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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

KEITH MUNYAN et al.,

Plaintiffs and Appellants,

v.

CITY OF LOS ANGELES,

Defendant and Respondent;

LINE 204, LLC, AND ALTON
BUTLER,

Real Parties in Interest and
Respondents.

B279972

(Los Angeles County
Super. Ct. No. BS157876)

APPEAL from a judgment of the Superior Court of Los Angeles County, Richard Fruin, Jr., Judge. Affirmed.

Law Offices of Noel Weiss and Noel W. Weiss for Plaintiffs and Appellants.

Michael N. Feuer, City Attorney, Terry P. Kaufmann Macias, Assistant City Attorney, Amy Brothers and Donna Wong,

Deputy City Attorneys; Meyers, Nave, Riback, Silver & Wilson,
Amrit S. Kulkarni, Julia L. Bond for Defendant and Respondent.

Alston & Bird LLP, Edward J. Casey, Andrea Warren for
Real Parties in Interest and Respondents.

This appeal concerns the proposed development of a vacant parcel of land located in the northeastern San Fernando Valley. In 2014, real parties in interest Line 204, LLC, and Alton Butler (collectively, Line 204) sought a land use determination (also referred to as “conditional use” approval)¹ from the City of Los Angeles (City) to build a film and television studio on the parcel. The request was opposed by nearby homeowners, who contended that the proposed development was inconsistent with the parcel’s designation as “open space” on the Sun Valley-La Tuna Canyon Community Plan (sometimes referred to as the “Community Plan” or the “Plan”). Following public hearings, the City Planning Commission and Los Angeles City Council approved the land use determination.

The homeowners² filed a petition for writ of mandate to overturn the determination. The superior court entered a

¹ “A land use determination made pursuant to [section 12.24.1] shall be deemed a conditional use” (L.A. Mun. Code, § 12.24.1, subd. (E).)

All subsequent undesignated statutory references are to the Los Angeles Municipal Code.

² The appellant homeowners (homeowners) are Keith Munyan, JD Barrale, Victoria Geer, Don Nesmith, Pam Nesmith, David Arnold, Kim Arnold, Pam Zipfel, Janine Austin, Edward Beckman, Heather Beckman, Lani Rey, Frederick

judgment denying the petition, from which the homeowners have appealed.

The homeowners' appellate claims derive from the parcel's "open space" designation on the Community Plan map. The homeowners contend that land designated as "open space" must remain "essentially free of structures or buildings" and must "function" as "open space;" thus, they urge that the City abused its discretion by approving the development project. But as we discuss, "open space" in the Community Plan is a term of art that refers to land that may be zoned either "open space" or "agricultural," and on which specific categories of development are permitted. Among the categories of development permitted on parcels designated as "open space" and zoned "agricultural" are "motion picture and television studios and related incidental uses," if approved by the City Planning Commission or the City Council. (§ 12.24, subd. (U)(15).) Because the City thus had discretion to approve the film and television studio project, and because it made the findings required by the Community Plan and the Los Angeles Municipal Code, the trial court did not err in denying the petition for writ of mandate.

BACKGROUND

A. The Project Site

This appeal concerns a 9.98-acre parcel located at 11038, 11070, and 11100 Peoria Street in Sun Valley (the project site). The project site has been vacant since the early 1970's; before that time, it was used for sand and gravel excavation. The site is bordered to the north by an inert debris landfill, to the south by a

Culbertson, Bernice Culbertson, Brad Smith, Renee Bacchetta, Augustus Bachetta, and Linda Ceramano.

flood control channel, to the west by a freight transportation center, and to the east by single-family residences.

B. The Conditional Use Application

In 2014, Line 204 sought a land use determination from the City to develop a film and television studio on the project site. As proposed, the studio would be contained in two 2-story buildings, to include eight soundstages and a production equipment warehouse.

In January 2015, the City published a “Draft Initial Study/Mitigated Negative Declaration,” which concluded that the project would not result in significant environmental impacts and would not conflict with any applicable land use plan or policy. The City circulated the draft for public review and comment and held a public hearing before the City Planning Commission.

On April 23, 2015, the City Planning Commission granted a land use determination permitting construction of the proposed film and television studio. Its accompanying report included detailed conditions of approval plus approximately 30 pages of findings, including that the proposed use of the project site was consistent with community goals and objectives.

Neighboring property owners filed an appeal of the land use determination to the City Council on June 1, 2015, urging that the project was “out of scale and incompatible with the immediately adjacent single-story single-family, equine-oriented residential community.” The City Council’s Planning and Land Use Committee denied the appeal on July 29, 2015, and forwarded to the full City Council a recommendation that the appeal be denied. The matter went before the City Council on August 14, 2015. The City Council denied the appeal and unanimously approved the project.

C. Petition for Writ of Mandate

On September 14, 2015, the homeowners filed a petition for writ of mandate challenging the City Council's approval of the film and television studio project. The petition alleged that the homeowners were nearby residents of the project and were directly and adversely affected by the project's approval. It asserted seven causes of action, including violations of the California Environmental Quality Act and the Los Angeles Municipal Code.

The trial court issued an order denying the petition on October 12, 2016, and entered a final judgment on November 9, 2016. In its statement of decision, the trial court concluded the City had not abused its discretion in approving the project, finding as follows:

“The Project site is designated as ‘Open Space’ in the General Plan (in this case, in the Sun Valley-La Tuna Canyon Community Plan). The Community Plan, however, does not designate the site as desired for public acquisition, and it, furthermore, excludes the site from the designation ‘Open Space Natural Preserve.’ .

“The project is zoned A1-1XL-G (agricultural) rather than open space because the City did not want to extinguish private development on the site. A site that is within the scope of [Los Angeles Municipal Code (LAMC) section] 12.24.1—including this site because it is designated as Open Space within the Community Plan—may be developed to serve a variety of uses consistent with its zoning[,] provided that the Planning Commission makes the findings required by LAMC 12.24.1C, namely[,] [¶] ‘ . . . if it finds that the proposed use at the proposed location will be proper in relation to adjacent uses, desirable to

the public convenience or welfare and that the use and location will be consistent with the objectives of the various elements of the General Plan.’

“Among the uses permitted under LAMC 12.24.1E are those authorized with a CUP [conditional use permit] under LAMC 12.24U. Section 12.24U-15 permits subject to a CUP ‘Motion picture and television studios and related incidental uses that are located on a motion picture or television studio site in A [agricultural], R [residential], or C [commercial] Zones, when not permitted by right.’

“Petitioners challenge the City’s designation of the Project site as Open Space and, therefore, as a site eligible for development under the provisions of the LAMC 12.24.1. The Community Plan’s designation of the Project site as Open Space was intended to recycle property that was a remediated quarry site into productive use. The Initial Study states: ‘Because the project site has been underdeveloped since the cessation of fill operations, the project site is designated Open Space under the Community Plan.’ The Open Space designation is of several decades standing and has been accepted by the community stakeholders. . . . The Real Parties relied upon the Open Space designation in submitting a [business] development plan satisfying the criteria for their operation as a film studio business under a conditional use permit. The City has concluded that the Project will be consistent with many of the Community Plan objectives. The Planning Commission made the necessary findings to approve the development of the property under LAMC 12.24.1.

“The Los Angeles Planning Commission expressly found with respect to the Project site: ‘The existing zoning is

CONSISTENT with the land use designation of the General Plan as reflected in the adopted community plan.’ This court can overturn a finding that a Project approval is consistent with the applicable general plan only when the local agency has acted ‘arbitrarily, capriciously, or without evidentiary basis.’ *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 677–678. The court finds no abuse of discretion by the City in its determination and findings to approve the operation of a film studio facility and auxiliary warehouse under LAMC 12.24.1 under a CUP.

“Petitioners further argue that the Community Plan’s designation of the site as Open Space was intended to require that the site be maintained as a buffer for the benefit of the Shadow Hills community. The court does not find in the zoning history any statement by City officials to support this argument. Petitioners’ argument, furthermore, is inconsistent with the City’s analysis that the site was zoned A1 (agricultural) to permit the property owner to retain private development rights. The court, therefore, rejects the argument that the zoning history for the site mandates that it be retained as a buffer to benefit the Shadow Hills community.” (Internal record references omitted.)

The homeowners timely appealed from the judgment.

DISCUSSION

The homeowners contend that (1) permitting Line 204 to construct a film and television studio on the project site is inconsistent with the site’s “open space” designation in the Community Plan, and (2) the City’s findings were not supported

by substantial evidence. As we now discuss, the homeowners' contentions are without merit.³

I.

Legal Standards

A. *The General Plan Requirement*

Government Code section 65300 provides that each city or county shall adopt a comprehensive, long-term general plan for the development of the city or county. “The general plan serves as a ‘ “charter for future development” ’ and contains the city’s fundamental policy decisions about such development. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1194.) The policies in a general plan typically reflect a range of competing interests. (*Ibid.*; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142 (*Save Our Peninsula*).) ‘General plans ordinarily do not state specific mandates or prohibitions. Rather, they state “policies,” and set forth “goals.” ’ (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378 (*Napa Citizens*).) Nevertheless, a city’s land use decisions must be consistent with the policies expressed in its general plan. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570; *Leshner*

³ The homeowners raise several additional contentions for the first time in their appellants’ reply brief. We decline to consider them. (E.g., *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 893 [“Appellate courts ordinarily will not consider new issues that are raised for the first time in the appellant’s reply brief as the respondent has no opportunity to counter such contentions.”]; *Argentieri v. Zuckerberg* (2017) 8 Cal.App.5th 768, 789, fn. 10 [same].)

Communications, Inc. v. City of Walnut Creek (1990) 52 Cal.3d 531, 536; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 815 (*Friends of Lagoon Valley*); Gov. Code, § 65860.) ‘ “[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” ’ (*Citizens of Goleta Valley v. Board of Supervisors, supra*, at p. 570.)” (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 17–19 (*Naraghi*).)

A city’s general plan must contain seven mandatory elements, including land use, circulation, housing, conservation, open space, noise, and safety. (Gov. Code, § 65302, subds. (a)–(g).) In the City of Los Angeles, the land use element is made up of thirty-six separate community plans, including the Sun Valley-La Tuna Canyon Community Plan, which governs the present appeal.

B. The Consistency Requirement

“The rule of general plan consistency is that [a proposed] project must at least be *compatible with* the objectives and policies of the general plan. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 717–718 (*Sequoyah Hills*); *Friends of Lagoon Valley, supra*, 154 Cal.App.4th at p. 817.) ‘[S]tate law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. [Citations.] Instead, a finding of consistency requires only that the proposed project be “*compatible with* the objectives, policies, general land uses, and programs specified in” the applicable plan. [Citation.] The courts have interpreted this provision as requiring that a project be “ ‘in agreement or harmony with’ ” the

terms of the applicable plan, not in rigid conformity with every detail thereof.’ (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678 (*San Franciscans*).) To reiterate, the essential question is ‘whether the project is compatible with, and does not frustrate, the general plan’s goals and policies.’ (*Napa Citizens, supra*, 91 Cal.App.4th at p. 378.)

“As has been accurately observed by one court: ‘[I]t is beyond cavil that no project could completely satisfy every policy stated in [a city’s general plan], and that state law does not impose such a requirement. [Citation.] A general plan must try to accommodate a wide range of competing interests . . . and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be “in harmony” with the policies stated in the plan. [Citation.]’ . . . [Citation.]” (*Naraghi, supra*, 1 Cal.App.5th at pp. 17–19.)

C. Standard of Review

Where a governing body has determined that a particular project is consistent with the general plan, “that conclusion carries a strong presumption of regularity that can be overcome only by a showing of abuse of discretion. (*Friends of Lagoon Valley, supra*, 154 Cal.App.4th at p. 816; *Napa Citizens, supra*, 91 Cal.App.4th at p. 357; *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 717.) ‘We may neither substitute our view for that of the city council, nor reweigh conflicting evidence presented to that body.’ (*Sequoyah Hills, supra*, at p. 717.)

“Moreover, judicial review of consistency findings is highly deferential to the local agency. (*Friends of Lagoon Valley, supra*,

154 Cal.App.4th at p. 816.) ‘[C]ourts accord great deference to a local governmental agency’s determination of consistency with its own general plan, recognizing that “the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity. [Citations.] Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes. [Citations.] A reviewing court’s role ‘is simply to decide whether the city officials considered the applicable policies and the extent to which the proposed project conforms with those policies.’ [Citation.]”’ (*San Franciscans, supra*, 102 Cal.App.4th at pp. 677–678, quoting from *Save Our Peninsula, supra*, 87 Cal.App.4th at p. 142.)

“In our review of the City’s consistency findings in this case, our role is the same as that of the trial court; we independently review the City’s actions and are not bound by the trial court’s conclusions. (*Napa Citizens, supra*, 91 Cal.App.4th at p. 357.) In applying the substantial evidence standard, we resolve reasonable doubts in favor of the City’s finding and decision. (*Ibid.*) The essential inquiry is whether the City’s finding of consistency with the General Plan was ‘reasonable based on the evidence in the record.’ (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 637.) ‘[A]s long as the City reasonably could have made a determination of consistency, the City’s decision must be upheld, regardless of whether *we* would have made that determination in the first instance.’ (*Id.* at p. 638.) Generally speaking, the determination that a project is consistent with a city’s general

plan will be reversed only if the evidence was such that no reasonable person could have reached the same conclusion. (*San Franciscans, supra*, 102 Cal.App.4th at p. 677; accord, *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 26 (*San Diego Citizenry Group*).) (*Naraghi, supra*, 1 Cal.App.5th at pp. 18–19.)

II.

The Land Use Determination Was Consistent with the Community Plan

A. The Community Plan

As indicated above, the project site is located within the planning district subject to the Sun Valley-La Tuna Canyon Community Plan. The project site is designated by the Community Plan as “open space,” and is zoned A1 (Agricultural).

The Community Plan “consists of [the Community Plan] text and accompanying map.” The Community Plan text states the plan’s “goals, objectives, policies, and programs.” The Community Plan map “outlines the arrangement and intensities of land uses,” including by designating areas of the city as residential, commercial, industrial, and open space, and by indicating the permitted zones that correspond to each designation.

The Community Plan text identifies 17 goals—a safe residential environment (Goal 1), a strong and competitive commercial sector (Goal 2), sufficient land for a variety of industrial uses with maximum employment opportunities (Goal 3), adequate recreation and park facilities (Goal 4), maintenance of sufficient open space (Goal 5), quality public schools (Goal 6), adequate library facilities (Goal 7), adequate police and fire resources (Goals 8-9), development of a public transit system and

encouragement of modes of transportation other than single occupant vehicles (Goal 10-11), an efficient freeway and street network (Goals 12-13), mitigation of noise, traffic, and pollution created by the Burbank Airport (Goal 14), a system of safe and efficient bicycle, pedestrian, and equestrian facilities (Goal 15), sufficient parking facilities (Goal 16), and preservation of cultural and historic resources (Goal 17).

The Community Plan provides that areas designated as “open space” may be zoned *either* OS (open space) *or* A1 (agricultural). Consistent with these provisions, the project site has been zoned A1 (agricultural).

B. A Film and Television Studio Is a Permitted Conditional Use on Land Designated “Open Space” and Zoned A1 (Agricultural)

Uses permitted in an A1 zone are set out in Section 12.05. Section 12.05, subdivision (A), provides that in areas zoned A1, buildings and structures may be erected for enumerated purposes, such as single-family dwellings, parks, playgrounds, community centers, golf courses, and home occupations. (§ 12.05, subd. (A).) Additionally, buildings and structures may be erected for “[c]onditional uses enumerated in Sec. 12.24” if such uses are approved by the City Planning Commission and/or the City Council. (§ 12.05, subd. (A)(10), italics added.)

Section 12.24 sets out a variety of conditional uses permitted with City Planning Commission or City Council approval. As relevant here, such conditional uses include “[m]otion picture and television studios and related incidental uses that are located on a motion picture or television studio site.” (§12.24, subd. (U)(15), italics added.)

Contrary to the homeowners' contentions, therefore, development of a film and television studio on land designated as "open space" is not inconsistent with the Community Plan. As the discussion above makes clear, an "open space" designation on the Community Plan does not require that property remain undeveloped in perpetuity—it is, instead, a term of art that refers to land to be zoned either OS (open space) or A1 (agricultural). Although no buildings or structures may be erected on land zoned OS unless such buildings or structures are used for enumerated public purposes (§12.04.05, subd. (B)),⁴ building *is* permitted on land zoned A1—including "motion picture and television studios and related incidental uses"—if, as in this case, such building is approved by the City Planning Commission or the City Council.

⁴ Section 12.04.05 provides that buildings and structures may be erected on land zoned "OS" only if they are used for one of the purposes enumerated in section 12.04.05, subd. (B)(1)(a) (i.e., for parks and recreation facilities, nature resource preserves, marine and ecological preserves, sanitary landfill sites, public water supply reservoirs, and water conservation areas), or, with the permission of the City Council, for one of the conditional uses set forth in section 12.24, subdivisions (U)(19) (recreation centers, golf courses, museums, nature preserves, aquaria, high voltage transmission lines) or (W)(49) (wireless communications facilities). (§ 12.04.05, subds. (B)(1)–(2).)

C. *The Homeowners' Contentions Are Without Merit*

The homeowners' contentions about the permitted uses of the project site all derive from the plan's fifth goal—maintenance of sufficient open space—and its accompanying definition of open space as “land which is generally free of structures and buildings or is natural in character and which functions in one or more of the following ways”: (1) “[r]ecreational and educational opportunities”; (2) “[s]cenic, cultural, and historic values”; (3) “[p]ublic health and safety”; (4) “[p]reservation and creation of community identity”; (5) “[r]ights-of-way for utilities and transportation facilities”; and (6) “[p]reservation of natural resources or ecologically important areas.” But this definition of “open space” is aspirational, not directive—that is, while the Plan identifies the maintenance of land with these characteristics as a community goal, it nowhere provides that parcels designated as “open space” on the Community Plan map must be utilized in one of these ways. To the contrary, as we have said, the Community Plan states that each plan category “permits *all indicated corresponding zones* as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones.” (Italics added.) By its own terms, therefore, the Community Plan permits areas designated as “open space” to be developed as permitted by applicable zoning regulations.

The homeowners also suggest that if the applicable zoning regulation (here, § 12.05, subd. (A)(10)) permits a use inconsistent with the Community Plan, then the Community Plan must prevail over the zoning regulation. This contention posits a conflict where none exists, because as we have said, the Community Plan map specifically identifies the zones permissible for each land use category and provides that “[e]ach Plan

category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC).” (*Italics added.*) There is, therefore, no inconsistency between the Community Plan and the zoning regulations.

The homeowners suggest finally that section 12.24.1 permits development of “open space” properties only in ways that serve “ ‘open space’ purposes or functions.”⁵ In fact, while section 12.24.1 states that physical development of public and open space lands generally should be consistent with the designated purposes of such lands, it also expressly provides for “*other use[s]*” of such lands if the Planning Commission finds that the proposed use is permitted by the zoning of the lot and is “proper in relation to adjacent uses, desirable to the public convenience or welfare and . . . consistent with the objectives of the various elements of the General Plan.” (§ 12.24.1, subds. (A), (C).) Accordingly, there is no merit to the homeowners’ contention that construction of a film and television studio on land is not permitted on land designated as “open space.”

III.

The City’s Findings Are Consistent with the Community Plan and Los Angeles Municipal Code Section 12.24.1

The homeowners assert the City’s findings are fatally deficient—in the homeowners’ words, “a big ‘nothing burger’ ”—because they do not persuasively establish that “a purely

⁵ The homeowners repeatedly refer to section 12.24.1 as “the ‘open space special protection’ law.” In fact, section 12.24.1 is titled “Land Use Determination by City Planning Commission,” and it does not reference “special protections” for open space.

‘commercial’ enterprise operation, be it a movie studio, warehouse facility, or any other commercial ‘conditional use’ ” serves the “core values and purposes” expressed in the Plan definition of open space. But as we now discuss, nothing in the Community Plan or the Municipal Code required the City to find that the proposed project met the Plan’s definition of open space. “Instead, a finding of consistency requires only that the proposed project be ‘compatible with the objectives, policies, general land uses, and programs specified in’ the applicable plan. [Citation.] The courts have interpreted this provision as requiring that a project be ‘ “in agreement or harmony with” ’ the terms of the applicable plan, not in rigid conformity with every detail thereof. [Citation.]” [Citation.]’ [Citation.]” (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 694.) Thus, while the City was required to find—as it did in this case—that the proposed project was consistent with the Community Plan *generally*, nothing required a finding of consistency with each and every plan goal. (See, e.g., *Save Our Heritage Organisation v. City of San Diego* (2015) 237 Cal.App.4th 163, 188 [where the project was fully consistent with 14 of 17 general plan policies, “[t]here is substantial evidence to support City’s conclusion that, despite some inconsistencies engendered by the Bridge, the Project as a whole will not adversely affect the applicable land use plans”].)

A. Findings Required by the Municipal Code

Section 12.24.1, subdivision (C) provides that if a lot is within the scope of the section (i.e., it has been designated public, quasi-public, public/quasi-public, other public, or open space), the City Planning Commission “may approve a use permitted by the zoning of the lot if it finds that [1] the proposed use at the

proposed location will be proper in relation to adjacent uses, [2] desirable to the public convenience or welfare and that [3] the use and location will be consistent with the objectives of the various elements of the General Plan. In making a determination of consistency, the City Planning Commission shall consider whether the density, intensity, (i.e., floor area), height and use of the proposed development are permitted by and compatible with the designated use, density, intensity, height (or range of uses, densities, intensities or heights) set forth for adjacent and surrounding properties on the land use map of the applicable community or district plan and as those designations are further explained by any footnotes on the map and the text of the plan.” (§ 12.24.1, subd. (C).)

In the present case, the Planning Commission made each of the findings required by section 12.24.1(C). In brief, the Planning Commission found:

(1) *The proposed use is proper in relation to adjacent uses:* The Planning Commission found that the proposed use was suited for this “transitional area” that had been “underdeveloped and languishing for several years.” In summary, the City found: “The Studio Facility design has been developed in consideration of the relationship between surrounding uses and will provide ample buffering and aesthetic landscaping along the street frontage and east property line to protect the characteristic of the residential uses to the east. The proposed Studio Facility creates a contemporary campus environment, departing from the typical industrial development found in the vicinity. An 18- to 36-foot landscaped planter will be provided along the Peoria Street frontage, at the back of a new concrete sidewalk, curb, and gutter. This will provide for an attractive streetscape with

pedestrian sidewalk, replacing the existing rolled asphalt curb and overgrown vegetation along Peoria Street. In its current state, the vacant 10-acre site, even though it is maintained by the ownership, can become an attractive nuisance by virtue of its size and areas that are not generally visible. The vast expanse of the dirt lot causes issues of dust in the vicinity and the overgrown weeds and shrubs collect litter and debris. The proposed Studio Facility will eliminate all of these issues

“The use *is* suited for this transitional area that has been undeveloped and languishing for several years. Some community members have noted the dumping and negative activities on the site Developing the site and providing security and activity will provide a higher level of accountability on the property owner’s part. Further, the use will be compatible with both the adjacent trucking, warehouse, landfill, and single family uses because the project will be developed with protective garden walls and landscaping to provide buffering to all neighbors.”

(2) *The proposed use is desirable to the public convenience or welfare:* The Planning Commission noted that the proposed studio would provide a positive economic benefit to the area and would improve aesthetics from the public street. In summary, it concluded: “The commission views the proposal as a substantial image upgrade to an area currently associated with heavy industrial uses. The project is a land use advance from the typical rubbish landfill . . . to a clean industry for the Sun Valley area.” Further, “Motion picture production is known to be the City of Los Angeles’ trademark throughout the world. Permitting the use will be proper with the city and local support industries. Television and film production is a vital industry for the Los Angeles region. . . . The studio use will provide employment,

security, community activity, and new positive image to the Sun Valley Community.”

(3) *The use and location will be consistent with the various elements of the General Plan:* The Planning Commission found that the density of the proposed use was appropriate for the neighborhood, and although the height exceeded that permitted as of right by zoning regulation, the most visible portion of the buildings would be buffered by a masonry wall and mature trees. The intensity of use was also found appropriate to the neighborhood, as most filming would occur during the day and inside the eight sound studios. Finally, the use and location were found to be consistent with Community Plan objectives.

The homeowners do not challenge the substantiality of the evidence supporting these findings, but instead suggest that the City also was required by section 12.24.1 to find that the development of the property was consistent with the “purposes” of “‘open space.’” It was not. As we have said, the only findings required by section 12.24.1 are those the Planning Commission made—i.e., that the proposed use will be proper in relation to adjacent uses, desirable to the public convenience or welfare, and consistent with the objectives of the various elements of the General Plan. (§ 12.24.1, subd. (A), (C).)

B. Findings Required by the Community Plan

The Community Plan provides that “City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan.”⁶ Pursuant

⁶ The Community Plan also provides that “[i]n addition to the required general finding, decision-makers acting on certain projects in the Plan area shall refer to each of the applicable additional findings that the Plan identifies as programs in

to these requirements, the City made extensive findings, concluding that the project was fully consistent with 19 of 20 applicable Community Plan goals. For example, the City found the project was consistent with the Plan's goals of "protecting existing single family residential neighborhoods from . . . incompatible uses," "seek[ing] a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods," "preserv[ing] existing views of hillsides and mountainous areas," "provid[ing] additional opportunities for new commercial development and services," "improv[ing] the landscaping of commercial properties," and "insur[ing] adequate lighting around residential, commercial, and industrial buildings in order to improve security." The City found the project "partially consistent" with just one Plan goal—"accomodat[ing] active park lands and other open space uses in areas designated and zoned as Open Space." On the basis of these findings, the City concluded that "the project would be consistent with the applicable goals, objectives, and policies in the Community Plan."

The homeowners do not challenge the City's findings that the project is consistent with 19 of 20 of the Plan's land use objectives and policies. Accordingly, even were we to agree with the homeowners that the City had failed " " "to bridge the analytic gap between raw evidence and [the] ultimate decision" ' " with regard to the open space finding, we would not conclude that the City's approval of the project was an abuse of discretion.

Chapter 3 of the Plan." We are not aware of any programs relevant to the proposed film and studio project, and the homeowners have not identified any.

DISPOSITION

The judgment is affirmed. Respondents shall recover their appellate costs.

**NOT TO BE PUBLISHED IN THE OFFICIAL
REPORTS**

EDMON, P. J.

We concur:

LAVIN, J.

EGERTON, J.