

Background Information

The property located 7101 Foothill Blvd., Tujunga, California is a Conoco Phillips – 76 gas station (“Property” or “Gas Station”). I have owned the Property since 2009. The project at issue calls for a mini-drive thru car wash in the back of the property (the “Project”).

I have been working on this project for 1.5 years with various city departments, including the Planning and Engineering Departments and Council District 7 (“CD7”). We had been in contact with the Land Use Committee (“LUC”) for many months but were not able to set up a meeting to present the project because of the multiple changes that were taking place with the site plan as the Engineering Department, Planning Department and CD7 were in constant communication with each other. Since there were constant changes to the site plan and we did not want to make any misrepresentations to the LUC, we did not want to present the site plan to the LUC until it was finalized. We were finally able to present to the LUC on January 9, 2017 and on February 8, 2017 the LUC decided not to support the project (specifically the waiver of a street dedication). This Grievance is based on my inability to properly present my project to the LUC, and more specifically the fact that I was not given due consideration and time to address the LUC’s concerns during our meeting. Furthermore, a false promise to table the discussion was given to me, in the interest of saving time and until further information was provided per the LUC’s request, as well as other issues that I have now been made aware of by stakeholders. The LUC’s biased, unethical, unfair actions did not give me a fair chance to get approval.

Violation of Rules

The Land Use Committee of the Sunland-Tujunga Neighborhood Council violated the following rules that they are required to abide by:

- Article XIV, Section 1 of the Bylaws of the Sunland-Tujunga Neighborhood Council – Code of Civility: The STNC, its representatives and all Community Stakeholders shall conduct all STNC business in a civil, professional and respectful manner.
- Article II, Policy 4 of the Bylaws of the Sunland-Tujunga Neighborhood Council: To be fair, open, and transparent in the conduct of STNC business.
- Section 906(a)(6) of the Department of Neighborhood Empowerment Rules: guarantees that all meetings will be open and public, and permit, to the extent feasible, every stakeholder to participate in the conduct of business, deliberation and decision-making.
- Article IV, Section B of the Bylaws of the Sunland-Tujunga Neighborhood Council: The STNC shall encourage all community stakeholders to participate in its activities, and shall not discriminate against individuals or groups on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age, disability, marital status,

income, homeowner/renter status, citizenship status, or political affiliation in any of its policies, recommendations, or actions.

The events and actions outlined below show how the LUC violated the rules cited above.

Violations That Occurred at the Meeting on January 9, 2017 and Thereafter

- Cindy Cleghorn, President of the LUC, allocated a large percentage of time to the people attending the meeting, as well as members of the LUC, to voice their concerns regarding the Project. Anytime I tried to address each concern that was raised, Ms. Cleghorn would change the subject and would not let me address the concern/issue. Instead, she would seek out another person at the meeting to talk about their concerns.
 - Ms. Cleghorn's actions were in clear violation of her duty of civility towards stakeholders in not conducting business in a civil, professional and respectful manner. I should have been given a fair opportunity to present my project and to address the unfounded and unsubstantiated concerns that were being discussed during the meeting.

- During the meeting, there was a brown-haired female stakeholder (I apologize for not knowing her name – our repeated attempts to find out were stonewalled), and it was very obvious that she was an acquaintance of the LUC members and that this was not her first time attending an LUC meeting. She was given the floor to complain for a long time and a lot of what she was talking about was unfounded. She was prying into my business' financials. She made a number of unsubstantiated incorrect calculations and comments. At the end of which, Debby Beck, a member of the LUC, actually got up, clapped and said that this lady should run for City Council. When I tried to address the bogus comments and concerns, the floor was given to somebody else, similar to other times, and the topic was changed. Examples of her irrelevant and unfounded concerns/comments are as follows:
 - She asked me how my business was going to profit from this car wash and that it did not seem to be profitable or "reasonable" for me to continue on with the Project.
 - This information is irrelevant and instead of the LUC recognizing the irrelevancy of these arguments, Ms. Beck stood up and applauded her. By that action, Ms. Beck, as a member of the LUC, was agreeing with this stakeholder and her irrelevant and bogus comments.
 - She also pried and insisted that I reveal how much the car wash investment would cost and how much sales I was estimating to have. And then she

incorrectly calculated and represented to the listeners that it would take 50 years for the car wash to pay off on my investment. She then made the ridiculous argument that because of this the business would be a burden on the City's residents. As soon as I attempted to address the numbers and bogus calculations, Ms. Cleghorn changed the topic. I was never able to address that issue.

- This information is not only irrelevant but highly misleading. The LUC should have prevented this person from prying into the Gas Station's financials. Furthermore, the LUC should have given me an opportunity to address her one-sided comments; however, they had no interest in hearing what I had to say.
- Ms. Cleghorn mentioned that there was a letter from a resident opposing the Project, who is not a neighboring resident of the Property, to which I began to point out that I had 2 letters from the 2 closest and only abutting neighbors to the Property in support of the Project. Ms. Beck, at that point, implied and wanted to know whether I had "compensated" these neighbors for the letters supporting the Project.
 - This statement made by Ms. Beck was not only offensive but it was unprofessional. The neighbors who had signed letters supporting the Project have been made aware of these comments are very upset and would like to address the LUC. They feel that not only were they insulted by insinuating that they would have to be paid to support the Project but more importantly, their reasons for wanting to support the Project were ignored and not given any weight.
- During the meeting, there were concerns regarding noise, traffic and some engineering issues. I had brought handouts and had information on hand, not only from myself and the car wash manufacturer, but the city's own Department of Transportation and Environmental Department, which would have easily and specifically addressed these issues. However, when I tried to respond to these concerns I was not given any time and Ms. Cleghorn dismissed most of it by saying that we had "spent enough time" on this already and that nothing would be decided today. She stated that it would be best to table the discussions to a future meeting, at which point she wanted me to come back with additional studies and perhaps even bring the engineers from the Engineering Department to a future meeting to better address these concerns. The reason for requesting the presence of a City engineer was to address the challenges with the Pinewood Ave. dedication. At that point Ms. Cleghorn moved on to the next item on their agenda.

On January 11, 2017, my consultants, Mailian Associates, e-mailed Ms. Cleghorn to obtain the minutes of the January 7, 2017 meeting, as well as the sign-in sheet to address everyone's concerns at this alleged future meeting. [Attached as Exhibit A is the January 11, 2017 e-mail to Ms. Cleghorn from Mailian Associates.]

On January 19, 2017, we reached out to Ms. Cleghorn requesting this information again, and we also asked which days the LUC would be meeting in February and March so that we can get on its agenda. Once again, we got no response. [Attached as Exhibit B is the January 19, 2017 e-mail to Ms. Cleghorn from Mailian Associates.]

On January 24, 2017, Argineh Mailian spoke to Pati Potter, member of LUC, and asked for the minutes of the January 9, 2017 meeting and the sign-in sheet, as well as reminding her to inform us when we should attend the next LUC meeting to address the concerns over the Project.

On January 26, 2017, Mailian Associates, once again, emailed Ms. Potter and Ms. Cleghorn asking for the January 9, 2017 minutes, sign-in sheets and a request for a meeting date on February 27, 2017. Once again, they never got back to us. [Attached as Exhibit C is the January 26, 2017 e-mail to Ms. Cleghorn from Mailian Associates.]

It has now come to our attention that the LUC met on January 30, 2017 and voted not to support the Project and then informed the Board of the Sunland-Tujunga Neighborhood Council that the LUC does not support the Project. Thus, the voting took place without us having an opportunity to go back to the LUC and address the concerns that were raised at the January 9, 2017 meeting, even though, we were promised an opportunity to address the concerns at a later date/time. Furthermore, the request to have a City engineer present for the next meeting was not a genuine request or the need for more information about the Project.

- These actions were not only unfair, but it was misleading. Obviously, the LUC had made up its mind before even hearing anything about the Project and they did not want to hear anything that would go against their beliefs as to what this Project entailed. It appeared that the LUC was just going through the motions of having this hearing but it already had its mind made up.
- During the meeting, I was approached by several individuals who were present at the meeting and expressed their concerns over the unfair treatment. One of which was a man who worked for a sound studio, another man who stood up and indicated that he

was a new resident and informed the LUC that he was very upset about the unfair treatment, there was also a lady who had sent in a letter to the LUC. These were all witnesses to the LUC's violations; however, we do not know their names because our requests for the sign in sheet from the meeting of January 9, 2017 were ignored.

- For the foregoing reason, I am reserving my right to submit witness statements from these individuals once we have been able to identify their names and contact information.

- Also, it should be noted that at the January 9th meeting, there were at least 6-7 individuals who had expressed their support for the Project, which includes those individuals who were present and others who had submitted letters of support. And at least 4 additional people who wanted to come to the next meeting to voice their support for the Project. However, there were only 2 individuals who had voiced opposition to the Project by raising unsubstantiated concerns. Yet, the LUC clearly gave the individuals who were against the Project more weight to further their own biased and vindictive agenda.

- Recently, I provided Rich Poquette and James Lee, the 2 abutting neighbors to the Property, who had sent in letters of support for the Project, an update on the status of the Project, specifically where the Project stood with the Neighborhood Council LUC. They brought to my attention that Ms. Potter and Ms. Cleghorn had gone door to door informing them, and other neighbors, of the intended Project and requested that they come speak against the Project. Notably, these 2 neighbors informed me that Ms. Potter and Ms. Cleghorn had been campaigning against the Project months before the January 9, 2017 meeting. This shows that the LUC, or at least some of its members, had made up their minds and now were looking to find neighbors to support their position before giving us a chance to present the facts. When the Poquette family informed Ms. Potter that they were in support of the Project, she got aggressive and tried to convince them that they should be against the Project. Ms. Potter was getting very aggressive and at that point, the Poquette family had to ask Ms. Potter to leave. The Poquettes and Lees are ready and willing to come before the Neighborhood Council Board to discuss their experience.
 - Such behavior is unbecoming of a Neighborhood Council member, who is supposed to be fair and impartial in the decision making process. Ms. Potter's actions showed bias, a lack of impartiality and a complete lack of fairness in her actions.
 - The LUC's attempt to gain opposition to a Project based on the members' preference does not fall within the Code of Conduct by a Neighborhood Council

board member. Their actions directly contravene the purpose of the Land Use Committee, as well as the Neighborhood Council.

- Clearly, the LUC had already decided their position our meeting.
- It is my understanding that a LUC member posted a notice of the LUC meeting concerning the Project for January 9, 2017 on a number of neighbors' doors. However, the LUC never left a notice of LUC meeting to the two and only abutting neighbors to the Property. Notably, it is those 2 neighbors who would be most affected by the Project and yet they were intentionally not notified of the LUC meeting set for January 9, 2017 presumably, because the LUC knew that these 2 neighbors supported the Project.
- On February 27, 2017, my consultant for this Project, Argineh Mailian from Mailian & Associates was in attendance at the LUC meeting for another client and another project. To her surprise, OUR Project was on the agenda and was called up to be discussed. The same brown haired lady from the January 9th meeting (mentioned above), along with another neighbor was against the Project at the first meeting had been notified to be there and got up and spoke again against the Project. My consultant noticed again that she was, again, not asked to sign in so that she asked for her name but the lady refused to give it and was allowed to proceed as such by Ms. Cleghorn.
- It also became apparent from the February 27, 2017 meeting, that this Project had been discussed at some previous meeting without our presence. This was pretty clear to us because they were discussing topics such as sidewalk additions in a manner that seemed that it had been discussed before. At the January 9, 2017 meeting, the focus had been on noise and traffic issues. This is evidenced in the email sent to the LUC and Board on January 11, 2017. [Attached as Exhibit D is the January 11, 2017 e-mail to the LUC and the Board from Mailian Associates, along with its attachments.] There was never any substantive discussion about the sidewalk. My consultant, Argineh Mailian, got up and expressed to Ms. Cleghorn and the LUC that we had reached out by email to them multiple times asking for sign in sheets, minutes and to get on the agenda for a later meeting, but those requests had been ignored. Ms. Mailian continued to express her concern that there had been discussions about the Project and new items had been raised without giving me any time or consideration to address these issues. In response, Ms. Cleghorn simply ignored her and moved to vote against the Project.
- After the February 27, 2017 meeting, we investigated this matter and found out that the LUC had put my Project on the January 27, 2017 agenda, without notifying us and had gone ahead and discussed the Project with the same people who were objecting to the

Project in the first place. And in the January 27th meeting, the LUC had conveniently shifted focus from the issues raised in the first meeting, which were noise and traffic concerns to sidewalks issues. This is simply not a coincidence. During the first meeting we had indicated that we could get studies and evidence to refute the noise and traffic concerns. This was a blatant attempt to find an issue where they would be able to find a reason to vote against the Project without our presence and our ability to address those issues.

The bottom line is that the actions and events described above make it very clear that Ms. Cleghorn and Ms. Potter, along with other members of the LUC, conspired to sabotage the Project from the start. The LUC did not act objectively but rather worked to push their own biased agenda. Ms. Cleghorn and Ms. Potter first approached all the neighbors and lobbied against the Project. Those who were in support of it were harassed, insulted, ignored or accused of being compensated. Then during the meeting this biased behavior continued with Ms. Cleghorn giving much leeway to those opposing the Project and very little consideration to those supporting it. Following the meeting, Ms. Cleghorn, Ms. Potter and the LUC ignored our efforts to get information from the meeting such as sign in sheets and minutes. They also made a point of ignoring requests to be on a future agenda, even though, they had cut us short during the first meeting with promises of having more of an opportunity to address certain issues at a future meeting. However, they secretly and unfairly put this Project on the agenda for two future meetings, yet they never gave us notice to be present. This, in and of itself, was completely unfair and unbecoming of a Neighborhood Council committee member. Ms. Cleghorn had suggested that we possibly get another noise study or traffic study or even ask city engineers to come explain part of the project regarding the dedication. Clearly, I could not possibly do any of that without a target date for our next meeting. Furthermore, Ms. Cleghorn had no qualms to ask me to spend a lot money on noise and traffic studies even though they clearly had no intention of giving this Project a fair shot.

As a result of the foregoing actions taken by the LUC, the LUC is in blatant violation of:

- Article XIV, Section 1 of the Bylaws of the Sunland-Tujunga Neighborhood Council – Code of Civility: The STNC, its representatives and all Community Stakeholders shall conduct all STNC business in a civil, professional and respectful manner.
- Article II, Policy 4 of the Bylaws of the Sunland-Tujunga Neighborhood Council: To be fair, open, and transparent in the conduct of STNC business.

- Section 906(a)(6) of the Department of Neighborhood Empowerment Rules: guarantees that all meetings will be open and public, and permit, to the extent feasible, every stakeholder to participate in the conduct of business, deliberation and decision-making.
- Article IV, Section B of the Bylaws of the Sunland-Tujunga Neighborhood Council: The STNC shall encourage all community stakeholders to participate in its activities, and shall not discriminate against individuals or groups on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age, disability, marital status, income, homeowner/renter status, citizenship status, or political affiliation in any of its policies, recommendations, or actions.

I am requesting corrective action from the Neighborhood Council as a result of the alleged violations.

I would be more than happy to discuss this matter with you in further detail or provide any additional information that you may need to help assess this Grievance.

Sincerely,



Arnold Mooradian
President, PinewoodPetrol, Inc.