

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

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**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

Honorable Commissioners,

- 1.) Why has the case number and case description (adding of a Zone Change request) changed between the Sept. 7 Hearing Officer hearing and the Sept. 22 CPC Hearing?

The hearing notice (see attached) which is relied upon as providing notice for the September 22nd City Planning Commission hearing is inadequate as it did not provide proper notice of the entitlements before you. The notice was sent approximately 24 days prior to the September 7th Hearing Officer hearing and includes the following statement towards the bottom of the notice:

“Note: ... After the hearing, the Hearing Officer will prepare a report on the proposed Height District Change, Main Conditional Use Permit, Project Permit Compliance Review, and Site Plan Review requests, which will be considered by the decision maker, the City Planning Commission, on September 22, 2022, after 9:30 a.m.”

While the notice gives notice of time and place of the CPC hearing, the entitlements listed do not include the Zone Change (see attached) which is included in the September 22nd CPC agenda and the staff report including requested and recommended actions, conditions (in the form of “Q” Conditions), and findings. In fact, the case # for the September 7th hearing (and listed on that hearing’s Letter of Determination) Item No. 7 (CPC-2020-1929-ZC-HD-MCUP-SPP-SPR) is CPC-2020-1929-HD-MCUP-SPP-SPR, omitting the suffix for the Zone Change.

Without properly notifying the public of the requested Zone Change, notice is inadequate.

Furthermore, if the CPC was not to consider the Zone Change, it would forfeit the ability to impose any “Q” Conditions.

- 2.) The proposed project is missing an essential entitlement necessary to construct the project as proposed. Specifically, the project’s total floor area of 443,418 square feet relies on the lot area of property across the alley and located along De Longpre. Below is a table showing the various lot areas and allowable floor area per lot at a 6:1 FAR.

	<i>Lot Area</i>	<i>Allowable Floor Area (6:1)</i>
<i>Main Lot (plus merged area)</i>	<i>66,994 sf</i>	<i>401,964 sf</i>
<i>De Longpre Lot</i>	<i>7,199 sf</i>	<i>43,194 sf</i>
<i>Total project site</i>	<i>74,193 sf</i>	<i>445,158 sf (443,418 sf proposed)</i>

Based on the entitlements before you, the project cannot use the lot area or the floor area from the De Longpre lot because it is separated from the main lot by an alley. Unless the two lots are connected through a subdivision process, in effect vacating the alley, which has not occurred, the project must seek a Conditional Use, pursuant to LAMC Section 12.24-W,19 (Floor area ratio averaging and residential density transfer in unified developments). Without this entitlement, the project would be limited to 401,964 sf for the main portion.

- 3.) Lastly, the agenda for this hearing, and the proposed project before you, presume that the vesting tentative tract map is final and that the related EIR for this project has been certified by the Advisory Agency. This is not the case. I filed an appeal of VTT-83088, and therefore the

dedications and mergers which were approved as part of the Advisory Agency's action are not final, which would have an effect on the proposed project, but more importantly, the EIR has not been certified due to the appeal. This is contrary to the language included on the CPC agenda. Ultimately, without a certified EIR before you, the staff report has not presented the necessary findings to certify the EIR, including the Statement of Overriding Considerations.

In the event you do wish to take up the item, I provide the following:

1. The presentation of the project to the CPC omits a vital provision relative to the requested FAR and the Hollywood Redevelopment Plan. On page F-10, the staff report provides:

"Pursuant to Hollywood Redevelopment Plan Section 506, a proposed development in excess of 4.5:1 FAR and up to 6:1 FAR may be permitted provided that the proposed development furthers the goals and intent of the Redevelopment Plan and the Community Plan. Section 506.2.3 sets forth various objectives that projects within the Regional Center Commercial designation must meet in order to obtain a 6:1 FAR including (a) to concentrate high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation or which effectively utilize transportation demand management programs; and, (b) to provide for new development which complements the existing buildings in areas having architecturally and/or historically significant structures or to encourage appropriate development in areas that do not have architecturally and/or historically significant buildings."

The report then goes on to explain how the project meets the goals and intent of the Redevelopment Plan, thereby justifying the FAR above 4.5.

This omits the provision within Section 506.2.3 which states that (see attached):

*"The Agency may permit development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density as may be permitted by future amendments to the Community Plan, **only** [emphasis added] if the Agency makes the following findings and determinations:*

1. *The proposed development conforms with the provisions and goals of the Redevelopment Plan and any applicable Design(s) for Development or requirements of the Hollywood Boulevard District or Hollywood Core Transition District.*
2. *Permitting the proposed development serves a public purpose objective such as: the provision of additional open space, cultural facilities, public parking, or the rehabilitation of an architecturally or historically significant building.*
3. *Any adverse environmental effects especially impacts upon the transportation and circulation system of the area caused by proposed development shall be mitigated or are overridden by other social, economic or physical considerations, and statements of findings are made."*

FAR is allowable above 4.5, but only if the CPC makes the 3 findings and determinations. No such finding or determination has been made, in particular as it relates to #2. There is no public purpose objective as referenced in the required finding. The open space is not accessible to the

public, nor the parking. There are no cultural facilities or rehabilitation of any significant building.

Here, the CPC must find that the project does in fact serve a public purpose, similar to those described in the finding.

This is similar to the proposed Hollywood CPIO where the subject property would be limited to a 4:1 FAR, but may exceed that, subject to certain public benefits outlined in the CPIO. Ultimately, it is misleading to say that the project is entitled to an FAR above 4.5:1 without making the necessary findings and presumably requiring the fulfillment of a public purpose.

Under the current regulations within Section 506.2.3 of the Redevelopment Plan, the project is limited to an FAR of 4.5:1 unless the findings, determination and presumably the fulfillment of a public purpose are secured, and the 4th Alternative (Development in Accordance with Community Plan Update) in the EIR is more in line with that than what is proposed. That is to say, the Community Plan Update would allow an FAR above 4:1, but subject to the implementation of certain public benefits.

The suggestion that the Height District Change alone would entitle the proposed project to 6:1 fails to implement the Redevelopment Plan, which the proposed CPIO captures in its regulations.

Therefore I ask you to approve either Alternative #2 or Alternative #4. The project as presented extends much further South than the existing buildings to the immediate West and East, negatively impacting the nearby residential neighborhoods. Another option to reduce the incompatibility with the residential neighborhoods is not allowing the parking above code being sought and thereby lowering the podium and overall height of the building. Four levels of at grade/above grade parking is excessive and against all best planning practices and should not be allowed. All excess parking beyond code required should not be allowed.

Thank you,

David Carrera
6530 Leland Way
L.A., CA 90028

506.2.3 Regional Center Commercial Density

Development within the Regional Center Commercial designation shall not exceed the equivalent of an average floor area ratio (F.A.R.) of 4.5:1 for the entire area so designated.

It is the intent of this Plan, however, to focus development within the Regional Center Commercial designation, as hereinafter set forth, in order to provide for economic development and guidance in the orderly development of a high quality commercial, recreational and residential urban environment with an emphasis on entertainment oriented uses. Therefore, development within the Regional Center Commercial designation shall be focused on areas served by adequate transportation facilities and transportation demand management programs. Further it shall reinforce the historical development patterns of the area, stimulate appropriate residential housing and provide transitions compatible with adjacent lower density residential neighborhoods.

Proposed development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density may be permitted by future amendments to the Community Plan, on a specific site may be permitted as hereinafter set forth provided that the proposed development furthers the goals and intent of this Plan and the Community Plan and meets objective “a” and at least one other of the following objectives:

- a) to concentrate high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities or which effectively utilize transportation demand management programs;
- b) to provide for new development which compliments the existing buildings in areas having architecturally and/or historically significant structures or to encourage appropriate development in areas that do not have architecturally and/or historically significant buildings.
- c) to provide focal points of entertainment, tourist or pedestrian oriented uses in order to create a quality urban environment; and
- d) to encourage the development of appropriately designed housing to provide a balance in the community.
- e) to provide for substantial, well designed, public open space in the Project Area.

f) to provide social services or facilities for social services which address the community's needs.

The Agency may permit development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density as may be permitted by future amendments to the Community Plan, only if the Agency makes the following findings and determinations:

1. The proposed development conforms with the provisions and goals of the Redevelopment Plan and any applicable Design(s) for Development or requirements of the Hollywood Boulevard District or Hollywood Core Transition District.

2. Permitting the proposed development serves a public purpose objective such as: the provision of additional open space, cultural facilities, public parking, or the rehabilitation of an architecturally or historically significant building.

3. Any adverse environmental effects especially impacts upon the transportation and circulation system of the area caused by proposed development shall be mitigated or are overridden by other social, economic or physical considerations, and statements of findings are made.

No development in excess of 4.5:1 shall be permitted without a binding written agreement with the Agency which ensures that the proposed development will occur in conformity to the Redevelopment Plan and this Section by providing for, among other things, Agency review and approval of all plans and specifications, the compliance with all conditions applicable to development in excess of a 4.5:1 site F.A.R. and the provision of adequate assurances and considerations for the purpose of effectuating the objectives of this Plan.

The Agency shall request from the Planning Commission a determination as to the conformity of the proposed development with the Community Plan. The Planning Commission shall make its determination of conformity within thirty (30) days from the date of the Agency's request. A proposed development shall be deemed in conformance with the Community Plan if the Planning Commission fails to render a determination within thirty (30) days. A determination by the Planning Commission may be appealed to the City Council if such appeal is made within fifteen (15) days of the Planning Commission's determination.

The Agency shall monitor all new development in excess of 50,000 square feet within the Regional Center Commercial designation and make annual reports to the Planning Commission and the City's Department of Transportation on the average floor area ratio,

P.M. peak hour trips generated and off-street parking supply and an assessment of transportation demand management programs within the Regional Center Commercial designation. The Agency will ensure that the average floor area ratio within this designation does not exceed an F.A.R. of 4.5:1. Sites designated on the Redevelopment Plan Map as Public shall not be included in the averaging of the floor area ratio. This shall be done, from time to time, to the extent necessary, by creating an overall balance between new developments which exceed a 4.5:1 site F.A.R. and areas or activities which do not reach a 4.5:1 site F.A.R. such as open spaces or public facilities created or rehabilitated after adoption of the Redevelopment Plan; new developments or redevelopment activities (including historic preservation or rehabilitation) which are below 4.5:1; or any other means the Agency deems appropriate which will maintain the designation's average F.A.R. at or below 4.5:1. When the average F.A.R. for the designation reaches a ratio of 2.0:1 the Agency, within 90 days will submit to the Planning Commission, the City Council, and the Department of Transportation a report analyzing the cumulative impact of Core area development upon the transportation and circulation system in the area, including P.M. peak hour trips generated; further the Agency shall submit to the City Planning Commission and to the City Council a program establishing and identifying specific methods and mechanisms of Agency action to acquire open space or otherwise restrict or decrease density in order to maintain an overall 4.5:1 F.A.R.

506.3 Residential Uses Within Commercial Areas

New and rehabilitated residential uses shall be encouraged within the Regional Center Commercial land use designation. Subject to Agency approval of a development or participation agreement(s), the Agency may permit the development of new residential uses within commercial areas. The conditions for approving such a development shall include a determination that the residential development, as well as any commercial development in the case of a mixed use development, meets all design and location criteria specified by the Agency to ensure that the goals of this Plan are met and that amenities are provided which are appropriate to the size and type of housing units proposed.

506.4 Industrial Uses Within Commercial Designations

Two goals of this Plan are to preserve and increase employment, business and investment opportunities and to support and promote the entertainment industry in Hollywood. In order to achieve these goals development and expansion of individual uses may be permitted

Proposed Project CONTINUED

Proyecto Propuesto • 프로젝트 제안 • 擬議項目 • Iminungkahing Proyekto • Առաջարկվող ծրագիր

The Project also includes the construction of an 18-foot-tall, 3,550 square-foot building to house LADWP equipment and an underground generator in the C2-1XL Zone. Upon completion, the Project would result in a floor area ratio (FAR) of 6:1. The Project would provide vehicular parking spaces within three below-grade levels, at grade, and three above-grade levels. The Project would also provide short-term and long-term bicycle parking.

Four existing non-protected on-site trees and 12 existing non-protected street trees would be removed as part of the Project. The Project would provide a minimum of 30 trees. The Project would provide 61,449 square feet of private open space. Additionally, as proposed, the Project signage would comply with Hollywood Signage Supplemental Use District regulations.

The project also includes a Vesting Tentative Tract Map No. 83088 for the merger and resubdivision 1.7 acre (73,903 square-foot) site into two ground lots and 12 airspace lots, including merging portions of Wilcox Avenue (2,275 square feet); and a Haul Route for the export of up to 93,000 cubic yards of soil.

Actions Requested

Acciones solicitadas • 요청 된 작업 • 所要求の事項 • Humiling ng Mga Pagkilos • Հայցվող գործողությունները

The Advisory Agency will consider:

ENV-2020-1930-EIR

1. The Advisory Agency shall consider the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR No. ENV-2020-1930-EIR (SCH No. 2020120005), dated June 16, 2022, and the Final EIR, dated August 26, 2022 (Sunset Wilcox Project EIR), as well as the whole of the Administrative Record; and

VTT-83088

2. Pursuant to Los Angeles Municipal Code (LAMC) Sections 17.03 and 17.15, Vesting Tentative Tract Map No. 83088 for the merger and resubdivision of a 1.7 acre (74,193 square-foot) site into two ground lots and 12 airspace lots, including merging portions of Wilcox Avenue (2,275 square feet); and a Haul Route for the export of up to 93,000 cubic yards of soil.

Actions Requested CONTINUED

Acciones solicitadas • 요청 된 작업 • 所要求の事項 • Humiling ng Mga Pagkilos • Հայցվող գործողությունները

The Hearing Officer will take public testimony on behalf of the City Planning Commission regarding:

ENV-2020-1930-EIR

1. The Decision Maker shall consider the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR No. ENV-2020-1930-EIR (SCH No. 2020120005), dated June 16, 2022, and the Final EIR, dated August 26, 2022 (Sunset Wilcox Project EIR), as well as the whole of the Administrative Record;

CPC-2020-1929-HD-MCUP-SPR-SPP

2. Pursuant to LAMC Section 12.32 F, a Height District Change from Height District Nos. 2D and 1XL to Height District No. 2;

3. Pursuant to LAMC Section 12.24 W.1, a Main Conditional Use Permit for the sale or dispersing of a full-line of alcoholic beverages for on-site and off-site consumption for three restaurants;

4. Pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance Review for Project signage in the Hollywood Signage Supplemental Use District; and

5. Pursuant to LAMC 16.05, a Site Plan Review for a development that results in an increase of 50,000 square feet or more of non-residential floor area.

Note: At the Hearing, the Advisory Agency may make a decision on the EIR and the Proposed Vesting Tentative Tract Map, or may take the Tract Map request under advisement. After the hearing, the Hearing Officer will prepare a report on the proposed Height District Change, Main Conditional Use Permit, Project Permit Compliance Review, and Site Plan Review requests, which will be considered by the decision maker, the **City Planning Commission, on September 22, 2022, after 9:30 a.m..**



Who's Receiving This Notice

Quién recibe este aviso • 본통지를 받은 사람들 • 誰會收到此通知

Sino ang Tumatanggap ng Paunawang Ito • Սույն ծանուցագիրը ստացող կողմը

You are receiving this notice either because you live on or own property that is on a site within 500 feet of where a project application has been filed with the Department of City Planning, or because you requested to be added to the interested parties list. You are invited to attend this hearing to learn more about the proposed project and offer feedback. If unable to attend, you may contact the planner to provide written comment, obtain additional information, and/or review the project file.

Notice of Availability of Final EIR

Aviso de Disponibilidad • 가용성 통지 • 文件可被瀏覽通告!

Abiso ng Pagkakaroon • Առկայության մասին ծանուցագիր

An Environmental Impact Report (EIR) has been prepared for this project. The EIR is comprised of two parts, the Draft EIR and Final EIR. A Draft EIR was made available and circulated for public review and comment, pursuant to the provisions of the California Environmental Quality Act (CEQA), for a 46-day public review period from June 16, 2022 to August 1, 2022. The Final EIR will be released on August 26, 2022, and includes a response to comments and text revisions to the Draft EIR based on input received. Unlike the Draft EIR, comments on the Final EIR are not required to be responded to by the City. If written comments are received, they will be provided to the decision-maker for consideration. The EIR will be submitted to the decision-maker for requested certification and action on the Project.

Case Information

Información del caso • 케이스 정보 • 案例資訊 • Impormasyon sa Kaso • Տեղեկություններ գործի վերաբերյալ

Case Number(s):

VTT-83088

CPC-2020-1929-HD-MCUP-SPR-SPP

Related Case Number(s):

Zone:

C4-2D-SN, C4-2D, C2-1XL

Land Use Designation:

Regional Center Commercial

Council District:

CD-13 O'Farrell

Applicant:

6450 Sunset Owner, LLC

Representative:

Edgar Khalatian, Mayer Brown, LLP

Environmental Case Number(s):

ENV-2020-1930-EIR

Overlay(s):

Hollywood Redevelopment Project Area

Hollywood Signage Supplemental Use District

Community Plan Area:

Hollywood

Assigned Staff Contact Information:

James Harris, City Planner

James.Harris@lacity.org

213-978-1241

221 N Figueroa Street

Rm 1350

Los Angeles, CA 90012

General Information - Visit our website at planning4la.org/hearings for general information about public hearings and the exhaustion of administrative remedies.

File Review -

Copies of the DEIR and FEIR are available online at the Department of City Planning's website:

<https://planning.lacity.org/development-services/eir>.

Electronic viewing is also available at the following libraries:

1) Los Angeles Central Library, 630 West 5th Street, Los Angeles, CA 90071;

2) Frances Howard Goldwyn - Hollywood Regional Library, 1623 Ivar Avenue, Los Angeles, CA 90028;
and

3) Will & Ariel Durant Branch Library, 7140 West Sunset Boulevard, Los Angeles, CA 90046.

Accommodations - 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.

To request a reasonable accommodation, such as translation or interpretation, please email and/or call the assigned planner or email per.planning@lacity.org a minimum of 3 days (72 hours) prior to the public hearing. Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

**CALIFORNIA
RENTERS LEGAL
ADVOCACY AND
EDUCATION FUND**

September 16, 2022

**City of Los Angeles
City Planning Commission**

Re: Proposed Housing at North Gower Street, West Lexington Avenue, & North Lodi Place.

Dear Planning Commission and City Attorney:

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the City Planning Commission that they have an obligation to abide by all relevant state housing laws when evaluating the proposed 1121-1149 North Gower Street, 6104-6124 West Lexington Avenue, and 1124-1150 North Lodi Place housing development. The Housing Accountability Act (GOV 65589.5) requires approval of zoning and general plan compliant projects unless findings can be made regarding specific, objective, written health and safety hazards.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit; it will bring increased tax revenue, new customers to local businesses, decarbonization in the face of climate crisis, but most importantly it will reduce displacement of existing residents into homelessness or carbon-heavy car commutes.

CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. Consistent with the general plan, the proposed development will provide badly needed housing and situate new residences in a heavily urbanized and centrally located neighborhood with rich amenities, jobs, and services. In addition, the proposed development will reside along several major transit corridors, which will contribute to the creation of sustainable neighborhoods and a reduction in vehicle miles traveled.

While no one project will solve the regional housing crisis, the proposed North Gower Street, West Lexington Avenue, and North Lodi Place development is the kind of housing Los Angeles needs to mitigate displacement, provide shelter for its growing population, and arrest unsustainable housing price appreciation. You may learn more about CaRLA at www.carlaef.org.

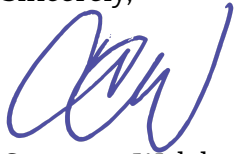
**360 Grand Ave #323, Oakland 94610
hi@carlaef.org**

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal stroke extending to the right.

Dylan Casey
CaRLA Executive Director

Sincerely,

A handwritten signature in blue ink, appearing to read 'Courtney Welch', with a stylized, cursive script.

Courtney Welch
CaRLA Director of Planning and Investigation

September 20, 2022

Veronica Lebron
Hollywood Coalition for Responsible Development
6454 Lexington Ave., #17
Los Angeles, California 90038

VIA E-MAIL (cpc@lacity.org)

Los Angeles City Planning Commission
200 N. Spring St.
Los Angeles, CA 90012

Re: Comments and Objections to Case Nos. ZA-1997-797-ZV-PA1,
VTTM 82714-HCA, and CPC-2020-3253-DB-SPR-HCA;
1121-1149 N. Gower St.; 6104-6124 W. Lexington Ave.;
1124-1150 N. Lodi Pl.; Agenda Items 8, 9, and 10

Honorable Commissioners:

This letter is written in response to the Planning Department's Recommendation Reports regarding our appeals of both the Project's Plan Approval and its subdivision Tentative Tract Map. The proposed mixed-use project is listed on the Commission's September 22, 2022 agenda as items 8, 9 and 10.

First, we demand this hearing be postponed a **minimum** of one month in order to provide our community with an opportunity to properly review the thousands of pages contained within the Staff Recommendation Report. As noted in our September 12, 2022 letter submitted into the record, Planning staff refused to provide our group with their responses to our appeals in a timely manner, instead delaying the release of their reports until the Commission's agenda was posted on September 13, 2022 – the day after the public's deadline to submit comments without a page limit. Not only has the delayed release of the Staff Reports prevented our community from a fair opportunity to properly review the reports' contents, but it has also precluded members of the public from submitting more than a 10-page response by today, September 20, 2022, due to the Planning Commission's arbitrary page limitations.

Please note further that our request for a continuance is especially pertinent in the case of our appeal of the Plan Approval, as staff is now proposing **completely new findings and arguments** in justification of the grant.

Case Nos. ZA-1997-797-ZV-PA1, VTTM 82714-HCA, and
CPC-2020-3253-DB-SPR-HCA
September 20, 2022
Page 2 of 2

Having deprived our group and the public a reasonable advance opportunity to review the **new findings** and the new evidence cited in support of these findings, the City has failed to afford appellants a fair hearing in this case.

Furthermore, Planning staff provided the project's representatives with ample time to review and respond to our appeals, yet failed to post, notify, or forward to us the applicant's response letters. In doing so, City Planning staff continue their practice of favoring developers while denying the public equal opportunity to comment on projects that affect our quality of life. These comment letters -- which were submitted to the City in July -- form the basis for City Planning's recommendation reports and revised findings. This is particularly true in the case of comments provided by Craig Lawson and Associates, whose firm obviously drafted the recommendation reports.

"The purpose of requiring public review is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. Public review ensures that appropriate alternatives and mitigation measures are considered, and permits input from agencies with expertise... Thus, public review provides the dual purpose of bolstering the public's confidence in the agency's decision and providing the agency with information from a variety of experts and sources." Schoen v. Department of Forestry & Fire Protection, (1997) 58 Cal. App. 4t 556, 573-74.

A ***fair*** hearing on the proposed project cannot be conducted on September 22, 2022. Please continue this matter for at least one month.

Thank you.

Veronica Lebron
Hollywood Coalition for Responsible Development

Cc: More Song, City Planner (more.song@lacity.org)



Planning CPC <cpc@lacity.org>

Appellant Speaker for 9/22/2022 at 8:30 a.m. City Planning Commission Hearing; Case Nos. ZA-1997-797-ZV-PA1-1A, CPC-2020-3253-DB-SPR-HCA, and VTT-82714-HCA-1A

4 messages

Veronica Lebron <emailveronicalebron@gmail.com>

Mon, Sep 19, 2022 at 4:14 PM

To: cpc@lacity.org, cecilia.lamas@lacity.org, More Song <more.song@lacity.org>

Dear Ms. Lamas:

Because the project has been split among 3 agenda items - 8, 9, and 10, how much time will the appellant group be allotted to give testimony?

Separately, I am not available to speak at the meeting on Thursday. Jennifer Getz will speak on my behalf. She will participate via phone. So that you may recognize her as the appellant speaker at the meeting on Thursday, please take note that her phone number is (818) 448-5206. **Please confirm** receipt, and **please confirm** that the City Planning Commission will recognize Ms. Getz as the speaker on behalf of the appellant group.

Thank you,

Veronica Lebron

Hollywood Coalition for Responsible Development

Planning CPC <cpc@lacity.org>

Mon, Sep 19, 2022 at 3:24 PM

To: Veronica Lebron <emailveronicalebron@gmail.com>

Cc: cecilia.lamas@lacity.org, More Song <more.song@lacity.org>

Good afternoon Ms. Lebron,

Please note that the allotted time given to speak is at the discretion of the Chair. We are aware that 2 of 3 cases are appeals and the Commission Chair will announce the allotted time once we move into the presentation portion of the items. Your email will suffice as you agree and appoint Jennifer Getz as your representative. Attached please find the agenda which contains the zoom information that can be shared with Ms. Getz.

Also, listed below here:

Join Zoom Meeting:<https://planning-lacity-org.zoom.us/j/88303328150>**Meeting ID:** 883 0332 8150 **Password:** 057329

OR

Dial by your location:

(669) 900-9128

(213) 338-8477

Meeting ID: 883 0332 8150 **Password:** 057329

Also, please reference this link to obtain more information on our current meeting platform:

Please feel free to share this information.

<https://planning.lacity.org/about/virtual-commission-instructions>

Thank you and please do not hesitate to reach out with any other questions you may have.



Cecilia Lamas, Commission Executive Asst.

- City Planning Commission (CPC)

- Harbor Area Planning Commission

- North Valley Area Planning Commission

200 N. Spring St., Room 272

Los Angeles, CA 90012

T: (213) 978-1299 | Planning4LA.org



Note: Regular Day Off Alternating Fridays

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CPC 09-22-22 Agenda.pdf
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Veronica Lebron <emailveronicalebron@gmail.com>
To: Planning CPC <cpc@lacity.org>
Cc: cecilia.lamas@lacity.org, More Song <more.song@lacity.org>

Mon, Sep 19, 2022 at 5:31 PM

Dear Ms. Lamas:

Once again, the City Planning Commission's arbitrary decision-making practices unfairly impair stakeholders' and appellants' ability to comment. Developers are allowed whatever time they need for their presentations no matter the harm they cause our communities. We need to know how much time we have to speak so we can prepare a statement that fits within the time frame allotted.

Please immediately distribute this correspondence to the City Planning Commissioners and include it in the record for the above-referenced cases. As the appellant representative (and the ones spending hard-earned income and limited time appealing projects that should never see the light of day), our group demands to be given the opportunity to prepare accordingly ahead of the Thursday hearing.

Thank you,
Veronica Lebron
Hollywood Coalition for Responsible Development

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Planning CPC <cpc@lacity.org>

Mon, Sep 19, 2022 at 5:04 PM

To: Veronica Lebron <emailveronicalebron@gmail.com>

Cc: cecilia.lamas@lacity.org, More Song <more.song@lacity.org>

Good afternoon Ms. Lebron,

Attached please find our Rules and Operating Procedures. You may reference Rule 7 (7.1) which states the following:

7.1 At times, the Commission must necessarily limit the speaking times of those presenting testimony on either side of a subject that is designated as a public hearing agenda item. In all instances, however, equal time shall be allowed for presentation of pros and cons of agenda items to be acted upon. Notwithstanding the above, the Chair may, at his/her discretion as allocate the number of speakers per subject, the time allotted each subject, and the time allotted each speaker.

In response to your comment "Developers are allowed whatever time they need for their presentations no matter the harm they cause our communities." The Chair will ask you how much time you will need and use that as a basis or even honor the requested time. This has been standard practice for the the City Planning Commission.

I cannot set or assume that the Chair will allot "x" amount minutes. Please understand this is our meeting format. I can confirm that you will be given equal amount of time as the Applicant. Since this is an appeal case type, Appellants present first, therefore, the time given to you to present will be the same for the Applicant.

Thank you and please do not hesitate to reach out with any other questions you may have. I am here to assist.



Cecilia Lamas, Commission Executive Asst.

- City Planning Commission (CPC)

- Harbor Area Planning Commission

- North Valley Area Planning Commission

200 N. Spring St., Room 272

Los Angeles, CA 90012

T: (213) 978-1299 | Planning4LA.org



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CPC Rules & Operating Procedures.pdf

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9/19/2022

Los Angeles LA City Planning Commission
201 N Figueroa St.
Los Angeles, CA 90012

cpc@lacity.org
Via Email

Re: 1121-1149 North Gower Street, 6104-6124 West Lexington Avenue, 1124-1150 North Lodi Place
ZA-1997-797-ZV-PA1-1A

Dear Los Angeles LA City Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the LA City Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project proposes to preserve an existing two-story commercial building and replace surrounding surface parking with an apartment complex. The complex, made up of connected five-story and six-story buildings, will create a total of 169 units of housing, with 19 of these reserved for Very Low Income households. The project will also include 278 vehicle parking spaces in an underground parking lot.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is fluid and cursive, with a large, stylized 'S' and 'T'.

Sonja Trauss
Executive Director
YIMBY Law

ALSTON & BIRD

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Los Angeles, CA 90071-1410
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Nicki Carlsen

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Email: nicki.carlsen@alston.com

September 20, 2022

City Planning Commission
City of Los Angeles
201 N. Figueroa Street
Los Angeles, CA 90012
cpc@lacity.org

Re: CPC-2022-4864-CA; CF No. 17-0447 – September 22, 2022 Hearing

Dear City Planning Commission:

We represent E&B Natural Resources and its affiliated entities (collectively “E&B”) regarding the City’s proposed ordinance to amend the Los Angeles Municipal Code “to prohibit new oil and gas drilling activities and make existing extraction a nonconforming use in all zones.” (City Planning Commission, Regular Meeting Agenda, September 22, 2022.) The proposed ordinance would also “phase out all oil drilling activities in the City of Los Angeles by immediately banning new oil and gas extraction and requiring the abandonment of existing wells after an amortization period.” (Id.)

E&B submitted a comment letter as a part of the August 30, 2022, public hearing on this matter to express its opposition to the proposed ordinance. However, the City has not addressed adequately the issues raised in the letter, and appears to be rushing this process forward without fully considering all of the legal implications of adopting this ordinance. The City issued a revised ordinance on September 13, 2022, along with an 893-page staff report, and yet refuses to provide additional opportunity to provide public comment.

We submit these further comments to reinforce E&B’s original objections. As described in this letter, the City has not set forth a legitimate basis for its proposed action. E&B urges the City to take additional time to review these issues and to reconsider the proposed ordinance as it is currently drafted.

1. Approval of the Proposed Ordinance Would Not Be a Legitimate Exercise of the Police Power

While the City is afforded a fair amount of latitude in adopting land use regulations, the City’s police power is not unlimited. The City here fails to demonstrate that the proposed ordinance is reasonably related to the public welfare. See *Associated Home Builders, Inc. v. City of Livermore*,

18 Cal.3d 582 (1976). The City fails to forecast the probable effect of the ordinance, fails to identify the competing interests involved, and fails to justify why the ordinance reflects a reasonable accommodation of competing interests. For example, the ordinance excludes certain uses, but applies to all oil and gas operations across the City without distinguishing among different locations or operations, even though the City acknowledges that some locations are situated in heavy industrial areas. No analysis of the impacts of this ordinance on any specific property has been performed.

2. The City's Proposed Amortization Period is Arbitrary, Unreasonable and Not Supported by any Evidence

The City's proposed ordinance would impose a 20-year amortization period on oil and gas operations, but the City has failed to provide any evidence or factual support for this chosen 20-year period. "[A]n amortization period *is not* an absolute or unqualified defense to a takings claim." *Levin Richmond Terminal Corp. v. City of Richmond*, 2020 U.S. Dist. LEXIS 156103, *36-37, emphasis added. Rather, the legislation must provide a "reasonable amortization period commensurate with the investment involved." *Id.*, quoting *Elysium Institute, Inc. v. County of Los Angeles*, 232 Cal. App. 3d 408, 436 (1991). While it is questionable that amortization would apply at all to oil and gas interests (see below), any amortization process requires factual evidence to demonstrate the property owner's reasonable investment backed expectations are satisfied. The City indicates that it is the process of preparing an amortization report, but that is putting the proverbial cart before the horse. The amortization study needs to be prepared before any amortization ordinance is adopted.

3. The 20-Year Amortization Period is Illusory

The City's proposed ordinance prohibits well maintenance, maintenance that is required to operate the wells. The City claims that it will allow maintenance under certain circumstances, but if any oil and gas operator sought to seek an approval from the City to conduct maintenance based on health and safety purposes, the approval process could extend beyond six months, resulting in "deemed terminated" finding for "discontinued" operations. Thus, by prohibiting maintenance, the City is essentially terminating these uses well before any 20-year period.

4. City's Proposed Ordinance Would Constitute a Taking of Vested Rights in Violation of the U.S. and California Constitutions

The U.S. and California Constitutions provide that private property shall not be taken without just compensation. U.S. Const. amend. V; Cal. Const., Art. 1, § 19. These constitutional protections apply to regulatory takings. *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1014 (1992). "The right to remove oil and gas from the ground is a property right." *Maples v. Kern Cty. Assessment Appeals Bd.*, 103 Cal.App.4th 172, 186 (2002). The City's proposed ordinance serves to affect an unconstitutional taking of E&B's property as an oil and gas operator, along with the property of the landowners and the mineral rights holders.

E&B has vested property rights to operate in the City but the proposed ordinance ignores these rights, prohibiting maintenance on the wells, and requiring abandonment of these wells within

20 years or perhaps far less. Again, without an amortization study, it is difficult to understand the City's thinking.

5. Amortization Does Not Apply to the Extraction of Mineral Resources

The City fails to evaluate the legal propriety of establishing an amortization period for the extraction of mineral resources and ignores the legal doctrine that would invalidate this proposed ordinance – the diminishing asset doctrine. *See Hansen Bros. Enters. v. Board of Supervisors*, 12 Cal.4th 533 (1996). The California Supreme Court in *Hansen* recognized the “diminishing asset” doctrine and defined the scope of vested rights for mining, quarrying and other extractive uses, recognizing the unique qualities of extractive uses and holding that it includes an expansion of those uses.

As explained in the context of a quarry, the court in *Hansen* stated:

The very nature and use of an extractive business contemplates the continuance of such use of the entire parcel of land as a whole, without limitation or restriction to the immediate area excavated at the time the ordinance was passed. A mineral extractive operation is susceptible of use and has value only in the place where the resources are found, and once the minerals are extracted it cannot again be used for that purpose. “Quarry property is generally a one-use property. The rock must be quarried at the site where it exists, or not at all. An absolute prohibition, therefore, practically amounts to a taking of the property since it denies the owner the right to engage in the only business for which the land is fitted.”

Hansen, 12 Cal.4th at 553-54 (and cases cited therein).

Similarly, E&B's vested oil and gas rights are uniquely situated in the City, and the proposed ordinance seeks to terminate the extraction of those resources in the entire City, without the ability to extract them elsewhere. *See Los Angeles v. Gage*, 127 Cal.App.2d 442 (1954). Under the diminishing asset doctrine, E&B is entitled to produce oil and gas resources under its vested rights until the resource is exhausted or otherwise uneconomical to produce -- the continued production of oil and gas resources is the expanded use and is protected under *Hansen*.

6. The Proposed Ordinance is Preempted by State and Federal Law

The California Constitution states: “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const., Art. XI, Sec. 7. Local laws conflict with general law if the local laws duplicate, contradict or enter an area fully occupied by general law. *Morehart v. County of Santa Barbara*, 7 Cal.4th 725 (1994). The court in *Morehart* states:

The general principles governing state statutory preemption of local land use regulation are well settled. “The Legislature has specified certain minimum standards for local zoning regulations (Gov. Code, § 65850 et seq.)” even though it also “has carefully expressed its intent to retain the maximum degree of local

control (see, e.g., *id.*, § 65800, 65802)." (*IT Corp. v. Solano County Bd. of Supervisors* (1991) 1 Cal.4th 81, 89 [2 Cal.Rptr.2d 513, 820 P.2d 1023].) "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations *not in conflict with general laws.*" (Cal. Const., art. XI, § 7, italics added.) "'Local legislation in conflict with general law is void. Conflicts exist if the ordinance duplicates [citations], contradicts [citation], or enters an area fully occupied by general law, either expressly or by legislative implication [citations].'" (*People ex rel. Deukmejian v. County of Mendocino* (1986) 36 Cal.3d 476, 484 [204 Cal.Rptr. 897, 683 P.2d 1150], quoting *Lancaster v. Municipal Court* (1972) 6 Cal.3d 805, 807-808 [100 Cal.Rptr. 609, 494 P.2d 681]; accord, *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897 [16 Cal.Rptr.2d 215, 844 P.2d 534].)

Morehart, 7 Cal.4th at 747; see also California Attorney General's opinion recognizing preemptive effect of State oil and gas laws, 59 Ops. Cal. Atty. Gen. 461,462 (1976).

Local regulations may also be preempted based on federal law under the Supremacy Clause of the U.S. Constitution. U.S. Const., Art. VI, cl. 2; see also *Ting v. AT&T*, 319 F.3d 1126, 1135 (9th Cir. 2003).

The City's proposed ordinance conflicts with California law regarding the production of oil and gas, including drilling, operations, abandonment and maintenance. The authority to regulate all aspects of oil and gas production, including downhole activities, rests with CalGEM. Cal. Pub. Res. Code §3106(b). The State's oil and gas laws read: "To best meet oil and gas needs in this state, the supervisor shall administer this division so as to encourage the wise development of oil and gas resources." Cal. Pub. Res. Code § 3106(d).

The State laws and associated regulations reflect an intent to occupy the entire area: Cal. Pub. Res. Code §§ 3000-3112 (General Provisions and Administration); Cal. Pub. Res. Code §§ 3130-3132 (Underground Injection Control), Pub. Res. Code §§ 3150-3161 (Well Stimulation); Cal. Publ. Res. Code §§ 3180-3187 (Natural Gas Storage Wells), Cal. Pub. Res. Code §§ 3200-3238 (Regulation of Operations); Cal. Pub. Res. Code §§ 3240-3241 (Abandoned Wells); Cal. Pub. Res. Code §§ 3250-3258 (Hazardous Wells); Cal. Pub. Res. Code §§ 3260-3263 (Acute Orphan Wells); Cal. Pub. Res. Code §§ 3270-3270.6 (Regulation of Production Facilities); Cal. Pub. Res. Code §§3275-3277 (Interstate Cooperation in Oil and Gas Conservation); Cal. Pub. Res. Code §§ 3300-3314 (Unreasonable Waste of Gas); Cal. Pub. Res. Code §§ 3315-3347 (Subsidence); Cal. Publ. Res. Code §§ 3350-3359 (Appeals and Review); Cal. Pub. Res. Code §§ 3400-3433 (Assessment and Collection of Charges); Cal. Pub. Res. Code §§ 3450-3451 (Recommendation of Maximum Efficient Rates of Production); Cal. Pub. Res. Code §§ 3780-3787 (Oil Sumps). The regulations include more detailed requirements for onshore wells (14 Cal. Code Reg. §§1712-1724.10), environmental protections for production facilities, tanks, pipelines (14 Cal. Code Reg. §§ 1750-1779.1), and expressly address well stimulation and seismic activity (14 Cal. Code Reg. §§ 1780-1789).

7. The City's Proposed Ordinance Triggers Other Constitutional Violations (Due Process, Equal Protection, Contractual Relations)/Section 1983

a. Equal Protection and Due Process

The U.S. and California Constitution's guarantee equal protection of the laws and adequate due process. These rights also apply in the land use context. Cal. Const., Art. 1, § 7(a); U.S. Const. amend V, XIV; *College Area Renters & Landlord Ass'n v. City of San Diego*, 43 Cal.App.4th 677, 686 (1996). Substantive due process addresses improper governmental interference with property rights and irrational actions by government decision-makers. *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 541 (2005); *Arnel Development Co. v. City of Costa Mesa*, 126 Cal.App.3d 330, 337 (1981).

In the City's rush to adopt an amortization ordinance, the City has not followed the necessary procedures to demonstrate that oil and gas production in the City results in any environmental, health, or safety hazards. The City has failed to prepare any amortization study to support its purported 20-year amortization period, the proposed ordinance would prohibit maintenance to operate the wells, further curtailing operations, and it is recommending action by the City Council without completing the CEQA process. Furthermore, certain other oil and gas uses in the City are exempt, without sufficient explanation for those exemptions.

b. Impairment of Contractual Relations

Both the U.S. and California Constitutions prohibit the enactment of laws effecting a "substantial impairment" of contracts, which applies to public contracts as well as contracts between private parties. *Alameda County Sheriff's Assn. v. Alameda County Employees' Retirement Assn.*, 9 Cal.5th 1032, 1074 (2020). E&B has contracts with various private parties, which impose obligations on E&B that continue beyond the date the amortization period expires. The proposed ordinance will impair these contracts by forcing E&B to terminate its operations on or well before the 20-year deadline, which will undermine E&B's reasonable expectations under the contracts.

c. The City's Liability for Damages Under the Civil Rights Act

The federal Civil Rights Act, 42 U.S.C. § 1983 ("Section 1983"), provides a cause of action for damages based on claims arising from violations of federal rights. *Sveen v. Melin*, 138 U.S. 1815, 1822 (2018). As discussed at length herein, the proposed Ordinance will significantly impair E&B's constitutional rights, including its right to just compensation, due process rights, and equal protection rights. Accordingly, if the City adopts the proposed ordinance, the City will place itself at significant risk of liability under Section 1983, including for payment of damages suffered as a result of unreasonably phasing out oil and gas production in the City.

8. The City's CEQA Document is Out for Public Comment and City Cannot Make CEQA Findings

The City issued a notice that the Mitigated Negative Declaration is available for public comment and review, with the 30-day comment period closing on October 17, 2022. Until that process is complete, the City Planning Commission would not be able to make the CEQA findings set forth in the recommended action in the staff report. (Staff Report, p. F-6.)

9. The Proposed Ordinance Illegally Seeks to Eliminate the Dominant Estate of Oil and Gas Rights Across Entire City

The City's proposed ordinance seeks to eliminate all oil and gas production in the entire City. However, oil and gas rights function as a dominant estate, and this dominant estate allows the mineral rights holder to use the surface as reasonably required to access the minerals. *Vaquero Energy, Inc. v. County of Kern*, 42 Cal. App. 5th 312, 319-320 (2019); *Bourdieu v. Seaboard Oil Corp.*, 38 Cal. App. 2d 11, 16-17 (1940); *Wall v. Shell Oil Co.*, 209 Cal.App.2d 504, 511-514 (1962). The City fails to acknowledge and ignores this dominant estate in presenting the proposed ordinance, and provides no basis, much less a legitimate basis, for this action. The proposed ordinance would prevent any mineral rights holder from exercising the dominant estate protected by law. Separate and apart from the fact that the proposed ordinance would constitute a taking of this dominant estate and associated oil and gas rights, the City cannot as a matter of law eliminate the dominant estate from each and every parcel in the entire City.

10. Constitutes of Breach of Contracts between Oil and Gas Operators and City

E&B has several leases with the City for its oil and gas operations, and this proposed ordinance may serve to effect a breach of those leases.

For all of these reasons, we urge the City to reject the proposed ordinance and to reconsider its approach to oil and gas operations in the City.

Sincerely,

[ORIGINAL SIGNED]

Nicki Carlsen

2533 4th Ave
Los Angeles, CA, 90018
salman@history.ucla.edu
September 19, 2022

CPC-2022-4864-CA & ENV-2022-4865-MND

To the City Planning Commission,

The proposed oil ordinance from the Planning Department is severely flawed and requires substantial expert revision in order to protect communities and protect the City.

I say based on 8 years of studying the problem, during which time I have been involved in helping to craft a couple of City ordinances on the subject, SCAQMD rule on flaring at oil well sites, a couple of State laws, and I have played a leading role in the closing of the 4th Ave Drill Site in CD10 and in several other ZA cases concerning oil Drill Sites.

The Planning Department's proposed oil ordinance promises a phase out of oil wells in 20 years with no inspections, no enforcement, and no way to make sure any wells ever get plugged. But it is worse than that.

SB 1137, newly signed into law by Governor Newsom, ends the drilling of new wells and redrilling of existing wells and/or other reworking of well casings at all oil wells and all Drill Sites in the City of Los Angeles because all wells in the City fall within the new 3,200 foot "Health Protection Zones" created by SB 1137.

The proposed City ordinance adds nothing to what SB 1137 accomplishes.

SB 1137 will be effective because CalGEM (which is not perfect) does sufficient inspection and enforcement to prevent drilling and rework projects without permits.

The City, on the other hand, actually refuses to do inspections and that has opened the door to rampant oil well projects in the City without required ZA approvals (see CF 21-1025 for information on this).

The promised 20 year phase out is toothless. The proposed ordinance has no provisions to make sure wells are plugged nor that contaminated sites will be remediated.

The set of climate changes bills recently signed into law by the Governor will, together with the Federal Inflation Reduction Act and other factors, accelerate fuel substitution rapidly over the next 20 years. As demand for gasoline and diesel drops precipitously from 2026 to 2045, demand for oil will drop and the small amount of expensive oil produced in LA City will be among the first production to be shut down.

The proposed City ordinance is thus pointless as well as toothless. Worse, if this is passed it will pollute the administrative record and may prevent stronger and quicker action to actually get wells plugged.

On November 17, 2020, City Attorney staff told a City Council Committee what would be needed to be able to defend an amortization plan to phase out oil wells against expected lawsuits from the oil industry:

- Three key City Attorney staff spoke to the City Council committee on Energy, Climate Change, and Environmental Justice (ECCEJ) on November 17, 2020 in public session about what would be needed to defend a phase out of oil wells by amortization. The public session was recorded and transcribed by the City Clerk.
- Deputy City Attorney Jennifer Tobkin from the Land Use Division took the lead in speaking to the committee. She was backed up by Assistant City Attorney Terry Kaufmann-Macias (head of the Land Use Division) and Assistant City Attorney David Michaelson (head of the Municipal Law Division, which oversees the Land Use Division).
 - The City Clerk's audio recording is here, relevant part starts at 1:59:00 https://lacity.granicus.com/MediaPlayer.php?view_id=103&clip_id=20391
 - The City Clerk's computer generated transcript of the committee meeting is here: https://lacity.granicus.com/TranscriptViewer.php?view_id=46&clip_id=20391 . A copy of the key segment from Deputy City Attorney Tobkin is pasted below (all caps in original, key lines highlighted here in red):
 - "THERE IS A LEGAL PATH FORWARD FOR THE CITY TO ADOPT A CAREFULLY CRAFTED ZONING ORDINANCE ESTABLISHING A SETBACK FROM EXISTING OR NEW OIL AND GAS WELLS AND RELATED FACILITIES **WITH A AMORTIZATION PERIOD SUPPORTED BY EXPERT STUDY**. A REQUEST FOR THE DRAFTING OF A ORDINANCE WILL REQUIRE THE CITY PLANNING DEPARTMENT TO RETAIN EXPERTS TO ASSIST IN THE PREPARATION OF AMORTIZATION STUDIES ALONG WITH EXPERTS TO ASSIST IN THE CRAFTING OF THE ACTUAL ORDINANCE. AN ENVIRONMENTAL REVIEW UNDER CEQA WOULD ALSO HAVE TO BE PERFORMED IN CONNECTION WITH ANY ORDINANCE THAT IS PREPARED. **ANY ZONING ORDINANCE ENACTED BY THE CITY WILL LIKELY RESULT IN LITIGATION. OUR OFFICE WILL DEFEND IN COURT A CAREFULLY CRAFTED SETBACK ORDINANCE BY A STRONG ADMINISTRATIVE RECORD WHICH INCLUDES EXPERT AMORTIZATION STUDIES AND PROPER ENVIRONMENTAL REVIEW**. IF THERE ARE ANY QUESTION WE WILL DO OUR BEST TO ANSWER THEM IN THIS OPEN SESSION."

- **Here are the critical things the City Attorney told City Council:**
 - Deputy City Attorney Tobkin told City Council that there would need to be "environmental review under CEQA" and "expert study" of the amortization time period.
 - She told City Council that any phase out plan by amortization "will likely result in litigation" from the oil industry.
 - She told City Council that the City Attorney would defend "a carefully crafted" ordinance in court with "a strong administrative record which includes expert amortization studies and proper environmental review."

In fact, the proposed ordinance before you was rushed and carelessly prepared, not "carefully crafted."

It is backed by no amortization studies at all, let alone expert studies.

And it is disconnected from the weak and rushed environmental review (which speaks of parts of the ordinance that do not exist).

The Planning Department's proposed ordinance accomplishes nothing positive. In fact, its impact would be all negative:

- **It uses a 20 year amortization time period without any studies to back it up, despite the City Attorney having told City Council on 11/17/20 that "expert amortization studies" would be needed to be able to defend such a law against expected litigation from the oil industry.**
- **The Staff Report suggests the amortization period could be changed later, when studies are actually produced. But what better evidence of arbitrary decision-making could an oil industry litigant wish for than that?**
- The proposed ordinance actually deletes requirements and mechanisms for discretionary ZA reviews (LAMC 13.01. H and 13.01. I) while still somehow expecting that some projects must be reviewed by the ZA.
- The initial version of the proposed ordinance included mass deletion of 13.01.E and 13.01.F, but then Planning rushed to restore those sections after public howls. This is akin to a surgeon cutting organs until astounded onlookers prompt the surgeon to sew them back in. The City Attorney told City Council on 11/17/20 that a "carefully crafted ordinance" would be needed. Instead, this proposal is just massive deletions without thought or care.
- The proposed ordinance prohibits well "maintenance" but does not define it. The Staff Report is hopelessly confused about the term and about State law, conflating "maintenance" and "reworking well casings."
- Staff think that a ZA interpretation of "maintenance" can be issued later, without having any definition in the code. That is another invitation to losing a lawsuit to the oil industry.

- Worse, staff think that ZA interpretation can maybe then be used by the ZA in making decisions about proposed “maintenance” projects and proposed exceptions to prohibitions, but staff have deleted 13.01.H and 13.01.I that requires and establishes such discretionary reviews!
- **This is not “carefully crafted” legislation! It is slap dash deleting and messing with code on a subject staff does not understand.**

The proposed MND was completed days before the proposed ordinance was posted on the CPC agenda, and so the draft MND is not informing the ordinance.

- **The draft MND and the Staff Report say that the ordinance has provisions that use the State’s “Cortese list” to make sure that contaminated oil well sites get remediated, but there are some big problems with this.**
 - **First and most basically, none of this is in the ordinance at all!**
 - Second, the Cortese list is a list of sites that are already site assessment and/or cleanup sites listed by DTSC and the Water Board. Oil wells per se are not on these lists. Only sites that have been referred to DTSC and/or the Water Board by State agencies (including by CalEPA after they receive a complaint from the public) are on the list.
 - Third, the MND and Staff Report suggest that plugged oil wells near some other site (a dry cleaner or gas station, for example) that is on the Cortese list should have to get a Phase I Environmental Assessment, but this is word salad that makes no sense at all:
 - The nearby site on the Cortese list will in most cases have already had a cleanup, and it will have been unrelated to the oil well.
 - There is no prescription for any governmental proceeding in which anyone (the well owner of record, the land owner) must produce a Phase I assessment. So it won’t happen.
 - If it did happen, a Phase I assessment will provide no more information that is already known. It will say this site used to be an oil well, and that unrelated site over there was something else that had a clean-up, and that is about it.
 - Phase I studies do not include any soil or groundwater testing. Phase II studies do include some testing, but the reality is that the quality of testing varies with the commissioner of the study. I have seen this in studies for two former drill sites in LA City (4th Ave Drill Site and Pacific Electric Drill Site).
 - Instead, a serious ordinance would have the City make an automatic complaint/referral to the LA Regional Water Quality Control Board to oversee required testing of soil and groundwater. (The Water Board handles oil well cases, DTSC does not).
- **The draft MND has other gaps and errors. Here are a couple of examples:**

- **It does not consider and mitigate odor problems that are common when wells are being plugged**
 - This was a problem at the 4th Ave Drill Site in 2017, where wells were plugged while the adjacent LAUSD elementary school was in sessions, and at the Jefferson Drill Site in 2019.
 - Any oil well operation that involves opening the well head to access downhole is liable to have odor and emissions problems
- **The MND and the ordinance assumes that wells will be plugged, but real life and more than 100 years of history shows that is fantasy: Orphan wells are a major problem in LA City, the State, and everywhere.**
 - Oil companies that do not own the land where their surface operations are located have no ability to monetize that land after plugging wells.
 - Instead, they have an incentive to declare bankruptcy to be released from liabilities, and then to leave orphan wells behind.
 - The LA Times has run several big articles about this problem in the State and the City.
 - In addition, everyone in LA must know about the analogous case of the Exide Battery Recycling Plant, where the company went bankrupt and was released from cleanup of massive lead contamination that will cost the public \$ 1 Billion.
 - Plugging oil wells in the City of Los Angeles costs on average approximately \$330,000 each (see Petroleum Administrator Uduak Ntuk's July 2019 report to City Council for CF 17-0447, the motion under which the proposed ordinance is offered.
 - There are 1,100 wells that are active or idle but were recently active, and another approximately 900 wells that are now labelled as "idle" by CalGEM but were until 2019 or 2020 they were labelled "buried" because they were abandoned often more than 100 years ago to unknown standards. Most of the 900 are orphans (no owners today) and many are under or adjacent to buildings downtown and out to the Westlake area.
 - It is not just the cost of the public paying to plug many if not most of these wells.
 - The MND pays not attention to the obvious likelihood that many wells will not be plugged under the ordinance's plan (because it has no plan to make sure wells will be plugged and it is a difficult problem to solve).
 - Long-term idle and orphan wells that are not plugged pose ongoing to dangers to groundwater, soil, the atmosphere and to people.
- **The MND comes with a pathetic MMRP to be added to a proposed ordinance that includes no inspection and enforcement provisions.**
- **The lack of inspections and enforcement mechanisms is an overall fatal flaw for both the draft ordinance and the draft MND.**

This proposed ordinance should be sent back for substantial revision. It is not ready. The CPC should not recommend it to City Council in its current state

- **The revisions should include not deleting vast sections of code unless and until staff develop the skill to do it surgically.**
- **No amortization date should be set before there are solid “expert studies,” and even then amortization is not the best way to quickly phase out wells and get wells plugged.**
- **Staff should not mess with existing language in City Code about “maintaining” oil wells, which has never been used since its inception (I have researched the history).**
- **Nothing is more important than creating an annual inspection and enforcement program, because without that the exist Code and any future Code is little more than worthless without an enormous struggle by the public.**
- **The environmental review needs to address the problem that many if not most wells will not be plugged by the oil companies under existing law or this proposed ordinance. Adding another 1,000 orphan wells would be a significant environmental problem. Sticking one’s head in the sand to pretend it is not overwhelmingly likely is not acceptable.**
- **Site remediation needs to be addressed for real by requiring the City to refer/report all closing oil well and drill sites to the Water Board so the Water Board will open site assessment cases.**

Yours,

Michael Salman
Professor Emeritus
History, UCLA

Oil drilling in LA: regulating below and back-in-time

April 2017

Most conversations about planning and zoning in Los Angeles understandably look forward and look up. Where should LA grow? How can we remain a diverse city in the face of high housing costs? But one of our greatest land use challenges lies below, in the active oil wells that pepper LA's residential neighborhoods, causing concerns about toxic emissions and residents' health.

Last week Los Angeles City Council members introduced a motion calling for a report back within 120 days on "possible implementation of changes to the City's land use codes relative to oil and gas development." This motion raises questions on the best ways to protect health and to regulate clashing land uses. Is zoning the right tool, regulations targeted to the risk, or both? How can we assess the environmental impacts of proposed (future) activities and structures AND already existing uses and systems? There are [over 1000 active oil wells in the City of Los Angeles](#), and 3000 in LA County. The potential health threats are especially worrisome in low-income communities already burdened by pollution from freeways, freight facilities, oil refineries and other small and large industrial sites. Analysis in [a report by my former Occidental College colleagues Bhavna Shamasundra and Jim Sadd](#) shows that while active oil fields extend across swathes of the LA region, some concentrations of active wells overlap with neighborhoods that are among the most disadvantaged and most heavily polluted in the state.

Oil production was one of the LA region's earliest and therefore formative industries. [Historian Fred Viehe has argued](#) that the oil industry was as or more influential than transportation patterns in shaping the geography of Southern California. He wrote that "the extractive industry was responsible for both suburban dispersal and metropolitan fragmentation in southern Los Angeles County and northern Orange County.. More specifically, the industrial suburbs around Los Angeles contained derricks, refineries, and tank farms, while residential suburbs incorporated.." near each of these oil drilling clusters to provide dwellings for workers and their families.

But this division into industrial cities and residential cities was not the only pattern. Drilling also took place in already settled areas. Concern over the proximity of these wells to homes and schools has been an issue in the region for more than a century. A contemporary in the late 19th century wrote of the "blow-outs, gassers, gushers, fires, explosions, craters [and] geysers" that characterized oil exploration and production. According to [Kathy Kolnick's research on early land use regulations in LA](#), "during much of the 1890s, the oil industry, oil refineries and the problem of oil wells in the hill districts west of downtown was the predominant land use issue confronting the city council."

The City of Los Angeles never adequately controlled where and how drilling could take place. For a short period in the late 1890s and early 1900s, drilling was banned within 1,600 feet of city

parks. Yet, LA also allowed oil drilling districts to be established in already-populated residential areas. In 1946, the last time LA comprehensively updated its zoning, there were already 29 oil drilling districts.

We are still living with this patchwork approach to oil and gas production. As a result, residents living near wells complain of headaches, nausea, bloody noses, asthma attacks, and frequent visits to the emergency room. Residents may not receive any information about operations happening on the other side of a wall at the border of their property- literally feet from their windows; or about the chemicals being trucked in, or of the acids being piped under their homes.

Most of these drill sites operate with permits grandfathered from the 1960s. Their continued operations expose ironies and challenges in how we regulate land, assess environmental impacts, and protect public health: Because these sites have existed for decades, they are not subject to environmental review. There is [a drilling site in South LA where new owners might try to cap the wells and build affordable housing](#). Building a medium sized apartment building (50+ units) on the vacant lot would require a lengthy environmental review. But owners of the wells could keep pumping oil close to adjacent residences bedroom windows without having to file a single CEQA document. Our zoning code makes it difficult to establish new oil drilling districts. New districts in urbanized areas need to be at least 40 acres in size; applicants need rights from property owners to drill under at least 75% of the proposed district; and the number of wells allowed in each new district is strictly limited. But again, existing wells in existing districts are not subject to these limits.

Old permits don't reflect current research on health impacts nor the state's recent emphasis on protecting residents from multiple, overlapping sources of pollutants. Based on the nature of the potential harm from air emissions, noise, spills etc, what types of regulatory approach would best protect public health? Should LA use zoning rules to ban wells near sensitive receptors (locations like residences, schools and hospitals)? Try to work with state and regional regulators to place stronger standards on oil production? Or both.

The council motion filed last week gives LA the chance to examine these options and to take a new approach to urban oil drilling. The motion calls out two potential land use tools: buffers and amortization. It calls for a report back on potentially requiring a 'setback proximity,' or a buffer distance, between oil production and residential and related sensitive uses. Buffers can be used to keep dangerous or disruptive uses away from people who might be harmed or impacted. For example, LA's Clean Up Green Up ordinance set areas where any "new automobile dismantling yard, exhaust test station, automobile laundries (car wash), automotive repair, used auto retail sales, assembly of auto parts and accessories, tire shop, tire repair, and wholesale auto parts and accessory facilities.. within 500 feet of a residential zone."

Amortization means a phase out of uses that have been grandfathered in but that are currently banned. The term sounds financial because the length of the phase out is often set so as to allow the owner to keep operating long enough to recoup some or all of their initial investment. It

is usually legal to apply new and stronger regulations to existing businesses, but when an existing use is severely restricted or banned on a site, questions arise on whether this is a “taking” that the government must compensate the owner for. If LA sets a very short amortization period it might be vulnerable to lawsuits from well owners. If it sets a very long phase out, it would fail to protect residents’ health. The fact that most drilling sites in the city are decades old would seem to suggest that a more rapid phase out would be fair.

In 1957, LA’s chief zoning administrator testified: “If we planners had our way, we would prefer that oil drilling and production be excluded from urban areas, especially residential sections.” Unfortunately, his next word was “However...” and he went on to talk about valuable ‘natural resources’ and ‘black gold’ and how residents of the LA region as drivers used gallons of gasoline every day and so needed a steady supply of oil. While many Angelenos still drive and buy and use plenty of gas, the city and state are trying to reduce greenhouse gas emissions and rectify environmental injustices. An outcome that safeguards public health and reinforces our commitment to combating climate change would also signal that we can plan with 21st century priorities.

For more information on efforts to regulate urban oil drilling in LA, you can contact [STAND-L.A.](#), which is a coalition trying to end neighborhood drilling. [I am] not a member of this coalition, but am interested in good rules that support health and sustainability. In many cases, shaping a more livable and sustainable city will require paring back LA’s outdated zoning rules to remove barriers to development that can provide Angelenos with more housing, more walkable communities, and opportunities to try new ways of living and working. In the case of oil drilling, however, the City needs stronger regulations. Active oil wells and healthy families do not seem like compatible uses.



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September 19, 2022

VIA EMAIL: CPC@LACITY.ORG

Los Angeles City Planning Commission
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: **Agenda Item #11 - CPC-2022-4864-CA; Council File No. 17-0447**
Warren Comment Letter Opposing Ordinance Amendment and Approval of MND

Dear President Millman and Honorable Commissioners:

This letter provides comments on behalf of Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren") opposing the ordinance amending Sections 12.03, 12.20, 12.23, 12.24, and 13.01 of the Los Angeles Municipal Code (LAMC) to prohibit new oil and gas drilling activities and make existing extraction a nonconforming use in all zones (the "Ordinance Amendment"). While the comment period is still pending for the associated proposed Mitigated Negative Declaration ENV-2022-4865-MND ("MND"), the Commission is being asked to recommend the City Council approve the same and thus, Warren also objects to that action, especially since the Commission does not have the benefit of all comments on that proposed action since they are not due until October 17, 2022. In addition to the comments in this letter, Warren incorporates the comments of other industry organizations and companies that were submitted in connection with the August 30, 2022 Planning Staff Meeting in opposition to the Ordinance Amendment (as attached to the Staff Recommendation Report) and any additional comments that are submitted by other industry organizations and companies in connection with the upcoming September 22, 2022 Planning Commission Meeting.

The Ordinance Amendment Effects an Unconstitutional Taking for Which Just Compensation Must Be Paid & Deprives Warren of Its Vested Rights

At the outset, please understand that the Ordinance Amendment, if adopted in its current form, will put Warren out of business in approximately three years, depriving Warren—and the royalty owners that it serves—of their real property rights. These rights are currently valued in excess of \$675MM and the U.S. and California Constitutions require the City to compensate Warren and its mineral owners for these losses. The Ordinance Amendment, however, unlawfully makes no provision for such compensation.

The Ordinance Amendment will result in cessation of Warren's existing production in approximately three years because it prohibits Warren from engaging in the customary operations necessary to maintain production from its existing wells. Warren's only operations and its only mineral rights are located within the City of Los Angeles and new wells are prohibited. As a result, the Ordinance Amendment would unquestionably put Warren out of business after three years, leaving its employees

jobless, their families without necessary financial support and its royalty owners without income that they have relied on for decades.

To date, Warren has invested over \$400MM to develop its mineral estate in the City of Los Angeles through three well cellars at a consolidated drilling facility (the "Site"). The current LAMC allows for these operations as a *permitted right*. Warren's investment of over \$400MM was incurred not merely for its existing production at the Site but also for additional operations on existing wells within the three well cellars, so that production can be maintained over the projected life of the wells, and for the drilling of new wells in the same three cellars. The Ordinance Amendment will affect a zoning change that deprives Warren of engaging in its business at the Site and its business as a whole, subjecting the City's action to heightened scrutiny under the independent judgment standard. (*See e.g., Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1525.)

Warren and its royalty owners will be deprived of their reasonable investment-backed expectations and of the right to develop the remaining reserves, which are presently valued in excess of \$675MM. The Ordinance Amendment thus will result in a taking of Warren's and its royalty owner's real property rights under the U.S. and California Constitutions, thereby subjecting the City to damages for this lost value—a significant liability for the taxpayers of the City of Los Angeles. (*See e.g., Penn Cent. Transp. Co. v. New York City* (1978) 438 U.S. 104; *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533, 553-554 (holding that "absolute prohibition [on mining] . . . practically amounts to a taking of the property").)

Even though it holds mineral rights in other residential areas of the City, Warren limited its operations to the Site and to the three well cellars at the City's specific request. Also at the City's specific request, Warren agreed to give up its right to redrill 560 wells located outside the Site and agreed to a phased process of plugging and abandoning wells in the nearby area in return for the City agreeing that Warren could drill 540 wells at the Site with up to 5 well cellars.¹² To date, Warren has plugged and abandoned 41 wells in the surrounding area and has plans to plug and abandon more wells as its business continues to operate in the City.

¹ Zoning Case ZA 20725-0 (PA1) dated July 20, 2006 and Zoning Case ZA 20725-0 (PA2) dated October 2, 2008 (the "Approvals"), copies of which are not attached hereto due to the 10-page limit for this submission but can be found in the Planning Department records.

² Warren was not required under the LAMC relating to the Approvals to give up the redrill rights to 560 wells and conduct the plugging and abandonment of 56 wells in the residential areas outside the Site within a certain time period. Neither were these measures related to the mitigation of environmental impacts. Accordingly, there was no essential nexus and rough proportionality as would be required if the Approvals were interpreted solely as permits under *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Accordingly, the Approvals constituted a contractual obligation and give rise to a vested property right for that and other reasons. (*See M. J. Brock & Sons, Inc. v. City of Davis*, 401 F.Supp. 354, 361 (1983); *Morrison Homes Corp. v. City of Pleasanton*, 58 Cal.App.3d 724 (1976).) The Ordinance Amendment thus would improperly deny Warren a vested property right in violation of due process of law.

If the Ordinance Amendment is adopted, Warren will not be allowed to complete its project under the terms agreed upon by the City since no new wells will be allowed (221 wells have been drilled to date) and existing production cannot be maintained. Warren, however, has a legally protected and vested property right to utilize the Site for these additional operations. (See e.g., *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal. 3d 785, 791.)

The *Avco* rule provides that when a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon an entitlement issued by an agency, the party acquires a vested right to complete the construction of the project. This is particularly true for Warren in that not only did Warren obtain all necessary approvals from the City, but it also gave up its rights to redrill 560 wells in the Wilmington neighborhood outside the Site. Accordingly, Warren must be allowed to complete its project.

Warren's situation is similar to that presented in the case *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530. In that case, as in Warren's, the owner had an underlying right to use the property as a tavern. The owner subsequently obtained a conditional use permit to expand the business. When that permit expired, the City argued that the owner's rights had expired. However, the *Goat Hill Tavern* court held that "once [an approval] has been properly issued the power of a municipality to revoke it is limited . . . Where [an approval] has been properly obtained and in reliance thereon the [grantee] has incurred material expense, he acquires a vested property right to the protection of which he is entitled." (*Goat Hill Tavern*, 6 Cal.App.4th at 1530.)

Similar to *Goat Hill Tavern*, where the tavern owner had an underlying nonconforming use right, Warren also has a right to use the Site as an oil and gas well drilling site by virtue of the City's February 25, 1972 approval of a drilling and production site within the Nonurbanized Oil Drilling District No. 5 in the R4 and M2-1-O zones and by virtue of the Approvals. The *Goat Hill Tavern* court cited to multiple cases in which an agency action would ultimately force the company out of business, which as discussed above is what will happen here with Warren. (*Id.* at 1528-1529.) The court also emphasized that "interference with the right to continue an established business is far more serious than when an agency denies a request for a permit in the first instance." (*Id.* at 1529.) Once a permittee has acquired such a vested right it may be revoked only if the permittee "fails to comply with *reasonable* terms or conditions *expressed* in the permit granted." (*Id.* at 1530 (emphasis added).) Here, the Ordinance Amendment completely revokes Warren's vested rights despite its compliance with terms and conditions expressed in the 1972 approval of the "O" drilling district and in the Approvals, and thus Warren will be deprived of its vested real property rights.

That the City's actions will extinguish Warren's business is readily ascertainable in that Warren must either continuously drill and maintain its wells, or go out of business. The California Supreme Court recognized in *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533 that unlike other uses that operate within an existing structure or boundary, the use of land for mining and, in this instance, oil and gas drilling, anticipates the need to continuously expand the reach of the extraction activity. Warren must drill new wells and redrill and maintain old wells on the Site to maintain its current business. As stated by the California Supreme Court in *Hansen Brothers*, "this is not the usual case of a business conducted within buildings, nor is the land held merely as a site or location whereon the enterprise can be conducted indefinitely with existing facilities. . . the land itself is a material

resource. It constitutes a diminishing asset.” *Id.* at 553-554. Accordingly, “the ordinary concept of use must yield to the realities of the business in question and nature of its operations.” *Id.* Given Warren’s substantial economic investment, Warren’s drilling rights are a vested property right and if the City chooses to terminate these rights, Warren would be entitled to compensation under the California and United States constitutions.

**Consideration of the Amended Ordinance Now Violates the City’s Own Procedural Requirements
Such that It Would Be Unlawful to Adopt the Recommended Findings**

The relevant City procedures for consideration of the Amended Ordinance are set out at Los Angeles Charter and Administrative Code (“LACAC”) Sections 556 and 558. These requirements are further described in the Staff Recommendation Report at the Proposed Findings 1-3 at ps. F-1 to F-6, which Findings the Planning Commission must adopt to recommend adoption of the Amended Ordinance to the City Council.

LACAC Section 558(b)(2) describes the procedures for amending an ordinance. It provides that “[a]fter initiation, the proposed ordinance . . . shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance . . . to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance . . . will be in conformity with public necessity, convenience, general welfare and good zoning practice.”

LACAC Section 556 provides that: “when approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan.”

The Planning Commission’s action is not a mere suggestion, but acts to set out how the City Council must proceed in potentially acting on the Ordinance Amendment and the MND. For example, if the Planning Commission recommends approval of the Ordinance Amendment and the MND, the City Council may approve it under a simple majority vote, while if the Planning Commission has recommended against the Ordinance Amendment and the MND, the City Council can only approve the change by a two-thirds vote. (LACAC § 558(b)(3).) Accordingly, the Planning Commission’s action on the Amended Ordinance must be in compliance with applicable laws and meet the standards of Sections 556 and 558 of the LACAC.

**The Planning Commission Cannot Lawfully Take Action
Until It Completes its Review under CEQA**

The Planning Commission may not vote to recommend the Amended Ordinance until the City completes the CEQA process. In this situation, the proposed MND was only just circulated to the public on September 15, 2022—four days ago—in conjunction with the issuance of the Staff Recommendation Report. The City states that the public comment period will extend through October 17, 2022, as is required by CEQA. Accordingly, the City has not yet received all comments from the public on the proposed MND and indeed, it would be a denial of due process and violation of CEQA to expect comments in such a short period of time.

Yet at the same time the Planning Commission is being asked to recommend that the City Council find that “after consideration of the whole of the administrative record, including the Mitigated Negative Declaration . . . *and all comments received*, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment.” (Staff Recommendation Report at p. 1-2, and at p. A-8 (emphasis added).)

The Planning Commission is also being asked to adopt Proposed Finding 3, which states that the City has prepared an MND for the project and that “[i]n consideration of the whole administrative record *and all comments received regarding the MND* . . . the City Planning Commission shall recommend the City Council to adopt the MND.” (Staff Recommendation Report, Proposed Finding 3 at p. F-6.)

Proposed Finding 2 also clearly requires the completion of the CEQA review. Proposed Finding 2, which the Planning Commission must make pursuant to LACAC Section 556 provides that “[i]n accordance with City Charter Section 558 (b)(2), the proposed ordinance will be in conformance with public necessity, convenience, general welfare, and good zoning practice by advancing the basic core zoning to project citizens’ health, safety, and welfare.” Impacts to the public’s general welfare including its health and safety, however, are evaluated through the CEQA review, which process has not been completed and the comment period is still pending.

Accordingly, pursuant to LACAC Sections 556 and 558 and Proposed Finding 2 and 3, the Planning Commission must complete the CEQA process, including completion of the public comment period, prior to taking action to recommend adoption of the MND and adoption of the Amended Ordinance by the City Council.

Even without these explicit requirements, the proposed action would violate CEQA. Amendments to ordinances are clearly a project under CEQA. The completion of the CEQA process, including the required comment period and the consideration of these comments, is necessary as to two fundamental purposes of CEQA, informed decision making *by the agency* and informed public participation. The case law is clear that the failure to satisfy these requirements is prejudicial error. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)

The California Supreme Court has explicitly rejected what the Planning Commission is being asked to do—take an action prior to the completion of CEQA review. In particular, in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 388, 394 the Supreme Court stated that:

A fundamental purpose of [a CEQA document] is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post approval environmental review were allowed, [CEQA documents] would likely become nothing more than post hoc rationalizations to support action already taken. We have expressly condemned this.

Accordingly, under not only its own requirements under CACAC Sections 556 and 558 and under the language proposed in the recommended actions and Proposed Findings, but also under basic CEQA law,

the Planning Commission cannot act on the recommendation until the CEQA process is complete. Otherwise, the Planning Commission will deprive the public of the right to participate in the process and prevent itself from engaging in informed decision making.

**A Brief Review of the MND Indicates That the City Must
Prepare an EIR for the Proposed Project**

A brief review of the MND (it was only published four days ago) indicates that the Planning Department has understated the impacts that will result from this project. It is clear that, ultimately, the City will be required to prepare an EIR.

The MND's analysis of greenhouse gas emissions ("GHGs") is clearly deficient because it only analyzes the direct impacts related to curtailing oil and gas production in the City. It does not analyze any indirect impacts related to the termination of oil and gas production, which it is required to do under CEQA. (CEQA Guidelines Section 15064(d).) For example, the MND does not discuss that the termination of oil and gas extraction and production activities will result in additional imports of oil to the State and region, and that importation will result in additional GHGs through, for example, additional tanker emissions.

The MND also is required to discuss the consistency of the Ordinance Amendment with City land use policies. As they did with the Proposed Findings, the MND fails to address multiple policies that support the extraction and production of oil within the City (as discussed above).

Further, the MND glosses over the impacts to mineral resources in determining that the impacts related to the Ordinance Amendment are insignificant. As described above, the MND omits critical information from the General Plan related to the encouragement of extraction to reduce dependency on oil imports. The MND's remarks that the City "does not consider petroleum to be a mineral resource of local importance" is thus not supported by the City's own General Plan. Moreover, the CEQA Guidelines require the City to evaluate "the loss of availability of a known mineral resource that would be of value to the region and the residents of the state" not just the City. Accordingly, the analysis is flawed in that it addresses only impacts to the City, not the State as a whole.

The MND's conclusion that oil produced in the area "represents a small amount of the available Statewide resource" is also contradicted by readily available public information. For example, a report by the US Geological Service dated February 2013 describes the Los Angeles Basin, which is partly encompassed by the City, as containing "one of the highest concentrations of crude oil in the world. Sixty-eight oil fields have been named . . . including 10 accumulations that each contain more than 1 billion barrels of oil. One of these, the Wilmington-Belmont, is the fourth largest oil field in the United States." (USGS Fact Sheet 2012-3120.) Accordingly, based on this expert evidence it is undeniable, that the proposed ordinance will have a significant impact on the availability of mineral resources. Based on this information alone, the City is required to develop an EIR. CEQA requires that where there is substantial evidence supporting a fair argument that the project could have a significant non-mitigable effect the City must prepare an EIR. (CEQA Guidelines Section 15064(f)(1).) Even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on

the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.” (CEQA Guidelines Section 15064(g).)

The City’s General Plan Review For Conformity is Incomplete and Thus Unlawful

At noted above, CACAC Section 556 provides that the Planning Commission must find that proposed ordinance is in conformity with the General Plan. Such consistency is required by law. (*See e.g., City of Los Angeles v. State of California* (1982) 138 Cal.App.3d 526, 532.) This consistency is also required for charter cities pursuant to Government Code Section 65860. As discussed below, the ***Ordinance Amendment is not consistent with the City’s General Plan.***

The Staff Recommendation Report at Proposed Finding 1 leaves out critical elements in the General Plan in concluding that the Ordinance Amendment is in conformance with the purposes and intent of the General Plan. For example, in discussing the Conservation Element of the General Plan, Proposed Finding 1 sets out three policies. These policies generally describe a need for encouraging energy conservation, supporting the ban on offshore drilling and protecting neighborhoods from potential accidents and subsidence associated with drilling and production.

However, listed directly above these policies, and not stated in Finding 1, is the “Objective” that these policies support. In particular, the objective is to: “conserve petroleum resources and *enable appropriate, environmentally sensitive extraction . . .* so as to protect the petroleum resources for the use of future generations and to reduce the city’s dependency on imported petroleum and petroleum products.” (Emphasis added.) Accordingly, these policies may only be read in the context of allowing continued extraction. The fact that the Amended Ordinance would *ban extraction* rather than *enable extraction* clearly means that it is inconsistent with the General Plan.

Similarly, in the Health Wellness and Equity Element to the General Plan, Finding 3 indicates that Policy 5.4 is to protect communities’ health from noxious activities (which Finding 3 states includes, for example, oil and gas extraction). However, not included in the Staff Recommendation Report is that: “[t]his policy calls for the City to work with operators to ensure that they have the required permits in place, increase its regulatory role and encourage conditions of approval that mitigate land use inconsistencies and conflicts.” As a result, this section also assumes the continuance of extractions activities within the City.

Similarly, a brief review of the Land Use Element – Wilmington Harbor City Community Plan likewise indicates that the Amended Ordinance is inconsistent with the Wilmington Harbor City Community Plan. For example, Policies 3-5.1 and 3.5.3 clearly contemplate the continuance of extraction activities. Policy 3-5.4 provides for the consolidation of oil extraction operations to increase compatibility between oil activities and other land uses. Accordingly, nothing in these policies is consistent with a total ban on oil production like that proposed in the Ordinance Amendment. Finding 1 also does not discuss Objective 3-5, which the policies are drafted to support and which provides that the objective of the policies is “[t]o ensure the public health, safety and welfare *while providing for reasonable utilization* of the area’s oil and gas resources.” (Emphasis added.) The Staff Recommendation Report also fails to note Policy 3-4.6, which encourages the *consolidation* of oil extraction activities rather than its *elimination*.

Accordingly, not only is the Ordinance Amendment inconsistent with the General Plan and thus unlawful, but the Staff Recommendation Report omits critical information necessary for Planning Commission and public review of the Ordinance Amendment.

The Ordinance Amendment is Unconstitutionally Vague and Ambiguous

The Ordinance Amendment provides that “[no] existing well . . . shall be “*maintained*, drilled, re-drilled, or deepened, except to prevent or respond to a threat to public health, safety, or the environment, as determined by the Zoning Administrator.” (Emphasis added.) The Ordinance Amendment, however, provides no definition of the word “maintained” and it is thus unconstitutionally vague and ambiguous and violates the due process clause of the U.S. Constitution. The Staff Recommendation Report acknowledges that this is a problem and defers to a “Zoning Administrator’s Interpretation” that has not yet been published as to what this term means. (Staff Recommendation Report, P.3 (“Separately from this Ordinance, DCP’s Office of Zoning Administration is preparing a Zoning Administrator’s Interpretation on the types of oil-related activities that constitute maintenance . . . Once final, this guidance would immediately apply to all oil drilling activities. It would further clarify the types of maintenance activities prohibited under the Ordinance, with limited exceptions to prevent or respond to threats to public health, safety, or the environment.”))

Due process requires fair notice and an opportunity to be heard. In turn, the most basic due process concepts require that legally enforceable ordinances be defined with sufficient clarity such that those subjected to the laws understand what is permitted and what is prohibited, and such that the laws are not susceptible to arbitrary or discriminatory enforcement. (*Genis v. Bell* (C.D. Cal. July 2, 2013) 2013 U.S. Dist. LEXIS 93353, *14-15; *see also* *Castro v. Terhune*, 712 F.3d 1304, 1307 (9th Cir. 2013).) Here, the failure to unambiguously explain what is meant by the word “maintained” in the Ordinance Amendment itself would mean that Warren and others similarly situated would not know when, if at all, it is violating the Ordinance Amendment. As written without any definition, Warren is deprived of advance notice and opportunity to object to the meaning of the term “maintained” since it is left to later interpretation by the Zoning Administrator.

The 20-Year Amortization Period in the Ordinance Amendment is Unlawful

The Ordinance Amendment unlawfully imposes a 20-year amortization period for existing operations without any factual evidence to support that 20 years is a “reasonable amortization period commensurate with the investment involved,” as required by law. (*Metromedia, Inc. v. San Diego* (1980) 26 Cal.3d 848, 882.) The City Council directed the Planning Department to commission a study to be performed as to an appropriate amortization period and that work has not yet even commenced, let alone been completed. It thus is premature and unlawful for the Planning Commission to proceed with taking action on an amortization period when there is no study—and no evidence—to support such a period for Warren or other operators within the City.

Moreover, there is no law in California to support the use of amortization periods to eliminate a diminishing asset like mineral rights. While amortization may be appropriate under certain factual situations involving movable property like billboards or liquor stores, since those uses can be moved to other locations, the development of mineral rights is immovable and, as discussed above, protected

under the diminishing asset doctrine. There is no way to equitably amortize Warren's real property rights and its investments therein other than to allow Warren to produce until the commercially recoverable resources are depleted.

**There is No Evidence to Support that Warren's Operations
Result in Negative Health Effects**

Warren not only complies with California's stringent environmental regulations, but it also agreed with the City to use electric sources for its operations except for two combustion sources which produce minimal emissions and are not a significant impact for the City. The Staff Recommendation Report contains no specific evidence as to Warren's operations or its emissions and also ignores the City's prior report that failed to support any negative health impacts from oil and gas operations within the City.

In 2019, the City of Los Angeles Office of Petroleum and Natural Gas Administration and Safety conducted an exhaustive review of government reports and studies and concluded that:

There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team, the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment.

The City's position now is contrary to that prior report and not supported by the evidence. Warren's equipment and operations do not emit significant quantities of air pollutants and do not pose a significant health risk to the community residents or the public. Warren participates in annual emissions reporting to the SCAQMD, which includes mandatory reporting of air pollutants regulated by the Clean Air Act. Warren facility's actual emissions are low and based on these reported emissions the facility has never been required to obtain a federal operating air permit as it remains below major source thresholds for all pollutants. Further, low emissions of regulated pollutants is evidenced by the fact that Warren does not participate in the SCAQMD's RECLAIM program for large sources of oxides of nitrogen (NOx) and sulfur (SOx). Lastly, as a minor stationary source located in a heavily industrialized area of Wilmington, Warren has not permitted or installed new equipment or modified existing equipment in over 6 years.

In addition to regulated pollutants, Warren has consistently reported low emissions of air contaminants. The facility routinely reports a detailed air toxics emissions inventory to the SCAQMD yet has never been required by the SCAQMD to prepare a Health Risk Assessment (HRA) because of low emissions. For example, Warren's reported emission of air pollutants and associated health risk impacts are on par with that of neighborhood gas station that operates fuel dispensing equipment, storage tanks, and vehicular traffic from customers and mobile tankers.

Warren is in compliance with all regional, state, and federal rules and regulations and has obtained the appropriate air quality permits for all operating equipment. Restricting maintenance, testing, and repair

of the existing equipment would not represent an emission reduction or result in any improved air quality for the area or the region.

Furthermore, and in violation of the Equal Protection Clause as applied through the Fourteenth Amendment to the U.S. Constitution, the City is unlawfully discriminating against one industry by prohibiting its operations within the City without taking similar actions against other industries or uses that provide similar or even more emissions than the oil and gas industry.

No Action Should Be Taken on the Ordinance Amendment and the MND

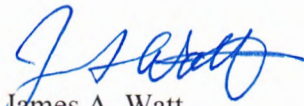
Warren respectfully requests that the Planning Commission do everything within its power to avoid what will prove to be an expensive mistake and we urge you *not* to take action on Agenda Item No. 11. The Ordinance Amendment will not result in the professed health benefits from shutting down Warren's operations and, instead, will subject the City to significant liability.

It is even premature for the Planning Commission to consider the draft MND and the Ordinance Amendment at this time. Indeed, the comment period has just began to run on the draft MND so the rush to take action should heed to the Commission's obligations to comply with the law and the City's ordinances.

Please understand that if the Planning Commission recommends approval, Warren will take all actions required to protect its rights, including seeking recovery from the City of in excess of \$675MM in damages for putting Warren out of business, along with recovery of Warren's legal expenses under Code of Civil Procedure Sections 1021.5 and 1036. The City will be forced to incur substantial legal fees for its own counsel and ultimately Warren's counsel too, all the while losing significant revenue from property taxes on future oil and gas operations without any change in health impacts from closing Warren's doors. Warren reserves all of its rights to pursue every available remedy if the Planning Commission proceeds to recommend approval of the Ordinance Amendment and the draft MND to the City Council.

Sincerely,

WARREN RESOURCES, INC.



James A. Watt
President and Chief Executive Officer



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Angelo Mike <mmike10371@msn.com>

Sat, Sep 17, 2022 at 6:17 PM

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

Cc: "emily.gable@lacity.org" <emily.gable@lacity.org>

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Since losing two cars to overnight hit and runs in LA (one in which I was sleeping in my car while homeless and was hurt), I've been taking the bus, bikes, and metro, and love it - but we need more pedestrian and bike friendly roads, and more bus and metro service!

Thanks,
Angelo Mike
Los Angeles, 90020



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Cooper Johnston <cooperjohnston2001@gmail.com>

Sun, Sep 18, 2022 at 11:59 AM

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

Cc: "emily.gable@lacity.org" <emily.gable@lacity.org>

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and require more broad mitigation of transportation impacts. This is critical to ensuring that our city's increasing housing needs are met in a sustainable way that can also help us achieve our emissions goals. We urgently need to encourage less driving and car dependency for the sake of public safety, the climate, and our communities. Please adopt the recommended updates!

Sincerely,

Cooper Johnston

Los Angeles, 90291



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Daniel Bezinovich <daniel.bezinovich@spin.pm>

Mon, Sep 19, 2022 at 9:40 AM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Daniel Bezinovich
[435 S. Alexandria Apt 401](#)
[Los Angeles, CA 90020](#)



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Eric Walker <ewalker41@gmail.com>

Sat, Sep 17, 2022 at 5:44 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Eric Walker
Los Angeles 90034



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Eddie Williams <eddiecwilliams@gmail.com>

Sat, Sep 17, 2022 at 5:11 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to the City Council!

Edward Williams
Los Angeles, CA, 90035



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Jamie <jamiefarrell8@gmail.com>

Sun, Sep 18, 2022 at 7:14 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Jamie Farrell
5324 1/2 Loma Linda Ave



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Julian Paul <julianvcpaul@gmail.com>

Sun, Sep 18, 2022 at 12:09 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Julian Paul
Westwood 90024



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Michael Royce <snowpants1@mac.com>

Mon, Sep 19, 2022 at 10:28 AM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts.

As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction.

Please adopt the recommended updates and forward it to City Council!

Mike Royce
Los Angeles, 90064



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Michael Schneider <stuff@michaelschneider.com>

Sat, Sep 17, 2022 at 4:42 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, it's high time to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction.

Please adopt the recommended updates and forward it to City Council!

Michael Schneider
Los Angeles, 90046



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Matt Wait <mattw@knock.la>

Mon, Sep 19, 2022 at 8:52 AM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Matt Wait
Los Angeles, 90065



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Nancy Matson <nancyloum@gmail.com>

Mon, Sep 19, 2022 at 12:31 PM

To: cpc@lacity.org

Cc: Emily Gable <emily.gable@lacity.org>

Dear Planning Commission,

I applaud the effort to expand the TDM guidelines to apply to more projects and commuters. I hope these improved regulations will lead to a less car-centric and polluted L.A. and help us achieve our climate goals.

Please adopt the recommended updates and forward it to City Council!

Nancy Matson
4350 Berryman Avenue #11
L.A., CA 90066

Del Rey Green Committee
NCSA Transportation Committee
alternate, WRAC Transportation and Mobility Committee



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Olga Lexell <olga@streetsforall.org>

Sat, Sep 17, 2022 at 4:52 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Olga Lexell
LA 90035



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Phyllis Ling <pling@yahoo.com>
To: Planning CPC <cpc@lacity.org>
Cc: emily.gable@lacity.org

Mon, Sep 19, 2022 at 10:32 AM

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction.

We also need the City to increase resources for parking enforcement. I live in a neighborhood in which a project was approved without the required parking and with TDM, but there appears to be little to no enforcement. People still drive, and when they can't find a safe or legal place to park, they park illegally. They block driveways, park at street corners, and park in front of fire hydrants.

We have had to call parking enforcement every Friday for the last 3 weeks. This weekend, every fire hydrant in my neighborhood had a car parked in front of it. Cars were even parked AT street corners. It took parking enforcement over 1 hour to arrive, which has been the typical response time. These drivers were attending a football game at Cathedral High School. They left 10 minutes before parking enforcement arrived, so I believe they will feel entitled to do the same in the future. My neighborhood is in Chinatown/Elysian Park, next to Radio Hill. Park rangers have told us that there is a fire on Radio Hill almost every day, so fire safety is a constant concern for us.

Yes, we need to get away from parking minimums and encourage alternate modes of transit, but in the meantime, we need to do a better job mitigating transportation impacts. There needs to be better enforcement to discourage behavior that endangers our neighborhoods.

Please adopt the recommended updates and forward it to City Council! Please also include a recommendation for increased parking enforcement.

Phyllis Ling
Los Angeles, 90012







Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Peter Phillips <peterphillipsfilm@gmail.com>

Sat, Sep 17, 2022 at 5:10 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Peter Phillips
North Hollywood 91601



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Sophie Nenner <senner@bicycletransit.com>

Sat, Sep 17, 2022 at 11:06 PM

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

Cc: "emily.gable@lacity.org" <emily.gable@lacity.org>

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Sophie Nenner
Live in Culver City, 90232
Work in Los Angeles, 90021 and 90034

Sophie Nenner
General Manager, [Metro Bike Share](#)
[Bicycle Transit Systems](#)
+1.310.866.3905
Pronouns: She/Her/Hers



Leading the bike share revolution, one ride at a time.



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Susan Requa <srequa@gmail.com>

Sun, Sep 18, 2022 at 7:25 AM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Susan Requa
90008

Sent from my iPhone



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Sam Shapiro-Kline <sshapirocline@gmail.com>

Sun, Sep 18, 2022 at 7:07 AM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City council.

Sam Shapiro-Kline
90025



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

steve s <stevenjstanton@gmail.com>

Sat, Sep 17, 2022 at 6:58 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Steven Stanton
Los Angeles, 90034



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Stephanie Tong <stong90@gmail.com>

Sun, Sep 18, 2022 at 10:50 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. A city built around cars is barbaric, dangerous, and isolationist. Please adopt the recommended updates and forward it to City Council!

Stephanie
Atwater Village 90039



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Tim Connolly <tconnolly91@wesleyan.edu>

Sun, Sep 18, 2022 at 5:35 AM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

My name is Tim Connolly and I live in Hancock Park. I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts.

As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Thanks

Tim Connolly

LA 90020



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Tesia Meade <tesia.meade@gmail.com>

Sat, Sep 17, 2022 at 5:45 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Tesia Meade
Los Angeles 90005



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Trevor Reed <trevorreed283@gmail.com>

Sat, Sep 17, 2022 at 8:52 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Trevor Reed
90028



Planning CPC <cpc@lacity.org>

Item #12, updating of TDM guidelines

Wesley Tam <wesley.tam@berkeley.edu>

Sun, Sep 18, 2022 at 12:18 PM

To: cpc@lacity.org

Cc: emily.gable@lacity.org

Dear Planning Commission,

I am in favor of updating our TDM guidelines so that they apply to more projects and giving developers more options to mitigate transportation impacts. As a city, we need to move away from cars being the main way we get around town, and this much-needed update is a great step in the right direction. Please adopt the recommended updates and forward it to City Council!

Thank you,
Wesley Tam
District 10, 90005
He/him/his

DAY OF HEARING SUBMISSIONS

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

DAMON P. MAMALAKIS
DIRECT DIAL: (310) 254-9026

12100 WILSHIRE BOULEVARD, SUITE 1600
LOS ANGELES, CA 90025

Tel: (310) 209-8800
Fax: (310) 209-8801

E-MAIL: Damon@AGD-LandUse.com

WEB: www.AGD-LandUse.com

September 22, 2022

VIA E-MAIL

The Honorable City Planning Commission of the City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Attn: Cecilia Lamas, Commission Executive Assistant
cpc@lacity.org

Re: Items 8, 9, and 10 on the Commission's September 22, 2022 Agenda
ZA-1997-797-7V-PA1-1A; VTT-82714-HCA-1A; CPC-2020-3253-DB-SPR-HCA
1121-1149 North Gower St.; 6104-6124 West Lexington Ave; 1124-1150 North Lodi Place

Honorable Commissioners:

This firm represents 1149 Gower Street Hollywood, LLC (Applicant), the applicant for the above referenced project (the Project) located at 1121-1149 North Gower Street. The Project includes the construction of a five and six-story building with 169 residential units, including 19 on-site affordable Very-Low Income units, and three levels of subterranean parking. We are writing to respond to Supporters Alliance for Environmental Responsibility's (SAFER) September 21, 2022 comment letter.

Preliminarily, we object to SAFER's effort to sandbag this Commission, City Staff, the Applicant, and the public by waiting until less than 24 hours before the hearing to submit its comment letter. SAFER's comment letter violates the page length rule for submissions as it is 134 pages, not two.

Despite the limited time afforded, we and the expert environmental consultant Shane Parker of Parker Environmental, have been able to complete a preliminary review of the comment letter and its attachments. None of the comments withstand scrutiny or have merit for the following reasons:

Indoor Air Quality Impacts: SAFER (via Offermann) incorrectly claims there will be indoor air quality impacts from wood products containing formaldehyde. Offermann's analysis is based on inaccurate assumptions: (1) the Project's construction materials would not be compliant with the applicable regulations to reduce formaldehyde exposure, (2) the formaldehyde daily emissions from construction materials would be constant for over 70 years for residents; (3) residents would occupy their units for 24 hours per day, 52 weeks per year for 70 years; and (4) residential occupants would inhale 20 m³ of air per day averaged over a 70-year lifetime. In fact: (1) the construction materials would comply with all such applicable regulations including Title 24: Building Energy Efficiency Standards, Section 4.5, Environmental Quality, of the CALGreen Code; and CARB Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products; and (2) per the U.S. EPA, lifetime risk values for residents should be based on an exposure duration of 350 days per year for 30 years, not 70.

Health Risk Impacts: SAFER (via SWAPE) asserts construction diesel particulate matter (DPM) emissions will result in significant impacts. SWAPE is wrong because: (1) deviations from the default values were more conservative; (2) worker trip data reflects trip distances in the LADOT VMT calculations, the City's expert agency; (3) the Project's construction emissions were quantified utilizing CalEEMod, the

The Honorable City Planning Commission
September 22, 2022
Page 2

SCAQMD's recommended methodology; (4) the Project's PM₁₀ and PM_{2.5} emissions are substantially below the significance thresholds; (5) the Project is not a hazardous waste facility and is not subject to OEHHA's HRA Guidance; (6) DPM is a subset of PM₁₀ and PM_{2.5} (for which DPM represents a fraction of total PM₁₀ and PM_{2.5} emissions) and those emissions would be substantially below the significance thresholds and not warrant the preparation of an HRA; and (7) SWAPE's screening analysis assumes the wrong number of construction days (1,513 active construction days vs. 1,045).

Greenhouse Gas Impacts: Under CEQA Guidelines Section 15332, "[a]pproval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality..." There are no requirements to making findings about a project's effects on GHG emissions and there is no evidence of a significant GHG impact in any event.

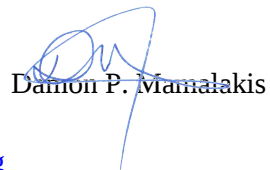
Noise Impacts: SAFER's analysis concludes (without any substantiation) that the nighttime noise from rooftop activities could create noise much greater than 5 dBA above ambient nighttime levels, which would be significant. SAFER fails to recognize that the rooftop is an ancillary use for the residents and is not a commercial use such that it would generate noise levels that are inconsistent with a residential use. SAFER also alleges that the project's HVAC units would generate noise levels higher than 5dBA above ambient nighttime noise levels. This unsubstantiated assertion fails to account for the fact that the Project must comply with LAMC Section 112.02 which prohibits noise from HVAC equipment from exceeding the ambient noise level by more than five decibels.

Biological Site Value: SAFER claims without evidence the Project Site has habitat value for the gnatcatcher. The CE Justification shows the Project Site is outside of designated gnatcatcher critical habitat. Coastal California gnatcatchers are found exclusively in coastal sage scrub habitat. The Project Site is developed with a commercial building, a parking lot and is entirely surrounded by roads, and other developed properties and, thus, does not provide any coastal sage scrub habitat, and has no value to gnatcatchers.

Unusual Circumstances: SAFER fails to identify anything unusual in the Project that is different from other mixed use development projects in the Hollywood Area. The Project is similar in size and scope to other development projects within the Hollywood Community.

We respectfully request you deny the Appeals, grant the entitlements, and reject the SAFER comment letter or otherwise find it without merit.

Sincerely,


Damon P. Marmalakis

cc: More Song, City Planner, more.song@lacity.org



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Amy "Catfox" Campion <bgirlcatfox@gmail.com>

Wed, Sep 21, 2022 at 3:22 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Amy "Catfox" Campion
213-221-9980

bgirlcatfox@gmail.com

dance art maker | activist | educator | bgirl | capoeirista | mama

*not necessarily in that order



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Alfonso Directo Jr. <adirecto@act-la.org>

Wed, Sep 21, 2022 at 5:21 PM

To: Planning CPC <cpc@lacity.org>

Cc: "Alfonso Directo Jr." <adirecto@act-la.org>

Dear City Planning Commissioners,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I work with community members in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Alfonso

--

Alfonso Directo Jr., PE (he/him/his)

Senior Advocacy Manager | Alliance for Community Transit - Los Angeles

cell: (949) 400-0818

website: www.act-la.org

Please note: We've moved our email addresses and website to act-la.org!



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Ann Dorsey <aedorsey@hotmail.com>

Wed, Sep 21, 2022 at 8:21 PM

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

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I support the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urge the Planning Commission to move it forward to the City Council.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end.

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, I also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. I encourage the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you,

Ann Dorsey
Northridge, CA 91325



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Alyssa Bell Kearney <alyssa.d.bell@gmail.com>

Wed, Sep 21, 2022 at 7:51 PM

To: cpc@lacity.org

Hello,

I am writing to you as mother of 2 small children and a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

[name here]



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Alma Paredes <almaparedes81@yahoo.com>

Wed, Sep 21, 2022 at 8:39 PM

To: cpc@lacity.org

Cc: Alma Paredes <almaparedes81@yahoo.com>

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries. This is a matter of environmental justice and of racial justice.

Thank you for your time,

Alma Paredes



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Brandon Gallegos <bgallegos182@gmail.com>

Wed, Sep 21, 2022 at 5:09 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Brandon Gallegos



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Christian Lopez <christian.albertojr.lopez@gmail.com>

Wed, Sep 21, 2022 at 11:12 PM

To: cpc@lacity.org

Cc: Christian Lopez <christian.albertojr.lopez@gmail.com>

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries. This is a matter of environmental justice and of racial justice.

Thank you for your time,

Christian.



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Consuelo Pernia <consuelo@esperanzacommunityhousing.org>

Wed, Sep 21, 2022 at 7:52 PM

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

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sit

Sent from [Mail](#) for Windows



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Catherine R <cmronan@gmail.com>

Wed, Sep 21, 2022 at 5:16 PM

To: cpc@lacity.org

Hello, I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance. I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine. I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st. Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end. As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes. Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries. Thank you for your time, Catherine Ronan

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Catherine



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Dafne Gokcen <dfgokcen@gmail.com>

Thu, Sep 22, 2022 at 7:38 AM

To: cpc@lacity.org, "lilian.rubio@lacity.org" <lilian.rubio@lacity.org>

Good morning,

I am writing to you as a concerned community member and LA City resident regarding case number CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND concerning the city-wide oil and gas ordinance. I am also writing on behalf of Fossil Free California, a statewide group working to end financial support for fossil fuels and to promote the transition to a socially just and environmentally sustainable society.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. I urge the Planning Commission to move this important ordinance forward to the City Council. This ordinance is a good first step in protecting frontline communities that have suffered decades of health problems and environmental racism while living near oil and gas facilities.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment that would warrant exceptions to this ordinance, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Separate from this ordinance, I also strongly urge the City to continue thinking of ways to ensure a full just transition for both oil workers and frontline communities. The city should consider rezoning parcels that are closest to residents to ensure future uses are compatible with residential uses and will provide a public benefit after so many years of environmental racism. We also must not forget workers, many of whom live in those frontline communities. The STAND-LA coalition is eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Dafne Gokcen
Los Angeles, 90012
Fossil Free California



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

David Mendoza <davidmendoza427@yahoo.com>

Wed, Sep 21, 2022 at 9:15 PM

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

Cc: David Mendoza <davidmendoza427@yahoo.com>

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries. This is a matter of environmental justice and of racial justice.

Thank you for your time,

David Mendoza



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Gina Charusombat <gcharusombat@scopela.org>

Wed, Sep 21, 2022 at 4:08 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Gina

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Gina Charusombat (she/her)
Policy & Research Associate



1715 West Florence Ave.
Los Angeles, CA 90047

9/22/22, 7:58 AM

City of Los Angeles Mail - Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-...

(P) 323.789.7920 x109



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Guadalupe Salazar <gsalazar6363@gmail.com>

Wed, Sep 21, 2022 at 8:35 PM

To: cpc@lacity.org

Cc: gsalazar6363@gmail.com

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries. This is a matter of environmental justice and of racial justice.

Thank you for your time,

Guadalupe Salazar Gutierrez



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Jessica Craven <jescny@gmail.com>

Wed, Sep 21, 2022 at 3:36 PM

To: cpc@lacity.org

Hello,

I am writing to you as a long-time Los Angeles resident, a mom who's worried about pollution, and an elected member of the LACDP in AD-52 regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I STRONGLY support the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Jessica Craven
4673 Cleland Avenue
Los Angeles, CA 90065

Abortion rights are on the ballot November 8th!

Verify your voter registration [here](#).

Register to vote [here](#).

Sign up for an absentee ballot [here](#).

Learn how to vote in your state [here](#).



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Kate Grodd <kate.grodd@gmail.com>

Wed, Sep 21, 2022 at 4:43 PM

To: cpc@lacity.org

Hello,

Thank you for taking the time to read this email.

I'm writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in **strong support** of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Kate Grodd
90027



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

K Pace <sharedplacecircle@gmail.com>

Thu, Sep 22, 2022 at 8:22 AM

To: cpc@lacity.org

Dear Planning Commission Members,

I am writing to you about case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND).

Please support the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urge the Planning Commission to move it forward to the City Council.

I work in the South LA area, as a teacher, in a community that has been greatly impacted by oil and gas extraction. I have seen first hand how oil drilling has impacted the lives and the health of the families and children I teach. This ordinance is a great first step in protecting frontline communities.

There are a few improvements we could still make to the ordinance 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and high standards for oil and gas operators to plug and abandon wells once they cease operating, including complete soil remediation and clean up.

These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st. I support their letter wholeheartedly.

The City Planning Commission has a chance to improve life for future generations and to protect current residents from more harm. Passing the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses is a powerful first step.

Please make sure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end.

We are so grateful for your votes and support on this issue of life and death.

I also strongly urge the City to provide ample training and job support to workers displaced by closing these sites. Please provide a just transition for folks working hard to care and provide for their families. They need safe, family-supporting jobs and careers in other industries that do not pollute the land they live on and put their families and their own health at risk.

Please also offer solutions that will heal the land that has been poisoned and damaged by drilling and extraction, so that no contamination remains. Regenerate and remediate the soil and use these sites to increase green space; plants, trees and soil that can begin to heal impacted communities.

Thank you.

Be Well,
Kristy Pace

Sherman Oaks 91423



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Hannah Cornfield <hannah@kiwa.org>
To: cpc@lacity.org
Cc: Hannah Cornfield <hannah@kiwa.org>

Wed, Sep 21, 2022 at 7:10 PM

Hello,

We are writing to you as a concerned community organization regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

We are writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. We work primarily with residents of Koreatown who are low-income workers of color, and we stand in solidarity with low-income communities and communities of color, who bear the brunt of the injustice of oil drilling. We especially stand in solidarity with our fellow low-income workers in South LA, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. Our communities know firsthand how oil drilling has impacted the lives and the health of low-income communities of color, and this ordinance is a good first step in protecting frontline communities.

We also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, we **ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must** ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end.

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Koreatown Immigrant Workers Alliance (KIWA)



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Liz Jones <ljones@biologicaldiversity.org>

Wed, Sep 21, 2022 at 5:07 PM

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

To the LA City Planning Commission:

I am writing to you as a concerned community member and as an attorney at the Center for Biological Diversity regarding case number CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND — the city-wide oil and gas ordinance. I live and work in Los Angeles, and the Center has members that live in communities that have been greatly impacted by oil and gas extraction. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting those on the frontline who live near extraction sites. I support the draft ordinance prohibiting future oil drilling and phasing out existing oil drilling sites as non-conforming land uses, and I urge the Planning Commission to move it forward to the City Council.

I am submitting this letter to respond to some of the comments I heard in opposition to the ordinance at the August 31, 2022 City Planning meeting. First, arguments that the “diminishing asset doctrine” means oil and gas operators can’t be compensated through a reasonable amortization period have already been rejected by the Los Angeles Superior Court. *Plains Expl. & Prod. Co. v. City of Culver City* at 10-12 (L.A. Super. Ct. No. BS122799, March 26, 2010). Second, arguments that this action will increase imports from countries with bad environmental and human rights records are a dangerous distraction. The quickest path to energy independence is a rapid shift away from fossil fuels altogether. We won’t need oil and gas from anywhere once we are using solar and wind energy to power our communities. Critiques that ending production in Los Angeles will increase imports also ignore that California’s oil is some of the dirtiest in the world, as discussed in the [Killer Crude](#) report (attached) put out by the Center for Biological Diversity. The Killer Crude report also explains that demand for oil is already decreasing, which means the state has less need for oil production with each year that goes by. Most existing oil production goes to transportation, so announcements like 100% EV sales by 2035 in California point to further declines in demand as the need for gasoline goes down. Local jurisdictions can go even further by supporting EV charging infrastructure and building electrification. Production in the City of Los Angeles, which represents only 1.5% of the state’s total production, is no longer necessary against a backdrop of declining demand statewide. It’s shameful that oil companies are pointing to abuses abroad to try to justify continued operations in our backyards. We cannot delay the phase out of fossil fuels any longer, and the Planning Commission should take action now to protect frontline communities that have suffered from decades of industry pollution.

The Center for Biological Diversity supports the asks in the STAND-LA Coalition letter of September 21st, including the requests to strengthen the ordinance by 1) defining potential “threats to public health and the environment,” 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once operations cease.

Please pass the draft ordinance prohibiting future oil drilling and phasing out existing oil drilling sites.

Thank you,

Liz Jones (she/her)

Staff Attorney, Climate Law Institute

Center for Biological Diversity

Los Angeles, CA

(310) 365-9281



June-2021-Killer-Crude-Rpt.pdf
8546K



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Morgan Gonzalez <morgan@cbecal.org>
To: "cpc@lacity.org" <cpc@lacity.org>
Cc: Morgan Gonzalez <morgan@cbecal.org>

Wed, Sep 21, 2022 at 3:15 PM

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment to ensure oil operators don't use the "Public Health Exception" included in the draft as a loophole to intensify or expand operations, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,
Morgan Gonzalez



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Maria Patiño Gutierrez <mpatino@saje.net>

Wed, Sep 21, 2022 at 1:02 PM

To: cpc@lacity.org

Cc: Rabeya Sen <rabeya@esperanzacommunityhousing.org>, Wendy Miranda <wendym@esperanzacommunityhousing.org>

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City Planning Commission strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the city to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

--

Maria Patiño Gutierrez

Director of Policy and Research

Equitable Development

Pronouns: Sher/Her/They

SAJE-Strategic Actions for a Just Economy

www.saje.net

[152 W. 32nd Street, Los Angeles, CA 90007](#)

Work Mobile: 213-554-7125



<https://saje.nationbuilder.com/>



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Maro Kakoussian <mkakoussian@psr-la.org>

Wed, Sep 21, 2022 at 3:14 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Maro Kakoussian

2533 4th Ave
 Los Angeles, CA, 90018
salman@history.ucla.edu
 September 21, 2022

ENV-2022-4865-MND & underlying case CPC-2022-4864-CA

To the City Planning Commission,

The draft MND accompanying the proposed oil ordinance is severely deficient, full of errors, and disconnected from both the proposed ordinance and reality.

Among many CEQA errors of process and substance, the draft MND (p.68-9) and the Staff Report (p. P5-6) claim the proposed ordinance has provisions regarding site remediation that are not in the proposed ordinance.

The comment period on the draft MND runs until mid-October. The CPC should not act on the underlying case until after Planning has closed the comment period on the MND and decided on revisions.

Both the draft MND and ordinance are not ready for consideration and should be sent back.

Rushing the environmental review and proposed ordinance cross-contaminate each other.

- The environmental review was commissioned by Planning on 7/26/22 (date of the Notice to Proceed) *just two weeks before Planning publicly released the proposed ordinance on 8/9/22. The draft ordinance had no input from environmental review.*
- *At the 8/30/22 "public hearing" held by Planning, no environmental review materials were available for public examination.*
- The [Draft MND](#) was posted publicly on [Planning's "Public Notices" webpage](#) on 9/15/22. Metadata shows it was created on 9/12/22.
- The Revised September version of the proposed ordinance was posted on the [CPC's agenda](#) on 9/14/22. Metadata shows it was created 9/13/22.
- **The draft MND and the Staff Report both claim the proposed ordinance has provisions regarding site remediation section *that are not there at all.***

The environmental review fails at protecting the environment and public safety.

- The draft MND misses multiple significant environmental impacts that can be expected with near certainty, including (but not limited to):
 - **Odor and emission problems while plugging wells were problems not mitigated by the City and other jurisdictions during the plugging of wells at the now closed 4th Ave Drill Site in CD10 and the Jefferson Drill Site in CD8**
 - The draft MND failed to consult recent real world experience in the City already known to Planning and other City offices.
 - **Draft MND ignores difference between an individual well on one lot in an M3 Zone VERSUS Drill Sites like the Banning Site in Wilmington (220 wells in M2/RD3), West Pico in 90035 (57 wells, surrounding R Zone), and Packard in 90019 (~60 wells, surrounding R Zone).**

- Draft's assumption about availability of rigs & crew to plug multiple wells at a time is wildly incorrect. This would take years. Prolonged impact.
- **Emissions, toxic dust, and other impacts during site demolition were not mitigated by the City and other jurisdictions at the now closed 4th Ave Drill Site where demolition occurred while an LAUSD elementary school was in session next door**
 - the draft study failed to consult recent real world experience in the City already known in the ZA and other City offices, **and ignores prolonged impact on R Zones from demo of Drill Sites.**
- **The draft MND fails to consider the problem of oil companies going bankrupt and leaving behind hundreds of wells without plugging them. The draft MND and Staff Report and proposed ordinance just assume the oil companies will plug their own wells as they close up business.**
 - Such orphan wells are already a monster problem, known to the Planning Department and other City offices. See investigative journalism published by the LA Times in spring 2020: ["The Toxic Legacy of Old Oil Wells: California's Multibillion-Dollar Problem"](#) and ["Deserted Oil Wells Haunt Los Angeles with Toxic Fumes and Enormous Cleanup Costs."](#)
 - The phenomenon of polluting companies going bankrupt to escape liability for clean-up costs is well, as in the [Exide Battery Recycling Plant case](#). Exide's bankruptcy left the public with a \$1 Billion clean-up.
 - The owner of the Banning Site in Wilmington (220 wells, M2/RD3 Zone) exited Chapter bankruptcy circa 2018. Banning is their only operation.
 - Many wells & drill sites are on leased land (e.g., AllenCo); no incentive/force to plug wells, only liability to be discharged in bankruptcy.
 - Oil wells in LA City cost on average \$330,000 to plug: [Uduak Ntuk's July 2019 report to City Council](#). The cost has risen. Multiply by 1,000 wells.
 - ***Deserted and orphan wells degrade and pose increasing danger to groundwater, soil, the atmosphere, and the public. These are known significant impacts that the draft MND ignores with a gloss of wishful thinking contrary to real world experience.***

A separate submission will show that the MND's proposal for site remediation is ineffective word salad. A separate submission will copy the 7/26/22 "Notice to Proceed."

Yours,

Michael Salman
Professor Emeritus
History, UCLA

September 21, 2022

Samantha Millman
President
City of Los Angeles Planning Commission
200 N. Spring Street, Room 525
Los Angeles, CA 90012

**Re: City Planning Commission Meeting September 22, 2022, Agenda Item #11 -
CPC-2022-4864-CA; Council File No. 17-0447**

Dear President Millman and Honorable Commissioners:

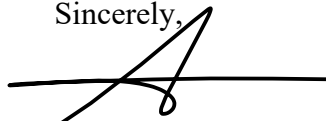
This firm represents the California Independent Petroleum Association (“CIPA”). On behalf of CIPA and its members, we request that the City Planning Commission (“Commission”) defer its consideration of Agenda Item #11 on the September 22, 2022 Commission Agenda, an ordinance amending Sections 12.03, 12.20, 12.24, and 13.01 of the Los Angeles Municipal Code.

The Commission’s consideration of this item at this time is inappropriate and premature, because the evaluation of the environmental impacts of the ordinance are still being studied. The comment period to the Mitigated Negative Declaration (“MND”) for this Project remains open until October 17, 2022, and additional time will be required after that date for the City to review, evaluate, and respond to the comments received. Yet the staff report for this item requests that the Commission “Approve and Recommend that the City Council adopt the Proposed Ordinance” and “Adopt the Findings” of the MND. Staff Report recommendations 2, 5. The Commission cannot adopt findings of an MND which is not yet complete, nor can it approve an ordinance for which required evaluation under the California Environmental Quality Act (“CEQA”) is not complete. Thus, the Commission is poised to improperly certify an MND that is not yet complete, and which the public has not yet had a full opportunity to comment on.

We would urge the Commission to table consideration of this item until after the MND comment period has closed on October 17, 2022 and the City has had an opportunity to appropriately and thoroughly review, evaluate, and respond to the comments received, as required by law.

Thank you for your time and attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Itzkowitz', written over a horizontal line.

Jacob Itzkowitz



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Newara Brosnan-Faltas <nfaltas@la.surfrider.org>

Wed, Sep 21, 2022 at 4:40 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

[name here]



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Nicole Levin <nicole.levin@sierraclub.org>

Wed, Sep 21, 2022 at 3:14 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Nicole Levin



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Nathalia Mora <nmora@scopela.org>

Wed, Sep 21, 2022 at 3:47 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Nathalia Mora



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Queen Eze <queen@esperanzacommunityhousing.org>

Wed, Sep 21, 2022 at 10:30 PM

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

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Queen Eze

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Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Rebecca Helm <rebeccabhelm@gmail.com>

Wed, Sep 21, 2022 at 10:06 PM

To: cpc@lacity.org

Cc: Rebecca Helm <rebeccabhelm@gmail.com>

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

9/22/22, 9:52 AM

City of Los Angeles Mail - Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-...

Rebecca



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Rd <rdp.public@gmail.com>

Thu, Sep 22, 2022 at 6:43 AM

To: cpc@lacity.org

Greetings,

As an extremely concerned community member, I write you regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I support the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I travel through and shop in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo.

Oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities -- even in my area.

I expect the City to act as stewards and strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, my request is the City Planning Commission pass the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses.

Further, I expect the City to take every action to ensure the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end.

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

I firmly echo Stand LA Allies in the concept that separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you,

Rd Plasschaert



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Rosalie Preston <rosalieannp@hotmail.com>

Wed, Sep 21, 2022 at 5:13 PM

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

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live just south of Athens on the Hill, a community that has been greatly impacted by oil and gas extraction, with hundreds of closed and inactive wells and one large active well with slant drilling that impacts a wider area. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting the impacted communities.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission pass the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving, healthy land uses on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Rosalie Preston
[15913 S. Menlo Avenue](#)
Gardena, CA 90247-4541



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Siboney Arias <sarias@scopela.org>

Wed, Sep 21, 2022 at 3:38 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Siboney Arias

September 20, 2022

Los Angeles City Planning Commission

Sent via electronic mail

RE: Strengthening the Revised Los Angeles City Oil and Gas Drilling Ordinance

We are submitting this comment letter to share feedback about the recently revised draft of the Los Angeles City Oil and Gas Drilling Ordinance (“revised Oil and Gas Ordinance”). First, we commend the City of Los Angeles for retaining the public health standards found in the Los Angeles Municipal Code (“LAMC”) subsections 13.01 E and F. We are grateful for the City’s continuous work to make the City a healthier place for all, particularly for residents disproportionately impacted by pollution associated with urban oil drilling.

We offer the following feedback and recommendations and urge the City to support their incorporation into the final ordinance. To ensure prompt final adoption of the ordinance, we urge the City Planning Commission to advance the revised Oil and Gas Ordinance to the Los Angeles City Council for its consideration.

- First, while we continue to support the draft’s broad prohibition on new drilling and oil well maintenance activities, we urge the City to clarify, before the final ordinance is adopted, the specific circumstances under which an exception could be made to this prohibition. Specifically, we request the City define the potential *threats to public health and the environment* that may trigger the new exception proposed in subdivision 4 of subsection C of Section 12.23 of the LAMC.
- Second, we would like to underscore the critical importance of a categorical prohibition on acid treatment work during the phase-out period.
- Third, we ask the City to explain the process it will undertake to amend the 20-year default amortization period following its amortization studies.
- Finally, while we recognize the Department of Public Works has been tasked with developing a comprehensive oil well plugging and remediation policy, we strongly recommend that the final Oil and Gas ordinance establish basic parameters for clean-up and remediation to ensure that oil drilling sites are not only shut down but also properly cleaned and remediated on a swift timeline to a standard that is safe for community-driven redevelopment and use.

1. LA City Must Define the Threats to Public Health, Safety, or the Environment that May Trigger the New Exception Proposed in the Revised Oil and Gas Ordinance.

We urge the Department of City Planning to define the criteria and parameters for events that may trigger the new exception proposed in subdivision 4 of subsection C of Section 12.23 of the LAMC which states “[n]o existing well for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, shall be maintained, drilled, re-drilled, or deepened, *except to prevent or respond to a threat to public health, safety, or the environment*, as determined by the Zoning Administrator.”¹ As currently drafted, this exception leaves threats to “public health, safety, or the environment” vague and undefined. To avoid unintended consequences, we ask the City to close this potential loophole by consulting with the Los Angeles County Department of Public Health to define the types of threats to public health, safety, or the environment that may trigger this new exception.

In its Staff Report to the City Planning Commission, the Department of City Planning stated that the Zoning Administrator will maintain authority to impose additional conditions or require corrective measures through a discretionary process under the provisions of LAMC Section 13.01 E. However, the referenced provision applies only if the Administrator finds that additional conditions are necessary “to afford greater protection to surrounding property” and does not include a plan to notify or engage community members living near an oil facility approved to perform work under a public health exception or oil drilling variance. Should the Department of City Planning eliminate subsections H and I from LAMC 13.01, we urge the Los Angeles Department of City Planning to retain Zoning Administrator Memorandum 133 as a guideline for all activities approved under the new public health exception or oil drilling variances provided by LAMC Section 12.27. It is our hope that the City remains committed

¹ LA City Oil & Gas Drilling Ordinance p.2 of 25 (Revised September, 2022).

to notifying frontline residents and engaging community members during the phase-out period, especially when a public health exception or oil drilling variance is considered or determined by the Zoning Administrator.

2. LA City Must Prohibit Harmful Well Maintenance Including Acid Treatments.

Second, we support an immediate prohibition on maintenance activities that enable further production and threaten public health and safety, including a prohibition on all forms of acidizing (acid maintenance/acid washing, matrix acidizing, and acid fracturing). If there is any question as to whether acidizing is prohibited under the proposed ordinance, we urge the City to provide that clarification and specifically list acid treatment as among the maintenance activities that will be prohibited once the ordinance goes into effect. Our understanding is that the City intends in section 12.23.C.4(a) to prohibit maintenance except for in the narrow circumstances outlined in proposed section 13.01.K “Maintenance of Drilling and Production Sites” to protect public health and safety. Proposed section 12.23.C.4(a) states “... No existing well for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, shall be ***maintained***, drilled, re-drilled, or deepened.” Therefore, although the ordinance does not list acid treatment as a type of maintenance activity, it will nonetheless prohibit it, as clarified in the corresponding City of Los Angeles Oil and Gas Drilling Ordinance Fact Sheet: “Well servicing activities such as replacement of tanks, appurtenant structures, and equipment would not be affected by this ordinance. ***Maintenance activities such as, but not limited to, acid treatment***, reworking, and sidetracking would not be permitted once this ordinance becomes effective.”²

3. LA City Should Explain the Process of Amending the 20-Year Default Amortization Period Following Completion of the Amortization Study.

Next, it is our hope and expectation that upon completion of the pending amortization study described in the January 26, 2022 Los Angeles City Council motion, the City will amend and shorten the 20-year default amortization period in accordance with the results of the study. In order to ensure that oil drilling phase-out proceeds as expeditiously as possible, we ask the City to detail the process to shorten the default amortization schedule based on the results of the pending LA City amortization studies in the draft ordinance or a companion memo. Similar to the approach taken in the Los Angeles County amortization study request for proposal, the City must clarify that the results of the amortization model(s) may result in further amendments to the LAMC.

4. LA City Must Strengthen Requirements for Robust and Swift Remediation at Oil Drilling Sites.

To meaningfully address environmental justice concerns, the City must ensure that it does not inadvertently leave behind a legacy of contamination in frontline communities as oil drilling activities are phased out. While we recognize the Department of Public Works has been tasked with developing a comprehensive supplemental policy on this issue, we believe general remediation requirements should be included in the final Oil and Gas Ordinance. STAND-LA urges the City to amend subdivision 4 of subsection C of Section 12.23 of the LAMC to include a strong policy to ensure proper well plugging, abandonment, and remediation within a timeframe of no longer than five years of those sites ceasing active oil production. Additionally, we urge the City’s oil well clean-up program to encourage operators to initiate plugging/remediation simultaneously with phase-out activities.

Thank you for your consideration of these comments. We appreciate LA City’s bold leadership in establishing a process to phase out oil and gas drilling and we look forward to continued collaboration.

Sincerely,
Eric Romann, STAND-LA Coalition Coordinator
Alison Hahm, Staff Attorney, Communities for a Better Environment

² Los Angeles City Planning, *Oil and Gas Drilling Ordinance Fact Sheet* at 2, https://planning.lacity.org/odocument/7e8aea68-fb21-4920-b0a1-0a1dc0f6563a/Oil_Ordinance_Fact_Sheet_-_English_Version_.pdf; See American Petroleum Institute, *Acidizing Treatment in Oil and Gas Operations*, Acid, <https://www.api.org/-/media/Files/Oil-and-Natural-Gas/Hydraulic-Fracturing/Acidizing-oil-natural-gas-briefing-paper-v2.pdf>.



Planning CPC <cpc@lacity.org>

support for the draft oil-drilling ordinance

Lisa Hart <lisahart@ncsa.la>

Thu, Sep 22, 2022 at 9:18 AM

To: Planning CPC <cpc@lacity.org>

Cc: Dan Kegel <dank@kegel.com>, Scott Epstein <scottewanepstein@gmail.com>, Charles Miller <charlesallenmiller@gmail.com>, Christopher Ahuja <christopherahuja@gmail.com>, Muriel Nacar <murielnacar@gmail.com>

Dear City Planning Commission

The NCSA applauds the city on its proposed Oil and Gas Drilling Ordinance. We urge the city to enact it promptly. We also urge the city to:

- Phase out oil wells on a schedule similar to Culver City's five year phaseout. That city's amortization study found that most older wells had already paid off their costs. Los Angeles is performing its own amortization study as required by council motion 17-0447, but it would be surprising and disappointing if LA's phaseout was much slower than Culver City's.
- Promptly plug and abandon each phased out well at the operator's expense.
- Engage public health experts to report on the community impact of [highly toxic substances such as hydrofluoric acid](#) used in oil wells, and draft regulations to prohibit any substances that pose a significant risk to the surrounding neighborhood.
- Encourage redevelopment of well sites in a way that benefits the community, with neighborhood input.

Thank you,

Lisa Hart (*she/her*)

Board Member

**NEIGHBORHOOD COUNCIL
SUSTAINABILITY
ALLIANCE**®lisahart@ncsa.la

323.660.2780 (cell)

[linkedin.com/in/lisamariehart](https://www.linkedin.com/in/lisamariehart)ncsa.la



Planning CPC <cpc@lacity.org>

SUPPORT the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Tanner Glenn <tannerglenn.nc@gmail.com>

Wed, Sep 21, 2022 at 7:03 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, **I ask that the City Planning Commission pass the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses.** Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end.

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you,
Tanner Glenn

--

Tanner Glenn
(678) 416-7307



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Tianna Shaw Wakeman <tianna@bwwla.com>

Thu, Sep 22, 2022 at 9:02 AM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community advocate regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) about the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. I urge the Planning Commission to move it forward to the City Council. I live and serve the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting the frontline communities I support at Black Women for Wellness.

I ask that the City Planning Commission strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission pass the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health, and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations - the City must also ensure that future harm is prevented. That begins with making these stated changes.

Separate from this ordinance, we also strongly urge the city to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

--

Tianna Shaw-Wakeman, MSSE (she/her/hers)

Environmental Justice Program Lead

Black Women for Wellness

4340 11th Ave,

Los Angeles, CA 90008

Office: (323) 290-5955

E: tianna@bwwla.com

W: www.bwwla.org





Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Tiffany Wong <twong@scopela.org>

Wed, Sep 21, 2022 at 4:11 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) on the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I work in the South LA area, a community that has been greatly impacted by oil and gas extraction right in people's backyard, such as the extraction activities conducted by AllenCo, Jefferson, and Murphy sites. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health, and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving healthy land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Tiffany Wong



UNITED NEIGHBORHOODS NEIGHBORHOOD COUNCIL

September 2, 2022

Jennifer Torres
Department of City Planning
200 North Spring Street, Room 701
Los Angeles, CA 90012
planning.oildrilling@lacity.org

RE: Case No. CPC-2022-4864-CA, Council File No. 17-0447 -- Proposed Oil Drilling Ban (Ordinance)

Dear Ms. Torres:

The United Neighborhoods of the Historic Arlington Heights, West Adams and Jefferson Park Communities Neighborhood Council (UNNC) supports in concept the draft ordinance that would prohibit new oil and gas extraction and make all extraction activities a non-conforming use. We agree with the Planning Department that the closure of drill sites is critical to the health and welfare of our community and an important component of any plan to address the worsening effects of global warming.

Yet, the important goal of closing drill sites should not require **eliminating from the Code all current and necessary safety and environmental protections and potential remedies that serve to protect our community and provide a proven and successful path to redress grievances**, This significant issue and a number of others must be satisfactorily addressed prior to endorsing the revised ordinance.

For decades, the UNNC has dealt with the negative impacts of oil and gas drill sites directly adjacent to residential and sensitive uses in our community. With the support of then-City Council President Herb Wesson and using the pathways available to us through the quasi-judicial process of the Zoning Administrator (ZA), we stopped the addition of a gas flare that would burn 400,000 cubic feet of gas per day in the middle of a residential neighborhood. We also successfully campaigned for the closure of another site directly adjacent to an elementary school and residences.

United Neighborhoods Neighborhood Council

P.O. Box 19219, Los Angeles, CA 90019

(323) 731-8686

president@unnc.org

www.UNNC.org

In addition to the draft ordinance **removing from the Code all current and necessary safety and environmental protections and potential remedies that serve to protect our community and provide a proven and successful path to redress grievances**, other concerns include: (2) the draft ordinance eliminates the Zoning Administrator's (ZA) responsibilities regarding the closure and remediation of the oil sites now and in the future, and (3) the absence of detail about the crucial amortization study.

1. **The draft ordinance removes all current safety and environmental protections from the Code that serve to protect our community, including the authority of the ZA to address current or future issues at drill sites. The revised Code also removes a proven and successful pathway for the community to seek remedies to problems at the drill sites. Additionally, the revised Code may void many of the current standing ZA determinations and requirements that refer to the existing Code.** The removal of these protections begs a question regarding the level of involvement of the City Attorney in the draft ordinance. For example, the draft indicates:

*“Section 11. Subsection F of Section 13.01 of the LAMC is **deleted in its entirety**”* (emphasis added).

Section 13.01(F) provides the ZA with authority to, *“impose other conditions in each district as deemed necessary and proper”* to ensure the health and well-being of our community. For example, sections of 13.01(F) removed from the ordinance include but are not limited to the following:

13.01(F)(2): *That all oil produced in said district shall be carried away by pipe lines or, if stored in said district, shall be stored in underground tanks so constructed that no portion thereof will be above the surface of the ground.*

Removal of this section of the Code will result in requiring the transportation of oil by truck which will be potentially more harmful to our community than the current required pipeline.

13.01(F)(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.*

Removal of this section of the Code could result in delays in capping and remediating wells that are no longer in use and potentially creating a larger financial liability for the City in years to come as drill sites are abandoned (see #2 below).

13.01(F)(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 August 2022 Page 14 of 23 DRAFT CPC-2022-4648-CA CF 17-0447 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.*

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Since oil and gas operations, under the current proposal, will continue for 20 years, NOT including closure and remediation of toxic drill sites, the UNNC requests that you restore all sections of the Code that provide a path for our community to engage the quasi-judicial process embodied through ZA authority. Removal of this section of the Code appears to eliminate all protections against noise, vibration, dust, odor or other harmful or annoying substances during the period between approval of the draft ordinance and closing of a site in 20 years.

- 2. Closure and remediation of the drill sites.** The revised ordinance also does not include any policies or procedures for addressing abandonment of the site. In fact, it removes the existing ZA authority 13.01(F)(33) to ensure adequate and appropriate procedures for decommissioning a site. The ordinance must include a process for ensuring that the operator safely and completely plugs the wells and remediates the site prior to closing the case. Without such a policy in place, operators will abandon the drill sites and leave the expensive clean-up, plugging, and remediation to the City; the costs of which will be borne by taxpayers. In the end, operators will have reaped the financial profits from using the site and leave the very expensive costs of closing the site to us thus potentially delaying the clean-up well beyond the 20 year horizon contemplated in the draft ordinance. The City should consider and implement closing strategies that incentivize:
- a. Early closure and remediation of unused wells. This will ensure that the process of capping and remediation begins as soon as possible and before the 20-year horizon. Such a strategy will also ensure at least some wells are addressed even if an operator later abandons the site or declares bankruptcy.
 - b. A funding strategy whereby operators pay into an interest-bearing bond or account on a pre-determined timeline to build a capping and site remediation budget as a hedge against abandonment or bankruptcy.

The Planning Department's powerpoint presentation during a Plan Check meeting on August 13, 2022 indicates *"Abandonment and the Remediation process [is] not a part of this ordinance. Other local and state enforcement agencies are responsible for overseeing these activities."* Yet, the draft ordinance at 13.01(F)(33) proposes to remove the authority of the ZA or Area Planning Commission to ensure that procedures for abandonment follow the *"required law and the premises restored to their original condition as nearly as practicable as can be done. If a producing well is not secured within eight months, the well shall be abandoned and the premises restored to its original condition, as nearly as practicable as can be done."* The existing Code does NOT duplicate authority or responsibilities with other agencies but rather ensures conditions of approval and operations are subject to ZA review and there is a pathway for the community to request such a review.

The Petroleum Administrator is charged with coordinating the various agencies responsible for the protection of our community and the environment. Rather than remove the ZA from the process, the Petroleum Administrator and ZA should be collaborating in protecting the long term safety of the community by ensuring the prompt, safe, and effective decommissioning of the drill sites.

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3. **Amortization Study:** The City plans to conduct an amortization study. Approving the draft ordinance prior to the amortization study puts the cart before the horse. The study may very well identify other aspects of the draft that need clarification, expansion, or omission. Our concern is underscored by the Planning Department's acknowledgement of this point in a Powerpoint presentation during an August 13, 2022 Plan Check meeting that the study holds the "*Possibility for future code amendments depending on the amortization study results.*"

It is also unclear why the study will take so long while the process for approving the draft Ordinance is so rushed (Aug 9 release, Aug. 30 hearing, fall Planning Commission). The proposed modifications will impact our communities and may make things worse. We, therefore, request that the proposed amortization study, including a period for public comment, be completed prior to introducing the revised Code, as the study may impact proposed modifications of the Code.

The City Planning Department plays an important role in the complex City and State regulatory framework governing oil and gas resources. While the UNNC supports the concept to close drill sites in the City, the UNNC Governing Board is not able to endorse the changes in the ordinance as those changes reduce or eliminate **necessary safety and environmental protections.**

For decades, the protections provided by the quasi-judicial ZA process provided in the Code have been a critical part of the toolbox available to the community in achieving **remedies that serve to protect our community and provide a proven and successful path to redress grievances as well as the successful closure of drill sites.** The City is proposing an unnecessary trade-off; that is, elimination of the current successful regulatory framework that protects our community in order to close drill sites in the future.

Instead, the City should support both the continuation and retention of the Planning Department and ZA's significant role in oversight of oil/gas drilling during the interim period of operations as well as the remediation and complete closure of drill sites. To do otherwise is to abdicate the Planning Department's historic and successful responsibility for ensuring our safety.

Due to the rushed public outreach so far, UNNC also requests that the public comment period be extended and if needed, the CPC hearing deferred, to allow for broader public comment.

Sincerely,

Laura Meyers
Co-Chair, UNNC Planning & Zoning Committee
laura.meyers@unnc.org

Steve Peckman
Co-Chair, UNNC Oil Drilling Subcommittee
srpeckman@gmail.com

Chris Carlson
Co-Chair, UNNC Oil Drilling Subcommittee
chris.carlson@unnc.org

CC: Greg Jackson, president@unnc.org

United Neighborhoods Neighborhood Council

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Office of the City Clerk Administrative Services Division Neighborhood Council (NC) Funding Program Board Action Certification (BAC) Form							
NC Name: THE UNITED NEIGHBORHOODS NEIGHBORHOOD COUNCIL		Meeting Date: 09/01/22					
Budget Fiscal Year: 2022/2023		Agenda Item No: 7B1					
Board Motion and/or Public Benefit Statement (CIP and NPG):	Regarding Case No. CPC-2022-4648-CA, Council File No. 17-0447, the proposed Oil Drilling Ban (Ordinance) – UNNC does not recommend full approval of the draft ordinance at this time and instead recommends the adoption of the draft letter and impact statement expressing UNNC's concerns regarding elimination of current community protections and a too-short comment period.						
Method of Payment: (Select One)	☐ Check	☐ Credit Card	☐ Board Member Reimbursement				
Vote Count Recused Board Members must leave the room prior to any discussion and may not return to the room until after the vote is complete.							
Board Member's First and Last Name	Board Position	Yes	No	Abstain	Absent	Ineligible	Recused
Jazmine Johnson	At Large, Group A				x		
Nuriel Moghavem	At Large, Group A	x					
Dolores Spears	At Large, Group A	x					
Raheem Dawson	At Large, Group A				x		
Taylor Fife	At Large, Group A			x			
Charly Paap	At Large, Group A				x		
Paul King	At Large, Group B	x					
Carlos Kerrick	At Large, Group B	x					
Laura Meyers	At Large, Group B	x					
Sarah Longhenry	At Large, Group B	x					
Paula Southern	At Large, Group B	x					
Grace Yoo	Region 1 Rep, A	x					
VACANT	Region 1 Rep, B						
Dennis Leski	Region 2 Rep, A	x					
Kareene Alprecht	Region 2 Rep, B	x					
Theresa Maysonet	Region 3 Rep, A	x					
Michael Kimbrough	Region 3 Rep, B				x		
Chris Carlson	Region 4 Rep, A	x					
Gregory Jackson	Region 4 Rep, B	x					
VACANT	Region 5 Rep, B						
Sarah Lacy	Region 5 Rep, A	x					
Lizy Moromisato	Region 6 Rep, B	x					
John Arnold	Region 6 Rep, A				x		
Board Quorum: 13	Total:	15	0	1	5	0	0
We, the authorized signers of the above named Neighborhood Council, declare that the information presented on this form is accurate and complete, and that a public meeting was held in accordance with all laws, policies, and procedures. The above was approved by the Neighborhood Council Board, at a Brown Act compliant public meeting where a quorum of the Board was present.							
Authorized Signature: <u>Paul King</u>				Authorized Signature: <u>Laura Meyers</u>			
Print/Type Name: Paul King				Print/Type Name: Laura Meyers			
Date: 9/11/22				Date: Sept 11, 2022			



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

varenka lorenzi <varenka.lorenzi@gmail.com>

Wed, Sep 21, 2022 at 9:21 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the LA area, a county that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities that bear the worst health consequences.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end.

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Varenka Lorenzi



Planning CPC <cpc@lacity.org>

Support the City-Wide Oil and Gas Ordinance (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND)

Wendy Miranda <wendym@esperanzacommunityhousing.org>

Wed, Sep 21, 2022 at 7:05 PM

To: cpc@lacity.org

Hello,

I am writing to you as a concerned community member regarding case number (CPC-2022-4864-CA; CF No. 17-0447; ENV-2022-4865-MND) concerning the city-wide oil and gas ordinance.

I am writing in support of the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses and urging the Planning Commission to move it forward to the City Council. I live/work in the South LA area, a community that has been greatly impacted by oil and gas extraction, such as the extraction activities conducted by AllenCo. I have seen how oil drilling has impacted the lives and the health of our community, and this ordinance is a good first step in protecting frontline communities like mine.

I also ask that the City strengthen the ordinance by 1) defining the potential threats to public health and the environment, 2) prohibiting all acid treatment work during the phase-out period, and 3) establishing swift timelines and standards for oil and gas operators to plug and abandon wells once they cease operating. These are detailed further in the comment letter, submitted by the STAND-LA Coalition to the City Planning Commission on September 21st.

Overall, I ask that the City Planning Commission passes the draft ordinance that prohibits any future oil drilling and phases out existing oil drilling sites as non-conforming land uses. Further, the City must ensure that the ordinance is as strong as possible, centers public health and reduces health harms as communities wait for oil and gas drilling activities to end

As we approach a full phase-out of oil drilling in Los Angeles, the City must not only stop the activities that have harmed communities for generations. The City must also ensure that future harm is prevented. That begins with making these changes.

Separate from this ordinance, we also strongly urge the City to continue thinking of ways to ensure a full just transition around healing the land and impacted frontline communities so that it does not leave behind a legacy of contamination when thinking about potential future community-serving health land use on these sites. Lastly, we must not forget workers. We are eager to work with the City and other partners to create a meaningful just transition plan that ensures workers are supported in transitioning out of oil and gas into safe, family-supporting jobs and careers in other industries.

Thank you for your time,

Wendy Miranda



Planning CPC <cpc@lacity.org>

Community Impact Statement - City Planning Commission

Clerk.CIS@lacity.org <Clerk.CIS@lacity.org>

Thu, Sep 22, 2022 at 7:35 AM

Reply-To: smeeks.wanc@gmail.com

To: cpc@lacity.org

Cc: smeeks.wanc@gmail.com

Your Community Impact Statement has been successfully submitted to City Planning Commission.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCSupport@lacity.org.

***** This is an automated response, please DO NOT reply to this email. *****

Contact Information

Neighborhood Council: West Adams Neighborhood Council

Name: Steve Meeks

Phone Number: 972-863-2154

Email: smeeks.wanc@gmail.com

The Board approved this CIS by a vote of: Yea(10) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 09/19/2022

Type of NC Board Action: For

Impact Information

Date: 09/22/2022

Update to a Previous Input: No

Directed To: City Planning Commission

Council File Number: 17-0447

Agenda Date: 09/19/2022

Item Number: 9.G

Summary: Siting environmental and health concerns, WANC feels that any future oil and gas extraction within City of Los Angeles be banned immediately. A phase out of existing oil and gas extraction must occur sooner than later. The Inglewood Oil Fields are in close proximity to the WANC area and the negative impact of this site has been a concern to neighbors a long time.



Catherine Reheis-Boyd
President and CEO

September 21, 2022

Los Angeles City Planning Commission
Via email: cpc@lacity.org; lilian.rubio@lacity.org

Re: Opposition to Oil and Gas Drilling Ordinance – Case Number CPC-2022-4864-CA; Council File No. 17-0447

The Western States Petroleum Association (“WSPA”) appreciates this opportunity to provide comments on the proposed ordinance amending Sections 12.03, 12.20, 12.23, 12.24, and 13.01 of the Los Angeles Municipal Code (“Oil Ordinance”) in advance of the City Planning Commission’s September 22, 2022, public meeting. WSPA previously submitted comments regarding the proposed Oil Ordinance to the City Planning Department. WSPA is a trade association that represents energy companies that explore for, produce, refine, transport and market petroleum products, natural gas, and other energy supplies in California and four other western states, including oil and gas producers in the City and County of Los Angeles.

WSPA remains strongly opposed to the proposed Oil Ordinance, which seeks to: (1) prohibit new oil and gas activities citywide; (2) make existing extraction activities a nonconforming use in all zones; and (3) cease and remove all existing oil operations within a 20-year timeline.

The Oil Ordinance will increase dependence on foreign oil.

WSPA believes it is fundamentally unwise to curtail production in the state while our President is forced to call for other oil-producing nations to increase their production to avoid a global and national energy crisis. California’s oil and gas resources are produced under some of the strictest environmental and public health regulations in the world, and many of California’s refineries were specifically designed to process California crudes in the most environmentally and economically efficient manner possible. Even aside from the energy crisis, banning production in Los Angeles increases both the state’s reliance on foreign oil not subject to such rigorous environmental standards and the amount of imported crude coming through our already crowded ports.

The Oil Ordinance will have devastating economic impacts.

Currently 152,000 men and women have careers in the oil and gas industry in California and 366,000 people have careers whose jobs depend on the industry. The industry in California contributes \$152 billion every year in economic activity and directly contributes \$21.6 billion in local, state, and federal tax revenue to support schools, roads, public safety, and other vital services.

The City of Los Angeles Petroleum Administrator’s 2019 report¹ to the Los Angeles City Council indicates that the oil industry contributes \$430 million annually in economic output, and more than \$270 million in gross regional product. The 1,480 direct jobs in the industry collectively bring \$155 million in labor income. These

¹ City of Los Angeles, Department of Public Works, Office of Petroleum and Natural Gas Administration and Safety (OPNGAS), *Oil and Gas Health Report: A Report on Council File 17-0447 Land Use Codes / Oil and Gas Development / Impact on Resident Health and Safety / Code Change Proposals*. July 25, 2019, (p 121).

1,480 jobs mean 1,480 careers, many of which have been the result of years of education and investment in order to support families and communities in the Los Angeles region. The average salaries in the production sector exceed \$160,000 annually.

The Oil Ordinance amounts to a taking, for which those affected must be justly compensated.

The Oil Ordinance designates existing oil wells and production facilities as nonconforming uses subject to a 20-year amortization period under Section 12.23 of the Municipal Code and eliminates the discretion currently given to the Zoning Administrator under Section 12.23 C.4(b) to allow certain nonconforming wells to continue operating after the prescribed amortization period if such continued operation would be reasonably compatible with the surrounding area. This nonconforming designation and planned phase out of existing facilities will almost certainly result in substantial financial liabilities to the City under the takings clause of the United States Constitution and comparable provisions of the California Constitution. These clauses require payment of just compensation when a government entity takes private property for a public use.

Under California law, a city may terminate nonconforming uses without compensation if the governing jurisdiction provides a reasonable amortization period "commensurate with the investment involved."² In this case, it is clear that the Municipal Code's 20-year amortization period is neither reasonable nor commensurate with the investment required to develop, construct, and maintain existing wells and production facilities. Amortization periods can adequately compensate for movable property, such as billboards or liquor stores, as owners of those businesses may recoup the entire value of their investment *and* move any remaining inventory to a new location in an appropriate zone. But amortization utterly fails as a substitute for just compensation for vested oil and gas rights, where the extraction of minerals, including an expansion of that use, is recognized and protected under the diminishing asset doctrine.³ In fact, no case has held that amortization can be used when eliminating a diminishing asset use. Because the 20-year amortization period provided for in the County Code is not commensurate with the investment involved in oil production, the Oil Ordinance constitutes a taking.

WSPA hopes that the City Planning Commission seriously considers the issues raised in this letter and the risks associated with approving the proposed Oil Ordinance.

Respectfully,



Catherine Reheis-Boyd
President and CEO

² *Metromedia, Inc. v. City of San Diego*, 26 Cal.3d 848, 882 (1980).

³ *Hansen Bros. Enters. V. Board of Supervisors*, 12 Cal.4th 533 (1996).

Dear Commission President Millman and City Planning Commission (“CPC”) Commissioners:

UNITE HERE Local 11 (“**Local 11**”), the hospitality workers’ union representing over 30,000 workers in Southern California and Arizona, strongly supports pending changes to the City of Los Angeles (“**City**”) Transportation Demand Management (“**TDM**”) Ordinance that would improve mobility and encourage better access to transit, carpooling, and other non-auto forms of transportation for working people. Local 11’s members often do not live where they work because of high housing costs and gentrification that has rendered formerly working-class areas unaffordable. We support an aggressive policy to make transit free, and to encourage carpooling, employer-provided shuttles, and other strategies to make it easier for workers to get to work without relying on single-occupancy vehicles. However, after reviewing the CPC “**Staff Report**,” *we believe the Draft TDM Ordinance needs to be strengthened as laid out below.*

1) LIKE SANTA MONICA, REQUIRE FREE TRANSIT AND PARKING CASH OUT NEAR METRO STOPS

Santa Monica’s TDM program requires, among other elements, an employee-orientation providing information about transit/non-single-occupancy auto forms of transportation, free transit for employees (100% of the current cost of a monthly regional transit pass of the employee’s choice [e.g., Metro EZ Pass, Metro TAP or equivalent]), and parking cash out for all commercial and hotel projects of over 7,500 square feet in its Downtown Community Plan area, which is no more than a ½ mile from a Metro Rail Station. (See Santa Monica Municipal Code § 9.5.130(B)(2)(b).) Outside of the Downtown Community Plan area, Santa Monica requires a 50% transit subsidy. (Id.) Los Angeles can easily adopt a similar policy by requiring at minimum that developments provide employee orientation, free transit passes, and parking cash out (which may count toward the TDM Ordinance point requirement) for any hotel or commercial project of over 7,500 square feet on a parcel that is in Tier 3 or Tier 4 in the Transit-Oriented Communities (“TOC”) program. This suggested policy would cover all parcels near Metro rail. For other projects not near rail but still within ½ mile of lower standard transit (e.g., TOC Tier 1 and Tier 2 near rapid bus lines or two regular buses that intersect), transit subsidy covering 50% of the cost of an annual pass should be offered to employees, parking cash out, and an orientation.

2) FIX OVERLY HIGH HOTEL ROOM THRESHOLDS TO REQUIRE MORE MITIGATION FROM HOTELS

The proposed draft TDM Ordinance proposes project level thresholds of 25, 100, and 250 hotel rooms for Tier 1, Tier 2, and Tier 3 compliance (respectively). (See Staff Report, p. A-7.) The Staff Report states that hotel thresholds are derived from analysis of trip generation. (Id., at p. A-14.) However, *it is not explained how City Planning came up with 100 and 250 room thresholds*. For example, as shown in the table below, the proposed Tier 2 and Tier 3 hotel room thresholds (i.e., 100 and 250 rooms, respectively) are much higher than the derived thresholds based on the project size thresholds under the existing TDM ordinance for non-residential development (yellow).

Tier	Existing TDM Ordinance (Project Size) [a]	SCAG’s Equivalent Employee Generation [b]	City’s Equivalent Hotel Rooms [c]
1	25,000 square feet	22 employees	44 rooms
2	50,000 square feet	43 employees	86 rooms
3	100,000 square feet	85 employees	170 rooms
Notes: a: Staff Report, pp. A-7 - A-8 (Tbl. 1: Project Level Threshold). b: Calculated (rounded up): (square footage threshold) / (SCAG’s 1,179 SF per employee ratio for City of LA). ¹ c: Calculated: (SCAG Equivalent Employees) / (City’s 0.5 Jobs per Room Rate). ²			

Additionally, as shown in the table below on the following page, the current hotel room Tier 2 and 3 thresholds permit a much higher trip generation (red) than the trips generated by the dwelling unit (“**DU**”) thresholds for housing projects (blue) or thousand square feet (“**KSF**”) thresholds for office projects (green)—which would be equivalent to a much lower hotel room threshold based on the City’s trip rate (yellow).

¹ See Southern California Association of Governments (“SCAG”) (Oct. 2001) Employment Density Study Summary Report, p. 4, <https://docplayer.net/30300085-Employment-density-study-summary-report-october-31-prepared-for-southern-california-association-of-governments.html>.

² See LADOT (Feb. 2019) “VMT Calculator Documentation,” pp. 8-9 (Table 1), https://www.ladot.lacity.org/sites/default/files/documents/vmt_calculator_documentation_0.pdf.

Tier	Housing			Office			Hotel	
	Threshold [a]	Trips (6 per DU) [b]	Equivalent Hotel Rooms [c]	Threshold [a]	Trips (11.03 per KSF) [b]	Equivalent Hotel rooms [c]	Threshold [a]	Trips (8.17 per room) [b]
1	25 DU	150 trips	19 rooms	25 KSF	275.75 trips	34 rooms	25 room	204.25 trips
2	50 DU	300 trips	37 rooms	50 KSF	551.5 trips	68 rooms	100 room	817 trips
3	250 DU	1500 trips	184 rooms	100 KSF	1103 trips	135 rooms	250 room	2042.5 trips
Notes: a: Staff Report, pp. A-7 - A-8 (Tbl. 1: Project Level Threshold). b: VMT Calculator Documentation, pp. 8-9 (Table 1). c: Calculated (rounded up): (Trips) / (8.17 trips per room rate). d: Calculated: (Trips) / (8.17 trips per room).								

Furthermore, it should be noted the City's VMT Calculator uses a higher trip rate for multi-family projects (i.e., 6 per DU) as compared to relevant Institute of Traffic Engineer ("ITE") Tenth Edition trip rates, such as Multi-Family Mid-Rise (i.e., ITE Code 221 [5.44 per DU]) or Multi-Family High Rise (i.e., ITE Code 222 [2.07 per DU]). As shown in the table below, if the proposed housing thresholds (i.e., 25, 30, 250 DUs) were converted into trip based on ITE trip rates (i.e., ITE 221 and 222), the equivalent hotel room Tier 2 and 3 thresholds would be significantly lower (yellow).

Tier	Housing Threshold [a]	ITE 221 Multi-Family Mid-Rise		ITE 222, Multi-Family High Rise	
		Housing Trips (5.44 per DU) [b]	Equivalent Hotel Rooms [c]	Housing Trips (2.07 per DU) [d]	Equivalent Hotel Rooms [c]
1	25 DU	136 trips	17 rooms	51.7 trips	7 hotel rooms
2	50 DU	272 trips	34 rooms	103.5 trips	13 hotel rooms
3	250 DU	1360 trips	167 rooms	517.5 trips	64 hotel rooms
Notes: a: Staff Report, pp. A-7 - A-8 (Tbl. 1: Project Level Threshold). b: LADOT MOU for 8000 W. 3rd Street Mixed-Use Project, PDF pp. 2, 11. ³ c: Calculated (rounded up): (Trips) / (8.17 trips per room rate). d: Main Street Tower Project Non-CEQA Transportation Analysis, PDF pp. 8. ⁴					

Hence, we request the City revise hotel thresholds to: (i) 25 rooms for Tier 1 (currently proposed); (ii) 50 rooms for Tier 2 (on par with housing); and (iii) 135 rooms for Tier 3 (equivalent to trip level for office). This is reasonable.

3) COMPLIANCE WITH TDM ORDINANCE DOES NOT EQUATE TO CEQA COMPLIANCE

Additionally, it is unclear how the TDM hotel thresholds are quantitatively tied to various City objectives, such as the City's Sustainable City pLAN 2019 goal to increase the percentage of all trips by walking, biking, transit, and other non-automobile means (e.g., 35% by 2025, 50% by 2035, 45% by 2050). (See Staff Report, p. A-4.) Nor is it clear how the thresholds tie to the Sustainable City pLAN's municipal greenhouse gas ("GHG") reduction goals from 2008 baseline levels (e.g., 55% by 2025, 65% by 2035). (Id.) Finally, it is unclear how compliance with TDM strategies is tied to City's vehicle miles traveled ("VMT") thresholds of 15 percent below applicable area averages.⁵ Per the Los Angeles Department of Transportation ("LADOT") current Traffic Assessment Guidelines ("TAG"), the City must evaluate a hotel's VMT impacts from both employee trips and visitor/guest trips, and apply a separate impact threshold to each trip type.⁵ The TDM Ordinance does not adequately fill the analytical gap showing compliance with the TDM Ordinance will mitigate potentially significant impacts under the California Environmental Quality Act ("CEQA").

In closing, we are very concerned that the proposed thresholds are too permissive. Hotel projects should not be given preferential treatment over housing and other projects. As discussed above, we respectfully request the City revise the TDM ordinance to: (1) require subsidized transit, parking cash out for hotel and commercial projects within TOC areas; (2) revise the hotel room threshold to 25, 50, and 135 for Tiers 1, 2, 3 (respectively); and (3) make clear that compliance with TDM Ordinance does not necessarily mitigate a project's potential VMT and GHG impact under CEQA. These changes will strengthen the TDM Ordinance and ensure workers of Los Angeles benefit from the economic and environmental benefits of sustainable mobility. Thank you so much for your consideration,

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³ <https://planning.lacity.org/odocument/90d2c25b-476a-40bc-9c14-6bb50c95aa56/ENV-2018-1651-IS-10.pdf>.

⁴ https://planning.lacity.org/odocument/66d38baf-8126-4ae9-8788-fc950a5068c9/Appendix_J.2_Non-CEQA_Transportation_Study.pdf.

⁵ LADOT (Aug. 2022) TAG, pp. 2-6 – 2-7, https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf.