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REPORT NO. R22-0423
NOV 23 2022

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 12.03, 12.20, 12.23, 12.24, AND 13.01
OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT NEW OIL AND GAS
EXTRACTION AND MAKE EXISTING EXTRACTION ACTIVITIES A
NONCONFORMING USE IN ALL ZONES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 17-0447-S2

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends 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 extraction and make existing extraction activities a nonconforming use in all zones.

Background

On January 26, 2022, City Council approved a motion directing the Department of City Planning (DCP), with the assistance of the City Attorney, to prepare and present an Ordinance to prohibit new oil and gas extraction and make extraction activities a nonconforming use in all zones (Council File 17-0447). On September 26, 2022, the

City Planning Commission (CPC) voted to recommend the adoption of the draft ordinance drafted by the DCP.

At its meeting on November 1, 2021, the Planning and Land Use Management (PLUM) Committee adopted the CPC's recommendations and requested that the City Attorney prepare and present a draft ordinance approved as to form and legality.

Summary of Ordinance Provisions

The CPC's transmittal reports to the City Council, dated September 26, 2022, and October 13, 2022 (CPC Transmittal Reports), include the Planning Department's staff report, which provides an extensive and detailed description of the provisions of the draft ordinance.

Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section, namely adoption of the draft ordinance will be in conformity with public necessity, convenience, general welfare, and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent, and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC Transmittal Report dated September 26, 2022, to the City Council or make its own.

California Environmental Quality Act (CEQA) Standard of Review

The City of Los Angeles, as the Lead Agency, prepared a Mitigated Negative Declaration (MND), Case No. ENV-2022-4865-MND, for the draft ordinance. The draft ordinance would prohibit the redrilling of existing oil wells and the drilling of new oil wells throughout the City. It would also declare all existing oil wells a nonconforming use that would be amortized within a 20-year timeframe.

The CPC recommends that the City Council finds, based on the whole of the administrative record including the Mitigated Negative Declaration, ENV-2022-4865-MND ("Mitigated Negative Declaration"), the Errata to the Initial Study-MND dated October 13, 2022, the Second Errata to the Initial Study-MND dated November 23, 2022, and all comments received, with the imposition of mitigation measures, the City Planning Commission shall recommend the City Council adopt the MND pursuant to CEQA Guidelines Section 5074(b). Additionally, with the imposition of mitigation measures, the CPC shall recommend the City Council find that there is no substantial evidence that the project will have a significant effect on the environment; find that the

MND reflects the independent judgment and analysis of the City; find the mitigation measures have been made enforceable conditions on the project; and adopt the MND and the Mitigation Monitoring Program prepared for the MND.

Additionally, the DCP, in correspondence to the City Council dated November 23, 2022, recommends that the City Council find that the contents of a letter from York Engineer, LLC dated October 17, 2022 and submitted to Council File 17-0447-S2 is not credible for the reasons set forth in the memorandum prepared by the City's retained environmental consultant, Impact Sciences, Inc. dated November 23, 2022 and uploaded to Council File 17-0447-S2. If the City Council agrees with the DCP's recommendation it would be appropriate to adopt the following finding:

The City Council finds that the letter prepared by Yorke Engineering, LLC dated October 17, 2022 and sent to the DCP addressing the air quality and greenhouse gas analysis in the Initial Study supporting the MND for the Ordinance is not credible and does not constitute substantial evidence supporting a fair argument that the Ordinance may cause a significant air quality or greenhouse gas impact on the environment for the reasons set forth in the memorandum prepared by the City's retained environmental consultant, Impact Sciences, Inc. dated November 23, 2022 and uploaded to Council File 17-0447-S2.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Department of Public Works, the Department of Recreation and Parks, the Los Angeles Fire Department, the Office of Finance, the Department of Water and Power, the City Administrative Officer, the Economic & Workforce Development Department, and the Port of Los Angeles with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Jennifer Tobkin at (213) 978-8120. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:JKT:lc
Transmittal