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SECONDARY SUBMISSIONS



August 13, 2021

Submitted via email to: apcwestla@lacity.org

West Los Angeles Area Planning Commission
200 North Spring Street, Room 532
Los Angeles, CA 90012

Re: DIR-2019-2610-CDP-MEL-1A; AA-2019-2609-PMLA-1A (313 and 315 South 6th Ave.)

Dear West LA Area Planning Commissioners:

On behalf of People Organized for Westside Renewal (POWER), I write to urge you to uphold our appeals on items 5 and 6 on your agenda on August 18, 2021 (313 and 315 South 6th Ave. in Venice). Our members are deeply concerned about the continued loss of existing affordable housing within the Coastal Zone in Venice, housing which should be protected by the Mello Act. We strongly support the City Council's unanimous decision to remand the case to you. The Council's motion, introduced by Councilmember Bonin, states:

The demolition of a four-unit bungalow court and the construction of single-family dwellings with attached ADUs would erode the neighborhood character defined by both its physical and social attributes; including racial, ethnic, and income diversity.

We further agree with the Council that the "project does not meet all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code for a Coastal Development Permit." We will reiterate briefly the arguments we made in the original hearing on June 2, and introduce additional evidence regarding the inadequacies of the feasibility study the Department of City Planning used to determine that replacing affordable housing was infeasible.

We encourage you to uphold the appeal and deny the Coastal Development Permit for this project based on the following facts, which we will demonstrate below:

- **The Director erred in accepting a feasibility study;**
- **The Director erred in determining that the feasibility study submitted by the applicant creates a basis for finding that it is infeasible to replace affordable housing units,**
- **Given that there is no basis for a finding of infeasibility, the Mello Act requires that all existing affordable housing units be replaced as a condition of approval.**

The Director erred in accepting a feasibility study:

This was our contention in our original appeal, and we will not reiterate every point here. We simply will remind you that the existing project, proposed to be demolished, would most appropriately be described as a Bungalow Court, as defined in the LAMC, and therefore is not subject to a feasibility review when determining

the requirement to replace existing affordable housing under the Mello Act.

The Department of City Planning has chosen to treat the existing project not as a 4-unit RSO multifamily housing project, but rather as four single family homes, exploiting the architectural idiosyncrasy that generations ago nobody built a hallway to connect the units. This is an absurd interpretation of the facts, and it contradicts the City's treatment of the property previously.

The Los Angeles Rent Stabilization Ordinance (RSO) applies only to projects of 2 or more units. This property has consistently been registered as an RSO property, and the applicant is engaged in an Ellis Act application to withdraw the property from the rental market. If the project were four single family homes, it would not be necessary to register them as RSO units or to use the Ellis Act, and yet the current and former owners always have participated with the City in the implementation of the RSO, a tacit acknowledgement that the property has always been a 4-unit multifamily property (and therefore not eligible for a feasibility review under the IAP).

The Department of City Planning has an obligation to implement the Mello Act in a way that is most advantageous to achieving the goals of the IAP, which are to create and preserve affordable housing opportunities for low and moderate income people within the Coastal Zone. The Department's interpretation cannot be arbitrary or capricious. This Commission has an obligation to hold the Department accountable to its responsibility to properly implement the law, which indisputably could be used as a tool to preserve existing affordable housing, advancing the people of the City of Los Angeles' policy goals as expressed through their duly elected representatives on the City Council.

The Council's unanimous approval of the 245 motion to remand this decision to you, based in part on the loss of affordable housing, further clarifies the intent of the legislative body and gives this Commission a clear mandate to improve the Department's implementation of the Mello Act on this point.

The applicant's feasibility study is not a basis for finding that affordable replacement housing is infeasible:

Joan Ling, a subject matter expert, has reviewed the feasibility study on our behalf and has demonstrated that it is feasible to covenant both ADUs as replacement affordable units and to achieve a 21.1% return on costs, exceeding the developer's definition of 15% return on costs as being feasible. She has also demonstrated that the applicant's feasibility studies shows soft costs at 40% of hard costs without documentation. She asserts that 25% of hard costs is an appropriate industry standard for soft costs. We have attached Ms. Ling's feasibility review.

In addition to showing that a particular model of replacement affordable housing is feasible in the project, this more importantly demonstrates that the applicant's self-certified study cannot be used by the Department as a basis for a finding of infeasibility. Under the IAP, if the Department cannot make a positive finding that replacement affordable housing is infeasible (which they cannot), they must find that all existing affordable units must be replaced.

The applicant's feasibility study does not study all of the appropriate alternatives. Ms. Ling only reviewed the work submitted by the applicant. It is not incumbent on the appellant to demonstrate what *is* feasible, only that the department cannot make a finding of *infeasibility*. This is why we have long advocated for the Department of City Planning to conduct their own feasibility reviews, and not rely on applicant's self-certified submissions. The correct model for a feasibility review is spelled out in the Venice Land Use Plan:

Replacement of Affordable Housing

- **Policy I. A. 9.** Replacement of Affordable Housing. Per the provisions of Section 65590 of the State Government Code, referred to as the "Mello Act", the conversion or demolition of existing

residential units occupied by persons and families of low or moderate income shall not be permitted unless provisions have been made for replacement of those dwelling units which result in no net loss of affordable housing in the Venice Community in accordance with Section 65590 of the State Government Code (Mello Act).

- **Policy I. A. 10.** Location of Replacement Housing. The replacement units shall be located in one or more of the following areas, listed in order of priority:
 - 1) on the site of the converted or demolished structure;
 - 2) within the site's Venice coastal subarea;
 - 3) within the Venice Coastal Zone;
 - 4) within the Venice Community Plan area east of Lincoln Boulevard; and,
 - 5) within a three mile radius of the affected site.
- Policy I. A. 11.** Replacement Ratios for Replacement Units. Replacement ratios shall be at a minimum of 1:1 (one unit replaced for each unit removed). Replacement ratios shall increase according to how far from the affected site replacement units are located as defined in the Mello Act.

Given that the project should not have been subject to a feasibility review, and that the feasibility review submitted by the applicant is not sufficient evidence for the Department of City Planning to make a finding that affordable replacement housing is infeasible; and that the applicant's study did not examine all of the affordable housing replacement scenarios required by the Venice Land Use Plan, this Commission must find that there is no basis for a finding of infeasibility, and that all existing affordable housing units (4 RSO units) must be replaced as a condition of approval for the CDP.

Addressing remarks by Commissioners in the previous deliberation:

Finally, we feel it is necessary to address some of the comments made by members of this Commission at the hearing on June 2. We have attached a full transcript of some of the comments we found objectionable.

First, during deliberations, President Newhouse appeared to argue that the Commission's purview is extremely narrow, and that the Commission has very little power to correct City departments' determinations. The entire purpose of citizen commissions, as established by the City Charter, is to provide a check and balance on City staff and department bureaucracy. Area Planning Commissions are within their rights to make findings based on any pertinent evidence (not only that presented by appellants), and it is appropriate for a City commission to steer department determinations away from arbitrary and capricious decisions and back toward the intent of the people through their representatives on the Council when, for instance, a law that should protect existing affordable housing is failing to do so.

Second, President Newhouse argued that there were no environmental justice concerns with reducing the existing stock of affordable housing because some people who buy extremely expensive homes are not white men. This is an insensitive and deeply flawed understanding of the goals and framework of environmental justice policies. The cumulative loss of affordable housing in any neighborhood, the reduced housing opportunities for lower income people, is absolutely an issue of environmental justice that impacts people who are not white, people who are not male, and people who are not able-bodied. Any commissioner representing Los Angeles in 2021 should understand this.

The Department's history of frustrating attempts to pass a permanent Mello Act Ordinance:

Finally, multiple commissioners made comments that the problem in this case came down to the need to

replace the Mello Act IAP with a permanent ordinance. We could not agree more that it is long, long overdue for the City Council to adopt a permanent Mello Act ordinance. However, requiring that four affordable units currently existing be replaced without considering feasibility is possible under the current IAP. Furthermore, the department that put significant work into constructing a justification for finding the replacement of four existing affordable units infeasible when the IAP clearly states that this should not even be possible, is the same department that put far too little work into completing a permanent ordinance, and has shown hostility to the legislative goals of the Mello Act and the Council's attempts to enforce it on a consistent basis for decades.

The Department is compliant with the IAP only because of a lawsuit brought by residents of the Coastal Zone who were sick and tired of seeing the unabated gentrification of their neighborhood. Previous to that lawsuit, they were rubber-stamping projects as being Mello Act compliant even when those projects contributed nothing to the creation or preservation of affordable housing in the Coastal Zone.

Over time the Department of City Planning has attempted to undermine the goals of the IAP by accepting feasibility studies that appellants have successfully refuted, and then continuing to accept similarly flawed feasibility studies, by coaching applicants through strategies to minimize their affordable housing requirements, and by finding ways to issue determinations that similarly reduce affordable housing—such as determining that a 4-unit RSO property consisting entirely of affordable units has no replacement housing obligation in demolition and redevelopment.

The City Council attempted to pass permanent Mello Act ordinances a number of times. In 2006 a permanent ordinance was proposed by the Department that only applied to for-sale housing units. This would offer no protection at all to existing rental units, and require no affordable set-aside for future multifamily rental projects. The original appellants of the Mello Act lawsuit had to advocate *against* adopting this permanent ordinance, as it would significantly weaken the protections currently in the IAP (as problematic as it is). In 2012 this same draft of a permanent ordinance was resurrected at the PLUM committee and advocates once again had to block it.

In 2013 there was a motion in City Council to draft a permanent Mello Act ordinance and the Department simply never reported back to the Council. In 2015 there was another motion passed by Council with more clear instructions to the Department. After a year of inaction, Council District 11 began convening meetings with the Department of City Planning, HCID, the City Attorney and the attorneys of record for Mello Act settlement to force the Department of City Planning to begin working on the permanent ordinance.

That draft of the ordinance was finally brought to the community in late 2019 and through the summer of 2020. Then the City Planning Commission considered a draft that was weaker than the community draft, and needed to once again be improved. After two multi-hour hearings, the City Planning Commission finally approved a final permanent Mello Act Ordinance to be heard by PLUM, and the chair of that committee is now finally working on scheduling that hearing—over 6 years after the *second* ordinance calling for the Department to deliver a draft to them.

The purpose of recounting that history is simply to emphasize that for many, many years it is the Department of City Planning who has caused delays in passing a permanent Mello Act ordinance, *not* the City Council. Throughout that time the Department has been working with an IAP that would not prevent them from doing much more to preserve and create affordable housing, but which has weaknesses that can be exploited to do much less. The Department of City Planning has chosen to do as little as possible to preserve the Coastal Community of Venice's ethnic, racial and income diversity.

Conclusion:

If this Commission desires a new, stronger permanent Mello Act Ordinance to pass (as you said you did in the last hearing on this project), you cannot incentivize a hostile Planning Department to drag their feet any longer

by approving Letters of Determination that do as little as possible to achieve the objectives of the ordinance. You must force them to use the IAP to the best of their ability to create and preserve affordable housing. Only once it becomes inevitable that future appeals will continue to create and preserve affordable housing will the Department of City Planning acquiesce to telling applicants on the front end of projects what they cannot do, instead of attempting to coach them through a lengthy process that results in appeals with a high probability of killing projects on the back end, after tenants have been displaced and after applicants have spent countless hours and resources on a dead-end project.

Once again, there are numerous reasons why you can find in favor of the appeal and deny the project, setting an important precedent that the Department must do more to create and preserve affordable housing. We encourage you to find that:

- **The Director erred in accepting a feasibility study, given that the project can justifiably be categorized not as a single family home or duplex, but rather a bungalow court, and therefore all existing affordable units must be replaced without consideration of feasibility;**
- **The Director erred in determining that the feasibility study submitted by the applicant creates a basis for finding that it is infeasible to replace affordable housing units, both because the assumptions in the study can be refuted and the study does not conform to the Venice Land Use Plan, Policies I. A. 9 and I. A. 10;**
- **Given that there is no basis for a finding of infeasibility, the Mello Act requires that all existing affordable housing units be replaced as a condition of approval.**

Thank you for your consideration in this matter.

Sincerely,



Bill Przylucki
Executive Director

Enc.

Cc: Citizens Preserving Venice
Jason Douglas, Council District 11



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)5 messages

Lisa Cain <info@email.actionnetwork.org>

Mon, Aug 16, 2021 at 2:45 AM

Reply-To: stuff4lisa@me.com

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Lisa Cain

stuff4lisa@me.com

[1223 Wilshire Blvd](#) 486

Santa Monica, California 90403

Valerie Morishige <info@email.actionnetwork.org>

Mon, Aug 16, 2021 at 1:48 PM

Reply-To: valeriemorishige@gmail.com

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

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Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Valerie Morishige

valeriemorishige@gmail.com

2626 Bronholly Dr

[Los Angeles, California 90068-2331](#)

jewell.jlk@gmail.com <info@email.actionnetwork.org>
Reply-To: jewell.jlk@gmail.com
To: apcwestla@lacity.org

Mon, Aug 16, 2021 at 4:09 PM

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

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Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

jewell.jlk@gmail.com

,

Benina Stern <info@email.actionnetwork.org>
Reply-To: bpacystern@me.com
To: apcwestla@lacity.org

Mon, Aug 16, 2021 at 9:32 PM

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

I've lived on the westside my entire life and it's been devastating to see people pushed out of their neighborhoods after decades of living there.

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Benina Stern

bpacystern@me.com

2040 Fairburn Ave

[Los Angeles, California 90025](#)

Ivonne Guzman <info@email.actionnetwork.org>
Reply-To: ivonneguzman45@gmail.com
To: apcwestla@lacity.org

Tue, Aug 17, 2021 at 6:44 AM

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Ivonne Guzman

ivonneguzman45@gmail.com

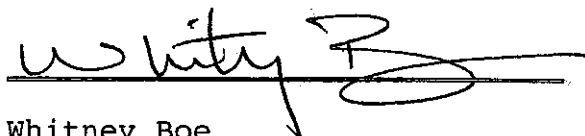
766 Sunset Ave

[Venice, California 90291](#)

TRANSCRIBER CERTIFICATION

I, Whitney Boe, do hereby declare that the preceding recording
DIR-2019-2610 was listened to fully and completely by me and
transcribed into typewriting under my direction and
supervision.

I further declare that the forgoing is a true, accurate, and
complete transcription to the best of my ability.

JUNE 22, 2021

Whitney Boe

Date

President

CERTIFIED COPY

Alpha Dog Transcriptions

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LAW OFFICE OF
STEVE KAPLAN

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ENCINO, CALIFORNIA 91436
TELEPHONE: (818) 377-7440
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August 13, 2021

SENT VIA EMAIL to apcwestla@lacity.org

West Los Angeles Area Planning Commission
c/o Planning Commission Office, Department of City Planning
200 North Spring Street, Room 272
Los Angeles, CA 90012
Attention: James K. Williams, Commission Executive Assistant

Re: Agenda Items 5 & 6 WLA APC Meeting of August 18, 2021
Case Nos. DIR-2019-2610-CDP-MEL-1A; AA-2019-2609-PMLA-SL-1A ("Project")
313-315 6th Avenue, Venice ("Property")

Members of the Commission:

The undersigned represents Project proponents Brock Wylan, Simon James and 315 6th Avenue LLC, the applicant and owner of the above captioned Property site. I have previously submitted letters in support of the Project on March 9, 2021, directed to the Department of City Planning ("City Planning"), and on May 1 and 27, 2021, directed to the West Los Angeles Area Planning Commission ("Commission"). It is my hope that the members of the Commission have had an opportunity to review said previous submissions, including my arguments in opposition to the issues raised by the appellants and the recommendations of the City Planning staff in support of the Project contained in its Appeal Recommendation Report ("Staff Report").

The focused purpose of this subject submission is to bring to the attention of the Commission my rebuttal to the substance and issues contained in the Section 245 Motion ("Motion") of the Los Angeles City Council initiated by Council Office 11. I will detail my arguments in opposition to the merits of said Motion by use of reference to (a) pertinent portions of the Staff Report and (b) the rationale put forth by Commission President Michael Newhouse in his discussion of the Project at the appeal public hearing held before this Commission on June 2, 2021. **A certified transcript of Commissioner Newhouse's remarks is attached hereto as Exhibit A.**

The subject Motion states in part *"The demolition of a four-unit bungalow court and the construction of single-family dwellings with attached ADUs would erode the neighborhood character- defined by both its physical and social attributes; including racial, ethnic, and income diversity."*

In fact, and as detailed in the Staff Report at page A-6, "The proposed preliminary parcel map allows for the subdivision of the existing lot in a manner consistent with the existing

development pattern...As such, the subdivision would not impact the development pattern of the neighborhood.” In addition, the Staff Report at page A-15 states, and as supplemented by the undersigned, “The project is located within a residential neighborhood zoned RD1.5-1 and is developed with single and *multi-family* (emphasis added) residential structures...and is located within an area *adjacent to a commercial corridor* (emphasis added) zoned C4-1 that is designated for Community Commercial use...and as such, the proposed project will be visually compatible with the character of the surrounding area.”

Accordingly, it is the position of the applicant that the proposed Project is in keeping with the character, mass, and scale of its surroundings. The Motion specifies that the Project “*would erode the neighborhood character- defined by both its physical and social attributes; including racial, ethnic, and income diversity.*” Although a goal most certainly to be aspired to, it is important for the Commission to note and to understand that, contrary to the assertion in the Motion, analyzing a Project by its impact on racial, ethnic and income diversity is not a metric found in the policies of the California Coastal Commission or the provisions of the adopted Venice Land Use Plan.

The subject 245 Motion also argues that the Project....” *undermines the mandate of the State’s Mello Act to preserve the availability of affordable housing in the Coastal Zone.*” Such a statement by the City Council, as supported by Council Office 11, is simplistic, specious, and legally inaccurate.

The Staff Report at page A-13 details that Part 8.0 of the Interim Administrative Procedures for Complying with the Mello Act (IAP) states “Appellants have the burden of proof and shall present substantial evidence to support their appeal. The Appellant has not provided substantial evidence to support their claim that the decision-maker has erred.” The Commission should note that in review of the Project’s compliance with the provisions of the Mello Act, the Staff Report also indicates that... “Upon review of the feasibility study and supplemental documents submitted by the Applicant, it would not be feasible to replace all of the Affordable Existing Residential Units. As such, no Affordable Units are required for this project.” As noted above, it must also be pointed out again to the Commission that, as required by provisions of the Mello Act, the appellants have provided no information to the City that proves replacement affordable housing is feasible.

If the protection of affordable housing in the Coastal Zone area of Los Angeles is a priority of Councilmember Bonin and Council Office 11, the Councilmember should initiate city legislation and land use policies to enhance the protections found in the city’s implementation of the Mello Act. What the Councilmember cannot do is attempt to legislate said housing protections on an ad hoc basis as is being attempted in the subject Project cases. The applicant has followed all regulatory guidelines in these cases. The tactic of employing a Section 245 Motion to attempt to change the rules in the middle of the game is legislatively misplaced, politically motivated and disingenuous.

Seeking a reasoned voice in the analysis of the issues involved in these cases, and in support of the approval of the Project presently before the Commission, I have attached a transcript of the remarks made by Commissioner Newhouse at the June 2, 2021 public hearing before the Commission. The undersigned has done so because the remarks lay out a clear and logical rationale for why the appeals in these subject cases should be denied and the Project approved.

It is the hope of the applicant that the Commission will read the entirety of the attached transcript. Offered below, and noted as to the location of the passage in the attached transcript, are pertinent portions of said remarks that highlight the reasons that this Project should be approved:

- “We are not a legislative body...we are not a neighborhood council, we’re not a city council, we’re not any other legislative body. We have to just look at what we have.” (page 2, lines 7-10);
- “Cumulative impacts under CEQA were never envisioned for looking at a single family dwelling, or a single family dwelling with an ADU (page 4, lines 10-12)...And if you take it to its logical conclusion the problem becomes, if we’re going to start saying you need cumulative impacts when somebody wants to build a single family dwelling units with an ADU, the problem is you’ve got to do a cumulative impact analysis on every project in Venice, and in the coastal zone...” (page 4, lines 14-19)
- “I think we have to look at, you know, compliance with the Venice Coastal Zone Specific Plan, we don’t have any problems there...” (page 6, lines 2-4)

As referenced by the remarks of Commissioner Newhouse in the attached transcript, the design and implementation of the subject Project before you meet all the present Los Angeles Municipal Code and Venice area requirements as well as current California Coastal Commission policies. Although changes may be forthcoming with respect to the adoption of a new City of Los Angeles ordinance concerning the Mello Act and the use of feasibility studies, the current Project is City of Los Angeles code compliant. As noted in Commissioner Newhouse remarks, the Commission is not a legislative body. The applicant must be judged upon the laws, regulations, and policies as they now exist. As noted by the undersigned above, this Commission should not “change the rules in the middle of the game.”

In conclusion, and in support and confirmation of the position taken in the preceding paragraph, please find below the recommendations (bolded for emphasis) of City Planning staff found in their Staff Report for the subject Project:

Recommended Actions for Case No. AA-2019-PMLA-SL-1A:

- 1. DENY the appeal**
- 2. SUSTAIN the determination of the Advisory Agency to conditionally approve Preliminary Parcel Map No. AA-2019-2609-PMLA-SL**

Recommended Actions for Case No. DIR-2610-CDP-MEL-1A:

- 1. DENY in part the appeal and GRANT in part the appeal to SUSTAIN the determination of the Director of Planning to conditionally approve a Coastal Development Permit and Mello Compliance Review for the proposed project in the single jurisdiction area of the Coastal Zone.**
- 2. ADOPT the attached amended Findings and updated Exhibit A.**

Please be advised the Project proponent fully supports and joins in all the recommendations and analyses detailed in the Staff Report and joins with staff in advocating the denial of the subject appeals.

It is the hope of my client and the undersigned that the Commissioners will sustain the approval of the Project as the Commission did on the night of June 2, 2021 (no Project facts have changed nor has any other evidence been presented by the appellants) and will follow existing state law, local ordinances and current Coastal Commission policies and approve the cases before you and deny the subject appeals.

Thank you for your consideration of this submission.

Respectfully submitted,

Steve Kaplan

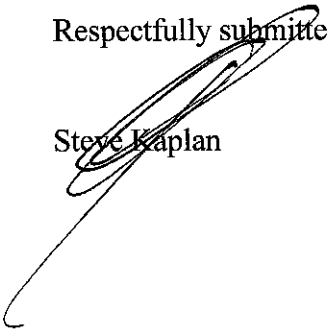


EXHIBIT A

WEST LOS ANGELES AREA PLANNING COMMISSION

DIR-2019-2610-CDP-MEL-1A

PROJECT SITE: 313 AND 315 SOUTH 6TH AVENUE

02:03:45

BEGIN SECTION

CHAIRMAN MICHAEL NEWHOUSE: All right, let's move on to deliberations. I'll just take a first stab at sort of where my head is on this and then we'll hear from all of you, if you want to be heard.

As a starting point, we get three types of appeals on this body, I think it's fair to say: we get appeals from neighbors -- the neighborhood -- who have a problem in a development in their neighborhood, that is impacting them directly, next door or down the street.

Number two, we get appeals from an applicant, who wanted to do something and the city denied that.

And then number three we get, which is most of our business, so to speak, from organized groups who have a vision. Who believe in a vision, who have a vision, and are looking to effectuate that vision through various city commissions, city bodies, state bodies, etc., etc., which is great. It's what makes our democracy work and the folks that are appellants right now I think fall into that category and they have a very specific vision for housing, and affordable

1 housing, and uses of the coastal zone, and how Mello applies
2 or does not apply, how we should look at CEQA etc, etc. And I
3 have all the appreciation for that and for the work they do.

4 However, as I've said many times, we are not a
5 legislative body. I often feel like my hands are tied whether
6 an applicant is a developer, or whether they are a neighbor,
7 or whether they are a community group. Because again, we are
8 not a neighborhood council, we're not a city council, we're
9 not any other legislative body. We have to just look at what
10 we have.

11 And more often than not, you look at the findings in the
12 determination letters, they are extremely well-reasoned,
13 they're extremely detailed, and at best, what I usually find
14 is that the only way that something could be overturned would
15 be to really look at a creative interpretation of what is
16 either clear from a statutory standpoint, and I mean either
17 code or state statute, or a part of the coastal act. Or
18 oftentimes, something is very ambiguous is oftentimes the
19 problem we're dealing with, and then it does become subject to
20 interpretation.

21 So what I often do in those situations I look at this and
22 I say, okay what is happening here. And I think it comes down
23 to two things. Do you have four units and are you replacing
24 them with four units? To me you are. Those other accessory
25 dwelling units can either be rented legally, and by definition

1 something that small is about as affordable as Venice gets.
2 Trust me when I tell you. Or it can be used for an older
3 member of the family, these were called "granny flats" or
4 "granny units" traditionally. That is also a form of low
5 income housing for certain people. Or sometimes people use
6 them themselves for an office or whatever else they might do.

7 But in looking at this project, to me I look at: is it
8 four units for four units. I don't see how there's any
9 interpretation of what we're looking at that says it is not.
10 An ADU is a dwelling unit. There's space in here for a
11 kitchen, it's been set up as such. There's space in here for a
12 bathroom, and the two big units have spaces as well, they all
13 have separate entrances. And they don't fall under the
14 requirement for additional parking. There's no way we can say
15 any differently than that. So I think that that interpretation
16 doesn't go anywhere.

17 The next issue I think is interesting and I think is
18 extremely important to look at and I have an extremely heavy
19 background in it, as you all know, which is CEQA and looking
20 at cumulative impacts, which are extremely important
21 especially in a coastal zone. But what you have to remember
22 about CEQA and if anybody really wants something to help put
23 them to sleep at night, go read the legislative history behind
24 CEQA when it was enacted. And if you want to get even more in-
25 depth, look at MEPA at the national level, which CEQA was then

1 based on. And what you'll find is it's looking for the
2 cumulative impacts of large projects. That wholesale effect
3 areas when there are more than one of them.

4 And the classic idea is okay, you're building a three-
5 story building where are mostly two-story buildings and it's
6 this big, and if you take it alone it's not a big deal, but if
7 I build two or three more and they're on that same stretch of
8 land on the coastal zone how is it going to affect things, you
9 have to cumulative impact.

10 Cumulative impacts under CEQA were never envisioned for
11 looking at a single family dwelling, or a single family
12 dwelling with an ADU, and things of this size. They simple
13 weren't looked at that way.

14 And if you take it to its logical conclusion the problem
15 becomes, if we're going to start saying you need cumulative
16 impacts when somebody wants to build a single family dwelling
17 unit, or a single family dwelling unit with an ADU, the
18 problem is you've got to do a cumulative impact analysis on
19 every development in Venice, and in the coastal zone, and in
20 the rest of Los Angeles.

21 No doubt the appellants would like that. They would be
22 the first ones to say absolutely, do it. And theoretically
23 it's not a bad idea. Practically, it's an impossible idea. It
24 cannot happen. It's too expensive, you'd put everybody out of
25 business, nobody would ever build anything, and you would just

1 have things that need to be rebuilt, and areas which need to
2 be rejuvenated. And which naturally get rejuvenated by young
3 families that come in and build homes and build places to
4 raise a family when older folks who generally become single at
5 a certain point, have become older. This is what happens in
6 every community in the world, you would render that
7 impossible.

8 And if the legislature wants to render that impossible
9 then they can do that. But we have to look at what the rules
10 are. And the rules here do not, by any stretch of the
11 imagination, except an activist, which is okay again, and hey,
12 look, I love the arguments they make but they just don't apply
13 here.

14 And that's the only two ways I would look at to ever
15 overturn anything that's happening here. I mean, if you look
16 at an environmental justice, so all of sudden this is truly an
17 injustice to communities of color, what if people of color buy
18 these properties, which they very well might. I live in
19 Venice, it's absolutely diverse even though it's gotten
20 richer. I know a ton of people moving into the area that are
21 not white people, and that are paying 3 million or 4 million,
22 5 million dollars for houses. They're black folks, they're
23 brown folks, they're Asian folks, they're women. You know,
24 it's not all white men moving in. Trust me when I tell you,
25 probably the opposite. So I don't see where that comes into

1 the analysis.

2 I think we have to look at, you know, compliance with the
3 Venice Coastal Zone specific plan, we don't have any problems
4 there, we don't have anything we can hang our hook on. And
5 this is not what cumulative impacts are intended for. It's
6 just simply not. So that's my sort of take. Again, I'm not
7 unsympathetic to the arguments being made, and I fully support
8 organizations that are making these arguments, and they often
9 make very good arguments, but here we just, it would take a
10 tortured interpretation and that of a legislative body to go
11 ahead and grant this appeal, in my opinion. It just would. And
12 that's not our job. And that's how I see it.

13

14 02:11:30

15 **END SECTION**

16

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18

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	HR&A (Robinson) Sept.2019		POWER 315 6th Avenue Jul-21		
Land	\$	1,761,000	\$	1,761,000	Land prices provided by applicant/developer
Construction Cost					
Cost PSF	\$	375	\$	265	\$265 PSF based on RS Means 2021 PSF Construction Cost Manual Luxury 2.5 story residential wood frame
unit #A-1	857	321,375		227,105	with wood siding, with the addition of detached parking garages, modifications and a LA location adjustment factor.
unit #A-2	2590	971,250		686,350	
unit #B-1	1063	398,625		281,695	
unit #B-2	2127	797,625		563,655	
Subtotal:	\$	2,488,875	\$	1,758,805	
Soft Costs					
A&E		200,000		na	
Consulting/Expediting		-		na	
Legal & Accounting		-		na	
Permits & Fees		170,000 w/ linkage \$		na	
Finance		547,000		na	
Insurance		-		na	
Surveys & Geological		75,000 site \$		na	
Taxes		-		na	
Subtotal:	\$	992,000	\$	439,701	
As % of hard cost		40%		25%	25% based on reasonable soft:hard cost ratio
Total Development Cost	\$	5,241,875	\$	3,959,506	
TDC per unit	\$	873,646	\$	659,918	
Sales Revenues					
Price PSF	\$	1,000.00	\$	1,000.00	Per developer's assumption in September 2019
unit #A-1	857	- ***		165,600 ****	
unit #A-2	2590	3,447,000 3447		2,590,000	
unit #B-1	1063	- ***		165,600 ****	
unit #B-2	2127	3,190,000 3190		2,127,000	
	\$	6,637,000	\$	5,048,200	
Less Sales Costs	5.0000%	(331,850)		(252,410)	
Net Sales Revenues	\$	6,305,150	\$	4,795,790	
Profit	\$	1,063,275	\$	836,284	
Return on Costs		20.28% *		21.12%	Profit/Total Development Cost
Gross Margin		16.86%		17.44%	Profit/Net Sales Revenues

Notes:

* Developer proposes 15% return on cost to determine feasibility.

** "3 miles" is 3 miles from the coastal area where the project is located.

*** Estimated affordable sales price before HOA fee, insurance & maintenance adjustments,

NA for ADUs but only 3% downpayment versus the typical 20% assumption.

1 person LI	\$	10,080	annual max housing payment
	\$	165,783	mortgage amount
	\$	170,911	3% downpayment
2 person LI	\$	11,520	annual max housing payment
	\$	189,467	mortgage amount
	\$	195,327	3% downpayment
3 person LI	\$	12,960	annual max housing payment
	\$	213,150	mortgage amount
	\$	219,742	3% downpayment
4 person LI	\$	14,400	annual max housing payment
	\$	236,833	mortgage amount
	\$	244,158	3% downpayment
5 person LI	\$	15,552	annual max housing payment
	\$	255,780	mortgage amount
	\$	263,691	3% downpayment

2021 HUD median income for LA County household of 4 is \$80,000.

**** Value of the ADU if rented at restricted rents:

1540 rent @ 110% AMI, single unit

850 op ex

690 noi

165600 capitalized

June 2, 2021, WLAAPC hearing for 315 6th Ave

MIKE NEWHOUSE: As a starting point, we get three types of appeals on this body, I think it's fair to say:

We get appeals from neighbors, the neighborhood, who have a problem with a development in their neighborhood that is impacting them directly next door, down the street, what have you.

Number two, we get appeals from an applicant who wanted to do something the city denied them.

And then a number three, we get - which is most of our business, so to speak - from organized groups who, who have a vision, who believe in a vision, who have a vision and are looking to effectuate that vision through various city commissions, city bodies, state bodies, et cetera, et cetera, which is great. It's what makes our democracy work, and the folks that are appellants right now, I think fall into that category. And they have a very specific vision for, housing and affordable housing and uses in the coastal zone, and how Mello applies or does not apply, how we should look at CEQA, et cetera, et cetera. And I have all the appreciation in the world for that, and for the work they do.

However, as I've said, many times we are not a legislative body. I often feel like my hands are tied, whether an applicant is a developer or whether they are a neighbor or whether they are a community group. Because again, we are not a neighborhood council. We're not a city council. We're not any other legislative body. We have to just look at what we have. And more often than not, you look at the findings and the determination letters, they are extremely well-reasoned, they're extremely detailed. And at best, what I usually find is that the only way that something could be overturned would be to really look at a creative interpretation of what is either a clear, what it is either clear from a statutory standpoint, and I mean, either code or state statute or a part of the coastal act, or oftentimes something is very ambiguous, is oftentimes the problem we're dealing with, and then it does become subject to interpretation.

So, what I often do in those situations, I look at this and I say, okay, what, what is happening here? And I think it comes down to two things. You have four units, and are you replacing them with four units? To me, you are. Those other accessory dwelling units can either be rented legally, and by definition, something that small is about as affordable, as affordable as Venice gets. Trust me when I tell you. Or it can be used for an older member of the family, you know, these were called, you

know, granny flats or granny units traditionally. That is also a form of low-income housing for certain people. Or sometimes people, use them themselves for an office or whatever else they might do.

But in looking at this project to me I look at, is it four units for four units? And I don't see how there's any interpretation of what we're looking at that says it is not. An ADU is a, is a dwelling unit. There's space in here for a kitchen, it's been set up as such. There's space in here for a bathroom. And the two big units have space as well - they all have separate entrances and they don't fall under the requirement for additional parking. And there's no way we can say any differently than that. So, I think that that, that interpretation doesn't go anywhere.

The next issue I think is interesting and I think is extremely important to look at, and I have an extremely heavy background in it, as you all know, which is, which is CEQA and looking at cumulative impacts, which are extremely important, especially in the coastal zone. But what you have to remember about CEQA, and if anybody really wants something to help put them to sleep at night, go read the legislative history behind CEQA when it was enacted. And if you want to get even more in-depth, look at NEPA at the national level, which CEQA was then based on. And what you'll find is it's looking for the cumulative impacts of large projects, that wholesale effect areas when there are more than one of them. And the classic idea is, okay, you're building a three-story building where they're mostly two story buildings and it's this big, and if you take it alone, it's not a big deal. But if I build two or three more there on that same stretch of land on the coastal zone, how's it going to affect things, you have to look at the cumulative impact. Cumulative impacts under CEQA were never envisioned for looking at a single-family dwelling or a single-family dwelling with an ADU, and things of this size. They simply weren't looked at that way.

And if you take it to its logical conclusion, the problem becomes, if we're going to start saying you need cumulative impacts when somebody wants to build a single-family dwelling unit or a single-family dwelling unit with an ADU, the problem is you've got to do a cumulative impact analysis on every development in Venice and in the coastal zone and in the rest of Los Angeles. No doubt the appellants would like that. They would be the first ones to say, absolutely do it. And theoretically, it's not a bad idea. Practically, it's an impossible idea. It cannot happen. It's too expensive, you'd put everybody out of business, nobody would ever build anything. And you would just have things that need to be rebuilt and areas which need to be rejuvenated, and which naturally get rejuvenated by young families that come in and build homes and build places to raise a family, when older folks who

generally become single at a certain point have become older. This is what happens in every community in the world. You would render that impossible. And if the legislature wants to render that impossible, then they can do that.

But we have to look at what the rules are, and the rules here do not by any stretch of the imagination, except an activist, which is okay again, and hey, look, I love the arguments they make, but they just don't apply here. And that's the only two ways I would look at to ever overturn anything that's happening here.

If you look at an environmental justice, so all of a sudden this is, this is cruel and injustice to communities of color? What if, what if people of color buy these properties, which they very well might. I live in Venice. It's absolutely diverse, even though it's gotten richer. I know a ton of people moving into the area that are not white people, and that are paying \$3 million, \$4 million, \$5 million for houses. They're black folks, they're brown folks, they're Asian folks, they're women. You know, it's not all white men moving in. Trust me when I tell you - probably the opposite. So, I don't see where that comes into the, the, the analysis.

I think we have to look at, you know, compliance with the Venice coastal zone specific plan. We don't have any problems there. We don't have anything we can hang our hook on. And this is not what cumulative impacts are intended for. It's just simply not. So that's my sort of take.

Again, I'm not unsympathetic to the arguments being made and I fully support organizations that are making these arguments and they often make very good arguments, but here we just, it would take a tortured interpretation and that of a legislative body to go ahead and grant this appeal, in my opinion. It just would, and that's not our job. And that's how I see it. So, everybody else go ahead. Who's next? I'm seeing no hands. I'm seeing, I'm seeing a smile by Commissioner Waltz-Morocco.

2533 4th Ave
Los Angeles, CA 90018
salman@history.ucla.edu
August 16, 2021

West Los Angeles Area Planning Commission
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A, Egregious Errors in ZA Rebuttal

To the West Los Angeles Area Planning Commission

In his rebuttal to NASE's appeal, the ZA commits a series of egregious and disturbing errors that further compound the serious errors of fact and law in the ZA's June 2, 2021 determination.

For one of the worst examples, I direct your attention to pages A1, A2, and A9 of the ZA's rebuttal to NASE's appeal (pages 4, 5, and 12 of the pdf file linked to the hearing agenda).

The ZA's response to the appeal asserts that 69 wells were authorized by the 1965 case ZA-17683 (page A1, page 4 of pdf):

BACKGROUND

Subject Property

The subject property is the oil and gas extraction portion of a larger controlled drill site, known as the West Pico Oil Drill Site, which was first permitted in 1965. The oil and gas extraction (drill) site is a level, rectangular-shaped, parcel of land consisting of approximately 0.706 acres, having a frontage of approximately 192 feet on the north side of Pico Boulevard and a uniform depth of 185 feet, divided by a through alley between Doheny Drive and Oakhurst Drive. (See site photos in Exhibit D)

The subject property is presently developed with an oil drilling operation with 58 wells (previously there were 59 and the operator advised there is no plan to drill the additional 10 permitted wells [as permitted by Case ZA-17683].) The drill site is enclosed on all sides with 25-foot-high walls, except for the two parking lot areas. Trees and plantings line the exterior of the walls. The drill

The ZA made the same assertion another time on that same first page of his rebuttal (page A-1, page 4 of pdf), and again on page A2 (page 5 pdf), asserting that there is a "previously approved maximum of 69 wells."

Most importantly, on page A-9 (page 12 pdf) the ZA again claims the 1965 case ZA-17683 approved 69 wells and asserts that there is a "vested right" to 69 wells stemming from the 1965 approval.

APPEAL POINT 6: RE-DRILLING

Appeal Point 6-A: *"Condition 72 is in direct contradiction with LAMC §§ 13.01.H and 13.01.I because it allows redrilling of wells without a full discretionary review by the ZA, which has been expressly required by Code since at least 1955. The ZA Determination acknowledges this contradiction but fails to require any revision to the condition and compounds the error further in its unsupported interpretation of this condition. Condition 72 speaks only of "redrilling"; it does not mention drilling of new wells or conversion of wells between Class A and Class B (i.e., production and injection). The ZA Determination nevertheless stretches the already illegal Condition 72 to cover new wells and converted wells."*

Staff Response:

Condition No. 72 was imposed on the oil drilling (extraction) site as part of the modernization project (see Determination Letter, Page 27). The operator has a vested right to this condition, which gives the operator the authority to drill and re-drill without obtaining further written approval from the Zoning Administrator's office. The operator may drill up to 69 wells (as permitted by Case ZA-17683) but as with any new well, the operator must also obtain authorization from CalGEM, formerly the California Division of Oil, Gas and Geothermal Resources. As of 2000, the operator had drilled 59 wells and the condition authorized ten additional wells provided state authorization was obtained.

There are three egregious problems in these assertions by the ZA about the 1965 determination (ZA-17683) approving 69 wells:

- 1. The ZA stakes his assertion on the 1965 determination of ZA-17683 but does not quote from it or provide you with excerpts or a copy of that determination. He wants you to believe him and trust his authority.**
- 2. The ZA's assertion that ZA-17683 approved 69 wells is manifestly and obviously FALSE, which is proven by the very determination he cited as his evidence but failed to show you.**
- 3. The true evidence from ZA case files was presented to the ZA, Director of Planning, Assistant Director of Planning, and additional staff in June 2020 – but the ZA ignored it and continues to ignore the ZA's own records.**

The 1965 case (ZA-17683) approved only 3 wells and repeatedly said approvals for more wells would require additional applications:

Here is a snapshot of Page 1 of ZA-17683. You can see with your own eyes that it approved just 3 "exploratory wells" and that any subsequent wells required application to the ZA for additional approvals. I will send you a full copy as two separate "secondary submissions" due to the 16 page length of the 1965 case (ZA-17683).

August 17, 1965

Occidental Petroleum Corporation
ATTENTION: E. F. Reid,
Vice President
5000 Stockdale Highway
Bakersfield, California
Fire Prevention Bureau

Re: Z. A. CASE NO. 17683
N'ly of Pico Blvd.
E'ly & W'ly of Oak-
hurst Drive
Oil Drilling District
No. U-131
D. M. No. 5484

Department of Building & Safety

Greetings:

In the matter of the application of Occidental Petroleum Corporation, owners and lessees, for approval of a controlled drill site and for determination of conditions and methods of operation to be followed in drilling for and production of oil and gas on a site consisting of two sections classified in the C2, R3 and R4-1 Zone in Oil Drilling District No. U-131, please be advised that based upon the Findings of Facts hereinafter set forth and by virtue of authority contained in Section 13.01-E, F and H of the Municipal Code, the Chief Zoning Administrator hereby authorizes the use of a site comprising:

Lots 883-888, inc., and Lots 1035 and 1036, Tract 6380, located northerly of Pico Boulevard and extending from Doheny Drive to include the northwesterly corner of Oakhurst Drive, Beverlywood District,

as a controlled drill site on which to drill wells and conduct surface operations in connection with the development and bottoming of wells under Oil Drilling District U-131, consisting of that 70-acre drilling district depicted and described on the map which is a part of Ordinance No. 130340, as well as for surface operations in connection with wells which by subsequent action may be authorized to be bottomed under adjoining and adjacent districts, and also authorizes the drilling, completion and maintenance on said controlled drill site of not to exceed three exploratory wells bottomed under said District U-131, and for the production from said wells, if successful, of oil, gas, and other hydrocarbon substances and to

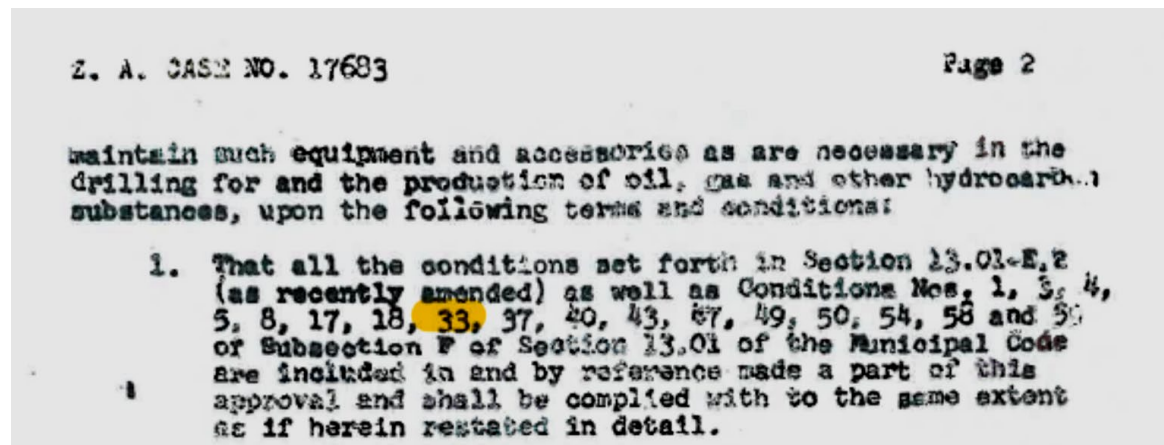
Here is Condition 16 from ZA-17683. It reiterates the need for the operator to obtain approvals in the future for any additional wells:

Z.A. CASE NO. 17683

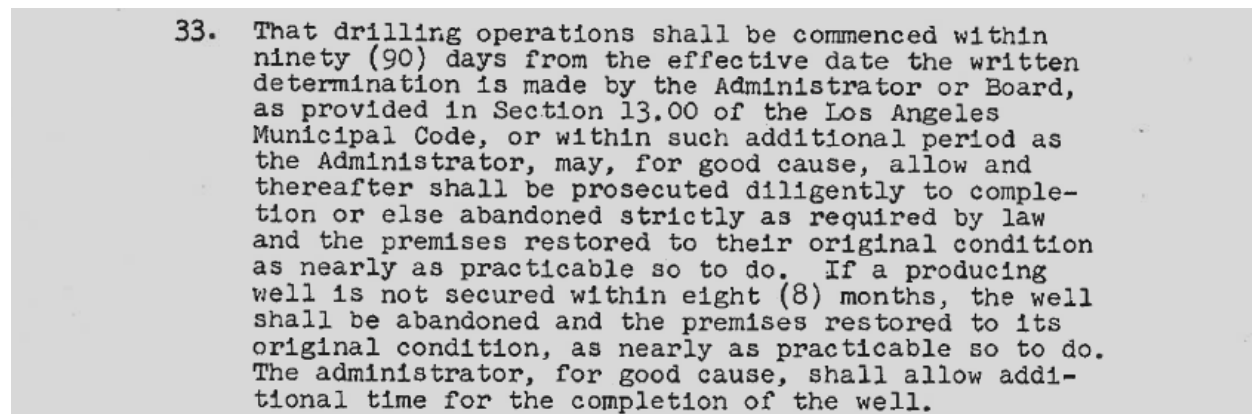
Page 8

16. After completing the exploratory test well herein authorized, and provided authorization has been given for additional wells within the drilling site, the bores of additional wells shall be projected directionally under District No. U-131 and adjoining districts if and when authorized under said districts so that a

Condition 1 of ZA-17683 assigned LAMC 13.01.F.33 as a condition, which limits the duration of approvals to drill for 90 days. If drilling is not commenced within 90 days, the approval expires.



The ZA in 1965 appended a digest of the code sections from 13.01.F applied in Condition 1. Here is the text of 13.01.F.33.



On June 11, 2020, I sent the Chief ZA and the presiding ZA's assistant a copy of the ZA's own "Chronology" of Zoning Cases for the West Pico Drill Site from 1965 to 2000-01 (original in the City Records file of ZA records for the site). On June 17, 2020, I sent the Chief ZA, Director and Assistant Director of Planning, and the presiding ZA's assistant an explanation of how the case history shows that the new wells drilled in 2005-06 and 2010 had never been approved.

The ZA's "Chronology" of cases and my related correspondence is in the APC case file in the ZA's "Exhibit F," on pages 319-340 of the public pdf linked to the hearing agenda.

The ZA's "Chronology" of cases summarizes the 1965 approval (ZA-17683) as approving only 3 wells, not 69. The ZA's own "Chronology" of cases shows that Occidental Petroleum kept coming back to the ZA with new applications for more wells, meaning they had not all been previously approved. The final well approval listed on the "Chronology" is ZV-79-137-O, issued on June 29, 1979, for one new well.

In October 2019 I reviewed the case files of approvals for the West Pico Drill Site at City Records. There are no ZA approvals for new wells after 1979. There is no ZA approval that approved 69 wells, nor for the wells drilled in 2005-06 and 2010.

The 90 day expiration for commencing drilling on an approved well in Condition 1 of the 1965 approval (ZA-17683) was not removed until the 2000 approval (ZA-1989-17683-PAD) declared in Condition 76 that its “Findings of Fact and Conditions of Operation shall supersede and replace all prior Conditions of Operation applicable to the drill site.”

The State well regulator CalGEM’s detailed records of well permits and work histories on wells show that in 2000 there were 55 open wells at the West Pico Drill Site and 2 wells that had been plugged in 1978 (West Pico 23, API 037-20782 and Cresta EH, API 037-21913).

The ZA in the 2000 approval (ZA-1989-17683-PAD) erred in stating that 69 wells already existed at the site. That ZA repeatedly said no new well approvals were being issued in ZA-1989-17683-PAD. None were applied for, none were reviewed.

In 2005-06, the ZA in ZA-1989-17683-PA1 figured out that there was a well cellar with 69 slots for wells and not 69 wells. But the ZA in PA1 continued to be confused and mistaken about how many wells had been drilled and how many wells had been approved in past actions. Indeed, while the ZA had the PA1 case open on his desk, Breitburn was drilling a new well (West Pico 58, API 037-26615; see ZA Exhibit F, pages 349, 370-376, 494 of pdf). The ZA knew nothing about it. Breitburn did not mention it. There was never an approval for this well. It was the 58th well drilled at the site, and since two wells had been plugged in 1978 it became the 56th open well when it was completed in 2006.

In 2010, when there was supposed to be the first 5 Year Review of Conditions mandated by the Settlement Agreement, Breitburn drilled another well (West Pico 59, API 037-27133). The 5 Year Review never happened. There was never an approval for this well. It was the 59th well drilled at the site, and since two of those wells had been plugged in 1978 it became the 57th open well when it was completed in 2006. The 5 Year Review never happened.

When a well is plugged, the ZA approval to drill and produce from that well becomes defunct. Once a well is plugged there is no “vested right” to a new well to replace it. A new well requires a new application and approval.

Today there are 57 open wells at the site, two of which were drilled illegally without the application and ZA approval required by LAMC 13.01.H and 13.01.I.

ZA-17683 authorized the drilling of 3 wells, not 69 wells as the current ZA asserts in his rebuttal.

The evidence shows that the ZA and Occidental Petroleum clearly understood that drilling new wells required new applications and ZA approvals.

In ZA-1989-17683-PA2 and in the ZA’s rebuttal to NASE’s appeal, the ZA just makes things up, repeatedly. These are not isolated mistakes, but part of a pattern of egregious errors contrary to City law and the ZA’s own records.

The ZA's misrepresentations take generic forms that are deeply troubling and corrosive to fact-based decision making:

- **Assertions with citations to documents that the ZA does not provide or quote, but when examined the documents fully disprove the ZA's assertion. You have already seen that the ZA's repeated assertion that approval exists for 69 wells is an error of this type.**
 - The ZA cites the original 1965 approval (ZA-17683) as evidence but does not provide a copy or an excerpt or a quotation for you to see.
 - The actual document absolutely disproves the ZA's assertion, as do many more documents that were delivered to the ZA from the ZA's own case records. The documents disprove his fabrications.
- **Assertions that ZA determinations say things that they do not say, even when the ZA himself reproduces the very text that does not say what he claims it says. I will show you that the ZA's "analysis" of Condition 72 of the 2000 approval (ZA-1989-17683-PAD) in his rebuttal to NASE's appeal is an error of this type (pages A9-A10, pages 12-13 of pdf).**
 - The ZA claims Condition 72 confers a "vested right" to convert wells between "Class A" producers and "Class B" injectors (pages A9-A10, pages 12-13 of pdf).
 - Neither Condition 72 nor any other approval conveyed a global right or vested right to convert wells without application to the ZA for approval as required by LAMC 13.01.H and 13.01.I.
 - The text of Condition 72 in the 2000 approval speaks only of "redrilling" and not of well conversion. Well conversions are not mentioned at all anywhere in ZA-1989-17683-PAD. The ZA reproduces the text of Condition 72 from the 2000 ruling in ZA-1989-17683-PAD on page 27 of his June 2, 2021 PA2 determination, where his report also says "The Zoning Administrator's office . . . hereby determines the operation is not in compliance with the condition." The ZA did not give you a copy of the 2000 ruling.
 - The ZA provides no citation or excerpt or quotation from any other ZA approval that grants a global right to convert wells without application to the ZA. No such approval exists.
 - LAMC 13.01.H and 13.01.I require application to the ZA to get approval to convert a well. There have been many ZA reviews of applications to convert wells at other drill sites. ZA Memo 133 requires a public hearing and forbids the use of a Categorical Exemption from CEQA for well conversion projects. Those are the rules that are supposed to prevail. There is NOTHING in Condition 72 nor in any ZA approval for the West Pico Drill Site that provides otherwise.

- The ZA is just making it up, as undeterred by the conflict with City law and City CEQA policy as he is undeterred by facts.
- **Assertions that the presiding ZA in this case did not say or write the things that he said and wrote. Two examples illustrate this type of repeated error.**

- In the ZA's June 2, 2021 determination, he declares that the site is and has been in substantial compliance in his operative ruling on page 1 of his determination. But in the pages that follow, his determination says:

- (Page 24, "Staff Review of Compliance with Conditions")

STAFF REVIEW OF COMPLIANCE WITH CONDITIONS

After listening to public testimony and after a thorough review of the material submitted to the public record, it was concluded that the operator failed to comply with a condition of the 2001 Settlement Agreement, and two conditions of the Zoning Administrator's grant. It was also concluded that the operator completed numerous projects on the drill site which were not authorized as part of the modernization of the drill site or the municipal code. Finally, it was learned that the operator performed projects on the adjacent production site without authorization, including the installation of the micro-turbines.

- That statement substantially undercounts the number of violations and their severity, but it is enough to show that the ZA's operative ruling that the drill site has been and is in substantial compliance is directly contradicted by the ZA's own report.
 - In the ZA's rebuttal to NASE's appeal, he wrote that the ZA's "decision was based on the evidence" and the "determination was based on substantial evidence in the record" (page A5, page 8 of pdf). Does he not think you can see that his Letter of Determination said "the operator completed numerous projects on the drill site which were not authorized"?
- In the ZA's rebuttal to NASE's appeal (pages A8-A9, pages 11-12 of pdf), he writes that he agrees there is only one "Controlled Drill Site," which is the only kind of site on which LAMC 13.01 potentially allows oil drilling, production, and attendant processing operations. But then throughout his rebuttal, as in his June 2, 2021 determination and at the two ZA hearings held in 2020, the ZA insists there are two sites with separate approvals.
 - At the ZA's public hearing held August 27, 2020, the ZA told the site operator that "This is a request to look at one site. This operation has two sites" (City recording, 1:42:45).
 - In the passage from the ZA's June 2, 2021 determination excerpted immediately above, the determination treats the "drill site" and the "adjacent production site" as two different sites, and found noncompliance at both.

- In his June 2, 2021 determination for ZA-1989-17683-PA2, the ZA treats the two halves of the Controlled Drill Site as different properties:

ZA 1989-17683(PA2)

Page 4

BACKGROUND

The subject property is the oil and gas extraction portion of a controlled drill site, known as the West Pico Oil Drill Site, which was first permitted in 1965. The oil and gas extraction (drill) site is a level, rectangular-shaped, parcel of land consisting of approximately 0.706 acres, having a frontage of approximately 192 feet on the north side of Pico Boulevard and a uniform depth of 185 feet, divided by a through alley between Doheny Drive and Oakhurst Drive. The drill site is in the C4-1VL-O Zone and within Urbanized Oil Drilling District No. U-131 established by Ordinance No. 130,340.

Adjoining properties to the north of the subject property are zoned R3-1VL-O and are developed with two-story apartment buildings. Properties to the south across Pico Boulevard are zoned C4-1VL-O and are developed with low-rise commercial buildings occupied by a variety of commercial and religious uses. Adjoining properties to the east across Doheny Drive are zoned C4-1VL-O and are a gas station and other commercial uses.

The property to the west of the drill site across Oakhurst Drive is zoned C4-1VL-O and improved with the production facility portion of the West Pico Drill Site operated by the applicant. This production site was authorized July 28, 1967 pursuant to Case No. ZA-18893, for Lots 1037, 1038 and 1039, of Tract No. 6380 generally located at the northeasterly corner of Pico boulevard and Cardiff Avenue.

- In his rebuttal to NASE's appeal, the ZA treats the two halves of the Controlled Drill Site as different properties (page A2, page 5 of pdf):

Surrounding Properties

Adjacent properties to the north of the subject property are zoned R3-1VL-O and are developed with two-story apartment buildings. Properties to the south across Pico Boulevard are zoned C4-1VL-O and are developed with low-rise commercial buildings occupied by a variety of commercial and religious uses. Properties to the east across Doheny Drive are zoned C4-1VL-O and are a gas station and other commercial uses.

The property to the west of the drill site across Oakhurst Drive is zoned C4-1VL-O and improved with the production facility portion of the West Pico Drill Site operated by the applicant. This production site was authorized July 28, 1967, pursuant to Case No. ZA-18893, for Lots 1037, 1038 and 1039, of Tract No. 6380 generally located at the northeasterly corner of Pico Boulevard and Cardiff Avenue.

- The ZA's summaries of ZA-18893 are inaccurate. ZA-18893 did not authorize a "production site." The Controlled Drill Site already included production/processing operations authorized by ZA-17683 in 1965. ZA-18893 expanded the footprint of the existing Controlled Drill Site, defined the new boundaries, and continued all other conditions for the whole Controlled Drill Site set under ZA-17683 (ZA-18893, Exhibit J, pages 3,432-47 pdf):

1. That all the detailed terms and conditions specified under Z. A. Case No. 17683 with respect to development of the controlled drill site and to the drilling and production activity thereon shall apply to the activities on the expanded site and are by reference made a part hereof and shall be complied with to the same extent as if herein restated in detail except as herein clarified or modified, it being clearly understood that

- The ZA asserts (rebuttal, page A-9) that the 1965 approval (ZA-17683) approved a “Controlled Drill Site, which was primarily extracting oil,” and then he says the “Controlled Drill Site expanded in 1967 to include a production facility when Ordinance 18893 was adopted by City Council.”
 - The 1965 approval authorized a Controlled Drill Site spread over two blocks and approved both the initial drilling of 3 wells on one block and the installation of processing equipment on the other block. Look at ZA-17683, which I will send you. The ZA has repeatedly misrepresented it and not shown you a copy.
 - The idea that the approval could be “primarily” for “extracting oil,” but not separating oil from natural gas and brine water, not putting the oil and gas into pipelines, and not sending the brine water back to injection wells is nonsense, like an approval primarily to drink but not to swallow. Oil production at the Controlled Drill Site is an integrated operation. The ZA refuses to reckon with this operational fact also embodied in LAMC 13.01 and the authorizing ZA approval of 1965 (ZA-17683).
 - All ZA approvals treated the site as one single integrated Controlled Drill Site, until Condition 76 of the 2000 approval (ZA-1989-17683-PAD) eradicated all prior approvals and illegally created two separate sites.
 - Even the 2000 approval (ZA-1989-17683-PAD) required spill prevention plans, AQMD reports, and other conditions that spanned both halves of the Controlled Drill Site. In 2000, like today, the ZA did not comprehend what they were ruling on.
 - The most important part of the 2000 modernization project at 9101 W Pico was installation of an electric derrick, for which the operator installed a new 34.5 KV electrical service panel at 9151 W Pico despite the 2000 approvals being supposedly for only one of two sites (ZA rebuttal, Exhibit F, pdf pages 2894 & 2910). The LADBS Permit for 9151 W Pico says: “NEW 34.5KV SERVICE FOR AN OIL DRILLING EQUIPMENT.”
 - The ZA in ZA-1989-17683-PA2 continues to require the same spill prevention plans and AQMD reports, oblivious to their spanning both halves of the Controlled Drill Site.
 - The ZA now, like the ZA in 2000, errs with regard to City code. The ZA continues not to understand that the oil, gas, and brine pumped up from producer wells at 9101 W Pico gets piped to 9151 W Pico where the brine water is separated and pumped into

the injection wells at 9101 W Pico. The operator calls this a “continuous sealed loop.” Injection pumps are at 9151 W Pico, the wells at 9101. It cannot be two separate sites ruled by separate approvals but must be one site ruled by cumulative approvals.

How are we to understand this repeated behavior by the ZA, in which:

- He tells you that a document (the 1965 approval) proves his assertion that 69 wells were approved and now are a vested right, but he does not provide the document or an excerpt, and the actual document plainly proves the opposite of his assertion?
- He tells you that Condition 72 of the 2000 approval gave approval for well conversions and he shows you the text of Condition 72, but it never mentions well conversions at all?
- He tells you he agrees there is only one Controlled Drill Site and he says he agrees that LAMC 13.01 limits oil extraction and producing activities to Controlled Drill Sites, but then keeps saying there are two distinct sites? If an applicant gets ZA approval to build a tall wall at a corner of an apartment complex, that corner does not become a different “subject property” or different site from the apartment complex. That is not the Planning Department procedure for handling cumulative development at a single authorized type of land use on a single site and single property.

This is contrary to the City Code requirements for Quasi-Judicial Reviews to be based on findings of fact. It is contrary to good public policy, Planning Department policy, and standard procedures. Worst of all, it is dangerous to handle an oil drill site this way, and the abused process is corrosive of the City’s ability to govern itself.

I cannot dispositively say *why* the ZA is doing it, but the documentary evidence shows he is making up facts, misrepresenting documents, telling you he said things he did not say, and telling you he did not say what he is recorded as saying and writing. The effect is a cloud of confusion, a sandstorm that makes it difficult to see.

It is the duty of the Area Planning Commission to say this is unacceptable and to overturn the ZA’s determination on the merits of fact and law , with instructions to the Office of the Chief ZA to begin the review again fresh, with a fresh Associate ZA presiding, and to undertake the new review in accordance with the requirements of the Settlement Agreement, Condition 78, the City Code, CEQA, and ZA Memo 133.

Yours

Michael Salman
Professor Emeritus
History, UCLA



Planning APC West LA <apcwestla@lacity.org>

In support of NASE's Appeal: ZA-1989-17683-PA2 -1A1 message

David N. Weiss <dnathanweiss@gmail.com>
To: dylan.sittig@lacity.org, apcwestla@lacity.org

Mon, Aug 16, 2021 at 11:27 PM

Dear West LA Planning Commission:

My name is David N. Weiss. I live at [1121 S. Doheny](#), in the shadow of the oil tower at Pico and Doheny, and I am writing to express my dismay at the ZA's disregard, misunderstanding or blatant misrepresentation of the facts and history surrounding the oil drilling site a block from my home. I support NASE in appealing the ZA's ruling to the West Los Angeles Planning Commission. I ask you to overturn the ZA's dangerous and illegal decision and insist that you reinstate proper safety inspections and/or end any and all drilling in our neighborhood.

Thank you for your service,

David N. Weiss
[1121 S. Doheny Dr.](#)
[Los Angeles, CA 90035](#)
310-351-7672



Silver Law Offices Inc.
A Real Estate Law Practice

August 16, 2021

Case No. ZA-1989-17683-PA2-1A

Dear West Los Angeles Planning Commission,

I am writing to support NASE's appeal in Case No. ZA-1989-17683-PA2-1A and to urge you to take the time needed to make a sound decision based on the facts. The case file linked to the agenda for this item is 3,590 pages long, and the information that NASE has shared with the community is highly detailed. Assertions need to be checked against documents, and that takes time.

I say this in my professional capacity as an attorney. I say this as a resident of Los Angeles who lives 2 blocks from the Rancho Park Drill Site, 2,000 feet from the West Pico Drill Site, and 1 1/2 miles from the West Pico Drill Site. And I also say this as the appellant in the Rancho Park Drill Site appeal case (ZA-1958-14560-PA1-1A) that the West Los Angeles Area Planning Commission heard in May 2019.

In the Rancho Park Drill Site case, City staff gave the APC misleading information on two key points.

First:

The City's Petroleum Administrator told the APC in May 2019 that City compliance inspections of drill sites and an inspection ordinance were "already happening," and he said it was "a farce" that we doubted the City was not making good on its promise. In fact, it had been 9 months since City Council had voted on September 7, 2018 to order the initiation of inspections and to request the City Attorney to draft an inspection ordinance, and neither had happened. The City Attorney had simply refused to draft an ordinance as Council requested and never sent Council a letter explaining why.

Commissioner Margulies responded by saying that she was personally "offended" by the Petroleum Administrator's comment that concerns about the City's refusal to do inspections were "a farce" since he was talking about promises of future actions which could not be known. But it was actually worse than that. The Petroleum Administrator did not say that inspections and an inspection ordinance would happen in the future, but that they were "already happening." That was an untrue statement.

The Petroleum Administrator also announced a stunning reversal. On February 1, 2019, he delivered a report to the ZA about the Rancho Park case in which he recommended that the ZA write a condition requiring that the drill site must be inspected by the Petroleum Administrator annually. But 3 1/2 months later at the May 2019 APC hearing he said he would not conduct inspections of the Rancho Park Drill Site if the ZA put it in a condition. And he said that he could not do the inspections because he had to inspect drill sites in more environmentally and socio-

economically disadvantaged areas first. It is true that City Council ordered him to do interim inspections according to a scored sequence in its September 7, 2018 vote, but he was not doing those inspections at all 9 months later. And doing other drill sites first only means that he could do Rancho Park after them, not that he could not do Rancho Park at all.

This was not the only inaccurate and misleading information that City staff gave the APC in the Rancho Park case.

Second:

The City Attorney attending the hearing told the APC that a ZA can only write conditions requiring actions by the landowner or operator of a site, not conditions that require action by a City agency. This was false and my representative, Professor Michael Salman, showed you it was false in the appeal filings and at the hearing.

The very same ZA who presided over the Rancho Park case in 2019 (and now West Pico) had ruled the year before on another drill site and wrote conditions calling for the Petroleum Administrator and other City agencies and even State agencies to take various actions. Professor Salman showed you this. The ZA said in response that at the other site he required "best practices," which he could not explain, and if they were "best practices" then they belong at every drill site. There is no shortage of similar conditions requiring actions by other City agencies in other ZA determinations on many different kinds of cases. Sometimes the requirement is phrased as a direct requirement for action (review, approval, inspection, etc) by another agency, sometimes it is phrased as requirement for the owner/operator of the site to get the other agency to take the action required.

In addition, Professor Salman showed you that the City's Administrative Code, Sec 19.48, requires the Petroleum Administrator to "render a report and recommendation concerning matters related directly or indirectly to the exploration for, or production of, Petroleum within the City of Los Angeles, which may be referred to the Board by any department, bureau or office of the City." The Department of City Planning is a department of the City. The Office of the ZA is an office of the City. Therefore, the ZA is empowered to require the Petroleum Administrator to report annually on the compliance of a drill site with City code and ZA assigned conditions.

This misleading information on these two points created confusion for the APC that it did not take the necessary time to resolve. The City Attorney's and Petroleum Administrator's misinformation was injected after the rebuttal phase for the appellant and applicant, so neither had a chance to say a word about it. **It is essential to remind you here that the appellant and applicant were joined together in requesting a condition requiring annual inspections by the Petroleum Administrator. The problem was the City.**

The APC ruled on the spot instead of continuing the case so that it could refer back to City code and to the documents submitted into the case file by the appellant, applicant, and ZA. The APC made a very small modification to the ZA's condition requiring the oil company to **write an**

annual compliance report on itself. The modification has been impossible to follow and the concept of self-reporting on compliance is fatally flawed in obvious ways.

That was in May 2019.

Two years later there are still no City compliance inspections of drill sites and there has been no progress on inspection ordinance. The LA Times reported on this on the front page of its April 20, 2021: <https://www.latimes.com/california/story/2021-04-20/l-a-vowed-to-step-up-oversight-of-oil-drilling-critics-say-its-still-failing>



Relevance to the West Pico Drill Site case:

- 1) The case you are hearing now, concerning the West Pico Drill Site, largely stems from the City's failure and refusal to do annual compliance inspections of drill sites. The City's failure and refusal to do inspections is endangering us and making a mess of the land use process.
- 2) Professor Salman and NASE have been sharing with the community their documentation of violations at the drill site and in the ZA approvals for the site from 2000 and 2021. Their research is meticulous and voluminous. A one- or two-hour oral discussion is not the same thing as taking a case under advisement, returning to the case file and the City code to check the veracity of oral statements, and then coming together again to confirm that you have gotten down to the facts.
- 3) It is already clear that the ZA is once again handling a complex case by trying to kick sand in your eyes.

The ZA's June 2, 2021 determination rules that the site is in compliance on the first page, but then page after page the ZA notes many (but far from all) of the ways that the site has not been and is not today in compliance. This alone should make you head spin.

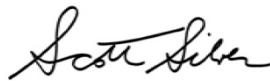
In the ZA's response to NASE's appeal, he says that he agrees there is only one "Controlled Drill Site" but he continues to treat the Controlled Drill Site as if it is two sites with different approvals and not an integrated whole.

And the ZA also claims in his response to NASE's appeal that 69 wells were approved by pointing to the 1965 approval (ZA-17683) that approved only 3 wells. The ZA did not show you the document he cites so you could check it with your own eyes. NASE is supplying the document and back in June 2020 sent the ZA a copy of the Zoning Administrator's own "Chronology" of cases, which shows that the 1965 case approved only 3 wells.

Repeatedly the ZA creates confusion and adds erroneous information.

Please take the time you need to go back to the documents and the code to verify what you are told orally by the City. There is a pattern of City staff providing misleading information.

SILVER LAW OFFICES, INC.

A handwritten signature in black ink that reads "Scott Silver". The signature is written in a cursive, flowing style.

Scott Silver, Esq.

West Los Angeles Area Planning Commission; Elected City Officials; Candidates in 2022 City Elections,

501 people have signed a petition on Action Network telling you to Stop Illegal Oil Drilling in the City of Los Angeles.

Here is the petition they signed:

We Support Neighbors for A Safe Environment's (NASE's) Appeal to Overturn the Zoning Administrator's Lawless Decision on the West Pico Drill Site (ZA-1989-17683-PA2-1A)

On June 2, 2021, the Zoning Administrator (ZA) in the Los Angeles Department of City Planning Department issued a ruling that openly declares that illegal oil well drilling at the West Pico Drill Site can stand unaltered, unreviewed, and without remedy. The ZA likewise ruled that numerous other health, safety, and environmental violations of City law and the ZA's own Conditional Use Approval for the drill site do not matter.

The ZA recognized the rampant illegality but ruled that the West Pico Drill Site is and has been in "substantial compliance."

Yes, the ZA said up is down and $2+2=5$. He contradicted himself openly and without a fig leaf of embarrassment. He openly declared he did not need to follow City law governing the review of oil drilling and production. His ruling was lawless and illegal.

This is not just a danger to the communities around the West Pico Drill Site, but to all communities around all oil drill sites in the City.

Neighbors for a Safe Environment (NASE) has appealed the ZA's ruling to the West Los Angeles Area Planning Commission. NASE is a local non-profit (501C4) neighborhood organization formed to protect the community from the impacts of oil drilling and production.

- We, the signatories of this petition, support NASE's appeal to overturn the entirety of the ZA's dangerous and illegal decision.
- We call on the West Los Angeles Area Planning Commission to study the case closely and thoroughly, and to preserve its jurisdiction over the case so that it is not rushed into hasty action.
- We call on all elected officials in the City of Los Angeles and all candidates running for elected office to demand that the ZA's ruling be overturned and that the underlying Review of Conditions for the West Pico Drill Site be started again with clear instructions to obey all City and State laws and obligations, including those that require proper environmental review under the State's CEQA law and the terms of the City's 2001 Settlement Agreement with NASE.
- We insist that illegal actions, illegal oil well projects, and violations of health and safety regulations must be remedied with penalties, increased protections for the community, and equitable measures in the interest of good public policy (such as the plugging of illegal wells and idle wells).

You can view each petition signer and the comments they left you below.

Thank you,

Pico Robertson Health and Safety Coalition

1. Karen GL (*ZIP code: 90034*)

2. David Mordecai (*ZIP code: 90035*)

3. Ariela Abugova (*ZIP code: 90210*)
Ariela

4. Ariel Snhe-Zanna (*ZIP code: 90035*)

5. Audrey Arlington (*ZIP code: 90018*)

6. Aaron Kogan (*ZIP code: 90035*)

7. Albert E. Aubin (*ZIP code: 90018*)

8. An anonymous signer (*ZIP code: 90064*)

9. David Abrookin (*ZIP code: 90035*)

10. Robert Helperin (*ZIP code: 90035*)
When will people's health be prioritized over making a buck?

11. Adam Richeimer (*ZIP code: 90035*)

12. Adelle Gross (*ZIP code: 90035*)

13. Ariel Fuhs (*ZIP code: 90035*)
Stop drilling in residential areas!!

14. Aida Shusterman (*ZIP code: 90210*)

15. Alexa Pogue (*ZIP code: 90046*)

16. An anonymous signer (*ZIP code: 90027*)

17. Alfred Adelpour (*ZIP code: 90034*)

18. Amanda Kogan (*ZIP code: 90035*)

19. Armen Markarian (*ZIP code: 90064*)

20. Aliza Hausman (*ZIP code: 90035*)

21. Linda Casale (*ZIP code: 90064*)

22. Alexander Zarcoff (*ZIP code: 90046*)

23. Angela Lee (*ZIP code: 90064*)

24. Angela Venegas (*ZIP code: 90018*)

25. Alisa Reich (*ZIP code: 90066*)

26. Mollie Wine (*ZIP code: 90034*)

27. Ardy Ishal (*ZIP code: 90035*)

28. Aria Zarifpour (*ZIP code: 90035*)

This is not acceptable and needs to be dealt with accordingly.

29. Ariel Robinson (*ZIP code: 90064*)

30. Arleen Weinstock (*ZIP code: 90067*)

We should pay attention to the hazards to humans from urban oil wells.

31. Anat Sadan (*ZIP code: 90211*)

32. Arlene Vinnick (*ZIP code: 90212*)

33. Ava Zarifpour (*ZIP code: 90035*)

34. Avi Hadjyan (*ZIP code: 90035*)

35. Avi Silver (*ZIP code: 91607*)

36. Bradley Morgan (*ZIP code: 90210*)

37. Barbara Dunn (ZIP code: 90034-1802)

Stop the illegal oil well drilling at the West Pico Drill Site (9101 & 9151 W Pico Blvd, LA 90035).

Zoning Administrator please stop for our health, safety, and the environment.

38. Barbara Goodhill (ZIP code: 91423)

39. Brett Barenholtz (ZIP code: 90035)

40. Rebecca Weiss (ZIP code: 90035)

41. Rebecca Klempner (ZIP code: 90035)

I was shocked to see that although the ZA noted multiple violations of regulations on June 2nd, they ruled that the Pico/Oakhurst oil well can remain in operation. I hope that the West Los Angeles Area Planning Commission overturns this ruling.

42. Bella Essas (ZIP code: 90035)

43. Ben Yeroushalmi (ZIP code: 90212)

44. Behzad Noorani (ZIP code: 90034)

45. Bonnie Siegal (ZIP code: 90035)

46. Aaron Biston (ZIP code: 90035)

47. Sheryl Winter (ZIP code: 90034)

Please stop the illegal drilling in my neighborhood. It is a health hazard and danger to my community.

48. masha schweitzer (ZIP code: 90035)

49. brad berger (ZIP code: 90035)

50. Bradley Caro Cook (ZIP code: 90210)

STOP IT NOW!

51. Bracha Tashman (ZIP code: 90035)

52. Brittany Domb (ZIP code: 90035)

53. Brooke Korda (ZIP code: 90035)

54. Bryan Chustckie (ZIP code: 90035)

STOP THIS DAMAGE AT ONCE! DO IT SOMEWHERE NOT AROUND PEOPLE

55. Bryan borenstein (*ZIP code: 91356*)

56. Brian Schwartz (*ZIP code: 90034*)

57. Sheldon Kasdan (*ZIP code: 90035*)

58. Shoshana Stroll (*ZIP code: 90035*)

59. William Korn (*ZIP code: 90035*)

60. Barbara Zuckerman (*ZIP code: 90035*)

This illegal oil drilling activity should not be allowed in a primarily residential neighborhood that is impacting the health and safety of the residents. This activity should be stopped immediately.
Barbara Zuckerman

61. Caroline Golian (*ZIP code: 90034*)

62. Charlie Carnow (*ZIP code: 90035*)

63. Carol Rivera (*ZIP code: 90019-4544*)

Drilling should not be near residential areas.

64. Cary Buchman (*ZIP code: 90035*)

65. Cate Silberstein (*ZIP code: 91343*)

66. Christine Carlson (*ZIP code: 90018*)

67. Christine Carlson (*ZIP code: 90018*)

68. Emanuel Taitz (*ZIP code: 90035*)

PLEASE STOP THIS . TOXIC POLLUTION NEEDS TO OUTLAWED IN LOS ANGELS!

69. Susan Clair (*ZIP code: 90018*)

70. Chanah Kaufman (*ZIP code: 90036*)

71. Chana Thaler (*ZIP code: 90035*)

72. Chava Shervington (*ZIP code: 90035*)

73. An anonymous signer (*ZIP code: 90018*)

74. Cherie Goldwag (ZIP code: 90035)

75. Cherie Lewis (ZIP code: 90035)

76. Christina Thau (ZIP code: 90064)

77. Cindy Kaplan (ZIP code: 90035)

78. Christal Khatib (ZIP code: 90064)

79. Claire Grieve (ZIP code: 90035)

80. Christine Vidovich (ZIP code: 90731)

81. Cindy Steinschriber (ZIP code: 90035)

82. Colleen Hellige (ZIP code: 90035)

83. Cara Grossman (ZIP code: 90035)

84. Craig Rutenberg (ZIP code: 90064)

85. Carmen Sanchez Sadek (ZIP code: 90034-3406)

We are in 2021, I think!!!! ENOUGH!!!!!!! WE MUST THINK about the FUTURE!!!!
My children & grandchildren -- ENOUGH!!!!!!!

86. Melissa Haddad (ZIP code: 90064)

87. Tashia Jenkins (ZIP code: 90035)

Why hasn't this oil drilling site been inspected to confirm it does not pose an environmental or safety risk to the people who live and work in the area. How can we be assured that there will not be a gas explosion if no one from the government inspects these oil drilling sites? There are times when stench of gas in the neighborhood around the drill site is overpowering. PLEASE INSPECT ALL THESE DRILLING SITES!!!

88. Dennis Aoki (ZIP code: 90025)

It looks like LA politicians have been bought off again!

89. Debora Barney (ZIP code: 89144)

90. Dalia Yasharpour (ZIP code: 90034)

91. Dali Gandara (ZIP code: 90212)

92. Danielle Prunier (*ZIP code: 90064*)

93. Danielle Lewis (*ZIP code: 90035*)

94. Daun St. Amand (*ZIP code: 90064*)

95. David Herskovitz (*ZIP code: 90034*)

I oppose ongoing drilling at the Pico location on the current basis.

96. David Leifer (*ZIP code: 90405*)

Our health and that of our neighbors in our community should be our first priority. No one should be allowed to poison our environment

97. Dean Weiss M.D. (*ZIP code: 90035*)

98. Deborah Fellman (*ZIP code: 90035*)

99. Debra Segura (*ZIP code: 90035*)

100. Devora Ebriani (*ZIP code: 90036*)

101. Dina Spivak (*ZIP code: 90212*)

102. Daniella Alyeshmerni (*ZIP code: 90035*)

103. David Klass (*ZIP code: 90212*)

104. Devorah Leah Wagshul (*ZIP code: 90035*)

My kids school across street and not safe

105. Deborah Marciano (*ZIP code: 90035*)

106. David Weiss (*ZIP code: 90035*)

107. Daniel Vinson (*ZIP code: 90211*)

108. Sarah Miller (*ZIP code: 90212-3540*)

109. Doug Schiller (*ZIP code: 90035*)

Enough already... is it too much to ask to enforce the law

110. denise anavim (*ZIP code: 90035*)

111. Dianne Lawrence (ZIP code: 90018)

Unbelievable!!!!

112. Dr. Mha Atma S Khalsa (ZIP code: 90035)

113. Sarah Eisenberg (ZIP code: 91367)

114. Eitan Shimonovitz (ZIP code: 90064)

115. Elaine S Kamil MD (ZIP code: 90064)

116. Elaine Becker (ZIP code: 24018)

This is insanely dangerous for nearby residents!

117. ElishevaRina Aufrichtig (ZIP code: 90035)

118. Ellen Doyle (ZIP code: 90064)

119. Benjamin Elterman (ZIP code: 90035)

120. Emberly Modine (ZIP code: 90018)

121. Enya Katz (ZIP code: 90035)

122. Eric Schwartz (ZIP code: 90035)

123. Esther Plotke (ZIP code: 90004)

124. Ezra Pollak (ZIP code: 90035)

125. Faith Schames (ZIP code: 90035)

126. Aviva Miriam Notowitz (ZIP code: 90035)

127. Daniel Braum (ZIP code: 90035)

Why are you not doing your job?

128. L P Felton (ZIP code: 90064)

129. Amy Phillips (ZIP code: 90212)

130. Tzofiya Bookstein (ZIP code: 90035)

131. Kamran Zarifpour (ZIP code: 90035)

This disregard for our community's health and safety needs to be addressed.

132. Greg Austin (ZIP code: 90064)

133. Gavin Abercrombie (ZIP code: 90018)

134. Gavriel Shalom Kollin (ZIP code: 90035)

Nu!

135. Grace Kamins (ZIP code: 90034)

Keep me informed re hearings and meetings. Thanks for bringing this to my attention.

136. GEOFFREY GEE (ZIP code: 90064)

137. gilat englanoff (ZIP code: 90035)

138. Gina Thornburg (ZIP code: 91364)

139. Jeff Gluck (ZIP code: 90034)

No more illegal oil drilling!

140. WARREN GOLDSTONE (ZIP code: 90035)

141. Gabriel (ZIP code: 90035)

142. GARY ZELCER (ZIP code: 90064)

143. Hannah Nelson (ZIP code: 90035)

144. Marc Morrison (ZIP code: 90035)

145. Heather Frenner (ZIP code: 90212)

146. Helene Korn (ZIP code: 90064)

147. Danya Helperin (ZIP code: 90035)

148. Hillel Aufrichtig (ZIP code: 90035)

149. Elana Aufrichtig (ZIP code: 90035)

150. Henry Morgen (ZIP code: 90019-2550)

151. Henry Lear (ZIP code: 90005)

152. honey eliasi (ZIP code: 90035)

153. Hunter Ochs (ZIP code: 90018)

154. Kim Genelle (ZIP code: 90018)

155. Ian Dawson (ZIP code: 90034)

I have no issue with legal oil well drilling. But, having found out that no oversight, review, penalties or safeguards by either the Zoning Administration or the LA Department of City Planning has occurred over the last few decades, requires public action and intervention to make the city do their legal job to protect citizens. Those that have ignored the law should be fired immediately and all drilling should stop until all wells are reviewed by an independent auditor, and only then can drilling permits be re-issued.

156. Ivan kamil (ZIP code: 90064)

157. Ilona Razhavsky (ZIP code: 90035)

158. Shari Rosemblat (ZIP code: 90035)

Fix it now

159. Isaac Midgen (ZIP code: 90035)

160. Shlomi Ronen (ZIP code: 90034)

161. PATRICIA Reed (ZIP code: 90035-4621)

This is ridiculous, the city officials are out of touch with the taxpaying citizens....

162. Irene Clark (ZIP code: 90035)

163. sanya ilich (ZIP code: 90212)

health, safety, and environment are the most important. Please stop oil drilling in Los Angeles county

164. Mark Israel (ZIP code: 90064)

Any oil drilling in the city is absurd. Illegal drilling must not be permitted.

165. Jacklin Zarifpour (ZIP code: 90035)

166. Jonathan Lewis (ZIP code: 90064)

167. Janet Gilmore (ZIP code: 90034)

168. jason ciment (ZIP code: 90035)

169. Jeff Astrof (ZIP code: 90034)

170. Jacob Pelta (ZIP code: 90035)

171. Jonah Kasdan (ZIP code: 90035)

172. Hsiuju Shen (ZIP code: 90034)

173. Jeff Goldman (ZIP code: 90034)

174. Jay Summers (ZIP code: 90035)

175. Jenny Porter (ZIP code: 90035)

176. jenny mogen (ZIP code: 90019)

177. Jeremiah Krickhahn (ZIP code: 90018)

178. Jeremy Mittman (ZIP code: 90034)

179. An anonymous signer (ZIP code: 90019)

180. Judy Kravitz (ZIP code: 90035)

181. Jill Seidel (ZIP code: 90035)

This makes no sense at all!

I would like to know how much he is financially benefiting from this. Unbelievable that public safety does not come first. He should be held accountable

182. Jimmy Biblarz (ZIP code: 90048)

183. Susan Ulmer (ZIP code: 90064)

184. RJ Roth (ZIP code: 90066)

185. Yonatan I Levinger (ZIP code: 92109)

186. Jean Markarian (ZIP code: 90064)

187. Judy Pollick (ZIP code: 90035)

188. John Vidovich (ZIP code: 90731)

189. JONATHAN KOHANOFF (ZIP code: 90211)

Please sign!

190. Jenny Jones (ZIP code: 90034)

191. Joanne Krevoy (ZIP code: 90035)

192. Joshua Louis (ZIP code: 90048)

193. Josh Grossmsn (ZIP code: 90035)

194. Benson Simmonds (ZIP code: 90035)

195. Joshua Papernik (ZIP code: 90035)

196. Jun Park (ZIP code: 90006)

Aria!

197. John Newman (ZIP code: 90064)

198. James Rothman (ZIP code: 90503)

I own a house in Beverlywood that could be negatively impacted.

199. Janet Robin (ZIP code: 90035)

I live 3 buildings from it! They need to shut it down.

200. Jeff Selick (ZIP code: 90035)

201. Judie Brodeur (ZIP code: 90034)

Ensure the health and safety of LA residents by requiring inspections and compliance with city codes.

202. Jacob Toubi (ZIP code: 90035)

203. Judith Kaplan (ZIP code: 10024)

204. Judith Siegel (ZIP code: 90064)

205. Judith Hantman (ZIP code: 90024)

206. JUDY STERN (ZIP code: 90064)

207. Julian Klotz (ZIP code: 91411)

208. Julia Berger (ZIP code: 90035)

209. Julie Goodman (ZIP code: 90404)

210. Julie Klein (ZIP code: 90066)

211. Ron Bieber (ZIP code: 90211)

212. Neda Loghmana (ZIP code: 90211)

213. Karen Antholis (ZIP code: 90035)

The City is supposed to protect the health of its citizens! It is appalling the my family has unknowingly been exposed to this pollution for years. The City must remedy this situation as soon as possible and make amends for the potential harm caused.

214. Karen Feinberg (ZIP code: 90034)

High time to get rid of this oil well and others like it here in the City. There is a reason we have CEQA on the books. It is time to enforce the regulatory laws

215. Diane Karrel (ZIP code: 90034)

On June 2, 2021, the Zoning Administrator issued a ruling that declares oil well drilling at the West Pico Drill Site can stand unaltered, unviewed, and unremedied. We strongly oppose this ruling and support the appeal by Neighbors for a Safe Environment.

216. Serin Bohorodzaner (ZIP code: 90035)

I am elderly and live 2 blocks away.

217. Kate Baskins (ZIP code: 95864)

218. ERIC KAUFMAN (ZIP code: 90212)

I'm a property owner on Oakhurst one block up in Beverly Hills with oil rights. I support drilling, provided such complies with all health and safety restrictions and is done so in a manner that is 100% compliant with all applicable laws.

219. Kelly Freedman (ZIP code: 90034)

220. Karen Fisher (ZIP code: 90035)

221. Kimberly Bastin (ZIP code: 90035)

222. Kimberly Michener (ZIP code: 90018)

223. Kingsley Smith (*ZIP code: 90064*)

224. Faye Lee (*ZIP code: 90064*)

225. Kevin Opos (*ZIP code: 90035*)

226. Kenneth Mejia (*ZIP code: 90017*)
No more green-lights for illegal oil drilling in the City of LA!

227. Aaron Korda (*ZIP code: 90035*)

228. Kristina Irwin (*ZIP code: 90077*)

229. Franchon McIntyre (*ZIP code: 90064*)

230. Damian Lang (*ZIP code: 90069*)

231. Laura Kleinhenz (*ZIP code: 90066*)

232. Laura Behary (*ZIP code: 90034*)

233. Lauren Linde (*ZIP code: 90064*)

234. Lauren Goldner (*ZIP code: 90035*)

235. Laurie Fox (*ZIP code: 90064*)

236. Loren Papernik (*ZIP code: 90035*)

237. Linda Broder (*ZIP code: 90035*)
Little Mom and Pop shops can't get away with anything, but oil companies free reign. This is not acceptable.

238. leigh greenberg (*ZIP code: 90035*)

239. Louis Elfman (*ZIP code: 90018*)

240. Leora Nam (*ZIP code: 90034*)
Please stop the drilling it is dangerous to the health of the community

241. Leslie Kessler (*ZIP code: 90034*)

242. Joshua Levine (*ZIP code: 90036*)

243. Lauren Hollingsworth (ZIP code: 90034)

244. Linda M (ZIP code: 90018)

245. Teri Cohan Link (ZIP code: 90034)

246. Lisa Friedman (ZIP code: 91301)

247. Lisa Schurga (ZIP code: 90018)

248. Elaine Livesey-Fassel (ZIP code: 90064)

My family and I agree that Oil Well Drilling in the City of Los Angeles must END/STOP if it is deemed ILLEGAL!

249. Elizabeth Steinlauf (ZIP code: 90210)

250. Elizabeth McDowell (ZIP code: 91423)

251. Leslie McDowell (ZIP code: 90035)

252. Luis Martinez (ZIP code: 90018)

253. Michael Logan (ZIP code: 90025)

Do not endanger our community!

254. Loreta Azarian (ZIP code: 90024)

255. Lorey Zlotnick (ZIP code: 90034)

256. Lisa Shura (ZIP code: 90312)

257. Louise Briggs (ZIP code: 90212)

258. Louise Goldwire (ZIP code: 90018)

259. Kenneth Lowenstein (ZIP code: 44122)

260. Lisa Pompan (ZIP code: 90064)

261. Lindsay Shea (ZIP code: 90064)

262. Lynda A Levy (ZIP code: 90064)

Embarrassment of riches but please keep drinking away from our special community. Transparency is

critical and this must stop

263. Madlen Tabibnia (*ZIP code: 90064*)

264. Mali Elfman (*ZIP code: 90018*)

265. Amanda Newstead (*ZIP code: 90035*)

266. Marc Freeman (*ZIP code: 90014*)

No oil drilling in residential, schools, houses of worship

267. Marcia Glaser (*ZIP code: 90034*)

268. Marilyn Greenberg (*ZIP code: 90035*)

269. Mark Waxman (*ZIP code: 90035*)

270. MARTIN KLEIN (*ZIP code: 90034-1802*)

Stop the illegal oil well drilling at the West Pico Drill Site (9101 & 9151 W Pico Blvd, LA 90035).

Zoning Administrator please stop for our health, safety, and the environment.

271. Matt Lincir (*ZIP code: 90732*)

272. Estela Zarate (*ZIP code: 90018*)

273. Mildred Rothschild (*ZIP code: 90035*)

274. Michael Fischer (*ZIP code: 90291*)

275. Melvyn Nefsky (*ZIP code: 90064*)

276. Eitan Melamed (*ZIP code: 90035*)

277. Maia Lefferman (*ZIP code: 90035*)

278. Melissa Kent (*ZIP code: 90034*)

279. Michael Saltzman (*ZIP code: 90034*)

280. Marina Moevs (*ZIP code: 90018*)

281. Mia Reback (*ZIP code: 90035*)

282. Michael Borkow (ZIP code: 99034)

283. Michal Shechtman (ZIP code: 90016)

284. Michael Reinis (ZIP code: 90035)

285. Michel Rafi (ZIP code: 90035)

The oil drilling site is too close to our residential area, just a block away, and next to a school with small children, it should be moved out of this area or strictly monitored.

286. andreia minasian (ZIP code: 90034)

287. Miriam Goldberg (ZIP code: 90035)

288. Mitchell Gross (ZIP code: 90064)

289. Matthew Lefferman (ZIP code: 90035)

290. Mehry Sepanlou (ZIP code: 90210)

291. Maureen Krantz (ZIP code: 90035)

Illegal drilling is dangerous for residents! Please stop it!

292. Molly Basler (ZIP code: 90036)

I stand for Clean Renewable Energy for the CITY OF Los Angeles. I am completely on board with the coalition to STOP OIL DRILLING IN LOS ANGELES and immediately close down Oil Drilling that is ILLEGAL.

Thank you for standing up to BIG OIL!

Onward together!

293. MICHAEL MORA (ZIP code: 90213)

294. Mark Samara (ZIP code: 90034)

295. Melinda Smith Altshuler (ZIP code: 90034)

296. Michael Goldstein (ZIP code: 90064)

This ruling is an outrageous assault on the wellbeing of the people who live in this community, especially the young, the elderly, and those with serious existing health conditions. It is up to our elected representatives to make sure that the law and common sense are upheld.

297. Maureen Eisenberg (ZIP code: 90035)

Clean and safe energy starts at home. Considering the push for clean energy why be the on the wrong side of history by not adhering to safety limits in the center of an ever increasingly dense neighborhood. The correct action would be to totally shut down this facility due to its location.

298. Musi Abend (*ZIP code: 90036*)

299. Molly Shadpour (*ZIP code: 90034*)

This should be illegal. It's harming our community

300. Mark Shmagin (*ZIP code: 90035*)

I would like this facility to be shut down or severely limited.

301. Nadiya Leichtman Levine (*ZIP code: 90035*)

302. An anonymous signer (*ZIP code: 90064*)

303. Nancy Lichtenstein (*ZIP code: 90064*)

Stop illegal oil drilling in our city in our area codes 9101 and 9151 W. Pico Blvd., L.A. 90035

304. Natalie Ravanshenas (*ZIP code: 90035*)

305. Niloo Eizenberg (*ZIP code: 9035*)

306. Nancy Knupfer (*ZIP code: 90034*)

Please stop illegal drilling in our area! I frankly would prefer if they would stop all drilling!!!

307. Nora Rafi (*ZIP code: 90035*)

308. Norma Sanchez (*ZIP code: 90064*)

309. Nello Torri (*ZIP code: 90064*)

310. Neal Steiner (*ZIP code: 90034-1841*)

311. Ines Ware (*ZIP code: 91367*)

312. Olga Lexell (*ZIP code: 90035*)

I'm on the SORO NC Land Use committee

313. Rosa Corado (*ZIP code: 90018*)

314. Oren Hassidim (*ZIP code: 90035*)

315. Joanne Helperin (*ZIP code: 90035*)

316. Pamela White (*ZIP code: 90035*)

317. Parmer Fuller (ZIP code: 90064)

318. Parnaz Mansouri (ZIP code: 90064)

319. Paula Gild Stern (ZIP code: 90024)

320. Paul Aronoff (ZIP code: 90064)

Too dangerous if accidents occur.

321. Paul Hockley (ZIP code: 90064)

Close down W Pico and Rancho Park sites. They're dangerous to our health and a disaster waiting to happen!

322. Larry Eisenberg (ZIP code: 90035)

323. Pesach Chananiah (ZIP code: 90019)

324. Peter Steinlauf (ZIP code: 90210)

325. Liberti Montez (ZIP code: 92020)

326. Paul Williams (ZIP code: 90035)

327. Joshua Pretsky (ZIP code: 90035)

328. Paula Waxman (ZIP code: 90035)

329. Courtney Mizel (ZIP code: 90035)

330. Queen Sika Shone Harris (ZIP code: 90802)

331. Kathleen Noone (ZIP code: 90034)

332. Rabbi Muskin (ZIP code: 90035)

333. Yonah B (ZIP code: 90035)

The City is breaking the law and we are all in danger.

334. Rachel Bookstein (ZIP code: 90035)

335. Rachel Malk (ZIP code: 90035)

336. Rae Drazin, PhD (ZIP code: 90035)

337. Rose Aguero (ZIP code: 90035)

338. Rashelle Zelaznik (ZIP code: 90064)

339. Rebecca Mittman (ZIP code: 90034)

stop illegal oil well drilling! This site is adjacent to my childrens' school

340. DonnaAnn Ward (ZIP code: 90018)

Why does the City of LA continue to allow the safety and security of Angelinos to be second to oil and gas interests? California is supposed to lead the world in new technology and clean solutions. Why does the City of LA fail us at every point in the battle to get off fossil fuels? Follow the money.

341. Richard Horowitz (ZIP code: 90210)

342. Riley James (ZIP code: 60657)

343. Rivka Weinberg (ZIP code: 90035)

344. Roger Kulbe (ZIP code: 90064)

Drill baby, drill! Gas is way too expensive in CA (thanks to all the excessive taxes)

345. Roberta Golden (ZIP code: 90035)

346. Robert Finkel (ZIP code: 90035)

347. Robin Sax (ZIP code: 90064)

348. Linda Rohatiner (ZIP code: 90035)

I live within a quarter mile of the oil rig on Pico and Doheny and feel very unsafe especially since it is not checked regularly.

349. Steven Rowe (ZIP code: 90018)

Please stop all oil drilling in the City Of Los Angeles

350. Julie May (ZIP code: 90034)

351. Richard May (ZIP code: 90034)

352. Linda and Richard Weiner (ZIP code: 90035)

The ZA's ruling was so full of inaccuracies and reached so many erroneous conclusions, that this appeal is appropriate and necessary.

Linda and Richard Weiner

353. Leslie Hal (ZIP code: 90064)

354. Adrienne Sachs (*ZIP code: 90035*)

355. Yoram Saghian (*ZIP code: 90034*)

356. Michael Salman (*ZIP code: 90018*)

357. Sam Yebri (*ZIP code: 90024*)

I am a candidate for Los Angeles City Council to represent CD5, have 4 children who attend school within a few blocks of the illegal Pico Doheny oil sites, and strongly support NASE's appeal.

358. Sam Glaser (*ZIP code: 90034*)

359. Sandra Luna (*ZIP code: 90006*)

360. Jonathan Sanford (*ZIP code: 90018*)

361. Sara Halpern (*ZIP code: 90035*)

362. Sarah Wintner (*ZIP code: 91316*)

363. Saran Kirschbaum (*ZIP code: 90035*)

I live near the oil well near me and found out there is an earthquake fault down Pico and Robertson. Where will that oil go? to my house just a few blocks away?
Review NOW and close it down before a quake happens.

364. Hadas Laureano (*ZIP code: 90035*)

365. Jennifer Savitsky (*ZIP code: 90035*)

366. Sholom Efune (*ZIP code: 90036*)

There is literally a sign on the building that says dangerous can cause reproductive harm. And this is a building directly across an all girl elementary school. How is this legal?

367. Silvia Cooper (*ZIP code: 90064*)

368. Sharon Fishman (*ZIP code: 90035*)

369. Scott Silver (*ZIP code: 90064*)

370. Suellen Mayfield (*ZIP code: 90291-3942*)

371. Luis Martinez (*ZIP code: 90018*)

372. Seth Glass (ZIP code: 90035)

373. Sandra Ghatan (ZIP code: 90211)

374. MEHRAN SHALIEH (ZIP code: 90034)

375. Ammar Amjad (ZIP code: 90034)
Stop oil drilling!

376. Shane Block (ZIP code: 90035)

377. Sharon Saks (ZIP code: 90035)

378. Sharon Silver (ZIP code: 90035)

379. H D (ZIP code: 90035)

380. Shawni Astrof (ZIP code: 90034)

381. Denise Mordecai (ZIP code: 90036)
Please protect the community.

382. Shelli B (ZIP code: 90034)

383. sherry jones (ZIP code: 90034)
Stop killing our earth

384. Shimon Weiss (ZIP code: 90034)

385. Shuki Greer (ZIP code: 90035)
It is appalling that this is allowed right in the heart of our neighborhood. If not for the abundant oil that these drillers have with which to slick their hair back and slide into politicians pockets, this would have been closed down years ago. In this age of conscious consumerism, we must get up to speed on this antiquated danger in our community.

386. Sigal Bar-Tal (ZIP code: 90212)

387. R T (ZIP code: 90049)

388. Bonnie Silverman (ZIP code: 90034)

389. Sivan Lasman (ZIP code: 90035)

390. Carrol Fenigstein (*ZIP code: 90034-1028*)

391. Susan Haymer (*ZIP code: 90046*)

Save the Planet Please.

392. Sally Maslon (*ZIP code: 90066*)

393. Sherry Saffer (*ZIP code: 90064*)

394. Susan Nachimson (*ZIP code: 90035*)

395. Julianne Sobel (*ZIP code: 90035*)

People in the area have autoimmune diseases and cancer at higher than normal rates.

396. Jennifer Malvin (*ZIP code: 90035*)

Jennifer Malvin

397. Sophie Melamed (*ZIP code: 90035*)

398. Jeffrey Handel (*ZIP code: 90035*)

399. Steven Peckman (*ZIP code: 90018*)

400. stacy brooks (*ZIP code: 90034*)

401. Constance St Amand (*ZIP code: 90064*)

Please stop illegal oil drilling.

402. Steven Kreitenberg (*ZIP code: 90035*)

403. Steven Fried (*ZIP code: 90035*)

404. Susan Smith (*ZIP code: 90035*)

405. Susan Silver (*ZIP code: 91607*)

No more oil drilling in LA!!

406. Suzanne Gehl (*ZIP code: 90064*)

407. Steve Zlotnick (*ZIP code: 90034*)

408. Amy Thogmartin (*ZIP code: 90064*)

409. Jessica B (ZIP code: 90034)

410. Alexis Nagler (ZIP code: 90212)

411. Ian Goodwin (ZIP code: 90018)

Oil is antiquated technology, it's time to evolve!

412. Eduardo Zetina (ZIP code: 90018)

The City must stop being lenient to large corporations at the expense of the local communities..every life matters.

413. Tuvia Korobkin (ZIP code: 90035)

414. Thomas Kun (ZIP code: 90064)

415. robert tomlinson (ZIP code: 90034)

416. Tova Zakaria (ZIP code: 90048)

My kids go to school across the street. The drilling puts them at risk

417. Tracey Jacoby (ZIP code: 90069)

418. David Vahedi (ZIP code: 90034)

Thank you for protecting our community!

419. Jennifer Kasten (ZIP code: 90035)

420. Susan Kaplan (ZIP code: 11230)

421. claudine sokol (ZIP code: 90034)

422. Moody Makar (ZIP code: 90064)

423. Andre Vanderhal (ZIP code: 90064)

424. Chava Vargas (ZIP code: 90035)

425. Vaughan Meyer (ZIP code: 90064)

These companies must comply with City laws! And the City must undertake reviews as required by City law.

426. Virginia P. Bland (ZIP code: 90043)

427. Niomi Martinez (*ZIP code: 90018*)

428. Niomi Martinez (*ZIP code: 90018*)

429. Victoria Miriam Chinn (*ZIP code: 91030*)

I am concerned about the safety of the Pico-Robertson neighborhood.

430. Victoria Roizen (*ZIP code: 90064-3313*)

Stop the drilling immediately to prevent future lawsuits.

431. Vladimir Rivera (*ZIP code: 90019*)

432. Vladimir Roizen (*ZIP code: 90064*)

433. Nancy GOLDSTONE (*ZIP code: 90035-3329*)

434. Warren Klein (*ZIP code: 90064*)

435. WALTER RIVERS, JR (*ZIP code: 90006*)

436. Ramona Tizabi (*ZIP code: 90035-1118*)

437. Joseph Bellinger (*ZIP code: 90035*)

438. Yael A (*ZIP code: 11367*)

439. Yardenna Hurvitz (*ZIP code: 90025*)

440. Stephen Yenser (*ZIP code: 90064*)

441. Yagil Tsaidi (*ZIP code: 90035*)

442. Nicholas Jacobs (*ZIP code: 90035*)

443. Yonaton Rosenzweig (*ZIP code: 90034*)

444. Zavanna Negron (*ZIP code: 90013*)

445. Shereen McDade (*ZIP code: 90018*)

446. Aimee Zeltzer (*ZIP code: 90211*)

Aimee Zeltzer

447. Zisa Meyers (*ZIP code: 90038*)



Petition Supporting NASE's Appeal in ZA-1989-17683-PA2-1A

1 message

Pico Coalition <picorobertsoncoalition@gmail.com>

Mon, Aug 9, 2021 at 9:17 AM

To: Planning APCWestLA <apcwestla@lacity.org>, Dylan Sittig <dylan.sittig@lacity.org>

Cc: andy.shrader@lacity.org, daniel.skolnick@lacity.org, info@cortezle.com, info@katyforla.com, Jacob.haik@lacity.org, jeffebenstein@gmail.com, jimmy.biblarz@gmail.com, joan.pelico@lacity.org, Kevin.JamesforCA@gmail.com, kmejia@mejiaforcontroller.com, Kristina@kristinairwin.com, Molly Basler <mollybasler@greendreamcampaign.com>, paul.koretz@lacity.org, sam@samyeabri.com, scottforla@gmail.com, team@marinatorres.com, teddy@teddykapur.com, tvahedi@aol.com

To the West Los Angeles Area Planning Commission,

Please add the **attached petition with signatures** to the case file for ZA-1989-17683-PA2-1A, concerning the West Pico Drill Site, to be heard by the WLA APC on August 18, 2021..

The petition signers support NASE's appeal to overturn the ZA's ruling.

The text of the petition is copied below. The original with signatures is in the attachment.

Yours,

The Pico Robertson Health and Safety Coalition

cc: Current Office Holders & Candidates Running for City Office in 2022

To: West Los Angeles Area Planning Commission, Elected City Officials, Candidates in 2022 City Elections

Re: WLA APC Appeal Case No ZA-1989-17683-PA2-1A, Supporting NASE's Appeal

501 people have signed a petition on Action Network telling you to Stop Illegal Oil Drilling in the City of Los Angeles.

Here is the petition they signed (SIGNATURES ATTACHED):

We Support Neighbors for A Safe Environment's (NASE's) Appeal to Overturn the Zoning Administrator's Lawless Decision on the West Pico Drill Site (ZA-1989-17683-PA2-1A)

On June 2, 2021, the Zoning Administrator (ZA) in the Los Angeles Department of City Planning Department issued a ruling that openly declares that illegal oil well drilling at the West Pico Drill Site can stand unaltered, unreviewed, and without remedy. The ZA likewise ruled that numerous other health, safety, and environmental violations of City law and the ZA's own Conditional Use Approval for the drill site do not matter.

The ZA recognized the rampant illegality but ruled that the West Pico Drill Site is and has been in "substantial compliance."

Yes, the ZA said up is down and 2+2=5. He contradicted himself openly and without a fig leaf of embarrassment. He openly declared he did not need to follow City law governing the review of oil drilling and production. His ruling was lawless and illegal.

This is not just a danger to the communities around the West Pico Drill Site, but to all communities around all oil drill sites in the City.

Neighbors for a Safe Environment (NASE) has appealed the ZA's ruling to the West Los Angeles Area Planning Commission. NASE is a local non-profit (501C4) neighborhood organization formed to protect the community from the impacts of oil drilling and production.

- We, the signatories of this petition, support NASE's appeal to overturn the entirety of the ZA's dangerous and illegal decision.
- We call on the West Los Angeles Area Planning Commission to study the case closely and thoroughly, and to preserve its jurisdiction over the case so that it is not rushed into hasty action.
- We call on all elected officials in the City of Los Angeles and all candidates running for elected office to demand that the ZA's ruling be overturned and that the underlying Review of Conditions for the West Pico Drill Site be started again with clear instructions to obey all City and State laws and obligations, including those

8/11/2021

City of Los Angeles Mail - Petition Supporting NASE's Appeal in ZA-1989-17683-PA2-1A

that require proper environmental review under the State's CEQA law and the terms of the City's 2001 Settlement Agreement with NASE.

- We insist that illegal actions, illegal oil well projects, and violations of health and safety regulations must be remedied with penalties, increased protections for the community, and equitable measures in the interest of good public policy (such as the plugging of illegal wells and idle wells).

You can view each petition signer and the comments they left you in the attached PDF.

Thank you,

Pico Robertson Health and Safety Coalition



Sent via Action Network, a free online toolset anyone can use to organize. [Click here to sign up](#) and get started building an email list and creating online actions today.

Action Network is an open platform that empowers individuals and groups to organize for progressive causes. We encourage responsible activism, and do not support using the platform to take unlawful or other improper action. We do not control or endorse the conduct of users and make no representations of any kind about them.

You can unsubscribe or update your email address or change your name and address by [changing your subscription preferences here](#).

 **Petition 8-9-21 to stop-illegal-oil-drilling-in-the-city-of-los-angeles-2 SIGNATURES.pdf**
177K



Chatten-Brown, Carstens & Minter LLP

Hermosa Beach Office
Phone: (310) 798-2400

San Diego Office
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Amy C. Minter

Email Address:
acm@cbcearthlaw.com
Direct Dial:
310-798-2400 Ext. 3

August 10, 2021

Via Email (apcwestla@lacity.org)

West Los Angeles Area Planning Commission
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Appeal Hearing on Case Nos. ZA-1989-17683-PA2, ENV-2020-1328-CE,
ZA-1989-17683-PA2-1A

Honorable Commissioners:

Neighbors for A Safe Environment (NASE) provides you with the following excerpts of documents for the West Pico Drill Site relevant to your consideration of NASE's appeal in the above-referenced case. While the following documentation is included elsewhere in the Zoning Administrator's record and City files, we provide these relevant excerpts in one place in an effort to aid in your review of our appeal.

2000 Settlement Agreement Term Requiring Review of Conditions

Excerpt of Term 4.b: Within ninety (90) days prior to the fifth anniversary of the first review held pursuant to Condition No. 78, and on each five-year anniversary thereafter, BreitBurn will request an additional review of conditions pursuant to the procedures prescribed in Condition No. 78 and the Zoning Administrator will conduct a review of conditions as prescribed in Condition No. 78 and will issue a report of its review and schedule a further public hearing, if warranted. Such report shall be promptly forwarded to NASE, BreitBurn and the applicable Neighborhood Council.

Condition of Approval 78

78. Review Of Conditions. Two years following completion of construction, and the issuance of a Temporary or Permanent Certificate of Occupancy, the applicant shall submit a Plan Approval application (\$523 fee) for the purpose of reviewing the effectiveness of these conditions. The

applicant shall submit a 500-foot radius map with accompanying labels for owners and occupants. The applicant shall address each condition with appropriate supporting material, to the Zoning Administrator who shall contact all monitoring agencies, evaluate the neighborhood impacts of project operations and the efficacy of mitigation measures. The Zoning Administrator may impose corrective conditions if warranted. The Zoning Administrator may set the matter for public hearing if warranted.

Email Excerpt from PCEC to Zoning Administrator

“With regard to the first issue, after reviewing our well files, and the 2000 ZA determination, it is clear that certain wells have been drilled, re-drilled and converted since that approval- see ‘Well List’ below. In light of LAMC 13.01H and 13.01I, a question has surfaced regarding whether these well activities required further authorization or approval by the ZA. We have not seen any approvals by the ZA and our conclusion is that applications were likely never submitted to the City.”

Excerpts of Los Angeles Municipal Code Sections 13.01H and 13.01I

H. Drilling Site Requirements. Any person desiring to drill, deepen or maintain an oil well in an oil drilling district that has been established by ordinance, or to drill or deepen and subsequently maintain an oil well in the M3 Zone within 500 feet of a more restrictive zone shall file an application in the Department of City Planning on a form provided by the Department, requesting a determination of the conditions under which the operations may be conducted.

I. Permits. No person shall drill, deepen or maintain an oil well or convert an oil well from one class to the other and no permits shall be issued for that use, until a determination has been made by the Zoning Administrator or Area Planning Commission pursuant to the procedure prescribed in Subsection H of this section.

Excerpt of ZA Memo 133

No categorical exemption forms will be processed for consideration or issued at the Planning Department Development Services. The applicant shall submit a complete EAF-0 form with their application, which shall be reviewed by the Zoning Administrator. The Zoning Administrator will conduct a preliminary review to determine whether the application qualifies for an exemption from environmental review pursuant to CEQA. The

Zoning Administrator may require the applicant to provide additional supporting materials from the applicant to support the use of a categorical exemption.

An application to drill, re-drill, deepen, or convert a well is not eligible for a categorical exemption and shall require an Initial Study or an EIR as described in section V.A.2.

Condition of Approval 72

72. Limitations On Well Redrilling. Without prior written approval from the Zoning Administrator, no more than the **existing** 69 wells may be drilled, operated or maintained at the site and these wells shall be located at **their current surface locations**. All wells will be drilled from existing well cellars using existing strings of pipe or surface conductor pipe. In the event that applicant redrills any of the existing wells, the applicant shall provide the Zoning Administrators office with duplicate copies of all filings pertaining to such well filed with the California Division of Oil, Gas and Geothermal Resources, including such filings showing the bottom-hole location and the total depth of each such well. Furthermore, the applicant, upon request by the Zoning Administrator, shall furnish such additional information concerning the status, exact bottom hole location, productivity, etc., of the various wells drilled from the property, as to enable the Zoning Administrator to properly and intelligently administer the oil drilling regulations in this area; said information to be either verbal or in writing and to be kept confidential by the Zoning Administrator if so desired by the applicant.

Excerpt from June 2, 2021 ZA Determination

“Based on the review of the public records, a site visit and the testimony from the public about noise, odor, truck traffic, and other evidence submitted to the record, it is hereby determined that the current conditions of approval imposed on the whole of the drill site **may not be completely adequate to preserve the health, safety and general welfare of the nearby residential neighborhood.**”

Los Angeles Municipal Code Section 57.5706.3.16.1

Any oil well which has not been secured in compliance with the provisions of Section 57.5706.3.15, or which, for a continuous period of one year has not been in operation or has ceased to produce petroleum or natural gas, shall either be abandoned or reactivated within 30 days after notice has been given by the Chief.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Minter", is positioned above the printed name.

Amy Minter

CITY OF LOS ANGELES

CALIFORNIA

HUBER E. SMUTZ
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

CHARLES V. CADWALLADER
ARTHUR DVORIN
R. A. RUDSKER



SAMUEL WM. YORTY
MAYOR

DEPARTMENT OF
CITY PLANNING

OFFICE OF
ZONING ADMINISTRATION

400 CITY HALL
LOS ANGELES, CALIF. 90012
MADISON 4-5211

August 17, 1965

Occidental Petroleum Corporation
ATTENTION: E. F. Reid,
Vice President
5000 Stockdale Highway
Bakersfield, California

Fire Prevention Bureau

Department of Building & Safety

Greetings:

Re: Z. A. CASE NO. 17683
N'y of Pico Blvd.
E'y & W'y of Oak-
hurst Drive
Oil Drilling District
No. U-131
D. M. No. 5484

In the matter of the application of Occidental Petroleum Corporation, owners and lessees, for approval of a controlled drill site and for determination of conditions and methods of operation to be followed in drilling for and production of oil and gas on a site consisting of two sections classified in the C2, R3 and R4-1 Zone in Oil Drilling District No. U-131, please be advised that based upon the Findings of Facts hereinafter set forth and by virtue of authority contained in Section 13.01-E, F and H of the Municipal Code, the Chief Zoning Administrator hereby authorizes the use of a site comprising:

Lots 883-888, Inc., and Lots 1035 and 1036, Tract 6380, located northerly of Pico Boulevard and extending from Doheny Drive to include the northwesterly corner of Oakhurst Drive, Beverlywood District,

as a controlled drill site on which to drill wells and conduct surface operations in connection with the development and bottoming of wells under Oil Drilling District U-131, consisting of that 70-acre drilling district depicted and described on the map which is a part of Ordinance No. 130340, as well as for surface operations in connection with wells which by subsequent action may be authorized to be bottomed under adjoining and adjacent districts, and also authorizes the drilling, completion and maintenance on said controlled drill site of not to exceed three exploratory wells bottomed under said District U-131, and for the production from said wells, if successful, of oil, gas, and other hydrocarbon substances and to

maintain such equipment and accessories as are necessary in the drilling for and the production of oil, gas and other hydrocarbon substances, upon the following terms and conditions:

1. That all the conditions set forth in Section 13.01-E,2 (as recently amended) as well as Conditions Nos. 1, 3, 4, 5, 8, 17, 18, 33, 37, 40, 43, 47, 49, 50, 54, 58 and 59 of Subsection F of Section 13.01 of the Municipal Code are included in and by reference made a part of this approval and shall be complied with to the same extent as if herein restated in detail.
2. That the land from the subject drill site necessary to provide the curved corner radius or cut corner at all three street corners abutting Pico Boulevard and necessary land to widen the southerly side of the east-west alley abutting all portions of the drilling site to the normal 20 ft. alley width, shall be dedicated and improved or suitably guaranteed in a manner and under the procedures provided in Section 12.37 of the Municipal Code.
3. That all surface drilling operations shall be limited and confined to that portion of the site comprising Lots 884-887, with the portion of the site comprising Lots 1035 and 1036 used only for corollary operations and future production facilities with no drilling conducted thereon, and that the portion of the site comprising Lots 883 and 888 located northerly of the east-west alley shall be utilized only for buffer landscaping treatment and for incidental employee parking facilities as hereinafter specified. Those portions of the drill site southerly of the east-west alley shall be enclosed with an ornamental masonry wall or a masonry wall with precast pebbled-matrix type facia on the exterior having a height of approximately 12 ft. above the level of the adjacent property outside of the enclosing wall, said enclosing fixture to observe a minimum setback of 5 ft. from the property lines along all street frontages including the required-to-be-dedicated corner cuts, except along Pico Boulevard where a minimum 3 ft. setback shall be observed, and to be located and designed substantially in conformity with the plan and elevation drawings, Exhibit "C", attached to the application; it being understood that said enclosing fixture will have indented reveals for trees or for precast planter boxes such as indicated on said Exhibit "C". Furthermore, that the setback spaces along all street frontages including the space out to the curb line not utilized for driveways or public sidewalks shall be landscaped by the planting of lawn, ivy or other green ground cover interspersed with trees and shrubs, all of said landscaping to be

maintained in first-class, attractive condition at all times. Included in the landscaping of the site, specimen ornamental street trees of a broadleaf evergreen type or cocoa plumosa palms shall be planted and maintained in the parkway spaces along both Doheny and Oakhurst Drives and in tree wells in the sidewalk along Pico Boulevard approximately as shown on said Exhibit "C" and all in a manner satisfactory to the Street Tree Division, Bureau of Street Maintenance. The required front yard setback space and at least the northerly 28 ft. of both Lots 883 and 888 shall be landscaped in the manner depicted on said Exhibit "C" with mounds of earth covered with green ground cover, shrubs and tall trees such as Canary Island pines approximately 30 ft. high at the time of transplanting and with the same maintained to provide a landscaped screen and buffer between the oil drilling operations and the adjoining residential development to the north. The remaining portions of said Lots 883 and 888 shall be paved and maintained for employee automobile parking with the parking area enclosed with retaining walls or ornamental enclosing walls except along the alley side, said walls to have a height of 5 ft. above the surface of the parking area and observing the required front yard setbacks from both street frontages.

4. That in no event shall the concrete mat used as the base of the derrick employed in drilling operations project more than one foot above the highest elevation of the existing public sidewalk along Pico Boulevard adjacent to the southerly side of the site. Furthermore, that the derrick utilized for drilling operations shall consist of an entirely new style of enclosed structure having the appearance of a high-rise building with two reductions in width similar to that depicted in Design No. 4 of Exhibit "B", the model left in the Zoning Administrator's office and the plans, Exhibit "R", submitted with the application. In no event shall the overall gross height of said derrick structure including the reduced width crown block enclosure at the top exceed a height of 161 ft. above the sidewalk elevation referred to above. Furthermore, that tanks and other equipment and buildings used in drilling and production activities shall be located on the site in such manner that no portion of the tanks, equipment, or buildings, other than the upper portion of the derrick, drawworks house and drilling equipment buildings, temporary mud and water storage tanks, permanent compressor building and future portable drilling mast used for servicing activities, will extend for any appreciable distance above the enclosing fence or wall surrounding the drilling site as heretofore specified.

5. That prior to the start of any drilling operations on the site, all existing buildings shall be removed from all the lots involved in the site. Furthermore, that as long as any portion of the site is used for drilling or production operations, said Lots 883 and 888 and the landscaping heretofore specified thereon shall be retained and maintained as a buffer and parking area. Furthermore, that the oil well drilling equipment and future production equipment shall be located on the site in substantial conformity to the plot plans, Exhibit "D", attached to the file with modifications to meet the conditions herein specified and with any oil well located at least 50 ft. from the exterior property lines of the site. It is understood that this initial grant does not authorize all of the future oil wells indicated on said Exhibit "D" and that greater setbacks may be specified by the Fire Department in compliance with provisions of Article 7, Chapter 5 of the Municipal Code.
6. That in addition to soundproofing the derrick and other structures as required by Condition No. 47 of said Section 13.01-F, soundproofing shall also be provided for the electrical distribution center and control house containing automatic electric switches and for the engines, shakers, and mud pumps and for the doors providing ingress and egress to the derrick, and that said doors be kept closed except for short intervals when actually being used for ingress and egress purposes and for placing or removing materials and supplies in or from the derrick. Furthermore, that the manner in which the soundproofing is to be accomplished, including a plot plan specifying location of involved buildings or structures and tanks, landscaping of premises, location and type of surfacing on access driveways and other details for the development of the site, together with plans for each of the buildings and tanks to be placed on the site, shall be submitted to and approved by a Zoning Administrator prior to the issuance of the drilling permit for each of the proposed wells and prior to issuance, respectively, of permits for any such buildings or tanks; said soundproofing material as required above to be of a fire resistive type approved by the Los Angeles Fire Department.
7. That it be understood the required soundproofing for the new style derrick structure shall all be contained within the structure with the exterior enclosure of the derrick structure consisting of vertically fluted metal panels such as depicted in the details of Sheet 1, Exhibit "R", and on Exhibit "S". The entire exterior surface of the derrick structure including the various doorways shall be painted or color-coated in a light

blue color which will blend into the sky as represented on Design No. 4, Exhibit "B". Furthermore, that said derrick structure and other buildings, walls and equipment on the site shall be kept painted and maintained in a first-class condition at all times.

8. That there be no driveways provided to the site from Pico Boulevard and driveway access be provided either from the side streets or from the abutting and widened public alley. All driveways to the site shall be equipped with solid gates having the same height as the required enclosing fixture and finished on the outside in a manner to harmonize with attractive exterior finish as the required enclosing wall around the drill site, with said gates kept closed at all times except when actually in use for ingress and egress to the site. At such times as trucks are delivering or picking up materials or supplies from the drill site, flagmen shall be utilized so as to reduce traffic hazards on the adjoining streets. That a parking area shall be provided on the drilling site for use by vehicles employed in drilling and maintaining of oil wells on the property, and a similar parking area shall be provided on the drill site or immediately adjacent thereto in the C2 Zone for the parking of automobiles of employees engaged in the drilling and production activities. The driveways necessary on the drilling site, as well as the required employee and equipment parking area, shall be paved with rock and oil or asphaltic paving materials suitable to withstand heavy trucking operations, and that all such driveways and parking areas shall be regularly washed down, swept or otherwise kept free of accumulated cement, dust, or other materials which would produce dust in the use of said facilities.
9. The drilling of the wells shall be conducted in accordance with good oil field practice and the latest techniques and refinements in equipment and materials shall be used. The latest and most effective blow-out prevention equipment shall be installed and maintained in connection with the drilling of any well.
10. That as further amplification of Condition No. 49 of Section 13.01-F of the Municipal Code, except for actual drilling and production operations, no work shall be conducted on the property between the hours of 7:00 P.M. of one day and 7:00 A.M. of the following day or on Sundays.
11. That irrespective of the authority contained herein for the possible eventual bottoming of 3 wells under involved Oil Drilling District No. U-131, it shall be clearly

understood that as provided in the provisions of Condition No. 2 of the Sub-paragraph (ea), Subdivision 2, Sections 13.01-4 of the Municipal Code added by Ordinance No. 130340, only one exploratory well may be drilled and bottomed under said District U-131 unless and until there is specific authorization for bottoming the additional wells after considering recommendations of the City Administrative Officer. Furthermore, in no event shall drilling operations be carried on or conducted on the site in connection with more than one well at a time. It is understood that as provided in the respective ordinances, the Administrator under separate applications may permit exploratory or production wells under adjoining or adjacent districts utilizing this approved controlled drilling site. Furthermore, that prior to the approval or issuance of Fire Department permits for each well to be drilled upon the subject site, there shall be supplied to the Zoning Administrator a map showing the general direction and general bottom hole location of said proposed well so that proper records can be kept as to the number of wells bottomed and completed under said district in compliance with the terms of this grant and the provisions of Paragraph (c), Section 13.01-E, 2 of the Municipal Code. Furthermore, the applicants or operators of the oil drilling activities herein authorized, upon request by the Chief Zoning Administrator, shall furnish such additional information concerning the status, exact bottom hole location, productivity, etc., of the various wells drilled from the property, as to enable the Administrator to properly and intelligently administer the oil drilling regulations in this area; said information to be either verbal or in writing and to be kept confidential by the Administrator if so desired by the applicants.

12. That if any of the wells hereby or hereafter authorized are successful and are to be maintained as producing wells and are required to be pumped, then said wells shall be equipped with Kobe or comparable producing units which shall be placed in pits or cellars below the surface of the ground so that no visible pumping units will be above the ground adjacent to the surface location of the wells and that wells shall be serviced with only portable type equipment. Furthermore, that the triplex pump units necessary to operate the Kobe or comparable oil well pumping units as well as the compressors for compressing the gas to meet pipeline specifications, shall be housed in substantial buildings which have been acoustically treated so as to be substantially soundproofed.

It is understood that a permanent-type soundproof masonry building of attractive design to house the compressors and the triplex pump unit and placed near the southeasterly corner of the production site westerly of Oakhurst Drive as indicated on Exhibit "D" with the same setbacks from the bordering streets as required for the enclosing wall, may serve as part of the enclosing fixture around the production site if the exterior walls of said building are designed and finished in a manner to harmonize with that of the enclosing wall.

13. That the nature of activities and installations on the actual drilling and oil well site easterly of Oakhurst Drive and the designated production site westerly of Oakhurst Drive shall be so arranged and conducted that there is little need for vehicular interchange or the transporting of materials or equipment between the two sites. All transportation or exchange of fluids or gases between the two sites shall be by means of underground pipelines installed in a manner approved by the City Engineer under any public street or alley space. Furthermore, that all oil and gas produced from the wells on the property shall be transported from the controlled drilling site only by means of underground pipeline connected directly with the producing pump or with tanks or treating facilities by a completely closed system without venting products to the atmospheric pressure at the production site and in no event shall there be any storage or treatment facilities on the property other than necessary to conform production to pipeline requirements. In no event shall more than three-day storage or two 1,000-bbl tanks, whichever is greater, be erected or maintained on the property. Furthermore, that said production tanks shall be so placed and located with respect to enclosing fixtures surrounding the site as to not be visible to persons on adjacent public streets or from adjacent residential property having approximately the same ground level elevation as the average ground level surrounding the drill site.
14. That all tools, pipe and other equipment in connection with the drilling and production activities shall be stored and kept on the drilling site within the walled and landscaped enclosure.
15. That no refining process or any process for the extraction of products from natural gas shall be carried on at the drilling site, except for such minor process as necessary to make natural gas acceptable in the City gas mains for home use.

16. After completing the exploratory test well herein authorized, and provided authorization has been given for additional wells within the drilling site, the bores of additional wells shall be projected directionally under District No. U-131 and adjoining districts if and when authorized under said districts so that a complete and adequate test of the location, extent, character, density and productivity of any producing oil zones may be had from the single drill site area. Said additional wells shall be drilled with due diligence so as to complete the total number of wells authorized within the shortest possible time, utilizing only one oil drilling derrick for said operations. Furthermore, that upon completion of each well, the derrick shall be removed or moved to the site for a new well on the drilling site and work started toward drilling said new well within the 30-day period referred to in Condition No. 4, Section 13.01-F, to the end that the derrick and drilling operations will be removed and discontinued on the site in the shortest period of time possible.
17. That any owner, lessee or permittee and their successors and assigns, as well as the concern which is to actually do the drilling work, if different than the above, must at all times be insured to the extent of \$2,000,000 against liability in tort and public liability and property damage arising from drilling or production, or activities or operations incident thereto, conducted or carried on under or by virtue of the conditions prescribed for this district and by written determination by the Administrator as provided in Subsection H of Section 13.01 of the Los Angeles Municipal Code. The policy of insurance issued pursuant hereto shall be subject to the approval of the City Attorney and duplicates shall be furnished to him. Each such policy shall be conditioned or endorsed to cover such agents, lessees, or representatives of the owner, lessee or permittee as may actually conduct drilling, production or incidental operations permitted by such written determination by the Administrator. A certificate of insurance carrier and its address and a sworn statement that such insurance will be maintained in full force and effect, shall be furnished the Chief Zoning Administrator before any permits are issued.
18. That the surety bond in the sum of \$5,000 required by Condition No. 3 of the above-mentioned Subsection F and Condition (g) under Section 13.01-E,2 of the Municipal Code shall be approved by the City Attorney, executed by both the applicants and any lessee who is to do the actual oil drilling and filed with the Chief Zoning Administrator before any permit is issued.

19. The operator, after drilling each well to a depth of approximately 2,000 ft., shall take an electric log of the well to that depth, analyze the log and provide the Department of Water and Power of the City of Los Angeles with a copy of said log, together with its interpretation, showing aquifers and an estimate of the salinity of all waters encountered. From the information so obtained, a joint determination shall be made of the required depth at which the surface casing shall be cemented. Sufficient cement shall be used to reach the ground surface behind the surface casing. On completion of the drilling program, another log shall be taken and analyzed and, if necessary, additional steps shall be taken to prevent the vertical movement of brine into fresh water zones. In the event no commercial production of oil is obtained, cement plugs shall be used to protect all fresh water in abandonment of the well. A conference between the operator and officials of the Department of Water and Power may waive the requirement for a log on each well, if sufficient subsurface data is obtained from previous logs to permit it to carry out the purpose of this condition.
20. That the public water supply system on the property shall be protected against backflow where necessary in a manner acceptable to the Departments of Health and Water and Power and meeting the requirements of the Uniform Plumbing Code. Furthermore, representatives of the said Departments may enter upon the premises at any reasonable time for routine investigation of operations and/or facilities shall be made within a reasonable time as determined by the investigator.
21. That the drilling site and approaches thereto shall at all times be kept in a clean, neat-appearing condition free from weeds and debris, other than necessary and incidental drilling equipment and supplies, and shall be effectively landscaped and maintained as required under various applicable conditions heretofore mentioned and in compliance with plans approved by the Chief Zoning Administrator. In this instance, special attention shall be given to effective housekeeping so as to prevent any accumulation of oil, oil products, or oil-coated boards, materials, or equipment which might cause fumes or odors detrimental to the adjoining dwellings. Furthermore, that upon completion of the drilling operations, all equipment and supplies, except that actually necessary in production work and as specified on plans for the installation of the various production facilities and devices, shall be removed from the property so that as far as practicable, there be no evidence above the

ground of the presence of the oil producing facilities in the pits and cellars heretofore specified.

22. That if oil drilling and production is successful on the subject property and there is any evidence that the production activities cause noticeable subsidence in the present elevation of the ground on the subject property or in the vicinity, then the Chief Zoning Administrator, after consultation with recognized experts in connection with this problem, shall have authority to require corrective action, such as repressurizing the oil-producing structure or the cessation of oil drilling and production.
23. That the Chief Zoning Administrator reserves the right to impose additional conditions or require corrective measures to be taken if he finds after actual observation or experience with drilling one or more of the wells on the subject property that additional conditions are necessary to afford greater protection to adjacent or surrounding property as intended by the provisions of Section 13.01 of the Municipal Code, as well as the conditions set forth in Ordinance No. 130340.

The applicant's attention is called to the fact that this determination is not a permit or license, and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated, or if the same be not complied with in every respect, when the applicants or their successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. If this property is subleased or assigned to another oil company for drilling or production purposes, it is incumbent upon the applicant to notify said sublessee or assignee of the terms and conditions described above and that the sublessee or assignee must assume all said conditions to the satisfaction of the Administrator. The Chief Zoning Administrator's determination in this matter will become effective after an elapsed period of ten (10) days from the date of this communication, unless an appeal therefrom is filed with the Board of Zoning Adjustment.

FINDINGS OF FACTS

After thorough consideration of the statements contained in the application, the proceedings in connection with City Plan Case No. 18356 which resulted in enactment of Ordinance No. 130340 creating Oil Drilling District No. 2-131, several City Plan Cases involving adjoining and adjacent oil drilling districts, Z. A. Case No. 17271 which authorized applicant's exploratory

core hole a short distance to the west, and Z. A. Cases Nos. 14422 and 15276 which authorized the active controlled drilling and production site in adjacent Oil Drilling Districts U-2 and U-11 and 15577 which authorized the oil wells now bottomed under adjoining Oil Drilling District U-50, all of which are by reference made a part hereof, as well as recent personal inspection of the subject property, the surrounding neighborhood, and the oil drilling and production methods being employed on several previously authorized similar controlled drill sites in other urbanized oil drilling districts, and conference with the applicant's representatives, I find as follows:

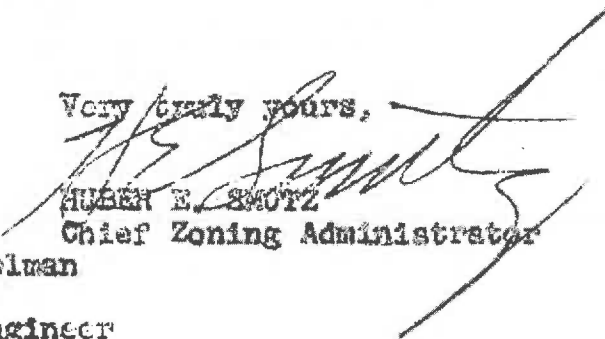
1. The property to be used as the controlled drilling site from which all activity will be conducted for bottoming wells under District U-131 and also under some of the adjoining and adjacent districts if authorized under future applications, involves one entire block of commercially zoned frontage and nearly one-half of another commercial block frontage along Pico Boulevard and with a public alley separating the two active portions of the proposed drill site from the adjacent residentially zoned and developed area to the north. The commercially zoned portions of the site to be utilized for active purposes in connection with this enterprise are currently either vacant or improved with typical one-story in height modest commercial buildings, some of which are currently vacant. The two lots northerly of the intervening alley and classified in the R3 and R4 Zones and comprising part of the overall site and which are improved with residential buildings are transitional lots which could automatically be developed and utilized for public automobile parking purposes. Applicant proposes to remove the dwellings from these two lots and utilize the same primarily for a landscape buffer with some provision for employee parking. The subject property constitutes the site which was contemplated for use in connection with bottoming wells under the district in question and discussed in the recent proceedings before the City Planning Commission and City Council which led up to adoption of the ordinance. More than 90% of the property within the district is incorporated in a community oil and gas lease held by the applicant but consisting of property which is almost solidly developed with single and multiple-family dwellings classified in the R1, R2, R3 and R4 Zones except for the commercially zoned and developed property along the Pico Boulevard and Beverly Drive frontages. The subject site is certainly not the most appropriate for a controlled drilling site such as those previously approved in industrial zones or a large open area such as the adjacent golf course, and in fact, there is no really logical controlled drill site in this oil

drilling district or the other adjoining districts under lease to the applicant. The subject site, however, in applicant's opinion, is centrally located to reach the objective and contemplated oil producing structure within the 3 oil drilling districts and had only been assembled by the applicant after painstaking research and negotiations in the district and under the well conceived plans of the applicant presented and discussed at the various hearings and attached to the application, the removal of the existing buildings and development of the site and use as proposed would probably be less objectionable to the general district than any other site which could be assembled in this area. As evidenced by Exhibits "L" and "M" submitted with the application, all of the owners of property which adjoin any part of the subject site as well as the great majority of adjacent property owners within 300 ft. of the site have approved use of the same as a controlled drill site for developing these oil drilling districts.

2. The east-west alley which abuts the subject site and will be utilized not only in connection with the site but for access to the north-south alleys serving residential developments to the north, is substandard in width for public alley purposes and furthermore, the normal corner cuts at the street intersections with Pine Boulevard have never been dedicated from the subject lots and these shortcomings would have to be rectified in connection with any development and use of the site for oil drilling and production purposes. Furthermore, considering the solidly developed residential lots fronting both Doheny and Oakhurst Drives northerly of the subject site and the close proximity of the densely developed residential section and adjacent built-up commercial area, all features of oil drilling and production must be strictly controlled to eliminate any possible odor, noise, vibrations, hazards, unsightliness, and extensive truck traffic which might possibly affect the surrounding residential and intensively developed commercial district. It has been proven by experience and particularly with the drilling and production operations now being carried on at other controlled drill sites in urbanized portions of the City, including the current operations on the drill site in Districts U-2 and U-11 approximately one mile to the west, and Districts U-29, U-37 and U-38 from two to three miles to the east, that all the normal objectionable features of oil drilling and production can be controlled so as to cause no detriment to surrounding property except the conspicuous feature of the oil drilling derrick which must remain on the property during the process of drilling the

several wells permitted. Applicants, in recognition of this problem and at considerably increased expense, have had designed an entirely new soundproof derrick structure with solid exterior walls of metal which will resemble a high-rise building and be colored to blend into the sky. This derrick structure, although slightly higher than the acoustical "wrapped and camouflaged" derrick used on some of the more recent drill sites, due to its unique design should eliminate the major objection to the conspicuousness of the derrick and the well planned landscape buffer should serve to integrate the development into the well developed residential section to the north. In view of all the above considerations, the conditions imposed are necessary and within the intent and purpose of Section 13.C1-E and F of the Municipal Code to protect and preserve the surrounding area for continued residential and commercial development in keeping with the zoning and to protect the general public and the community from any detrimental features of oil drilling. Furthermore, some of the conditions are necessary to protect the health and underground water supply of the community, as suggested by the Chief Engineer and General Manager of the Department of Water and Power.

Very truly yours,


HUBERT E. SMORZ
Chief Zoning Administrator

HES:es

cc: Councilman Edmund D. Edelman
Petroleum Administrator
Lyall A. Pardee, City Engineer
Director of Planning
Public Utilities & Transportation
Attn: Thos. V. Tarbet
Street Tree Division
Bur. of Street Maintenance
Opening & Widening Division
County Health Department
State Regional Water Pollution
Control Board No. 4
Barry Emerson
Richard S. Volpert
Paul Parker, Editor, Pico Post

Irving Evans
Lawrence Schneider
Harold Fischer

ADDITIONAL CONDITIONS IMPOSED BY
CHIEF ZONING ADMINISTRATOR OF THE CITY
OF LOS ANGELES ON OPERATION OF DRILL SITE
BY OCCIDENTAL PETROLEUM CORPORATION

(Taken from Section 13.01-F of the Los Angeles Municipal Code)

1. That all pumping units established in said district shall be installed in pits so that no part thereof will be above the surface of the ground.
3. That the operator of any well or wells in the said district shall post in the Office of Zoning Administration a \$5,000 corporate surety bond conditioned upon the faithful performance of all provisions of this Article and any conditions prescribed by a Zoning Administrator hereunder. No extension of time that may be granted by a Zoning Administrator, or change of specifications or requirements that may be approved or required by him or by any other officer or department of the City, or other alteration, modification or waiver affecting any of the obligations of the grantee made by any City authority, shall be deemed to exonerate either the grantee or the surety on any bond posted as herein required.
4. That the operators shall remove the derrick from each well within thirty (30) days after the drilling of said well has been completed, and thereafter, when necessary, such completed wells shall be serviced by portable derricks.
5. That the drilling site shall be fenced or landscaped as prescribed by the Administrator.
8. That adequate fire fighting apparatus and supplies, approved by the Fire Department, shall be maintained on the drilling site at all times during drilling and production operations.
17. That any person requesting a determination by the Administrator prescribing the conditions under which oil drilling and production operations shall be conducted as provided in Subsection H of this Section, shall agree in writing on behalf of himself and his successors or assigns, to be bound by all of the terms and conditions of this Article and any conditions prescribed by written determination by the Administrator hereunder; provided, however, that such agreement in writing shall not be construed to prevent applicant or his successors or assigns from applying at any time for amendments to this Article or to the conditions prescribed by the Administrator hereunder, or from applying for the creation of a new district or an extension of time for drilling or production

18. That all production equipment used shall be so constructed and operated that no noise, vibration, dust, odor or other harmful or annoying substances or effect which can be eliminated or diminished by the use of greater care shall ever be permitted to result from production operations carried on at any drilling site or from anything incident thereto to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they, from time to time, become available if capable of reducing factors of nuisance or annoyance.
33. That drilling operations shall be commenced within ninety (90) days from the effective date the written determination is made by the Administrator or Board, as provided in Section 13.00 of the Los Angeles Municipal Code, or within such additional period as the Administrator, may, for good cause, allow and thereafter shall be prosecuted diligently to completion or else abandoned strictly as required by law and the premises restored to their original condition as nearly as practicable so to do. If a producing well is not secured within eight (8) months, the well shall be abandoned and the premises restored to its original condition, as nearly as practicable so to do. The administrator, for good cause, shall allow additional time for the completion of the well.
37. All waste substances such as drilling muds, oil, brine or acids produced or used in connection with oil drilling operations or oil production shall be retained in water-tight receptors from which they may be piped or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Los Angeles Regional Water Pollution Control Board No. 4.
40. The Department of Water and Power of the City of Los Angeles shall be permitted to review and inspect methods used in the drilling and producing operations and in the disposal of waste, and shall have the right to require changes necessary for the full protection of the public water supply.
43. That drilling, pumping and other power operations shall at all times be carried on only by electrical power and that such power shall not be generated on the controlled drilling site or in the district.
47. That all parts of the derrick above the derrick floor not reasonably necessary for ingress and egress including the elevated portion thereof used as a hoist, shall be enclosed with fire resistive sound-proofing material approved by the Fire Department, and the same shall be painted or stained so as to render the appearance of said derrick as unobtrusive as practicable.

49. That no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the controlled drilling site except between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M., on any day, except in case of emergency incident to unforeseen drilling or production operations, and then only when permission in writing has been previously obtained from the Administrator.
50. That no earthen sumps shall be used.
54. That there shall be no tanks or other facilities for the storage of oil erected or maintained on the premises and that all oil produced shall be transported from the drilling site by means of an underground pipe line connected directly with the producing pump without venting products to the atmospheric pressure at the production site.
58. That no sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by law or ordinance to be displayed in connection with the drilling or maintenance of the well.
59. That suitable and adequate sanitary toilet and washing facilities shall be installed and maintained in a clean and sanitary condition at all times.



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)

4 messages

Brittani Nichols <info@email.actionnetwork.org>

Fri, Aug 13, 2021 at 10:23 AM

Reply-To: brittani.nichols@gmail.com

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Brittani Nichols

brittani.nichols@gmail.com

2700 Cahuenga Blvd East

[LOS ANGELES, California 90068](#)

Emmeline Cordingley <info@email.actionnetwork.org>

Fri, Aug 13, 2021 at 10:32 AM

Reply-To: ercords@gmail.com

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice! Protect people and their homes, not greedy developers.

Emmeline Cordingley
ercords@gmail.com
1026 Milwaukee Ave
[Los Angeles , California 90042](#)

Susan Millman <info@email.actionnetwork.org>
Reply-To: millmannsusan@gmail.com
To: apcwestla@lacity.org

Fri, Aug 13, 2021 at 10:54 AM

APC WLA Area Plannig Commission,

I am a 50 year Venice resident. I have watched our community gentrify as my friend and neighbors were forced out.

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

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Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Susan Millmann
50 year Venice Resident

Susan Millman
millmannsusan@gmail.com
743 Palms Blvd
[Venice, California 90291](#)

Isabella Roland <info@email.actionnetwork.org>
Reply-To: isabella.nf.roland@gmail.com
To: apcwestla@lacity.org

Fri, Aug 13, 2021 at 10:54 AM

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Isabella Roland
isabella.nf.roland@gmail.com
3400 Ben Lomond Place
[Los Angeles, California 90027](#)



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)1 message

Celina Reyes <reyescc@live.com>

Fri, Aug 13, 2021 at 12:51 PM

Reply-To: reyescc@live.com

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Celina Reyes

reyescc@live.com

526 North Kenmore Avenue

[Los Angeles, California 90004](#)



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)1 message

esme snow <emisnow@g.ucla.edu>

Sun, Aug 15, 2021 at 11:13 PM

Reply-To: emisnow@g.ucla.edu

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

esme snow

emisnow@g.ucla.edu

13808 Moorpark St

[Los Angeles, California 91423](#)



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)1 message

Karen Brodtkin <kbrodtkin@anthro.ucla.edu>

Fri, Aug 13, 2021 at 10:55 AM

Reply-To: kbrodtkin@anthro.ucla.edu

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Karen Brodtkin

kbrodtkin@anthro.ucla.edu

803 Amoroso Pl

[Venice, California 90291](#)



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)1 message

Lisa Cain <info@email.actionnetwork.org>

Mon, Aug 16, 2021 at 2:45 AM

Reply-To: stuff4lisa@me.com

To: apcwestla@lacity.org

APC WLA Area Plannnig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Lisa Cain

stuff4lisa@me.com

[1223 Wilshire Blvd](#) 486

Santa Monica, California 90403



Planning APC West LA <apcwestla@lacity.org>

I URGE YOU to honor the appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)1 message

Margo Rowder <info@email.actionnetwork.org>

Fri, Aug 13, 2021 at 10:45 AM

Reply-To: margorowder@gmail.com

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

315 6th Ave is NOT four single-family homes. IT IS NOT. It would be an embarrassment to you and anyone associated with your career to allow a developer tell you what a parcel is. Just take a simple look for yourself, or trust that its inhabitants know what it is – and believe them.

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Margo Rowder

margorowder@gmail.com

445 E Tujunga Ave, Apt C

[Burbank, California 91501](#)



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)1 message

Matt Wait <mattw@groundgamela.org>

Fri, Aug 13, 2021 at 11:46 AM

Reply-To: mattw@groundgamela.org

To: apcwestla@lacity.org

APC WLA Area Plannig Commission,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Matt Wait

mattw@groundgamela.org

1809 N Bronson Ave, Apt 5

[Los Angeles, California 90028](#)



Silver Law Offices Inc.
A Real Estate Law Practice

August 16, 2021

Case No. ZA-1989-17683-PA2-1A

Dear West Los Angeles Planning Commission,

I am writing to support NASE's appeal in Case No. ZA-1989-17683-PA2-1A and to urge you to take the time needed to make a sound decision based on the facts. The case file linked to the agenda for this item is 3,590 pages long, and the information that NASE has shared with the community is highly detailed. Assertions need to be checked against documents, and that takes time.

I say this in my professional capacity as an attorney. I say this as a resident of Los Angeles who lives 2 blocks from the Rancho Park Drill Site, 2,000 feet from the West Pico Drill Site, and 1 1/2 miles from the West Pico Drill Site. And I also say this as the appellant in the Rancho Park Drill Site appeal case (ZA-1958-14560-PA1-1A) that the West Los Angeles Area Planning Commission heard in May 2019.

In the Rancho Park Drill Site case, City staff gave the APC misleading information on two key points.

First:

The City's Petroleum Administrator told the APC in May 2019 that City compliance inspections of drill sites and an inspection ordinance were "already happening," and he said it was "a farce" that we doubted the City was not making good on its promise. In fact, it had been 9 months since City Council had voted on September 7, 2018 to order the initiation of inspections and to request the City Attorney to draft an inspection ordinance, and neither had happened. The City Attorney had simply refused to draft an ordinance as Council requested and never sent Council a letter explaining why.

Commissioner Margulies responded by saying that she was personally "offended" by the Petroleum Administrator's comment that concerns about the City's refusal to do inspections were "a farce" since he was talking about promises of future actions which could not be known. But it was actually worse than that. The Petroleum Administrator did not say that inspections and an inspection ordinance would happen in the future, but that they were "already happening." That was an untrue statement.

The Petroleum Administrator also announced a stunning reversal. On February 1, 2019, he delivered a report to the ZA about the Rancho Park case in which he recommended that the ZA write a condition requiring that the drill site must be inspected by the Petroleum Administrator annually. But 3 1/2 months later at the May 2019 APC hearing he said he would not conduct inspections of the Rancho Park Drill Site if the ZA put it in a condition. And he said that he could not do the inspections because he had to inspect drill sites in more environmentally and socio-

economically disadvantaged areas first. It is true that City Council ordered him to do interim inspections according to a scored sequence in its September 7, 2018 vote, but he was not doing those inspections at all 9 months later. And doing other drill sites first only means that he could do Rancho Park after them, not that he could not do Rancho Park at all.

This was not the only inaccurate and misleading information that City staff gave the APC in the Rancho Park case.

Second:

The City Attorney attending the hearing told the APC that a ZA can only write conditions requiring actions by the landowner or operator of a site, not conditions that require action by a City agency. This was false and my representative, Professor Michael Salman, showed you it was false in the appeal filings and at the hearing.

The very same ZA who presided over the Rancho Park case in 2019 (and now West Pico) had ruled the year before on another drill site and wrote conditions calling for the Petroleum Administrator and other City agencies and even State agencies to take various actions. Professor Salman showed you this. The ZA said in response that at the other site he required "best practices," which he could not explain, and if they were "best practices" then they belong at every drill site. There is no shortage of similar conditions requiring actions by other City agencies in other ZA determinations on many different kinds of cases. Sometimes the requirement is phrased as a direct requirement for action (review, approval, inspection, etc) by another agency, sometimes it is phrased as requirement for the owner/operator of the site to get the other agency to take the action required.

In addition, Professor Salman showed you that the City's Administrative Code, Sec 19.48, requires the Petroleum Administrator to "render a report and recommendation concerning matters related directly or indirectly to the exploration for, or production of, Petroleum within the City of Los Angeles, which may be referred to the Board by any department, bureau or office of the City." The Department of City Planning is a department of the City. The Office of the ZA is an office of the City. Therefore, the ZA is empowered to require the Petroleum Administrator to report annually on the compliance of a drill site with City code and ZA assigned conditions.

This misleading information on these two points created confusion for the APC that it did not take the necessary time to resolve. The City Attorney's and Petroleum Administrator's misinformation was injected after the rebuttal phase for the appellant and applicant, so neither had a chance to say a word about it. **It is essential to remind you here that the appellant and applicant were joined together in requesting a condition requiring annual inspections by the Petroleum Administrator. The problem was the City.**

The APC ruled on the spot instead of continuing the case so that it could refer back to City code and to the documents submitted into the case file by the appellant, applicant, and ZA. The APC made a very small modification to the ZA's condition requiring the oil company to **write an**

annual compliance report on itself. The modification has been impossible to follow and the concept of self-reporting on compliance is fatally flawed in obvious ways.

That was in May 2019.

Two years later there are still no City compliance inspections of drill sites and there has been no progress on inspection ordinance. The LA Times reported on this on the front page of its April 20, 2021: <https://www.latimes.com/california/story/2021-04-20/l-a-vowed-to-step-up-oversight-of-oil-drilling-critics-say-its-still-failing>



Relevance to the West Pico Drill Site case:

- 1) The case you are hearing now, concerning the West Pico Drill Site, largely stems from the City's failure and refusal to do annual compliance inspections of drill sites. The City's failure and refusal to do inspections is endangering us and making a mess of the land use process.
- 2) Professor Salman and NASE have been sharing with the community their documentation of violations at the drill site and in the ZA approvals for the site from 2000 and 2021. Their research is meticulous and voluminous. A one- or two-hour oral discussion is not the same thing as taking a case under advisement, returning to the case file and the City code to check the veracity of oral statements, and then coming together again to confirm that you have gotten down to the facts.
- 3) It is already clear that the ZA is once again handling a complex case by trying to kick sand in your eyes.

The ZA's June 2, 2021 determination rules that the site is in compliance on the first page, but then page after page the ZA notes many (but far from all) of the ways that the site has not been and is not today in compliance. This alone should make you head spin.

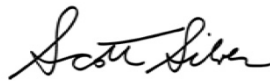
In the ZA's response to NASE's appeal, he says that he agrees there is only one "Controlled Drill Site" but he continues to treat the Controlled Drill Site as if it is two sites with different approvals and not an integrated whole.

And the ZA also claims in his response to NASE's appeal that 69 wells were approved by pointing to the 1965 approval (ZA-17683) that approved only 3 wells. The ZA did not show you the document he cites so you could check it with your own eyes. NASE is supplying the document and back in June 2020 sent the ZA a copy of the Zoning Administrator's own "Chronology" of cases, which shows that the 1965 case approved only 3 wells.

Repeatedly the ZA creates confusion and adds erroneous information.

Please take the time you need to go back to the documents and the code to verify what you are told orally by the City. There is a pattern of City staff providing misleading information.

SILVER LAW OFFICES, INC.

A handwritten signature in black ink that reads "Scott Silver". The signature is written in a cursive, flowing style.

Scott Silver, Esq.



Planning APC West LA <apcwestla@lacity.org>

Case # ZA-1989-17683-PA2-1A

1 message

Aria Z <ariazarifpourlaw@gmail.com>
To: apcwestla@lacity.org

Sun, Aug 15, 2021 at 10:45 AM

To the West Los Angeles Area Planning Commission, I support NASE's appeal of the ZA's decision in the West Pico Drill Site case (ZA-1989-17683-PA2-1A) and urge you to overturn the ZA's decision. The health of our community and the environment needs to be prioritized in this case. Yours, Aria Zarifpour, [1483 south crest drive, LA, CA](#)



Planning APC West LA <apcwestla@lacity.org>

Case# (ZA-1989-17683-PA2-1A) Supporting NASE's Appeal

1 message

Brandon Porter <porter_brandon@aol.com>
To: apcwestla@lacity.org

Thu, Aug 12, 2021 at 6:36 AM

To the West Los Angeles Area Planning Commission,

I support NASE's appeal of the ZA's decision in the West Pico Drill Site case (ZA-1989-17683-PA2-1A) and urge you to overturn the ZA's decision.

Sincerely,

Brandon C. Porter
90035, CA



Planning APC West LA <apcwestla@lacity.org>

ZA-1989-17683-PA2-1A, supporting NASE's appeal

1 message

Evelyn Wiles <wiles2209@gmail.com>
To: apcwestla@lacity.org

Fri, Aug 13, 2021 at 10:30 AM

I support the NASE appeal. It is time to make this facility follow the rules and regulations that apply and for the city to make sure it does.

We thought this was taken care of years ago after a legal settlement but the city and facility both neglected to comply with the terms. It is time now to make sure the neighborhood is protected.

Evelyn Wiles

Beverlywood resident



Planning APC West LA <apcwestla@lacity.org>

regarding the Appeal of the ZA's decision in the West Pico Drill Site case (ZA-1989-17683-PA2-1A)

1 message

helen shardray <shardray@hotmail.com>

Sat, Aug 14, 2021 at 2:07 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>

*To the West Los Angeles Area Planning Commission,
I support NASE's appeal and strongly urge you to overturn the ZA's decision.*

Best Regards

*Helen Chaudhuri
31st St, Los Angeles 90018
310 753 3289*



Planning APC West LA <apcwestla@lacity.org>

ZA-1989-17683-PA2-1A, Supporting NASE's Appeal.

1 message

Jenna Anonymous <jennannonymous@gmail.com>
To: apcwestla@lacity.org

Thu, Aug 12, 2021 at 6:01 AM

To the West Los Angeles Area Planning Commission,

I support NASE's appeal of the ZA's decision in the West Pico Drill Site case (ZA-1989-17683-PA2-1A) and urge you to overturn the ZA's decision.

Sincerely,
Jenny T.
90035, CA



Planning APC West LA <apcwestla@lacity.org>

Regarding the Appeal for 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)

1 message

Kathryn Hempstead <info@email.actionnetwork.org>

Fri, Aug 13, 2021 at 10:41 AM

Reply-To: hempstead.k@gmail.com

To: apcwestla@lacity.org

APC WLA Area Plannnig Commission,

I'm reaching out re the appeal at 315 6th Ave - Items 5 and 6 on the Aug. 18th agenda. I'm wit and Council member Bonin, and I hope you'll correct your decision.

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. The fact that you're approving affordable housing to be torn down so that two mansions can be built is so disappointing, especially in light of the limited housing that's making Venice's homeless problem boom.

Please don't make this crisis worse by stripping away the little housing we have left in our communities! Consider upholding the appeal. Your constituents need you to take a strong position against outside money and for our well-being.

Thank you,
Kathryn

Kathryn Hempstead
hempstead.k@gmail.com
1245 N EDMONT ST, n/a
LOS ANGELES, California 90029



Planning APC West LA <apcwestla@lacity.org>

Supporting NASE's Appeal: ZA-1989-17683-PA2-1A, supporting NASE appeal

1 message

Kristina Irwin <kristinairwin.realtor@gmail.com>
To: apcwestla@lacity.org, dylan.sittig@lacity.org

Tue, Aug 10, 2021 at 11:13 AM

Dear Members of the West Los Angeles Area Planning Commission:

I, Kristina Irwin candidate for Los Angeles City Council in district 5, your district, strongly urge you to grant NASE, Neighbors for A Safe Environment an appeal of the June 2, 2021 ruling by the Zoning Administrator (ZA).

On June 2, 2021, the ZA in the Los Angeles Department of City Planning issued a ruling that openly declares that illegal oil well drilling at the West Pico Drill Site can stand how it is, with no review, or remedy. It is my opinion and the opinion of neighbors, friends and NASE that this was illegal, a violation of health and safety regulations, and just plain lawlessness.

With almost 5,000 known oil wells, and 1000 that are active and/or idle, we must end the broken and dangerous way they are regulated, inspected and insured. Dating back several years, many audits performed by the City Controller's office, clearly pointed out the areas where the various city departments were failing in the inspection process.

The City has taken a lax and reactive approach to monitoring, enforcing and modernizing conditions of approval at oil and gas drilling sites. This is dangerous not just to the communities around the West Pico Site but others nearby as well.

As a candidate for Los Angeles City Council, I support NASE in appealing the ZA's ruling to the West Los Angeles Planning Commission. I call to action to overturn the entirety of the ZA's dangerous and illegal decision.

We must immediately identify high -risk drilling sites, perform targeted reviews, and document evidence of noncompliance. Existing compliance requirements should have been adequate had they been enforced and had a council member see to it that they were current and accurate. It should have been more diligently performed.

Our community matters. As a City Council candidate for our district, I will take all the steps necessary to ensure that these facilities are once and for all safe and in compliance.

--

Kristina Irwin

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Bradford F. Ginder
Susan H. McCollum
Peter L. Candy
Gisele M. Goetz
Thomas G. Thornton
Natasha A. Bhushan

Hollister & Brace

a professional corporation
Since 1966

Attorneys at Law

1126 Santa Barbara Street
P.O. Box 630
Santa Barbara, CA 93102

Tel: (805) 963-6711
Fax: (805) 965-0329

www.hbsb.com
Email: pcandy@hbsb.com

August 13, 2021

Via E-mail: apcwestla@lacity.org

West Los Angeles Area Planning Commission
c/o Planning Commission Office, Department of City Planning
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attention: James K. Williams, Commission Executive Assistant

**Re: Planning Commission Hearing Date August 18, 2021
Agenda Item No. 7
ZA-1989-17683-PA2-1A
9101 West Pico Boulevard**

Honorable Commissioners:

The undersigned represents Pacific Coast Energy Company, the project applicant and operator of the West Pico Drill Site, located at 9101 West Pico Boulevard. This letter is submitted in support of the Zoning Administrator's June 2, 2021 Plan Approval Determination that the operator has been, and remains, in substantial compliance with the Conditions of Approval set forth in BZA No. 2000-1697 and ZA-17683 (PAD).

Two appeals were filed in a timely manner within the appeal period ending June 17, 2021, one by Amy Minter of Chatten-Brown, Carstens & Minter LLP on behalf of Neighbors for a Safe Environment (NASE); and the other by Daniel Skolnick of Council District 5 on behalf of Councilmember Paul Koretz. This letter is submitted in opposition to both appeals, for purposes of supplementing staff's analysis of the appeal issues in the Staff Recommendation Report.

1. The West Pico Controlled Drill Site

Appellant NASE contends the Zoning Administrator and the operator have been in violation of Los Angeles Municipal Code (LAMC) § 13.01.E.2.b since the 2000 approval in ZA-1989-17683-PAD because only one "controlled drill site" can exist in Oil Drilling District U-131. NASE asserts the 2000 approval in ZA-1989-17683-PAD

illegally split the West Pico Drill Site into two distinct sites, and the alleged split was a “fatal flaw” which renders void all subsequent approvals, including the current ZA Determination in ZA-1989-17683-PA2.

Contrary to appellant’s assertions, the West Pico Oil Drill Site was not split into two distinct drill sites as a result of the 2000 approval (ZA-1989-17683-PAD), but instead remains a single “controlled drill site” comprised of two distinct portions, an oil and gas extraction (drilling) portion and a production facility portion.

The oil and gas extraction (drilling) portion was first approved on August 17, 1965, pursuant to Case No. ZA-17683, for Lots 883-888, and Lots 1035 and 1036, of Tract 6380. This portion is located on the north side of Pico Boulevard, between Doheny Drive and Oakhurst Drive, with a site address of 9101 West Pico Boulevard.

The property located immediately to the west of the extraction facility is the production facility portion, situated between Oakhurst Drive and Cardiff Avenue, with a site address of 9151 West Pico Boulevard. The production side was authorized on July 28, 1967, pursuant to Case No. ZA-18893, for Lots 1037, 1038 and 1039, of Tract No. 6380. The July 28, 1967 letter of determination specifically noted that the Zoning Administrator was authorizing the “expansion” of the existing controlled drill site, to create an “enlarged controlled drill site,” not the creation of a second drill site within the Oil District.

2. The Zoning Administrator’s 2000 Approval of the Modernization Project

In 1999, the operator’s predecessor in interest (Breitburn) applied to modernize the oil and gas extraction (drilling) portion of the controlled drill site. The project included among other things raising the perimeter wall, enclosing the drilling and workover rig in a soundproofed and architecturally treated structure, and the construction of an enclosed support building. The modernization project involved the extraction portion of the controlled drill site only, not the production side. Consequently, the Environmental Impact Report (EIR) prepared for the modernization project evaluated only the changes that would occur to the extraction facility side of the drill site.

On April 5, 2000, the Zoning Administrator approved the modernization project together with 78 conditions imposed on the approval (ZA-1989-17683-PAD). The conditions of approval were derived from mitigation measures set forth in the EIR. There were 27 conditions imposed related to construction activities. The remaining 51 conditions were operational and general conditions. The conditions applied only to the oil and gas extraction (drilling) portion of the controlled drill site. In this regard, the Zoning Administrator’s April 5, 2000 decision did not have the effect of illegally splitting the West Pico Drill Site into two distinct sites. Instead, it simply imposed a new set of conditions on the extraction portion to address the changes that would occur as a result of the modernization project.

3. NASE's Arguments Regarding an Illegal Split of the Controlled Drill Site Are Untimely

NASE appealed the 2000 approval to the Board of Zoning Appeals (BZA), and subsequently to the City Council. A public hearing was held before the full City Council on October 25, 2000 (Council File No. 2000-1842). The City Council voted to certify the EIR and approve the modernization project together with all 78 conditions as approved by the Zoning Administrator and BZA. NASE subsequently filed a petition for writ of mandate in the Superior Court of Los Angeles County, *Neighbors for a Safe Environment, etc. v. City of Los Angeles, et. al.*, LASC No. BC 240760, seeking to set aside the EIR certification and the underlying permit approvals. In June 2001, the parties entered into a Settlement Agreement resolving all of NASE's concerns related to the City's 2000 approval of the modernization project.

If appellant had concerns that the City's 2000 approval somehow had the effect of illegally splitting the controlled drill site into two distinct sites in violation of LAMC § 13.01.E.2.b, the time to raise those concerns would have been back in 2000, in the context of its prior appeal, lawsuit, and settlement agreement with the City. At no point during the appeal process, the subsequent writ of mandate lawsuit, or in the 2001 Settlement Agreement, did NASE raise an argument or seek to address a concern that the 2000 approval (ZA-1989-17683-PAD) had the effect of illegally splitting the West Pico Drill Site into two distinct sites in violation of LAMC § 13.01.E.2.b. NASE raises the argument now, for the first time, over 20 years after the fact, in a belated and unfounded attempt to claim the 2000 approval, and all subsequent approvals, should be deemed void.

As it stands, the current ZA Determination in ZA-1989-17683-PA2 simply follows the procedures that all the parties, including NASE, agreed to in the 2001 Settlement Agreement. This is the same process the City undertook in the context of its first review of the conditions of approval completed by Zoning Administrator in 2006 (ZA 1989-17683(PA1)), whereby the Zoning Administrator determined that the operator was in full compliance with all 78 conditions of approval. The Zoning Administrator's 2006 determination letter was not appealed and therefore became final. (ZA 1989-17683-PA1). The same agreed-upon process and procedures have been in place for over two decades. They should not now be used by appellant as a basis to argue that the 2000 approval, and all subsequent approvals, are void.

4. Condition 72 Regarding the Drilling, Operation and Maintenance of Wells

Appellant NASE asserts Condition 72 is in direct contradiction with LAMC § 13.01.H and 13.01.I because it allows the drilling, operation and maintenance of wells without full discretionary review by the Zoning Administrator. Appellant asserts LAMC § 13.01.H and 13.01.I require full application to the ZA for review and approval of all drilling, re-drilling and well conversion activities, and given the inconsistency of

Condition 72 with these requirements, the 2000 approval and all subsequent approvals, including the current ZA Determination in ZA-1989-17683-PA2, are rendered void.

In making this argument, appellant ignores the fact Condition 72 was incorporated into the 2000 approval (ZA-1989-17683-PAD) specifically in recognition of the operator's vested right to drill, re-drill and convert up to 69 previously approved wells at the West Pico Drill Site. The first of these approvals was issued on August 17, 1965, and the last on June 29, 1979. The Zoning Administrator's approval dated March 4, 1969 clarified the City was authorizing up to a maximum of 69 wells to be drilled, operated, and maintained at the site. (ZA-17683, March 4, 1969, page 2.) Subsequently, in the 2000 approval (ZA-1989-17683-PAD), the Zoning Administrator's "Findings of Fact" specifically referenced the prior proceedings under ZA Case No. 17683 which authorized up to a maximum of 69 wells on the site.

Condition 72 simply recognized these prior well authorizations, and clarified that no further written approval was required from the Zoning Administrator's office. In this regard, Condition 72 does not illegally exempt the operator from complying with the requirements of LAMC § 13.01.H and 13.01.I, but instead recognizes that compliance with the requirements of LAMC § 13.01.H and 13.01.I has already occurred. At the same time, it was understood further approvals would be required from the State Division of Oil, Gas and Geothermal Resources (now the California Geologic Energy Management Division (CalGEM)) in order to conduct ongoing down-hole well operations. (Local Agencies regulate surface operations; CalGEM regulates down-hole operations.) In this regard, Condition 72 imposed a requirement on the operator to provide the Zoning Administrator's office with duplicate copies of all down-hole well operation filings submitted to the State.

5. NASE's Arguments Regarding Avoidance of Discretionary Review Are Untimely

At no point during the 2000 appeal process, the subsequent writ of mandate lawsuit, or in the 2001 Settlement Agreement, did NASE raise an argument or seek to address a concern that the 2000 approval (ZA-1989-17683-PAD) had the effect of illegally authorizing the drilling, operation and maintenance of wells without full discretionary review by the Zoning Administrator. This is a new argument that NASE raises now, over 20 years after the fact, in the context of the second Plan Approval process related to determining whether the operator has complied, and is complying, with the 78 conditions imposed on the 2000 approval.

Appellant's argument is both unsubstantiated and untimely. The operator has a vested right to drill, operate, and maintain up to 69 previously approved wells at the site, without seeking further written approval from the City. If appellant had an issue with the manner in which this was addressed in the 2000 approval, the concern should have been raised during the prior appeal, litigation, and settlement process. As it stands, the current

ZA Determination in ZA-1989-17683-PA2 simply follows the procedures that all the parties, including NASE, agreed to when they entered into the 2001 Settlement Agreement. These agreed-upon procedures should not be used now as a basis to argue that the 2000 approval, and all subsequent approvals, are void.

6. The Operator's Substantial Compliance With Conditions

Both appellants NASE and Councilmember Koretz assert the Zoning Administrator abused its discretion by determining the operator to be in substantial compliance with the Conditions of Approval of Determination BZA No. 2000-1697. The Zoning Administrator found the operator was in violation of 4 out of 78 conditions imposed on the extraction portion of the drill site, specifically Conditions 36, 39, 49 and 72. Appellants argue these violations are inconsistent with and cannot support a finding of substantial compliance. They further argue the Zoning Administrator's determination fails to impose or revise any conditions to ensure the violations are rectified.

All four of the noncompliant conditions involve the operator's failure to timely submit, and keep the City current with, records and other information that the operator keeps in the normal course of its business practice. Two of the noted violations have since been resolved. Condition 36 was resolved by the operator submitting to the City a copy of its current Spill Prevention and Response Plan. Condition 49 was similarly resolved by the operator clarifying that the oil extraction (drilling) portion of the controlled drill site is electrically powered through an existing service connection to Department of Water and Power.

With regard to the other two violations, it is a simple matter of the operator compiling and providing the City with records it already has in its possession. Condition 39, when it was adopted in 2000, required the operator to install a 24-7 noise monitoring system. The system was installed in compliance with the condition, and has been functioning properly ever since, sending noise alerts whenever there is a noise exceedance. The noise alerts are monitored and reviewed by on site personnel to determine if the noise exceedances are attributed to the facility, or ambient street noise. The vast majority of the exceedances are caused by ambient street noises that are unrelated to facility operations. The operator keeps records of all exceedances, and is in the process of compiling the records for submission to the Zoning Administrator's office.

A similar situation exists with regard to Condition 72, which requires the operator to provide the Zoning Administrator's office with duplicate copies of all State filings pertaining to down-hole well activities. The operator has records of all communications and correspondence with the California Division of Oil, Gas and Geothermal Resources (now CalGEM). The operator is in the process of compiling the records for submission to the Zoning Administrator's office in compliance with Condition 72.

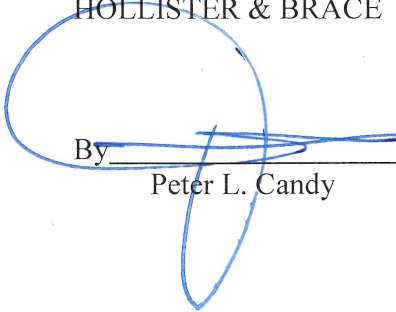
None of the four violations noted in the Zoning Administrator's determination can be considered "major" violations which fundamentally undermine the operational safety of the controlled drill site. Nor can they be considered "major" violations which adversely affect the health, safety or welfare of the community at large. Each of the violations has been, or can be, easily cured by simply providing the Zoning Administrator's office with information and records in the operator's possession. There is no need to impose new conditions, or revise existing conditions, to ensure the violations are rectified. The Zoning Administrator's determination that the operator has been and remains in substantial compliance was well-reasoned and supported by substantial evidence in the record.

7. Conclusion

In consideration of the foregoing, the Zoning Administrator acted reasonably in approving Case Nos. ZA-1989-17683-PA2 and ENV-2020-1328. Substantial evidence supports the Zoning Administrator's determination. The applicant requests that both appeals be denied, and that the Zoning Administrator's determination be upheld. Thank you for your time and consideration of this matter.

Very truly yours,

HOLLISTER & BRACE

By 

Peter L. Candy

PLC/cr



Planning APC West LA <apcwestla@lacity.org>

West Area Planning Commission - August 18, 2021 Hearing Date - Agenda Item # 7 - ZA-1989-17683-PA2-1A

2 messages

Peter Candy <pcandy@hbsb.com>

Fri, Aug 13, 2021 at 9:07 AM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>

Cc: Philip Brown <philip.brown@pceclp.com>, Michael Finch <mfinch@energyprojectllc.com>, Pat Vigeant <pvigeant@pceclp.com>

Please forward this email and the attachment to the attention of James K. Williams, Commission Executive Assistant.

The undersigned represents Pacific Coast Energy Company, the project applicant and operator of the West Pico Drill Site, located at [9101 West Pico Boulevard](#). The attached letter is being submitted to the West Area Planning Commission in support of the Zoning Administrator's June 2, 2021 Plan Approval Determination, and in opposition to the appeals filed related thereto.

The matter (ZA-1989-17683-PA2-1A) is scheduled to be heard by the West APC this coming Wednesday, August 18, 2021, as Agenda Item #7. Please forward the attached letter to the Planning Commissioners, and have it incorporated into the administrative record on appeal.

Many thanks for your attention to this. If you have questions or wish to discuss, please don't hesitate to contact me.

-Peter

**Peter L. Candy | Hollister & Brace**

1126 Santa Barbara Street | Santa Barbara, CA 93101

Office: (805) 963-6711, Ext. 218 | Mobile: (805) 637-8178 | Fax: (805) 965-0329

pcandy@hbsb.com | www.hbsb.com | [PLC Webpage](#)**CONFIDENTIALITY NOTICE**

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Letter to West APC (Final 08-13-21).pdf
1220K

Peter Candy <pcandy@hbsb.com>
To: "apcwestla@lacity.org" <apcwestla@lacity.org>

Fri, Aug 13, 2021 at 10:28 AM

I apologize, but forgot to request confirmation of receipt of the attached email. If you could please confirm that you've received the email and incorporated the attached letter into the administrative record on appeal, I would greatly appreciate it. Many thanks.

[Quoted text hidden]



Letter to West APC (Final 08-13-21).pdf
1220K



Planning APC West LA <apcwestla@lacity.org>

Oppose ZA-1989-17683-PA2-1A

1 message

parmer fuller <parmerfuller@sbcglobal.net>

Wed, Aug 11, 2021 at 12:54 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>

- To the West Los Angeles Area Planning Commission, I support NASE's appeal of the ZA's decision in the West Pico Drill Site case (ZA-1989-17683-PA2-1A) and urge you to overturn the ZA's decision.

Yours, Parmer Fuller and Narcissa Vanderlip
10374 Cheviot Drive, LA, CA 90064



Planning APC West LA <apcwestla@lacity.org>

Fwd: West Los Angeles Area Planning Commission; Elected City Officials; Candidates in 2022 City Elections, Stop Illegal Oil Drilling in the City of Los Angeles

1 message

Pico Coalition <picorobertsoncoalition@gmail.com>

Mon, Aug 16, 2021 at 12:24 PM

To: Planning APCWestLA <apcwestla@lacity.org>

Cc: andy.shrader@lacity.org, daniel.skolnick@lacity.org, info@cortezle.com, info@katyforla.com, Jacob.haik@lacity.org, jeffebenstein@gmail.com, jimmy.biblarz@gmail.com, joan.pelico@lacity.org, KevinJamesforCA@gmail.com, kmejia@mejiaforcontroller.com, Kristina@kristinairwin.com, Molly Basler <mollybasler@greendreamcampaign.com>, paul.koretz@lacity.org, sam@samyebri.com, scottforla@gmail.com, team@marinatorres.com, teddy@teddykapur.com, tvahedi@aol.com

To the West Los Angeles Area Planning Commission,

Please add the **attached petition with updated signature list** to the case file for ZA-1989-17683-PA2-1A, concerning the West Pico Drill Site, to be heard by the WLA APC on August 18, 2021..

The petition signers support NASE's appeal to overturn the ZA's ruling.

The text of the petition is copied below. The original with signatures is in the attachment.

Yours,

The Pico Robertson Health and Safety Coalition

cc: Current Office Holders & Candidates Running for City Office in 2022

----- Forwarded message -----

West Los Angeles Area Planning Commission; Elected City Officials; Candidates in 2022 City Elections,

523 people have signed a petition on Action Network telling you to Stop Illegal Oil Drilling in the City of Los Angeles.

Here is the petition they signed:

We Support Neighbors for A Safe Environment's (NASE's) Appeal to Overturn the Zoning Administrator's Lawless Decision on the West Pico Drill Site (ZA-1989-17683-PA2-1A)

On June 2, 2021, the Zoning Administrator (ZA) in the Los Angeles Department of City Planning Department issued a ruling that openly declares that illegal oil well drilling at the West Pico Drill Site can stand unaltered, unreviewed, and without remedy. The ZA likewise ruled that numerous other health, safety, and environmental violations of City law and the ZA's own Conditional Use Approval for the drill site do not matter.

The ZA recognized the rampant illegality but ruled that the West Pico Drill Site is and has been in “substantial compliance.”

Yes, the ZA said up is down and $2+2=5$. He contradicted himself openly and without a fig leaf of embarrassment. He openly declared he did not need to follow City law governing the review of oil drilling and production. His ruling was lawless and illegal.

This is not just a danger to the communities around the West Pico Drill Site, but to all communities around all oil drill sites in the City.

Neighbors for a Safe Environment (NASE) has appealed the ZA's ruling to the West Los Angeles Area Planning Commission. NASE is a local non-profit (501C4) neighborhood organization formed to protect the community from the impacts of oil drilling and production.

- We, the signatories of this petition, support NASE's appeal to overturn the entirety of the ZA's dangerous and illegal decision.
- We call on the West Los Angeles Area Planning Commission to study the case closely and thoroughly, and to preserve its jurisdiction over the case so that it is not rushed into hasty action.
- We call on all elected officials in the City of Los Angeles and all candidates running for elected office to demand that the ZA's ruling be overturned and that the underlying Review of Conditions for the West Pico Drill Site be started again with clear instructions to obey all City and State laws and obligations, including those that require proper environmental review under the State's CEQA law and the terms of the City's 2001 Settlement Agreement with NASE.
- We insist that illegal actions, illegal oil well projects, and violations of health and safety regulations must be remedied with penalties, increased protections for the community, and equitable measures in the interest of good public policy (such as the plugging of illegal wells and idle wells).

You can view each petition signer and the comments they left you in the attached PDF.

Thank you,

Pico Robertson Health and Safety Coalition



Sent via Action Network, a free online toolset anyone can use to organize. [Click here to sign up](#) and get started building an email list and creating online actions today.

8/16/2021

City of Los Angeles Mail - Fwd: West Los Angeles Area Planning Commission; Elected City Officials; Candidates in 2022 City Elections, ...

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stop-illegal-oil-drilling-in-the-city-of-los-angeles-2_signatures_202108160715.pdf

183K



Planning APC West LA <apcwestla@lacity.org>

ZA-1989-17683-PA2-1A; Appeal of West Pico Drill Site Decision

1 message

Steven Peckman <srpeckman@gmail.com>
To: apcwestla@lacity.org

Mon, Aug 16, 2021 at 11:19 AM

Dear West Los Angeles Planning Commission,

I support Neighbors for a Safe Environment's detailed appeal of the Zoning Administrator's (ZA) decision in the West Pico Drill Site case (ZA-1989-17683-PA2-1A) and ask you to OVERTURN the ZA's decision. The appeal is well supported legally and the documents and analysis speak to the need to correct and overturn the ZA's ruling in this case.

Sincerely,
Steven Peckman
Jefferson Park United
[2221 W. 30th Street](#)
[LA, CA 90018](#)

DAY OF HEARING SUBMISSIONS



CALIFORNIA COASTAL COMMISSION ENVIRONMENTAL JUSTICE POLICY



Alex Braud



Devan Gann



UNANIMOUSLY ADOPTED – MARCH 8, 2019

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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400



California Coastal Commission Environmental Justice Policy

Adopted March 8, 2019.

CALIFORNIA COASTAL COMMISSION

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Brian Annis/Jeremiah Ketchum

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Introduction

The goal of the Commission’s Environmental Justice Policy (the “Policy”) is to provide guidance and clarity for Commissioners, staff, and the public on how the Commission will implement its recently enacted environmental justice authority¹ including how it will consider environmental justice in coastal development permits. The adoption and implementation of this Policy is intended to integrate the principles of environmental justice, equality, and social equity into all aspects of the Commission’s program and operations, and to ensure public confidence in the Commission’s mission, process, and commitment to coastal equity.

The California Coastal Commission’s mission statement declares:

The Commission is committed to protecting and enhancing California’s coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.

Section 30006 of the Coastal Act also states that *“the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.”*

Since 1977, the Commission has worked to uphold the Coastal Act, a statute grounded in the principles of public inclusion and equity. However, despite numerous victories, the statute’s vision of coastal protection and access for all people is not fully realized. Concern remains that historically, much of the Commission’s work has been largely shaped by coastal residential, commercial and industrial landowners, without adequate consideration of those whose lives and livelihoods are connected to our coast through their labor, recreation, and cultural practices but who cannot afford to live on the coast.²

Generations of injustices towards California’s Native American communities, people of color, and other marginalized populations through forms of discriminatory land use policies, desecration of sacred lands and cultural resources, and concentration of environmental pollution has resulted in inequitable distribution of environmental benefits and burdens that still disproportionately burden these communities today. The concept of environmental justice emerged out of the civil rights movement to describe the application

¹ AB 2616 (Burke) (Ch. 578, Stats. 2016) amended the Coastal Act to give the Commission authority to specifically consider environmental justice when making permit decisions. This legislation also cross-references existing non-discrimination and civil rights law in the Government Code and requires the Governor to appoint an environmental justice Commissioner.

² Morales, M. Central Coast Alliance United for a Sustainable Economy (CAUSE). July 12, 2018 comment letter re: proposed environmental justice policy.

of civil rights and social justice to environmental contexts.³ The term “environmental justice” is currently understood to include both substantive and procedural rights⁴, meaning that in addition to the equitable distribution of environmental benefits, underserved communities also deserve equitable access to the process where significant environmental and land use decisions are made.

Taking an environmental justice approach to coastal policy requires a fundamental re-thinking of who is connected to the coast, and how. For instance, tribal and indigenous communities with cultural ties to the coast depend on access to ancestral lands and sacred sites to maintain traditional practices, yet their unique perspectives are frequently overlooked or undervalued. Environmental justice stakeholders across the country who have been working in this policy arena for decades have noted that wherever low income communities and communities of color are predominantly concentrated in coastal regions, they are frequently disconnected from the coast itself, by both social and physical barriers. Countless people commute to the coast for work every day, to labor in homes, businesses, ports and fields. Others come to the coast for free outdoor recreation and fresh air. For them, the coast is an accessible refuge from neighborhoods, many of which are lacking parks and greenspace. Statistics show a startling lack of diversity among those who live on the California coast, and yet millions of inland residents visit and work there every day, without the means to access affordable accommodations.

Historic inequalities, as well as California’s growing population, changing demographics, socio-economic forces, judicial decisions, and policy choices have and continue to shape development patterns and population shifts that widen the disparity gap. Not only is equitable access to the coast for all Californians essential, so is protecting coastal natural resources for future generations.⁵ To fulfill the agency’s mission of protecting and preserving coastal resources for all people, the Commission adopts the following Environmental Justice Policy to inform its decisions, policies, and programs to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone.



³ Environmental Justice for All: A Fifty State Survey of Legislation, Policy and Cases, fourth edition (2010).

⁴ Ibid.

⁵ Government Code 11135, the state analog to the federal Civil Rights Act of 1964.

Environmental Justice Policy

The California Coastal Commission's commitment to diversity, equality and environmental justice recognizes that equity is at the heart of the Coastal Act, a law designed to empower the public's full participation in the land-use decision-making process that protects California's coast and ocean commons for the benefit of all the people. In keeping with that visionary mandate, but recognizing that the agency has not always achieved this mission with respect to many marginalized communities throughout California's history, the Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. The agency is committed to ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.

The Commission will use its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities. Coastal development should be inclusive for all who work, live, and recreate on California's coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development.

The Commission recognizes that all aspects of our mission are best advanced with the participation and leadership of people from diverse backgrounds, cultures, races, color, religions, national origin, ethnic groups, ages, income levels disability status, sexual orientation, and gender identity. The Commission is committed to compliance and enforcement of Government Code Section 11135, as well as consideration of environmental justice principles as defined in Government Code Section 65040.12, consistent with Coastal Act policies, during the planning, decision-making, and implementation of Commission actions, programs, policies, and activities. It is also the California Coastal Commission's goal, consistent with Public Resources Code Section 30013⁶ and Government Code Section 11135, to recruit, build, and maintain a highly qualified, professional staff that reflects our state's diversity. Further, the Commission is committed to compliance with Title VI of the Civil Rights Act of 1964 and its regulations."

This policy uses the terms "disadvantaged," "marginalized" and "underserved" interchangeably; it intends to encompass not only the definitions contemplated by SB 1000,⁷ but also to include other low-income communities and communities of color that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. The Commission recognizes that all of these communities have assets and are valuable stakeholders, and the purpose of this policy is to empower these communities that have been historically excluded from accessing the benefits of coastal development and resources due to discriminatory implementation of local, state, and federal policies and lack of access to the process and decision makers. This policy uses the term "equity" as defined in the context of social and racial equity,⁸ where "equity" refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

⁶ AB 2616 (Ch. 578, Stats.2016) added Coastal Act Section 30013 findings to advance the principles of environmental justice and civil rights as part of the Coastal Act.

⁷ SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of "disadvantaged communities" for the purpose of General Plans to mean "an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation."

⁸ The Local & Regional Government Alliance on Race and Equity. Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action. (2015)



Statement of Environmental Justice Principles

This policy is designed to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone. It incorporates and is further implemented by the following Statement of Principles.

Respecting Tribal Concerns

The Commission respectfully acknowledges the painful history of genocide against Native American Tribes and honors the efforts of California's coastal tribes to rebuild thriving, living cultures based on traditional knowledge, languages, and practices. The Commission commits to regular and meaningful partnership to ensure that tribes are valued and respected contributors to the management of California's coast. In addition to the requirements of the Commission's formal [Tribal Notification and Consultation Policy](#), the Commission will work collaboratively with tribes to better understand the significance of local and regional cultural concerns. This includes the application of traditional ecological knowledge, as well as access to and protection of areas of cultural significance ethnobotanical resources, traditional fishing and gathering areas, and sacred sites.

Meaningful Engagement

The Commission acknowledges the critical need to communicate consistently, clearly, and appropriately with environmental justice groups and underserved communities. Because of their historic under-representation in coastal land use planning and permitting decisions, it is important to make additional efforts to inform these communities about projects with environmental justice findings implications for their neighborhoods and families. Commission staff will work to obtain and dedicate meaningful resources to reach out early and often to these communities, in language that is understandable and accessible to local communities that face limited English proficiency, lack access to formal education, and experience other obstacles to engagement. They will also augment outreach with non-traditional communication methods, for example, the use of social media, flyers, community meetings, town halls, surveys, language translation services and focus groups targeted at populations who face barriers to participation. To ensure that specific outreach efforts are effective, staff will ask community groups and organizations for their suggestions and preferences for adjusting these techniques for any given matter.





Coastal Access

Article X of the California Constitution guarantees the right of access to navigable waters for all people. The Commission also recognizes that equitable coastal access is encompassed in and protected by the public access policies in Chapter 3 of the Coastal Act. The Coastal Act's mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its long-standing commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors listed in the Policy Statement.

Understanding that even nominal costs can be barriers to access preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas. The conversion of lower-cost visitor-serving facilities to high-cost facilities is also a barrier to access for those with limited income, and contributes to increased coastal inequality. The Commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities.

Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group's ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government's failure to consider those principles may also be the basis of an appeal to the Coastal Commission.

Housing

The Commission acknowledges the historical use of discriminatory housing policies in California and their impact on present day demographics in the coastal zone. Home deeds often included restrictive covenants, preventing homeowners from selling or renting to certain classes of buyers, most often members of specified racial or other minority groups⁹. For example, a 1920's-era subdivision in Palos Verdes Estates in Los Angeles County included thirty pages of restrictions, protecting against "encroachment by any possible developments of an adverse sort," and prohibiting rent or sale to African- or Asian-American families¹⁰. By the late 1970s neighborhoods that had benefited from decades of discrimination against racial minorities translated that benefit into higher property values, despite the end of widespread public and official housing discrimination¹¹.

The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness.

Although the Legislature removed the Coastal Act mandate to protect and provide for affordable housing in 1981, the Commission retained the authority to encourage affordable housing. The Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss, and by working with local government to adopt local coastal program policies that protect affordable housing and promote a range of affordable new residential development types. The Commission will continue to seek legislative action to regain its previous authority with respect to affordable housing.

The Commission recognizes the myriad laws and regulations that regulate housing, including those that dictate the kinds and amounts of housing that local governments must provide in their communities. Implementation of these housing laws must be undertaken in a manner fully consistent with the Coastal Act. The Commission will work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing, in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act.

The Commission will also support measures that protect existing affordable housing. If the Commission staff determines that existing, affordable housing would be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue.

⁹ Bono, Marisa. "Don't You Be My Neighbor: Restrictive Housing Ordinances as the New Jim Crow." *The Modern American* 3.2 (Summer-Fall, 2007): 29-38.

¹⁰ Fogelson, *Bourgeois Nightmares*, 2007, pp.5-19

¹¹ George Sanchez, *The History of Segregation in Los Angeles: A report on Racial Discrimination and Its Legacy*, University of Southern California

Local Government

Local governments implement Coastal Act policies at the local level through planning documents certified by the Commission. The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues. Staff will develop a list of best practices to help local government develop policies that reduce impacts on disadvantaged communities resulting from new development.

The Commission also recognizes the harm in communities that engage in exclusionary and discriminatory practices such as hiring security guards who have been known to enlist law enforcement to exclude communities of color from certain coastal recreation areas. The Commission will consider the historic role of such exclusionary measures when reviewing proposed local coastal policies that may have discriminatory intent or impact.

The Commission understands that regional transportation policies can discourage inland communities from visiting the coast, burdening both workers and families. The Commission will work with local governments and regional transit agencies on local coastal program policies to decrease vehicle miles travelled and increase public transportation from inland areas to the coast.



Participation in the Process

Achieving the Coastal Act's mandate for coastal protection depends on full public participation that reflects California's diversity. The Commission is committed to identifying and eliminating barriers to its public process in order to provide a more welcoming, understandable and respectful atmosphere for those who may be otherwise intimidated or deterred from taking part in government proceedings. This includes making an effort to schedule items with significant environmental justice implications in close proximity to affected underserved communities, at locations and times accessible to those who work during the day or lack access to private vehicles, when legal deadlines allow, and

providing language translation services as needed and time extensions for translators. The Commission will not engage the services of private security or law enforcement unless a credible threat to public safety has been clearly demonstrated.

The Commission will make an effort to schedule time for public comment at the beginning and end of meetings to maximize opportunity for interested parties to provide public comment and to minimize the burden of interested parties from having to take time off of work to participate at Commission meetings. The Commission will also continue to accept public comment by letter and email, including on weekends. Staff will also explore alternative manners to solicit public comment and participation, such as accepting video-taped comments. This effort and intention will need to be balanced by the practical realities of Commission member schedules, meeting duration and costs and facility availability.

The Commission will conduct a review of equitable access to and utilization of its existing programs and funding sources to ensure that disadvantaged populations are included in its efforts. The agency will also acknowledge and include environmental justice and equity principles in its educational programs, job announcements and other communication materials whenever possible.

Accountability and Transparency

Creating a measure of accountability is critical to building and maintaining trust and respect with communities who have become skeptical of government's motives or relevance to their lives. When evaluating projects, programs and activities, Commission staff shall consider, when applicable, whether and how proposed development will positively or negatively affect marginalized communities, and will be fully transparent in that analysis in staff reports and presentations. The Commission will make use of CalEnviroScreen, U.S. EPA EJSCREEN, U.S. Census data and/or similar tools and data to identify disadvantaged communities. Where project impacts to disadvantaged or overburdened communities are identified, and where otherwise consistent under the Coastal Act, civil rights and environmental justice laws, the Commission staff shall propose permit conditions to avoid or mitigate those impacts to underserved communities to the maximum extent feasible while protecting coastal resources. Analysis of mitigation measures will include consideration of the technical knowledge and lived experiences of affected communities.

Any third party studies, reports or analyses will be evaluated to ensure they have been conducted by reputable, independent parties, using the best available science and other appropriate knowledge. When warranted by applicable Coastal Act or LCP policies, analysis will assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities. If viable alternatives are available, consider those in permitting decisions.

The Commission will use the powers within its authority to examine the level of inclusive access to public recreation, affordable housing and clean water in any proposed coastal

development, as well as be a voice for maximizing these benefits for disadvantaged communities during review of projects.

Climate Change

Climate change and sea level rise hazards will have disproportionate impacts on communities with the least capacity to adapt and may exacerbate existing environmental injustices and cumulative impacts from other environmental hazards. For example, underserved communities that may rely on public access for indigenous gathering activities, subsistence fishing, recreational opportunities, jobs and other economic benefits of the coastal economy will face greater impacts.

Access to cooler coastal temperatures will increasingly become a public health imperative for inland residents as the climate warms. Some sea level rise, coastal erosion and climate adaptation measures, such as sea walls, may further reduce access to public trust resources and coastal recreation areas for all residents, particularly lower income residents living inland.

Lower-income residents and those who live in rental units are also more likely to be displaced by flooding or related impacts as compared to property owners because they lack the funds and/or abilities to rebuild, have less control over their safety, and often have limited access to insurance. The expense of sea level rise adaptation measures for coastal communities could also heighten displacement of disadvantaged populations by increasing living expenses for sewer and water services.

Low-income communities are more vulnerable to climate-driven water quality and supply issues that can result from seawater intrusion, contamination from extreme storm events, and drought. The Commission will take this reality into consideration when analyzing the effectiveness and the impacts of sea level rise adaptation and mitigation measures as well as implementation of these measures. The Commission will also continue to recommend considering environmental justice when analyzing sea level rise impacts in planning and permitting decisions as stated in its adopted Sea Level Rise Policy Guidance.

Within its existing authority, the Commission will avoid the siting of hazardous facilities in flood-prone areas or areas vulnerable to seawater intrusion, prioritize the cleanup or relocation of existing hazardous facilities, and work to advance buffering measures like wetlands restoration that prevent seawater intrusion into groundwater supplies.

Habitat and Public Health

Understanding that public health and the health of natural ecosystems are inextricably intertwined, ecological impacts are felt first by disadvantaged and at-risk communities, and that there is no environmental justice without a healthy environment, the Commission will continue to prioritize the protection of coastal resources. This includes sensitive habitats, watersheds, water quality, marine biodiversity, and biological productivity. Heavy industrialization and environmental contamination of some portions of California's coast has effectively eliminated much of the public coastal use in these industrialized and

contaminated areas. The Commission will also work with the relevant public agencies to consider project impacts to air quality and soil health in disadvantaged communities which reduce the positive health and recreational benefits associated with coastal access and coastal resources for pollution-burdened communities.

The Commission's environmental justice policy shall be implemented in a manner that is fully consistent with the standards in, and furthers the goals of, Chapter 3 of the Coastal Act (the agency's legal standard of review), and certified local coastal programs. The intent will be to ensure that low-income communities and communities of color, and other disadvantaged communities are not disproportionately affected by water contamination or overuse, or diminished environmental services such as those provided by healthy ecosystems, fully-functioning wetlands, and clean waters and lands in the coastal zone.





Carissa Ranario

Implementation

In order to implement the environmental justice policy, including the statement of principles, the Coastal Commission commits to the following actions, which will be largely accomplished over the course of the next five years. The Commission commits to adding a permanent section on Environmental Justice and Equity to all future Strategic Plan updates for the agency. Thus, the actions outlined in this implementation section will be included in the 2019 update of the agency's Strategic Plan, which establishes the agency's top priorities for the near-term.

Putting environmental justice and equity goals into the agency's Strategic Plan will provide the public with ongoing accountability and transparency of the Commission's efforts to incorporate environmental justice into its program. Stakeholders will have the opportunity to participate in regular reviews and updates on Strategic Plan progress at both the state and federal level to ensure the policy remains relevant, accessible and an active component of the statewide coastal program.

The following actions are not meant to be an exhaustive list but are examples of how the Commission will advance its policy goals during the initial implementation. These themes will be further explored with ample opportunities for public review during multiple hearings on the Strategic Plan Update in 2019.

Engagement with Affected Communities

1. To better balance the historic inequities surrounding disadvantaged communities' access to the planning process, the Executive Director shall host a quarterly teleconference between the Executive director and environmental justice leaders and stakeholders.
2. Partner with environmental justice leaders and groups to educate their communities about coastal issues that intersect with environmental justice. Use listservs, social media, the Commission's website and other technology to communicate with environmental justice communities. Create and maintain an environmental justice listserv of groups and individuals who have expressed an interest in getting more involved. Continuously update and enhance contacts and relationships with local, regional and statewide environmental justice advocates.
3. Establish a protocol for disseminating and receiving informational material that can be easily understood by disadvantaged communities identifying projects with environmental justice concerns.
4. Expand the Commission's communication methods to include flyers, community meetings, town halls, webinars and surveys and partner with community groups to reach out early and often.
5. Develop educational materials explaining the Coastal Act and the Commission through an environmental justice lens that can be easily adapted by staff or Commissioners for community meetings and other public speaking events.
6. Conduct outreach and develop relationships with community-based organizations and seek their input on identifying marginalized and disadvantaged communities that live, work and recreate near a proposed project.

7. As spelled out in the Tribal Consultation Policy, the Commission will work collaboratively with California Native American Tribes to better understand the significance of local and regional cultural concerns. The Commission will seek out and learn from indigenous peoples' unique historical, cultural and ecological knowledge of California's land and resources.
8. Tribal representatives will receive acknowledgement equal to that of elected officials during general public comment and public comment on specific hearing items.
9. Staff will regularly analyze barriers to implementation to environmental justice policies in conjunction with local partners and community based organizations for the purpose of compiling a report on how best to support implementation of this policy.

Environmental Justice Staff Training and Support

1. Develop a team of environmental justice and equity champions across the Coastal Commission in every major department including management. Integrate environmental justice and equity considerations throughout the agency.
2. Submit formal budget requests to add environmental justice staff positions that will focus on policy implementation, community outreach and issue identification. This will include at least one senior level staff position.
3. Designate staff in every district office of the Coastal Commission who can be the point of local contact for environmental justice groups and stakeholders. These staff members will provide more effective and personalized responses to issues and facilitate ongoing communication among staff and environmental justice communities.
4. Provide a base level of training on equity and environmental justice issues for the entire staff, which can include inviting environmental justice experts as speakers, language sensitivity training and other strategies. Video tape the training for future staff.
5. Work with experts to develop an internal, required training program for all staff and Commissioners to address unconscious bias and related issues.
6. Provide training and financial support for staff members who are willing to serve as interpreters at community meetings and local events. Include such work in the description of the employee's job duties.
7. Include environmental justice concepts and issues in the agency's relevant planning and guidance documents, including the Commission's Public Education curricula.

Coastal Development and Environmental Justice

1. Encourage and teach staff to incorporate environmental justice issue identification, research and analysis into their work. Develop internal criteria and guidance for early identification of project proposals that could raise environmental justice issues
2. Develop an internal checklist for staff to help analyze the existence of potential environmental justice impacts associated with a proposed project. Have staff identify environmental justice communities in the area and potential impacts of the project on those communities
3. Include an analysis of environmental justice issues in applicable staff reports, and, when appropriate, propose mitigation measures to avoid or fully mitigate identified impacts, in a manner that is fully consistent with Chapter 3 or local coastal program policies.
4. Strongly encourage local governments to amend their local coastal programs to address environmental justice issues. Develop a guidance memo for local governments to assist with the incorporation of environmental justice policies and develop a list of best practices to help reduce disparate impacts on vulnerable communities resulting from new development.
5. Seek additional local assistance grant funding from the Legislature to encourage local government partners to include environmental justice policies in local coastal programs.
6. Seek legislation to restore Coastal Act policies regarding affordable housing.
7. Staff will continue to work collaboratively with partner agencies, the public, and commissioners to ensure that coastal management decisions at all levels appropriately consider environmental justice concepts and values.
8. Explore ways to mitigate for historical forces that excluded low-income people from the coast, by undertaking new measures to encourage coastal access.

Public Participation

1. Make Commission meetings more geographically accessible, affordable and inviting to underserved communities by adopting an annual meeting calendar that includes at least three Commission meetings per year in more inland areas accessible by public transit. Explore ways to increase meeting accessibility through technology.

2. Whenever possible, agendize hearings that are relevant to disadvantaged communities at times and locations that are convenient for working families. Explore ways to expand public comment opportunities for these communities to encourage input.
3. Provide language-appropriate training materials describing available online resources, how Commission meetings work, how to fill out comment cards, how to report violations and file appeals, and how to apply for Whale Tail grants.
4. Encourage broader participation by creating materials and supporting community workshops to show residents how to participate at Commission meetings.
5. Host a public workshop with the Commission and Environmental Justice leaders to discuss coastal justice concepts, priorities and challenges within two years of adopting the policy.
6. To track and measure success, the Commission shall conduct a bi-annual public review on the effectiveness and progress of this policy, and amend the policy as appropriate.

Immediate Next Steps

1. Following the policy's adoption, Commission staff will begin the implementation phase of the Environmental Justice Policy. The implementation phase will include specific program objectives, implementing actions and goals, as identified above. These will be included as a new section in the Commission's Five-Year Strategic Plan Update, which will begin in 2019. Stakeholders and environmental justice groups will have multiple opportunities over the course of the year to provide additional input on these actions at public hearings, in letters and emails or through meetings with staff. All future updates to the Strategic Plan will include an update to the Environmental Justice section.
2. Commission staff will release a public engagement plan outlining the timeline, outreach tools and other details related to gathering feedback on the Strategic Plan Update and the implementation phase of the Policy
3. The Commission's Environmental Justice Team will continue to gather ideas and identify opportunities for the agency to implement environmental justice issues on an ongoing basis across the agency and throughout the districts.
4. The Commission's GARE (Government Alliance on Race and Equity) Team, in collaboration with the Environmental Justice Team and senior staff, will complete an Agency Racial Equity Action Plan in 2019 to inform and inspire greater inclusivity and diversity in all of the Commission's internal processes and functions.

Glossary of Terms

The following terms were collected from the Coastal Commission’s Sea Level Rise Guidance document, the [California Coastal Act](#) and other agency sources unless otherwise noted.

Adaptation

Climate change adaptation helps individuals, communities, organizations and natural systems deal with consequences of climate change that cannot be avoided. It involves taking practical actions to manage risks from climate impacts and protect communities.

Coastal Development Permit

Generally, anything broadly considered to be “development” (defined below) in the coastal zone according to the Coastal Act requires a coastal development permit (CDP) from the Commission or local government with a certified local coastal program. The width of the coastal zone varies, but it can extend up to five miles inland from the shore, including private and public property, and three miles out to sea.

Coastal Zone

The California Coastal Act regulates development within the coastal zone. This is an area along the California coast of variable width, in some cases extending up to five miles inland and including coastal mountains.

Development

The term “development” is defined very broadly in the Coastal Act. It covers many activities, including, but not limited to, the construction, demolition, or alteration of the size of homes or other structures; the grading of earth, extraction of materials, and removal of major vegetation; the disposal of liquid or solid waste; the subdivision of land or changing of lot lines; changes in the intensity of use of water; and actions that change access to the coast, such as the placement of fencing, gates, or no parking/trespassing signs.

Disadvantaged, Marginalized, Underserved

SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of “disadvantaged communities” for the purpose of general plans to mean “an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

This policy uses the terms “disadvantaged”, “marginalized” and “underserved” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

Environmental Justice

“Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

The United States has a history of racial discrimination that has persisted in multiple forms. During the 20th century, the civil rights movement sought to secure legal rights that were held but not fully realized by African Americans and other marginalized populations. The concept of environmental justice emerged out of this movement to describe the application of civil rights and social justice to environmental contexts. For example, the cumulative effect of siting a disproportionate number of toxic waste and other hazardous facilities in disadvantaged, urban communities of color has led to disproportionate impacts from pollution and lack of environmental services, such as clean drinking water, clean air, and access to parks and open space

Equity

This policy uses the term “equity” as defined in the context of social and racial equity,¹² where “equity” refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

Erosion

“Erosion” is the wearing away of land by natural forces; on a beach, the carrying away of beach material by wave action, currents, or the wind. Development and other non-natural forces (e.g., water leaking from pipes or scour caused by wave action against a seawall) may create or worsen erosion problems.

Local Coastal Program

Local coastal programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources in the 76 coastal cities and counties.

The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Prepared by local governments, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

¹² The Local & Regional Government Alliance on Race and Equity. Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action (2015)

Mitigation

The term “mitigation” refers to projects, measures or programs intended to offset impacts to resources.

Traditional Ecological Knowledge¹³

The phrase “traditional ecological knowledge,” also called “indigenous knowledge” or “Native science,” refers to the evolving knowledge acquired by indigenous and local peoples over hundreds or thousands of years through direct contact with the environment. This knowledge is specific to a location and includes the relationships between plants, animals, natural phenomena, landscapes and timing of events that are used for lifeways, including but not limited to hunting, fishing, trapping, agriculture, and forestry. Traditional knowledge is an accumulating body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (human and non-human) with one another and with the environment. It encompasses the world view of indigenous people which includes ecology, spirituality, human and animal relationships, and more.

Vulnerable Communities¹⁴

Climate vulnerability describes the degree to which natural, built, and human systems are at risk of exposure to climate change impacts. Vulnerable communities experience heightened risk and increased sensitivity¹⁵ to climate change and have less capacity¹⁶ and fewer resources to cope with, adapt to, or recover from climate impacts. These disproportionate effects are caused by physical (built and environmental), social, political, and/ or economic factor(s), which are exacerbated by climate impacts. These factors¹⁷ include, but are not limited to, race, class, sexual orientation and identification, national origin, and income inequality.

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¹³ U.S. Fish and Wildlife Service: Traditional Ecological Knowledge for Application by Service Scientists.

(<https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf>)

¹⁴ Office of Planning and Research, 2018: Defining Vulnerable Communities in the Context of Climate Adaptation.

¹⁵ IPCC, 2014

¹⁶ Ibid

¹⁷ Governor’s Office of Planning and Research, 2017.

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South Central Coast | *Santa Barbara and Ventura Counties, and the Malibu portion of Los Angeles County*
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August 17, 2021

Jason Patrick Douglas
Senior Planning Deputy
Councilmember Mike Bonin
City of Los Angeles

Dear Mr. Douglas,

In response to your inquiry, the Commission strongly encourages all local governments, including the City of Los Angeles, to consider environmental justice in their review of coastal development permits. In 2016, the Coastal Act was amended to include section 30604(h) which states: *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.* In this case, “the issuing agency” is the City of Los Angeles. Although the City does not have a fully certified LCP, it still may consider environmental justice in its review, and the Commission urges the City to do so.

Sincerely,
DocuSigned by:

A handwritten signature in blue ink, appearing to read "Jessica Reed".

110947C3FC6B4AB...
Jessica Reed

Staff Attorney, California Coastal Commission



Planning APC West LA <apcwestla@lacity.org>

Uphold POWER's Appeal at 315 6th Ave. (DIR-2019-2610-CDP-MEL-1A)

Jennifer Buscher <info@email.actionnetwork.org>

Tue, Aug 17, 2021 at 9:41 AM

Reply-To: jkbuscher@gmail.com

To: apcwestla@lacity.org

APC WLA Area Plannnig Commission,

Hello,

I am writing to you about the appeal at 315 6th Ave. (Items 5 and 6 on the Aug. 18th agenda). I stand with POWER and Councilmember Bonin, you must correct your decision!

The Mello Act requires that existing affordable housing be preserved in the Venice Coastal Zone. You cannot approve a project that demolishes four rent stabilized apartments, all affordable housing units, to allow two mansions to be built!

Hold the planning department accountable, tell them to stop helping developers get away with destroying our neighborhoods. Protect the two tenants left at 315 6th Ave.

Please uphold the appeal by POWER at 315 6th Ave. in Venice!

Thank you,
Jennifer Buscher

Jennifer Buscher
jkbuscher@gmail.com
7548 Midfield Ave.
[Los Angeles, California 90045](#)

OUTLINE OF APPLICANT'S PRESENTATION IN SUPPORT OF PROJECT

- As the Commission considers the testimony and documentation presented today, I remind you that **NOTHING HAS CHANGED SINCE 6/2/21** and urge you to keep in mind at all times during the presentation the following 2 principles:

THIS COMMISSION IS NOT A LEGISLATIVE BODY AND THE APPLICANT'S PROJECT MUST BE JUDGED UPON REGULATIONS AND POLICIES AS THEY NOW EXIST.

IT IS LEGALLY, PROCEDURALLY AND PROFESSIONALLY IMPROPER TO CHANGE THE RULES IN THE MIDDLE OF THE GAME

- These cases have been remanded back to the Commission by a Section 245 City Council Motion initiated by Council Office 11 that is lacking any substance or evidentiary support in seeking the veto of the action taken by this Commission on 6/2/21.

The superficiality of the 2 main points detailed in the motion by Councilman Bonin discounts the hours of analysis performed by City Planning staff in reviewing the positions taken in the appellant's appeal and the staff's subsequent recommendation of approval of the project and the denial of the subject appeals.

. The proposed project is adjacent to a commercial corridor and does not degrade the neighborhood character. The subject 245 Motion stated that neighborhood character is defined by both its physical and social attributes; including racial, ethnic and income diversity...no such metric is found in the policies of the Coastal Commission or the provisions of the Venice Specific and Land Use Plans.

. The subject 245 Motion also states that the project undermines the mandate of the Mello Act. This position simply fails to understand that the applicant adhered to and followed allowable provisions of the City's IAP guidelines for the implementation of the Mello Act concerning the feasibility of providing for the replacement of existing affordable housing.

- If the protection of affordable housing in the Coastal Zone area of Los Angeles is a priority of Councilmember Bonin and Council Office 11, the Councilmember should initiate city legislation and land use policies to enhance the protections found in the city's implementation of the Mello Act. What the Councilmember cannot do is attempt to legislate said housing protections on an ad hoc basis as is being attempted by the veto of the subject project cases. The tactic of employing a Section 245 Motion to attempt to change the rules in the middle of the game is legislatively misplaced and politically motivated.

OUTLINE OF APPLICANT'S PRESENTATION IN SUPPORT OF PROJECT

- As the Commission considers the testimony and documentation presented today, I remind you that **NOTHING HAS CHANGED SINCE 6/2/21** and urge you to keep in mind at all times during the presentation the following 2 principles:

THIS COMMISSION IS NOT A LEGISLATIVE BODY AND THE APPLICANT'S PROJECT MUST BE JUDGED UPON REGULATIONS AND POLICIES AS THEY NOW EXIST.

IT IS LEGALLY, PROCEDURALLY AND PROFESSIONALLY IMPROPER TO CHANGE THE RULES IN THE MIDDLE OF THE GAME

- These cases have been remanded back to the Commission by a Section 245 City Council Motion initiated by Council Office 11 that is lacking any substance or evidentiary support in seeking the veto of the action taken by this Commission on 6/2/21.

The superficiality of the 2 main points detailed in the motion by Councilman Bonin discounts the hours of analysis performed by City Planning staff in reviewing the positions taken in the appellant's appeal and the staff's subsequent recommendation of approval of the project and the denial of the subject appeals.

. The proposed project is adjacent to a commercial corridor and does not degrade the neighborhood character. The subject 245 Motion stated that neighborhood character is defined by both its physical and social attributes; including racial, ethnic and income diversity...no such metric is found in the policies of the Coastal Commission or the provisions of the Venice Specific and Land Use Plans.

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CALIFORNIA COASTAL COMMISSION

ENVIRONMENTAL JUSTICE POLICY



Alex Braud



Devan Gann



UNANIMOUSLY ADOPTED – MARCH 8, 2019

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California Coastal Commission Environmental Justice Policy

Adopted March 8, 2019.

CALIFORNIA COASTAL COMMISSION

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Introduction

The goal of the Commission’s Environmental Justice Policy (the “Policy”) is to provide guidance and clarity for Commissioners, staff, and the public on how the Commission will implement its recently enacted environmental justice authority¹ including how it will consider environmental justice in coastal development permits. The adoption and implementation of this Policy is intended to integrate the principles of environmental justice, equality, and social equity into all aspects of the Commission’s program and operations, and to ensure public confidence in the Commission’s mission, process, and commitment to coastal equity.

The California Coastal Commission’s mission statement declares:

The Commission is committed to protecting and enhancing California’s coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.

Section 30006 of the Coastal Act also states that *“the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.”*

Since 1977, the Commission has worked to uphold the Coastal Act, a statute grounded in the principles of public inclusion and equity. However, despite numerous victories, the statute’s vision of coastal protection and access for all people is not fully realized. Concern remains that historically, much of the Commission’s work has been largely shaped by coastal residential, commercial and industrial landowners, without adequate consideration of those whose lives and livelihoods are connected to our coast through their labor, recreation, and cultural practices but who cannot afford to live on the coast.²

Generations of injustices towards California’s Native American communities, people of color, and other marginalized populations through forms of discriminatory land use policies, desecration of sacred lands and cultural resources, and concentration of environmental pollution has resulted in inequitable distribution of environmental benefits and burdens that still disproportionately burden these communities today. The concept of environmental justice emerged out of the civil rights movement to describe the application

¹ AB 2616 (Burke) (Ch. 578, Stats. 2016) amended the Coastal Act to give the Commission authority to specifically consider environmental justice when making permit decisions. This legislation also cross-references existing non-discrimination and civil rights law in the Government Code and requires the Governor to appoint an environmental justice Commissioner.

² Morales, M. Central Coast Alliance United for a Sustainable Economy (CAUSE). July 12, 2018 comment letter re: proposed environmental justice policy.

of civil rights and social justice to environmental contexts.³ The term “environmental justice” is currently understood to include both substantive and procedural rights⁴, meaning that in addition to the equitable distribution of environmental benefits, underserved communities also deserve equitable access to the process where significant environmental and land use decisions are made.

Taking an environmental justice approach to coastal policy requires a fundamental re-thinking of who is connected to the coast, and how. For instance, tribal and indigenous communities with cultural ties to the coast depend on access to ancestral lands and sacred sites to maintain traditional practices, yet their unique perspectives are frequently overlooked or undervalued. Environmental justice stakeholders across the country who have been working in this policy arena for decades have noted that wherever low income communities and communities of color are predominantly concentrated in coastal regions, they are frequently disconnected from the coast itself, by both social and physical barriers. Countless people commute to the coast for work every day, to labor in homes, businesses, ports and fields. Others come to the coast for free outdoor recreation and fresh air. For them, the coast is an accessible refuge from neighborhoods, many of which are lacking parks and greenspace. Statistics show a startling lack of diversity among those who live on the California coast, and yet millions of inland residents visit and work there every day, without the means to access affordable accommodations.

Historic inequalities, as well as California’s growing population, changing demographics, socio-economic forces, judicial decisions, and policy choices have and continue to shape development patterns and population shifts that widen the disparity gap. Not only is equitable access to the coast for all Californians essential, so is protecting coastal natural resources for future generations.⁵ To fulfill the agency’s mission of protecting and preserving coastal resources for all people, the Commission adopts the following Environmental Justice Policy to inform its decisions, policies, and programs to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone.



³ Environmental Justice for All: A Fifty State Survey of Legislation, Policy and Cases, fourth edition (2010).

⁴ Ibid.

⁵ Government Code 11135, the state analog to the federal Civil Rights Act of 1964.

Environmental Justice Policy

The California Coastal Commission's commitment to diversity, equality and environmental justice recognizes that equity is at the heart of the Coastal Act, a law designed to empower the public's full participation in the land-use decision-making process that protects California's coast and ocean commons for the benefit of all the people. In keeping with that visionary mandate, but recognizing that the agency has not always achieved this mission with respect to many marginalized communities throughout California's history, the Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. The agency is committed to ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.

The Commission will use its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities. Coastal development should be inclusive for all who work, live, and recreate on California's coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development.

The Commission recognizes that all aspects of our mission are best advanced with the participation and leadership of people from diverse backgrounds, cultures, races, color, religions, national origin, ethnic groups, ages, income levels disability status, sexual orientation, and gender identity. The Commission is committed to compliance and enforcement of Government Code Section 11135, as well as consideration of environmental justice principles as defined in Government Code Section 65040.12, consistent with Coastal Act policies, during the planning, decision-making, and implementation of Commission actions, programs, policies, and activities. It is also the California Coastal Commission's goal, consistent with Public Resources Code Section 30013⁶ and Government Code Section 11135, to recruit, build, and maintain a highly qualified, professional staff that reflects our state's diversity. Further, the Commission is committed to compliance with Title VI of the Civil Rights Act of 1964 and its regulations."

This policy uses the terms "disadvantaged," "marginalized" and "underserved" interchangeably; it intends to encompass not only the definitions contemplated by SB 1000,⁷ but also to include other low-income communities and communities of color that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. The Commission recognizes that all of these communities have assets and are valuable stakeholders, and the purpose of this policy is to empower these communities that have been historically excluded from accessing the benefits of coastal development and resources due to discriminatory implementation of local, state, and federal policies and lack of access to the process and decision makers. This policy uses the term "equity" as defined in the context of social and racial equity,⁸ where "equity" refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

⁶ AB 2616 (Ch. 578, Stats.2016) added Coastal Act Section 30013 findings to advance the principles of environmental justice and civil rights as part of the Coastal Act.

⁷ SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of "disadvantaged communities" for the purpose of General Plans to mean "an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation."

⁸ The Local & Regional Government Alliance on Race and Equity. Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action. (2015)



Statement of Environmental Justice Principles

This policy is designed to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone. It incorporates and is further implemented by the following Statement of Principles.

Respecting Tribal Concerns

The Commission respectfully acknowledges the painful history of genocide against Native American Tribes and honors the efforts of California's coastal tribes to rebuild thriving, living cultures based on traditional knowledge, languages, and practices. The Commission commits to regular and meaningful partnership to ensure that tribes are valued and respected contributors to the management of California's coast. In addition to the requirements of the Commission's formal [Tribal Notification and Consultation Policy](#), the Commission will work collaboratively with tribes to better understand the significance of local and regional cultural concerns. This includes the application of traditional ecological knowledge, as well as access to and protection of areas of cultural significance ethnobotanical resources, traditional fishing and gathering areas, and sacred sites.

Meaningful Engagement

The Commission acknowledges the critical need to communicate consistently, clearly, and appropriately with environmental justice groups and underserved communities. Because of their historic under-representation in coastal land use planning and permitting decisions, it is important to make additional efforts to inform these communities about projects with environmental justice findings implications for their neighborhoods and families. Commission staff will work to obtain and dedicate meaningful resources to reach out early and often to these communities, in language that is understandable and accessible to local communities that face limited English proficiency, lack access to formal education, and experience other obstacles to engagement. They will also augment outreach with non-traditional communication methods, for example, the use of social media, flyers, community meetings, town halls, surveys, language translation services and focus groups targeted at populations who face barriers to participation. To ensure that specific outreach efforts are effective, staff will ask community groups and organizations for their suggestions and preferences for adjusting these techniques for any given matter.





Coastal Access

Article X of the California Constitution guarantees the right of access to navigable waters for all people. The Commission also recognizes that equitable coastal access is encompassed in and protected by the public access policies in Chapter 3 of the Coastal Act. The Coastal Act's mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its long-standing commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors listed in the Policy Statement.

Understanding that even nominal costs can be barriers to access preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas. The conversion of lower-cost visitor-serving facilities to high-cost facilities is also a barrier to access for those with limited income, and contributes to increased coastal inequality. The Commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities.

Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group's ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government's failure to consider those principles may also be the basis of an appeal to the Coastal Commission.

Housing

The Commission acknowledges the historical use of discriminatory housing policies in California and their impact on present day demographics in the coastal zone. Home deeds often included restrictive covenants, preventing homeowners from selling or renting to certain classes of buyers, most often members of specified racial or other minority groups⁹. For example, a 1920's-era subdivision in Palos Verdes Estates in Los Angeles County included thirty pages of restrictions, protecting against "encroachment by any possible developments of an adverse sort," and prohibiting rent or sale to African- or Asian-American families¹⁰. By the late 1970s neighborhoods that had benefited from decades of discrimination against racial minorities translated that benefit into higher property values, despite the end of widespread public and official housing discrimination¹¹.

The Commission recognizes that the elimination of affordable residential neighborhoods has pushed low-income Californians and communities of color further from the coast, limiting access for communities already facing disparities with respect to coastal access and may contribute to an increase in individuals experiencing homelessness.

Although the Legislature removed the Coastal Act mandate to protect and provide for affordable housing in 1981, the Commission retained the authority to encourage affordable housing. The Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss, and by working with local government to adopt local coastal program policies that protect affordable housing and promote a range of affordable new residential development types. The Commission will continue to seek legislative action to regain its previous authority with respect to affordable housing.

The Commission recognizes the myriad laws and regulations that regulate housing, including those that dictate the kinds and amounts of housing that local governments must provide in their communities. Implementation of these housing laws must be undertaken in a manner fully consistent with the Coastal Act. The Commission will work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing, in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act.

The Commission will also support measures that protect existing affordable housing. If the Commission staff determines that existing, affordable housing would be eliminated as part of a proposed project in violation of another state or federal law, the Commission staff will use its discretion to contact the appropriate agency to attempt to resolve the issue.

⁹ Bono, Marisa. "Don't You Be My Neighbor: Restrictive Housing Ordinances as the New Jim Crow." *The Modern American* 3.2 (Summer-Fall, 2007): 29-38.

¹⁰ Fogelson, *Bourgeois Nightmares*, 2007, pp.5-19

¹¹ George Sanchez, *The History of Segregation in Los Angeles: A report on Racial Discrimination and Its Legacy*, University of Southern California

Local Government

Local governments implement Coastal Act policies at the local level through planning documents certified by the Commission. The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues. Staff will develop a list of best practices to help local government develop policies that reduce impacts on disadvantaged communities resulting from new development.

The Commission also recognizes the harm in communities that engage in exclusionary and discriminatory practices such as hiring security guards who have been known to enlist law enforcement to exclude communities of color from certain coastal recreation areas. The Commission will consider the historic role of such exclusionary measures when reviewing proposed local coastal policies that may have discriminatory intent or impact.

The Commission understands that regional transportation policies can discourage inland communities from visiting the coast, burdening both workers and families. The Commission will work with local governments and regional transit agencies on local coastal program policies to decrease vehicle miles travelled and increase public transportation from inland areas to the coast.



Participation in the Process

Achieving the Coastal Act's mandate for coastal protection depends on full public participation that reflects California's diversity. The Commission is committed to identifying and eliminating barriers to its public process in order to provide a more welcoming, understandable and respectful atmosphere for those who may be otherwise intimidated or deterred from taking part in government proceedings. This includes making an effort to schedule items with significant environmental justice implications in close proximity to affected underserved communities, at locations and times accessible to those who work during the day or lack access to private vehicles, when legal deadlines allow, and

providing language translation services as needed and time extensions for translators. The Commission will not engage the services of private security or law enforcement unless a credible threat to public safety has been clearly demonstrated.

The Commission will make an effort to schedule time for public comment at the beginning and end of meetings to maximize opportunity for interested parties to provide public comment and to minimize the burden of interested parties from having to take time off of work to participate at Commission meetings. The Commission will also continue to accept public comment by letter and email, including on weekends. Staff will also explore alternative manners to solicit public comment and participation, such as accepting video-taped comments. This effort and intention will need to be balanced by the practical realities of Commission member schedules, meeting duration and costs and facility availability.

The Commission will conduct a review of equitable access to and utilization of its existing programs and funding sources to ensure that disadvantaged populations are included in its efforts. The agency will also acknowledge and include environmental justice and equity principles in its educational programs, job announcements and other communication materials whenever possible.

Accountability and Transparency

Creating a measure of accountability is critical to building and maintaining trust and respect with communities who have become skeptical of government's motives or relevance to their lives. When evaluating projects, programs and activities, Commission staff shall consider, when applicable, whether and how proposed development will positively or negatively affect marginalized communities, and will be fully transparent in that analysis in staff reports and presentations. The Commission will make use of CalEnviroScreen, U.S. EPA EJSCREEN, U.S. Census data and/or similar tools and data to identify disadvantaged communities. Where project impacts to disadvantaged or overburdened communities are identified, and where otherwise consistent under the Coastal Act, civil rights and environmental justice laws, the Commission staff shall propose permit conditions to avoid or mitigate those impacts to underserved communities to the maximum extent feasible while protecting coastal resources. Analysis of mitigation measures will include consideration of the technical knowledge and lived experiences of affected communities.

Any third party studies, reports or analyses will be evaluated to ensure they have been conducted by reputable, independent parties, using the best available science and other appropriate knowledge. When warranted by applicable Coastal Act or LCP policies, analysis will assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities. If viable alternatives are available, consider those in permitting decisions.

The Commission will use the powers within its authority to examine the level of inclusive access to public recreation, affordable housing and clean water in any proposed coastal

development, as well as be a voice for maximizing these benefits for disadvantaged communities during review of projects.

Climate Change

Climate change and sea level rise hazards will have disproportionate impacts on communities with the least capacity to adapt and may exacerbate existing environmental injustices and cumulative impacts from other environmental hazards. For example, underserved communities that may rely on public access for indigenous gathering activities, subsistence fishing, recreational opportunities, jobs and other economic benefits of the coastal economy will face greater impacts.

Access to cooler coastal temperatures will increasingly become a public health imperative for inland residents as the climate warms. Some sea level rise, coastal erosion and climate adaptation measures, such as sea walls, may further reduce access to public trust resources and coastal recreation areas for all residents, particularly lower income residents living inland.

Lower-income residents and those who live in rental units are also more likely to be displaced by flooding or related impacts as compared to property owners because they lack the funds and/or abilities to rebuild, have less control over their safety, and often have limited access to insurance. The expense of sea level rise adaptation measures for coastal communities could also heighten displacement of disadvantaged populations by increasing living expenses for sewer and water services.

Low-income communities are more vulnerable to climate-driven water quality and supply issues that can result from seawater intrusion, contamination from extreme storm events, and drought. The Commission will take this reality into consideration when analyzing the effectiveness and the impacts of sea level rise adaptation and mitigation measures as well as implementation of these measures. The Commission will also continue to recommend considering environmental justice when analyzing sea level rise impacts in planning and permitting decisions as stated in its adopted Sea Level Rise Policy Guidance.

Within its existing authority, the Commission will avoid the siting of hazardous facilities in flood-prone areas or areas vulnerable to seawater intrusion, prioritize the cleanup or relocation of existing hazardous facilities, and work to advance buffering measures like wetlands restoration that prevent seawater intrusion into groundwater supplies.

Habitat and Public Health

Understanding that public health and the health of natural ecosystems are inextricably intertwined, ecological impacts are felt first by disadvantaged and at-risk communities, and that there is no environmental justice without a healthy environment, the Commission will continue to prioritize the protection of coastal resources. This includes sensitive habitats, watersheds, water quality, marine biodiversity, and biological productivity. Heavy industrialization and environmental contamination of some portions of California's coast has effectively eliminated much of the public coastal use in these industrialized and

contaminated areas. The Commission will also work with the relevant public agencies to consider project impacts to air quality and soil health in disadvantaged communities which reduce the positive health and recreational benefits associated with coastal access and coastal resources for pollution-burdened communities.

The Commission's environmental justice policy shall be implemented in a manner that is fully consistent with the standards in, and furthers the goals of, Chapter 3 of the Coastal Act (the agency's legal standard of review), and certified local coastal programs. The intent will be to ensure that low-income communities and communities of color, and other disadvantaged communities are not disproportionately affected by water contamination or overuse, or diminished environmental services such as those provided by healthy ecosystems, fully-functioning wetlands, and clean waters and lands in the coastal zone.





Implementation

In order to implement the environmental justice policy, including the statement of principles, the Coastal Commission commits to the following actions, which will be largely accomplished over the course of the next five years. The Commission commits to adding a permanent section on Environmental Justice and Equity to all future Strategic Plan updates for the agency. Thus, the actions outlined in this implementation section will be included in the 2019 update of the agency's Strategic Plan, which establishes the agency's top priorities for the near-term.

Putting environmental justice and equity goals into the agency's Strategic Plan will provide the public with ongoing accountability and transparency of the Commission's efforts to incorporate environmental justice into its program. Stakeholders will have the opportunity to participate in regular reviews and updates on Strategic Plan progress at both the state and federal level to ensure the policy remains relevant, accessible and an active component of the statewide coastal program.

The following actions are not meant to be an exhaustive list but are examples of how the Commission will advance its policy goals during the initial implementation. These themes will be further explored with ample opportunities for public review during multiple hearings on the Strategic Plan Update in 2019.

Engagement with Affected Communities

1. To better balance the historic inequities surrounding disadvantaged communities' access to the planning process, the Executive Director shall host a quarterly teleconference between the Executive director and environmental justice leaders and stakeholders.
2. Partner with environmental justice leaders and groups to educate their communities about coastal issues that intersect with environmental justice. Use listservs, social media, the Commission's website and other technology to communicate with environmental justice communities. Create and maintain an environmental justice listserv of groups and individuals who have expressed an interest in getting more involved. Continuously update and enhance contacts and relationships with local, regional and statewide environmental justice advocates.
3. Establish a protocol for disseminating and receiving informational material that can be easily understood by disadvantaged communities identifying projects with environmental justice concerns.
4. Expand the Commission's communication methods to include flyers, community meetings, town halls, webinars and surveys and partner with community groups to reach out early and often.
5. Develop educational materials explaining the Coastal Act and the Commission through an environmental justice lens that can be easily adapted by staff or Commissioners for community meetings and other public speaking events.
6. Conduct outreach and develop relationships with community-based organizations and seek their input on identifying marginalized and disadvantaged communities that live, work and recreate near a proposed project.

7. As spelled out in the Tribal Consultation Policy, the Commission will work collaboratively with California Native American Tribes to better understand the significance of local and regional cultural concerns. The Commission will seek out and learn from indigenous peoples' unique historical, cultural and ecological knowledge of California's land and resources.
8. Tribal representatives will receive acknowledgement equal to that of elected officials during general public comment and public comment on specific hearing items.
9. Staff will regularly analyze barriers to implementation to environmental justice policies in conjunction with local partners and community based organizations for the purpose of compiling a report on how best to support implementation of this policy.

Environmental Justice Staff Training and Support

1. Develop a team of environmental justice and equity champions across the Coastal Commission in every major department including management. Integrate environmental justice and equity considerations throughout the agency.
2. Submit formal budget requests to add environmental justice staff positions that will focus on policy implementation, community outreach and issue identification. This will include at least one senior level staff position.
3. Designate staff in every district office of the Coastal Commission who can be the point of local contact for environmental justice groups and stakeholders. These staff members will provide more effective and personalized responses to issues and facilitate ongoing communication among staff and environmental justice communities.
4. Provide a base level of training on equity and environmental justice issues for the entire staff, which can include inviting environmental justice experts as speakers, language sensitivity training and other strategies. Video tape the training for future staff.
5. Work with experts to develop an internal, required training program for all staff and Commissioners to address unconscious bias and related issues.
6. Provide training and financial support for staff members who are willing to serve as interpreters at community meetings and local events. Include such work in the description of the employee's job duties.
7. Include environmental justice concepts and issues in the agency's relevant planning and guidance documents, including the Commission's Public Education curricula.

Coastal Development and Environmental Justice

1. Encourage and teach staff to incorporate environmental justice issue identification, research and analysis into their work. Develop internal criteria and guidance for early identification of project proposals that could raise environmental justice issues
2. Develop an internal checklist for staff to help analyze the existence of potential environmental justice impacts associated with a proposed project. Have staff identify environmental justice communities in the area and potential impacts of the project on those communities
3. Include an analysis of environmental justice issues in applicable staff reports, and, when appropriate, propose mitigation measures to avoid or fully mitigate identified impacts, in a manner that is fully consistent with Chapter 3 or local coastal program policies.
4. Strongly encourage local governments to amend their local coastal programs to address environmental justice issues. Develop a guidance memo for local governments to assist with the incorporation of environmental justice policies and develop a list of best practices to help reduce disparate impacts on vulnerable communities resulting from new development.
5. Seek additional local assistance grant funding from the Legislature to encourage local government partners to include environmental justice policies in local coastal programs.
6. Seek legislation to restore Coastal Act policies regarding affordable housing.
7. Staff will continue to work collaboratively with partner agencies, the public, and commissioners to ensure that coastal management decisions at all levels appropriately consider environmental justice concepts and values.
8. Explore ways to mitigate for historical forces that excluded low-income people from the coast, by undertaking new measures to encourage coastal access.

Public Participation

1. Make Commission meetings more geographically accessible, affordable and inviting to underserved communities by adopting an annual meeting calendar that includes at least three Commission meetings per year in more inland areas accessible by public transit. Explore ways to increase meeting accessibility through technology.

2. Whenever possible, agendize hearings that are relevant to disadvantaged communities at times and locations that are convenient for working families. Explore ways to expand public comment opportunities for these communities to encourage input.
3. Provide language-appropriate training materials describing available online resources, how Commission meetings work, how to fill out comment cards, how to report violations and file appeals, and how to apply for Whale Tail grants.
4. Encourage broader participation by creating materials and supporting community workshops to show residents how to participate at Commission meetings.
5. Host a public workshop with the Commission and Environmental Justice leaders to discuss coastal justice concepts, priorities and challenges within two years of adopting the policy.
6. To track and measure success, the Commission shall conduct a bi-annual public review on the effectiveness and progress of this policy, and amend the policy as appropriate.

Immediate Next Steps

1. Following the policy's adoption, Commission staff will begin the implementation phase of the Environmental Justice Policy. The implementation phase will include specific program objectives, implementing actions and goals, as identified above. These will be included as a new section in the Commission's Five-Year Strategic Plan Update, which will begin in 2019. Stakeholders and environmental justice groups will have multiple opportunities over the course of the year to provide additional input on these actions at public hearings, in letters and emails or through meetings with staff. All future updates to the Strategic Plan will include an update to the Environmental Justice section.
2. Commission staff will release a public engagement plan outlining the timeline, outreach tools and other details related to gathering feedback on the Strategic Plan Update and the implementation phase of the Policy
3. The Commission's Environmental Justice Team will continue to gather ideas and identify opportunities for the agency to implement environmental justice issues on an ongoing basis across the agency and throughout the districts.
4. The Commission's GARE (Government Alliance on Race and Equity) Team, in collaboration with the Environmental Justice Team and senior staff, will complete an Agency Racial Equity Action Plan in 2019 to inform and inspire greater inclusivity and diversity in all of the Commission's internal processes and functions.

Glossary of Terms

The following terms were collected from the Coastal Commission’s Sea Level Rise Guidance document, the [California Coastal Act](#) and other agency sources unless otherwise noted.

Adaptation

Climate change adaptation helps individuals, communities, organizations and natural systems deal with consequences of climate change that cannot be avoided. It involves taking practical actions to manage risks from climate impacts and protect communities.

Coastal Development Permit

Generally, anything broadly considered to be “development” (defined below) in the coastal zone according to the Coastal Act requires a coastal development permit (CDP) from the Commission or local government with a certified local coastal program. The width of the coastal zone varies, but it can extend up to five miles inland from the shore, including private and public property, and three miles out to sea.

Coastal Zone

The California Coastal Act regulates development within the coastal zone. This is an area along the California coast of variable width, in some cases extending up to five miles inland and including coastal mountains.

Development

The term “development” is defined very broadly in the Coastal Act. It covers many activities, including, but not limited to, the construction, demolition, or alteration of the size of homes or other structures; the grading of earth, extraction of materials, and removal of major vegetation; the disposal of liquid or solid waste; the subdivision of land or changing of lot lines; changes in the intensity of use of water; and actions that change access to the coast, such as the placement of fencing, gates, or no parking/trespassing signs.

Disadvantaged, Marginalized, Underserved

SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of “disadvantaged communities” for the purpose of general plans to mean “an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

This policy uses the terms “disadvantaged”, “marginalized” and “underserved” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

Environmental Justice

“Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

The United States has a history of racial discrimination that has persisted in multiple forms. During the 20th century, the civil rights movement sought to secure legal rights that were held but not fully realized by African Americans and other marginalized populations. The concept of environmental justice emerged out of this movement to describe the application of civil rights and social justice to environmental contexts. For example, the cumulative effect of siting a disproportionate number of toxic waste and other hazardous facilities in disadvantaged, urban communities of color has led to disproportionate impacts from pollution and lack of environmental services, such as clean drinking water, clean air, and access to parks and open space

Equity

This policy uses the term “equity” as defined in the context of social and racial equity,¹² where “equity” refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.

Erosion

“Erosion” is the wearing away of land by natural forces; on a beach, the carrying away of beach material by wave action, currents, or the wind. Development and other non-natural forces (e.g., water leaking from pipes or scour caused by wave action against a seawall) may create or worsen erosion problems.

Local Coastal Program

Local coastal programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources in the 76 coastal cities and counties.

The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Prepared by local governments, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

¹² The Local & Regional Government Alliance on Race and Equity. Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action (2015)

Mitigation

The term “mitigation” refers to projects, measures or programs intended to offset impacts to resources.

Traditional Ecological Knowledge¹³

The phrase “traditional ecological knowledge,” also called “indigenous knowledge” or “Native science,” refers to the evolving knowledge acquired by indigenous and local peoples over hundreds or thousands of years through direct contact with the environment. This knowledge is specific to a location and includes the relationships between plants, animals, natural phenomena, landscapes and timing of events that are used for lifeways, including but not limited to hunting, fishing, trapping, agriculture, and forestry. Traditional knowledge is an accumulating body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (human and non-human) with one another and with the environment. It encompasses the world view of indigenous people which includes ecology, spirituality, human and animal relationships, and more.

Vulnerable Communities¹⁴

Climate vulnerability describes the degree to which natural, built, and human systems are at risk of exposure to climate change impacts. Vulnerable communities experience heightened risk and increased sensitivity¹⁵ to climate change and have less capacity¹⁶ and fewer resources to cope with, adapt to, or recover from climate impacts. These disproportionate effects are caused by physical (built and environmental), social, political, and/ or economic factor(s), which are exacerbated by climate impacts. These factors¹⁷ include, but are not limited to, race, class, sexual orientation and identification, national origin, and income inequality.

###

¹³ U.S. Fish and Wildlife Service: Traditional Ecological Knowledge for Application by Service Scientists.

(<https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf>)

¹⁴ Office of Planning and Research, 2018: Defining Vulnerable Communities in the Context of Climate Adaptation.

¹⁵ IPCC, 2014

¹⁶ Ibid

¹⁷ Governor’s Office of Planning and Research, 2017.

California Coastal Commission District Office Contact Information

North Coast | *Del Norte, Humboldt, Mendocino Counties*
(707) 826-8950

Headquarters and North Central Coast | *Sonoma, Marin, San Francisco, San Mateo Counties*
(415) 904-5200

Central Coast | *Santa Cruz, Monterey, San Luis Obispo Counties*
(831) 427-4863

South Central Coast | *Santa Barbara and Ventura Counties, and the Malibu portion of Los Angeles County*
(805) 585-1800

South Coast | *Los Angeles (except Malibu) and Orange Counties*
(562) 590-5071

San Diego | *San Diego County*
(619) 767-2370

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James Williams <james.k.williams@lacity.org>

WLA APC meeting 8/18/2; Case Nos. DIR-2019-2610-CDP-MEL-1A, AA-2019-2609-PMLA-SL

2 messages

Steve Kaplan <sk.landuselaw@gmail.com>

Wed, Aug 18, 2021 at 4:32 PM

To: Planning APCWestLA <apcwestla@lacity.org>, James Williams <james.k.williams@lacity.org>

Cc: Juliet Oh <juliet.oh@lacity.org>, Sienna Kuo <sienna.kuo@lacity.org>, Elizabeth Gallardo <elizabeth.gallardo@lacity.org>

To: West Los Angeles Area Planning Commission
c/o James Williams, Commission Executive Assistant

Please be advised that the undersigned, on behalf of the applicant in the above captioned cases, is hereby requesting a continuance of today's public hearing concerning said cases.

It has come to my attention in watching the beginning of the APC meeting today via Zoom that Commission President Newhouse is not in attendance.

As the Commission is aware, this matter was referred back to the APC by a Section 245 Motion initiated by Councilmember Bonin.

Inasmuch as fairness and good faith dictate that the same full 5-member Board should hear the reconsideration of these cases, I respectfully request that the appeal hearing with reference to the subject appeal be continued to a future meeting date at which all Commissioners will be available.

Please be advised that I would like to address the Commission on this matter of procedure, not of case substance, under agenda item number 3, General Public Comment, during the meeting today.

Thank you.

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James Williams <james.k.williams@lacity.org>

Wed, Aug 18, 2021 at 4:34 PM

To: Steve Kaplan <sk.landuselaw@gmail.com>

Cc: Planning APCWestLA <apcwestla@lacity.org>, Juliet Oh <juliet.oh@lacity.org>, Sienna Kuo <sienna.kuo@lacity.org>, Elizabeth Gallardo <elizabeth.gallardo@lacity.org>

Thank you for your email.

James K. Williams
Commission Executive Assistant II
Cultural Heritage Commission
West LA Area Planning Commission



james.k.williams@lacity.org
T: (213) 978-1295

Los Angeles City Planning
200 N. Spring St., Room 272
Los Angeles, CA 90012
Planning4LA.org



[Quoted text hidden]



Howard Robinson & Associates

August 18, 2021

Re: 313-315 6th Avenue, Venice
DIR-2019-2610-CDP-MEL-1A; AA-2019-2609-SL-1A

Members of the West Los Angeles Area Planning Commission:

This letter is to address the misinformation and erroneous statements made by People Organized for Westside Renewal (“POWER” and “appellant”) in a letter dated August 13, 2021, challenging the financial feasibility study prepared by Howard Robinson & Associates (HR&A) for the project at 313-315 6th Avenue. Due to time constraints, I will only address the appellant’s comments as related to the financial feasibility of the project.

Appellant Contention 1: The Director erred in accepting a feasibility study.

This is false, and the City did not err in accepting a feasibility study for the four detached units, regardless of what language the appellants want to use to describe the existing development.

The Interim Administrative Procedures for Complying with the Mello Act (the “IAP”) clearly outlines the eligibility requirements for Financial Feasibility studies, which is built into the 8-step “Question and Answer” process required for all projects involving demolition or conversion (see Sec. 4.0 of the IAP).

The final question, Question 8, asks “Is it infeasible for the applicant to replace any of the affordable existing residential units identified by answers to questions #5 and #7?” Question 7 gets to the heart of the appellant’s contentions and directly refutes their erroneous claim. Question 7 asks “Are any affordable existing residential units in one-family or two-family dwellings?”

As stated in the IAP, “If the answer to #7 is ‘yes’, staff shall go to question #8. If the answer to question #7 is ‘no’, and all the Affordable Existing Residential Units are in triplexes and other structures that contain three or more Residential Units, then all of the Affordable Existing Residential Units recorded in the answer to question #4 must be replaced. The second exception category does not apply to triplexes or other structures that contain three or more Residential Units.”

No matter how badly it angers the appellant, the existing development that they describe as “a 4-unit RSO multifamily housing” in which “nobody built a hallway to connect the units” is eligible to submit a financial feasibility study, because as stated in the IAP no “triplex or other structures that contain three or more Residential Units” exist on site.

Appellant Contention 2: The applicant’s feasibility study is not a basis for finding that affordable replacement housing is infeasible.

The feasibility study submitted by HR&A and accepted by City Planning was a thorough, 66-page analysis that examined whether the project could be accomplished in a successful manner when affordable replacement is provided as Accessory Dwelling Units (ADUs). It provided dozens of pages of documentation to ensure the estimates used are easily verifiable. The HR&A study used itemized estimates for both hard and soft costs of development. The one-page “feasibility study” attached to the appellant letter was a list of numbers with zero documentation.

First, the appellant's study estimates the hard costs of construction at "\$265 PSF based on RS Means 2021 PSF Construction Cost Manual Luxury 2.5 story residential wood frame with wood siding, with the addition of detached parking garages, modifications and a LA location adjustment factor."

RS Means data, even for 2021, would not reflect the current inflated costs of construction materials, from lumber to steel, due to COVID-19. From the citation provided in the appellant's study (which does not provide any documentation aside from a single blurb listing the modifications used to arrive at the estimate) the per square foot hard costs were not adjusted for the "Infectious Disease Precautions" either, a line item that was added to this year's dataset. Using the \$265 estimate provided in the appellant's study in the original study, with no other modifications, shows that project would only just break even, yielding a Gross Profit Margin of 0.36% and a Net Profit of \$16,115. This is far below the recommended 15% Gross Profit Margin threshold used to determine financial feasibility.

Further, the appellant's letter alleges that the original "feasibility studies shows soft costs at 40% of hard costs without documentation." Section 8 of the original study provides documentation of the building permit fee, linkage fee, and financing. The appellant not only incorrectly states that the original study does not provide data but puts forth their own estimate without any documentation whatsoever, claiming only that their estimate is a "reasonable industry standard." Only when this unverifiable estimate is used does the feasibility study submitted by POWER show the project as profitable. This does not in any way demonstrate that the project is feasible, instead showing that the only way that the project would be financially feasible is by using estimates with no documentation or basis in fact.

The feasibility study submitted by HR&A analyzes multiple scenarios, including the feasibility of the project at the proposed site, an alternative site in Venice, an alternative location in another area of the Coastal Zone (San Pedro in this case), and within 3 miles of the Coastal Zone. None of these scenarios was financially feasible.

The appellant's claim that "it is not incumbent on the appellant to demonstrate what is feasible, only that the department cannot make a finding of infeasibility" however, they've failed to do either. The appellant cannot assert that the project is feasible and then provide no evidence to back up their claims.

Appellant Contention 3: Given that there is no basis for a finding of infeasibility, the Mello Act requires that all existing affordable housing units be replaced as a condition of approval.

For the reasons outlined above, the appellant's third contention has already been refuted: the project is eligible to submit a feasibility study; the applicant's study successfully demonstrated the financial infeasibility of providing replacement affordable units; and the project complies with the Mello Act.

In some cases, it may be possible to provide some, but not all, of the Replacement Affordable Units. However, in this case, there were four (4) affordable units found by HCIDLA and the applicant is only proposing two (2) SFDs, each with an ADU. Obviously, given the \$1.7 million sale price of the property, a deed restriction limiting the sale or rental value of 100% of the proposed units to affordable levels would not be financially feasible in a manner that generates even a simple return of costs, let alone a profit. This is exactly why the financial feasibility study process was created for small-scaled projects.

Sincerely,

Susan Steinberg

Susan Steinberg
Howard Robinson & Associates

Environmental Justice

Public Resources Code Section 30107.3

(a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(b) “Environmental justice” includes, but is not limited to, all of the following:

(1) The availability of a healthy environment for all people.

(2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decisionmaking process.

(4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Coastal Commission Environmental Justice Policy:

https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

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salman@history.ucla.edu
August 17, 2021

West Los Angeles Area Planning Commission
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A; ZA Contradicts Himself on Compliance

On Page 1 of the ZA's June 2, 2021 ruling in ZA-1989-17683-PA2, he declares:.

I hereby DETERMINE, based on the whole of the administrative record,

That the Conditions of Approval of Determination BZA No. 2000-1697 have been and are being substantially complied with, though necessary inspections of the facility by government agencies will continue to ensure continued compliance.

But on page 24 of the same Letter of Determination, there is this passage:

STAFF REVIEW OF COMPLIANCE WITH CONDITIONS

After listening to public testimony and after a thorough review of the material submitted to the public record, it was concluded that the operator failed to comply with a condition of the 2001 Settlement Agreement, and two conditions of the Zoning Administrator's grant. It was also concluded that the operator completed numerous projects on the drill site which were not authorized as part of the modernization of the drill site or the municipal code. Finally, it was learned that the operator performed projects on the adjacent production site without authorization, including the installation of the micro-turbines.

This passage from page 24 substantially undercounts the violations of Conditions from the 2000 ZA approval, violations of DOGGR/CalGEM safety rules, violations of LA City Fire Code, violations of SCAQMD rules, and violations of the Zoning Code. But it does include violations of the Settlement Agreement and two ZA Conditions, and it refers to "numerous projects" that were illegal because executed without required approvals.

To preempt any possible confusion, although this section of the Letter of Determination is labelled "Staff Report," it is a part of the ZA's letter, not an appendix or exhibit, and it expressly

and repeatedly speaks for the ZA, using formulations such as “the ZA hereby determines” (elsewhere on page 24 and subsequent pages).

Can you reconcile the conclusion about non-compliance with the ZA’s determination that the site is in compliance?

Can a site with “numerous projects” not authorized by ZA approval or by City code be in compliance? Is that not the very definition of non-compliance? Do they need to shoot someone on 5th Avenue to be out of compliance, or would that too not count in the eyes of the ZA?

The question now is: What counts as noncompliance and violation of law in the eyes of the West Los Angeles Area Planning Commission?

Can you trust the ZA’s judgement on that question?

In his rebuttal to NASE’s appeal, the ZA claims that his June 2, 2021 determination “was based on the evidence” and that his “determination was based on substantial evidence in the record” (page A5, page 8 of pdf).

What is your judgement about evidence? Do you think the ZA made a decision soundly based on evidence?

Yours.

Michael Salman
Professor Emeritus
History, UCLA

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August 17, 2021

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Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A; ZA Invents Non-Existent Approval of 69 Wells

To the West Los Angeles Area Planning Commission

In his rebuttal to NASE's appeal, the ZA invents the non-existent approval of 69 wells and claims that a ZA approval from 1965 that he does not show you contains that approval. It is all false, incorrect, and misrepresents the ZA's own case records.

I direct your attention to pages A1, A2, and A9 of the ZA's rebuttal to NASE's appeal (pages 4, 5, and 12 of the pdf file linked to the hearing agenda).

The ZA's response to the appeal asserts that 69 wells were authorized by the 1965 case ZA-17683 (page A1, page 4 of pdf):

The subject property is presently developed with an oil drilling operation with 58 wells (previously there were 59 and the operator advised there is no plan to drill the additional 10 permitted wells [as permitted by Case ZA-17683].) The drill site is enclosed on all sides with 25-foot-high walls, except for the two parking lot areas. Trees and plantings line the exterior of the walls. The drill

The ZA made the same assertion another time on that same first page of his rebuttal (page A-1, page 4 of pdf), and again on page A2 (page 5 pdf), asserting that there is a "previously approved maximum of 69 wells."

Most importantly, on page A-9 (page 12 pdf) the ZA again claims the 1965 case ZA-17683 approved 69 wells and asserts that there is a "vested right" to 69 wells stemming from the 1965 approval.

Staff Response:

Condition No. 72 was imposed on the oil drilling (extraction) site as part of the modernization project (see Determination Letter, Page 27). The operator has a vested right to this condition, which gives the operator the authority to drill and re-drill without obtaining further written approval from the Zoning Administrator's office. The operator may drill up to 69 wells (as permitted by Case ZA-17683) but as with any new well, the operator must also obtain authorization from CalGEM, formerly the California Division of Oil, Gas and Geothermal Resources. As of 2000, the operator had drilled 59 wells and the condition authorized ten additional wells provided state authorization was obtained.

The 1965 case (ZA-17683) approved only 3 wells and repeatedly said approvals for more wells would require additional applications:

Here is a snapshot of Page 1 of ZA-17683. You can see with your own eyes that it approved just 3 “exploratory wells” and that any subsequent wells required application to the ZA for additional approvals. The ZA is inventing “alternative facts” and not showing you the ZA document he cites, perhaps because it exposes his fabrication.

August 17, 1965

Occidental Petroleum Corporation ATTENTION: E. F. Reid, Vice President 5000 Stockdale Highway Bakersfield, California Fire Prevention Bureau Department of Building & Safety Greetings: In the matter of the application of Occidental Petroleum Corporation, owners and lessees, for approval of a controlled drill site and for determination of conditions and methods of operation to be followed in drilling for and production of oil and gas on a site consisting of two sections classified in the C2, R3 and R4-1 Zone in Oil Drilling District No. U-131, please be advised that based upon the Findings of Facts hereinafter set forth and by virtue of authority contained in Section 13.01-E, F and H of the Municipal Code, the Chief Zoning Administrator hereby <u>authorizes</u> the use of a site comprising: Lots 883-888, inc., and Lots 1035 and 1036, Tract 6380, located northerly of Pico Boulevard and extending from Doheny Drive to include the northwesterly corner of Oakhurst Drive, Beverlywood District, as a controlled drill site on which to drill wells and conduct surface operations in connection with the development and bottoming of wells under Oil Drilling District U-131, consisting of that 70-acre drilling district depicted and described on the map which is a part of Ordinance No. 130340, as well as for surface operations in connection with wells which by subsequent action may be authorized to be bottomed under adjoining and adjacent districts, and also <u>authorizes</u> the drilling, completion and maintenance on said controlled drill site of not to exceed three exploratory wells bottomed under said District U-131, and for the production from said wells, if successful, of oil, gas, and other hydrocarbon substances and to	Re: Z. A. CASE NO. 17683 N'ly of Pico Blvd. E'ly & W'ly of Oakhurst Drive Oil Drilling District No. U-131 D. M. No. 5484
---	---

Do you trust the ZA when the evidence he does not show you disproves his claims? No other determination ever approved 69 wells. The ZA rules with no concern for evidence.

Yours,

Michael Salman
Professor Emeritus
History, UCLA

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August 17, 2021

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Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A; ZA Creates Non-Existent Rules & Global Approvals for Well Conversions

To the West Los Angeles Area Planning Commission

In his rebuttal to NASE's appeal, makes fantastic claims about Condition 72 of the 2000 ZA approval (ZA-1989-17683-PAD) that do not appear in Condition 72 or in any ZA approval for the site, conflict with City code, and conflict with ZA Memo 133. On pages A9-A10 (pages 12-13 of the pdf linked to the agenda), the ZA writes:

Staff Response:

Condition No. 72 was imposed on the oil drilling (extraction) site as part of the modernization project (see Determination Letter, Page 27). The operator has a vested right to this condition, which gives the operator the authority to drill and re-drill without obtaining further written approval from the Zoning Administrator's office. The operator may drill up to 69 wells (as permitted by Case ZA-17683) but as with any new well, the operator must also obtain authorization from CalGEM, formerly the California Division of Oil, Gas and Geothermal Resources. As of 2000, the operator had drilled 59 wells and the condition authorized ten additional wells provided state authorization was obtained.

ZA-1989-17683-PA2

A-10

As for any existing well, the operator is only required to produce copies of the re-drilling filings as such wells are already authorized by the City of Los Angeles and the State of California. So, converting any of the existing 59 wells from production to injection, or injection to production, only requires that the copies of the filings to CalGEM be sent to the Zoning Administrator's office.

The Zoning Administrator acknowledges the failure of the operator to send copies of the filings pertaining to the drilling activities. The operator was instructed to submit copies to the office of Zoning Administrator within 60 days.

The ZA is incorrect about the number of wells at the site, incorrect about the authorization to drill up to 69 wells. and incorrect about the legality of all of Condition 72.

But let us put all of that aside and go through the ZA's looking glass. Let's assume that Condition 72 is legal. Let's just focus on the question of well conversions.

Here is the text of Condition 72, as reproduced on page 27 of the ZA's June 2, 2021 ruling:

72. **Limitations On Well Redrilling.** Without prior written approval from the Zoning Administrator, no more than the existing 69 wells may be drilled, operated or maintained at the site and these wells shall be located at their current surface locations. All wells will be drilled from existing well cellars using existing strings of pipe or surface conductor pipe. In the event that applicant redrills any of the existing wells, the applicant shall provide the Zoning Administrators office with duplicate copies of all filings pertaining to such well filed with the California Division of Oil, Gas and Geothermal Resources, including such filings showing the bottom-hole location and the total depth of each such well. Furthermore, the applicant, upon request by the Zoning Administrator, shall furnish such additional information concerning the status, exact bottom hole location, productivity, etc., of the various wells drilled from the property, as to enable the Zoning Administrator to properly and intelligently administer the oil drilling regulations in this area; said information to be either verbal or in writing and to be kept confidential by the Zoning Administrator if so desired by the applicant.

Do you see anything at all about well conversions in Condition 72? I do not see it. Nor is there any other ZA approval for the drill site that gives a global approval to well conversions. Redrilling and well conversions and drilling new wells are different things.

But I can show you where well conversions are explicitly discussed:

LAMC 13.01.I

I. Permits. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) No person shall drill, deepen or maintain an oil well **or convert an oil well from one class to the other** and no permits shall be issued for that use, until a determination has been made by the Zoning Administrator or Area Planning Commission pursuant to the procedure prescribed in Subsection H of this section.

ZA Memo 133 (page 6)

An application to drill, re-drill, deepen, or convert a well is not eligible for a categorical exemption and shall require an Initial Study or an EIR as described in section V.A.2. All other projects may be subject to determination if the project is exempt under any applicable

ZA Memo 133 (page 5) requires a public hearing for all applications under 13.01.H, and well conversion proposals require a discretionary ruling by the ZA “pursuant to the procedure prescribed in Subsection H” of LAMC 13.01:

- Ensure that the City complies with all legal requirements of CEQA in approving Section 13.01-H projects;
- **Provide all parties that may be impacted by a project subject to a Section 13.01-H application an opportunity to participate in a public hearing;**
- Meet the intent of CEQA in the review and approval of CEQA findings and determinations, to provide adequate public participation;

Oh, don’t let the focus here on the ZA making up fake approvals and fake procedures contrary to law distract you from noticing that even the ZA says that the operator violated Condition 72 for 20 years (but he does not think that counts as noncompliance).

Yours

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August 17, 2021

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Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A; The 1967 Approval ZA-18893 Did Not Authorize a Production Site

The ZA's June 2, 2021 ruling treats the two halves of the West Pico Drill Site as separate and distinct properties and different sites, and erroneously invents an authorization for a "production site" when no such authorization exists.

ZA 1989-17683(PA2)

Page 4

BACKGROUND

The subject property is the oil and gas extraction portion of a controlled drill site, known as the West Pico Oil Drill Site, which was first permitted in 1965. The oil and gas extraction (drill) site is a level, rectangular-shaped, parcel of land consisting of approximately 0.706 acres, having a frontage of approximately 192 feet on the north side of Pico Boulevard and a uniform depth of 185 feet, divided by a through alley between Doheny Drive and Oakhurst Drive. The drill site is in the C4-1VL-O Zone and within Urbanized Oil Drilling District No. U-131 established by Ordinance No. 130,340.

Adjoining properties to the north of the subject property are zoned R3-1VL-O and are developed with two-story apartment buildings. Properties to the south across Pico Boulevard are zoned C4-1VL-O and are developed with low-rise commercial buildings occupied by a variety of commercial and religious uses. Adjoining properties to the east across Doheny Drive are zoned C4-1VL-O and are a gas station and other commercial uses.

The property to the west of the drill site across Oakhurst Drive is zoned C4-1VL-O and improved with the production facility portion of the West Pico Drill Site operated by the applicant. This production site was authorized July 28, 1967 pursuant to Case No. ZA-18893, for Lots 1037, 1038 and 1039, of Tract No. 6380 generally located at the northeasterly corner of Pico boulevard and Cardiff Avenue.

Pico Boulevard, adjoining the property to the south, is an Avenue with a designated width of 100 feet and is fully improved with a paved roadway, concrete curb, gutter, and

The ZA cited ZA-18893, but the first page of that approval disproves every one of the ZA's assertions. The 1967 approval expanded the existing Controlled Drill Site established by the 1965 approval (ZA-17683), which already included "production" processes on the Western block of the two-block Controlled Drill Site. The 1967 approval recognized a single property with one owner and one site operator. It applied to the entire Controlled Drill Site on both blocks, cumulatively with the 1965 approval. You can see this with your own eyes:

July 28, 1967

Occidental Petroleum Corporation
ATTENTION: E. F. REID, V. P.
5000 Stockdale Highway
Bakersfield, California

Re: Z.A. CASE NO. 18893
Northeasterly corner
Pico Bl. & Cardiff Av.
Expansion of existing
controlled drill site,
O. D. District U-131
D. M. No. 548

Rose Fink
c/o Donald P. Dolan
219 South Citrus Avenue
Covina, California

Fire Prevention Bureau

Department of Building & Safety

Greetings:

In the matter of the application of Rose Fink, current owner, and Occidental Petroleum Corporation, optionee, owner-operator and lessee, for Determination of Conditions and Methods of Operation to be followed in expansion to the west on three C2 zoned lots, the production facilities portion of the existing previously authorized controlled drill site in Oil Drilling District U-131, please be advised that based upon the Findings of Fact hereinafter set forth and by virtue of authority contained in Section 13.01-E, F and H of the Municipal Code, the Chief Zoning Administrator hereby authorizes an extension of the controlled drill site approved under Z. A. Case 17683 onto Lots 1037, 1038 and 1039, Tract No. 6380 located at the northeasterly corner of Pico Boulevard and Cardiff Avenue so that the enlarged controlled drill site will comprise:

Lots 883-888, and Lots 1035-1039, Tract 6380 located northeasterly of Pico Boulevard between Doheny Drive and Cardiff Av., Beverlywood District;

and the use of the here involved expanded portion of the controlled drill site for installation and operation of additional production

Condition 1 of ZA-18893:

1. That all the detailed terms and conditions specified under Z. A. Case No. 17683 with respect to development of the controlled drill site and to the drilling and production activity thereon shall apply to the activities on the expanded site and are by reference made a part hereof and shall be complied with to the same extent as if they were contained in the original application.

Please take the time necessary to check the ZA's assertions against the documents.

Yours,

Michael Salman
Professor Emeritus
History, UCLA

2533 4th Ave
Los Angeles, CA 90018
salman@history.ucla.edu
August 17, 2021

West Los Angeles Area Planning Commission
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A; LADBS Permit Lights Up ZA Error on “Two Sites.”

At the August 27 public hearing, the ZA told PCEC “this operation has two sites.” In his June 2, 2021 ruling, the ZA claimed the “production site” and the “drill site” are different properties and different sites covered by different approvals. In his rebuttal to NASE’s appeal, he says there “is only one Controlled Drill Site,” but he continues to treat the two halves as separate properties and separate sites with separate approvals (ZA rebuttal, pages A2 & A9, pages 5 & 12 pdf). He claims incorrectly that the “production site was authorized” in 1967 by ZA-18893 (ZA rebuttal page A2, page 4 of pdf), misrepresenting the 1965 and 1967 approvals, as previously shown.

Here is another ZA error of fact and comprehension: The ZA claims that “the modernization project” executed after the 2000 approval in ZA-1989-17683-PAD “involved only the extraction portion of the controlled drill site, not the production site,” (ZA rebuttal page A8, page 12 of pdf). That is not true. It was shown to the ZA. He ignored it.

The most important part of the 2000 project was the installation of a permanent electric-powered rig (AKA derrick) at the 9101 W Pico address. In 2002, the operator obtained LADBS permits and completed work to install a new 34,500 volt electrical service to supply power to “oil drilling equipment” (i.e., the rig). The permit was for an installation at the 9151 W Pico address.

8/16/2021		Permit and Inspection Report Detail
Los Angeles Department of Building and Safety		
Certificate Information: 9151 W PICO BLVD 90035		
Application / Permit	02041-10000-05127	
Plan Check / Job No.	E02LA00050	
Group	Electrical	
Type	Electrical	
Sub-Type	Commercial	
Primary Use	0	
Work Description	NEW 34.5KV SERVICE FOR AN OIL DRILLING EQUIPMENT INCLUDING THE ASSOCIATED LOADS	
Permit Issued	Issued on 5/7/2002	
Issuing Office	West Los Angeles	
Current Status	Permit Finaled on 9/30/2002	

Page 30 of PCEC's February 20, 2020 statement of compliance in its PA application states:

The drilling / workover rig and mud handling facility are electrically powered. The electrical power is provided by DWP at 34,500-volts, through a 3,500-KVA transformer in the Support Building. No internal combustion motors are used to power the drilling / workover rig.

There is no 3,500 KVA transformer marked on the site plan for the 9101 W Pico half of the drill site. Maybe it is there, unmarked. But it is clear from the LADBS permit that the 34,500 volt electrical service to power the rig at 9101 W Pico is located at 9151 W Pico.

We can see with our own eyes that the two halves of the Controlled Drill Site are an integrated whole. The Controlled Drill Site was approved that way by the ZA in 1965 (ZA-17683) and expanded in 1967 (ZA-18893) with cumulative conditions for the entire Controlled Drill Site. ZA approvals continued to apply to the entire Controlled Drill Site, even when the projects approved were for only one spot on the site plans. Then in 2000 the ZA in ZA-1989-17683-PAD split the site in two without understanding either the City code or the operations of the site.

Production and injection wellheads are all physically located on the block at the 9101 W Pico address. But the sealed linkage that takes the produced brine water from the production wells to the injection wells passes through the oil/gas/water separators and giant pumps physically located at 9151 W Pico. Spill prevention plans required by the ZA in 2000 and 2021 cover both halves of the Controlled Drill Site. The ZA does not comprehend this.

The power for the electric rig lands from aerial DWP cable drop at 9151 W Pico. The DWP cable drop is starkly visible from the alley way and side streets. There is no DWP cable drop into 9101 W. Pico. The two halves of the Controlled Drill Site are cabled together underground for electric power. The ZA in the current case was shown the LADBS permit information but ignored it. He persists in not understanding that the two blocks constitute an integrated site and persists in refusing to recognize violations and noncompliance staring him in the face.

The ZA's assertion that the "the modernization project" executed after the 2000 approval in ZA-1989-17683-PAD "involved only the extraction portion of the controlled drill site, not the production site" (rebuttal page A8, page 12 pdf) is worse than just incorrect.

The LADBS electrical service permit proves yet again that the entire Controlled Drill Site is rampantly out of compliance and that the ZA approvals since 2000 are fountains of error. Responsibility lies with both the site operator and with the Office of the ZA, which has utterly mismanaged its regulatory obligations with regard to the Controlled Drill Site for more than two decades by writing ZA approvals that violate the law and do not comprehend drill site operations, as well as by failing to this day to hold proper Reviews of Conditions as mandated by the 2001 Settlement Agreement and Condition 78 of the 2000 ZA approval.

Yours,

Michael Salman
Professor Emeritus
History, UCLA

2533 4th Ave
Los Angeles, CA 90018
salman@history.ucla.edu
August 18, 2021

West Los Angeles Area Planning Commission
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Via Email to: apcwestla@lacity.org

Re: ZA-1989-17683-PA2-1A; The ZA's Fantasy of "Best Practices."

To the West Los Angeles Area Planning Commission,

One of the greatest ironies of the ZA's June 2, 2021 ruling is when he says on page 1: "I hereby determine, based on the whole of the administrative record," that "necessary inspections . . . will continue to ensure continued compliance." Here is the full passage:

I hereby DETERMINE, based on the whole of the administrative record,

That the Conditions of Approval of Determination BZA No. 2000-1697 have been and are being substantially complied with, though necessary inspections of the facility by government agencies will continue to ensure continued compliance.

The City of Los Angeles does NO compliance inspections of oil drill sites to ensure compliance with City code and ZA assigned conditions of use. On April 20, 2021, the LA Times ran a front page article about this failure:

<https://www.latimes.com/california/story/2021-04-20/l-a-vowed-to-step-up-oversight-of-oil-drilling-critics-say-its-still-failing>



In May 2019, the WLA APC heard an appeal of the Rancho Park Drill Site case, ZA-1958-14560-PA1-1A. I was the appellant's representative. Both the appellant and the applicant asked the ZA to require inspections. The ZA refused. The City Attorney claimed a task by the Petroleum Administrator could not be written into a condition, even though we showed that City Administrative Code Sec. 19.48 requires the Petroleum Administrator to write reports on any questions about oil production in the City requested by any Office, Department, or Bureau of the City. We also showed that the Associate ZA on the Rancho Park case, Theodore Irving, required multiple tasks by multiple agencies in conditions he assigned the Jefferson Drill Site in 2018.

Now Associate ZA Theodore Irving writes in his June 2, 2021 determination for the West Pico Drill Site that “necessary inspections of the facility by government agencies will continue to ensure compliance.” This is even more ironic than it seems.

The ZA says inspections are “necessary.” He could order inspections by the Petroleum Administrator. NASE asked him to do that. So did the site operator. He refused.

So what “necessary inspections by government agencies will continue”? The ZA cannot order agencies from other jurisdictions to do anything.

The irony gets richer on page 2 of the ZA’s June 2, 2021 ruling, where he wrote:

Management Division (CalGEM) was conducted before issuing this determination. Also, a review of current oil drilling and oil production best practices used to safeguard communities was conducted as a part of the evaluation of the West Pico Oil Drill Site operation. This office also conducted a visit to the site on June 22, 2020.

Where is evidence of that review of “best practices”? It is not discussed anywhere in his June 2, 2021 determination. It seems like the proverbial homework that was eaten by the dog.

There are several recent reports by relevant local agencies about “best practices” for oil drill sites. In May 2018, LA City Petroleum Administrator Uduak Ntuk wrote a report recommending annual inspections by his office. In July 2019, Petroleum Administrator Ntuk wrote a report on setbacks that also recommended annual inspections and required installation of 24/7 emissions monitoring equipment. In February 2018, LA County Public Health wrote a report that recommended annual inspections by local government agencies and the requirement of 24/7 emissions monitoring equipment. In June 2018, LA City Controller Ron Galperin wrote a thorough review of City oil regulation and recommended inspections, emissions monitoring, 5 Year Reviews of Conditions, increased bond requirements, and more.

The ZA refers to none of these reports by experts and informed by additional experts. He takes none of their recommendations, not even the ones they unanimously support.

The ZA did not refer to “best practices” that he himself required at the Jefferson Drill Site in 2018. The definition of an industry “best practice” is that it is something to be required everywhere, and not uniquely at only one site.

And don’t lose track of the final zinger. The ZA wrote that “necessary inspections . . . will continue to ensure continued compliance.” At the site with 25 unapproved projects, 5 Year Reviews that did not happen at all in 2010-11 and 2015-16, multiple violations of Conditions, multiple safety violations? Continued compliance? That irony is too rich for me.

Yours.

Michael Salman
Professor Emeritus
History, UCLA



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

August 17, 2021

TO: West Area Planning Commission

FROM: Dylan Sittig, City Planning Associate
Theodore L. Irving, AICP, Associate Zoning Administrator

ADDITIONAL INFORMATION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. ZA-1989-17683-PA2-1A; 9101 WEST PICO BOULEVARD

Transmitted herewith, is the August 23, 2000, Letter of Determination of the Board of Zoning Appeals for Case No. BZA-2000-1697, related to Case No. ZA-17683-PAD, to be considered at the West Area Planning Commission meeting of August 18, 2021, related to Item No. 7 on the meeting agenda.

This transmission does not substantially alter any portion of the staff recommendation report, including analysis and findings.



Los Angeles City Board of Zoning Appeals

Room 1540, 221 North Figueroa Street, Los Angeles, Ca 90012 (213) 580-5527

Mailing Date: August 23, 2000

BZA Case No. 2000-1697
ZA Case No. 17683-PAD
CEQA: EIR 98-0149-PA
Fish and Game: Exempt

Address: 9101 West Pico Boulevard
Community Plan: West Los Angeles
Zone: C4-1-0-VL
Council District: 5
D.M.: 132B169
Legal: Lots 883-888, Tract 6380

Applicant: Breitburn Energy Company LLC (Craig Lawson & Company/Land Use Consultants)

Appellant: Neighbors for a Safe Environment, et al (Joel S. Moskowitz/Moskowitz, Brestoff, Winston & Blinderman LLP)

BOARD OF ZONING APPEALS DETERMINATION REPORT ON THE PLAN APPROVAL

Meeting Date: May 23, 2000

Summary of determination action:

Appeal denied
ZA sustained
Granted plan approval
Certified the EIR
Conditions of approval imposed
Prior conditions modified
Findings of Z.A. adopted

Vote Summary - Plan Approval:

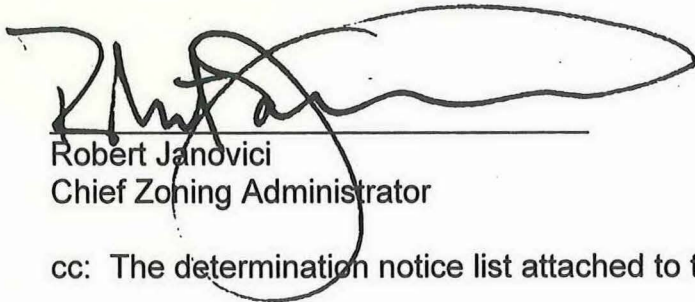
M. Selter:	Moved
H. Dolle:	Yes
C. Kezios:	Yes
J. Silcott:	Yes
N. Brogin:	Second

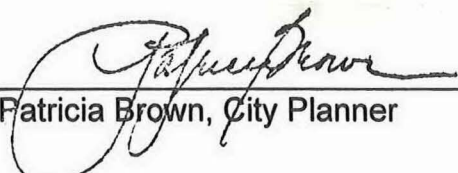
Effective Date:

Effective upon the mailing of this report.

Appeal Status:

Not appealable


Robert Janovici
Chief Zoning Administrator


Patricia Brown, City Planner

cc: The determination notice list attached to the case file.



ACTION OF THE BOARD**ACTION: BY VIRTUE OF THE AUTHORITY VESTED IN IT BY CHARTER SECTION 99 AND MUNICIPAL CODE SECTION 12.28, THE BOARD:**

1. Pursuant to Board of Zoning Appeals Case No. BZA 2000-1697 and Zoning Administration Case No. 17683-PAD, **DENIED** the protestant's appeal.
2. **GRANTED** the Plan Approval, subject to the attached Exhibit No. B-1, Conditions of Approval.
3. Environmental.
 - a. **CERTIFIED** that
 - 1) The Final Environmental Impact Report No. EIR 98-0149-PA (SCH #98091043), Breitburn Energy Company, Pico/Doheny Drillsite Modernization project, as dated October 1999, has been completed in compliance with the California Environmental Quality Act ("CEQA").
 - 2) The Final EIR was presented to the decision-maker which reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - 3) The Final EIR reflects the decision-maker's independent judgement and analysis.
 - 4) The record in these proceedings of this matter consists of the environmental files in the custody of the City Planning Department, the ZA file for this approval [ZA Case 17683 (PAD)], the BZA file for the appeal [BZA Case 2000-1697], along with the contents of any files specified in the ZA or BZA decision letters.
 - b. **ADOPTED** the Mitigation Monitoring Plan.
 - c. **ADOPTED** the attached findings.
 - d. Hereby **ADVISES** the applicant and appellant that State Law provides for an appeal of the certification of the EIR to the elective decision making body and must be filed within 5 working days of the date of this written determination.

BOARD OF ZONING APPEALS DETERMINATION REPORT**BACKGROUND AND APPEAL REQUEST:**

1. On April 5, 2000, Zoning Administrator Emily Gabel-Luddy, pursuant to Section 13.01 of the Los Angeles Municipal Code, approved a modification of existing

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conditions and methods of operation for an existing oil/gas extraction site, with an existing approved maximum of 69 wells, and approval of plans therefore, permitting a 129-foot in height electrically-powered derrick, on Lot Nos. 883-888 on property located in the C4-1VL-0.

2. The protestant appealed the entire action.

SUMMARY OF THE HEARING:

(Staff Note: The following is a summary narrative of the statements made before the Board and the Board's query and deliberations during the public hearing. The narrative within this summary which is bracketed [...] is a further staff consolidation and notation of statements at that particular portion of the hearing.)

1. The Zoning Administrator summarized the action, findings and facts set forth in the determination and report to the Board. In addition, the Administrator stated: [The request is for the modification of the existing oil and gas site, converting the diesel powered portable workover rig to electric power within an enclosed derrick, and raising the outer walls to a height of 25 feet. Currently operations are limited to 10 days per month. Under the approved proposal, the workover activities would be allowed as needed. The number of wells will not be expanded. The existing facility has been operational since 1965. (Described the changes on the subject site) (Described the surrounding uses on the radius map) At the hearing speakers raised concerns regarding noise, odors, emissions, specifically hydrogen sulfide and diesel, aesthetics and information in the EIR. The Air Quality Management District, Department of Conservation, and Environmental Protection Agency each concluded that the proposed project would result in improved environmental conditions over the existing conditions. Enclosing the rig and work area and raising the perimeter wall will attenuate noise impacts. (Addressed conditions imposed) (Outlined and addressed the issues of appeal - operation of the proposed project, noise, aesthetics, project size and footprint, odor and emissions). The facility currently operates 24-hours per day, 7 days per week. It does not mean that the workover operations will be conducted 24-hours per day. With regard to the EIR findings, the Board is requested to include additional language. The Board is asked to include in their action the certification of the EIR; to find that the FEIR was presented to the decision maker and the decision maker has reviewed and considered the information in the FEIR; that the FEIR reflect the decision maker's independent judgement and analysis; the record in these proceedings consists of the environmental files, the BZA file and the ZA file as well as the content of any file specified in the ZA and BZA actions. In addition the Board is requested to adopt the mitigation monitoring plan; adopt the Plan Approval findings of the Zoning Administrator and advise the applicant and appellant that State Law provides for an appeal of the certification of the EIR to the elective decision making body. The plan approval is not further appealable although the EIR is further appealable and must be filed within 5 working days of the date of the BZA written determination.]

The Board inquired of the City Attorney, Susan Pfann: [For the record, are the suggestions of the Zoning Administrator appropriate?]

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The City Attorney stated: [The language has been reviewed and meets our approval.]

2. Michael Feuer, Councilmember, Council District 5 stated: [The issues of noise and odors has been raised and as a result, my staff have gone to the site at all times of the day. There have been odors and we have worked with Building and Safety. The use is a legally entitled use at the site and will remain. State and Federal organizations with jurisdiction have been contacted. There are 3 key issues, air quality, hydrogen sulfide, and changes either shortening or lengthening the life of the use. State and Federal agencies felt the project would have a benefit effect and may shorten the life of the use. I am in support of the Zoning Administrator's action with the 78 conditions.] In response to inquiries from the Board, the Councilmember further stated: [No one is sure how often workovers would be needed. However, not 24 hours.]

3. Barbara Blenderman representing the appellant stated: [The tower is new. Currently a 12-foot wall surrounds the site. The proposed 25-foot wall will totally isolate the area. The permanent structure will be 10 times the height of the wall. The structure will over power the neighborhood of mostly single story buildings. The life of the project could be extended for 40 years. We question if the EIR correctly defines the project. This is a new use. Valid conclusions can not be drawn without the inclusion of baseline facts. The report infers that AQMD investigated, however there has been no independent testing. I feel there are grounds to challenge the EIR. The health risks to the community have not been examined. The project has no limitation on hours.]

4. Speakers in support of the appeal offered the following comments:

A speaker stated: [We don't know how the risk is eliminated or reduced. Any risk is unacceptable. Under consideration is something which doesn't claim to eliminate a health risk, where the company hasn't had a good record of policing itself. An outside policing system is needed.]

A second speaker stated: [No studies have been conducted on lung function for children living nearby or emissions. There have been no studies looking at emissions from the proposed structure in relation to the current structure, and the risk to children is unknown. The cancer risks to children are unknown. Breitburn has never complied with conditions and workers didn't want to work with Brietburn. The workers, who worked for Breitburn in December of 1999, discussed violations which they had seen. The project is being extended from 10 days of operation per month to 24 hours, 5 days per week. A taller broadcast tower will increase concentrations. There are two problems, first the extension of the operation from 10 days per month to 24 hours a day, 5 days per week and we won't know if that broadcast will make a difference. Secondly, the tower is taller than the current one and the broadcast will be different. That broadcast has not been analyzed in relation to the proposed climate. The business and neighbors have not talked.]

A third speaker stated: [Cancers caused by environmental toxins do occur. Petitions with the signatures of pediatricians and radiologist living in the area have been

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submitted into the record. We don't know the long term effects. We are not convinced that the project will be beneficial.] In response to the Board's statement regarding the right of the applicant to continue the use, the speaker stated: [We understand, but still want testing done.] In response to the Board's statement that it is not within the purview of the Board to determine if the existing use is in compliance, the speaker stated: [If approved, we want to know that it will be done in a safe manner.]

A fourth speaker stated: [Testing has shown that there is an increase of 40% in the risk of cancer from toxins in the fumes for people in the near vicinity.]

A fifth speaker stated: [Although the drilling process will be improved it increases the number of days and creates more dangerous pollution. The fumes can be smelled for 3 to 4 blocks away from the site.]

A sixth speaker stated: [A disapproval will provide an incentive to improve what is there. The diesel use can be changed to electric. The use is an odd use of the property in a residential neighborhood.(Showed pictures and described other facilities) The EIR does not address the processing plant. Neighborhood improvements should take place first.]

A seventh speaker stated: [Request that the operation be reduced. Maybe it should be eliminated.]

An eighth speaker stated: [There is no limitation set on the hours of operation and can be done at will. This is about increased production and in what way production can be increased in a safe manner for residents. The report indicates there is no significant reduction in diesel output. Transportation will be by trucks and the number of trucks is a concern. I am not asking for a shutdown of the operation but to rectify the problem. To state that AQMD has enough people to adequately monitor the project is incorrect. Mediation needs to take place between the applicant and the community.]

A ninth speaker stated: [The air analysis performed at the site is not in the EIR. The AQMD only studied limited emissions using screening tests and not EPA test methods. Hydrogen sulfide testing was not performed by lab method. The other lab analysis performed is inappropriate for an environmental analysis. No analysis performed on total emissions. Without baseline data, air emissions from the expanded facility can only be presumed by using models. While modeling is an accepted method for assessing air quality, the proponents of this methodology agree that certain variables are unpredictable. When conditions change, the modeling variables may not present useful and relevant data. We request EPA testing methods for volatile organics and petroleum hydrocarbons. The 78 conditions imposed are not new, have not been enforced, and do not go far enough. There is no agency with jurisdiction. The Administrator's decision should be overturned pending baseline testing, followed by extensive independent monitoring and testing.]

A tenth speaker stated: [The facility has a right to be there because there is no monitoring. Odors are intermittent. Building and Safety doesn't have jurisdiction and

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the police will not come out. Today, before 8:00 a.m. pipes were being dropped although no work is to occur before 8:00 a.m. For the project to be cited, the enforcement agency must hear the noise or smell the odors. The City nor Breitburn responds to our complaints.]

An eleventh speaker stated: [Condition No. 37 requires AQMD reporting. What methods will be used and will independent testing be conducted? What agency will be able to address situations where the limitations are exceeded? The conditions are open-ended. The monitors are unclear and unreliable.]

A twelfth speaker stated: [I have children attending school one block from the site, but they will not be attending schools in the area next year because of this use. I have never seen a Prop 65 sign on the site until after the issue was brought up at the hearing.]

A thirteenth speaker stated: [Too many questions have been left unanswered. Condition No. 42 requires a community liaison. Will there be a live person available 24 hours? The person will be reporting to Breitburn so what jurisdiction will they have?]

A fourteenth speaker stated: [I feel we should properly deal with the existing project and let the applicant show that they merit an expansion.]

A fifteenth speaker stated: [I would like to read from a letter from Tom Hayden. There are adverse impacts associated with such drilling sites. This is an inappropriate use in residential area without full EIR disclosure. The on-site impacts have not been determined, so it can not further be determined that this is an improvement. Condition No. 38 requires odor monitoring during the summer months, but what about the rest of the year?]

A sixteenth speaker stated: [The Jewish Journal just identified Mr. David Vaccaro, Senior Inspector, as the person responsible for noise monitoring. Mr. Vaccaro has the responsibility for 5 council districts or over 1 million people. The conditions are inadequate because they call for self-policing. If violations occur, the operation should be shut down until corrected. We would like hearings each year for the next two years to review the operation.]

5. Mr. Washburn, with Breitburn Oil stated: [We have met with the community.]
6. Mr. Brown, representing Brietburn Oil stated: [Currently there is a portable rig at a height of 107 feet. The new rig at 129 feet will be enclosed. The wall will shield and mitigate sound as well as provide a visual shield for the community. The current rig is a diesel powered truck which is operational when the rig operates. The major components of the project are not necessary for oil production but are instead designed to lessen impacts from the facility. The truck operation will be eliminated with this proposal. The applicant did not electrify the rig sooner because there are no electric portable rigs in existence and a permanent derrick structure is necessary to electrify the site. There are 3 emission sources at the site: the diesel rig, well work and fugitive emissions. There are also emissions from employee vehicles. An SCAQMD inspection is required every 2 weeks for 2 years. This rig is 129 feet in

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height, the one at Beverly Hills High is 160 feet. We will recover more oil per day, but we can not predict the life span of the site. The EIR outlines the emissions calculations. The wall height will disburse odors at a higher altitude.]

The Zoning Administrator in response to an inquiry from the Board stated: [There is no single agency that can gather all of the reporting information and then work with the Office of Zoning Administration.]

The speaker stated: [(outlined noise monitoring) We have submitted Exhibit "F" which is a request for corrections to the conditions. With the 129-foot limitation, instead of the requested height, the building will have a different configuration. We have done mailings and have identified supporters. The project will reduce noise and air emissions.]

The Zoning Administrator agreed with the requested modifications to the conditions.

The speaker stated: [The EIR assumed the worst case with operations taking place seven days a week, 24 hours per day. Community meetings were held and mailings were sent out.]

7. Speakers in support of the project offered the following comments:

A speaker stated: [The project will improve air quality by eliminating diesel emissions.]

A second speaker stated: [I find it difficult to believe that Breitburn is responsible for all the illness. Buses, trucks and others emit more noise and odors.]

A third speaker stated: [I live nearby and work at home. I have not experienced a noise problem.]

A fourth speaker stated: [Until recently I was not aware that there was an oil drilling facility at the location. I feel the compromise will address the concerns of the opponents.]

A fifth speaker stated: [Breitburn has been a good neighbor by participating in the creation of a wildlife habitat at Canfield Elementary School.]

A sixth speaker stated: [Breitburn has tried to work with the community and has resolved a previous odor problem. The facility has been at the location long before many people moved in.]

A seventh speaker stated: [I am in favor of the project.]

An eighth speaker stated: [I have been kept informed of the project.]

A ninth speaker stated: [I have talked to people on my block and no one seems to be sick. There are more odors emitted from the restaurants in the area, than this site.]

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A tenth speaker stated: [I work in the oil production industry and Breitburn is respected in the industry.]

8. The representative for the appellant stated: [Calling the City with complaints is difficult. The new tower will be so high it will require an aircraft warning light. There is a lack of logic in the Zoning Administrator's conclusions. There is an absence of baseline information. EIR still doesn't identify air, noise and emissions specifically from the site, but includes them with those of the surrounding uses. The 7:00 a.m. start for construction is early and should be at a later time. The June 18, 1999 EPA letter identifies the project as a major modification for which emission increases are not adequately addressed in the EIR.]
9. Dr. Drazen also speaking for the appellant stated: [It has been stated that the VOC's are so low that there is no need for concern. If so, then the testing should be done. This could be accomplished at a cost of \$15,000 to \$20,000. I agree with the independent monitor. Real enforcement is needed.]

The Board deliberated as follows on the certification of the EIR:

1. The Zoning Administrator stated: [Request that your actions be taken separately. First the EIR, then the action on the project.]
2. Mr. Selter stated: [In the staff report there is reference to a Community Trust Fund.]
3. The applicant's representative stated: [That is based on a percentage of the revenue.]
4. Mr. Brogin stated: [I will move to certify the EIR.]
5. Mr. Dolle stated: [Second]
6. The Zoning Administrator stated: [With the clarifications.]

The motion for certification passed.

The Board deliberated as follows on the plan approval:

1. Mr. Selter stated: [The decision is difficult. I understand the parental concerns. Based on the current right, with the conditions, there would be an improvement. It is not an expansion. It is an issue for me of aesthetics versus health, and aesthetics needs to take second to health care. Therefore, I will move to deny the appeal with the modification of Condition No. 3 to conform to the appropriate date of Purim and the appropriate dates of construction.]
2. Mr. Brogin stated: [I will second the motion and would like to raise the issue of the modification of conditions as requested in Exhibit "F".]
3. The Zoning Administrator stated: [In the conditions delete catwalk and add pipe handler. Also a request changing dates into 2001 and add Purim. There is also a request for a 30-day time limitation for the establishment of design approval on

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Condition No.1. Clarification is also requested for the submittal of monitoring and inspection reports. Copies would be filed with the Office of Zoning Administration.]

4. Mr. Selter stated: [Closing exterior doors.]
5. The Zoning Administrator stated: [Vehicle access doors will be identified but not the specific type.]
6. Mr. Selter stated: [Ms. Luddy, are you comfortable working with the applicant on the modification of the request?]
7. The Zoning Administrator stated: [That is a letter of correction.]
8. Mr. Silcott stated: [I am concerned about the high cost of fuel and domestic drilling is important in that respect.]
9. The City Attorney stated: [The Board should adopt the CEQA findings, which identifies the aesthetics impacts as less than significant, the reduction in height, design issues, color schemes, and the fact that no major views are affected.]
10. Mr. Selter stated: [The Board will adopt the Zoning Administrator's findings.]
11. The Zoning Administrator stated: [The Board's action today on some of the changes requested would clarify the intent of my determination. If the Board made those clarifications today, it would result in a smoother process. Condition No. 3 addresses a limitation on construction on holidays. "Pipe handler" should be substituted for "catwalk". There is also a request to delete reference to "roll up door."]
12. The representative for the applicant stated: [Sound attenuation is required for all doors.]
13. The Zoning Administrator stated: [It is acceptable to me to remove the reference to roll-up doors. Condition No. 38, requires odor monitoring. The requested change would add the wording "and report the results to the Office of Zoning Administration." The requested additions to Condition 40 are the words "the construction, installation and the operation of the system shall be established." This will require the participation of the Fire Department in all phases of the development of the monitoring system.]
14. The Board stated: [These additions are fine.]
15. The Zoning Administrator stated: [Also requested under the condition is the wording "Copies of all monitoring inspection reports shall be filed with the Office of Zoning Administration." Again on Condition No. 65, the words "pipe handler."]
16. Mr. Brogin stated: [Then I will amend my motion to include those changes.]

The Board voted as noted above

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FINDINGS

1. Conditional use (deemed-approved status). Pursuant to Municipal Code Section 12.24-F, the Board sustain the findings of the Zoning Administrator, and modified conditions numbers 1, 3, 8, 23, 32, 33, 34, 35, 38, 40a, 40c, 40d, and 65.
2. The site involved is an urban drill site bounded by Pico Boulevard on the south, Doheny Drive on the east, The drill site produces oil, gas and water from the East Beverly Hills Oil Field. Oakhurst Avenue on the west, and multi-family residential development on the north. The site includes a buffer area to the north with limited parking, a wall, a berm, mature trees and shrubs to screen the residential area to the north.

Across Oakhurst Avenue to the west is a processing facility, also owned by the applicant. The purpose of this facility is to separate extracted oil and gas, and return extracted water to the ground. No refining occurs at this facility which is not being changed or altered as a result of the instant action. This facility is not part of the present application.

3. The drill site involved in this application and to which the following conditions apply is described as Lots 883-888, inclusive, Tract 6380, located northerly of Pico Boulevard and extending from Doheny Drive to Oakhurst Drive, Beverlywood Community, City of Los Angeles.
4. The East Beverly Hills Oil Field was discovered by applicant's predecessor, Occidental Petroleum Corporation ("Occidental") and by Chevron USA, Inc. ("Chevron") in the mid-1960's. The field is located beneath the City of Beverly Hills and the City of Los Angeles. Within the City of Los Angeles three separate oil drilling districts were created by the Los Angeles City Council which allowed Occidental to develop its portion of the East Beverly Hills Oil Field. Other districts were created easterly of these three districts permitting additional development by Chevron of its portion of the field.
5. The applicant, BreitBurn Energy Company LLC, acquired the Occidental interest in the East Beverly Hills Oil Field in 1993. Drilling and production operations required to produce oil and gas from applicant's portion of the East Beverly Hills Oil Field occur from the West Pico controlled drill site, 9101 West Pico Boulevard, within the boundaries of Oil Drilling District U-131 at the intersection of Pico Boulevard and Doheny Drive. Subterranean oil/gas extraction but no surface activities occurring within adjacent Oil Drilling Districts U-132, U-150 and the adjacent Beverly Hills Exploratory Area.
6. The applicant has studied and this determination approves a permanent, electrically powered and enclosed 129-foot derrick which would be mobile and used for well redrilling and maintenance operations.

Redrilling operations will better develop portions of the existing field within existing drilling districts that are not being fully reached. The use of the new derrick would eliminate the use of the existing exposed 107-foot diesel-powered workover rig.

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The proposed derrick is similar in height to the derrick authorized under ZA Case 17683 which stood at the drill site from 1965 to 1985. However, the proposed project will result in construction of an entirely new, mobile, sound-controlled and electrically-powered derrick.

The applicant also will raise the existing 12-foot wall surrounding the drill site to a height of 25 feet to provide greater soundproofing and visual screening. Loading and unloading of materials will be made within a newly designed 24-foot high, fully enclosed support building located along the north side of the interior of the drill site.

Finally, the applicant requests a modification of operating hours, currently restricted to 10 days per month, between 8 a.m. and 5:30 p.m., Monday through Friday (Case No. BZA 4121).

In summary, the principal changes requested by the applicant include:

Current operation	Proposed operation
69 wells	No change
Up to 10 drilling days/month	Daily drilling/24hour basis
Open workover drill	Enclosed workover drill
Diesel powered equipment	Electric powered equipment
Uncovered truck loading area	Enclosed truck loading area
12-foot high perimeter walls	25-foot high perimeter walls

There will be no relocation of the facility. It will remain at its current location.

7. The property has been operated as a controlled drill site for more than thirty years. During the first twenty years of operation, a more than 160-foot enclosed and sound controlled drilling derrick stood at the site to conduct both drilling and redrilling operations on a twenty-four hour basis within the three oil drilling districts. However, ever since the site was established, well maintenance operations have been conducted by an outdoor, truck mounted diesel-powered workover rig which cannot be fully enclosed or soundproofed due to its size, portability and the nature of its power supply. Workover operations are currently being conducted by the Applicant during weekday daylight hours for up to ten days per month. Considering the solidly developed residential lots fronting both Doheny and Oakhurst Drives northerly of the subject site and the close proximity of the densely developed residential section and adjacent built-up commercial area, all features of oil drilling, well maintenance and production must continue to be strictly controlled to eliminate and/or mitigate odor, noise, vibrations, hazards, unsightliness and extensive truck traffic which could otherwise affect the surrounding residential area. Well operations will continue for the life of the field (estimated to be in excess of 40 years). It is imperative that these operations be conducted in a manner most compatible with the surrounding community.

ENVIRONMENTAL FINDINGS

8. The Environmental Impact Report (EIR 98-0149 PA) for the proposed project has determined that the proposed 129-foot derrick alternative approved by this letter of

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determination, will be environmentally superior to existing conditions. As discussed in the Environmental Impact Report, the following environmental impact or issue areas would have less than significant impacts and would not require mitigation: earth, air quality; light (artificial light and shade/shadow); land use; risk of upset; and traffic and parking. The EIR has summarized these less than significant impacts as follows:

Earth: The proposed project will not result in a loss of aggregate or petroleum resources beneath the site, but will provide a means to recover existing, previously untapped petroleum resources. The potential for significant induced seismicity occurring as a result of the proposed project has been determined to be negligible. In addition, the project will not contribute to ground subsidence.

If the proposed derrick structure and associated structures are designed and built with proper engineering design and conformance with 1997 building code requirements to resist ground motions approximating the design basis earthquake (DBE) and the associated ground accelerations expected to occur in the vicinity of the site, potential impacts relating to ground shaking, including seismic settlement and differential compaction of the on-site soils, will be reduced to a less than significant level.

Air Quality: Construction activity emissions will be below SCAQMD significance thresholds. The small site size (< 1 acre) and limited equipment operations associated with site preparation and derrick structure assembly will maintain construction activity emissions at less than significant levels.

Operational activity impacts will be minimal. The number of days of activity would increase, but any added air emissions are offset by decreases and are therefore less than significant. Emissions increases would result from additional truck traffic, small amounts of fuel in the forklift and a few additional employees commuting to the site. Decreases will come from the elimination of diesel exhaust from the workover rig drive.

Existing emissions of toxic air contaminants (TAC) or odorous emissions are minimal. Project implementation will further decrease such emissions. TACs and possible diesel exhaust odor emissions will be reduced by elimination of the diesel drive. Idling of trucks during unloading will be reduced when trucks enter the new enclosed support building and typically turn off their engines. In addition, the new derrick structure will increase the dispersion of any VOCs and/or odor from well pipe or from well fluid spillage in the well cellar. Taller perimeter walls will similarly increase the amount of dilution during any source-to-receptor transport. Overall, the project would have less than significant air quality impacts when compared to thresholds of significance, and would have lesser impacts than current operations at the project site.

Artificial Light: Lights from the project will be directed onto the project site and concealed from adjacent residential and commercial areas by the 25-foot wall surrounding the site. No light will emanate from the derrick structure, and no visible lighting will be installed on the derrick. A small red flashing aircraft warning light will be installed at the top of the derrick structure. This light will not be visible from

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residences immediately adjacent to the site. No direct lighting will be visible from the project site. All surfaces will be coated with a non-reflective finish for the purpose of minimizing reflective light and glare on adjacent areas from the project site. Overall, artificial light impacts the proposed project will be less than significant.

Shade/Shadow: No shadow from any component of the project will be cast onto any adjacent residential buildings for more than two hours between 10 a.m. and 4 p.m. at any time of year. The proposed modernization project adds virtually no shadows to those already occurring due to existing buildings or trees in the project locale (except for additional shadows on building roofs, which shadows are considered insignificant because of their lack of impact on individuals or landscaping). Overall, shade/shadow impacts from the proposed project will be less than significant.

Land Use: The proposed project will conform with land use designations, objectives, and policies of the West Los Angeles District Plan and the applicable sections of the Los Angeles Municipal Code. In terms of physical land use compatibility, the site has been an operational drill site for more than 30 years and a permanent derrick structure was on the site between approximately 1965 and 1985. The proposed wall will be approximately the height of a two-story structure, which is the prevailing height of existing buildings along the local stretch of Pico Boulevard. Because the wall will be the same height as other structures in the area, it will not visually dominate the community and is, therefore, considered compatible. If constructed and operated in compliance with these Determination of Conditions and Methods of Operation, the proposed project will not create significant land use impacts. Overall, land use impacts from the proposed project will be less than significant.

Natural Resources: The proposed workover and redrilling activities are intended to develop and produce petroleum resources that will otherwise remain untapped and maximize production of oil and gas from the existing reserves. Construction and operation of the proposed project will make these reserves available for use. Extraction and processing of natural resources will outweigh consumption of such resources for construction materials and other required components of the project. No aggregate mineral resources are located beneath the project site. The proposed project will not result in the permanent loss of, or loss of access to, mineral resources that are located in a MRZ-2 area (as designated by the State of California Mining and Geology Board) or other known potential mineral resource area. Further, the proposed project will not block access to a MRZ-2 or other potential mineral resource area. Overall, the impact on natural resources will be less than significant for the proposed project.

Risk of Upset: The proposed project will incorporate added safety features and will continue employee training measures designed to prevent, or contain risk of upset incidents as quickly as possible, should they occur. The continued use of a small amount of hazardous materials on the project site will conform with the requirements of the Fire Code of the City of Los Angeles, and other local and state regulations. The proposed project will continue to utilize blowout prevention equipment. Monitoring equipment to warn of potential blowouts will be used and tested to meet specific California Division of Oil, Gas and Geothermal Resources requirements. The risk of a blowout and any associated environmental harm is

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negligible and does not constitute a significant impact on the environment. Even though the existing risk associated with the site resulting from a blowout and fire is virtually nonexistent, the proposed project will technically further decrease such risks at the site by installing the derrick to contain and vent any possible blowout gases and by raising the wall to confine any materials and vapors on-site and to keep them away from ignition sources.

The applicant's existing Spill Prevention Control and Countermeasure Plan (SPCC) describes the course of action to be followed in the event of an oil spill. This plan will be maintained as part of the proposed project. Spill-prevention equipment and containment facilities on the project site, combined with the SPCC makes a potential spill affecting off-site areas an unlikely occurrence. The impact of the project in terms of a potential spill is considered to be less than significant.

Gas detectors will continue to be utilized on the site, in addition to continued weekly monitoring to detect gas leaks. The potential for fire/explosion and groundwater contamination will be less than significant. Overall, risk of upset impacts from the proposed project will be less than significant.

Traffic and Parking: With the proposed project, during the weekday AM and PM peak hour, key nearby intersections will operate at the same Level of Service (LOS) as under the future without the project. Based upon LADOT threshold criteria, none of the intersections are projected to be significantly impacted by the proposed project. The proposed project will not add new trips to the residential streets of Cardiff Avenue and Oakhurst Drive. As a result, none of the residential streets analyzed will be impacted by the proposed project. Construction and parking impacts associated with the proposed project will be less than significant. Overall, traffic and parking impacts from the proposed project will be less than significant.

As determined by the EIR, the following environmental impact or issue areas could have potentially significant impacts unless mitigated to a less than significant level: noise, public services (fire protection/emergency access) and aesthetics. The mitigation measures necessary to reduce the potential impacts on these areas to less than significant levels are contained in the Methods of Operation and Determination of Conditions set forth below. The mitigated impacts are as follows:

Noise: The 25-foot wall around the project site is designed to decrease noise impacts at all hours of the day including any noise from truck deliveries and workers conversations. The derrick structure will be noise-controlled. All of the equipment will be electric powered, and no noise or vibration will be created by the derrick's movement. Deliveries of drill pipe, tubing and casing, drilling tools, sacks of dry clay and other materials requiring a semi-truck and trailer will be made within an enclosed, noise controlled support building. Deliveries now occur outdoors.

The estimated average nighttime noise levels that will be generated by the continuous noise sources at the proposed drill site are below the significance criteria. Therefore, the impact of the project is less than significant.

Although construction noise impacts would be short-term in nature, by implementation of mitigation measures during construction, the impact will be less

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than significant.

Fire Protection/Emergency Access: The proposed project will incorporate a variety of fire safety features such as extinguishers, sprinklers and alarm systems, similar to existing fire protection systems on-site. Verification of adequate water availability and pressure for fire flow will be required. Any necessary upgrades of the water system will reduce water flow impacts to a less than significant level. Fire safety features incorporated into the proposed project will reduce potential impacts on response distance and frequency of calls to a less than significant level. The project will comply with the requirements of the City of Los Angeles Fire Code governing the operation of oil wells, together with all applicable building code and zoning regulations.

With incorporation of all applicable fire and building code requirements and compliance with zoning regulations, impacts on fire protection by the proposed project would be less than significant.

Aesthetics/Views/Visual Resources: The Final Environmental Impact Report identified the visual impact of the 175-foot proposed derrick as a potential significant impact on the closest residents. The instant grant -- Determination of Conditions and Methods of Operation -- imposes several mitigation measures upon the proposed project which will mitigate any potential effect to a level of insignificance. The maximum height of the derrick is to be reduced from the proposed 175-foot height to a maximum height of 129 feet. This is less than 25 feet taller than the current, exposed derrick used at the site. The derrick itself is required to be built in conformance with an architectural design with architectural treatments that better integrate it with the perimeter wall and the surrounding community. Further, a proposed color scheme will also help mitigate visual impacts. The proposed derrick, as designed, will minimize visual and aesthetic impacts on the community. There are no views of significant natural or man-made features or vistas in the project vicinity that will be blocked by the proposed enclosed structure.

Further, a 25-foot high screen wall, proposed surrounding the subject drill site, will not block major public scenic vistas, views.

The proposed 25-foot in height wall will not block any major public scenic vistas; will not create an unsuitable structure relative to its location; and will not have a demonstrable negative aesthetic effect. The increased height of the wall (from existing conditions) will not create a significant aesthetic impact. Further, architectural treatment and landscaping around the project site will further reduce the visual impact of the wall.

With these mitigation measures, the aesthetic impacts of the proposed derrick and project wall structures will be less than significant.

In view of all the above considerations, the conditions imposed are necessary and within the intent and purpose of Section 13.01-E and F of the Municipal Code to protect and preserve the surrounding area for continued residential and commercial development in keeping with the zoning and to protect the general public and the community from any detrimental features of urban oil activities.

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9. The prior conditions and limitations were modified in part for the following reasons:
 - a. To protect the surrounding community and environment.
 - b. To assure a project as described by the applicant.
10. The Board arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Board's hearing on the subject matter.

APPEAL RIGHTS:

No appeal. The Board of Zoning Appeals' action in this matter is effective upon the mailing of this report. It is not further appealable to the City Council.

EFFECTUATION OF THE ACTION:

1. Conditional Use:
 - a. Pursuant to Municipal Code Section 12.24-E, the subject authorization must be utilized within two (2) years after the effective date of the grant.
 - b. If the subject authorization is not utilized, or if construction or installation of physical improvements has not begun and diligently been carried on to completion, within the two (2) years, this grant shall become void. Further, any privilege or use authorized by the subject grant shall be deemed to have lapsed.
2. Time Extension: A request for permit utilization time extension:
 - a. Must be filed at a public counter of the Planning Department, and
 - b. the extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.
 - c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the applicant from taking advantage of the grant or authorization within the specified time limits.
 - d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

REVOCATION/PROSECUTION WARNING:

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency.

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Furthermore, if any condition of this grant is violated or not complied with, then the applicant or applicant's successor in interest may be prosecuted or the grant may be revoked. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise such person or corporation regarding the conditions of this authorization. If any portion of the authorization is utilized, the other conditions and requirements of the grant will become operative and must be strictly observed.

AMERICANS WITH DISABILITIES ACT (ADA) NOTICE:

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

REFERENCED EXHIBITS:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (file copy only).

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CONDITIONS OF APPROVAL

The conditions and requirements of Zoning Administration Case No. 17683-PAD have not been modified substantially, except as indicated below.

CONDITIONS OF OPERATION

A. CONSTRUCTION AND DESIGN

1. Design Approval. The new derrick structure, ancillary buildings, drill site walls and landscaping shall be built in substantial conformance with plans approved by the Zoning Administrator. The Zoning Administrator shall establish a group comprised of members to be determined by the Council Office, which will include the applicant, a representative from the Council Office, a business owner within two blocks of the facility and a resident from the surrounding community to determine the final design of the 129-foot high derrick and enclosing perimeter wall within 30 days after the effective date of this grant.
2. Limitation On Construction Hours. Construction activities will be restricted to the hours of 7 a.m. to 5 p.m. Monday through Friday. No construction activity shall take place between 5 p.m. Friday and 7 a.m. Monday. The applicant shall designate a community liaison who will be accessible 24 hours a day during the construction period (see also "community liaison", Condition No. 42).
3. Limitation On Construction--Holidays. Out of respect for the community, the applicant has offered the following and such condition is hereby imposed: no construction activities will take place on the following major national and religious holidays: New Years Day (1/1/2001), Purim (March 9, 2001) the first two days and last two days of Passover (4/20-21/2000; 4/26-27/2000), Good Friday (4/21/2000), Memorial Day (5/29/2000), Shavuout (6/9/2000), Fourth of July (7/4/2000), Labor Day (9/4/2000), Rosh-Hashana (9/30/2000), Yom Kippur (10/9/2000), Sukkoth (10/14/2000), Simchat Torah (10/22/2000), Thanksgiving (11/23/2000) and Christmas Day (12/25/2000).
4. Design--Pumping Units. All pumping units established in the site shall be installed in pits so that no part thereof will be above the surface of the ground.
5. Design--Surrounding Wall And Wall Landscaping. The entire drilling site is currently fenced with an ornamental masonry wall or a masonry wall with precast pebbled-matrix type facia on the exterior having a height of approximately 12 feet above the level of the adjacent property outside of the enclosing wall. The height of the existing wall shall be increased to a height of approximately 25 feet by an architecturally treated extension or replacement wall in the same location, the design of which, including the design and placement of doors, shall be approved by the Zoning Administrator. The enclosing wall will retain indented reveals for trees or for precast planter boxes. The setback spaces along all street frontages including the space put to the curb line not utilized for driveways or public sidewalks shall be landscaped by

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the planting of lawn, ivy or other green ground cover and vines interspersed with trees and shrubs, all of said landscaping to be maintained in first-class, attractive condition at all times. Included in the landscaping of the site, specific ornamental street trees of a broadleaf evergreen type or cocoa plumosa palms shall be planted and maintained in the parkway spaces along both Doheny and Oakhurst Drives and in tree wells in the sidewalk along Pico Boulevard all in a manner satisfactory to the Street Tree Division, Bureau of Street Maintenance. The landscaping plan shall include a landscaping treatment on the north-facing (alley) wall using a planting such as creeping fig, ficus pumila (repens).

6. No Earthen Sumps. No earthen sumps shall be used at the site.
7. Signage. No sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by these conditions, law or ordinance to be displayed in connection with the drilling or maintenance of the wells.
8. Design--Derrick And Equipment. The derrick shall consist of a structure enclosed on all sides and similar in size and appearance to that set forth in the application, with the final exterior design appearance to be in accordance with Exhibit "A", labeled Alternative 3, approved by the Zoning Administrator and attached to this letter of determination. In no event shall the concrete mat used as a base of the derrick employed in the drilling operations project more than one foot above the highest elevation of the existing public sidewalk along Pico Boulevard adjacent to the southerly side of the site. In no event shall the overall gross height of said derrick structure (including the reduced width crown block enclosure at the top) exceed a height of 129 feet above the concrete mat base referred to above.

All structures used in drilling and production activities located on the site shall be built in such a manner that no portion of such structure, other than the upper portion of the derrick and catwalk pipe handler building will extend for any appreciable distance above the enclosing fence or wall surrounding the drilling site as heretofore specified.

The derrick shall consist of a structure enclosed on all sides and similar in size and appearance to that set forth in the application, with the final exterior design appearance to be approved by the Zoning Administrator.

9. Paint And Exterior Finishes. The entire exterior surface of the derrick structure including the various doorways shall be painted or color-coated in a color or colors approved by the Zoning Administrator. All visible exterior surfaces of the project shall be coated with non-reflective finishes for the purpose of minimizing reflective light and glare on adjacent areas.
10. No Trucking Of Production. All oil and gas produced from the wells on the property shall be transported from the site only by means of underground pipeline connected directly with the producing pump or with tanks or treating

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facilities by a completely closed system without venting products to the atmosphere at the site and in no event shall there be any storage or treatment facilities on the site other than necessary to conform production to pipeline requirements.

11. No Refining. No refining process or any process for the extraction of products from natural gas shall be carried on at the site, except for such minor processes as are necessary to make natural gas acceptable for home use.
12. Plumbing Design. The public water supply system on the property shall be protected against backflow where necessary in a manner acceptable to the Departments of Building and Safety and Water and Power and meeting the requirements of the Uniform Plumbing Code. Furthermore, representatives of the said Departments may enter upon the premises at any reasonable time for routine investigation of operations and/or facilities shall be made within a reasonable time as determined by the investigator.
13. Seismic Design. The proposed derrick structure and associated structures shall be designed and built to withstand earthquakes, including ground motions and ground accelerations expected to occur at the site based on a design basis earthquake. The derrick structure and associated structures shall be designed in conformance with current building code requirements and shall be designed to withstand seismic settlement and differential compaction on-site which would be expected to occur based upon the occurrence of a design basis earthquake.
14. Exterior Lighting. Except for any required aircraft warning light, all exterior lighting at the project site shall be located below the top of the surrounding wall and shall be directed onto the site. Except as directed otherwise by the Zoning Administrator or other public agency, no lights shall be located on the derrick structure above the height of the surrounding wall. Security lights shall be located on the exterior of the wall on the north side of the drill site in order to illuminate the alley and parking area. These lights shall be placed and designed to cause minimum impact on neighboring properties.
15. Aircraft Warning Beacon. A red flashing aircraft warning light shall be installed at a location on top of the derrick designed to minimize its visibility to immediately adjacent properties.
16. Surface Water Reinjection. The entire surface area of the drill site within the perimeter walls shall be covered either with concrete or asphalt and shall be designed to collect all rain water within the site. All rain water shall be reinjected into injection wells located on the site.
17. Construction Noise Limitations--Ordinances. Construction of the project shall comply with City of Los Angeles Municipal Code Sections 41.04 and 112.05, and any subsequent ordinances regulating construction noise.
18. Construction Noise Limitations--Limits On Multiple Sources. To the maximum extent feasible, construction activity shall be scheduled to avoid operating

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multiple pieces of sound-generating equipment simultaneously.

19. Construction Noise Limitations--Muffling Devices. The project shall be constructed using power construction equipment which utilizes noise-shielding and muffling devices.
20. Construction Noise Limitations--Construction of Wall. To the maximum extent feasible, the increased height perimeter wall shall be constructed first at the project location in order to minimize both visual and noise impacts on the surrounding areas.
21. Limit On Construction Equipment Movement. Construction equipment shall be stored on the project site to the maximum extent feasible.
22. Water Supply Design. Prior to start-up of any drilling or redrilling operations from the new derrick, the applicant shall make a service advisory request to the Los Angeles Department of Water and Power so that agency will evaluate water availability and pressure adjacent to the project site. Necessary testing costs and the cost of installing sewer laterals shall be paid for by the applicant. In the event that any replacement or upgrade of water mains is needed, the applicant will pay its fair share portion of the cost of such replacement or upgrade.
23. Design--Noise Mitigation Requirements. Unless required by the Los Angeles Fire Department, there shall be no access doors located along the north wall of the perimeter of the project site in order to minimize noise directed towards residential buildings to the north. The perimeter wall shall be constructed of materials having a minimum sound transmission class (STC) of 42. All employee access doors in the perimeter wall shall have a minimum STC of 42. The derrick structure shall be constructed of one layer 0.04" thick sheet metal on each side, separated by 3.25" with the cavity between filled with R-19 insulation bats, or an equivalent sound-controlling design and material. The panels shall have an STC of no less than 35. The interior of the derrick enclosure shall have sound absorptive materials with a minimum noise reduction coefficient (NRC) of 0.70 at the following locations: all areas below the drilling platform, the first 50 feet of the derrick enclosure of the drilling platform and on the upper 65 feet of the derrick enclosure. The base of the derrick enclosure will be constructed using a floor assembly which provides a minimum STC of 35 and the underside (ceiling) of the working platform shall be covered with sound absorptive materials that have an NRC of at least 0.70. The door that connects the derrick enclosure to the catwalk pipe handler building shall have a minimum STC of 35 and shall be fitted with a seal which will maintain the STC rating when the door is closed. All personnel and equipment access doors leading to the interior of the derrick enclosure shall have a minimum STC of 35. All inlets and exhausts for the derrick ventilation system shall be fitted with lined ducts as needed to provide acoustic control and the top of the derrick shall be fitted with a low-pressure drop silencer as needed.

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The walls and roof of the support building shall be constructed of materials that provide a minimum STC of 42. The interior of the support building shall be fitted with sound-absorptive materials with a noise reduction coefficient of at least 0.70. The roll-up truck entry doors on the east and west sides of the support building shall provide a minimum STC of 42. These doors shall be kept closed when not being used for truck access and shall be closed when materials are being loaded or unloaded from the trucks. The truck entry doors shall not be used for routine personnel access. All personnel access doors on the support building will provide a minimum STC of 42. The personnel access doors shall remain closed when not in use. The slotted doors located on the south side of the support building used for the movement of pipe shall provide a minimum STC of 42. The slotted doors shall be kept closed when not in use for pipe movement. All inlet and exhaust ducts for the support building shall vent towards the south side of the building. The inlet and exhaust ducts shall be fitted with acoustical silencers as necessary to maintain noise reduction consistent with the STC 42 of the walls and roof.

The walls and roof of the catwalk pipe handler building shall be constructed of materials providing a minimum STC of 35. The interior of the catwalk pipe handler building shall be lined with sound-absorptive material that has an NRC of 0.70. All doors on the catwalk pipe handler building, including slotted doors for pipe movement, shall provide a minimum STC of 35. All mechanical equipment relating to the mud system for the derrick and for the debris handling equipment shall be located either within the derrick enclosure or within a separate structure having a minimum STC of 42 and interior sound-absorptive materials with a minimum NRC of 0.70. All doors on such a separate structure would provide a minimum STC of 42.

24. Design--Vibration Limitations. Vibration damping material shall be used to attach the derrick enclosure panels to the primary derrick structure in order to inhibit noise and vibration. Vibration-inducing mechanical equipment at the site including pumps and mud shakers shall be mounted on spring isolators properly sized to support the equipment weight and withstand seismic loads. The derrick structure shall be mounted on spring isolators properly sized and selected to support the derrick weight and withstand seismic loads.
25. Disc Brake System. If feasible, the derrick shall be equipped with a disk brake system designed to reduce brake noise during drilling and rework operations.
26. Construction Traffic Control--Flag Person. During any partial closure of the alley north of the project site during construction, the applicant shall provide flag persons to allow two-way traffic to flow through the alley during this period.
27. Construction Traffic Control--Construction Personnel. The applicant shall instruct all contractors and construction personnel to approach and depart from the site via Pico Boulevard in order to reduce traffic impacts on the residential streets north of the project site.

B. OPERATION AND MAINTENANCE

28. Fire Department Access--Fire Lane. Fire lane width shall not be less than 20 feet. Where the fire lane must accommodate operation of the Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions of the fire lane shall be not less than 28 feet.
29. Fire Department Access--Overhead Clearance. Where access requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
30. Recycling. The applicant shall implement reasonable measures to maximize the salvaging and recycling of construction and demolition debris.
31. Limitation On Delivery Hours. No materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the site except between the hours of 8 a.m. and 5 p.m. on any day, except in the case of an emergency relating to unforeseen drilling or production operations, and then only when permission in writing has been previously obtained from the Zoning Administrator.
32. Limitation On Work Activities--Holidays. No deliveries shall be accepted at the site and no work activities visible from outside the site (except for personnel accessing the site) shall be conducted on the following holidays: New Years Day, Purim, the first day and last day of Passover, Good Friday, Memorial Day, Shavuout, Fourth of July, Labor Day, Rosh-Hashana, Yom Kippur, Sukkoth, Simchat Torah, Thanksgiving and Christmas Day.
33. Closing Of Exterior Doors. Except when actually in use for ingress or egress of personnel, supplies, vehicles or equipment, all exterior doors at the drill site shall remain closed at all times. The ~~roll-up~~ vehicle access doors on the support building shall not be used for any purpose (except emergencies) during the hours of 10 p.m. to 7 a.m. the following morning.
34. Limitations On Pipe Handling. All deliveries of pipe and all unloading and loading of pipe onto trucks shall take place within the sound-controlled support building. All handling of pipe at the project location shall occur inside the sound-controlled support building, derrick or catwalk pipe handler building.
35. Sound Control Of Equipment. All portions of the derrick equipment, the mud system including mud pumps, mud tanks and conditioning equipment and all pipe handling activities (other than the movement of pipe from the support building to the catwalk pipe handler building covered by another condition) shall occur inside the sound-controlled structures on the project site.
36. Spill Prevention Plan. The applicant shall at all times maintain an oil spill prevention control and countermeasure plan in conformance with applicable law. A copy of the Spill Prevention Plan shall be given to the Zoning Administrator for placement in the file.

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37. SCAQMD Reporting. The Office of Zoning Administration shall request that the SCAQMD report every two weeks to the Office of Zoning Administration on the air quality at the drill site during the first two years of operation, including reporting of all inspections and reports of complaints. Any costs associated with the monitoring shall be borne by the applicant in support of the activities of the SCAQMD staff.
38. Odor Monitoring. The applicant shall hire an independent consultant, approved by the Zoning Administrator, to perform weekly odor monitoring during the months of June, July, August and September for the first two years of operation and report the result to the Office of Zoning Administration. Upon advisement by the consultant, applicant shall undertake corrective action if unacceptable thresholds of odor are encountered.
39. Noise Monitoring. The applicant shall install a 24-hour noise and video monitoring system substantially as follows.
- a) The noise monitoring system shall utilize the following:
 - 1) The installation of an outdoor, calibrated microphone on the north portion of the drill site (on side of nearest residences).
 - 2) The installation of a decibel meter and connected personal computer in the new support building.
 - 3) The personal computer will be programmed to record sound decibel measurements on a 24-hour basis.
 - 4) If feasible, the system will include an automatic paging system attached to the computer which will automatically page the applicant's on-duty supervisor if the noise monitor records a reading over a preset warning level.
 - 5) The applicant's on-duty supervisor will immediately investigate any noise problems and take appropriate action. The supervisor shall prepare a written report on each such incident.
 - 6) During the first 24 months of operation of the modernized drill site, the applicant will print out and send to the Zoning Administrator a monthly report of all recorded noises above the preset level together with all investigation reports for the period; afterward, the applicant shall provide such reports to the Zoning Administrator on a quarterly basis.
 - 7) The system will be designed and installed, and the preset warning levels will be determined, by a qualified, independent noise consulting firm agreed upon by the Zoning Administrator and the applicant. The preset warning values will be determined

during the first several weeks of operation based upon actual site conditions.

b) The video monitoring system shall utilize the following components or features:

- 1) The installation of multiple video cameras on the walls of the drill site providing video coverage at various locations within the drill site and just outside of the drill site walls, including, but not limited to the alley along the north of the site, the derrick structure, and the support building. To avoid privacy concerns, the videotape system shall not record sound nor videotape any locations which are not owned by the applicant or are public.
- 2) The installation of a video recorder in the support building, which will videotape the camera images and the time of the recording.
- 3) The videotape will be used to help determine the origin and cause of any noise issues, in conjunction with the noise monitoring system. The videotapes will be available to the noise consultant and the Zoning Administrator, upon request. Videotapes shall be maintained by the applicant for at least 60 days.

40. Monitoring Program. The following program shall be utilized by the applicant to maintain regular and assured oversight of the proposed project:

- a. The applicant shall install an early alert detection system which will alert the Los Angeles City Fire Department (LAFD) of hydrogen sulfide and methane. A protocol for construction, installation and operation of the system shall be established to the satisfaction of the LAFD and the Department of Conservation, Division of Oil, Gas and Geothermal Resources with BreitBurn Energy within 90 days of the effective date of this letter of determination and given to the Zoning Administrator for placement in the file. Such system(s) shall remain operational during the lifetime of the drillsite operation.
- b. The applicant shall install a state-of-the-art fire suppression system, which shall use but not be limited to more effective fire suppressants such as foam. The system shall be constructed to the satisfaction of the LAFD; with clearance from the Fire Department for its design, prior to any Zoning Administrator sign-off.
- c. The applicant shall formally arrange with the Harbor Industrial Unit of the City of Los Angeles Fire Department, quarterly monitoring of the operations at the subject site, including but not limited to inspection of the systems described in a. and b., above. Such inspections shall occur quarterly during the first two years of operation. Copies of a formal arrangement assuring inspection shall be sent to the Zoning

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Administrator for placement in the file. Copies of all monitoring inspection reports shall be filed with the Office of Zoning Administration.

- d. The applicant shall formally arrange with the State of California Department of Conservation to monitor/inspect the drill site every six months for the first two years of operation. Copies of the formal arrangement assuring inspection shall be sent to the Zoning Administrator for placement in the file. Copies of all monitoring inspection reports shall be filed with the Office of Zoning Administration.
41. Prohibition On Shouting. The applicant shall instruct all employees to speak only at conversational levels at all times while outside of the noise control structures. The applicant shall enforce this condition through appropriate workplace sanctions in order to avoid repeat violations.
42. Community Liaison. The applicant shall designate a community liaison person, with a 24-hour a day access telephone number which number shall be conspicuously posted at the site, who will be available to respond to the community on any unanticipated problems or complaints.
43. Maintenance Of Landscaping. All exterior landscaping shall be maintained in good condition at all times.
44. Maintenance Of Exterior Surfaces. The derrick structure and other buildings, walls and equipment on the site shall be kept painted and maintained in a first-class condition at all times.
45. Fire Fighting Apparatus. Adequate fire fighting apparatus and supplies, approved by the Fire Department, shall be maintained on the drilling site at all times during drilling and production operations (see also Condition No. 40).
46. Avoidance Of Nuisance. All production equipment used shall be so constructed and operated that no noise, vibration, dust, odor or other harmful or annoying substances or effect which can be eliminated or diminished by the use of greater care shall be permitted to result from production operations carried on at the site or from anything incident thereto to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they from time to time become available if capable of reducing factors of nuisance or annoyance.
47. Waste Disposal. All waste substances, including drilling muds or waste oil, produced or used in connection with oil drilling operations or oil production shall be retained in water-tight receptors from which they may be piped or hauled for reuse, recycling or sent for terminal disposal in a dumping area specifically approved for such disposal by the Los Angeles Regional Water Quality Control Board or any other responsible agency.

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48. Conformance With Regulatory Oversight. All operations at the site relating to drilling and production activities shall be carried out in accordance with the applicable rules of the California Division of Oil, Gas and Geothermal Resources, including all rules and regulations related to the full protection of the public water supply.
 49. All Electric Power. All drilling and reworking operations at the site shall at all times be carried on only by electrical power and such power shall not be generated on the controlled drilling site or in the district.
 50. No Permanent Tanks. No permanent tanks or other facilities for the storage of oil shall be erected or maintained on the drill site and all oil produced shall be transported from the drilling site by means of an underground pipe without venting products to the atmosphere.
 51. Toilets. Suitable and adequate sanitary toilet and washing facilities shall be installed and maintained at the drill site in a clean and sanitary condition at all times.
 52. Access Limitations. No driveways shall be provided to the site from Pico Boulevard and driveway access shall be provided from both Doheny Drive and Oakhurst Avenue as specified in the Plot Plan submitted to the Zoning Administrator. All driveways to the site shall be equipped with solid gates or roll-up doors and finished on the outside in a manner to harmonize with attractive exterior finishes as the required enclosing wall around the drill site, with said gates kept closed at all times except when actually in use for ingress and egress to the site. At such times as trucks are delivering or picking up materials or supplies from the drill site, flagmen shall be utilized as needed so as to reduce traffic hazards on the adjoining streets. The driveways on the drilling site, as well as the adjacent parking area, shall be paved with rock and oil or asphaltic paving materials suitable to withstand heavy trucking operations, and all such driveways and parking areas shall be regularly washed down, swept or otherwise kept free of accumulated cement, dust, or other materials which would produce dust in the use of said facilities.
 53. Good Oil Field Practices. The redrilling of the wells shall be conducted in accordance with good oil field practice and the latest techniques and refinements in equipment and materials shall be used. The latest and most effective blow-out prevention equipment shall be installed and maintained in connection with the drilling of any well, all in accordance with the rules and regulations of the California Division of Oil, Gas and Geothermal Resources.
 54. No On-Street Storage. All tools, pipe and other equipment used in connection with drilling and production activities at the site shall be stored and kept on the site within the walled and landscaped enclosure.
 55. Night Employees. Employees working on night shifts shall be instructed to be considerate of the tenants of adjacent apartment houses when entering and leaving the parking facilities particularly during night hours.

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56. Storage of Lubricants/Solvents. No LP-15 Petrolite lubricant shall be stored on the site. All other lubricants and solvents on the site shall be stored in closed containers which shall be cleaned on a regular basis and sealed at all times.
57. Odor Control. The following odor control measures are imposed:
- a) All sampling pans or trays, open drains, pits or sumps shall be kept clean and without any significant oil or sludge accumulation.
 - b) When future replacements are made to applicable equipment, bellow valves and sealless pumps shall be utilized if appropriate and feasible for said equipment.
 - c) Any vacuum truck operations conducted on the site shall utilize vapor control equipment.
58. No Diesel Rig. After the modernized derrick is operational, no diesel or portable workover rig shall be utilized at any time.
59. Low Emission Forklift. The forklift used on-site shall be powered by propane or other low-emission power in order to reduce emissions.
60. Limitation On Vehicle Idling. No vehicle located on the site shall operate its engine except as necessary to physically move the vehicle or to operate equipment necessary or required for the use of the drill site.
61. Leak Detection And Odor Control. Automatic gas leak detectors currently utilized at the site shall continue to be utilized at the site in conjunction with the modernized facility. The site owner shall conduct and record in writing daily perimeter inspections of the entire facility in order to check for odors emanating from the facility. In the event that odors are detected emanating from the facility, steps shall be immediately taken to eliminate the odors.
62. Employee Traffic Controls. The applicant shall instruct all employees to approach and depart from the site via Pico Boulevard in order to minimize traffic impacts on residential streets north of the project site.
63. Truck Traffic Controls. The exit doors from the support building onto Oakhurst Avenue shall be posted with a large sign showing "NO RIGHT TURN FOR TRUCKS EXITING THE BUILDING". The site owner shall instruct all truck drivers and trucking companies coming to the site that all trucks are to arrive at and leave the site by way of Pico Boulevard and are not to drive on Oakhurst Avenue north of the drill site.
64. Truck Engine Sound Limitations. The interior of both vehicle exits from the support building shall have posted a large prominent sign stating "DO NOT REV ENGINES BEFORE REACHING PICO BOULEVARD". The site owner shall instruct all truck drivers entering the drill site to use minimum revving of

their engines in exiting the support building in order to minimize noise in the neighborhood.

65. Derrick Movement. The derrick and the associated ~~catwalk~~ pipe handler building shall be moved along skid rails by the use of hydraulic rams. The hydraulic pumps shall be located within the derrick or ~~catwalk~~ pipe handler building or other sound-controlled structure at the site.
66. Produced Water Reinjection. All water produced at the project site shall be re-injected into the subsurface formations.
67. Recycling. The Applicant shall provide employees with individual containers to allow separation of recyclable materials to be collected regularly for removal pursuant to any applicable City recycling programs.

C. GENERAL

68. Inclusion By Reference. All the conditions set forth in Section 13.01-E,2 of the Municipal Code are included in and by reference made a part of this approval and shall be complied with to the same extent as if herein restated.
69. Bonding Requirements. The Applicant shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him) in the sum of \$5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of each and all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change or specifications or requirements that may be approved or required by him or by any other officer or department of the City or any other alteration, modification of waiver affecting any of the obligations of the grantee made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety on any bond posted pursuant to this section.
70. Subsidence Monitoring. If a Zoning Administrator determines, after first receiving a report and recommendation from the City Administrative Officer, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, then after consulting with recognized experts in connection with such problem and with those producing hydrocarbons from the affected area, he shall have the authority to require the involved oil producer or producers to take corrective action, including repressurizing the oil producing structure or cessation of oil drilling and production.
71. Binding Conditions. The applicant shall agree in writing on behalf of himself and his successors or assigns, to be bound by all of the terms and conditions of this determination and any conditions prescribed by the Zoning Administrator hereunder; provided, however, that such agreement in writing

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shall not be construed to prevent applicant or his successors or assigns from applying at any time for amendments to this determination or to the conditions prescribed by the Zoning Administrator hereunder, or from applying for the creation of a new district.

72. Limitations On Well Redrilling. Without prior written approval from the Zoning Administrator, no more than the existing 69 wells may be drilled, operated or maintained at the site and these wells shall be located at their current surface locations. All wells will be drilled from existing well cellars using existing strings of pipe or surface conductor pipe. In the event that applicant redrills any of the existing wells, the applicant shall provide the Zoning Administrators office with duplicate copies of all filings pertaining to such well filed with the California Division of Oil, Gas and Geothermal Resources, including such filings showing the bottom-hole location and the total depth of each such well. Furthermore, the applicant, upon request by the Zoning Administrator, shall furnish such additional information concerning the status, exact bottom hole location, productivity, etc., of the various wells drilled from the property, as to enable the Zoning Administrator to properly and intelligently administer the oil drilling regulations in this area; said information to be either verbal or in writing and to be kept confidential by the Zoning Administrator if so desired by the applicant.
73. Buffer Lots. The portion of the site comprising Lots 883 and 888 located northerly of the east-west alley shall be utilized only for buffer landscaping treatment and for incidental parking facilities as hereinafter specified. The northerly portion of both Lots 883 and 888 shall be maintained in a manner consistent with current landscaping which consists of mounds of earth covered with shrubs and tall trees such as Canary Island pines and with the same maintained to provide a landscaped screen and buffer between the site and the adjoining residential development to the north. The remaining portions of said Lots 883 and 888 shall be maintained as currently existing for employee automobile parking with the parking area enclosed with existing retaining walls or the equivalent and observing the required front yard setbacks from both street frontages.
74. Insurance Requirements. Any owner, lessee or permittee and their successors and assigns, as well as the concern which is to actually do the drilling work, if different than the above, must at all times be insured to the extent of \$2,000,000 against liability in tort and public liability and property damage arising from drilling or production, or activities or operations incident thereto, conducted or carried on under or by virtue of the conditions prescribed herein. The policy of insurance issued pursuant hereto shall be subject to the approval of the City Attorney and duplicates shall be furnished to him. Each such policy shall be conditioned or endorsed to cover such agents, lessees, or representatives of the owner, lessee or permittee as may actually conduct drilling, production or incidental operations permitted by such written determination by the Administrator. A certificate of insurance carrier and its address and sworn statement that such insurance will be maintained in full force and effect, shall be furnished to the Chief Zoning Administrator.

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75. Police Department Diagrams. Following construction, the applicant shall supply to the commanding officer of the West Los Angeles area of the City of Los Angeles Police Department a diagram of the drill site showing access routes and any additional information facilitating police responses.
76. Complete Conditions. These Findings of Fact and Conditions of Operation shall supersede and replace all prior Conditions of Operation applicable to the drill site. Headings and titles in these Findings of Fact and Conditions of Operation are for convenience only and are not intended to be used to interpret the conditions imposed.
77. Continuing Oversight. A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property.
78. Review Of Conditions. Two years following completion of construction, and the issuance of a Temporary or Permanent Certificate of Occupancy, the applicant shall submit a Plan Approval application (\$523 fee) for the purpose of reviewing the effectiveness of these conditions. The applicant shall submit a 500-foot radius map with accompanying labels for owners and occupants. The applicant shall address each condition with appropriate supporting material, to the Zoning Administrator who shall contact all monitoring agencies, evaluate the neighborhood impacts of project operations and the efficacy of mitigation measures. The Zoning Administrator may impose corrective conditions if warranted. The Zoning Administrator may set the matter for public hearing if warranted.

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