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ORIGINAL

Via Hand Delivery

May 5, 2014

Planning and Land Use Committee
c/o Los Angeles City Clerk
200 North Spring Street, Room 395
Los Angeles, CA 90012

Re: PLUM Committee Hearing on May 6, 2014, at 2:30 p.m.
Item No. (4) 14-0399

Dear Hon. Councilmembers of the PLUM Committee:

This office represents Los Angeles By-Products, Co., Inc. ("LABP") and Penrose LLC ("Penrose") as former owner and owner of the real property that is the subject of the referenced Item. LABP and Penrose object to the adoption of the Motion under consideration in Item No. (4), 14-0339. We intend to appear and request the right to be heard at the PLUM Committee Hearing and we request that this letter be made part of the record.

First, no notice of the hearing for this Motion was provided to LABP or Penrose. In fact LABP and Penrose only became aware of this hearing on May 5, through indirect and informal channels. This lack of notice has prevented LABP and Penrose from being able to prepare a more thorough and documented objection. The contemplated action will deprive LABP and Penrose of fundamental due process rights relative to regulatory actions constituting a taking of property and rights in property. LABP and Penrose are concerned that the contemplated Open Space designation would deprive the property of all economic use.

Second, the premise of the Motion is facially flawed. The property that is subject to the Motion cannot practically or economically be used as a golf course due to water intrusion issues and attendant problems considering the underlying land is a former sanitary landfill. This issue was previously addressed by the City. As a result, the existing driving range was approved as an alternate use for the property. The driving range remains in place and operational.

Third, the land now being planned for use as the referenced Wetlands Park Project was acquired from LABP by the Los Angeles County Flood Control District ("LACFCD") in an eminent domain action filed by LACFCD (Los Angeles Superior Court Case No. BC 390776). In the course of that eminent domain action, LACFCD defined its project as limited to the property

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Planning and Land Use Committee

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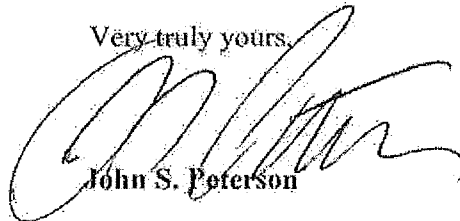
acquired. The project excluded use or incorporation of LABP's property to the west (now owned by Penrose) and now under consideration in the pending Motion. In fact, in the mediated resolution of the eminent domain action, LACFCD agreed that project related damage to the property to the west and north could give rise to an inverse condemnation action.

LABP reserves the right to articulate other grounds in opposition.

In the meantime, LABP and Penrose ask the PLUM Committee to defer action on the pending Motion to allow the parties to work through each side's respective needs and desires in an effort to develop a mutually agreeable, economically viable land use plan for the property. LABP and Penrose stand ready to meet with the local Council office and Planning Staff in an effort to develop such a plan.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "John S. Peterson", is written over the typed name. The signature is fluid and cursive.

John S. Peterson

JSP:lmc

cc: City Attorney's Office