

## Communication from Public

**Name:** Pico Robertson Health and Safety Coalition  
**Date Submitted:** 03/29/2022 10:15 AM  
**Council File No:** 21-1025  
**Comments for Public Posting:** All 4 candidates on the ballot for the open CD5 City Council seat in the June 7, 2022 primary elections have issued a joint press release to support NASE's appeal. COPIES OF THE JOINT PRESS RELEASE FROM EACH CANDIDATE ARE ATTACHED (see pages below for copies from each candidate). Please note that all copies are signed by all the candidates.



**JIMMY BIBLARZ FOR  
LOS ANGELES CITY COUNCIL**

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## **Press Release**

**From all candidates running for the open CD5 seat in Los Angeles City Council elections in 2022.**

- **We reiterate our unanimous support for NASE's appeal to City Council (CF-21-1025) to require proper Environmental Review of the West Pico Drill Site.**
- **The spill on December 11, 2021 proves again that NASE is right.**
- **The short-circuiting of the 2020-21 Zoning Administrator (ZA) review by granting a Categorical Exemption from Environmental Review was wrong and harmful. It helped to cause the spill. It prevents the City from taking the stronger steps that the spill shows are necessary.**
- **On December 12, 2022 – a year plus one day after the spill at West Pico Drill Site - one of us will be seated as the new Council Member for CD5. Collectively, we represent CD5. We call on our future colleagues on City Council to grant NASE's appeal immediately.**

LOS ANGELES, March 25, 2022 --

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**We support the appeal to City Council submitted by Neighbors for A Safe Environment (NASE), a local non-profit environmental organization in the CD5 community. We ask all Council Members to vote in favor of NASE's appeal, which you can find here: [Council File # 21-1025](#).**

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**On December 11, 2021, a spill of oil and production fluid surfaced outside the drill site.**

The spill on the surface was cleaned up, but it originated from an underground pipeline leak that was larger in volume. State regulatory agencies have ordered a subsurface cleanup. Investigations by the State regulatory agency CalGEM, the LA County Fire Department's Haz Mat Unit, and documentation researched by NASE all confirm that the root causes of the spill were put in place in 2001. There was illegal and improper pipeline work executed in 2001 and then followed by 20 years of negligence that left this clear and present danger uncorrected. Federal, State, and City laws and regulations governing pipeline safety and spill prevention were violated repeatedly for 20 years.

**The spill in December 2021 opens yet another very disturbing window on the risks to the community from 20 years of operator noncompliance fostered by 20 years of City negligence. The Categorical Exemption from Environmental Review continues that negligence into the future.**

The causes of the spill should have been detected and prevented years ago by proper compliance inspections (which the City does not do at all) and by proper ZA reviews (which the City did improperly in 2000, did not do at all in 2010-11 and 2015-16 despite requirements in a binding Settlement Agreement signed by City Council, and the City short-circuited in 2020-21).

In addition, had the 2020-21 ZA review been completed properly in 2020 or 2021 with honest "findings" and appropriately strong "corrective conditions" for all of the other major violations that were documented, then the City and ZA could now be responding to the spill and its 20 year trail of causes by taking far stronger action. This is worth a short explanation.

**Revocation of a Conditional Use Approval requires that there must be a record of City agencies having tried to correct the problems and that the owner/operator refused to comply with those citations or corrective orders.**

Los Angeles Municipal Code (LAMC) Section 12.27.1 is the Zoning Code section on "Nuisance Abatement/Revocation." It empowers the Director of Planning to take extremely strong steps in response to serious non-compliance and the creation of public nuisance, including revocation of Conditional Use Approvals. But revocation is allowed only under strictly defined circumstances so that the action can survive legal challenge.

The 5th Amendment to the U.S. Constitution protects against the taking of property or use rights (which are property rights) without due process and/or fair compensation. LAMC 12.27.1 is written carefully so as to protect the City from costly losses and ineffective actions against trouble-causing land uses. Conversely, it makes strong action sustainable, if the action is undertaken properly.

**Anyone who tells City Council or the public that a ZA Review can be short-circuited in order to just jump forward to revoke conditional use rights is doing a grave disservice to the public and the City. Without an official record of documenting problems, ordering corrective measures, and requiring stringent new controls and mitigation measures, such as would come from a rigorous and full ZA review that includes proper Environmental Review under CEQA, there cannot be a legally sustainable revocation ruling.**

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Here is the critical text from subsection, LAMC 12.27.1.C:

2. **Hearing and Decision.** The matter may be set for public hearing before the Director. After the conclusion of a public hearing, the Director may require the modification, discontinuance or revocation of the land use or discretionary zoning approval, as the case may be. As part of the action, the Director may impose conditions of operation as he or she deems appropriate, including those necessary to protect the best interests of the surrounding property or neighborhood; to eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or to assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval. Conditions imposed may include the establishment of amortization schedules, the closure or removal of buildings or structures, and affect the establishment, maintenance, or operation of the subject use, and related land uses, buildings, or structures.

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(b) the owner or operator has failed to demonstrate, to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

The short-circuiting of the 2020-21 ZA review (no environmental review under CEQA, ZA refused to look at 24 illegal oil well projects, ZA refused to look at the whole drill site, ZA refused to even consider corrective orders or new conditions despite acknowledging they were needed, etc) has set the City back at less than square one when it comes to taking any stronger action in response to the spill.

This is a disaster not just for the CD5 community, but for the entire City. It puts out a welcome mat for illegal oil drilling and a bright neon sign inviting oil companies to ignore City law and thereby evade CEQA, too.

Also, the Categorical Exemption from Environmental Review directly undermines the City Council's declared commitments under CF 17-0447 to develop a phase out of oil wells in the City. The Categorical Exemption is based on the ZA's argument (submitted to City Council on December 2, 2021, nine days before the spill) that the proximity of oil wells to residences is normal, and not an "unusual circumstance" that would preclude a Categorical Exemption. City Council's lone premise for a potential phase out of oil wells in CF 17-0447 is that the proximity of oil wells to sensitive land uses like residences is unusually risky, dangerous, and therefore unacceptable.

If City Council allows the Categorical Exemption to stand, it would be endorsing the ZA's argument that the proximity of oil wells to residences is normal. That is a dagger to the heart of

CF 17-0447, which premises the City's desire to phase out oil wells solely on the basis of their proximity to sensitive land uses. It would be a multi \$ Billion gift to the oil industry, enabling it to win a Constitutional challenge to an amortization policy because City Council would have contradicted its premise that the proximity of wells to sensitive land uses is unacceptable.

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Sam Yebri – campaign contact: [Rachel@SamForLA.com](mailto:Rachel@SamForLA.com)



**Scott Epstein For LA City Council 2022**

**333 W San Carlos Street, Suite 600**

**San Jose CA 95110**

**Campaign Contact: [furkan@scottforla.com](mailto:furkan@scottforla.com)**

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Los Angeles Municipal Code (LAMC) Section 12.27.1 is the Zoning Code section on "Nuisance Abatement/Revocation." It empowers the Director of Planning to take extremely strong steps in response to serious non-compliance and the creation of public nuisance, including revocation of Conditional Use Approvals. But revocation is allowed only under strictly defined circumstances so that the action can survive legal challenge.

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The short-circuiting of the 2020-21 ZA review (no environmental review under CEQA, ZA refused to look at 24 illegal oil well projects, ZA refused to look at the whole drill site, ZA refused to even consider corrective orders or new conditions despite acknowledging they were needed, etc) has set the City back at less than square one when it comes to taking any stronger action in response to the spill.

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If City Council allows the Categorical Exemption to stand, it would be endorsing the ZA's argument that the proximity of oil wells to residences is normal. That is a dagger to the heart of CF 17-0447, which premises the City's desire to phase out oil wells solely on the basis of their proximity to sensitive land uses. It would be a multi \$ Billion gift to the oil industry, enabling it to win a Constitutional challenge to an amortization policy because City Council would have contradicted its premise that the proximity of wells to sensitive land uses is unacceptable.

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(<https://samforla.com>)



## CD5 Candidates Issue Joint Press Release Supporting NASE's Appeal on West Pico Drill Site



📅 March 25, 2022

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The full text of LAMC 12.27.1 is here: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-117414](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-117414) ([https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-117414](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-117414))



Here is the critical text from subsection, LAMC 12.27.1.C:

**2. Hearing and Decision.** The matter may be set for public hearing before the Director. After the conclusion of a public hearing, the Director may require the modification, discontinuance or revocation of the land use or discretionary zoning approval, as the case may be. As part of the action, the Director may impose conditions of operation as he or she deems appropriate, including those necessary to protect the best interests of the surrounding property or neighborhood; to eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or to assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval. Conditions imposed may include the establishment of amortization schedules, the closure or removal of buildings or structures, and affect the establishment, maintenance, or operation of the subject use, and related land uses, buildings, or structures.

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The Director may require the discontinuance or revocation of a land use or discretionary zoning approval only upon finding that:

- (a) prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety, the Director, a Zoning Administrator, the City Planning Commission, or any other governmental agency); and
- (b) the owner or operator has failed to demonstrate, to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

The short-circuiting of the 2020-21 ZA review (no environmental review under CEQA, ZA refused to look at 24 illegal oil well projects, ZA refused to look at the whole drill site, ZA refused to even consider corrective orders or new conditions despite acknowledging they were needed, etc) has set the City back at less than square one when it comes to taking any stronger action in response to the spill.

This is a disaster not just for the CD5 community, but for the entire City. It puts out a welcome mat for illegal oil drilling and a bright neon sign inviting oil companies to ignore City law and thereby evade CEQA, too.

Also, the Categorical Exemption from Environmental Review directly undermines the City Council's declared commitments under CF 17-0447 to develop a phase out of oil wells in the City. The Categorical Exemption is based on the ZA's argument (submitted to City Council on December 2, 2021, nine days before the spill) that the proximity of oil wells to residences is normal, and not an "unusual circumstance" that would preclude a Categorical Exemption. City Council's lone premise for a potential phase out of oil wells in CF 17-0447 is that the proximity of oil wells to sensitive land uses like residences is unusually risky, dangerous, and therefore unacceptable.

If City Council allows the Categorical Exemption to stand, it would be endorsing the ZA's argument that the proximity of oil wells to residences is normal. That is a dagger to the heart of CF 17-0447, which premises the City's desire to phase out oil wells solely on the basis of their proximity to sensitive land uses. It would be a multi \$ Billion gift to the oil industry, enabling it to win a Constitutional challenge to an amortization policy because City Council would have contradicted its premise that the proximity of wells to sensitive land uses is unacceptable.

**We want the public and current members of City Council to know that whoever among us wins election, we will not tolerate the evasion of legally required Environmental Reviews for oil drill sites, the evasion of legally required Zoning Administrator reviews for oil drill sites, and we will certainly not tolerate illegal oil drilling – not in our Council District, nor in any part of the City.**

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