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August 4, 2008

Sunland-Tujunga Alliance, Inc.
P.O. Box 123
Tujunga, CA 91043
Attn: Mr. Joe Barrett and Ms. Abby Diamond

Re: Dispute Resolution Program

Dear Mr. Barrett and Ms. Diamond:

Thank you for your recent letter concerning Home Depot. As part of my response, I want to take a moment to discuss the overall context of the Home Depot case and the role of the mediation process in it.

The current phase of the case began in August, 2007 when the Los Angeles City Council supported my request to revoke Home Depot's building permits for the remodel work on the former K-Mart structure. The purpose of the City Council's action was to require Home Depot to follow the procedures required by the Foothill Boulevard Corridor Specific Plan (the Plan). You will recall that the Sunland-Tujunga Alliance also took the position that Home Depot must follow the Plan's requirements.

After the City Council's action, Home Depot had two choices. It could file an application for a Project Permit Compliance Review under the Plan or it could sue the City. Home Depot chose the latter and filed its Petition/Complaint last November.

While the record was being compiled and before the commencement of discovery, Home Depot's lawyers and the City Attorney's office discussed the possibility of resolving the case. Eventually, the parties agreed to stay the litigation while Home Depot filed a Project Permit application (exactly what we sought in the August City Council action) and the City Attorney's office facilitated a "mediation" process. My office was not part of those discussions, and we learned about the details of the agreement only after it was signed.

The agreement was approved by the court which effectively ordered the parties to 1) file the Project Permit application and 2) participate in the mediation process. If the mediation requirement is to be eliminated, a new court order would be required. As you know, the courts are administered entirely by judicial officers who derive their powers

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from the state, and neither the City Council nor any other political branch of government has a voice in court operations.

As of now, there are two separate and parallel processes underway. In the first process, Home Depot filed an application for a Project Permit Compliance Review as required by the court's order. As part of that application, Home Depot requested a Categorical Exemption under CEQA. The Planning Department is reviewing these documents and will determine whether the Categorical Exemption or some other level of environmental review is appropriate.

The second part of the court's order is the mediation process. The order requires the City Attorney's office to facilitate a dialogue between Sunland-Tujunga community leaders and Home Depot through its Dispute Resolution Program. This process is non-binding, and it will not decide whether or not Home Depot opens a store in Sunland.

The discussions that occur through this process are not connected in any way with the City Planning Department's review of the Project Permit application and related CEQA documents filed by Home Depot. The City Attorney is dealing with the dispute resolution/lawsuit issues, and the Planning Department is dealing with the Project Permit/environmental review issues. The discussions related to dispute resolution will have no impact on the Planning Department's work on this case, because Planning must follow the procedures required by CEQA and the Specific Plan.

Regarding your request to conduct certain investigations, the City Council has no direct authority to investigate the DRP. However, I can refer the issues raised in your letter to the governmental agencies that oversee the DRP. Similarly, the City Council has no authority to remove the DRP as the facilitator in the case or to terminate the mediation process, but I will advise the City Attorney of your concerns. Upon reviewing the matter, the City Attorney may elect to ask the court to modify its order.

My attention in this case has been focused entirely on the Project Permit application. I understand that your team is already hard at work reviewing the environmental documents. I urge you to continue your efforts, because this is the part of the process where you can be most effective. Participation in the mediation process, on the other hand, is purely voluntary.

Very truly yours,



Wendy Greuel
Councilmember, 2nd District
Los Angeles City Council