



Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

---

**CF 14-0399**

1 message

---

**Sharon Gin** <sharon.gin@lacity.org>  
To: Etta Armstrong <etta.armstrong@lacity.org>

Tue, May 6, 2014 at 8:33 AM

----- Forwarded message -----

From: **John S. Peterson** <jsp@petersonlawgroup.com>  
Date: Mon, May 5, 2014 at 2:48 PM  
Subject: PLUM Committee Hearing-May 6, 2014-Item No. (4) 14-0399  
To: sharon.gin@lacity.org  
Cc: Laura Clawson <lclawson@petersonlawgroup.com>, File File <File@petersonlawgroup.com>

Planning and Land Use Committee  
c/o Sharon Gin-Legislative Assistant  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

Re: PLUM Committee Hearing on May 6, 2014 at 2:30

Item No. (4) 14-0399

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 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.

cc: City Attorney's Office

John S. Peterson

**Peterson Law Group PC**

633 West 5<sup>th</sup> Street, Suite 2800

Los Angeles, California 90071

(213)236-9720 (phone)

(213)236-9724 (fax)

[jsp@petersonlawgroup.com](mailto:jsp@petersonlawgroup.com)

This electronic mail transmission may contain privileged and/or confidential information intended solely for use by the individual or entity named as the recipient. Any usage, distribution, copying or disclosure by any person other than the intended recipient is strictly prohibited and may be subject to civil action and/or criminal penalties. If you received this transmission in error, please notify the sender by reply e-mail or by telephone and delete the transmission.

—  
Sharon Gin  
City of Los Angeles  
Office of the City Clerk  
213.978.1074  
[Sharon.Gin@lacity.org](mailto:Sharon.Gin@lacity.org)





Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

## Fwd: CM 14-0399 Comment in Support of motion

1 message

**Sharon Gin** <sharon.gin@lacity.org>  
To: Etta Armstrong <etta.armstrong@lacity.org>

Tue, May 6, 2014 at 8:31 AM

----- Forwarded message -----

From: **Caesar Huerta** <caesar.f.huerta@lacity.org>  
Date: Fri, May 2, 2014 at 5:24 PM  
Subject: Re: CM 14-0399 Comment in Support of motion  
To: Mary Benson <c-maryb@msn.com>  
Cc: "Sharon.Gin@lacity.org" <sharon.gin@lacity.org>, Mike O'Gara <mikeogarasvanc@aol.com>, Lysander Cuevas <lysander.cuevas@svanc.org>, Karl Kunak <kekunak62004@yahoo.com>, Bob Duenas <bob.duenas@lacity.org>

Please see the attached motion regarding this particular matter.

Best,

On Fri, May 2, 2014 at 12:54 PM, Mary Benson <c-maryb@msn.com> wrote:

Over sixty years ago, an abandon gravel mine owner agreed to a deal between his company and the surrounding Sun Valley residents. The deal consisted of a very straightforward concept ; in exchange for allowing a public dump to operate on his property located at 11501 Strathern in Sun Valley, the owner agreed once the dump was full and closed, the entire 40 acres of the property would be converted to recreational use. The deal never included any language that mandated access to a free public park. Those uses were again clarified in 1982 by then ZA, Dick Platkin under ZV-82-186.

Despite the ability to magnify an opportunity to operate any number of things like - the San Fernando Valley Fair, an outdoor event venue, minature golf, an urban farm, batting cages, or any other use supported by the surrounding community, the owner's son has riled against his father's deal and unilaterally ignored that longstanding promise. He refuses to fulfill the company's half of the bargain or work in partnership with any entity . The community and elementary school have endured the negative impacts of living, literally across the street, from not one but TWO landfills (Penrose Landfill and Strathern inert Landfill). This Penrose landfill, has been closed for nearly 30 years. It is long past time time for LA By-Products to fulfil it's side of the bargain. To me, it almost seems that Mr. McAllister resents his father's promise and wishes to extract revenge for the terms of that agreement.

Instead of working with the community and Neighborhood Councils, instead of taking advantage of the exclusive infill area of openspace, instead of working within the confines of City, County and State rules, LA By-Products, and its president, Robert McAllister have never stopped "trying to put one over " on us all by claiming that he is somehow being taken advantage of. That he has consistantly been the object of community outrage and unfairly denied the option of building a dirt race track, truck storage yard, or transfer station or recycling facility or creating a junk yard.

The latest in a series of evasions and feigned harm is the excuse that the former use as a landfill and a corner of the property zoned industrial supports industrial use, rather than the agreed upon recreational use.

The Council Motion introduced by Nury Martinez closes this loophole and clarifies, to all City Departments that this property must become a benefit, rather than a blight to the Sun Valley community.

Please approve the motion for a General Plan Amendment. Thank you

Mary Benson, 3rd generation Sun Valley Resident  
11070 Sheldon Street  
Sun Valley, CA 91352

—  
Caesar F. Huerta, Field Deputy  
Office of Councilwoman Nury Martinez  
Sixth Council District  
9300 Laurel Canyon Blvd., 2nd Floor  
Sun Valley, CA 91331  
818-771-0236 OFFICE  
818-756-8155 FAX  
caesar.f.huerta@lacity.org

—  
Sharon Gin  
City of Los Angeles  
Office of the City Clerk  
213.978.1074  
Sharon.Gin@lacity.org



---

 14-0399\_mot\_04-02-14.pdf  
488K



Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

---

**FW: PLUM Committee Hearing-May 6, 2014-Item No. (4) 14-0399**

1 message

---

**Laura Clawson** <lclawson@petersonlawgroup.com>

Mon, May 5, 2014 at 2:55 PM

To: Etta.Armstrong@lacity.org

Cc: "John S. Peterson" &lt;jsp@petersonlawgroup.com&gt;, File File &lt;File@petersonlawgroup.com&gt;

Planning and Land Use Committee

c/o Sharon Gin-Legislative Assistant

200 North Spring Street, Room 395

Los Angeles, CA 90012

Re: PLUM Committee Hearing on May 6, 2014 at 2:30

Item No. (4) 14-0399

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 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.

cc: City Attorney's Office

John S. Peterson

## **Peterson Law Group PC**

633 West 5<sup>th</sup> Street, Suite 2800

Los Angeles, California 90071

(213)236-9720 (phone)

(213)236-9724 (fax)

[jsp@petersonlawgroup.com](mailto:jsp@petersonlawgroup.com)

This electronic mail transmission may contain privileged and/or confidential information intended solely for use by the individual or entity named as the recipient. Any usage, distribution, copying or disclosure by any person other than the intended recipient is strictly prohibited and may be subject to civil action and/or criminal penalties. If you received this transmission in error, please notify the sender by reply e-mail or by telephone and delete the transmission.



Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

---

**Fwd: CM 14-0399**

1 message

---

**Sharon Gin** <sharon.gin@lacity.org>

Fri, May 2, 2014 at 12:55 PM

To: Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

----- Forwarded message -----

From: **Mary Benson** <c-maryb@msn.com>

Date: Fri, May 2, 2014 at 12:54 PM

Subject: CM 14-0399 Comment in Support of motion

To: "Sharon.Gin@lacity.org" &lt;sharon.gin@lacity.org&gt;

Cc: Mike O'Gara &lt;mikeogarasvanc@aol.com&gt;, Caesar Huerta &lt;caesar.f.huerta@lacity.org&gt;, Lysander Cuevas &lt;lysander.cuevas@svanc.org&gt;, Karl Kunak &lt;kekunak62004@yahoo.com&gt;, Bob Duenas &lt;bob.duenas@lacity.org&gt;

Over sixty years ago, an abandon gravel mine owner agreed to a deal between his company and the surrounding Sun Valley residents. The deal consisted of a very straightforward concept ; in exchange for allowing a public dump to operate on his property located at 11501 Strathern in Sun Valley, the owner agreed once the dump was full and closed, the entire 40 acres of the property would be converted to recreational use. The deal never included any language that mandated access to a free public park. Those uses were again clarified in 1982 by then ZA, Dick Platkin under ZV-82-186.

Despite the ability to magnify an opportunity to operate any number of things like - the San Fernando Valley Fair, an outdoor event venue, miniature golf, an urban farm, batting cages, or any other use supported by the surrounding community, the owner's son has riled against his father's deal and unilaterally ignored that longstanding promise. He refuses to fulfill the company's half of the bargain or work in partnership with any entity . The community and elementary school have endured the negative impacts of living, literally across the street, from not one but TWO landfills (Penrose Landfill and Strathern inert Landfill). This Penrose landfill, has been closed for nearly 30 years. It is long past time time for LA By-Products to fulfil it's side of the bargain. To me, it almost seems that Mr. McAllister resents his father's promise and wishes to extract revenge for the terms of that agreement.

Instead of working with the community and Neighborhood Councils, instead of taking advantage of the exclusive infill area of openspace, instead of working within the confines of City, County and State rules, LA By-Products, and its president, Robert McAllister have never stopped "trying to put one over " on us all by claiming that he is somehow being taken advantage of. That he has consistantly been the object of community outrage and unfairly denied the option of building a dirt race track, truck storage yard, or transfer station or recycling facility or creating a junk yard.

The latest in a series of evasions and feigned harm is the excuse that the former use as a landfill and a corner of the property zoned industrial supports industrial use, rather than the agreed upon recreational use.

The Council Motion introduced by Nury Martinez closes this loophole and clarifies, to all City Departments that this property must become a benefit, rather than a blight to the Sun Valley community.

Please approve the motion for a General Plan Amendment. Thank you

Mary Benson, 3rd generation Sun Valley Resident

11070 Sheldon Street  
Sun Valley, CA 91352

—  
Sharon Gin  
City of Los Angeles  
Office of the City Clerk  
213.978.1074  
Sharon.Gin@lacity.org

