

## Communication from Public

**Name:** Christal Cooper  
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**Comments for Public Posting:** This project cannot qualify for ministerial approval because CEQA applies. CEQA Guidelines Appendix G requires review for projects on or near hazardous sites. This property sits atop nine abandoned oil wells and lies in a designated methane zone, creating risks of gas migration, soil contamination, and explosion. Such conditions trigger at least an Initial Study and likely an EIR. Ministerial processing cannot override CEQA's duty to evaluate hazards. Labeling this project a "Public Benefit" under LAMC §14.00 A.7 does not exempt it from CEQA; state law takes precedence over local ordinances. The City has a non-delegable responsibility to protect residents and cannot lawfully avoid CEQA. Ignoring this obligation endangers the community and exposes the City to litigation. Courts have confirmed CEQA review must occur before approvals (*Bozung v. LAFCO*, 13 Cal.3d 263). Appendix G is explicit: projects in hazardous locations require discretionary environmental review.

The applicant continues to insist that the project qualifies as a ministerial approval “by-right” under LAMC §14.00 A.7. However, that position fails under the California Environmental Quality Act (CEQA).

First, CEQA applies whenever an agency retains authority to deny or condition a project. Ministerial approvals are categorically exempt because they involve no discretion. But here, determining whether the twelve Performance Standards under LAMC §14.00 A.7 are satisfied is inherently discretionary. As the courts have held, CEQA applies where approval depends on an agency’s judgment rather than rote application of fixed rules (*Friends of Westwood v. City of Los Angeles*, 191 Cal.App.3d 259 (1987); *Mountain Lion Foundation v. Fish & Game Commission*, 16 Cal.4th 105 (1997)).

Second, even setting aside the discretionary nature of the standards, the site conditions themselves independently trigger CEQA review. **CEQA Guidelines Appendix G** (Hazards and Hazardous Materials) specifically flags projects located on or near sites with known hazardous substances or abandoned oil wells as presenting a “potentially significant impact.” This property sits directly atop nine abandoned oil wells documented in state databases. Those wells may present methane migration, soil contamination, and explosion hazards. Appendix G exists precisely so that lead agencies cannot ignore such risks. By law, these conditions require an Initial Study and, at minimum, either a Mitigated Negative Declaration or an Environmental Impact Report.

Third, no ministerial exemption can override CEQA’s mandatory duty to review hazardous site conditions. The City has a non-delegable responsibility to evaluate these risks before granting entitlements. Courts have consistently rejected attempts to bypass CEQA where hazards exist, holding that environmental review must occur before approvals are granted (*Bozung v. LAFCO*, 13 Cal.3d 263 (1975); *Friends of Westwood*, supra). If CEQA is ignored here, not only will public safety be compromised, but the City will expose itself to substantial litigation risk for unlawful avoidance of mandatory review.

In conclusion, because this project requires discretionary judgment to assess compliance with LAMC §14.00 A.7 and because it is located atop multiple abandoned oil wells, CEQA review is mandatory. Ministerial processing is not legally available. The only lawful path forward is a full CEQA review through the Conditional Use Permit process.