

Justification for Project Exemption

CASE NO. ENV-2021-4598-CE

Project Description:

The 1489 West Sunset Boulevard Project (Project), located at 1485-1493 and 1501 West Sunset Boulevard, and 1314 North McDuff Street, would involve the construction and operation of an urban infill mixed-use development on an approximately 0.95-acre site (Project Site) in the Echo Park neighborhood of the Silver Lake-Echo Park-Elysian Valley Community Plan Area. The 41,100-square foot (sf), irregular-shaped Project Site is located at the northwest corner of West Sunset Boulevard and Portia Street and including McDuff Street. The Project Site is comprised of all or portions of 8 lots currently identified as Assessor Parcel Numbers (APNs) 5406-001-053 and 5419-027-007. In the northern portion of the Project Site, an approximate 9,071-sf area is zoned RD2-1VL (Restricted Density Multiple Dwelling, Height District 1VL), and an approximate 1,004-sf area is zoned R3-1L (Multiple Dwelling, Height District 1L). In the southern portion of the Project Site, an approximately 31,025-sf area is zoned C2-1VL (Commercial, Height District 1VL) and [Q]C2-1VL (Commercial, Height District 1VL, with Qualified Classification). The Project Site is designated as Low Medium II Residential (corresponding with the RD2-1VL zone), Community Commercial (corresponding with the R3-1L and [Q]C2-1VL zones), and General Commercial (corresponding with the C2-1VL zone) in the Silver Lake-Echo Park-Elysian Valley Community Plan.

The Project Site is currently occupied by a surface parking lot, three single-story commercial buildings (1485, 1487, and 1489 W. Sunset Boulevard) totaling approximately 10,296 sf, an approximately 5,239 sf, two-story mixed-use building (1501 W. Sunset Boulevard), and associated landscaping. There are no trees on the project site (Carlberg Associates 2020). The building at 1501 W. Sunset, which was recently remodeled and converted from office to mixed use (retail and residential), includes five newly-created multi-family residential dwelling units and 1,807 sf of ground floor commercial space that have yet to be occupied. The existing on-site buildings were constructed between 1922 and 1977 and are all currently vacant. A plywood wall will be erected along the perimeter of the Project Site, as required by Section 91.8904 of the

LAMC.¹ The wall will be 10-feet high and will consist of ¾-inch plywood. The Project Site includes McDuff Street, a “paper street” that terminates on the Project Site, 165 feet north of Sunset Boulevard. McDuff Street has a 30-foot right of way. An approximately 35-foot slope traversed by the Sunset-McDuff Public Stairway is present in the northern portion of the Project Site, while the southern portion of the Project Site is generally flat.

Land uses adjacent to the Project Site include two, three-story single family residential buildings on the lot to the west of the Sunset-McDuff Public Stairway; one- and two-story commercial buildings fronting Sunset Boulevard west of 1501 W. Sunset Boulevard; multiple one- and two-story single and multi-family residential buildings to the north; a single-story commercial building and Portia Street to the east; and one- to three-story commercial and residential buildings to the south across W. Sunset Boulevard. The single and multi-family residential uses to the north are located at a higher elevation than the Project Site (approximately 30 feet). The Project Site is located adjacent to a LA County Metropolitan Transportation Authority (Metro) bus stop on Sunset Boulevard at Portia Street for Lines 2 and 4, and within 0.25-mile of the intersection of Metro Line 200 and Metro Rapid Bus Line 704 at Echo Park Avenue and Sunset Boulevard. Therefore, the Project Site is located within 0.25-miles of a Major Transit Stop as defined in the *Transit Oriented Communities Affordable Housing Incentive Program Guidelines* (TOC Guidelines).²

The Project would demolish the existing parking lot and the two commercial buildings at 1487 and 1489 W. Sunset, retain the two buildings at 1501 and 1485 W. Sunset Boulevard (which have a combined floor area of 7,812 sf), and construct a residential and commercial mixed-use building with two subterranean parking levels, one partially below-ground commercial and parking level (“Ground Floor”), and five above-ground residential levels. The proposed mixed-use building would include 5 stories³ with a maximum building height of 67 feet. The five residential levels would include 136 residential units comprised of 55 studios, 14 junior one-bedroom units, 35 one-bedroom units, and 32 two-bedroom units. Fifteen of the units would be restricted to affordable units for Extremely Low-Income households. In total, 141 residential units would be provided on the Project Site including the five existing residential units at 1501 W. Sunset building that would be retained as part of the Project. The ground floor of the building would provide 8,000 sf of restaurant space, 985 sf of outdoor eating areas fronting W. Sunset Boulevard, a 930 sf lobby and mailroom, as well as 2,040 sf of residential amenity space. In total, the Project would construct 179,660 gross square feet (gsf) of new development, 111,770 sf of which would constitute floor area for purposes of calculating floor area ratio (FAR).⁴ When accounting for the existing uses at

¹ Los Angeles Municipal Code (LAMC) Section 91.8904.1 requires the owner or person in control of a vacant building, structure, or lot which is open to unauthorized entry to secure all openings, accessible for entry from the exterior of the building or structure, and where appropriate, the entire lot itself, with one of the following methods: 1) minimum ¾ inch (19.05 mm) exterior grade plywood; 2) minimum 16-gauge steel mesh attached to a minimum 1 inch by 1/8 inch (25 mm x 3.175 mm) angle iron frame; or 3) other means of barricading as directed or approved by the Department of Building and Safety.

² *Transit Oriented Communities Affordable Housing Incentive Program Guidelines*, Los Angeles Department of City Planning, Revised February 26, 2018. According to the TOC Guidelines, a Major Transit Stop is defined as a rail station or an intersection of two or more bus routes with service intervals of 15 minutes or less during the morning and afternoon commuter peak periods.

³ The Ground Floor is a “basement” and therefore not a “story” as those terms are defined in LAMC Section 12.03.

⁴ In accordance with LAMC Section 12.03, for purposes of calculating floor area ratio (FAR), floor area is defined as “[t]he area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment of machinery,

1501 and 1485 W. Sunset Boulevard that would remain, the project would include 119,582 sf of floor area.

The Project would include two levels of subterranean parking and a third, partially subterranean parking level on the ground floor. Parking would be fully enclosed and would provide a total of 116 vehicle parking spaces for off-street parking. Vehicular access to the Project Site would be provided from Sunset Boulevard at McDuff Street, which would be vacated and merged as a private driveway for the Project. The driveway would remain in its existing size and location; thus, the driveway would be a total of 30 feet wide with five-foot sidewalks on each side for a total drive aisle width of 10 feet in each direction. The driveway would be designed to LADOT standards under the review of City staff. In addition, the Project would provide a total of 110 bicycle parking spaces on site, including 13 short-term bicycling parking spaces and 97 long-term bicycle parking spaces. The Sunset-McDuff Public Stairway would be retained.

The Project would include outdoor residential amenity spaces at the podium and fifth floor levels. The 1,510 sf podium-level open space would include a courtyard with landscaping, gathering areas, paseos, and outdoor cooking areas. The open space on the fifth floor would provide additional residential amenity space in the form of an approximately 2,450 sf roof deck with landscaping and outdoor lounge and cooking areas. In addition, approximately 4,750 sf of private open space would be provided in the form of balconies for each of the residential units.

Construction of the Project is scheduled to begin in 2022 and would occur over a 23-month period, with anticipated completion in 2024. Construction phases would include demolition, site preparation, grading, building construction, and finishing. During the construction period, approximately 474 cubic yards of building demolition material and 30,000 cubic yards of grading and excavation material would be exported from the Project Site. The proposed haul route from the Project Site would involve trucks traveling west on Sunset Boulevard, north on Glendale Boulevard and SR-2, and north on I-5 to a proposed export site in Santa Clarita. The final haul route is subject to review and approval by the City Advisory Agency.

Because the Project applicant is seeking discretionary City approvals, the Project meets the definition of a “project” under the California Environmental Quality Act (CEQA). (See CEQA Guidelines § 15378.) However, technical analyses of the Project determined that it is eligible for the Categorical Exemption from CEQA environmental review pursuant to Article III, Section I, Class 32 of the CEQA Guidelines. The Class 32 Exemption is intended to promote infill development within urbanized areas. It applies to urban infill projects that meet the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

parking areas with associated driveways and ramps, space for the landed and storage of helicopters, and basement storage areas.”

- e) The site can be adequately served by all required utilities and public services. (CEQA Guidelines § 15332.)

Generally, in determining that a project is exempt from CEQA, the City need not follow any particular procedural formalities. (*Great Oaks Water Co. v. Santa Clarita Valley Water Dist.* (2009) 170 Cal.App.4th 956, 966-967). However, the City must include in the administrative record “substantial evidence of every element of the contended exemption...” (*Western Mun. Water Dist. v. Superior Court* (1986) 187 Cal.App.3d 1104, 1113.) Once the City has determined that a project is exempt, CEQA no longer applies and no environmental review is required. (CEQA Guidelines Sec.15002(k)(1); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74.) Thus, regarding the Class 32 Exemption, for a project to qualify for a Class 32 exemption, it must demonstrate with substantial evidence that it would meet each of the criteria, including the criteria under subsection (d) of CEQA Guidelines Section 15332, which require a project not to have a significant effect on the environment with respect to traffic, noise, air quality, or water quality. A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment” (CEQA Guidelines, Public Resources Code Section 21608).

The Project qualifies for the Class 32 Categorical Exemption as follows:

CLASS 32 CATEGORICAL EXEMPTION

The Project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of an “Infill Project” due to meeting the five conditions listed below.

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The 41,100-square-foot (approximately 0.95 acre) Project Site is located within the Silver Lake-Echo Park-Elysian Valley Community Plan, which is one of 35 Community Plans that make up the Land Use Element of the General Plan. The Silver Lake-Echo Park-Elysian Valley Community Plan land use designation for the Project Site is Low Medium II Multiple Family Residential, Community Commercial, and General Commercial. The Project Site is zoned as RD2-1VL (Restricted Density Multiple Dwelling, Height District 1VL), R3-1L (Multiple Dwelling, Height District 1L), C2-1VL (Commercial, Height District 1VL), and [Q]C2-1VL (Commercial, Height District 1VL, with Qualified Classification). The Project Site is not within the boundaries of any other specific plan, overlay, or interim control ordinance.

The Project proposes the demolition of two existing on-site buildings and a surface parking lot. The Project would retain the buildings at 1501 and 1485 West Sunset Boulevard and construct a residential and commercial mixed-use building containing 136 residential units and 8,000 sf of commercial space. The new building would include two subterranean parking levels, one partially below-ground commercial and parking level, and five above-ground residential levels, totaling approximately 179,660 gsf and reaching a maximum height of 67 feet. Fifteen of the proposed units would be restricted to affordable units for Extremely Low-Income households. In total, 141 residential units would be provided on the Project Site, including the five existing residential units at 1501 W. Sunset Boulevard that would be retained as part of the Project.

As a mixed-use multiple dwelling residential and commercial use, the Project is an allowable use in the RD2-1VL, R3-1L, C2-1VL, and [Q]C2-1VL zones.⁵ As described above in the Project Description, the Project is located within 0.25-miles of a Major Transit Stop as defined in the *TOC Guidelines*. Due to the Project's location and proximity to transit options, the Project qualifies for Tier 3 (High) TOC Affordable Housing incentives. Under the TOC Guidelines, the proposed Project qualifies for three base incentives related to density, FAR, and parking, as well as three additional incentives related to height, open-space requirements, and averaging, which are discussed in more detail below.

The zoning designations of RD2-1VL, C2-1VL, [Q]C2-1VL, and R3-1L allow a maximum allowable height of 45 feet and three stories. The building constructed under the Project would be 67 feet, which exceeds the maximum allowable height under these zoning designations by 22 feet. However, with the Project Site's Tier 3 designation, two additional stories and up to 22 feet of additional height, are permitted to be developed above the existing limits of three stories and 45 feet. Therefore, the 5-story, 67-foot-high building proposed under the Project would be allowed to be developed consistent with TOC Guidelines Section VII.1.g (Height).

The zoning designations of RD2-1VL and R3-1L allow for a maximum FAR of 3:1, and the designation C2-1VL and [Q]C2-1VL allows for a maximum FAR of 1.5:1. The RD2-1VL portion of the Project Site is approximately 9,071 sf, which allows for a base FAR of 18,528 sf. The R3-1L portion of the Project Site is approximately 1,004 sf, which allows for a base FAR of 1,581 sf. The C2-1VL and [Q]C2-1VL portion of the Project site is approximately 31,025 sf, which allows for a base FAR of 46,538 sf. With the Tier 3 designation under the *TOC Guidelines* (Section VI.1.b [FAR]), the Project is permitted to increase the maximum FAR to 3.75:1 in the C2-1VL/ [Q]C2-1VL zones of the Project Site, a 45 percent increase in FAR in the RD2-1VL zones or a FAR of 4.35:1, as well as a 50 percent increase in FAR in the R3-1L zones of the Project Site which would equate to a FAR of 4.5:1. This would allow for a total of approximately 116,344 sf to be constructed in the C2-1VL/ [Q]C2-1VL areas of the Project Site, 26,866 sf in the RD2-1VL areas, and 2,372 sf in the R3-1L area of the Project site, for a total of 145,582 sf of development on the Project site. Approximately 111,770 sf of development would occur under the Project. Therefore, the Project's FAR and amount of total development would be consistent with that allowed under Tier 3 designation of the *TOC Guidelines*.

The RD2 zone has a base density of 1 dwelling unit (du) per every 2,000 sf of floor area, the R3 zone has a base density of 1 du per every 800 sf of floor area, and the C2 zone has a base density of 1 du per every 400 sf of floor area. Under these designations, this would allow up to 4.54 du on the RD2-1VL zoned portion of the Project Site, 1.26 du on the R3-1L zoned portion, and up to 77.56 du on the C2-1VL/ [Q]C2-1VL portion, for a total base density of 84 du. However, with Tier 3 TOC incentives, the Project's base density would be permitted to increase up to 70 percent under the R3 and C2 zoning designations, and up to 40 percent under the RD2 zoning designation. Therefore, with the additional increase in base density in accordance with the *TOC Guidelines* Section VI.1.a (Increase in Number of Dwelling Units), a maximum of 141 du are allowed on the Project site. Under

⁵ The proposed commercial uses will be limited to those portions of the Project Site zoned C2-1VL and [Q]C2-1VL.

the Project, 136 net new du would be constructed, and the existing 5 units at 1501 W. Sunset would remain, for a total of 141 du on site.

In addition, the Proposed Project qualifies for a parking requirement reduction for the residential portion of the Project to a maximum of 0.5 spaces per du in accordance with *TOC Guidelines* Section V1.2.a., as well as a 30 percent reduction in the commercial parking requirement for the commercial portion of the Proposed Project. Based on the 136 net new du proposed as part of the Project, the residential portion would require 69 spaces, and the approximately 8,000 sf of proposed commercial uses would be required to provide parking at a ratio of 1 space per 200 sf per LAMC Section 12.21A4, which after a 30 percent reduction amounts to 28 parking spaces. The Project's proposed 116 parking spaces would adhere to the Tier 3 designation requirements under the *TOC Guidelines* for on-site parking supply.

Based on the number and type of units that would be constructed under the Project, the Project would be required to provide approximately 14,900 sf of open space in accordance with the LAMC. However, *TOC Guidelines* Section VII.1.b (Open Space) allows for Tier 3 projects to have a 25 percent reduction in required open space. Therefore, the Project would be required to provide at least 11,175 sf of open space. The Proposed Project would provide approximately 11,430 sf of open space, and therefore would be consistent with the Tier 3 designation under the *TOC Guidelines*.

The General Plan designation in the Silver Lake-Echo Park-Elysian Valley Community Plan for the Project Site is Low Medium II Residential, Community Commercial, and General Commercial, which is consistent with the Project Site's RD2-1VL, R3-1L, C2-1VL, and [Q]C2-1VL zoning and promotes multi-family residential uses and commercial uses such as the Project at densities and scales consistent with the Project. The Silver Lake-Echo Park-Elysian Valley Community Plan identified goals, objectives, policies, and programs to guide development in the community plan area, including residential, commercial, and mixed-use projects. The Project satisfies the applicable goals, objectives, and policies of the Silver Lake-Echo Park- Elysian Valley Community Plan including maintaining an adequate supply and distribution of multiple family, low income and special needs housing opportunities (Policy 1-1.1), encouraging new infill residential development that complements existing development and architectural style (Policy 1-1.4), and locating higher residential densities near commercial centers and major bus routes where public service facilities, utilities, and topography will accommodate this development (Policy 1-2.1). As proposed with the Tier 3 designation under the *TOC Guidelines* incentives, the Project's building footprints and envelopes are consistent with the applicable requirements of the underlying zoning and Community Plan.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The approximately 0.95-acre Project Site is located in the Silver Lake-Echo Park-Elysian Valley Community Plan area within the city limits of Los Angeles. The Project Site is located within a previously developed portion of the Echo Park neighborhood, situated between two, three-story residential buildings to the west of the Sunset-McDuff Public Stairway, one- and two-story single and multi-family residential buildings to the north, a single story commercial building and Portia Street to the east, and one- to three-story

commercial and residential buildings to the south across West Sunset Boulevard. The location is close to transit, as well as commercial/retail, and entertainment amenities. Therefore, the Project would occur within city limits on a site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The Project Site is located in an urbanized area within the Silver Lake-Echo Park-Elysian Valley Community Plan area. This site is currently developed and occupied by a surface parking lot, three, single-story commercial buildings, and a two-story mixed-use building with accompanying landscaping. Existing development covers the majority of the Project Site, and there are no trees onsite. . Because the Project Site and surrounding area is characterized by dense urban development and are void of natural land cover or communities, special-status species are not anticipated to occur on, or in proximity to, the Project Site. The nearest habitat with potential for special-status species is located approximately 0.20-mile east of the Project Site in Elysian Park (California Natural Diversity Database, 2020, see Attachment A). The Project Site is separated from this habitat by dense urban development including multiple paved roads and buildings, thus the Project would not impact special-status species if present in Elysian Park. Therefore, the Project Site has no value as habitat for endangered, rare, or threatened species. Though unlikely, the limited landscaping on-site could provide nesting habitat for native birds. However, the applicant would be required to comply with existing laws and regulations that protect raptors and migrating birds. In accordance with standard City conditions of approval and in compliance with applicable regulatory standards, pre-construction surveys of all potential special-status bird nesting habitat in the area of construction disturbance would be required as a condition of approval if Project construction occurs during nesting season. Therefore, the Project would not result in any impacts to listed species or the degradation of habitat for endangered, rare, or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The Project Site is currently developed and occupied by three, single-story commercial buildings, a two-story mixed-use building, surface parking lot, and landscaping. The Project would demolish the existing on-site commercial buildings at 1487 and 1489 W. Sunset and the surface parking lot, retain the existing buildings at 1501 (mixed-use) and 1485 (commercial) W. Sunset, and construct a residential and commercial mixed-use building with two subterranean parking levels, one partially below-ground commercial and parking level (the “ground floor”), and five above ground residential levels, which would include 136 residential units and 8,000 sf of commercial space totaling 179,660 gross square feet (or 119,582 sf not including the existing uses at 1501 and 1485 W. Sunset Boulevard). All construction-related impacts would be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur.

Traffic

The Project Site occupies approximately 0.95-acre, or 41,100 sf, and is developed with a surface parking lot, three single-story commercial buildings, and associated landscaping.

The Project would demolish the existing parking lot and two commercial buildings, retain two buildings at 1501 and 1485 W. Sunset, and construct a residential and commercial mixed-use building with two subterranean parking levels, one partially below-ground commercial and parking level, and five above-ground residential levels. The Los Angeles Department of Transportation (LADOT) analyzes potential project-generated traffic impacts by measuring traffic at selected intersections during typical weekday morning (7:00 AM to 10:00 AM) and afternoon (3:00 PM to 6:00 PM) peak hours, and then comparing these existing conditions with projections of present and future conditions, with and without the Project.

The January 2021 *Transportation Assessment for the 1489 Sunset Boulevard Mixed-Use Project* (Gibson, 2021) determined that, after accounting for trip generation reductions, the Project would generate 1,196 net new trips to and from the Project Site on a typical weekday (see Attachment B). This would include 104 morning peak hour trips and 110 afternoon peak hour trips. The study conducted detailed analyses of the effect of these trips within study area and determined that the Project would not exceed the applicable thresholds of significance per the Transportation Assessment Guidelines (TAG) created by LADOT that are utilized by the City for CEQA traffic analyses, and thus would not result in significant impacts related to conflicts with existing plans, programs, ordinances, or policies; causing substantial increases in (VMT); substantially inducing additional automobile travel; or substantially increasing hazards due to a geometric design feature or incompatible use. Thus, the Project would not result in significant traffic and transportation impacts and no mitigation measures are required. The study also concluded, in accordance with the LADOT's 2020 *Interim Guidance for Freeway Safety Analysis*, that the Project would not have a significant impact safety impact, and no corrective measures at any freeway off-ramps would be required. Furthermore, a detailed construction management plan (CMP), including street closure information, a detour plan, haul routes, and a staging plan would be prepared and submitted to the City for review and approval prior to the start of construction. Therefore, the Project would not result in any significant traffic impacts.

Noise

A significant impact would occur if the Project would result in exposure of persons to or generation of noise levels in excess of standards established in the General Plan or applicable provisions the City's noise ordinance. The City of Los Angeles has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. These regulations pertain to construction hours (LAMC Section 41.40). LAMC Section 41.40 specifies that no person shall, between the hours of 9:00 p.m. and 7:00 a.m. of the following day, perform any construction or repair work of any kind upon, or any excavating for, any building or structure. In addition, the operation, repair or servicing of construction equipment and the delivery of construction materials to the Project Site shall be prohibited during the hours specified. Of particular relevance to the Project, LAMC Section 112.05 also specifies the maximum noise level of powered equipment or powered hand tools in residential land use zones. It states that between the hours of 7:00 a.m. and 10:00 p.m., in any residential zone of the City or within 500 feet thereof, no person shall operate or cause to be operated any powered equipment or powered hand tool that produces a maximum noise level

exceeding 75 A-weighted decibels (dBA) for construction equipment at a distance of 50 feet. LAMC Section 112.02 prohibits air conditioning, refrigeration, heating, pumping, and filtering equipment from increasing existing average ambient noise levels by more than 5 dBA.

The October 2021 *Environmental Noise Study for the 1489 W Sunset Boulevard Project* (ICF, 2021; see Attachment C) determined that the Project would comply with applicable LAMC noise regulations with implementation of feasible noise control methods during the construction process as required by LAMC Section 112.05. Project construction activities would occur within the permitted hours established in LAMC Section 41.40, and noise levels generated from construction equipment would not exceed the maximum noise level of 75 dBA at noise-sensitive receptors located off-site after implementation of feasible noise control methods in accordance with LAMC Section 112.05. Based on the analysis of operational HVAC noise, the Project would comply with the requirements of LAMC Section 112.02. Additionally, off-site noise level increases associated with Project-generated traffic would be below the threshold of perceptibility.

During construction, groundborne vibration generated from the operation of heavy construction equipment at the Project Site would not reach levels that would result in building damage or human annoyance at off-site structures under widely-used standards produced by Caltrans. Furthermore, as a residential and commercial development, the Project would not have any major sources of vibration during daily operations. Therefore, the Project would not result in any significant noise or groundborne vibration impacts.

Air Quality

The October 2021 *Air Quality Analysis for the 1489 West Sunset Boulevard Project* (ICF, 2021; see Attachment D) includes an analysis of the potential for short- and long-term air quality impacts associated with construction and operation of the Project. According to the Air Quality Analysis, Project construction would generate criteria pollutants, ozone precursor pollutants, and small amounts of Toxic Air Contaminants (TACs). However, emissions would not exceed South Coast Air Quality Management District's (SCAQMD) adopted regional mass emissions thresholds or localized significance thresholds, which are the CEQA thresholds of significance utilized by the City. Project operation would also generate criteria pollutant and ozone precursor pollutants. However, emissions from long-term operations would not exceed the SCAQMD regional mass emissions thresholds or localized significance thresholds. Additionally, based on the traffic operations and volumes in the Project area, the Project would not create a carbon monoxide (CO) hot spot. Project construction and operations would also only produce small amounts of TACs that would not present a health risk to surrounding residents and the community as a whole. Minor odors may be produced during the construction period, such as from equipment exhaust and the application of architectural coatings, but any odors produced would be temporary and intermittent in nature. In addition, Project construction would comply with applicable ordinances of the City and SCAQMD rules to minimize impacts. In light of the foregoing, the Project would not result a significant environmental impact regarding odors.

Further, the Project is consistent with the most recent SCAQMD 2016 Air Quality Management Plan (AQMP), as it would not interfere with attainment of ambient air quality standards. As the Project's construction and operational emissions would not exceed

SCAQMD's applicable regional and localized pollutant emission thresholds, the Project's emissions would not increase concentrations of criteria pollutants or their precursors in a manner that could obstruct SCAQMD's efforts to achieve attainment of ambient air quality standards for any criteria pollutant for which it is currently not in attainment, or jeopardize the current attainment status of the South Coast Air Basin for other criteria pollutants. During construction, the Project would ensure compliance with the California Air Resource Board requirements to minimize short-term emissions from on-road and off-road diesel vehicles and equipment, and with SCAQMD's rules for controlling fugitive dust and other construction emissions. Compliance with these measures and requirements is consistent with the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities. Additionally, as the Project would not require a zone change or General Plan amendment, the proposed development at the Project Site is consistent with the underlying zoning and land use designations that are the basis of the population projections in SCAG's Regional Transportation Plan (RTP), and consequently, the AQMP. The anticipated population growth associated with the Project is consistent with SCAG's growth projections for the City and is consistent with SCAG's most recent 2020-2045 RTP/Sustainable Communities Strategy (SCS) goal of encouraging the "development of diverse housing types in areas that are supported by multiple transportation options". The Project's proximity to public transit allows the Project's projected growth to be accommodated by existing and future transit options, and the Project's urban infill location would allow future residents to be located within walking distance to a variety of land uses that include office, commercial, school, and business service uses such that reliance on automobiles would be reduced. These Project characteristics would promote the AQMP's strategy of reducing pollutant emissions from mobile sources. As such, the Project would not have a significant long-term impact on the region's ability to meet state and federal air quality standards. Overall, the Project would not conflict with, or obstruct implementation of, the AQMP.

Water Quality

The mostly impervious Project Site contains single-story commercial buildings, a two-story mixed-use building, a surface parking lot, and perimeter open space/landscaping. The Project would demolish two existing commercial buildings and the surface parking lot, retain the existing buildings at 1501 and 1485 W. Sunset, and construct a five-level, and one partially subterranean level building over a two-level subterranean parking structure on a developed 0.95-acre site. Approximately 36 percent of exterior the open space areas would be planted with ground cover including trees, shrubs and other surficial landscaping. The Project Site is approximately 0.25-mile northeast of Echo Lake, but is not adjacent to any water sources. Construction would include Best Management Practices (BMPs) set forth in a stormwater pollution prevention plan (SWPPP) in accordance with the State Stormwater NPDES Construction General Permit administered by the State Water Resources Control Board (SWRCB), compliance with which would be regulated by the Los Angeles Regional Water Quality Control Board. BMPs would reduce both stormwater and non-stormwater discharges during construction and would minimize the mobilization of sediment to storm drains. The Project would also be subject to, and would comply with, the applicable provisions of LAMC Chapter IV, Article 4.4, Stormwater and Urban Runoff Pollution Control, which prohibits the entry of illicit discharges into the municipal storm drain system, and with *Development Best Management Practices Handbook, Part A:*

Construction Activities, 3rd edition. In addition, BMPs would be required during general operation of the Project to ensure that storm water runoff meets the established applicable water quality standards and waste discharge requirements. Among the LAMC regulatory requirements, the Project would also adhere to requirements established by Ordinance No. 181,899 (“LID Ordinance”) which expanded the applicability of the former Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by imposing rainwater Low Impact Development (LID) strategies on projects that require building permits. The City’s LID Ordinance mandates that the Project include design approaches and BMPs that are designed to address runoff and pollution at the source. To this end, LID is implemented through BMPs that fall into four categories: site planning BMPs, landscape BMPs, building BMPs, and street and alley BMPs. The goal of these LID practices is to remove nutrients, bacteria, and metals from stormwater while also reducing the quantity and intensity of stormwater flows. The LID Ordinance requires the capture and management of the greater of an 85th percentile rain event or the first 0.75-inch of runoff flow during storm events defined in the City’s LID BMP handbook, through one or more of the City’s preferred LID improvements in priority order: on-site infiltration, capture and reuse, or biofiltration/biotreatment BMPs. The Project applicant would be required to prepare and implement a stormwater mitigation plan and incorporate stormwater mitigation measures into the design plans in accordance with the above regulatory requirements for the City to review and approve before a building permit for the Project is issued. As a result of compliance with these regulatory requirements, the Project would not result in the degradation of stormwater runoff and would not result in significant impacts relating to water quality.

(e) The site can be adequately served by all required utilities and public services.

The Project Site occupies approximately 0.95- acre in an urbanized area within the Silver Lake-Echo Park-Elysian Valley Community Plan area and is currently developed with a two-story mixed-use building, three, single-story commercial buildings, surface parking lot, and associated landscaping. The Project Site is served by all required utilities and public services.

Utilities

The Los Angeles Department of Water & Power (LADWP) provides water service to the Project Site. The existing water supply system serving the Project Site includes a 12-inch water main to the south of the Project site along Sunset Boulevard. As stated above in the Project Description, the existing uses at the Project Site are vacant and do not consume any water. The Project is estimated to consume approximately 6,150,650 gallons of water per year, including approximately 516,600 gallons of outdoor water usage and approximately 5,634,050 gallons of indoor water usage (LRA 2021a). An engineering review of the Project Site determined that there is expected capacity within the water system to serve the Project, and offsite improvements are not anticipated (CCE 2021). LADWP has confirmed that adequate water pressure exists in the water lines serving the Project Site to meet the domestic and fire water demands of the Project (LADWP 2020a). LADWP provided a Fire Flow Pressure Report Service Advisory Request (SAR) confirming that the Project can be supplied with water from the municipal system (LADWP 2020a). Therefore, the Project can be adequately served by the water system.

The Project Site is connected to wastewater infrastructure maintained by the Los Angeles Department of Public Works, Bureau of Sanitation (LA Sanitation), which conveys wastewater to the Hyperion Water Reclamation Plant. The Project Site connects to the sewer system via existing 8-inch wastewater mains to the west and south of the Project site in McDuff Street and Sunset Boulevard (CCE 2021). There is no wastewater generated by the existing vacant uses at the Project Site, and the Project is estimated to generate approximately 4,535,192 gallons of wastewater annually (LRA 2021a). The Project Applicant would be required to obtain approval from LA Sanitation confirming that the wastewater infrastructure in the area is adequate to meet the wastewater demands of the Project before any project construction can commence. An engineering review of the Project determined that the existing sewer lines can serve the project and no offsite capacity improvements would be required (CCE 2021). Therefore, the Project can be adequately served by the wastewater system.

Electricity service is provided to the Project Site by LADWP. Power poles and overhead electric distribution lines exist along the south side of the Project site along Sunset Boulevard. There is no existing electricity consumption at the Project Site from the vacant uses, and the Project is estimated to consume approximately 1,236,000 kWh annually (LRA 2021a). An engineering review of the Project determined that there is adequate capacity to serve the Project's estimated electricity demand (CCE 2021). Furthermore, LADWP provided a Will Serve letter confirming that electric service is available and that the estimated electricity demand for the Project has been taken into account in the planned growth of the power system (LADWP 2020b). Therefore, the Project can be adequately served by the electricity system.

The Southern California Gas Company (SoCalGas) provides natural gas service to the Project Site. The Project Site is served by an existing 8-inch gas line in Sunset Boulevard (LRA 2021b). There is no existing natural gas consumption at the Project Site by the vacant uses, and the Project is estimated to consume approximately 5,025 MMBtu annually (LRA 2021a). SoCalGas provided a Will Serve letter confirming that the SoCalGas has facilities in the area that can adequately serve the Project (SoCalGas 2020). Therefore, the Project can be adequately served by the natural gas system.

Public Services

The Los Angeles Fire Department (LAFD) provides fire service to the Project Site. The LAFD has 3,216 sworn personnel and 379 civilian fire personnel (LAFD 2018a). The Project would be served by Fire Station 20, located at 2144 West Sunset Boulevard, approximately 0.61-mile west of the Project Site (LAFD 2020). The Project would be required to comply with LAMC fire safety requirements, including those established in the Building Code (Chapter 9) and the Fire Code (Chapter 7) as well as Section 57.507.3.1 of the LAMC regarding fire flow requirements. Compliance with these requirements would be demonstrated as part of a plot plan that would be submitted to LAFD for review and approval prior to the issuance of a building permit. The residential and commercial uses proposed by the Project would be consistent with surrounding uses and would not represent a unique or substantial fire hazard. Therefore, the Project can be adequately served by the LAFD.

The Los Angeles Police Department (LAPD) provides police service to the Project Site. The LAPD has 9,867 sworn officers and averages 21 officers per square mile (LAPD 2016). The Project site is located between the service areas of the Northeast Community Police Station and the Rampart Community Police Station, but would primarily be served by the Northeast Community Police Station, which is located less than three miles from the Project Site, and under the jurisdiction of the Central Bureau (LAPD 2020a). The Rampart Community Police Station, also under the jurisdiction of the Central Bureau, is located at 1401 West 6th Street, approximately less than 1.5-miles from the Project Site, and would likely provide secondary support to the Project Site in the case that the Northeast Community Police Station was unable to respond to an incident (LAPD 2020b). While the Project would introduce a new residential population to the Project Site and therefore increase the service population in the area, the Project generated demand for LAPD services would not be expected to increase demand beyond what the LAPD can adequately serve. Furthermore, the Project would incorporate security measures (e.g., restricted access and surveillance) and would be designed in accordance with the LAPD's "Design Out Crime" guidelines, which incorporate Crime Prevention Through Environmental Design (CPTED) techniques. Therefore, the Project can be adequately served by the LAPD.

The Los Angeles Unified School District (LAUSD) provides school service to the Project Site. LAUSD enrolls more than 600,000 students in over 1,000 schools and 200 public charter schools (LAUSD 2020a). The Project Site is located in LAUSD's Central District (LAUSD 2020b). According to the LAUSD, enrollment in the district peaked in the 2002 to 2003 school year with an enrollment of 746,831 students, and has declined each year since due to reduced birth rates in Los Angeles County, and the increased cost of living (LAUSD 2020c). Most recently, in the 2019-2020 school year, total enrollment in the district was approximately 596,937 students (Ed Data 2020). Decreasing enrollment within the district is projected to continue (LAUSD 2020c), and therefore, any students generated as a result of the Proposed Project's 136 residential units would be minimal, and would be adequately served by the existing capacity within the LAUSD. Furthermore, the Project Applicant would be required to pay developer fees to the LAUSD in accordance with Senate Bill 50 which would offset impacts to schools. Therefore, the Project can be adequately served by the LAUSD.

The Los Angeles Public Library (LAPL) provides library service to the Project Site. There are six LAPL branches libraries within 2.0- miles of the Project Site: the Silver Lake Branch Library is 1.67-miles from the Project Site; the Felipe de Neve Branch Library is 1.92- miles from the Project Site; the Central Library is 1.77- miles from the Project Site; the Echo Park Branch Library is 0.62-mile from the Project Site; the Chinatown Branch Library is 1.33-miles from the Project Site; and the Edenvale Branch Library is 0.45-mile from the Project Site (LAPL 2020a). While the Project would introduce a new residential population to the Project Site and therefore increase the service population in the area, the increased demand for LAPL services would be adequately served by the six aforementioned branches closest to the Project Site, and service would be further offset by the other 68 libraries within the LAPL system that the residents would have access to within the City (LAPL 2020b). Therefore, the Project can be adequately served by the LAPL.

Exceptions to the use of Categorical Exemptions:

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in “CEQA Guidelines” Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

- A. Location. *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply [sic] all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Because the Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is inapplicable. The Project Site is in an urbanized area in the City of Los Angeles. The Project Site is located in a previously developed lot within a dense and highly developed urban area and is not located in a particularly sensitive environment. No wetlands, wildlife habitats, or endangered species are present on or near the Project Site; therefore, this exception is not applicable to the Project.

- B. Cumulative Impact. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The Project Site is previously developed and located in an urbanized area surrounded by other residential uses, in addition to some commercial uses. The Project is consistent with the South Los Angeles Community Plan as well as zoning and the requirements of the LAMC. As discussed above, the Project’s impacts on biological resources would be less than significant as the Project Site has no value as habitat and standard pre-construction surveys would ensure that special-status species are not present in the onsite landscaping that would be impacted prior to construction activities. The Project’s impact on water quality would be less than significant as the project would adhere to all applicable laws and ordinances which would require LID features incorporated into the project design and stormwater BMPs to reduce potential impacts related to stormwater runoff during construction. The Project is not located on or visible from a scenic highway nor would the Project lead to a substantial adverse change in the significance of a historic resource, as determined by the Project’s Historical Resources Review (ICF, 2021). The Phase I Environmental Site Assessment (ESA) for the Project Site determined there is a low probability of encountering hazardous materials at the Project Site. The Project would be served by existing utility lines and existing public services. The *Traffic Assessment* (Gibson, 2021) considered the Project’s contributions to traffic and determined them to be less than significant. The TA also considered the Project’s potential cumulative impacts, considering the Project’s contributions to all future cumulative traffic growth (including related projects and ambient traffic growth) and determined them to be less than significant. Similarly, the Project’s *Air Quality Analysis* (ICF, 2021) determined that the Project construction emissions would not exceed SCAQMD’s regional mass or localized significance thresholds. Project operation emissions would not exceed SCAQMD’s regional mass or localized significance thresholds and the Project would not result in any significant air quality impacts. Therefore, the Project’s impacts as a whole would be less than significant and are not cumulatively considerable.

The immediate vicinity of the Project Site is undergoing intensification. There are several similar development projects within a 0.5-mile radius of the Project Site, including at 1301 Sunset Boulevard (45 apartments and 950 sf commercial space), 1251 Sunset Boulevard (74 apartments), 2000 Stadium Way (800 condo units, 56-bed hospital, and 15,000 sf retail space), 1275 Sunset Boulevard (77 apartments), 1911 Sunset Boulevard (170 apartments and 13,000 sf retail space), and 2001 Reservoir Street (49 apartments). The development project closest to the Project Site is at 1449 Echo Park Avenue (27 apartment units and 210 sf office space), approximately 0.20-mile northwest of the Project Site. Based on a review of the types and locations of the related projects, and considering the less-than-significant impacts that would result from the Project, the Project would not make a cumulatively considerable contribution to any significant cumulative impacts when considering it along with other related present, past, and reasonably foreseeable future projects. Therefore, this exception is not applicable to the Project.

- C. *Significant Effect Due to Unusual Circumstances.* *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

This exemption does not apply to the Project. The Project Site is approximately 0.95-acre (41,100 square feet) and located within a highly urbanized area of the City of Los Angeles that includes residential uses with similar sizes and scale to the Project. The use and operations of the Project are compatible with surrounding residential and commercial development and consistent with the underlying zoning for the Project Site. The Project Site does not demonstrate any unusual circumstances, and the Project would not generate significant traffic, noise, or air quality impacts, and therefore it will not produce any such impacts due to unusual circumstances. The Project Site is would of mixed-use urban infill development sites in transit priority areas, and neither the Project Site itself nor any of its surroundings, which consist primarily of mixed-use, commercial, and residential uses, present any uses, features or conditions that could reasonably be considered unusual as compared to the standard type of urban infill development the Class 32 exemption covers generally and in the more specific context of the urban environment in which the Project Site is located. Additionally, the mixed-uses (i.e., residential and commercial) proposed by the Project is a typical use in the area, which is made up of mostly residential and commercial uses. Thus, there are no unusual circumstances that indicate that the Project would result in any significant impacts. Therefore, the unusual circumstances exception is not applicable to the Project.

- D. *Scenic Highway.* *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The Project Site is not located on or near a portion of eligible and/or officially designated state or county scenic highway. According to the California Scenic Highway Mapping System (California Department of Transportation, No Date), the closest eligible and/or officially designated roadway is the Arroyo Seco Historic Parkway (State Route 110) which begins near Dodger Stadium, approximately 1.05 miles east of the Project Site. The

Project Site is not visible from this portion of the highway and the highway is not visible from the Project Site. Therefore, this exception is not applicable to the Project.

- E. Hazardous Waste Site. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

This exception is not applicable to the Project. An environmental database search was conducted as part of the January 2017 Phase I Environmental Site Assessment for the properties at 1485-1489 and 1501 Sunset Boulevard (Odic 2017; see Attachment E) to determine whether the Project Site or the area immediately surrounding the Project Site is included within the categories of sites on the list compiled pursuant to Government Code Section 65962.5 (the "Cortese List"). The Cortese List is compiled from several sources, which include, without limitation, underground storage tank and storage tank cleanup sites, solid waste disposal sites, and sites that are subject to various types of regulatory cleanups. The reviewed databases included federal and state American Society for Testing and Materials (ASTM)-standard databases compiled pursuant to Section 65962.5 of the Government Code. The Project Site was not identified in any of the environmental database searches conducted as part of the Phase I ESA. In addition, a search for surrounding sites and properties within federal agency database listings determined that no properties within the required minimum search distance (i.e., 1-mile, 0.50-mile, or adjacent to the Project Site), were listed in any of the database records. The Phase I ESA determined that there are no recognized environmental condition (RECs), controlled RECs, or historical RECs on the Project Site, therefore, the potential for contamination or encountering hazardous material is low, and no further investigation is required. Additionally, aerial photographs and topographic maps reviewed did not present information that would indicate a potential hazardous material impact to the Project Site due to past uses, nor did the aerial photographs reveal any staining or equipment or other features that might indicate contamination sources or releases. Further, a site reconnaissance visit did not identify any hazardous materials or conditions. Therefore, this exception is not applicable to the Project.

- F. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The Project would not cause a substantial adverse change in the significance of a historical resource. The Project Site contains a two-story building and a one-story building to be demolished; a two-story building and a one-story building to be retained; a public street; and a public staircase. The Project Site is not located in a designated Historic Preservation Overlay Zone or on a site designated as historic on any federal, state, or local database. The October 2021 *Historical Resources Review for the 1489 West Sunset Boulevard Project* memorandum (ICF, 2021; see Attachment F) demonstrates that the McDuff Street Staircase, a public, unsheltered stairwell which sits immediately west of the new proposed building, should be treated as an historical resource for the purposes of CEQA. Because the Project would not physically change the McDuff Street Staircase and would maintain public access to it, no impact to this historical resource is anticipated. Based on visual observation, research of primary and secondary sources, and an analysis of established eligibility criteria, no other properties in the directly impacted Study Area

(including 1501 and 1485-1493 West Sunset Boulevard, and McDuff Street and associated public sidewalk), are eligible for historic designation at the local, state, or national level. The historical resources review memorandum also provides an analysis of the properties surrounding the Project Site, in which ICF found no other historical resources, and does not anticipate direct or indirect impacts to any properties with potential historic significance. Therefore, the Project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. For these reasons, this exception is not applicable to the Project.

Conclusion:

As outlined above, the Project is located in an urbanized area, which is not a sensitive environment, and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The Project will not result in any significant impacts and will not make a cumulatively considerable contribution to any significant cumulative impacts. The Project is an allowable multi-family residential and commercial use, is consistent with the surrounding developments, does not present any unusual circumstances that would result in significant environmental impacts, nor would it constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in CEQA Guidelines Section 15300.2 apply to the Project. The Project is consistent with the existing General Plan designation, zoning, and other applicable requirements of the LAMC. The Project would not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and therefore will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts. As such, the Project qualifies for a Class 32 Categorical Exemption.

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