

Further Updates: *Boise*, ADUs, Digital Billboards, WRAC & Litter Bin – 9/26/19

In the past two weeks, PPCC has addressed issues as varied as replacement of a routinely overflowing trash can, ADUs regulation/effective elimination of R-1 zoning, digital billboards/potential blight in our parks – and even a “homeless camping” case before the U.S. Supreme Court involving the 8th Amendment to the Constitution! Large or small, all are important matters that pertain to preservation of the quality of life in Pacific Palisades.

Here is new information (since the last updates on 9/16 & 9/20 and the agenda distribution on 9/20).

Boise Case – Amicus Briefs:

BCC’s amicus brief in the *Boise* case was submitted on 9/20. The PPCC letter is referenced in the brief and included in appendices.¹

Nineteen (19) amicus briefs were submitted in the case, representing 81 entities/individuals, including BCC, the City of Los Angeles,² the County of Los Angeles (among a coalition of 33 California counties & cities); seven (7) different states; and The People Concern.³ We are told that on average, 3-5 amicus briefs are filed in U.S. Supreme Court certiorari petition cases; the large number of briefs and extensive nationwide interest increases the odds that the Court will agree to review the case.

ADUs – State Law & Local Ordinance:

The proposed City ordinance regulating ADUs (including restrictions involving ADUs in hillside areas) has been sent to the City Attorney for review. Meanwhile, Dept. of City Planning (DCP) staff advises that the DCP and the City Attorney are aware of the new state bills governing ADUs regulation and are discussing the potential impact on the local ordinance. Whether or not the City Attorney recommends revisions to conform with the new legislation -- or whether the City passes the ordinance as currently proposed – the governing state law will go into effect on January 1, 2020.

Citywide Sign Ordinance – Digital Billboards:

On Wednesday, 9/25, the City Council heard recommendations from the Council PLUM Committee for new ordinance provisions, including 1) rules that would allow digital billboards in commercial areas *outside of Sign Districts* and may allow them in our parks, and 2) a provision to permit Community Plan areas to “opt-out” of having digital signs/billboards. We wrote to Councilmember Bonin on 9/23, urging his support for a **strong opt-out provision** in order for the Palisades to opt-out of having any digital signs in our parks, along our scenic highways and in our Specific Plan zones. See:

<http://pacpalicc.org/wp-content/uploads/2019/09/Message-to-Councilmember-Mike-Bonin-re-sign-ordinance.pdf>.

At the 9/25 City Council hearing, Councilmember Bonin raised concerns about changes from the former Version B+ (supported by PPCC and others), made it clear that he and his constituents do not support allowing digital

¹ BCC Brief:

https://www.supremecourt.gov/DocketPDF/19/19-247/116590/20190920173833367_Amicus%20Curiae%20Brief%20of%20Brentwood%20Community%20Council%20ISO%20Petitioner%20City%20of%20Boise.pdf, and Appendices:

[https://www.supremecourt.gov/DocketPDF/19/19-247/117074/20190925155640739_19-247%20Amicus%20City%20LA.pdf](https://www.supremecourt.gov/DocketPDF/19/19-247/116590/20190920173832848_Appendix%20ISO%20re%20Amicus%20Curiae%20Brief%20of%20Brentwood%20Community%20Council%20ISO%20Petitioner%20City%20of%20Boise.pdf)

² LA City Brief: https://www.supremecourt.gov/DocketPDF/19/19-247/117074/20190925155640739_19-247%20Amicus%20City%20LA.pdf.

³ List of amici briefs (courtesy of BCC): <http://pacpalicc.org/wp-content/uploads/2019/09/List-of-Amici.pdf>.

billboards outside of Sign Districts, and stated that he would vote No on the new recommended version. PPCC's specific concern (about digital billboards in parks) was not addressed, nor was there discussion about the proposed "opt-out" provision. The Councilmembers who spoke all acknowledged that the situation was confusing (with the many versions of the sign ordinance and its decade-long history), and expressed general concerns about wanting to avoid blight. Nonetheless, they voted nearly unanimously (Bonin the only No vote) to direct the DCP to draft an ordinance as recommended by PLUM (with an amendment by Councilmember Krekorian to attempt to limit digital billboards to public property), and then to send the draft to the City Planning Commission for approval before returning to PLUM and the City Council. Presumably an "opt-out" provision will be included. We will monitor.

WRAC Leadership Meeting 9/18/19:

The monthly WRAC leadership meeting featured interesting presentations from two officials: **Uduak-Joe Ntuk, Petroleum Administrator** with the City of Los Angeles Office of Petroleum and Natural Gas Administration & Safety (who knew that this office existed?), and **State Sen. Ben Allen** (who admitted that he too hadn't known about the Petroleum office or the Petroleum Administrator!).

Mr. Ntuk explained that his office is an agency within the City's Dept. of Public Works: <https://dpw.lacity.org/office-petroleum-and-natural-gas-administration-and-safety>. He is responsible for managing all petroleum matters within the City, including drilling & pipeline leases, safety matters and inter-agency coordination. A few eyebrow-raising facts: Los Angeles was once a major supplier of oil in the U.S. but production has declined from a high of 140,000 barrels daily in the 1960s to the present 6,000 barrels; there are about 70,000 oil *fields* in the greater Los Angeles basin (the number of drills in those fields is assumed to be much higher but Mr. Ntuk did not provide that detail); closing existing sites and/or not issuing permits for new drilling involve/s major issues, including potential "takings" exposure of \$725 million based on estimated oil reserves in the ground (there is no "clean-up" exposure estimate).

Sen. Allen gave an extensive report on his important work on committees and bills he's introduced, particularly involving environmental issues such as recycling and/or reduction of plastic and other waste disposal issues. Regarding local control preemption: Sen. Allen explained that he opposes SB 50 as an overreach; in general, he supports local control by cities over zoning & land use decisions, but he also believes a proper balance must be struck between state and local governments and residents over land use needs such as housing. Time constraints prevented delving into his votes in support of SB 330 and the new "ADUs" bills (all of which have passed in the legislature) and he didn't indicate how he would vote on SB 592 if it is taken up again by the Senate in 2020.

Alma Real Litter Bin:

Collections by the Bureau of Sanitation from the new bin are ongoing. A black litter bin has now been installed. We thank Assistant Director Alex Helou and Supervisor Bill Musselman for their assistance.

*By Chris Spitz
PPCC Secretary
September 26, 2019*