

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

SEA BREEZE APARTMENTS PROJECT

CITY OF LOS ANGELES, EIR NO. ENV-2009-339-EIR

STATE CLEARINGHOUSE NO. 2010021020

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**STATEMENT OF ENVIRONMENTAL EFFECTS, MITIGATION MEASURES, FINDINGS,
STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE SEA BREEZE APARTMENTS PROJECT**

I. INTRODUCTION

A & M Properties, the "Applicant," proposes the Sea Breeze Apartments project on land identified as Tract # 65665 Lot 2 and Lot 3 at the temporary address of 1311 West Sepulveda Boulevard (the "Project Site"). The proposal involves the development of two six-story structures containing residential uses and parking. The two structures would be identical in design, building height, and floor area. Both structures would include two above-grade levels of parking with four levels of residential uses above the parking levels. Both buildings will include 176 multi-family apartment units, for a total of 352 residential units. The maximum building height on the Project Site would be approximately 65 feet.

The project, as approved (Alternative D: Increased Buffering and Land Use Compatibility Alternative) modifies the originally proposed project to better insulate the proposed residential uses from existing surrounding structures by proposing a design that is inward facing. Alternative D represents a variation of physical design elements that do not change square footage and land uses proposed when compared to the originally proposed project. Specifically, Alternative D would retain the same square footage of roughly 445,000 square feet with a mix of two and three bedroom apartment units. Also, the overall height of the structures would not change under this Alternative when compared to the originally proposed project. Alternative D's redesign of the originally proposed project would help bring the original design into further compliance with the policies and guidelines of the City's General Plan and Citywide Design Guidelines.

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

The project proposal was reviewed by the Los Angeles Department of City Planning (serving as lead agency) in accordance with the requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.; 14 Cal. Code Regs. § 15000 et seq.).

An initial study was prepared for the project in and is attached as Appendix I-3 to the Draft EIR. In compliance with CEQA Section 21080.4, a Notice of Preparation ("NOP") was prepared by the City of Los Angeles Department of City Planning and distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties. The NOP identified specific areas where the proposed project could have adverse environmental effects and determined that an EIR would need to be prepared to document these effects. The City Planning Department circulated the NOP on February 4, 2010 until March 8, 2010. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and was circulated for public review and comment for a 45-day review period which began on October 18, 2012 and closed on December 3, 2012.

The Draft EIR for the proposed project (State Clearinghouse No. 200021020), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City of Los Angeles CEQA Guidelines. Pursuant to Section 15088 of the CEQA Guidelines, the City of Los Angeles, as lead agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section III of the Final EIR.

The Planning Department prepared a Final EIR for the project, which was completed in April 2013, and an Errata to the Final EIR prepared in August 2013 which are hereby incorporated by reference in full. The Final EIR was intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the proposed project. The Final EIR addressed the environmental effects associated with implementation of the proposed project, identified feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and included written responses to all comments received on the Draft EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to consideration of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Hard copies of the Final EIR were also made available at public libraries and the City of Los Angeles Department of City Planning Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the Project Site as well as individuals that attended the scoping meeting and/or public comment meeting and provided comments during the NOP comment period.

The City Planning Commission conducted a duly noticed public hearing on March 13, 2014, to review the project, and to received public testimony on the project. On April 17, 2014, the City Planning Commission issued its determination recommending that the City Council not certify the EIR and disapprove the requested entitlements. On April 17, 2014, the Applicant appealed determination of the City Planning Commission. The City Council's Planning and Land Use Management Committee ("PLUM") held a hearing on October 21, 2014 to consider the Applicant's appeal, heard testimony from the public and continued the public hearing. Thereafter, Alternative D was developed to address land use compatibility issues and a Revised and Updated Final Environmental Impact Report (Revised and Updated Final EIR) was prepared by the Department of City Planning to assess the potential environmental impacts from Alternative D. On February 10, 2015, PLUM held a subsequent public hearing to consider the Project (Alternative D) and the Revised and Updated Final Environmental Impact Report and recommended that the full City Council approve the Project. On [date], the City Council approved the Project, certified the Updated Final Environmental Impact Report, adopted a Statement of Overriding Considerations and approved a Mitigation Monitoring and Reporting Program with these findings. These findings represent the independent judgment of the City of Los Angeles.

The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA findings are based are located at the Department of City Planning, Environmental Review Section, 200 North Main Street, Room 750, Los Angeles California 90012. This information is provided in compliance with CEQA Section 21081.6(a)(2).

III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA

Section 21081 of the California Public Resources Code and Section 15091 of the CEQA Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three possible findings for each of the significant impacts. The possible findings are:

- "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (State CEQA Guidelines, § 15091, subd. (a)(1))

- “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 adopted by such other agency or can and should be adopted by such other agency.” (State CEQA Guidelines, § 15091, subd. (a)(2))
- “Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (State CEQA Guidelines, § 15091, subd. (a)(3))

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Revised and Updated Final EIR 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 would nevertheless fully account for all such effects identified in the Revised and Updated Final EIR for the purpose of better understanding the full environmental scope of the Project. For each of the significant impacts associated with the Project, either before or after mitigation, the following sections are provided:

- a) Description of Significant Effects - A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact.
- b) Project Design Features – Identified project design features or actions that are included as part of the Project.
- c) Mitigation Measures - Identified mitigation measures or actions that are required as part of the Project.
- d) Finding - One or more of three specific findings in direct response to CEQA Section 21081 and CEQA Guidelines Section 15091.
- e) Rationale for Finding - A summary of the reasons for the finding(s).
- f) Reference - A notation on the specific section in the Draft EIR which includes the evidence and discussion of the identified impact.

IV. DESCRIPTION OF THE PROJECT (ALTERNATIVE D)

The project as proposed and analyzed in the Draft EIR consisted of two structures identical in design, building height, and floor area. Both structures would include two above-grade levels of parking with four levels of residential uses above the parking levels. Both buildings will include 176 multi-family apartment units, for a total of 352 residential units. The maximum building height on the Project Site would be approximately 65 feet. The apartment units would range in size from approximately 949 square feet to approximately 1,423 square feet. The 352 apartment units would include 176 one-bedroom units and 176 two-bedroom units.

Comment letters submitted during the public comment period for the Draft EIR raised concerns about the proposed project’s proximity to industrial uses. The Comment letters urged the Applicant to assess the project’s potential impacts to land use and the subsequent zone change entitlement request.

As such, in response to these public comments, a new Alternative—Increased Buffering and Land Use Compatibility Alternative (or Alternative D)—was included in the Revised and Updated Final EIR. For purposes of these findings, “the Project” shall refer to Alternative D, not the project as proposed and analyzed in the EIR. The project as proposed and analyzed in the EIR shall be referred to in these findings as “the originally proposed project.” This Alternative D, which is described below, revises the originally proposed project to embrace new design features and incorporate zone consistency elements into the overall development scheme of the proposal. Other than the changes set forth in this document and described below as it relates to the new Alternative, all aspects of the project would remain the same as originally analyzed in the Final EIR and subsequent Errata to Final EIR.

Alternative D represents a variation of physical design elements that do not change the square footage and land uses proposed when compared to the originally proposed project. Specifically, Alternative D would retain the same square footage of roughly 445,000 square feet with a mix of two and three bedroom apartment units. The apartment units would range in size from approximately 949 square feet to approximately 1,423 square feet. The overall height of the structures would not change under this Alternative when compared to the originally proposed project. The redesign of the originally proposed project under Alternative D would help bring the original design into further compliance with the policies and guidelines of the City’s General Plan and City Design Guidelines.

Alternative D does this in multiple ways. Particularly, this Alternative proposes a 51-foot setback buffer between the north property line and northern façade of the proposed structure to further separate land uses, along with new property edge landscape buffers and recreational uses. This Alternative also incorporates many sound attenuation and noise reducing design elements including exterior and interior soundproofing walls, insulated walls, solid structure exterior balconies, mature landscaping along property lines, and high performance double glazed windows throughout the entire residential structure. Aesthetically, Alternative D modifies ground floor windows, balconies, and garage doors to increase curb appeal and compatibility with surrounding uses.

The overall building and site design, when compared to the originally proposed project, has also been enhanced under Alternative D. These changes include a new roof top sundeck, new interior podium courtyard, and new roof top air conditioning units in lieu of the window units contemplated in the originally proposed project. Other design alterations include double glazed high performance windows, redesigned parking stalls, and pedestrian friendly walkways.

Alternative D also proposes all “green” buildings, with strict compliance with the City’s green building ordinance. Proposed measures include storm water retention planter boxes and electric vehicle supply wiring. Proposed energy efficiency measures include solar reflectance and thermal emittance value roofs, heating and cooling equipment, multi-speed swimming pool circulating pumps, and many more renewable energy features.

V. IMPACTS DETERMINED IN THE INITIAL STUDY NOT TO BE SIGNIFICANT

The City of Los Angeles Department of City Planning prepared an Initial Study dated July 2009, for the originally proposed project, which determined that the originally proposed project would not have the potential to cause significant impacts in the following areas: Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population Housing and Employment, and Utilities. Therefore, these issue areas were not examined in

detail in the EIR. In addition, as these issue areas deal generally with the location of the Project Site, the Project (Alternative D) would also not have the potential to cause significant Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population Housing and Employment, and Utilities impacts. Code Compliance measures are also identified for some of the areas determined not to have the potential to cause significant impacts. These Code Compliance measures are imposed on the Project by various governmental regulations and ensure that impacts remain less than significant. The rationale for the conclusion that no significant impact would occur in each of these issue areas is summarized below, and based on that rationale, and other evidence in the administrative record relating to the originally proposed project and Alternative D, the City finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed:

A. Agricultural Resources

The Project would involve the construction of an urban use within an existing urbanized Project Site previously identified for industrial use. The Project Site is not used, nor has it been used in the recent past, for agricultural purposes. The Project Site is not zoned or designated by the General Plan for agricultural use nor is it designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Department of Conservation, Division of Land Resources Protection. Thus, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. Development of the Project would not convert any farmland to non-agricultural use nor is the Project Site under a Williamson Act contract. Therefore, no impacts would occur and no mitigation measures are required.

B. Biological Resources

The Project Site is located in an urbanized area of the Harbor Gateway Community of the City of Los Angeles. The Project Site is currently vacant and the only vegetation consists of overgrown shrubs, grasses, and trees that were planted as part of a former landscape plan. No candidate, sensitive, or special status species identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (Fish and Game) or U.S. Fish and Wildlife Service (USFWS) occur on the Project Site. In addition, there are no riparian or other sensitive habitat areas located on or adjacent to the Project Site, and no known locally designated natural communities exist on or in the vicinity of the Project Site.

No federally protected wetlands occur on or in the vicinity of the Project Site. The Project would not result in the direct removal, filling, or hydrological interruption of a federally protected wetland as defined by Section 404 of the Clean Water Act. As discussed, vegetation on the Project Site is limited to ornamental and non-native species. The Project Site does not contain any protected tree species as defined by the City of Los Angeles Protective Tree Relocation and Replacement Ordinance No. 177,404. Due to the existing and surrounding urban development, there are no wildlife corridors or native wildlife nursery sites in the Project vicinity. The Project would not interfere with the movement of any resident or migratory fish or wildlife species. There are no known locally designated natural communities on or in the vicinity of the Project Site, therefore, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact with respect to biological resources would occur as a result of the Project.