

May 12, 2017

Los Angeles City Council  
City of Los Angeles  
Room 395, City Hall  
Los Angeles, CA 90012

RE: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF  
CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR LAX  
LANDSIDE ACCESS MODERNIZATION PROGRAM PROJECT (COUNCIL FILE NO.  
17-0276 and 17-0276-S1)

LAX

Van Nuys

City of Los Angeles

Honorable City Council:

Eric Garcetti  
Mayor

Board of Airport  
Commissioners

Sean O. Burton  
President

Valeria C. Velasco  
Vice President

Jeffery J. Daar  
Gabriel L. Eshaghian  
Beatrice C. Hsu  
Thomas S. Sayles  
Dr. Cynthia A. Teiles

Deborah Flint  
Chief Executive Officer

At a regular meeting on March 2, 2017, the City of Los Angeles Board of Airport Commissioners (BOAC), acting pursuant to the California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq., approved BOAC Resolution No. 26185, certifying the Final Environmental Impact Report (EIR) for the Los Angeles International Airport (LAX) Landside Access Modernization Program (LAMP) Project. BOAC also made certain specific findings related to the Executive Director's LAX Plan Compliance Report (EDR). On the basis of the Final EIR, BOAC adopted CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP). BOAC also determined that the LAX Specific Plan Amendment Study required by Section 7.H.1 of the currently approved LAX Specific Plan is complete. BOAC then approved the LAX LAMP Project as described in the Final EIR.

On March 23, 2017, the City of Los Angeles Planning Commission (Planning Commission) and BOAC held a joint meeting, at which the Planning Commission approved certain land use plan amendments proposed by LAWA as part of the LAMP Project, including amendments to the City of Los Angeles General Plan Land Use Element (LAX Plan and Westchester-Playa del Rey Community Plan), the City of Los Angeles Transportation Plan (Mobility Plan 2035), the LAX Specific Plan, and related zone changes. BOAC concurred with the Planning Commission's recommendations in BOAC Resolution No. 26190.

#### Appeals of BOAC's March 2, 2017 LAMP Approval

In a letter dated March 9, 2017, Shute Mihaly & Weinberger LLP, on behalf of the City of El Segundo, appealed BOAC's certification of the LAMP EIR pursuant to Public Resources Code section 21151(c). El Segundo claims that the bases for its appeal are set forth in its letters to BOAC dated March 9, 2015, November 15, 2016, December 2, 2016 and March 1, 2017, including all attachments and exhibits thereto, and the oral testimony of El Segundo Mayor Suzanne Fuentes to the BOAC on March 2, 2017. El Segundo does not identify any specific portion(s) of these letters that support the general allegation included in its appeal letter, i.e., that the LAMP EIR "fails to comply with [CEQA] because it fails to adequately disclose, analyze, and mitigate the significant impacts of LAMP."



with [CEQA] because it fails to adequately disclose, analyze, and mitigate the significant impacts of LAMP.”

In a separate letter dated March 9, 2017, BuchalterNemer, on behalf of the City of Culver City, appealed BOAC’s certification of the LAMP EIR pursuant to Public Resources Code section 21151(c). Culver City claims that the basis for its appeal are set forth in its November 15, 2016 comment letter on the LAMP Draft EIR. Culver City does not identify any specific portion(s) of this letter that support the general allegations included in its appeal letter, i.e., that “the EIR uses a questionable baseline date; improperly analyzes the project’s 900,000 square feet of future related development at the ‘program’ level; and reflects significant traffic and air quality impacts obviating the purpose of the project.”

#### Appeal of Planning Commission’s March 23, 2017 Actions

In a letter dated April 3, 2017, Shute Mihaly & Weinberger LLP, on behalf of the City of El Segundo, appealed the Planning Commission’s March 23, 2017 actions pursuant to Los Angeles Municipal Code sections 555-58, and Public Resources Code section 21151(c). El Segundo claims that this appeal is in furtherance of its March 9, 2017 appeal, discussed above. El Segundo further claims that the bases for its appeal are the same as those set forth in its March 9, 2017 appeal, as well as its March 20, 2017 comments to the Planning Commission and BOAC. El Segundo requests that its April 3, 2017 appeal be combined with, and heard at the same time as, its March 9, 2017 appeal.

#### Recommended City Council Actions

The City Council’s decision on these appeals should be based on its own independent judgment and consideration of the materials in the administrative record before it, including but not limited to public comment and testimony; the appeal letters; the attached LAWA Staff Report; the Final EIR certified by BOAC; the CEQA Findings, Statement of Overriding Considerations, and MMRP adopted by BOAC; the proposed Plan Amendments; BOAC’s March 2, 2017 Staff Report; and the Planning Commission’s March 23, 2017 Recommendation Report.

LAWA staff has carefully reviewed the March 9, 2017 and April 3, 2017 appeal letters, as well as the referenced letters from El Segundo dated March 9, 2015, November 15, 2016, December 2, 2016, March 1, 2017, and March 20, 2017, including all attachments and exhibits thereto, and the oral testimony of El Segundo Mayor Suzanne Fuentes to the BOAC on March 2, 2017; and the referenced letter from Culver City dated November 15, 2016. The Final LAMP EIR includes written responses to all of the letters referenced in the appeal letters, with the exception of El Segundo’s March 1 and March 20, 2017 letters and the oral testimony of El Segundo Mayor Suzanne Fuentes to the BOAC on March 2, 2017. Electronic copies of the Final EIR, the CEQA Findings, Statement of Overriding Consideration, MMRP, proposed Plan Amendments, BOAC’s adopted March 2, 2017 Staff Report, and BOAC Resolution Nos. 26185, 26190 were provided to members of the City Council on May 9, 2017. Paper copies of these documents are available to the City Council upon request.

In addition to the written responses already included in the Final LAMP EIR, LAWA staff has prepared responses to all comments raised in El Segundo's March 1 and March 20, 2017 letters and the oral testimony of El Segundo Mayor Suzanne Fuentes to the BOAC on March 2, 2017. These responses are included in a Staff Report which is attached here for your review.

Based on the administrative record, including but not limited to, the March 9, 2017 appeal letters from El Segundo and Culver City, respectively, the April 3, 2017 appeal letter from El Segundo, the attached LAWA Staff Report, the LAX LAMP EIR, the CEQA Findings, the Statement of Overriding Considerations, MMRP, and public comment and testimony, LAWA recommends that the City Council take the following actions:

1. DENY Culver City's March 9, 2017 appeal of BOAC's certification of the LAX LAMP EIR.
2. DENY El Segundo's March 9, 2017 appeal of BOAC's certification of the LAX LAMP EIR and its April 3, 2017 appeal of the Planning Commission's related actions.
3. Take other actions related to the LAMP Project as set forth in BOAC's May 9, 2017 request to City Council for consideration of the LAMP Project.

To assist in your review of this appeal, the attached Staff Report also includes copies of El Segundo and Culver City's March 9, 2017 appeal letters, the April 3, 2017 appeal letters, and all letters attached to the various appeal letters.

If the City Council decides to grant either of these appeals, LAWA staff recommends that the Council remand this matter to the BOAC for reconsideration of its certification of the Final EIR and approval of the Project.

For further information regarding this CEQA appeal, please feel free to contact Evelyn Quintanilla, Chief Airport Planner, at (424) 646-5188.

Sincerely,



Samantha Bricker  
Deputy Executive Director,  
Environmental Programs Group

Enclosed:

LAWA Staff Report, including the following attachments:

- Attachment A – March 9, 2017 Appeal Letter from Buchalter Nemer on behalf of the City of Culver City
  - Attachment A-1 – November 15, 2016 Comment Letter on the LAX LAMP Project Referred to in Buchalter Nemer's March 9, 2017 Appeal Letter
- Attachment B – March 9, 2017 Appeal Letter from Shute, Mihaly & Weinberger on behalf of the City of El Segundo
  - Attachment B-1 – March 9, 2015 NOP Comment letter

- Attachment B-2 – November 15, 2016 Comment Letter on LAX LAMP Project EIR from Shute, Mihaly & Weinberger
  - Attachment B-3 – December 2, 2016 Comment Letter on LAX LAMP Project EIR from Shute, Mihaly & Weinberger
  - Attachment B-4 – March 1, 2017 Comment Letter to BOAC from Shute, Mihaly & Weinberger
- Attachment C – April 3, 2017 Appeal Letter from Shute, Mihaly & Weinberger on behalf of the City of El Segundo
  - Attachment C-1 – March 20, 2017 Comment Letter to CPC and BOAC from Shute, Mihaly & Weinberger
- Attachment D – Responses by LAWA to March 1, 2017 Comment Letter on LAX LAMP Project EIR from Shute, Mihaly & Weinberger
- Attachment E – Responses to issues raised by the March 20, 2017 Shute, Mihaly & Weinberger Comment Letter