

## What is the Berggruen Project?

The Berggruen Institute – a public policy think tank founded by billionaire Nicholas Berggruen – seeks to construct a campus on a portion of 447 acres of land owned by Berggruen in the Santa Monica Mountains in Brentwood. The Institute would be located on ridges to the west of the 405 and south of Mountaingate. For more details, see: <https://brentwoodnews.com/berggruen-institute-brentwood/>; <https://mynews.com/education/2019/11/13/billionaire-philanthropists-hillside-campus-draws-opposition/>.

The site now proposed for the campus is zoned “Very Low 1 Residential” density and limited to under 30 residential lots (the additional Berggruen-owned land is zoned open space). In its recent development application, Berggruen asserts that the Institute is an “educational institution” pursuant to City Code, and as such, is subject to less restrictive zoning regulations.<sup>1</sup> The project is still in the early stages of review: an EIR has not yet been drafted, final plans have not yet been drawn and no hearings have been scheduled.

The project is strongly opposed by Mountaingate homeowners. MOSMA has hired a consultant, Ileana Wachtel, to seek support for its position from NCs, CCs and HOAs. Among the arguments made by Ms. Wachtel/MOSMA: the Code exemption for “educational institutions” does not apply to the project (*i.e.*, the project is subject to more restrictive zoning, as alleged in MOSMA’s lawsuit against Berggruen; see FN 1 below); the project is out of scale, is an unpermitted use, will have traffic and other environmental impacts, will create noise and light pollution, and poses an extreme fire risk (in part due to its location on former landfill allegedly subject to methane gas leaks).<sup>2</sup>

To date, Brentwood Community Council and Brentwood Homeowners Association have not taken positions on the project nor on the issue of the Code definition of “educational institution.”<sup>3</sup>

Ms. Wachtel has requested that PPCC agendize this issue and oppose the project, and/or take the position that the Institute is not an “educational institution.” Chair George Wolfberg, with input from the Vice-Chair, Secretary and Chair of the PPCC Land Use Committee, has determined that PPCC will not agendize the matter at this time, for several reasons: the project is in Brentwood and not within PPCC’s jurisdiction; the issue is premature as the project is in the early review stages; impact on the Palisades, if any, is unknown or appears remote at this point; the full extent of any impacts won’t be known until a draft EIR is available; PPCC should not take a position on the definition of “educational institution” without further analysis and/or independent legal advice. If the matter is agendized in the future for PPCC board consideration, both sides will be invited to present.

*Prepared by Chris Spitz, PPCC Secretary, January 3, 2020*

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<sup>1</sup> The project site and adjacent open space-zoned land have been the subject of disputes and litigation for more than two decades, involving at various times Berggruen’s predecessor-in-interest Castle & Cooke; the City; Mountaingate Open Space Management Association (MOSMA); the Mountains Recreation & Conservation Authority (MRCA); residents and environmental groups. Most recently, MOSMA has sued Berggruen, alleging that the Institute is not an “educational institution” and that Berggruen is also bound by a “Reduced Density Plan” and MOU entered into in 1999, settling then-litigation over the site’s zoning among the City, Castle & Cooke and MOSMA. In 2006, additional disputes over public access were resolved by recorded trail easements granted to the MRCA. After Berggruen acquired the land in or about 2016, another lawsuit arose when Berggruen first proposed a different location for the Institute’s campus (ridges above Mandeville Canyon), on land subject to the MRCA trail easements (the MRCA lawsuit against Berggruen is apparently still pending, according to recent MRCA meeting agendas). In response to strong opposition to its first plan, Berggruen agreed to respect trail easements and proposed the new (current) site for the campus, near Mountaingate (engendering MOSMA’s recent lawsuit).

<sup>2</sup> As to the fire hazard issue, Berggruen’s “senior project advisor,” Steve Soboroff (LA Police Commissioner) has reportedly advised that the Institute is working with retired LAFD Chief Bill Bamattre to improve safety conditions.

<sup>3</sup> We are told that a number of other Brentwood HOAs are opposed to the project and/or have adopted MOSMA’s position that the Institute is not an “educational institution” as defined by the Code. Bel Air-Beverly Crest NC heard a presentation by Ms. Wachtel, but according to its President has taken no position and would not do so without hearing from both sides.