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## **Mountaingate Community Challenges LA City Approval of Berggruen Permits Putting Community at Risk**

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(Los Angeles, CA) The Mountaingate Open Space Management Association (MOSMA) filed a court challenge to the refusal by the City of Los Angeles to revoke building and grading permits for the site of the proposed Berggruen Institute. According to the lawsuit, the city erroneously issued the permits before the developer produced a required — and crucial — plan to protect the public’s safety from landfill gases and other hazards on the unusual hillside site.

In August, billionaire Nicolas Berggruen informed the city that he plans to construct a massive 250,000-square-foot conference center atop the closed hillside landfill site located in a Very High Fire Hazard Severity Zone west of the 405 freeway. That hillside land went up in flames in the recent Getty Fire.

The city wrongly approved building and grading permits, ostensibly for an earlier plan to construct a 28-home subdivision on the site, originally proposed by the previous owner Castle & Cook, and then by Berggruen. Now, the Berggruen Institute has submitted applications to the City to use those same permits to construct a sprawling conference center and think tank instead of 28 homes. That application is pending.

According to the Los Angeles Local Enforcement Agency (LEA), numerous landfill monitoring gas collection wells on Berggruen’s land burned in the Getty Fire. Landfills generate methane, a flammable explosive gas that can travel up to 1000 feet from landfill boundaries and can carry other trace compounds that can be hazardous.

LEA, the agency with state regulatory authority over landfill closures, required a Post Closure Report Plan from the developer, to ensure the landfill gases are safely contained and monitored and that construction of monitoring wells are safely sited – but Berggruen has ignored them.

According to Environmental Assessment Form documents submitted by Berggruen to the City in August, the massive conference center and think tank would be placed atop the closed landfill known as Mission Canyon 8 Landfill.

Douglas Carstens, a partner with the environmental law firm Chatten-Brown Carstens & Minter, attorney representing MOSMA, said, “The City clearly violated state law and local law in failing to require a Post Closure Plan before issuing permits.” He continued, “The California Environmental Quality Act (CEQA) requires enforcement of mitigation

measure to ensure public safety but here the City and the Los Angeles Local Enforcement Agency (LEA) have fallen down on the job and put the public at risk of future fires.”

In fact, both the City of Los Angeles and LEA failed to require the developer to submit the formally ordered Post Closure Plan to the City. This failure violated the California Environmental Quality Act (CEQA) requirements for mitigation of environmental hazards.

The Getty Fire is a wakeup call to the City of Los Angeles Planning Department, Department of Building and Safety, Mayor Eric Garcetti and the Berggruen Institute to reassess and reevaluate the wisdom of building a massive commercial project in a Very High Fire Hazard Severity Zone in highly vulnerable hills, as well as the legality of such a project.

As early as September 2003, LEA issued environmental, public health, and safety concerns regarding the Draft Environmental Impact Report for the land, adding the Landfill Post Closure Plan as a condition before any developer could move forward with a project. In 2005, LEA program manager, David Thompson, and Wayne Tsuda, LEA Program Director, testified that such conditions were necessary.

Steve Drimmer, the president of MOSMA stated, “The City of Los Angeles and LEA have been duped by the developer into issuing building and grading permits with a bait-and-switch. We have asked the City to revoke the permits but they have refused.” He added, “The City and LEA’s failure to require a Landfill Post Closure Plan puts the public in greater danger from fires in an area that burned during the Getty Fire. The City and LEA should immediately issue a stop work order and revoke the permits.”

The lawsuit requests that the City be required to suspend the building and grading permits until an adequate Landfill Post Closure Plan is prepared and submitted to the City.

A copy of the lawsuit is available on request.

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