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May 8, 2014

Supplement to my Appeal of ZA-15227-O-PA4

To the South Los Angeles Area Planning Commission:

This document and its supporting exhibits are a supplement to the appeal of **ZA-15227-O-PA4** that I filed on March 24, 2014.

Most of the contents of this supplement derive from Planning Department records that were released for public viewing on April 3, 2014, after the March 26 deadline for filing an appeal had passed. The documents were released pursuant to the Public Records Request I made immediately after my review of the case file at City Hall on March 18, 2014. The file made available for public review was obviously incomplete. I made the request first by telephone with Mr. Jack Chiang, as I was directed to do by Ms. Beatrice Pacheco, and I also left a phone message for Mr. David Weintraub. I formalized the request in writing on March 18 and reiterated the request again on March 19. The released documents have dates on them showing they were printed out on March 19 and March 20, 2014, but then they were not released until April 3rd, after the appeal deadline had passed.

The documents released on April 3 further reveal and confirm deeper problems than were visible in the publicly available file at the time my appeal was due.

Errors, Abuses of Discretion, Code Violations, Violations of State Law

The errors and abuses of discretion committed by Planning staff, mainly Mr. Chiang and Mr. Weintraub, are numerous and sometimes stunning. Planning staff ignored and violated prior established Conditions from Master Plan Approval cases and the original mother case. They ignored and violated long established protocols and agreements about community notification. They even violated City Code and State law. They repeatedly failed to conduct required quasi-judicial discretionary reviews by a Zoning Administrator and have tried to avoid issuing Code-required determinations that could be appealed. They violated both the letter and spirit of the CEQA statutes.

Applicant Began the Project and Executed Large Parts of it Without Necessary Approvals and Permits

Beginning in October 2013 and continuing to the present day, the released documents show that Planning staff were fully aware that the applicant had begun significant portions of the project before any valid approvals had been granted, without required permits in some instances, and even while LADBS Orders to Comply were (and still are) outstanding. The documents also show

that the Applicant knew full well that proper determinations and permits were required, for the Applicant's personnel have processed closely similar permits and approval requests before. They discussed those prior approvals with Planning staff and they even sent Planning staff a copy of the determination that was issued in their last case from August 2008 as a model of what was required both by Code and by the Plan Approval (PA4) case from September 2007.

It bears repeating and emphasizing that this is a case about oil and gas production. It is not about making marmalade, or converting a garage into a playroom, or installing a cell phone antenna on top of a building, or using an old warehouse for a towing garage. Planning and land use cases for oil and gas drilling and production have their own special section of the Zoning Code, 13.01, and it calls for a heightened level of quasi-judicial discretionary review. The Code and the 1961 mother case call for extensive mitigations and other conditions around controlled drill sites, ***and that is a plain as day recognition that oil and gas production always has an adverse environmental impact that must be addressed. Indeed, since that is the Code, it is in fact the law. Allowing unapproved oil and gas projects to go forward, whether they be drilling or production or processing or all three of these things, is a very serious violation with potentially devastating consequences for the Planning process, the environment, public health, and public safety.***

Chronological Account of the Case based on the Key Documents

What follows is a chronological account of the development of the case based on the key documents. The documents and the story they tell speak for themselves. This is an astonishing record administrative error and abuse of discretion.

PXP/FMOG Proposes a single large expansion project, February-May 2013

- PXP/FMOG proposed their expansion plans for 2013 as a single project that included installing new gas burning equipment, expanding the footprint of the working facility, and drilling new wells. It was all proposed as one project.
- PXP/FMOG originally followed procedure. Their representative, Rae Connet, contacted Chief ZA Linn Wyatt on February 20, 2013 to begin the quest for approval of a project to “add facilities” to the Murphy Drill Site, including new wells and other facilities not specified in the e-mail. Their last Plan Approval (PA4) case from 2007 required them to return to the same ZA who handled the 2007 case, Anik Charron. The 2007 PA4 case had granted partial approval for the future drilling of 9 wells, with full approval to be given only after a Review of Plans by the same ZA (and conditioned by the time limits of LAMC 13.01.F.33), but she had retired before 2013. Consequently, Ms. Connet asked Chief ZA Wyatt for a meeting to “discuss the project and determine whether or not this project can be processed as a plan review,” and also to find which ZA would handle the case. (Exhibit 1)
- Ms. Connet's e-mail of February 20 demonstrated that PXP/FMOG knew that it needed at least a Review of Plans determination. Ms. Connet attached a copy of precisely that kind of formal determination from the Review of Plans for drilling the first of the 9 future wells, approved by ZA Charron on August 26, 2008. (Exhibit 2) Ms. Connet handled that case for PXP. She knew what was minimally required by code and by the terms set in ZA Charron's September 14, 2013 PA4 determination.

- Chief ZA Wyatt responded to Ms. Connet on February 20. She explained the new organization of the Planning Department and directed PXP/FMOG to see Jack Chiang at the Development Services Center (DSC), where “a Case Manager” would “identify the appropriate entitlement application and procedures,” given that the project and Drill Site had a “complex entitlement history.” (Exhibit 3)

Applications and all cases begin at the Development Services Center, and the DSC was supposed to set a road map for the case that would take it to a Zoning Administrator for proper discretionary review. Chief ZA Wyatt’s instructions were proper. She correctly explained that the DSC was meant to “counsel applicants regarding entitlement paths.” She did not say the DSC would take over the discretionary and quasi-judicial decision-making role of the Zoning Administrators that is mandated by the Code.

Rae Connet, PXP/FMOG’s representative, corresponded promptly with Mr. Chiang and met with him on February 27. After this point things started to go woefully wrong.

- Knowing that they needed a ZA to issue a determination to approve their project, PXP/FMOG tried repeatedly to reach Mr. Weintraub in April and the beginning of May, and perhaps earlier in March. The released documents include a copy of an April 16, 2013 letter from PXP to Mr. Weintraub that detailed their drilling plans and asked for a meeting, and a May 1 e-mail to Mr. Weintraub asking “to meet with you for a review of plans relative to a controlled drill site.” Then, on May 7, Ms. Connet sent an e-mail to Mr. Chiang because Mr. Weintraub had been non-responsive to repeated contact attempts, and she asked Mr. Chiang, “[c]an you direct me to another Associate ZA?” (Exhibit 4)

The May 7 e-mail from PXP/FMOG to Mr. Chiang described the scope of PXP/FMOG’s expansion project. In it, Ms. Connet reminded Mr. Chiang that “[w]e met on February 27th for a Case Management meeting regarding the Murphy Controlled Drill Site and PXP’s request to obtain approval for drilling three new wells and adding some equipment to the existing drill site. You reviewed the materials with me and advised me that both the drilling and the equipment should be handled as a review of plans, not a Master Plan Approval application. You directed me to meet with David Weintraub.” This was proposed as a single project.

- Mr. Chiang responded to PXP on May 8, telling them that Mr. Weintraub had just returned from medical leave and that there was no need to be assigned to a new ZA because Mr. . Chiang himself had been authorized to “help you and review the Approval of Plans.” (Exhibit 5)

Jack Chiang begins signing “approvals” for the entire project, May-June 2013

- Mr. Chiang and PXP then arranged a meeting for May 14, and at the meeting Mr. Chiang began signing approvals for the expansion project, despite the fact that Mr. Chiang was not a ZA and despite the fact that the case file had not been pulled for review. Mr. Chiang signed his own name on PXP’s April 16 statement of drilling plans, signing under the typed words “approved as shown above” (Exhibit 5), though there was no review by a ZA and no cross-checking of well paths with mother cases for the pertinent drilling districts. No Review of Plans was noticed to any party and no determination was ever

issued. This was a secret approval by an unauthorized staff person. By Mr. Chiang's own admission, made in correspondence on January 8 and 9, 2014 (see below), this letter did not constitute a determination.

- From May 15 to May 17, Mr. Chiang and Ms. Connet of PXP/FMOG e-mailed back and forth about the site plans for the gas plant expansion into the reserved parkland on the South side of the lot. This indicates that Ms. Connet delivered a site plan to Mr. Chiang at their May 14 meeting, and that once again shows that PXP/FMOG was proposing the new drilling and gas plant expansion as a single project. In these e-mails, Mr. Chiang asked questions about the height of the gate to the new gas plant enclosure, the location of the gate, and he also asked why two equipment pads were shown in the site plan when the proposal was for only one CEB 800. In these e-mails Mr. Chiang referred to the CEB800 as a "gas diffuser," which indicates that he did not understand the nature and purpose of the equipment he was discussing. There is no indication he ever asked why so small a piece of equipment needed to be placed in land reserved as green space since 1961, nor is there indication he asked why the CEB 800 was needed at that time, what it might replace and if it was meant to be replacement equipment, and whether the existing equipment had ever been approved. Mr. Chiang wrapped up these exchanges by saying "we can approve this," with conditions about landscaping and keeping the gate closed except for egress. Ms. Connet promised to send final site plan that properly indicated the required landscaping. (Exhibit 7)
- On June 12, Ms. Connet notified Mr. Chiang that revised site plans were ready, and Mr. Chiang arranged an appointment for them to meet on June 18. (Exhibit 8)
- On June 18 Mr. Chiang signed his own name on the site plans for the gas plant expansion, signing his name on a stamp that reads "Plans Approved as required by Zoning Administrator." (Exhibit 9)

FMOG proceeds without a determination approving the project, June-October 2013

- From June 18 until October 22 there are no additional documents that have been released. There appear to have been no additional submittals or filings with Mr. Chiang or Mr. Weintraub or any ZA. No determinations had been issued on any part of the expansion project, so they were not approved by Planning at this time. FMOG completed its acquisition of PXP in or by June.
- On September 23, FMOG applied to LADBS for a permit to build the permanent sound wall to surround the gas plant expansion. (Exhibit 10) Because the Murphy Drill Site is in the Jefferson Park HPOZ, LADBS triggered a review by the HPOZ unit of OHR, which seems to have granted an approval as Conforming Work on a Non-Contributing Element in the days before October 22, without issuing any prior notification to anyone or consulting with the local Neighborhood Council or the Jefferson Park HPOZ task force.

UNNC discovers there is an unapproved expansion project at the Murphy Drill Site, October 22, 2013

- On October 22, the HPOZ unit's approval of the permanent sound wall plans was announced in an Early Notification e-mail that was sent to the local Neighborhood

Council, UNNC. Laura Meyers, the chairwoman of the UNNC Planning & Zoning Committee (P&Z), immediately e-mailed OHR Director Ken Bernstein, Chief ZA Linn Wyatt, head of the HPOZ unit Michelle Levy, and CD10's field representative Sylvia Lacey. Ms. Meyers asked why notification was only sent after the decision, when it is supposed to be "Early Notification" to enable comment, and she asked why there was no Planning case associated with the project, and why there had been no notice of a Planning case. Furthermore, she pointed out that the Drill Site was subject to "many, MANY conditions" imposed by prior ZA cases, including extensive conditions on landscaping in which the community had invested much effort. Last, she argued that Planning should require a full Plan Approval review of this "major construction" and that HPOZ should have classified the project as requiring a Certificate of Compatibility rather than conforming work. Ms. Levy and Chief ZA Wyatt asked Mr. Weintraub to check on why a Plan Approval case was not required. (Exhibit 11)

Chief ZA Wyatt and Mr. Weintraub decide a full Plan Approval (PA5) is required and inform FMOG, October 23-24

- On October 23, Mr. Weintraub e-mailed Mr. Chiang at 11:58AM: "I need to discuss this one with you. It appears the wall and landscaping required a Plan Approval . . . (Need to file ZA-1959-15227-(PA5))." (Exhibit 12)
- On October 23, Ms. Levy replied to Ms. Meyers at 12:20PM, with copies to Ms. Wyatt, Mr. Weintraub, and others: "David Weintraub is doing additional research on the matter. On the face of it, it appears that the project may have required a Plan Approval; however, David Wants to do further research and consult with Jack Chiang who is out of the office currently." (Exhibit 13)
- On October 23, Chief ZA Wyatt e-mailed Mr. Weintraub a one line message at 12:56PM: "fyi, PA4 had a public hearing . . . the soon-to-be filed PA5 will need to have a hearing." In an earlier e-mail to Ms. Levy, Chief ZA Wyatt said that she had spoken on the phone with Mr. Weintraub that morning and was briefed on the case. The Chief ZA's afternoon e-mail to Mr. Weintraub indicates that they had decided that a new Plan Approval case was needed. (Exhibit 14)
- On the morning of October 24, Ms. Connet wrote the following to Mr. Weintraub with a copy going to Mr. Chiang: "I received a call yesterday from our construction engineer, Les Toth, who informed me that you had called him yesterday to tell him the approval of plans signed by Jack Chiang has been reversed and we cannot proceed with the project. He said you indicated that a 'PA5' should have been applied for and that you did not know why Jack Chiang had approved this project as it was presented." Ms. Connet attached copies of her May correspondence with Mr. Chiang and then stated, "We have now invested over \$700,000.00 towards the project and are ready to proceed. If we had been told to make a case filing in February, we would have already been done with the case. To have the Approval of Plans reversed 4 months later is a real concern for us." (Exhibit 15)

Several points need to be emphasized: 1) On October 23, Mr. Weintraub told FMOG that a Plan Approval case was required and that they could not proceed with the project,

2) The only “approvals” FMOG claimed to have were e-mails from Jack Chiang and a site plan signed by Mr. Chiang, who was not a ZA, 3) While Ms. Connet’s claim that PXP/FMOG would have submitted such an application in February if they had been so directed is clearly true, as evidenced by her February 20 e-mail to Chief ZA Wyatt, Ms. Connet’s February 20 e-mail and her years of prior experience also demonstrated that she and PXP/FMOG knew exactly what a Review of Plans entailed and knew exactly what a resulting Review of Plans determination letter would look like. Ms. Connet attached a Review of Plans determination from 2008 to her February 20, 2013 e-mail to Chief ZA Wyatt. *Consequently, in October of 2013 Ms. Connet knew that FMOG did not have a determination giving them permission to proceed with any part of the project they proposed to Jack Chiang in early 2013.* 4) The amount of money that PXP/FMOG spent on a project that was not approved should not be counted in favor of the future approval of the project. *Commencing a project without approvals required by the Code is illegal.*

Mr. Chiang recommends that the applicant should tell the Neighborhood Council that the project does not include drilling new wells, October 24.

- On the afternoon of October 24, Mr. Weintraub again e-mailed Mr. Chiang, writing: “I need to get a meeting with you for that sound wall and landscaping. I penciled it in my calendar for 10/30/13.” Mr. Chiang was out of town, possibly out of the country, and responded to this and earlier e-mails at 6:29PM on October 24. Mr. Chiang said he would return to the office on October 31 and could meet then. (Exhibit 16) Having read the forwarded e-mails, he explained the case to Mr. Weintraub as follows, in an e-mail so important that I will present a photo image of it here:

Jack Chiang <jack.chiang@lacity.org>
To: David Weintraub <david.weintraub@lacity.org>

Thu, Oct 24, 2013 at 6:29 PM

Hi dave

Can we meet on thursday 31st @ anytime? I am flying back on the 30th. I have found an internet cafe so I can use my department issued cell phone to check email.

I remember this exhaust vent requires a soundwall and we agreed that it can be an approval of plan as informed by the applicant that it was not controversial while showing mitigation to the appearance to the wall.

I think the applicant can meet with the neighborhood council now to explain that the project is not for new oil drilling but a exhaust vent to clean up meathen gas. And wall is for sound proofing and nc can add futher mitigation. Otherwise the worst case is rescindind my approval as it was understood that this was not controversial.]x
]x

This za case has many improvements. When anik was still here she handeled a lot of site improvements through her discretionery sign off. There is a long history to this and other sites run by the applicant.

Jack

[Quoted text hidden]

Several points need to be emphasized: 1) Mr. Chiang refers to the approval that was given as “my approval,” but he was not a ZA and no determination letter had been issued.

2) Mr. Chiang now referred to the CEB800 as a “vent” meant to clean up methane gas, demonstrating again that he did not understand the nature and purpose of the equipment he was attempting to approve. 3) Mr. Chiang once again failed to consider the most extraordinary and unjustified part of the gas plant expansion, namely the expansion into green space that had been reserved since 1961. 4) Mr. Chiang indicates that the supposedly non-controversial nature of the project justified his decision, but the only testimony he heard before this time was from the applicant and he never notified CD10 or the UNNC or anyone outside his office about the proposed development, and this would be a profound error and abuse of discretion. 5) *Last, and most importantly, Mr. Chiang recommended that Mr. Weintraub advise the applicant to tell the neighborhood council “that the project is not for new oil drilling,” but the project that PXP/FMOG had conferred with him about included the drilling of three new wells and Mr. Chiang had signed his own name as a putative approval on a letter of intent printed on the applicant’s own letterhead.*

FMOG presents their case to the UNNC and does not mention drilling new wells, November 6 & 7

- On November 6 and 7, FMOG representatives attended meetings of the UNNC P&Z Committee and the UNNC Board Meeting. I was not present at those meetings but I have reviewed the minutes (Exhibit 17) and interviewed participants. They did not tell UNNC that their expansion project included the drilling of three new wells. They did not tell UNNC that Mr. Weintraub had told them that a new Plan Approval case (PA5) would be needed. UNNC members recall being told by FMOG that FMOG had a right to expand the gas plant without any review, and so UNNC relaxed its initial demand for a Plan Approval case and thought a Review of Plans was a compromise in which they would get half of what they wanted rather than nothing. Last, the UNNC minutes record that FMOG’s representative told them that the CEB800 was a replacement for “micro turbines.”

Mr. Weintraub finally asks to see the case file, November 7

- On November 7, Mr. Weintraub e-mailed the following to Mr. Chiang: “I think we need to bring in the entire case files to more carefully review the entire evolution of the site and approvals. Have you ordered the files yet? If not, please do so.” Mr. Chiang then ordered the files, which were offsite at Piper Tech, and they were due to be delivered on Friday, November 15. (Exhibit 18) *This was the first time that the case files were called for review.*

The community discovers that drilling new wells is part of the project and has not been approved, November 15

- On November 15, members of the community noticed a 30’ tall temporary sound wall being erected on the Northern side of the drill site facility, of the kind that was erected in the past when wells were drilled. They took photos and sent e-mails to Laura Meyers, who immediately sent an e-mail to Mr. Weintraub, Ms. Wyatt, Mr. Bernstein, and MS Levy asking what was going on, why the UNNC had not been told there was to be

drilling, and asked, once again, where was the Planning approval for this project. (Exhibit 19)

Mr. Chiang claims he and Mr. Weintraub are unaware that new drilling is part of the project Mr. Chiang has been “approving,” and they also still require FMOG to file a Plan Approval application for the gas plant expansion, November 18

- On November 18, Mr. Chiang sent an e-mail to Ms. Connet with a copy to Mr. Weintraub. (Exhibit 20) This is the astounding text of the e-mail, which is so startling I will include it here in a photo-image:

Jack Chiang <jack.chiang@lacity.org> Mon, Nov 18, 2013 at 3:45 PM
To: David Weintraub <david.weintraub@lacity.org>, "Connet, Rae" <RConnet@pxp.com>

Hi Rae:

Dave and I would like to have a meeting with you this Thursday, 11/21, at 9:30 am to go over this Approval of Plan process with you. Laura Myers seems to believe that 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. We understand that you had a great working relationship with the former ZA Anik Charron, and we would like to continue that, but our procedure will need to be adjusted with the time and with the new presence of the Neighborhood Council.

Please let us know your availability, and we can meet on 4th floor at 201 Figueroa Street, Downtown Los Angeles. Thank you.

Jack Chiang
213-482-0421

On Fri, Nov 15, 2013 at 1:54 PM, David Weintraub <david.weintraub@lacity.org> wrote:
[Quoted text hidden]

Several points must be emphasized: 1) Just as Mr. Chiang never seemed to know the nature and purpose of the CEB800 that he purportedly approved, he also claims to have not known that drilling new wells was part of the project that PXP/FMOG had discussed with him several times in the first half of 2013, despite the fact he signed his own name on a PXP letter to purportedly approve the drilling – all in contravention of the legal requirement that approvals must be granted by a ZA. 2) *As of November 18, Mr. Chiang was telling FMOG what Mr. Weintraub had told them on October 23: the gas plant expansion required “the filing of an application,” which means that it required a full Plan Approval review (PA5), and now possibly the new wells that he claimed not to know about might also need to be part of that Plan Approval case.*

FMOG is cited by LADBS for building a temporary sound wall without a permit, November 26

- On November 26, a member of the community filed a complaint with LADBS about the construction of the temporary sound wall for drilling at the Murphy Site because there was no permit for the construction. That same day there was an inspection and LADBS issued an order to comply. (Exhibit 21)

At public meetings in 2014, FMOG’s John Martini asserted that FMOG believed that its permit from the last time that PXP installed a temporary sound wall (2008) was still valid, and claimed that was why they did not pull a new permit. However, in 2006, 2007,

and 2008, PXP pulled new permits for the sound wall for three rounds of drilling separated each time by one year or even less. (Exhibit 21) Permits expire. The Permit Receipt forms say clearly that Plan Check approvals expire in 1.5 years or earlier if so noted. The personnel handling land use and permitting in 2013 were the same as in 2007-08, so clearly they knew better. The only reasonable conclusion is that FMOG did not pull a new permit for the temporary sound wall in November because it was their permit application in September for the permanent sound wall that triggered community notice and criticism of their gas plant plans.

FMOG begins drilling despite having no determination approving drilling in 2013 and despite LADBS's unresolved Order to Comply, December 2013 to early January 2014

- Despite the Order to Comply from LADBS and despite the fact that PXP/FMOG had not received a Review of Plans determination (or any other determination) in 2013 to complete the approval for the drilling of new wells, FMOG began drilling new wells in early December, 2013. SCAQMD reports state that drilling commenced on December 8, 2013. (Exhibit 22) In December and early January, FMOG completed two of its planned three new wells. *This new drilling was illegal because it was not approved in a determination by a ZA. The 2007 Plan Approval determination gave at most partial approval, requiring further completion of a Review of Plans. The ZA in 2007, Anik Charron, further demonstrated exactly what kind of review and determination was required by performing one herself in August of 2008, and Ms. Connet was fully aware of this because she participated in that review and she sent a copy of that determination to Chief ZA Wyatt on February 20, 2013 as a model for what was required. FMOG knew full well what it was doing.*

Mr. Weintraub issues a communication for a Review of Plans for the gas plant expansion, December 26, 2013

- On December 26, 2013, Mr. Weintraub issued what he termed a “communication” for a Review of Plans about the gas plant expansion (document included in my original March March 24, 2014 appeal). *He did this despite the decision in October and November that the gas plant expansion required a full Plan Approval (PA5) review, and he did this despite the fact FMOG's unpermitted sound wall and drilling without approval were flagrant violations of Code and conditions imposed in all prior reviews.*

There is no discussion in Mr. Weintraub's December 26 “communication” nor any discussion in the documents that have been released that speak to why Mr. Weintraub reversed course from his and Chief ZA Wyatt's decision of October 22 and 23 to require a full Plan Approval (PA5) application and review.

By making this a Review of Plans under the umbrella of the September 2007 Plan Approval (PA4) determination, Mr. Weintraub illegally evaded the need for a CEQA review. He referenced the 2007 CEQA clearance by Class 5 Categorical Exemption to give CEQA clearance for the December 2013 case. Not only was this six year old CEQA clearance given for a PA case that did not mention gas processing equipment, even more profoundly the 2007 and 2013 cases are diametrically opposed to each other because the 2007 case protected and enhanced the very parkland that the 2013 case raided and

reduced. On top of that, for reasons explained thoroughly in my original appeal statement submitted on March 24, 2014, such Categorical Exemptions were illegal in 2007 for this project and its local setting, and they are still illegal. ***Last, but not least, the conditions applied in Mr. Weintraub's December 26, 2013 approval are an admission that the project has environmental impacts that need to be mitigated, and that completely undercuts any possible contention that a Categorical Exemption could ever be legally justified, especially a Class 5 Categorical Exemption. There is clear case law on this: Salmon Prot. & Watershed Network v. Cnty. of Marin (2004) 125 Cal. App. 4th 1098, 1108.***

The errors and abuses of discretion described so far are serious enough, but there was one more error and abuse of discretion in Mr. Weintraub's action of December 26, 2013 that was even more fundamental when it was revealed. ***In mid-January, when Laura Meyers accompanied Steve Peckman to the DSC to submit his appeal of Mr. Weintraub's decision, Mr. Weintraub refused to allow submission of the appeal on the grounds that his December 26, 2013 letter was a "communication" rather than a determination, and that communications were not appealable.*** It was only on March 11, 2014 that Mr. Weintraub, after hearing from the City Attorney, admitted that he had written a determination subject to appeal. If this were an isolated error, then it could reasonably be categorized as a mistake that has been corrected. ***This was not an isolated error. It was part of a continuing practice of obstructing public access and participation, and part of a continuing practice of trying to turn quasi-judicial discretionary decision making powers into ministerial powers that cannot be challenged. It was part of a continuing practice of violating the code.***

LADBS issues a second Order to Comply to halt drilling due to lack of permit for the temporary sound wall, January 7, 2014

- LADBS issued a second Order to Comply in response to another complaint on January 7 and this time ordered that drilling must be stopped. (Exhibit 23)

Mr. Chiang tells CD10 Deputy Sylvia Lacey that there is no determination in 2013 that approved drilling new wells

- On January 7 or 8, CD10 Deputy Sylvia Lacey called Mr. Chiang and requested a copy of the December 26, 2013 determination, which she and community members had heard about but had not yet seen. Ms. Lacey also asked Mr. Chiang about a determination from May 2013, which FMOG had told Ms. Meyers they had received to approve the drilling. Mr. Chiang responded in two e-mails on January 8 and 9 (Exhibit 24), which I will reproduce here as photo images because of their significance:

Jack Chiang <jack.chiang@lacity.org>
 To: Sylvia lacy <sylvia.lacy@lacity.org>
 Cc: Deron Williams <deron.williams@lacity.org>

Wed, Jan 8, 2014 at 3:30 PM

Hi Sylvia,

There is only one determination issued in December 2013, which as to do with a sound wall for the ground released methane gas burner and ventilation system. I have attached a unsigned copy. The signed copy is already in the record and the Office of Zoning Administration mailed a copy to CD 10 and the Neighborhood Council today. I don't see a ZA Determination issued in May, 2013. The previous determination was a communication issued back in August, 2008, for a review of plans for one Class A drilling production well. Attached as well.

Please let me know if you have more questions.

Jack Chiang
 [Quoted text hidden]

2 attachments

 **ZA-15227-O-PA4 Review of Plans.pdf**
 182K

 **20140108151254210.pdf**
 287K

Jack Chiang <jack.chiang@lacity.org>
 To: Sylvia lacy <sylvia.lacy@lacity.org>

Thu, Jan 9, 2014 at 3:53 PM

Hi Sylvia,

This is the letter that is dated on May 14, 2013, which shows the intent of the applicant and a drill path plan.

Please let me know if you have more questions.

Jack Chiang
 [Quoted text hidden]

 **20140109153001006.pdf**
 264K

Several key points demand emphasis: 1) The applicant's letter that Mr. Chiang attached to the second e-mail was the letter from Ms. Connet of PXP to Mr. Weintraub dated April 16, 2013, which Ms. Connet brought to her May 14, 2013 meeting with Mr. Chiang, which Mr. Chiang then signed on May 14, 2013. 2) Mr. Chiang states plainly that this letter from PXP was only a statement of "the intent of the applicant." 3) Mr. Chiang also stated that "the previous determination" before Mr. Weintraub's December 26, 2013 determination was ZA Anik Charron's August 26, 2008 determination, which was her Review of Plans approval of the first of the nine future wells which she partially approved in her September 14, 2007. This was the same determination that PXP/FMOG attached to their initial February 20, 2013 e-mail inquiry to Chief ZA Wyatt. 4) *This*

proves that there was no determination approving drilling new wells in 2013 and that Mr. Chiang knew or should have known that precisely the kind of determination that ZA Charron issued in August 2008 was exactly what ZA Charron's September 2007 determination required for completion of approval to drill the future wells.

Conclusion: Overturn the December 26, 2013 Determination, Freeze All Development Projects at the Murphy Drill Site Until a Full Review of Conditions has been Completed, Void the September 2007 (PA4) Partial Approval of Future Wells, and then Require a New Full Plan Approval (PA5) Application to Resume Any Part of the Current Project or Any New Project.

My original appeal submission concludes with a detailed statement of how I think this case should be concluded, rectified, and redressed. There is no need to repeat that here. In essence, all that I am asking for is that the Planning Department and Applicant be required to follow the law because it is the legal requirement and the pertinent City Code and State laws were made to protect and advance the public welfare. The way that this case has been handled is a disaster for all parties involved: the public, the Planning Department, and even the Applicant.

I will close by making a special request to the South Los Angeles Area Planning Commissioners: Please do not rush into a making decision on this case. The case is large and complex. Documents and testimony need to be checked and cross-checked. The matters at issue are of greater than usual importance because this case will set a precedent for procedures going forward. The handling of oil and gas production cases are 1) of great consequence, and 2) likely to increase in number due to the high price of oil and heightened profits to be made from oil and gas production. Please take the time necessary to review, deliberate, and cross-check the details of this case, and please call us back as necessary to verify details and documents.

Yours,

Michael Salman

EXHIBITS