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July 22, 2015

VIA U.S. POSTAL SERVICE AND EMAIL

The Honorable Jose Huizar
Chair, Los Angeles City Council Planning and Land Use Management Committee
City Hall
200 N. Spring Street, Suite 465
Los Angeles, CA 90012

**RE: Council File No. 15-0703
CPC-2014-3258-CU-SPR-ZV-ZAA
ENV-2014-3259-MND
11038, 11070, 11100 W. Peoria Street (The Subject Property)**

Dear Chairman Huizar,

Thank you for the opportunity to present this letter to you on behalf of our client, Line 204, LLC, in anticipation of the City Council Planning and Land Use Management Committee meeting on July 28, 2015. This letter is written to address the appeal of City Planning Commission Case No. CPC-2014-3258-CU-ZV-ZAA/ENV-2014-3259-MND filed by certain individuals opposed to the proposed Project.

THE LOS ANGELES MUNICIPAL CODE SECTION 12.24.1 PROVIDES A PROCESS TO ANALYZE PROPOSED USES ON A LOT WITH AN OPEN SPACE LAND USE DESIGNATION UNDER THE APPLICABLE COMMUNITY PLAN.

The Subject Property is designated Open Space (OS) by the adopted Sun Valley – La Tuna Canyon Community Plan Area (“Community Plan”), and is zoned A1, a corresponding zone to the OS designation. The Appellant incorrectly asserts that the Subject Property was zoned A1-IXL-G (“A1”) for the purposes of creating a perpetual “green buffer”. No such “perpetual buffer zone” exists within the City between residential and industrial uses. In fact, there are a number of uses including but not limited to single family dwelling, golf course, farming, nurseries, aviaries, apiaries, and keeping of domestic livestock permitted within the A1 Zone. With this zoning designation, the Subject Property could be utilized for any number of farming or non-commercial livestock purposes, some of which would have noise, odor, and traffic impacts of their own.

Pursuant to Los Angeles Municipal Code (“LAMC”) Section 12.24.U.15, a motion picture and television studio is permitted in the A1 Zone with the grant of a Conditional Use Permit. It is very clear that in developing this Code Section in 2001, the Los Angeles City Council made a deliberate policy decision to permit movie picture and television studios and their related incidental uses and ancillary facilities in the A, R or C zones when otherwise not permitted. Furthermore, LAMC Section 12.24.1 provides a Land Use Determination process to analyze any use on a lot designated as Open Space under the applicable Community Plan.

The presumption by the Appellant that the OS designation under the Community Plan suggests the Subject Property remain a “perpetual buffer” is flawed. The Community Plan makes no such statement. The further reference to the California Mining and Reclamation Act of 1975 is inapposite and taken out of context relative to the Subject Property and relative to the requirement of the Act. First, mining of the Subject Property ceased in 1973, before the effective date of the Act. Second, as stated in the Community Plan The California Mining and Reclamation Act of 1975 requires surface mining

operators to obtain a permit from and submit a reclamation plan to the City. The plan includes information on the quantity and type of mineral extraction, the anticipated depth for extraction and proposed or potential use of the lands after extraction. In the case of the Subject Property the natural resources have been mined and subsequently filled with sand, rock and dirt leaving no resource to protect.

The Project Site has been vacant for many years; earth berms and unmaintained shrubs and weeds border the outer edges of the property while the majority of the disturbed site is covered in dirt. The repurposing of the Project Site for a state of the art film and television studio will bring positive change to the Sun Valley community. This facility is a departure from the gravel mining, landfill, auto salvage and truck yards in the immediate area. Attractive landscaping will be installed along the street edge. As required by the Los Angeles City Planning Commission, the site will be under 24-hour security patrol ensuring that the studio and the street frontage, as well as the sanctity of the adjacent neighbors, is respected. A unified design theme is proposed for the two buildings and entry gatehouse to create a contemporary campus environment and to depart from the linear box structures typically utilized in studio production facilities and industrial park developments.

THERE IS SUBSTANTIAL EVIDENCE TO SUPPORT THE REQUIRED LEGAL FINDINGS FOR THE PROJECT ENTITLEMENTS.

The Applicant has submitted substantial findings in support of the requested entitlements. Pertinent portions of those findings are provided below in response to the Appellant's claims.

1) Land Use Determination pursuant to LAMC Section 12.24.1; Conditional Use Permit pursuant to LAMC Section 12.24.U.15; Site Plan Review pursuant to LAMC Section 16.05:

The Applicant maintains that the Subject Project will serve as an appropriate transition between the residential uses to the east and the industrial uses to the west. The development of the Project Site will in fact create separation between the residential uses to the west and the truck yards/truck rentals immediately east. Furthermore, the City of Los Angeles has made a policy decision whereby the studio use is permitted in the A1 Zone with the granting of a Conditional Use Permit. Properties located within the A1 zone often abut residentially zoned properties, something that was clearly understood when the City Council made the policy decision to permit movie picture and television studios and their related incidental uses and ancillary facilities in the A1 Zone with the grant of a Conditional Use Permit.

The Appellant notes, that the provided building setback from the residential property line is approximately 39 feet, 28 feet of which will provide a limited-use drive aisle. The characterization of this drive aisle by the Appellant as a "road" is inaccurate. This is a private drive aisle, not accessible to public traffic, located on a secured site and primarily serving as an emergency access. There is no parking along this drive aisle and no access to the warehouse building for loading or unloading purposes. As volunteered by the Applicant, and further restricted by the project conditions, the hours for onsite use of the drive aisle are very limited. Absent from the Appellant's discussion is the approximately 10-foot wide landscaped planter and 10-foot high block wall located between the residential uses and the drive aisle. It should also be noted that the required side yard in the A1 Zone is equal to 10% of the width of the lot, but not to exceed 25 feet. In the instant case, a 25-foot side yard is required. The proposed project provides a roughly 39-foot side yard adjacent to the residential uses, inclusive of a 10-foot wide landscape buffer to be provided next to the residential uses. By comparison, the Sun Valley-La Tuna Canyon Community Plan identifies Urban Design Guidelines ("**Guidelines**") for Industrial projects with residential interface areas. Guideline No. 2 calls for a five-foot wide landscape planter for interior property lines abutting residential uses. Clearly, the proposed setback exceeds both code and the guidelines drafted specifically for this type of situation within this specific community.

Particular attention has been paid to the site layout with respect to the residential uses. The warehouse building will be 40 feet in height at the eave, closest to the residential homes, gradually sloping up to a maximum height of 54 feet at the pitch of the roof. Green screens will be spaced along the warehouse building's east facing façade to soften the appearance. A 28-foot drive aisle and a 10-foot

wide landscape planter will be located between the building and adjacent residential properties. The 10-foot wide planter will be attractively landscaped, including 35 trees of 36-inch box size (at planting) to create an aesthetically pleasing buffer between uses. Additionally a 10-foot high decorative block wall will be located along the easterly property line. The position of the drive aisle with its limited use for studio activities, use of landscaping and block wall will serve to create a visual and noise buffer between the studio and the residential homes. All loading and unloading activities will occur at the rear (south) portion of the warehouse and the west facing (interior to the project site) portion of the warehouse. Parking is generally located in the central portion of the site, buffered from the residential uses a building, distance, a wall and landscaping. The street frontage will be attractively landscaped and include a decorative block wall and raised landscape planters to create articulation and visual interest at the street edge.

As it relates to the scale of the proposed project, the studio buildings comprise 222,185 square feet on a property of approximately 434,712 square feet. This represents a Floor Area Ratio (FAR) of approximately 0.5:1. By comparison, the A1 Zone the permits an FAR of 3:1 that would permit a building size of approximately 1,304,000 square feet on the Project Site. As discussed above, particular attention has been paid to the design of the project to ensure compatibility with adjacent uses. With regard to size, multiple techniques have been employed to minimize building scale and create a unified theme for the proposed development. The contemporary design theme is intended to depart from the typical studio lots, which are often comprised of linear rows of large box structures. The proposed building materials include painted smooth finish stucco, cement tilt panels, stone veneer, corrugated metal, metal canopies and brick veneer. Two buildings are proposed not only to separate the studio and warehouse uses, but also to create visual interest and break-up the mass of the development. The buildings have been designed to provide two-story, ancillary support space along the building frontage at Peoria Street. The support spaces are much lower in height than Studio and Warehouse components and designed with modern banded windows along the front elevations creating an appearance of an office park for passersby along Peoria Street. Landscaping is used along the perimeter of the buildings and throughout the parking area to soften the building façades and further reduce the visual scale of the Studio Facility.

With respect to the Community Plan, the role of the community plan is “intended to promote an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The plan is also intended to guide development in order to create a healthful and pleasant environment.”

Goal 1 of the Community Plan seeks “a safe, secure, and high quality residential environment”. In support of this Goal, Objective 1-3 is “to preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.” Policy 1-3.2 seeks “a high quality degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.”

The character of the existing neighborhood will be maintained with the development of the proposed Studio Facility. As has been described above, the Project Site is located on a boundary between residential uses to the east and heavy industrial uses to the west. In consideration of its proximity to single-family homes, the Project Site has incorporated design and operational features to ensure compatibility with the adjacent residential uses. The lower profile Warehouse Building will be located nearest the single-family homes to the east and setback from the easterly property line approximately 39 feet. A decorative block wall will be located within a landscaped planter along the easterly boundary that will also be planted with ornamental trees and shrubs to provide a buffer as well as aesthetic screening of the Project Site. Ample parking, generally located in the center of the Project Site, is provided to accommodate passenger and celebrity coach trailers and will ensure that there is no use of street parking in the neighboring area. Loading and unloading activities will take place at the rear portion of the Warehouse Building, facing the Hansen Heights Channel along with the west facing loading docks facing the interior portion of the Project Site. The Project Site will be secured with property line walls and, per City Planning Commission requirement, will include 24-hour security surveillance and personnel.

Landscaping along the street frontage will vary in width from 18 to 36 feet in depth. All of these operational and design features will ensure an attractive and compatible operation with the neighboring uses.

The Appellant asserts that the development of the proposed project threatens the existence of the Equine Keeping “K” District located immediately east of the Project Site; however, the Subject Property is located outside of the San Gabriel-Verdugo Mountain Specific Plan and not within an Equine Keeping District. Furthermore, Peoria Street is not designated as an Official Equestrian Trail in Map No. 3 of the Specific Plan or as a Non-Public Equestrian Trail on Map No. 4 of the Specific Plan. As such, the approval of proposed project will not alter the current state of the established K District in the immediate vicinity and does not preclude any of the properties within the K District from keeping horses. It should also be noted that the approval of conditionally permitted uses on the project site has no bearing on further development in the project vicinity, as properties would be developed in accordance with underlying zoning or conditionally on a site-by-site basis.

The Applicant maintains that the repurposing of the Subject Property with a state of the art motion picture and television studios and related incidental uses and ancillary facilities will be a benefit to both the immediate community and the larger Los Angeles region. As noted above, the City of Los Angeles has made a policy decision to preserve the film industry, as evidenced by the City’s Zoning Ordinance, which expressly permits a television and motion picture studio within the “A” Zones with the grant of a conditional use permit, pursuant to LAMC Section 12.24.U.15. It is inarguable that the Studio Facility is permitted within the Zone.

This new, ground-up studio facility will be the first of its kind to be built in Los Angeles in several decades. The Applicant has a long history in the Los Angeles region providing production facilities and equipment and soundstage rentals to the television and film production industry. The industry demand for production facilities has created an opportunity for the Applicant to expand the business and continue to support the film and television industry that is so vital to the region. The Project Site provides a unique opportunity in the San Fernando Valley to construct a state of the art Studio Facility, including soundstages and production support facilities, with on-site storage and ample parking. Granting of the instant request will promote the expansion of an existing, Los Angeles based business and establishes a viable destination for Studio Production in the San Fernando Valley.

2) Variance for Signs – LAMC Section 12.27

The City Planning Commission has denied the Applicant’s request for a sign variance.

3) Height of the Warehouse Building – LAMC Section 12.24.F

With regard to height, the proposed Studio Facility consists of a 74-foot high Studio Building and a 54-foot high Warehouse Building. The Subject Property is located within Height District 1, Extra Limited, which limits the building height to 30 feet. Pursuant to LAMC Section 12.21.1.B.1, there is an exception for building height of studio production stages within Height District 1, allowing for a maximum height of 125 feet if the building observes front, side, and rear yards of one foot for each four feet such building or structure exceeds three stories or 45 feet in height. The proposed development consists of a unified Studio Facility with the Studio Building clearly being subject to this exception. While intuitively one might presume those incidental and ancillary uses associated with a film and television studio as provided for in LAMC Section 12.24.U.15 should also be afforded the maximum height allowance of 125 feet in Height District 1, it is irrefutable that the Decision Maker, per LAMC Section 12.24.F is granted authority to provide for additional building height when associated with a Conditional Use request. It is under this Code Section that the maximum height of 54 feet has been granted for the Warehouse Building.

To further explain, pursuant to LAMC Section 12.24.U.15, film and television studios are permitted in the A1 Zone with the granting of a conditional use permit by the City Planning Commission. As stated in LAMC Section 12.24.U.15, “Motion picture and television studios and related incidental uses that are located on a motion picture or television studio site, in the A, R, or C Zones, when not permitted

by right. These **incidental uses** [emphasis added] may include, but are not limited to, film, video, audio and other media production, recording and broadcasting, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and **ancillary facilities** [emphasis added] related to those activities.” As such, the LAMC recognizes that studio facilities will include ancillary uses to support the operations. In the instant case, the warehouse component is ancillary to the studio use.

It is contrary to the intent of the zoning regulations, which consider a studio facility, inclusive of the related ancillary uses when making a determination on a conditional use permit, but exclude the ancillary uses associated with the studio facility in the application of the height exception. Specific to the subject request, the Warehouse building has been designed to support the eight soundstages of the Studio Building and must provide for the interior clearances to house the lighting, sets and other production equipment associated with the operation of these stages.

4) Height of Studio Building

As noted above, Pursuant to LAMC Section 12.21.1.B.1, there is an exception for building height of studio production stages located within Height District 1, allowing for a maximum height of 125 feet. As such, there is no additional entitlement request applicable for the studio building.

5) Measurement of Building Height

The height of the buildings is measured from grade (adjacent ground level) in accordance with the City of Los Angeles Department of Building and Safety definition as provided in Information Bulletin P/ZC 2002-008.

THE MND HAS ADDRESSED THE PROJECT POTENTIAL FOR SIGNIFICANT IMPACTS.

A Mitigated Negative Declaration (MND) was prepared for the proposed project. Upon review of the record, including comments received, the lead agency found that, with the imposition of mitigation measures, the project would not have a significant effect on the environment.

The following topics raised by the Appellant were addressed during the review of the Draft MND and the City of Los Angeles, serving as the lead agency, responded as follows:

1) Land Use and Planning:

As concluded on page B-53 through B-59 of the Draft MND, the project would be consistent with the following objectives and policies of the Community Plan relevant to the adjacent residential community:

- **Policy1-1.2:** Protect existing single-family residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- **Policy1-1.4:** The City should promote neighborhood preservation in existing residential neighborhoods
- **Objective 1-3:** To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.
- **Policy 1-3.2:** Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

To respect adjacent residential uses to the east, the project would locate the Warehouse Building, which is the lower profile of the two proposed buildings, on the eastern portion of the project site. The Warehouse Building would be roughly 39 feet from the eastern property line. By placing the primary circulation and parking between the buildings, the more active and taller Studio Building is located approximately 350 feet away from adjacent residences. The proposed loading dock would be located along the west side of the Studio Building, furthest away from residential uses. The proposed buildings would include design elements to create visual interest and break up the building’s visual massing. To further respect adjacent residential uses, the eastern site wall would be comprised of decorative elements

(*e.g.*, decorative colored masonry, slump stone or split-faced block, painted stucco finish) and fronted by a 3-foot-wide landscaped planter area facing the residents. In this manner, the landscaped setback would mimic the existing vegetative screen along the site's east boundary. Lastly, the project would provide a sidewalk, landscaped setback, and decorative site wall along Peoria Street, to improve the site's streetscape appearance and compatibility with residential uses to the east.

In addition, the proposed buildings would include design elements to create visual interest and break up the building's visual massing. For instance, exterior recessed walls and exposed perimeter structural elements are used to break up the otherwise straight lines of the building facades. The mid-building production support and loading dock areas would also break up the mass of the Studio Building's longer facades, which would be approximately 48 feet high. Further, the exterior steel columns would be exposed, and vertical downspouts and other exterior elements would be painted in an accent color. The eastern site wall would be comprised of decorative elements (*e.g.*, decorative colored masonry, slump stone or split-faced block, painted stucco finish) and fronted by 3-foot-wide landscaped planter area that would face the adjacent residences. The landscaped setback would include groundcover interspersed with evenly spaced ornamental trees.

The Appellant incorrectly asserts that approval of the Subject Entitlements threaten the existence and preservation of the adjacent K District. Approval of the Entitlement request for the Subject Property has no bearing on future development within the vicinity because each property would be developed in accordance with underlying zoning or conditionally on a site-by-site basis.

2) Aesthetics:

Section 15384(a) of the *State CEQA Guidelines* defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative does not constitute substantial evidence" In this case, the Appellant does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the assertion that aesthetics analysis in the Draft MND is flawed, and that significant noise impacts would result. As a result, the preparation of an EIR is not warranted for the Project.

As concluded on pages B-2 through B-9 of the Draft MND, the project would not substantially degrade the visual character or quality of the project site or its surroundings. Rather, the project would improve the visual character of the project site by introducing an attractive and well-maintained studio campus on the currently undeveloped project site.

With regard to the project's design, the proposed buildings would be designed to provide a functional and competitive facility to serve the needs of the film and television industry, while employing multiple techniques to break up the building's mass and height (discussed above), and enhancing the design quality of the project. Two buildings are proposed to create an aesthetically pleasing campus setting and provide a separation of the uses. The numerous contemporary design features incorporated into the building's design and discussed above are intended to depart from the typical geometry and configuration typical of studio lots (*e.g.*, linear rows of warehouse structures), while creating similarities of style to create the campus environment. In addition, the production support areas facing Peoria Street would feature a more ornate design theme intended to welcome visitors. The lower portion of these areas would be clad in three layers of smooth painted plaster broken up with evenly spaced windows, door entrance archways, and canopies, while the upper portion would be accented with bands of decorative stone veneer, painted accent trim, and corrugated metal. Decorative metal canopies and supports would also be positioned above the entranceway to these buildings. These design features would result in

on-site development that is more visually consistent with surrounding development than under existing conditions.

With respect to height and massing, the project has been intentionally designed to respect the height and scale of this existing development, including the residential uses east of the project site. For instance, the Warehouse Building, which is the lower profile of the two buildings, would be located on the east portion of the project site, roughly 39 feet back from the east property line. The taller Studio Building would be located approximately 350 feet from adjacent residences. Both buildings would include design elements to create visual interest and break up the building's visual massing. Both buildings have lower two-story production support areas at the front of the property (Peoria Street) that are set back from the new street dedication between 74 and 94 feet. The lower building heights of the production support areas would further serve to break up building massing, as both areas would reach a height of roughly 39 feet above grade, or roughly half the height of the Studio Building. To further respect the visual character and existing site relationship with adjacent residential uses, the eastern site wall would be comprised of decorative elements (*e.g.*, decorative colored masonry, slump stone or splitfaced block, painted stucco finish). The site wall would be fronted by a 3-foot-wide buffer area facing the adjacent residences. When combined with the site wall, landscaped buffer, and 30-foot driveway, the Warehouse Building would be located approximately 39 feet from the property line. As a result, although the project would increase the height and mass of on-site development, the project's design features would ensure a less than significant impact with respect to height and massing.

The project also proposes design features to improve the visual character of the project's streetscape. The existing earthen roadway shoulder, chain-link fence, berm, and partially maintained vegetation would be replaced with an attractive streetscape consisting of a new sidewalk, landscaped buffer area, decorative site wall, and three entranceways secured with wrought iron gates. The sidewalk would connect to the existing sidewalk west of the site. The landscaped buffer area would consist of decorative ground cover interspersed with ornamental plants. The combination of sidewalk, decorative site wall, and landscaping would result in an attractive streetscape that is consistent with the visual character of nearby uses. In conclusion, the project would provide an attractive campus setting that would make a positive contribution to visual character of the project site and surrounding vicinity, particularly from vantage points along Peoria Street, where a decorative wall and landscaping would replace unmaintained landscaping, an earthen berm, and unpaved roadway shoulder. The visual character of the site as viewed from adjacent residences would largely remain the same, with a decorative site wall and landscaped buffer replacing an existing earthen berm and unmaintained vegetation

3) Geology and Soils:

The project's potential impacts during a seismic event are discussed on page B-25 of the Draft MND. As discussed therein, the Geotechnical Report (Appendix B-2 of the Draft MND) notes that no currently known active or potentially active surface faults traverse the project site, and the site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. As a result, there are no active or potentially active faults close enough to the site to produce surface expression at the site, and the project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury involving rupture of a known earthquake fault.

The Draft MND and Geotechnical Report conclude that the non-engineered fill underlying the project site, which extends to a depth of roughly 86 feet below ground surface ("bgs"), is unsuitable to support overlying habitable structures. As discussed on pages B-27 and B-28 of the Draft MND, these fills are subject to liquefaction, lateral spreading, and/or subsidence, particularly during a seismic event. However, the native soils underlying the non-engineered fill are dense native alluvium that are adequate to support habitable structures. Since the removal and re-compaction of a large volume of fill is impractical and uneconomical, the Geotechnical Report (Appendix B-2 of the Draft MND) recommends that habitable structures be supported on end-bearing piles driven or drilled into the underlying native

soils. With the implementation of pile supports, the proposed structures would be structurally supported by the native soils and not the non-engineered fill material. When supported by piles resting on the native underlying soils and designed in accordance with the current seismic design provisions, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death. The Geotechnical Report concludes that non-habitable features such as pavements can be constructed on a newly placed geogrid materials supported on re-compacted on-site fill material (pg. B-26). Both the piles and supported buildings would be designed in accordance with the City's Building Code, which incorporates relevant provision of the 2013 CBC. The 2013 California Building Code ("CBC"), as amended by the City's Building Code, incorporates the latest seismic design standards for structural loads and materials to provide for the latest in earthquake safety. Mitigation Measures GEO-1 through GEO-3 are also included to ensure that the Project complies with California Building Code, with LADBS approval required prior to issuance of grading or building permits. These mitigation measures also ensure that the project shall comply with the Uniform Building Code Chapter 18; Division I Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. In accordance with Mitigation Measure GEO-3, the Project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified (pg. B-28). With the incorporation of Mitigation Measures GEO-1 through GEO-3, which requires the design and construction of the project to conform to the California Building Code seismic standards, and requires project-specific approval of the building's design by LADBS, impacts related to seismic safety, including the potential liquefaction of non-engineered soils, would be less than significant.

4) Hazards and Hazardous Materials:

The project's potential impacts related to its location within a City-designated Methane Hazard Zone are discussed on page B-41 of the Draft MND. As discussed therein, Methane is not toxic; however, it is combustible and potentially explosive at concentrations above 50,000 parts per million ("ppm") in the presence of oxygen. In accordance with LAMC Chapter IX, Article 1, Division 71, Section 91.7103, also known as the Los Angeles Methane Seepage Regulations, a methane site investigation would be performed at the project site prior to any grading activities to determine whether elevated concentrations of methane are present. In the event elevated concentrations of methane are present, grading or construction activities on-site could pose a potential to encounter methane that could result in a possible hazard. Prior to construction, the project would be required by the Los Angeles Department of Building and Safety ("LADBS") to prepare a Health and Safety Plan. The Health and Safety Plan shall comply with federal Occupational Safety and Health Administration ("OSHA") Safety and Health Standards (29 Code of Federal Regulations 1910.120) and California Occupational Safety and Health Administration ("CalOSHA") requirements and shall address, as appropriate, safety requirements that would serve to avoid significant impacts in the event that elevated levels of soil gases are encountered during grading and construction. The OSHA and CalOSHA requirements include air monitoring to be conducted during all subsurface work activities.

With regard to project operations, the design and construction of buildings would also occur in accordance with the Los Angeles Methane Seepage Regulations, including any recommendations or mitigation design systems therein, to ensure that workers and guests are not exposed to harmful or flammable concentrations of methane. The Methane Seepage Regulations outline required mitigation systems for buildings and paved areas located in areas classified as being located either in a methane zone or a methane buffer zone, based on the designated Site Design Level. The Seepage Regulations also require that paved areas over 5,000 square feet in area and within 15 feet of an exterior wall of a building also be vented and that all commercial, industrial, and industrial buildings shall be provided with a Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. A gas-detection system shall be designed to

automatically activate the vent system when an action level equal to 25 percent of the Lower Explosive Limit (“LEL”) methane concentration is detected within those areas. Standard City Mitigation Measure HAZ-1 was included to ensure compliance with the Methane Seepage regulations. With adherence to applicable regulations, which requires the project to be independently analyzed by a qualified engineer for the presence of methane and incorporate design features to vent methane gas from building interiors in accordance with the Methane Seepage Regulations, impacts with respect to methane would be less than significant (pg. B-41). All other hazardous materials were found to be within background levels or well below remediation levels, and would remain undisturbed by project grading activities, and thus, would not present a hazard to the public or environment (pg. B-40).

5) Noise:

Section 15384(a) of the *State CEQA Guidelines* defines “substantial evidence” as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative ... does not constitute substantial evidence” In this case, the Appellant does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the assertion that noise analysis in the Draft MND is flawed, and that significant noise impacts would result. As a result, the preparation of an EIR is not warranted for the project.

Regarding operational roadway noise, the Draft MND concludes on Table B-10 (pg. B-71) that project traffic would not result in an increase in vehicle noise on Peoria Street and would only result in a 0.1 dBA increase in vehicle noise on Stonehurst Avenue between Peoria Street and Sunland Boulevard. The cumulative increase in traffic noise, which includes noise related to the project as well as ambient background growth and related projects would be 0.3 dBA on Peoria Street and 0.5 dBA on Stonehurst Avenue north of Sunland Boulevard. The City’s threshold for project-related off-site traffic increase ambient noise levels along roadway segments with sensitive receptors is 3 dBA (CNEL) (pg. B-62). An increase in noise of less than 3.0 dBA is generally not discernable to most people. As a result, project traffic would not result in a significant increase in noise along residential streets. As discussed on B-72 and B-73 of the Draft MND, the operation of vehicles in the parking lot would cause an increase in noise at adjacent properties, which currently experience daytime and nighttime average noise level of 50 dBA and 48 dBA, respectively. During short periods of time, automobile activity could result in noise levels at adjacent residences of 54 dBA with the incorporation of Mitigation Measures Noise-9 through Noise-13, which require a landscaped buffer area and site wall, an approved landscape plan, and prohibit roll-up doors on the easterly wall of the warehouse building. As a result, under the Draft MND’s conservative analysis, ambient noise levels from parking lot activities would result in a 4 dBA increase in noise levels during the day and a 8 dBA increase during the nighttime at adjacent residents during a worst-case scenario (defined as vehicles operating within 25 feet of adjacent residences along the eastern driveway) with the implementation of identified mitigation measures. Noise level increases of less than 3.0 dBA are generally not discernable to most people, and the project’s increase from parking lot activities is under the 10 dBA threshold established by the City as a significant impact, including during nighttime hours. Moreover, most parking lot activity would occur east of the warehouse building in the main parking area, with the building itself acting as a noise barrier, and thus, the Draft MND presents a conservative analysis. The Draft MND analysis is made more conservative by the City Planning Commission determinations to prohibit use of the easternmost driveway between the hours of 4:00 P.M. and 8:00 A.M. and require an additional 15-foot high sound wall at the southeast corner of the Warehouse Building and extending to the southeast to shield the loading dock area from adjacent properties, as conditions of approval. A technical memorandum, *Assessment of Additional Loading Dock Sound Wall for the Line 204 Studios Project*, evaluating the effectiveness of the sound wall was prepared by PCR Services Corporation and submitted into public record at the April 23, 2015, City Planning Commission hearing. The sound wall was concluded to provide an additional 10 dBA of sound attenuation above that provided by the decorative site wall and distance alone. Even under the “worst-case” conservative analysis, noise

from the loading dock was concluded to reach 48 dBA at the nearest residence with the additional sound wall, which is below the measured ambient noise levels at the nearest residences during the loading dock's permitted hours of operation. Thus, the Project's resulting increase in noise at adjacent neighbors is less than the 10 dBA threshold for the operation of a parking lot (pg. B-62).

The project's proposed stationary noise sources (*i.e.*, heating, ventilation, and air conditioning ["HVAC"] units, loading docks, roll-up doors) have been intentionally designed to be located away from adjacent residents and would result in no increase in ambient noise levels at adjacent residences (pg. B-72). To reduce potential for noise transfer between soundstages and the building's exterior, the Studio Building would include sound-deadening materials in exterior and interior wall construction to contain noise generated within the building. Materials contemplated to reduce noise transfer include, but are not limited to, the use of acoustic batt insulation in the exterior walls and the use of Insul-Quilt[®], or similar, quilt sound insulation over deck liner material on the interior walls and ceiling liners. Per Mitigation Measure Noise-12, wall and floor-ceiling assemblies along the interior of the warehouse building's easterly and southerly walls, nearest the residences, shall have a Sound Transmission Coefficient ("STC") value of at least 50, as determined in accordance with ASTM E90 and ASTM E143. As a result, with the exception of parking lot activities, Project operation would not result in an increase in ambient noise levels at adjacent residences, and the increase in noise from parking lot operations would be less than significant (pg. B-73)

6) Transportation and Circulation:

Section 15384(a) of the *State CEQA Guidelines* defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative does not constitute substantial evidence" In this case, the Appellant's assertion that the traffic analysis asserts that no traffic would utilize Peoria Street to Stonehurst Avenue is incorrect. Moreover, the commenter does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the assertion that traffic analysis is flawed and significant impact would result. As a result, the preparation of an EIR is not warranted for the project.

The project's potential traffic impacts are discussed on pages B-80 through B-89 of the Draft MND. The full Traffic Study is included as Appendix B-6 of the Draft MND. As demonstrated in Figure B-7, it was conservatively estimated that 10 percent of the project's total vehicle trips would travel east on Peoria Street, some of which were then anticipated to utilize Stonehurst Avenue to Sunland Boulevard. This vehicle distribution is based on coordination with the Los Angeles Department of Transportation ("LADOT"), and their knowledge of traffic patterns in the area. As demonstrated in Table B-12 (pg. B-85) of the Draft MND, even if 10 percent of the project's vehicle trips were to travel east on Peoria Street, there would be a less than significant increase in the volume of traffic at the intersection of Stonehurst Avenue and Sunland Boulevard and at the intersection of Sunland Boulevard and Tuxford Street. As shown in Figure 6 of the Traffic Study, the project is anticipated to result in 69 vehicle trips to Stonehurst Avenue during the A.M. peak hour and 29 vehicle trips to Stonehurst Avenue during the P.M. peak hour. These trips would be distributed throughout the peak hours and the increase in vehicle trips would be lower throughout the remainder of the day and during the weekends. The findings of the Traffic Study were approved by LADOT in a letter dated August 12, 2014 (refer to Appendix B-6 of the Draft MND), which concurs that the project would result in a less than significant traffic impact.

Lastly, although not considered in the Draft MND and Traffic Study, based on community concern, the applicant has offered to restrict turning movements of trucks to left-turn only from the project site onto Peoria Street, as an additional condition of approval for the project. Enforcement would be through the proposed 24-hour security. It is also important to note that the posted roadway weight limit on Peoria Street immediately east of the Project Site is 6,000 pounds (3 tons), restricting the movement of trucks to left turns even without this additional condition of approval. This further

restriction would make the conclusions of the Draft MND and Traffic Study conservative as they considered a small portion of the vehicle trips traveling east of the project site on Peoria Street to be trucks.

THE WAREHOUSE BUILDING IS INCIDENTAL TO THE STUDIO FACILITY.

As stated in LAMC Section 12.24.U.15, “motion picture and television studios and related incidental uses that are located on a motion picture or television studio site, in the A, R, or C Zones, when not permitted by right. These incidental uses may include, but are not limited to, film, video, audio and other media production, recording and broadcasting, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and ancillary facilities related to those activities.”

By virtue of inclusion of the term “ancillary facilities” in the definition it is clear that the incidental uses are “not limited” to those specifically listed. The intention to permit uses associated with film production is quite clear. In the specific case, the warehouse component is incidental and ancillary to the primary function of the studio facility. The warehouse will store a wide range of production equipment including, but not limited to production lighting, production equipment, audiovisual equipment, communication equipment, set décor and props, décor lighting, craft services and event equipment, greenery, tools, electrical equipment, flooring, safety equipment, traffic cones, barricades, and more. All of this equipment is available for rent. While the primary function of this rental equipment is in support of the studio soundstages at the immediate facility, not all of the equipment will be utilized on-site at all times and it will be available for rent at off-site locations including the other studio facilities owned by Line 204.

It should also be noted that the traffic study prepared for the project broke out the studio soundstage use as well as the incidental office and warehouse uses to determine the applicable trip generation for the project. To that end, the trip generation assumption for the warehouse use is based on the standard utilized by the Institute of Transportation Engineers (ITE) handbook titled Trip Generation, 9th Edition, the industry standard for estimating traffic generation for different land uses. In this case, the ITE trip generation for the warehouse use is consistent with typical operation of warehouses and would constitute a worst-case trip generation given that the primary use of the stored studio equipment will be onsite rather than the typical nature of a warehouse use.

LIVE STUDIO AUDIENCES

The project approval by the City Planning Commission includes a condition to prohibit live studio audiences.

ELINDA PLACE CUL DE SAC IMPROVEMENTS

As it relates to Elinda Place, the Applicant had requested that no dedication or modifications be required. There is no nexus between the proposed project and any street improvements on Elinda Place. Additionally, the Community Plan does not call for Elinda Place to extend beyond its current configuration. The proposed project will not take access from Elinda Place and does not need such access for emergency services. It is curious that the Appellant would seek Elinda Place improvements as such improvements would allow the proposed Studio Project direct vehicular access to the residential neighborhood.

It is the opinion of the Applicant, and the City Planning Commission agreed, that direct vehicular access to the Project from Elinda Place would not be beneficial to the adjacent residential community. The City Planning Commission acted accordingly to remove public street dedication and improvements requirements for Elinda Place from the conditions of approval. The City Planning Commission determination, however, inadvertently left one reference to Elinda Place improvements in Condition 5.h. The Applicant respectfully requests that the Committee remove this condition that was mistakenly left in the determination letter and requests that the Committee uphold the current determination on this issue and not require street dedication or improvements on Elinda Place.

ADDITIONAL CONDITIONS OF APPROVAL ARE NOT WARRANTED.

The Applicant maintains, and the City Planning Commission has agreed, that the project has been designed with due consideration for the adjacent uses. Furthermore, the project conditions imposed by the City Planning Commission Determination and the MND ensure that the project construction activities and ongoing project operations will be conducted in a manner to protect the surrounding community and the environment. Furthermore, the Project has been conditioned to apply for a Plan Approval after two years from the date of the Certificate of Occupancy. The operational characteristics will be reviewed and additional conditions can be implemented if necessary at that time.

The Applicant respectfully requests that the Los Angeles City Council, Planning and Land Use Management Committee uphold the Los Angeles City Planning Commission Determination as approved, without additional conditions.

On behalf of Mr. Alton Butler, the owner and operator of Line 204, LLC, we very much appreciate the Committee's consideration of these very important matters. It is the intent of Mr. Butler to develop and operate a world-class movie and television production studio, one of the City's first ground-up independent studios built in decades. Mr. Butler is also committed to being a good neighbor to all and is seeking support from the Committee to uphold the City Planning Commission Determination that will allow him to build and operate a successful studio while protecting the surrounding community. Thank you very much.

Very truly yours,



Brad M. Rosenheim
ROSENHEIM & ASSOCIATES, INC.

Cc: All Members of the Los Angeles City Council, Planning and Land Use Management Committee
The Honorable Nury Martinez
Mr. Ackley Padilla, Planning Deputy, Council District 6
Ms. Susan Wong, Planning Deputy, Council District 7
Mr. Frank Quon, Department of City Planning