

## Communication from Public

**Name:** Pico Robertson Health and Safety Coalition  
**Date Submitted:** 03/18/2023 02:00 PM  
**Council File No:** 21-1025  
**Comments for Public Posting:** Please see the appended letter from NASE's attorney Amy Minter. She explains why City Council should grant NASE's appeal and why granting the appeal would require, per the CEQA statute and case law, a fresh ZA review of the underlying case after first performing proper environmental review under CEQA.

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March 17, 2023

*Via Email*

Los Angeles City Council and Planning & Land Use Management Committee  
c/o Holly L. Wolcott, City Clerk  
City Hall, Room 395  
200 N. Spring Street  
Los Angeles, CA 90012

Re: Appeal of Categorical Exemption for Plan Approval at West Pico Drill Site; **Case No. ZA-1989-17683-PA2-1A; ENV-2020-1328-CE; CF 21-1025**

Honorable Councilmembers:

On behalf of Neighbors for A Safe Environment (NASE), we seek to address what NASE is requesting in its appeal in Case NO. ENV-2020-1328-CE for the West Pico Drill Site Plan Approval and the effect of the City Council's granting of the appeal. Before the City Council is the issue of whether reliance on a categorical exemption, and thus no environmental review under the California Environmental Quality Act (CEQA), was proper for the Plan Approval project.

In this appeal, NASE is requesting the City Council take the following actions:

1. Find that environmental review under CEQA is required for the Plan Approval, due to numerous prohibited major projects on oil wells, ongoing violations of conditions, and adverse impacts of the West Pico Drill Site on the surrounding community as detailed in NASE's appeal.
  - This environmental review is required to comply with Condition 78's mandate for the ZA to "evaluate neighborhood impacts of project operations and the efficacy of mitigation measures." Condition 78 was imposed by the 2000 approval for the West Pico Drill Site and contains the procedures for this Plan Approval.
  - As part of this determination, the Council could also identify corrective conditions, such as the plugging of illegally drilled, redrilled, or reworked wells, and mitigation measures to address these impacts and violations that would be evaluated in environmental review.
2. Remand the case to the Zoning Administrator (ZA) for a new review process, requiring environmental review to assess impacts of the illegally implemented actions on the Drill Site and to evaluate the efficacy of mitigation measures to

address those actions and to reduce ongoing impacts to the surrounding community. This new review process would include additional evidence gathering and provide for a public review pursuant to CEQA and a new public hearing on the Plan Approval once environmental review is completed.

#### Requiring CEQA Review Mandates Invalidation of Previous Plan Approval

A discretionary “decision having potentially significant environmental effects **must be preceded, not followed, by CEQA review.**” (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 134, emphasis added.) Thus, if the City Council determines that environmental review is required for the Plan Approval, the approval of this project will also be invalidated because CEQA requires approval of environmental review to precede project approval. (CEQA Guidelines, § 15004, subd. (a).) If this were not the case, and the Plan Approval were allowed to stand, the environmental review “would likely become nothing more than post hoc rationalizations to support action already taken.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.) The California Supreme Court has repeatedly rejected such a result.

The project will be remanded to the ZA for preparation of an environmental review document that evaluates the West Pico Drill Site’s current impacts on the surrounding community and whether there are feasible and effective mitigation measures to address those impacts. This new ZA review would require evidence and record gathering to determine compliance with conditions and evaluate the impacts and extent of unauthorized activities on the Drill Site. The CEQA review process will require public comment regarding the environmental review document prepared. That environmental review would then serve as the basis for a new Plan Approval by the ZA that can reduce the impacts of this Drill Site on the surrounding community, an approval that would only be considered after a new public hearing on the project.

#### Environmental Review is Required to Address the Numerous Violations and Significant Impacts.

As was addressed in detail in previous comments, the granting of NASE’s appeal is proper because both the ZA determination and Area Planning Commission agreed that current conditions imposed on the Drill Site are not adequate to preserve the health, safety and general welfare of the nearby residential neighborhood. In 2001, NASE entered into a settlement agreement that requires the City to conduct a review of conditions at the West Pico Drill Site every 5 years pursuant to procedures set forth in Condition 78 of the 2000 approval for this Drill Site (Case no. ZA 17683 PAD). Condition 78 specifically required the Plan Approval to evaluate the neighborhood impacts of project operations and the efficacy of existing mitigation measures, allowing the ZA to impose corrective conditions if warranted.

Because the current conditions have not adequately protected the neighborhood surrounding the West Pico Drill Site from offensive odors, air quality impacts, and water quality impacts, among other impacts, corrective conditions are required and CEQA requires those

conditions be evaluated in an environmental review document. In December 2021, during the pendency of this appeal, a pipeline leak caused by illegal pipeline projects executed in 2001, inadequate maintenance, and a lack of necessary oversight occurred at the West Pico Drill Site. This pipeline leak resulted in a spill that migrated to the surface. Soil and groundwater clean-up is pending.

The appeal should also be granted to require environmental review for and correction and/or mitigation of the many illegal activities that have taken place at the Drill Site since the 2000 approval. It is necessary to impose conditions to prevent further illegal activities. These unapproved, and thus illegal, activities at the West Pico Drill Site include dozens of projects to drill wells, redrill, convert wells, and rework casings, as well as acid maintenance activities. CEQA review is also required to address the cumulative impacts of these unapproved projects and similar unapproved projects at other drill sites located in the vicinity, including at the Rancho Park and Hillside Drill Sites, all three of which are located in a 1½ mile stretch of Pico Boulevard. In addition, unapproved projects have continued at the West Pico Drill Site, as well as these nearby Drill Sites, during the pendency of this appeal, resulting in continuing and growing cumulative impacts.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter

cc: PLUM Committee Members (Marqueece Harris-Dawson, Monica Rodriguez, Katy Yaroslavsky, John S. Lee, Heather Hutt)