



March 13, 2017

VIA Hardcopy Submission

Los Angeles County Oil and Gas Facilities Strike Team
Department of Public Works
900 S. Fremont Avenue, Room B
Alhambra, CA 91803

Re: Recommendations Regarding Updating the Los Angeles County Municipal Code to Protect Public Health, and Comments Regarding *Draft Public Report No. 2.*

Dear Los Angeles County Oil and Gas Facilities Strike Team:

We write on behalf of the Stand Together Against Neighborhood Drilling – Los Angeles (“STAND-L.A.”) coalition. STAND-L.A. is an environmental justice coalition of community groups that seeks to end neighborhood drilling to protect the health and safety of Angelenos on the front lines of urban oil extraction. It is composed of concerned residents, communities of faith, environmental justice champions, researchers, students, and parents located in neighborhoods where oil and gas drilling and operations occur in close proximity to homes, schools, and other sensitive receptors. We respectfully submit the following comments and recommendations for your consideration in your report to the County Board of Supervisors regarding proposed amendments to the County zoning code regulating gas and oil operations.

First, we commend the Board of Supervisors, particularly Supervisors Hilda Solis and Mark Ridley-Thomas, for presenting the motion to advance this necessary process of ensuring regulation of oil and gas operations adequately protects the health, safety and welfare of County residents, as well as the public’s right to clean water and a healthy environment. We look forward to sharing our expertise and engaging in the County’s review of its regulation of oil and gas production facilities.

The motion, passed by the Board of Supervisors on March 29, 2016, tasked this Strike Team to work in conjunction with the Advisory Panel to gather information to “complete an update to the Zoning Code and associated regulations and enforcement protocols” that will ensure that (1) proposed regulations “reflect best practices and current mitigation methods and technologies” to “minimize environmental impacts and protect sensitive uses and populations,” and that (2) “oil and

gas facilities may no longer operate by right in the unincorporated portions of the County[.]”¹

This review of County oil and gas drilling and production facilities is long overdue. The County’s current regulatory framework is outdated and severely deficient, allowing oil and gas production activities to occur dangerously close to homes, schools, and community gathering spaces. As explained in detail below, we respectfully recommend that the Strike Team propose the following to the Board of Supervisors pursuant to the motion:

1. A proposed ordinance with the best practice mitigation measure of a setback between oil and gas operations and homes, schools and hospitals by at least 2,500 feet to protect the health and safety of residents.
2. A proposed ordinance that eliminates drilling by-right, and requires that operators submit an application for a conditional use permit subject to the discretionary approval by the County.
3. That facilities that produce offensive odors, noise, or otherwise operate in violation of permit conditions should be closed pursuant public nuisance administrative proceedings.
4. That the County place a moratorium on approving new facilities or permitting expansion of existing facilities until the new proposed regulations are adopted.

I. The County has broad authority pursuant to its police power to regulate land uses, including oil and gas extraction in unincorporated areas.

California courts and the U.S. Supreme Court have long recognized the authority of a local government to use its police and zoning powers to enact local prohibitions and restrictions on oil and gas operations and development.² A municipality has an “unquestioned right to regulate the business of operating oil wells within its [] limits, and to prohibit their operation within delineated areas and districts if reason appears for so doing.”³ A policy prohibiting future expansion is also within the powers of the County, since operators do not have the right to intensify or expand a nonconforming use, or move the use to another location of the property.⁴

The California Public Resources Code affirms that local authorities retain the power to “enact and enforce laws and regulations regulating the conduct and location of oil production activities, including . . . zoning, . . . public safety, nuisance . . . [and] noise[.]”⁵ Thus, a county may

¹ L.A. County Bd. Of Supervisors (Mar. 29, 2016) Meeting Minutes, Item No. 12. at p. 12 (“*Bd. Of Supervisors’ Motion*”).

² Cal. Const. Article XI, sec. 5; Cal. Pub. Res. Code § 3690.

³ *Beverly Oil Co. v. City of Los Angeles* (1953) 40 Cal.2d 552, 558; *see also* California Attorney General’s Opinion (1976) 59 Ops. Cal. Atty. Gen. 461, 465 (“[I]t is our opinion that cities and counties have the power to prohibit [oil and gas] operations.”).

⁴ *See Beverly Oil Co.*, 40 Cal.2d at 557 (upholding City’s ban against drilling new wells or deepening existing wells and rejecting plaintiff’s claim of a vested right “to reach any and all oil underlying his property”).

⁵ Cal. Pub. Res. Code § 3690.

prohibit and restrict the location where oil and gas operations and development occur pursuant to its zoning authority, including based on their incompatibility with healthy residential communities. Courts have upheld ordinances banning or restricting oil development where “reasonably related to promoting the public health, safety, comfort, and welfare, and if the means adopted to accomplish that promotion are reasonably appropriate to the purpose.”⁶

The County has authority to regulate land use in accordance with its planning and zoning ordinances within the unincorporated area of the County.⁷

II. Existing regulation of oil and gas extraction activities under the Los Angeles Code is outdated, convoluted, and fails to protect the health and safety of County residents.

Oil and gas extraction operations are regulated under Title 22 of the Los Angeles County Code (“Code”). The County’s regulation of such operations varies and is entirely dependent on land use designation, and not on proximity to homes and other sensitive receptors.

The County prohibits oil drilling in Mixed Use Development zones,⁸ Mixed Use Rural Development zones,⁹ Major Commercial zones,¹⁰ and High Density Residential¹¹ zones. But the County allows oil and gas operations to occur in close proximity to homes, schools, and hospitals in some land use designations, including residential zones, as long as operators obtain a conditional-use permit. Moreover, oil and gas extractions operations may occur by right in other land use zones, without oversight by the County.

Regulation of where oil and gas extraction activities may occur under the County Code is seemingly arbitrary, and no uniform protections apply to protect sensitive receptors from air pollution, groundwater contamination, or noise and vibration impacts associated with oil and gas drilling operations.

A. The Code allows the majority of current oil and gas extraction to occur by-right, without regulatory oversight by the County.

A report on an inventory of County oil and gas wells, prepared at the request of the Board

⁶ *Higgins v. City of Santa Monica* (1964) 62 Cal.2d 24, 30.

⁷ *Stirling v. Bd. of Supervisors* (1975) 48 Cal.App.3d 184, 187 (“Ordinances enacted by the [county] in the zoning and other regulatory fields are effective only in the unincorporated territory.”) (*citing* Cal. Const., Art. XI, § 7); *City of Dublin v. County of Alameda* (1993) 14 Cal.App.4th 264, 274–75 (“[T]he California Constitution specifies that the police power bestowed upon a county may be exercised ‘within its limits,’ i.e., only in the unincorporated area of the county.”).

⁸ Oil wells are not a permitted use in the Mixed Use Development zone, L.A. County Code §22.40.805, and a conditional-use permit may not be granted for oil wells in this zone, *id.* at §22.40.820.

⁹ Oil wells are not a permitted use in the Rural Mixed Use Development zone, L.A. County Code §22.40.460, and a conditional-use permit may not be granted for oil wells in this zone, *id.* at §22.40.475.

¹⁰ Oil wells are not a permitted use in the Major Commercial zone, L.A. County Code §22.28.420, and a conditional-use permit may not be granted for oil wells in this zone, *id.* at §22.28.450.

¹¹ Oil wells are not a permitted use in High Density Residential zones, L.A. County Code §22.20.480, and a conditional-use permit may not be granted for oil wells therein, *id.* at § 22.20.520.

of Supervisors in 2015, concluded that of the 1,687 oil and gas wells in County unincorporated areas, 85% of them do not require discretionary or permit-based approvals, and operators may drill “by-right,” without oversight by the County.¹²

The Code permits oil and gas operations in Heavy Agriculture (A-2) zones, and drilling may be conducted without discretionary approval by, or even notification to, the County or any existing adjacent neighbors.¹³ The only restriction imposed on drilling operations in Heavy Agriculture zones consists of a setback between oil wells and residences. That restriction provides that “[d]rilling shall not be within 300 feet of any residence,” and if drilling occurs within 500 feet of a residence, then “[a]ll derricks used in connection with the drilling of the well shall be enclosed with fire-resistant and soundproofing material.”¹⁴ Similarly, oil wells are a permitted use in M-1 and M-1.5 industrial zones, but cannot be located within 300 feet of residences.¹⁵

Enabling drilling to occur by right without discretionary review by the County places the health and safety of nearby residents especially at risk from toxic chemicals, polluting emissions, disturbing noises, and noxious odors of drilling operations. Oil and gas extraction operations creates the risk of soil and ground water contamination, and contributes to increased emissions of greenhouse gases and smog forming pollutants. Also, while a 300-foot setback is better than no setback between sensitive receptors and oil drilling, it falls woefully short of a distance adequate to protect the health and safety of neighboring residents.

Furthermore, an oil drilling operator may seek an exemption from the minimally protective 300-foot setback, by applying for a conditional use permit. As an example, an operator located in the M-1 zone may apply for a conditional use permit to engage in extraction activities for oil wells located within the 300-foot setback distance.¹⁶

B. Even where the County requires conditional use permits for drilling operations, those permits provide blanket approvals that do not require additional review for expansions or other activities.

The Code does require that an operator seeking to conduct drilling operations in particular land use designations first obtain a conditional use permit. For instance, while oil wells are generally not permitted in the R-1, Single-Family Residence zone,¹⁷ the County allows oil wells in Single-Family Residence zone as long as the operator obtains a conditional-use permit.¹⁸

¹² Marine Research Specialists (Dec. 2015) *L.A. County Oil and Gas Well Inventory Report*, at ES-1 (“*LA County Inventory Report*”).

¹³ L.A. County Code § 22.24.120(D). All section references herein after shall refer to the Los Angeles County Code unless otherwise indicated.

¹⁴ *Id.*

¹⁵ Section 22.32.040 (permitting “Oil wells and accessory facilities,” in Light Manufacturing (M-1) zoned land, “subject to the conditions and limitations of Section 22.24.120 (Zone A-2)[.]”); Section 22.32.110 (same with regard to M-1.5 zones).

¹⁶ Section 22.32.070 (allowing a conditional use permit to issue for “oil wells, not in conformance with the limitations of Section 22.24.120[.]”)

¹⁷ Section 22.20.070.

¹⁸ Section 22.20.100(A) (“Property in Zone R-1 may be used for ... [t]he following use[], provided a conditional use

Conditional use permits to engage in oil and gas extraction activities are also authorized for R-2, R-3, R-4, and R-A residential land use zones.¹⁹ However, an operator need apply for and obtain such a permit only once, and is not required to inform or obtain additional permission from the County if it seeks to redrill, deepen, convert, maintain, or engage in any other additional drilling activity. Thus, once an operator obtains the initial conditional-use permit, the operations may continue by-right.

Furthermore, in land use designations where a conditional use permit is required, the County allows operators to drill in close proximity to homes. Inexplicably, while a 300-foot setback from residences is required in Heavy Agricultural zones,²⁰ and an operator may not obtain an exemption from this setback,²¹ no setbacks apply to protect residents from drilling operations in residential zones.²² At the Brea Canon lease, described in *Draft Public Report Two* (“*Report No. 2*”) prepared by Marine Research Specialists (“MRS”), many wells are located on land zoned for residential uses, either R-1 or R-3. Under this lease “[t]here are 47 wells on properties



Image: Pump jack located within feet of homes at Brea Canon Lease.

adjacent to single family detached residences or mobile homes.”²³ Thus, under the existing Code, oil and gas drilling may occur within feet of homes in areas designated for residential use, and setback distances are non-existent in these most sensitive land uses.

Similarly, at the Matrix Sansinena lease, one of the facilities inspected by the Strike Team and MRS, oil wells are located *within* 300-feet of homes.²⁴ While the wells at this lease are

permit has first been obtained . . . oil wells.”).

¹⁹ For R-2, residential zones, see §§ 22.20.170, 22.20.200(A). For R-3 residential zones, see §§22.20.260(A), 22.20.290(A). For R-4 residential zones, see §§ 22.20.340, 22.20.370(A). For R-A residential zones, see §§ 22.20.410, 22.20.440(A).

²⁰ Section 22.24.120.

²¹ See Section 22.24.150 (excluding “oil wells” from the list of uses allowable within an A-2 zone with a conditional-use permit).

²² See e.g., Section 22.20.100 (providing that oil wells may be permitted by conditional use permit, but not requiring any minimum setback distance between homes and oil wells).

²³ Marine Research Specialists (Mar. 1, 2017) *Bi-Annual Report Number Two* at 64-65, (“*Report No. 2*”) (emphasis added).

²⁴ According to *Report No. 1*, the facility is located within 60 feet of residences when measured from property line to property line, or 181 feet if measured from residence to the well. Marine Research Specialists (Oct. 6, 2016) *Oil & Gas Facility Compliance Review Project, Report No. 1* at 12 (“*Report No. 1*”). But, *Report No. 2* reports that the closest residence to the wells located at the Matrix Sansinena facility is located further away, at 224 feet, *Report No. 2* at 15, and yet later states that “wells are located less than . . . 160 feet from homes[,]” *Report No. 2* at 18. These discrepancies between *Report No. 1* and *Report No. 2* are concerning, and should be investigated and addressed by the

currently idle, the company which recently purchased the facility is preparing to bring it back into production,²⁵ and thus will likely engage in drilling activities within 300-feet of homes in the near future. The conditional-use permit for this lease requires that “all setback and other requirements of the A-1-5 zone, in which this property is located must be complied with[.]”²⁶ However, because this lease is located on land zoned for Light Agricultural land uses,²⁷ no setback from residences or other sensitive receptors applies.²⁸ Similarly, the Linn Energy Brea Olinda Lease is located within 236 feet of residences, with 75 wells located on site.²⁹ According to *Report No. 2*, the land is zoned for A-1.5, agricultural land use.³⁰ Oil drilling should not occur in such close proximity to homes, and these sites exemplify the need for a uniform required setback distance to adequately protect public health.

Although the conditional-use permit application purports to require consideration of the impact on public health, allowing oil drilling to occur adjacent to homes creates major risks of public health and safety impacts because of the toxic air pollution and other hazards associated with oil and gas extraction facilities. Before granting a conditional-use permit, the hearing officer must find that the requested use will not:

- (1) Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or (2) [b]e materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or (3) [j]eopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare[.]³¹

As discussed below, individuals living within ½ a mile of oil and gas extraction activities face an increased risk of serious health problems including cancer, and thus oil wells will necessarily adversely impact public health.³² Furthermore, a County planning official overseeing the conditional-use permit application is unlikely to have specialized knowledge concerning health impacts associated with oil drilling. Oil and gas drilling near homes has also been shown to lower property values.³³

III. The County should amend the Code to impose the best practice and mitigation method of setting back oil and gas extraction activities 2,500 feet from homes, schools and hospitals to protect public health.

Strike Team.

²⁵ *Report No. 1* at 12.

²⁶ *LA County Inventory Report* at 50-51.

²⁷ *Report No. 2* at 15; *Report No. 1* at 12.

²⁸ Section 22.24.070 (excluding “oil wells” from permitted uses); *id.* § 22.20.370 (A) (allowing “oil wells” if the operator obtains a conditional-use permit, but not imposing any setback requirements).

²⁹ *Report No. 2* at 36, 39.

³⁰ *Report No. 2* at 35.

³¹ Section 22.56.040.

³² Cal. Council on Science & Tech. & Lawrence Berkeley Nat'l Lab. (Jul. 2015) *An Independent Scientific Assessment of Well Stimulation in California*, Vol. 3, at 216, available at <http://ccst.us/publications/2015/2015SB4-v3.pdf>.

³³ *See infra*, Part III(B).

- A. Local governments across the nation have enacted setbacks and prohibitions on oil and gas extraction operations to protect the health and safety of residents from toxic air pollution, noise, vibrations, and groundwater contamination.

Oil drilling in close proximity to homes and schools is incompatible with healthy communities. The County should look to best practice mitigation measures adopted in other jurisdictions, including requiring that oil and gas extraction operations be setback a minimum distance from sensitive land uses. As knowledge of the hazards of oil and gas operations expands, cities and counties in California, as well as throughout the country, are increasingly enacting setbacks and moratoriums on oil and gas development and unconventional well stimulation techniques.

There is a growing consensus that traditional regulation of oil and gas production facilities fails to protect the health and safety of nearby residents, the public's right to clean water, and fall far short of mitigating greenhouse gas emissions. Numerous cities and counties both in and out of California have imposed prohibitions on future oil and gas production activities due to concerns over environmental and health impacts. In 2014, voters in San Benito County approved Measure J, prohibiting all future petroleum operations in residential areas, both urban and rural, and prohibiting the use of hydraulic fracturing or other high-intensity petroleum operations at existing wells.³⁴ In March 2014, the Santa Cruz County Board of Supervisors amended its county general plan to prohibit infrastructure that would permit offshore oil and gas drilling.³⁵ In November 2016, residents in Monterey County voted to ban hydraulic fracturing and underground injection of oil and gas wastewater in unincorporated areas of Monterey County.³⁶ Numerous towns in the State of New York, where exploration of the Marcellus shale could occur, have banned all oil and gas drilling activities,³⁷ and in 2015 the State of New York imposed a prohibition on the use of hydraulic fracturing in gas extraction and production³⁸.

Additionally, cities have imposed setback requirements on oil and gas drilling activities to protect the health and safety of residents from toxic air emissions and other detrimental impacts associated with drilling, including to prevent contamination of the public water supply caused by injection of oil and gas wastes or other contaminants into underground aquifers. A few examples include the following: The City of Dallas, Texas imposed a setback on discretionary permitted drilling operations, requiring that drilling occur at least 1,500 feet from protected uses, including

³⁴ See San Benito County (2014) *Measure J*, at 6-10, http://www.protectsanbenito.org/uploads/2/5/9/2/25924404/san_benito_protect_our_water_and_health_ban_fracking_initiative.pdf.

³⁵ See Santa Cruz County Bd. of Supervisors (May 20, 2014) Resolution No. 142-2014, http://sccounty01.co.santa-cruz.ca.us/BDS/Govstream2/Bdsvdata/non_legacy_2.0/Minutes/2014/20140520-623/PDF/038.pdf.

³⁶ Monterey County (2017) *Ballot Measure: Full Text of Measure Z*, http://www.montereycountyelections.us/a_measures_NOVEMBER_2016_EN_MZ.html.

³⁷ For example, in the town of Bethel, New York, the municipal code was amended to remove oil and gas exploration activities from the definition of mining. Bethel, NY Mun. Code § 345-5. Additionally, the municipal code section regulating "uses and activities" "expressly and explicitly prohibited in each and every zoning district within the Town," was amended to include natural gas and oil exploration, extraction and production activities. Bethel, NY Mun. Code § 345-38(A)(1).

³⁸ Freeman Klopott (Jun. 29, 2015) *N.Y. Officially Bans Fracking with Release of Seven Year Study*, Bloomberg, <http://www.bloomberg.com/news/articles/2015-06-29/n-y-officially-bans-fracking-with-release-of-seven-year-study>.

office, recreation, residential, and retail and personal service uses.³⁹ The city of Flower Mound, Texas made it “unlawful to drill, re-drill, deepen, re-enter, activate or convert any oil or natural gas well,” within 1,500 feet of any public park, residence, habitable structure, place of worship, hospital building, or school.⁴⁰ The city also requires submission of a permit application prior to “engag[ing] and/or operat[ing] in oil and/or gas production activities.”⁴¹ Further, the state of Maryland prohibits oil wells from operating within 1,000 feet of the boundary of any property except by express agreement with the owners of the property.⁴²

B. Oil drilling occurring within 2,500 of residences, schools, and hospitals endangers public health and safety.

Oil and gas extraction operations emit pollution at all stages, including well site construction, drilling, production, transportation, and waste disposal. Most emissions of toxic air pollutants from oil and gas development in the Los Angeles Region, including emissions of benzene—a known carcinogen—occur both in conventional and extreme extraction.⁴³ Furthermore, when engaging in extreme oil extraction techniques, such as hydraulic fracturing and acidizing, oil and gas extraction operations use large amounts of reproductive, immunological, and neurological toxins, carcinogens, and endocrine disrupting chemicals, including methanol, hydrochloric and hydrofluoric acid, formaldehyde, and naphthalene—all of which are hazardous air pollutants under federal law.⁴⁴

Oil and gas extraction operations emit criteria pollutants, including volatile organic compounds and nitrous oxides, which combine to form ground-level ozone, a dangerous chemical that can burn tissue in the lungs, causing it to age prematurely.⁴⁵ Chronic exposure to ground level ozone can cause “asthma and chronic obstructive pulmonary diseases[], and is particularly damaging to children, active young adults who spend time outdoors, and the [elderly.]”⁴⁶ A study published in 2016 found that summertime asthma attacks will increase due to ozone formed from oil and gas drilling emissions, resulting in emergency visits, missed school days for children, and

³⁹ Dallas, Tex. Mun. Code § 51A-4.203(b)(3.2).

⁴⁰ Flower Mound, Tex. Mun. Code § 34-422(d).

⁴¹ *Id.* at § 34-420(a).

⁴² Md. Code Ann., Envir. § 14-112 (West 2017) (“[A] well for the production or underground storage of gas or oil may not be drilled on any property nearer than 1,000 feet to the boundary of the property except by agreement with the owners of the gas and oil on adjacent lands.”); Maryland Code of Reg’s, tit. 26, § 26.19.01.09 (Unless due to site constraints a well must be cased closer, the regulating agency “may not issue a permit to drill a well closer than 1,000 feet to the boundary of any property adjoining the tract on which the well is situated except by written agreement with the landowners and royalty owners of that property.”).

⁴³ Cal. Council on Science & Tech. & Lawrence Berkeley Nat’l Lab, *supra* note 22 at 212-215, 240, 258.

⁴⁴ Physicians for Social Responsibility, et al. (Jun. 2014) *Dirty Dozen: The 12 Most Commonly Used Air Toxics in Oil Drilling*, at 4-6, available at <http://www.psr-la.org/wp-content/uploads/20140611-Air-Toxics-One-Year-Report-CBD-PSRLA.pdf>. Note that similar chemicals are used for maintenance and other activities during traditional drilling as well. Abdullah, Khadeeja, et al. (2017) *Toxicity of Acidization Fluids Used in California Oil Exploration*, Toxicological & Environmental Chemistry, Vol. 99, Issue 1, 78-94, available at <http://dx.doi.org/10.1080/02772248.2016.1160285>.

⁴⁵ Theo Colborn, et al. (2011) *Natural Gas Operations from a Public Health Perspective*, Human & Eco. Risk Assess.: Int’l J., Vol. 17, Issue 5 at 5.

⁴⁶ *Id.*

missed work days for adults.⁴⁷ “Small changes in ozone smog concentrations in areas with large total populations can have [] large total health impact numbers.”⁴⁸ Thus, oil and gas extraction operations in densely populated County neighborhoods pose a serious health risk.

In the South Coast Air Basin, 627,546 people live within a ½ mile (2,640 feet) of an active oil and gas well.⁴⁹ Individuals living within a ½ mile from active oil and gas development have an increased risk of acute and chronic respiratory, neurological, and reproductive health effects.⁵⁰ Furthermore, at a distance of a ½ mile, individuals have an elevated excess lifetime cancer risk due exposure to benzene, a known carcinogen, and aliphatic hydrocarbons.⁵¹ A study conducted in Pennsylvania found higher reported health symptoms in individuals living up to 1 kilometer (3,280 feet) from a gas extraction well.⁵²

Furthermore, oil and gas extraction activities depress property values. In a study conducted in Shellmound, Texas, researchers found that homes located within 1,000 feet of an oil or gas well depreciated in value by 2 to 7%.⁵³

C. The Code should be amended to create a uniform human health and safety setback of 2,500 feet irrespective of land-use designation.

The Code should be amended to protect residents’ health, safety, and welfare by creating a protective 2,500-foot setback from oil and gas operations.

The present regulation of oil and gas extraction activities under the Code is unsound because it allows for drilling without setback protections, and where setbacks are required, they are arbitrarily based on land use designations, rather than being based on protecting sensitive receptors. And even then, the Code allows operators to obtain exemptions from setback requirements in some land use designations, altogether eliminating the minimal protection created by the 300-foot setback.

Impacts on human health from oil and gas drilling occur regardless of whether individuals live next to land zoned for heavy manufacturing or agricultural uses. The Code should uniformly protect residents from the impacts of oil and gas drilling by creating uniform setbacks of oil and gas extraction activities from sensitive human receptors.

⁴⁷ Lesley Fleischman, et al. (Aug. 2016) *Gasping for Breath*, Clean Air Task Force at 8, available at http://www.catf.us/resources/publications/files/Gasping_for_Breath.pdf.

⁴⁸ *Id.* at 11.

⁴⁹ Cal. Council on Science & Tech. & Lawrence Berkeley Nat’l Lab. (Jul. 2015), *Table 4.3-12*, at 244.

⁵⁰ McKenzie, L. M., Witter, R. Z., Newman, L. S., & Adgate, J. L. (2012) *Human Health Risk Assessment of Air Emissions from Development of Unconventional Natural Gas Resources*, *Science of the Total Environment*, Vol. 424, at 79-87.

⁵¹ *Id.*

⁵² Peter M. Rabinowitz, et al. (Jan. 2015) *Proximity to Natural Gas Wells and Reported Health Status: Results of a Household Survey in Washington County, Pennsylvania*, *Env’tl Health Perspectives*, Vol. 123, at 21–26, available at <http://dx.doi.org/10.1289/ehp.1307732>. <http://dx.doi.org/10.1289/ehp.1307732>

⁵³ Terrence S. Welch (2015) *Natural Gas Drilling and Its Effect on Property Values: A Municipal Perspective*, *American Bar Association: State & Local News*, Vol. 38, No. 2.

Further, the Code's minimal setback distance of 300 feet falls far short of "best practices and current mitigation methods." As discussed above, studies show that residents living within ½ a mile of drill site have an increased risk of acute and chronic respiratory, neurological, and reproductive health effects. Exemptions from setbacks undermines their very purpose of protecting the health and welfare of residents within close proximity and therefore particularly vulnerable to impacts from drilling operations.

Thousands of oil- and gas-producing wells operate within the County of Los Angeles, many within close proximity to residences, schools, medical clinics or hospitals, exposing children, the sick, and the elderly to serious health and safety risks. **The County should adopt an ordinance requiring that oil and gas operations be uniformly setback by 2,500 feet from homes, schools, and hospitals to protect public health. Furthermore, exemptions from setback requirements through a conditional use permit should be eliminated.**

IV. The Code should be amended to eliminate "drilling by right," and operators should be required to apply for a conditional use permit to engage in oil and gas extraction activities.

Following issuance of the inventory report, the Board of Supervisors tasked this Strike Team with reviewing existing regulations and developing proposed amendments and enforcement protocols to "ensure that oil and gas facilities **may no longer operate by right** in the unincorporated portions of the County[.]"⁵⁴ We reiterate this imperative. The County must move beyond drilling-by-right, which has allowed the industry to drill without environmental and health assessments by the County, to the detriment of communities living within unincorporated areas. For example, in 2004, 600 wells were permitted to be drilled in the unincorporated area of Windsor hills without any environmental review. Local wells in that community contain "brown-tinged water," potentially contaminated by oil and gas extraction activities.⁵⁵

The County can look to the City of Los Angeles as an example of permit-based review and approval of oil and gas extraction activities. In the City of Los Angeles, an operator must submit an application for discretionary review of conditions in order to "drill, deepen or maintain an oil well[.]" Los Angeles, Cal. Mun. Code §13.01H.

Last year, the Los Angeles Department of City Planning adopted a new set of procedures and guidelines to ensure compliance with the California Environmental Quality Act and local code in reviewing applications for oil drilling approvals. (Exh. A, L.A. Zoning Administrator Memo No. 133). The City Planning Department created dedicated application forms, including a required environmental assessment form. Under these new procedures, applications for oil and gas drilling must be noticed for a public hearing to residents living within 1,500 feet of the drill site prior to approval. *Id.* Furthermore, applications to "drill, re-drill, deepen, or convert" a well now require preparation of an initial study to determine whether the activity will have a significant

⁵⁴ *Bd. of Supervisors' Motion* at 12 (emphasis added).

⁵⁵ Alan Taylor (Aug. 26, 2014) *The Atlantic*, "The Urban Oil Fields of Los Angeles," <https://www.theatlantic.com/photo/2014/08/the-urban-oil-fields-of-los-angeles/100799/>.

impact on the environment. *Id.* at 7. If the Initial Study shows that the project is within 1,500 feet of a sensitive receptor,⁵⁶ and one or more Health Impact Criteria is triggered, then an operator must prepare a Health Impact Assessment to determine possible short-term and permanent health impacts of the project on people living near to oil and gas production activities. (Exh. A, L.A. Zoning Administrator Memo No. 133.)

The State of Maryland similarly requires an operator to submit an application for a permit if it seeks to:

[P]repare[] a well site for the operation; . . . Drill[] a well for oil or gas; . . . Redrill[] at a location previously permitted; . . . Deepen[] an existing well drilled for oil or gas; . . . Drill[] a core hole or stratigraphic test; or . . . Drill[] a well for the storage of natural gas or the observation of the storage of natural gas.⁵⁷

An application to drill must accompany an environmental assessment, a sediment and erosion control plan, a storm water management plan, a reclamation plan for restoring the well site, a design plan that will prevent drilling liquids from coming into contact with waters of the state, a spill prevention and control plan, a map documenting all water wells, churches, schools, occupied buildings and buildings within ½ a mile of the well.⁵⁸ The operator must also demonstrate minimum financial assurances, including that it has fixed assets totaling at least \$20,000,000.⁵⁹

The County should amend the Code to regulate oil and gas extraction activities through a discretionary permit approval process, to exercise its power to limit the impact of oil and gas drilling on the local water supply, emission of toxic pollution and greenhouse gases, or otherwise cause a public nuisance to surrounding neighbors. **The County should regulate by discretionary permit approval if and where oil and gas production activities occur outside a setback, and should institute a set of procedures and policies to ensure strict compliance with environmental review mandates, including the California Environmental Quality Act.** Doing so will enable the County to meet its duty to protect the public's health safety and welfare, protect the public water supply, and uphold California's legislative commitment to reducing greenhouse gas emissions.

V. Additional Recommendations:

Because existing County regulations are deficient and have proven problematic, the County should place a moratorium on approving new facilities or permitting expansion of existing facilities until the new proposed regulations are adopted. While the County is completing its review of oil and gas extraction facilities in unincorporated areas of the County, new facilities or new expansions should not be approved.

⁵⁶ The ZA memo incorporates by reference, the South Coast Air Quality Management District's definition of "sensitive receptor." (Exh. A, ZA Memo at 8.)

⁵⁷ Maryland Code of Reg's tit. 26, § 26.19.01.06.

⁵⁸ *Id.*

⁵⁹ *Id.*

Further, facilities that produce offensive odors, substantial noise, or otherwise operate in violation of permit conditions should be closed pursuant public nuisance administrative proceedings.

Thank you for your consideration of these important matters that most directly impacts the lives of residents near drilling operations. Please contact us if you have any questions or would like additional information.

Sincerely,

/s/ 

Jaimini Parekh
Attorney/ VABANC Law Foundation

Gladys Limón (ext. 117)
Fellow Staff Attorney

Encls.

Exhibit A



OFFICE OF ZONING ADMINISTRATION

City Hall 200 N. Spring Street, Room 763 Los Angeles, CA 90012

OFFICE OF ZONING ADMINISTRATION

MEMORANDUM

ZA MEMORANDUM NO. 133

September 19, 2016

TO: Office of Zoning Administration
Development Services Centers
Department of Building and Safety
Department of Public Works – Bureau of Engineering
Los Angeles Fire Department
Los Angeles Department of Water and Power

FROM: Linn K. Wyatt
Chief Zoning Administrator

SUBJECT: **APPLICATION AND PROCESSING REQUIREMENTS, INCLUDING CEQA REVIEW, FOR OIL AND GAS APPROVALS PURSUANT TO LOS ANGELES MUNICIPAL CODE SECTION 13.01-H.**

This Memorandum supersedes ZA Memorandum No. 94, dated December 12, 1994, and ZA Memorandum No. 94A, dated March 24, 2000.

This Memorandum is intended to establish a comprehensive set of procedures and policies for the acceptance and processing of applications for oil drilling approvals pursuant to Los Angeles Municipal Code (LAMC) Section 13.01-H and to establish City guidelines for the California Environmental Quality Act (CEQA) review of Section 13.01-H oil drilling applications.

I. Background

The LAMC requires a formal application and a filing fee in conjunction with a request for a determination of conditions for the conduct of oil drilling pursuant to LAMC Section 13.01-H. Other than the requirement for an application and payment of a filing fee, the LAMC contains no express procedural requirements for the determination of conditions under Section 13.01-H for an original approval or for a modification or clarification to a previously approved determination of conditions.

Z.A. Memoranda Nos. 94 and 94A

Historically, as described in ZA Memoranda Nos. 94 and 94A, applicants were permitted to apply for modifications to the original conditions for oil drilling approvals through the use of a more limited review process (similar to a plan approval under LAMC Section 12.24-L and M).

The use of the process outlined in Memoranda Nos. 94 and 94A is no longer permitted for any Section 13.01-H application, including those submitted as a determination of conditions, modification of condition, request for clarification, or related approval. All applicants seeking an approval under Section 13.01-H must follow the application procedures outlined in this Memorandum. All applications seeking any approval under Section 13.01-H will be processed by the City, including the Office of the Zoning Administrator, pursuant to this Memorandum.

Existing Approvals with Modification Procedures

In addition to the above historical process, there are existing active approvals which include conditions establishing a process for subsequent modifications or condition review. An example of one condition reads substantially as follows:

Drilling operations for the first X wells identified in the grant clause of the instant determination shall be completed within 36 months from the effective date of this determination. The drilling for the following X wells as hereby authorized shall be subject to a review of plans by the Zoning Administrator, without a public hearing, for the purpose of updating the record with the well identification and path.

Another condition reads substantially as follows:

Review of Conditions. Two years following completion of construction... the applicant shall submit a Plan Approval application for reviewing the effectiveness of these conditions. ... The applicant shall submit a 500-foot radius map with accompanying labels for owners and occupants. The Zoning Administrator may set the matter for public hearing if warranted.

Both of these conditions include processes that are inconsistent with the processes established in this Memorandum. The first condition is inconsistent because it allows for modifications without a public hearing. The second condition is inconsistent because it allows the Zoning Administrator to not set a public hearing for a Plan Approval and implies the notice radius is 500 feet.

To the extent that any existing condition or grant in an existing approval gives the Zoning Administrator discretion in the process to be followed for a modification or condition review, the procedures in this Memorandum shall be followed, in accordance with the findings in Section II and the purpose statements in Section III.

To the extent that any existing condition or grant in an existing approval mandates a procedure that is inconsistent with this Memorandum, the Zoning Administrator shall consider whether a Plan Approval process shall be initiated by the City to revise any conditions to protect the public health, safety and welfare, including any condition establishing a process inconsistent with the purpose of this Memorandum. On the other hand, if an existing condition or provision is not modified through a Plan Approval, then the process outlined in the existing approval shall be followed.

Nothing in this Memorandum is intended to expand the authority the City has to initiate a Plan Approval.

II. Findings

In issuing this Memorandum, the Zoning Administrator makes the following findings:

- A. In adopting the California Environmental Quality Act¹, the Legislature declared:

It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian. (Public Resources Code Section 21000(g).

- B. The CEQA Guidelines provide that CEQA's basic goal of protecting the environment has two purposes:

- (1) avoiding, reducing, or preventing environmental damage where possible by requiring alternatives or mitigation measures; and
- (2) providing information to decision-makers and the public concerning the environmental effects of proposed and approved actions. (CEQA guidelines 15002(a).)

- C. One oft-repeated purpose of the CEQA Guidelines is to provide for public participation, including as set forth in Section 15201:

Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedure for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issue related to the agency's activities. Such procedure should include, wherever possible,

¹ Public Resources Code, Sections 21000, *et seq.*

making environmental information available in electronic format on the Internet, on the web site maintained and utilized by the public agency.

- D. Although CEQA does not require formal hearings at any state of the environmental review process, section 15202 provides that:

...

- (b) If an agency provides a public hearing on its decision to carry out or approve a project, the agency should include environmental review as one of the subjects for the hearing.
- (c) A public hearing on the environmental impact of a project should usually be held when the lead agency determines it would facilitate the purposes and goals of CEQA to do so. The hearing may be held in conjunction with and as part of normal planning activities.

...

- (f) A public agency may include, in its implementing procedures, procedures for the conducting of public hearings pursuant to this section. The procedures may adopt existing notice and hearing requirements of the public agency for regularly conducted legislative, planning, and other activities.

- E. Applications for oil and gas projects under LAMC Section 13.01-H have the potential to create unique risks and hazards to have the potential for significant and immediate impacts on the health, safety, and welfare of the residents in and around the project site through increased noise, odor, dust, traffic, and other disturbances, as well as the potential to significantly impact the City's air, water, soil, biological quality, geology, water, stormwater and wastewater infrastructure, transportation, emergency response plans and other aesthetic values and community resources.
- F. People living and working within the land use and environmental impact range of oil and gas operations and activities have a substantial interest in participating in a public hearing on 13.01-H approvals.
- G. Section 13.01-H provides authority for the Zoning Administrator to condition, approve or deny a Section 13.01-H application under the City's police powers to protect public health, safety and welfare and to issue and implement reasonable procedures to process Section 13.01-H applications consistent with the requirements for due process.

III. Purpose and Intent of Memorandum

This Memorandum is issued with the following intent:

- Ensure that the City complies with all legal requirements of CEQA in approving Section 13.01-H projects;
- Provide all parties that may be impacted by a project subject to a Section 13.01-H application an opportunity to participate in a public hearing;
- Meet the intent of CEQA in the review and approval of CEQA findings and determinations, to provide adequate public participation;
- Ensure that staff has time to adequately consider and respond to, if necessary, evidence submitted on a Section 13.01-H application and its related environmental findings (including the CEQA Guideline Section 15300.2 exceptions) prior to the issuance of any decision;
- Provide decision-makers and City Staff, and the public with the information and data needed for adequate decision-making under CEQA and Section 13.01-H;
- Ensure that Section 13.01-H applications are processed efficiently;
- Ensure that applicants, staff, and the public can rely on a consistent practice in reviewing Section 13.01-H applications;
- Provide for transparent disclosure and participation process; and
- Ensure that the city's processing and approvals pursuant to 13.01-H will not result in adverse effects to public health, safety, and welfare

IV. Application Requirements

The original case number shall be used for the plan approval request. Before an application may be deemed complete, the applicant must submit:

- 1) A completed "Land Use Application For Oil & Gas Project Conditional Approval" (CP Form CP-7834) with all required attachments, as specified in the application and the Instructions (CP Form CP-7833.)
- 2) A completed Environmental Assessment Form for Oil and Gas Projects (EAF-O, CP-7832), with all required attachments.
- 3) The filing fee pursuant to LAMC Section 19.01.

V. Processing Section 13.01-H Applications

A. CEQA Review

The following review procedures are intended to provide guidelines to implement CEQA on all Section 13.01-H applications. Nothing in this Memorandum or the guidelines provided herein are intended to conflict with CEQA. To the extent that these guidelines are silent or ambiguous, the Zoning Administrator shall fall back on the requirements and intent of CEQA. To the extent that these guidelines impermissibly conflict with CEQA, the provisions of CEQA control. Nothing in these Guidelines is intended to conflict with the Permit Streamlining Act, Gov't Code Section Government Code § 65920 et seq.

1. Preliminary Review for Exemptions

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

An application to drill, re-drill, deepen, or convert a well is not eligible for a categorical exemption and shall require an Initial Study or an EIR as described in section V.A.2. All other projects may be reviewed to determine if the project is exempt under any applicable categorical exemption in CEQA Guidelines Section 15300-15333 or any City Guidelines (adopted pursuant to CEQA). If a project is determined not to fall into any categorical exemption based on the project description, an Initial Study shall be prepared pursuant to section V.A.2. If the project falls within a categorical exemption, the Zoning Administrator shall determine if, based upon the whole of the record, any exception to any exemption under CEQA Guidelines, Section 15300.2, applies to the project, including, but not limited to the following:

Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

If the project is determined to be categorically exempt (CE) and no exceptions apply, the Zoning Administrator shall do all of the following:

- Give the public hearing notice required in section V.B., including a notice of an intent to adopt a categorical exemption to all property owners and occupants within a 1,500-foot radius of the project site's outer boundary, and provide for a 35-day comment period on the project, prior to approval. The public hearing may be held during the comment period. The hearing notice (with the notice of intent to adopt a CE) must be provided in English and Spanish.
- If after the 35-day comment period, or any time prior to making a decision on the project, the Zoning Administrator determines that substantial evidence does not support the use of the exemption, including from the existence of an exception in Section 15300.2, the Zoning Administrator shall require an Initial Study to be prepared consistent with the procedures outlined herein.

- Alternatively, if the Zoning Administrator finds after the 35-day comment period, or any time prior to making a decision on the project, that additional information and analysis is required to determine if the categorical exemption is supported with substantial evidence, and the applicant desires the City to use a categorical exemption rather than a prepare an Initial Study, the Zoning Administrator may require the applicant to submit additional information or documents and/or technical studies or reports, including requiring the applicant to hire independent consultants to prepare any necessary technical studies or reports or peer review any prepared studies or reports. If after reviewing any additional documents, reports or studies, required by the Zoning Administrator, it is determined that a categorical exemption is not supported by substantial evidence, an Initial Study shall be prepared.
- If the use of the categorical exemption is supported by substantial evidence in the record at the time of the decision, the Zoning Administrator shall ensure the record contains a memorandum or narrative substantiating the use of the categorical exemption, including explaining how substantial evidence in the administrative record supports the use of the exemption, and that the Zoning Administrator considered whether any exception to an exemption under CEQA Guidelines Section 15300.2 is applicable, including providing where necessary an explanation or evidence to demonstrate that any comments submitted on the intent to adopt the Categorical Exemption do not provide substantial evidence that an exception applies or the exemption does not apply.

2. Initial Study Determination

For any project that does not qualify for a categorical exemption, including any project to drill, redrill, or convert a well, an Initial Study must be completed.

Nothing in this subsection is intended to require the preparation of an Initial Study, when a preliminary review of the project demonstrates an EIR is clearly required, pursuant to CEQA Guidelines Section 15060(d).

The Initial Study must be prepared by an environmental consultant with the qualifications and experience required in this Memorandum. The Zoning Administrator may require the applicant to provide any additional documents, information or technical studies or reports necessary to complete the environmental review of the project, including requiring the applicant to hire an independent contractor to prepare or peer review technical studies or reports. The Initial Study shall comply with Section 15063 of the CEQA Guidelines and be prepared using Appendix G to the CEQA Guidelines and any City issued procedures or guidelines.

If the Initial Study shows both of the following Health Impact Assessment Criteria apply, the Zoning Administrator shall also require a Health Impact Assessment (HIA), as defined in Subsection V.A.5., before preparing the environmental clearance for the project:

- one or more of the air or hazards impact thresholds on Appendix G identified as III(a), III(b), III(d), VIII(a),VIII(b), VIII(c),or VIII(g) are found to be “less than significant impact with mitigation”; and
- the project is within 1,500 feet of any sensitive receptors, as defined by SCAQMD.

After the Initial Study is completed (and the HIA, if necessary), the Zoning Administrator will determine whether the proposed environmental clearance for the proposed project is a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) or whether an EIR is required pursuant to sections 15065 or 15064 of the CEQA Guidelines.

If the Initial Study demonstrates that all of the impact areas will have no impact or less than significant impact, the Zoning Administrator may prepare a ND. (Note: if the Health Impact Assessment Criteria apply, a ND could not be prepared because the Initial Study identified significant impact requiring mitigation.)

If the Initial Study (and the HIA, if required) demonstrates that the project will not result in a significant impact with mitigation imposed, the Zoning Administrator may prepare a MND.

If the Initial Study (and the HIA, if required) demonstrates that the project may result in a significant impact to the environment that cannot be mitigated to less than significant, the Zoning Administrator shall require the preparation of an EIR. In determining whether an EIR is required, the Zoning Administrator shall review and consider all of the following CEQA Guidelines, without limitation to any other applicable requirements of CEQA:

- 15064 (guidelines on determining significant impacts),
- 15064.4 (guidelines on determining greenhouse gas impacts),
- 15064.5 (guidelines on determining cultural and archaeological impacts), and
- 15065 (guidelines requiring consideration of Mandatory Findings of Significance, including subsection (a)(4): “The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”)

If an ND or MND is issued, the Zoning Administrator shall publish a Notice of Intent to Adopt an ND or MND pursuant to CEQA Guidelines Section 15073, prepare the ND or MND findings (and the Mitigation Monitoring Program for a MND) and process the application pursuant to Section IV. The Public Hearing notice sent in section V.B. will include a statement that the City has published a Notice of Intent to Adopt an ND or MND and include a link to the City’s website where the Notice of Intent is published. The Notice of Intent to Adopt an ND or MND shall be published on the City’s website in English and Spanish.

If the Initial Study demonstrates the project requires an Environmental Impact Report (EIR), the Zoning Administrator shall follow the procedures in section V.A.3.

3. Environmental Impact Report

If an EIR is to be prepared on a project, in addition to any other requirements of CEQA, the City will require all of the following:

- Provide the Notice of Preparation to all property owners and occupants within a 1,500-foot radius of the project site's outer boundary; and
- Prepare a Health Impact Assessment, as defined in section V.A.5., if not already prepared, and provide a relevant summary of the Health Impact Assessment in the EIR where appropriate to inform the required analysis. The Health Impact Assessment shall be considered in any certification of the EIR and the approval, conditional approval, or denial of the Section 13.01-H application.

An environmental consultant with qualifications and experience provided in section V.A.4 must prepare the EIR. The EIR must be prepared and certified in compliance with CEQA, including but not limited, CEQA Guideline Sections 15080-15097, 15120-15155.

4. Environmental Consultant Qualifications

The City shall ensure that any environmental consultant that is preparing an Initial Study, MND, ND, or an EIR on a 13.01-H project has the following qualifications and experience:

- The Project Manager has at least seven (7) years' experience preparing CEQA documents.
- The Project Manager has prepared and/or reviewed at least five (5) EIRs for projects involving oil and gas drilling or production.
- The consultant or consultant team, including any subcontractors, have demonstrated training, knowledge, and experience in the following topic areas as they specifically relate to oil and gas projects: environmental health, public health, hazardous materials, air quality, GHG emissions, water quality, geology, noise, traffic, aesthetics, and risk and safety issues.
- In the case of EIRs or MNDs requiring Health Impact Assessments, the consultant team, including any subcontractors, has at least five (5) years' experience in preparing Health Impact Assessments. The consultant who prepares the HIA shall be familiar with accepted HIA process and content including, but not limited to, the "Minimum Elements and Practice Standards for Health Impact Assessment," Version 3.

The City shall ensure that all environmental consultants have copies of this Memorandum prior to preparation of any Initial Study, ND, MND or EIR.

5. Health Impact Assessment (HIA)

A HIA is defined as follows:

A study of the project for the surrounding vicinity identifying pollution and population indicators, such as, but not limited to, those analyzed in the

California Communities Environmental Health Screening Tool; the number of people affected by the project; short term or permanent impacts caused by the project; likelihood that impacts will occur; and recommended mitigation measures.

Any HIA required under these procedures shall be used to inform whether an EIR is required and whether to approve, condition, or deny the application under Section 13.01-H.

B. Public Participation

The Zoning Administrator will hold a public hearing on all Section 13.01 applications prior to project approval.

Notice of this public hearing must be sent to all property owners and occupants within a 1,500-foot radius of the project site's outer boundary, in English and Spanish. For projects being approved with a CE, ND or MND, the Notice of Intent to Adopt a CE, ND or MND may be combined with the public hearing notice.

C. Final Determination

Notices of final decisions will be issued to the applicant, all residents abutting the project site, and all individuals who request such notice.

All Zoning Administrator Section 13.01-H Determinations may be appealed to the Area Planning Commission. The Area Planning Commission decision is final. All CEQA determinations by the Zoning Administrator or the Area Planning Commission are subject to appeal to the City Council pursuant to Public Resources Code Section 21151(c).

Nothing in this Memorandum is intended to limit the Zoning Administrator's express and inherent authority to administer LAMC Section 13.01-H.

LKW:lw