alternative 3, the Office Use Alternative, would be the Environmentally Superior Alternative to the remaining alternatives as it requires the least amount of excavation and grading and would have 65 percent less floor area than the Project or Alternative 2. Although Alternative 2 would fully meet many of the Project Objective's and elimination of the parking garage extension would make Alternative 2 superior to the Project, Alternative 3 is the only alternative that substantially reduces the scale of development. The amount of excavation, building volume and related construction activity under Alternative 3 would be less than that required for Alternative 2 or the Project. Therefore, Alternative 3 offers the greatest reduction in construction activity and construction impacts including those associated with construction noise. As shown in Table V-2, Alternative 3, would broadly reduce the Project's environmental impacts, resulting in less impacts compared to the Project or Alternative 2. Additionally, Alternative 3 would require the least amount of electricity and water consumption due to the lack of a new spa, restaurants, and pool areas. Since Alternative 3 would reduce the Project's floor area by approximately 65 percent, it would substantially reduce the duration of construction activities and the Project's significant and unavoidable construction noise impacts. However, as with Alternative 2, significant noise impacts would not be reduced to less-than-significant levels. As also shown in Table V-3, Alternative 3 would fully meet three of the Project's six specific Objectives and would not meet the Project's underlying purpose to maintain its competitive position as a hub for regional commerce with convenient visitor access to Universal Studios Hollywood, Universal CityWalk, and other proximate tourist and entertainment destinations. Additionally, Alternative 3 would lack the potential benefits of the Project since it would not provide the same type of visitor serving uses that would enable visitors to use alternative modes of transportation while visiting a regional hub for commerce including tourist destinations, entertainment-related uses, and transit centers. Therefore, Alternative 3 would only partially meet the Project's economic and development Objectives.

## **IX. Significant Irreversible Environmental Changes**

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

1. **Building Materials and Solid Waste:** As discussed on pages VI-7 through VI-8 in Chapter VI, Other CEQA Considerations, of the Draft EIR, as revised on page 3-30 in Chapter 3, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and pages 117 through 120 in Appendix-2, Initial Study, of the Draft EIR, Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable including, without limitation: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; fuels for construction vehicles and equipment as well as the transportation of goods and people to and from the Project Site; and water. However, the use of these products would not occur in an inefficient or wasteful manner given that Project construction would adhere to the sustainability requirements of Title 24 and other applicable codes, as well as the sustainability features discussed in Section IV, Environmental Impacts, of the Draft EIR. Project construction would generate an estimated 2,107 tons C&D waste before deductions for regulatory compliance. With compliance with applicable regulations, including the requirements of Assembly Bill (AB) 939, a minimum of 50 percent of the C&D waste would be recycled, which would reduce the Project's total C&D waste to approximately 1,054 tons which would be disposed of at the Azusa Land Reclamation Facility and would represent approximately 0.001 percent of the estimated remaining capacity of the Facility. As further explained therein, Project operation would generate an estimated 141 tons per year of Class III solid waste after the 75 percent diversion goal set by AB 939 and AB 341. This would represent a negligible proportion of the total remaining 163.4-million-ton capacity of the County's Class III landfills. As such, the Project's construction and operational waste generation would not exceed State and local standards. Accordingly, the Project would not result in the inefficient or wasteful use of building materials, and would not result in significant solid waste impacts, during either Project construction or operation.
  
2. **Water:** As discussed on pages VI-8 through VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and on pages IV.M.1-26 through IV.M.1-30 in Section IV.M.1, Utilities and Services Systems – Water, Wastewater and Energy, of the Draft EIR, and Appendix M-1, Utilities Infrastructure Technical Report: Water, of the Draft EIR, Project construction would result in an intermittent demand for water of approximately 2,000 gallons per day (gpd) during demolition, excavation, grading, and construction activities on-site, including but not limited to use in dust control, cleaning of equipment, excavation/export, removal and re-compaction, which is significantly less than the Project's operational demand of approximately 77,619 gpd. The LADWP, in the Project's approved WSA, determined that there are adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected operation water demand, based on a prior estimated demand of 112,868 gpd. In addition, as stated in the Project's approved WSA, the projected water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Moreover, the Project would implement Project Design Feature WS-PDF-1 (Water Conservation Features) which sets forth specific water efficiency features that are included in the Project design, including, in part, with high efficiency toilets with a flush volume of 1.0 gallons per flush, or less; high-efficiency Energy Star-rated commercial dishwashers; showerheads with a flow rate of 1.5 gallons per minute, or less; use of California Friendly® plants and artificial turf; a leak detection system for swimming pools and spa; and, water-saving pool filters. Thus, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply nor result in inefficient or wasteful use of water.

3. **Energy Consumption and Air Quality:** As discussed on pages VI-9 to VI-11 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in Sections IV.B, Air Quality, Section IV.F, Greenhouse Gas Emissions, and IV.D, Energy, of the Draft EIR, Project operation would continue to expend nonrenewable resources that are currently consumed within the City such as electricity, natural gas, fossil fuels including petroleum-based fuels required for vehicles, and water. Fossil fuels would represent the primary energy source associated with both construction and operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced. However, the Project would not result in inefficient or wasteful use of energy sources, in part because: continued use of non-renewable resources would be on a relatively small scale when considered with regard to the existing supplies of these natural resources, and their use would be consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources; the Project would not affect access to existing resources, nor interfere with the production or delivery of such resources; since the Project is an infill development located within a TPA and HQTAs, the Project would reduce reliance on private automobiles; the Project would provide expanded visitor-services and employment in close proximity to tourist destinations, entertainment-related uses, and transit centers; the Project Site is preferred for development pursuant to the 2020–2045 RTP/SCS and City policies to reduce VMT, among other goals; the Project would support pedestrian and bicycle access to a considerable range of employment, retail and entertainment activities; and, the Project is in proximity to the Metro B Line (Red Line) station and numerous regional and local Metro bus lines. As further stated therein, the Project would include Project Design Features such as: GHG-PDF-1 (Green Building Features), which requires that the Project's buildings be designed to achieve LEED Gold Certification or equivalent; WS-PDF-1 (Water Conservation Features) which includes water conservation features that reduce energy consumption and associated operational GHG emissions; TRAF-PDF-1 (TDM) which would require implementation of a TDM Program to reduce Project VMT which would reduce operational energy demand and related GHG emissions; and additional features that would contribute to energy efficiencies and to reduce GHG emissions including, but limited to, the use of materials and finishes that emit low quantities of VOCs; air conditioning systems that use ozone-friendly refrigerants; installation of heat pumps and high-efficiency appliances; and, the provision of bicycle parking and other amenities for bicyclists as well vehicle parking equipped with EV charging. Moreover, the Project would comply and/or not conflict with energy policies and regulations including the Los Angeles Sustainable City pLAN 2019, the Los Angeles Green Building Code, the Framework Element, the Community Plan, the CALGreen Code, the State's AB 32 GHG reduction target, and the 2020–2045 RTP/SCS. Therefore Project's irreversible changes to the environment related to the consumption of nonrenewable energy resources would not be significant and would not be inefficient or wasteful.
4. **Environmental Hazards:** As discussed on pages 86 through 92 in Appendix A-2, Initial Study, of the Draft EIR, and in the Phase I Environmental Site Assessment (ESA) included in Appendix B of the Initial Study, Project construction would involve the temporary use of hazardous substances such as paint, adhesives, fuels, and oils, and Project operation would involve the storage of small quantities of potentially hazardous materials such as cleaning solvents and pesticides for landscaping. However, all these hazardous materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Moreover, as explained in the Initial Study, the ESA determined that no significant impacts from a former dry cleaning operations would occur with respect to Project construction or operation; underground storage tanks at the Project were closed pursuant to applicable regulations; underground fuel pipes were sealed in place and should they need to be removed during Project construction, their handling, removal and disposal would occur in accordance with applicable regulatory requirements;

and, no off-site conditions are known that could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Furthermore, no uses are proposed that would generate hazardous materials. Therefore, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from Project construction and operation. As such, the Project would not result in the use of non-renewable resources that would result in a significant hazards related to hazardous materials.

## **X. Growth-Inducing Impacts**

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As stated on pages VI-11 through VI-14 in Chapter VI, Other CEQA, of the Draft EIR and more fully discussed on pages 100 through 102 and 106 through 107 in Appendix A-2, Initial Study, of the Draft EIR, the Project Site is located in an area that is fully served by existing infrastructure including roads and utilities. Also, the Project is located on an infill site, qualifies as an employment center project, and is located within a designated Regional Center. The Project would include visitor-serving uses that would be compatible with adjacent uses and representative of the type of development anticipated for the Project Site in the Community Plan. As such, the Project would not include the construction of new homes that could directly induce population growth or require the extension of public roadways or other infrastructure (e.g., water facilities, sewer facilities, electricity transmission lines, natural gas lines, roads etc.) into undeveloped areas that could indirectly induce population growth.

As further stated therein, indirect population growth that might occur as a result of employment opportunities from Project construction and operation would represent an extremely small component (less than one percent) of the projected population growth projected for the City and the Project's new development is within the range of development and employment forecasted by SCAG and the Community Plan. Moreover, the Project's new employment opportunities would not induce unplanned growth, in part because: construction workers would remain at a job site for only the timeframe in which their specific skills are needed to complete a particular phase of the construction process, and, therefore, they are unlikely to relocate their households as a result of their employment; based on SCAG's 2016-2040 RTP/SCS, any employment growth from the Project's 220 new employment opportunities during operation would be less than one percent of future projected employment growth for the City; and, most of the expected employees would be drawn from the existing labor force in the region and would not need to relocate to the Project area. Further, the Project would not require the extension of public roadways or other infrastructure into undeveloped areas that could indirectly induce population growth as the Project Site is located in an urbanized area that is served by current infrastructure and community service facilities. Thus, the Project would not provide additional infrastructure capacity for other future development, nor open inaccessible sites to new development other than existing opportunities for development that are already available. Overall, the Project would be consistent with the growth forecast for the SCAG region and City of Los Angeles, and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional

congestion, as well as improve air quality through the reduction of VMT with the Project's proximity to public transit options. Therefore, the Project would not spur additional growth beyond what has already been projected and would not eliminate impediments to growth. Consequently, the Project would not foster direct or indirect growth inducing impacts.

## **XI. Energy Conservation**

As discussed on pages IV.D-31 through IV.D-47 in Section IV.D, Energy, of the Draft EIR, and shown in the calculations contained in Appendix F, Energy Calculation Worksheets, of the Draft EIR, Project construction and operation would consume electricity, natural gas and transportation energy. However, the Project would conserve energy in compliance with federal, State and local conservation policies and would not result in wasteful, inefficient, or unnecessary consumption of energy during construction or operation. Specifically, the Project is designed in a manner that meets or exceeds energy conservation regulations such as the Title 24 standards and CALGreen Code through incorporation of Project Design Features, such as: GHG-PDF-1 (Green Building Features) which requires that the Project achieve LEED Gold certification or equivalent standards that would incorporate energy efficiency features, solid waste reduction features, and optimization of building energy performance, all of which will minimize building energy demand; WS-PDF-1 (Water Conservation Features) which would reduce water consumption, in part through the installation of low-flow toilets, waterless urinals, landscaping consisting of native and drought-tolerant plants, and water efficient irrigation; and, TRAF-PDF-1 (TDM) which would include design features, transportation services, education, and incentives intended to reduce the number of single-occupant vehicles during commuter peak hours and thereby reduce operational transportation fuel consumption. Additionally, the Project would also be consistent with and not conflict with regional planning strategies that address energy conservation. As further discussed therein, SCAG's 2016-2040 RTP/SCS and 2020-2045 RTP/SCS focus on reducing fossil fuel consumption by decreasing VMT, encouraging the reduction of fossil fuel use in building, and increasing the use of renewable resources. The Project's design and location on an infill site within a HQTAs in proximity to transit, existing off-site retail, restaurant, entertainment, commercial, and job destinations, and its walkable environment would achieve a reduction in VMT. Thus, through implementation of Project Design Features and the energy sustainability features listed on pages II-53 through II-54 in Chapter II, Project Description, of the EIR, and other features consistent with the applicable strategies in the City's Green New Deal, including features that go beyond those specified by regulations, the Project would reduce energy consumption and, thereby, conserve energy.

## **XII. Statement of Overriding Considerations**

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated

with respect to: On-Site Construction Noise (Project-Level); On-Site Construction Noise (Cumulative); and Off-Site Construction Noise – Mobile Sources (Cumulative).

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the temporary significant unavoidable impacts relating to Project-level and cumulative on-site construction noise and cumulative off-site construction noise.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project Would Meet the Underlying Purpose for the Project and Support Community Plan Objectives, Goals and Policies
  - The Project would expand and upgrade the existing Hilton Universal City Hotel thereby fulfilling the underlying purpose of the development which, as stated in Chapter II, Project Description, of the Draft EIR, is to expand and upgrade the existing Hilton Universal City Hotel to maintain its competitive position as a hub for regional commerce with convenient visitor access to Universal Studios Hollywood, Universal CityWalk, and other proximate tourist and entertainment destinations.
  - The Project would support the Community Plan objectives, goals, and policies, in part because:
    - o The Project would support the Community Plan's Commercial Objectives in that: the Project Site is consistent with Community Plan's Regional Center Commercial (Pre-Framework) designation; the Project would conserve and strengthen the Community's commercial sector; the Project Site is within an existing established commercial area; the Project would enhance the visual character of the Project Site; and the Project would be compatible with adjacent uses and development.
    - o The Project would support the Community Plan's goals with respect to police and fire services by maintaining existing security personnel and providing well-lit public and semi-public spaces, as well as active security features.
    - o The Project would be consistent with the Community Plan's transportation goals as it represents the expansion of an existing hotel that would increase density and human activity within a designated TPA and within 0.25 miles, and easy pedestrian access, of the Metro B Line (Red Line) Universal

City/Studio City Station, thereby supporting the goals of increasing the use of public transit for work trips and non-work trips and encouraging alternative modes of transportation to the use of single occupancy vehicles in order to reduce trips.

2. The Project Would Support Local and Regional Land Use and Environmental Goals: The Project would be consistent with and not conflict with the relevant provisions, policies, and goals of the 2020-2045 RTP/SCS, the General Plan's Framework Element, and the Citywide Design Standards, in part because:
  - The Project would be consistent with 2020–2045 RTP/SCS strategies (i) to emphasize land use patterns that facilitate multi-modal access to work, educational and other institutions, (ii) to have growth near transit investments, and (iii) to support implementation of first/last mile strategies, in part because:
    - o The Project would be consistent with strategies to prioritize infill and redevelopment of underutilized land to accommodate new growth and to increase amenities and connectivity in existing neighborhoods since the Project would represent an infill development and intensification of an existing developed site within an HQTAs;
    - o The Project would increase pedestrian activity and connectivity in the existing area and provide a safe pedestrian route between the Project Site and the transit station;
    - o The Project would reduce the reliance on and number of solo car trips, as it would intensify development in an HQTAs, would provide bicycle parking spaces and bicycle amenities, which would encourage employee cycling to work and the use of bicycles by guests for sight-seeing and other regional trips, and would implement a transportation management program to reduce solo vehicles trips through Project Design Feature TRAF-PDF-2 (CMP);
    - o The Project would contribute to the reduction in VMT and GHG emissions due to its location within an HQTAs; and,
    - o The Project would promote more resource-efficient development focused on conservation, recycling and reclamation by including design features that would contribute to energy efficiencies.
  - The Project would be consistent with and not conflict with the Framework Element, in part because:
    - o The Project would intensify commercial uses in a designated Regional Center served by public transit;
    - o The Project's improvements would be compatible with the entertainment and commercial environment in the Universal City area;
    - o The Project would be consistent with the Framework Element's goals to achieve a balanced and diverse distribution of land uses that contributes to the City's long-term fiscal and economic viability by continuing and expanding the existing hotel use and maximizing the use of the Project Site by accommodating a higher density at the Project Site;

- The Project's proximity to transit would be consistent with Framework Element's policies to promote an improved quality of life by facilitating a reduction of vehicle trips, VMT, and air pollution;
  - The Project would be supportive of the Urban Form and Neighborhood Design objective to reinforce existing Regional Centers that accommodate a broad range of users that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles; and,
  - The Project would be consistent with Framework Element's objectives to encourage proper design and effective use of the built environment to help increase personal safety at all times of the day, by continuing the existing comprehensive security program, 24 hours per day/seven days per week, to ensure the safety of hotel guests and visitors.
- The Project would be consistent with and not conflict with the applicable Citywide Design Guidelines, in part because:
- The Project is designed to be pedestrian friendly and promote safe access routes from the nearby transit and commercial uses, including the existing pedestrian access to the Universal Studios theme park from the Project Site;
  - The Project would be consistent with the architectural and visual character of the existing built environment of the Project Site and adjacent uses, including the Existing Hotel Building and adjacent Sheraton Hotel; and,
  - The Project would not encroach upon public open space resources and would incorporate landscaped open space and a rooftop restaurant and landscaping where the public could enjoy vistas of the City's open spaces.
3. The Project Would Represent Sustainable Development: In addition to promoting smart growth by expanding hotel and restaurant uses on the Project Site, which is within a TPA and HQT and located within walkable distance to public transit and employment opportunities, restaurants, and entertainment, including adjacent to major tourist and entertainment destinations such as Universal Studios Hollywood and Universal Citywalk, the Project would represent sustainable development in part because:
- The Project would support local policies for renewable energy and green building design, as it would be designed to meet the California Green Building Standards (CALGreen), or the Los Angeles Green Building Code, which was amended to incorporate various provisions of the CALGreen Code, through the incorporation of green building techniques and other sustainability features, including the use of materials and finishes that emit low quantities of VOCs; the installation of heating, ventilation, and air conditioning (HVAC) systems that utilize ozone-friendly refrigerants; high-efficiency appliances; stormwater retention; and the provision of bicycle parking and other amenities for bicyclists, and electric vehicle charging stations.
  - The Project would achieve LEED Gold Certification or equivalent which would optimize building energy performance.

- The Project would promote more resource-efficient development focused on conservation, recycling and reclamation by including design features that would contribute to energy efficiencies including, without limitation, a recycling program for all disposable products from rooms including soap, shampoo, kitchen glass and plastic.
  - The Project would promote conservation efforts through Project Design Feature WS-PDF-1 (Water Conservation Features) which includes, but is not limited to, water efficient plumbing fixtures and low-flow shower heads, leak detection system and water-saving pool filters for the swimming pool, artificial turf, and a drip/subsurface irrigation (Micro-Irrigation) system.
  - The Project would also conserve water by incorporating rainwater management strategies through LID compliant rainwater capture systems, drought-tolerant/California native plant species selection, and landscape contouring to minimize precipitation runoff.
  - The Project would implement a transportation demand management program through Project Design Feature TRAF-PDF-2 (CMP) which would include design features, transportation services, education, and incentives intended to reduce the number of single-occupant vehicles during commuter peak hours.
  - The Project would comply with the City's Electric Vehicle Parking Ordinance, which requires 30 percent of the Project's total parking spaces to be designated as electric vehicle (EV) spaces capable of supporting future EV supply equipment, and 10 percent of the total number of spaces to be EV charging stations.
  - The Project would provide on-site short and long-term bicycle parking to encourage employee and visitor use of non-motorized vehicles thereby conserving fossil fuels and reducing GHG emissions.
4. The Project Would Create Jobs and Enhance City Revenues: The Project would advance the City's goals to provide employment opportunities within a TPA and would increase the City's revenues, in part because:
- The Project would support the growth of the City's economic base by creating jobs during both Project construction and operation of the Project.
  - The Project would also create commercial opportunities that could serve local employees, generate local tax revenues, and provide new permanent jobs.
  - The Project would create 395 new guestrooms, three restaurants (including bars) and a bar and lounge space which would result in an increase in hotel occupancy tax and sales tax revenues.

### XIII. **General Findings:**

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services – fire protection, public services- police protection, transportation, tribal cultural resources, utilities and service systems – water supply, utilities and service systems – wastewater, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. Textual refinements and errata were compiled and presented to the decision- makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
  - The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

- The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
  8. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
  9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
  10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
  11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
  12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and the other regulatory jurisdictions.



## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

**Metro DSC**

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online Appeal Filing



QR Code to Forms for In-Person Filing