

## Jackson Demarco Tidus Petersen Peckenpaugh Assists Sunland-Tujunga Neighborhood Group In Victory Over Home Depot Project

IRVINE and WESTLAKE VILLAGE, Calif. – Jackson DeMarco Tidus Petersen Peckenpaugh (“JDTPP”) announced today that on August 15, 2007 the Los Angeles City Council by a 12 to 1 vote denied Home Depot its appeal of an earlier decision by a City Zoning Administrator to halt further construction on Home Depot’s proposed Sunland store without environmental and community impact studies. This involved an unusual Section 245 assertion of jurisdiction by the City Council over this matter and then resulted in that favorable vote, an unprecedented accomplishment. Mark G. Sellers, from JDTPP’s Land Use and Environmental Compliance Practice Group, represented and advised the No Home Depot in Sunland-Tujunga Campaign, a grassroots citizens group, and the Do It Centers of California (which has an impacted Sunland hardware store) through the review and appeal processes.

Working on behalf of his clients and in partnership with the already well established grassroots efforts of other Sunland-Tujunga neighborhood groups and activists, Mr. Sellers helped organize a team of presenters, articulated the key points and convinced the City’s Zoning Administrator to stop the construction work. Later, he worked closely with City Council Member Greuel’s office and respectfully conveyed to the other City Council Members the application of the Foothill Specific Plan to the Home Depot project. At issue was whether Home Depot’s modifications to the former K-Mart building and its interior were significant enough to qualify as a “Project” under the Foothill Specific Plan, which would require an environmental impact analysis, mitigation of the Project’s impacts and exterior upgrades. Mr. Sellers guidance and testimony, which included support by a uniquely qualified expert in Los Angeles building codes, focused on the underlying public policy and several triggering features incorporated in the building’s remodel. Each one sufficient on its own to classify the work as a Project rather than “tenant improvements” as Home Depot claimed. The Council’s decision means that Home Depot will not be allowed to complete the construction work on the store without going through the formal discretionary City Permit Compliance Review process, upgrading the exterior of the building and the site, having an environmental analysis and traffic impact study, mitigating any impacts and holding a public hearing with meaningful community input.

Mr. Sellers stated, “Local citizen groups frequently drift into very emotional areas when stating their case. Their arguments often appear as ‘NIMBYism’ and focus on points that are ultimately immaterial to the important public policy issue or the required commission or council findings. The key here was to demonstrate that the driving force was a caring grassroots citizens group focused on compliance with the Specific Plan, in contrast to the big corporate giant with a stable of attorneys, the money to pay for a herd of lobbyists and, a large public relations firm busing uncaring people to hearings. We focused our challenge on honoring the Foothill Specific Plan and the factual structural changes, rather than legal arguments or threats that do not resonate well with planning commissioners, city planners or elected officials. Our result in successfully challenging a building permit to the full City Council for an 80% completed building project by one of the nation’s largest retailers, is unprecedented in the City of Los Angeles.” Mr. Sellers concluded, “If there is a business lesson to be learned, it’s to seek out the high road of community input, propose the best designed project and agree to be responsible for mitigating the impacts of your project, rather than to search for a perceived cheaper process that avoids them.”

To learn more about JDTPP’s Land Use and Environmental Compliance Practice Group please visit:  
<http://www.jdtplaw.com/PracticeAreas/Litigation-Environmental-Land-Use-Municipal.asp>

## **About Jackson DeMarco Tidus Petersen Peckenpaugh**

**Jackson DeMarco Tidus Petersen Peckenpaugh** (“JDTPP”), headquartered in Irvine, California, with a second office in Westlake Village, provides practical legal advice and representation in a wide range of legal practice areas, encompassing business and corporate law, employment law, litigation, immigration, intellectual property, real estate, common interest subdivision, land use and environmental regulation, and construction law. JDTPP is recognized as a preeminent California full service law firm, providing counsel and representation in all forms of civil litigation, including judicial, arbitration and administrative proceedings. We represent business and corporate clients in key California industries, including software and technology; life sciences; oil and energy; manufacturing; transportation and distribution; finance; real estate development; agriculture; fitness; and hospitality industries; as well as governmental entities. Through our industry reputation, we frequently act as counsel for non-California law firms on transactions and litigation matters. Learn more at [www.jdtplaw.com](http://www.jdtplaw.com).

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