

## **Appeal of Planning Department's Approval of Expansion Plans for the Murphy Drill Site, 2126 W Adams Blvd (between Western & Arlington)**

**Description of project being appealed:** PXP/FMOG asked the Planning Department to approve a major expansion project that includes drilling 3 new wells, adding new equipment to burn waste gas, and expanding the footprint of the work facility for the first time since the drill site was established in 1961. This would convert a 25 x 60 plot of parkland into working facility land and surround it with a 26 foot tall wall. The waste gas burner is slightly larger than a home furnace and could easily fit in the existing facility.

**Rules for the Appeal:** This is an appeal of a land use case. Appeals must show that the Zoning Administrators (ZA) of the Planning Department made errors (e.g., decisions that violate the City code or state law) and/or abused its quasi-judicial discretionary powers (e.g., decisions without proper review or reasonable attention to significant issues).

**Terms you need to know:** 1) Determination: A formal written decision made by a ZA after a proper review of a planning case. 2) Plan Approval (PA#) Cases: Primary applications and reviews to change or development a specific land use. PA cases have public hearings. 3) Review of Plans Cases: Secondary cases that merely elaborate or implement a land use development already authorized more generally in a PA case. No public hearings.

### **Simplified Narrative of the Case that highlights Errors & Abuses of Discretion:**

1. Feb-May 2013: Operator proposes a single large project to Planning to drill 3 new well, add new gas burning equipment, and expand footprint of working facility.
2. May-June 2013: Case Manager (not a ZA) Jack Chiang signs site plans for the gas plant expansion as if he was a ZA and he signs a letter from the applicant to "approve" the drilling plan.
3. Oct 22: Community member & UNNC board member Laura Meyers sees an e-mail notice from Planning that an expansion of the gas plant into the parkland has been approved by Zoning and approved by the HPOZ office, and writes a letter complaining that this should have been a PA case with public notice, review by the Neighborhood Council (UNNNC) and CD10, and a public hearing.
4. Oct 23-24: ZA David Weintraub and Chief ZA Linn Wyatt decide that a PA5 case is needed with a public hearing to review the gas plant expansion. ZA Weintraub calls FMOG's construction engineer and tells him to stop work because a PA review is needed. FMOG's Rae Connet e-mails Weintraub to complain and says FMOG has already spent \$700,000 on a project that had been "approved" by Mr Chiang. Weintraub e-mails Chiang to meet with him. Chiang writes back saying that Weintraub had agreed to let him approve the project and that FMOG should attend the upcoming UNNC meeting "to explain that the project is not for new oil drilling."
5. Nov 6 & 7: FMOG attends UNNC committee and board meetings, and says nothing about plans to drill new wells, and does not say Planning now wants a full PA review.
6. Nov 15: Community members see a temporary sound wall for drilling being erected on Adams Blvd. They send a photo to Laura Meyers, who writes to Planning asking

about the new drilling, noting that neither Planning nor FMOG told UNNC about drilling, and asking again about why there is not a PA case for the project.

7. November 18: Mr Chiang writes to Rae Connet asking her to meet with him and Weintraub because “Laura Meyers seems to believe there is a new drilling well as the project and we need to verify that, in addition to explaining the filing of the application process.”
8. November 26: A community member complains to LADBS about unpermitted work on the sound wall for drilling and LADBS sends FMOG an Order to Comply.
9. December 2013: FMOG drills two new wells despite having an Order to Comply because it had no permit for the sound wall and also despite having no determination permitting them to drill at that time.
10. December 26: Weintraub issues a “Communication” for a “Review of Plans” case for the gas plant expansion into the parkland. It does not explain the project and also never mentions new wells.
11. January 7: A community member complains to LADBS that FMOG was drilling wells while it had an unpermitted sound wall, and LADBS issued an Order to Comply that forced FMOG to stop drilling until it could obtain a permit for the sound wall.
12. January 7 to 9: Sylvia Lacey of CD10 asks Mr Chiang for a copy the December 26 Weintraub determination letter and also for a determination letter from May 2013 because FMOG had mentioned an approval from May. Mr Chiang writes back that there is only one determination letter (from December 26) and that “I don’t see a ZA determination issued in May, 2013.” The next day he sent Ms Lacey the applicant’s letter that he signed as “approved” in May, 2013, and said, “This is the letter that is dated on May 14, 2013 which shows the intent of the applicant and a drill path plan.”
13. January 21: community member Steve Peckman tried to file an appeal on the December 26 determination, but Weintraub rejects it because he said his letter was a “communication,” not a determination, and was thus not subject to appeal.
14. March 11: Weintraub announces that the City Attorney has told him that his December 26 letter was in fact a determination and that it must be opened to appeal.
15. March 24: Steve Peckman and Michael Salman each filed an appeal on this case that challenges all “approvals” granted by Mr Chiang and ZA Weintraub in 2013.
16. April 3: Planning releases documents in response to Michael Salman’s Public Records Request that show: \*No determination was issued in 2013 to approve new drilling and such a determination was necessary to complete a partial approval given in 2007. \*Weintraub and Chief ZA Wyatt agreed in October that a new PA case was needed, then changed their mind after FMOG objected it had already spent \$700,000 despite the lack of a determination. \*Mr Chiang made virtually all of the decisions in this case, contrary to code. \*In mid-November 2013 neither Chiang nor Weintraub seemed to think that any drilling had been approved. \*FMOG violated code by beginning work on the gas plant expansion without zoning approval, by erecting a sound wall for drilling without permit, by drilling without zoning approval and without a permit for the sound wall. \*Planning coached FMOG to lie to UNNC by telling UNNC that drilling new wells was not part of the project.