

March 9, 2017

VIA E-MAIL (CITYCLERK@LACITY.ORG)

City Clerk
City of Los Angeles
200 North Spring Street
City Hall, Room 360
Los Angeles, CA 90012

Re: Appeal of Board of Airport Commissioners' Certification of Final Environmental Impact Report for Los Angeles International Airport (LAX) Landside Access and Modernization Program Project, SCH No. 2015021014

Dear City Clerk:

We represent the City of Culver City ("Culver City"). On behalf of Culver City, we hereby appeal the March 2, 2017 decision by the Board of Airport Commissioners ("BOAC") to certify the Final Environmental Impact Report for Los Angeles International Airport (LAX) Landside Access and Modernization Program Project and to approve actions based on the Final EIR. We file this appeal pursuant to Public Resources Code § 21151(c) which allows the appeal of the decision to certify an EIR by a nonelected decisionmaking body of a lead agency such as the City of Los Angeles to the elected decisionmaking body of the lead agency.

The basis for this appeal is set forth in our November 15, 2016 comment letter on the Draft Environmental Impact Report, a copy of which is attached hereto as Exhibit A. In summary, 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.

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City Clerk

March 9, 2017

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Please advise us as soon as possible when this appeal will be heard by the City Council.

Sincerely,

BUCHALTER NEMER
A Professional Corporation

By



Barbara Lichman

cc: Board of Airport Commissioners
Suzanne Tracy, Office of the City Attorney

EXHIBIT A

November 15, 2016

VIA E-MAIL (BSIDHOM@LAWA.ORG)

Evelyn Quintanilla
Chief of Airport Planning
Los Angeles World Airports
P.O. Box 92216
Los Angeles, CA 90009-2216

Re: Los Angeles International Airport (LAX) Landside Access Modernization
Program Draft Environmental Impact Report -
Comments of the City of Culver City

Dear Ms. Quintanilla:

The following constitutes the comments of the City of Culver City ("City") concerning the Draft Environmental Impact Report for Los Angeles International Airport (LAX) Landside Access Modernization Program ("Project" or "LAMP").

I. THE USE OF A BASELINE DATE OTHER THAN 2015 IS QUESTIONABLE

The DEIR asserts that it uses a baseline date other than the year 2015 where 2015 "by itself is not an appropriate representation of baseline conditions." Nevertheless, CEQA requires that the baseline for analysis in an environmental document be "the physical environmental conditions in the vicinity of the project as they exist at the time the notice of preparation is published, or, if no notice of preparation is published, at the time the environmental analysis is commenced . . ." 14 Cal.Code Regs. § 15125(a). Thus, the DEIR must more specifically define the circumstances, the environmental category, and reasons why it is not "appropriate" to use, the CEQA specified baseline. Otherwise, there is a clear danger that environmental impacts will be understated by the use of late baselines into which levels of environmental impact have already been incorporated, thus minimizing the environmental impacts of the Project.

II. THE DEIR IMPROPERLY ANALYZES THE PROJECT'S 900,000 SQUARE FEET OF FUTURE RELATED DEVELOPMENT AT THE "PROGRAM" LEVEL

The DEIR takes the position that the 900,000 square feet of "future related development" to be located around the CONRAC and ITF is so amorphous in its development prospects that it is impossible to adequately analyze at a project level of detail.

Nevertheless, the fact that specific development options have not yet been specified does not preclude the possibility of some specific environmental review of potential uses as determined by the Los Angeles City Zoning Code and other governing ordinances. In fact, "the level of detail should correspond to the level of detail of the program, plan, policy or ordinance that is proposed," 14 Cal. Code Regs. § 15152(b). In this case, this "future related development" is to take place on 47.3 acres of the total of 2 million square feet to be originally used for construction staging. Despite the scope of the area involved, and despite that neither the uses envisioned for this area, nor their impacts are described or analyzed with any specificity.

Therefore, it is entirely possible to provide more analysis on, among others, the parameters of air quality and traffic impacts by referring to and relying on the zoning designations for the areas covered by the "future related development." That the DEIR does little more than dismiss those impacts, stating that they will be analyzed at a future date when that aspect of the Project is analyzed under a Program EIR, understates the full impacts of the Project, and, thus, renders the DEIR inadequate.

III. THE PURPOSE OF THE PROJECT IS OBIVIATED BY ITS SIGNIFICANT TRAFFIC IMPACTS

While the stated purpose of the Project is, among other things, to "improv[e] the efficiency and operation of the surface transportation system which LAX operates," DEIR, § 1.1.3(d), that purpose is belied by the DEIR's conclusions. Specifically, the DEIR concludes that traffic improvements, even without reference to the 900,000 square feet of "future related development," *see, e.g.*, DEIR, § 1.4.2, Table 1-3, contemplated to be added to the Project for buildout by 2035, will cause significant traffic impacts to certain intersections in 2024, without mitigation, and in 2035, even with appropriate mitigation. *Id.* Moreover, the DEIR further concludes that inclusion of the "future related development" will create significant impacts both with and without mitigation during both time periods.

The origin of these conclusions is clear. Not only does the Project Description include: (1) dramatic changes to the alignment of streets and roadways; (2) new facilities for rental cars in the Consolidated Rental Car Facility ("CONRAC"), and for the similar consolidation of other modes of transportation in the Intermodal Transportation Facility ("ITF"), east of LAX; but also (3) new freeway interchanges leading to local streets that are already heavily traveled, such as La Cienega Boulevard and Arbor Vitae Street. In addition, Los Angeles Metropolitan Transit Authority ("Metro") is planning a "separate and independent" 96th Street Metro Station near the CONRAC which will also be a hub for parking of private cars and well as modes of public transportation.

A few specific areas of concern regarding traffic impacts are the use of a five percent Transportation Demand Management (TDM) reduction for employee related trips with no means of measuring the effectiveness of the TDM measures to see if they actually result in this reduction. Additionally, the traffic study identifies the existing Level of Service (LOS) of the Sepulveda Boulevard and Centinela Avenue intersection as C in the AM and E in the PM. A

2016 traffic study for another project in the vicinity showed a LOS of E in both the AM and PM for the same intersection. Therefore the analysis of this intersection understates the potential impact. In fact Table 40A suggests the intersection will see a reduced level of service for the "with project" condition which could in fact result in an impact if the proper baseline condition of LOS E AM and PM is used.

Furthermore, the Project will add a significant amount of traffic to the Sepulveda Boulevard and Jefferson Boulevard corridors, two key arterial corridors in Culver City that provide access to the airport as alternate routes to using the 405 Freeway and on which Culver CityBus operates three (3) regular fixed route bus service and one (1) rapid bus line. DEIR Section 2.4.6.2.3, "Transportation System Management," briefly suggests the use of Intelligent Transportation System (ITS) improvements "along key north-south airport access routes which may include corridors through neighboring jurisdictions such as Culver City and El Segundo." The Project should include ITS improvements, such as Adaptive Traffic Control Systems (ATCS) and Bus Signal Priority (BSP), Closed-circuit Television (CCTV), and Changeable Message Signs (CMS), along the Sepulveda Boulevard and Jefferson Boulevard corridors to work closely in conjunction with the freeway corridor ITS systems and provide coordinated and improved regional and sub-regional access to the Los Angeles International Airport (LAX) and its associated facilities.

The Project DEIR did not analyze the Project's impacts to Culver CityBus service along Sepulveda Boulevard (Line 6 and Rapid 6) and Jefferson Boulevard (Lines 3 and 4). Given that the Project will add significant amount of traffic to these corridors and these bus lines provide direct (Local 6 and Rapid 6) and indirect (Lines 3 and 4) access to Project area, the DEIR should analyze the Project's impacts to these bus lines.

It should be noted that Sections 2.4.2.1.2, 2.4.2.2.2, and 2.4.3.1 indicated that the Project will build 8,000 parking spaces at ITF West, 8,300 parking spaces at ITF East, and 8,000 parking spaces at CONRAC, totaling 24,300 parking spaces. The CONRAC includes both the customer service building, "the public hub of the CONRAC," and the employee and visitor parking structures. The total amount of parking provided for at the CONRAC, ITF West, and ITF East is indicative of the minimum number of cars that will access the airport through the surface streets proximate to the airport.

Additionally, in all this, there is no analysis of the synergistic traffic impacts of the Northside Project, planned contemporaneously for 2.3 million square feet of office and retail space immediately to the north and east of LAX, and only passing reference to an additional 900,000 square feet of "future related development" being made available by the development of the CONRAC and ITF.

In short, the DEIR minimizes both the projects themselves and their impacts. The new Metro facility, and "future related development" should at least be analyzed, at minimum, as "cumulative impacts" ["The project's incremental effects viewed in connection with the effects of past projects, the effect of other current projects and the effect of probable future projects."]

14 Cal. Code Regs. § 15065(a)(3)]. Instead, the DEIR's approach is facilitated by the superficial program level of environmental review accorded to the almost 1 million square feet of "future related development" ultimately planned for the Project area. Insofar as the planning area is constrained by zoning, and given the CEQA requirement that even "program" level analyses be studied with the greatest specificity possible, it is both necessary and appropriate to analyze the potential impacts of committed levels of allowable uses within the area allocated to "future related development," without which the DEIR is notably deficient. Nevertheless, and despite the looming prospect of additional, potentially significant traffic impacts on already impacted surrounding streets, intersections, and freeway on-ramps, the DEIR persists in categorizing the Project's surface traffic impacts as "insignificant."

IV. THE PURPOSE OF THE PROJECT IS SIMILARLY CONTRAVENED BY ITS AS YET UNANALYZED, BUT APPARENTLY SIGNIFICANT AIR QUALITY IMPACTS

The most prominent weakness of the LAMP air quality analysis is its omission to study the air quality impacts of both the airside and landside portions of the total redesign of the airport. Specifically, the LAMP DEIR attempts to single out only the landside portions of what was a complete (airside, terminal and landside) redesign of LAX, as documented in the Environmental Impact Report for the Los Angeles International Airport Specific Plan Amendment Study ("SPAS EIR"). The LAMP Project, however, is acknowledged to be an integral component of the larger SPAS project which, under accepted protocols of air quality analysis, must be evaluated in total. Most importantly, even though a North Airfield Improvement Project is listed as a reasonably foreseeable project in the LAMP DEIR, emissions from aircraft (and other airside and terminal emission sources) are not estimated, or included in the air quality analysis on the unsupported pretext that "the proposed project would not increase the number of flights or type of aircraft using the airfield because it affects only efficiency of the landside/roadway system and landside development . . ." LAMP DEIR, p. 4.2-10.

Allowing EIR review to proceed as structured in the DEIR would set a precedent for staggering improvement projects that would effectively defeat the environmental review process. If, for example, landside capacity can be increased without an environmental accounting of aircraft and terminal activity effects, then subsequent airside improvements will be facilitated, since the capacity enabling effects of a previous landside modification will have been "banked," or included in the baseline for the next project review. This process can continue ad infinitum with no environmental review ever being conducted on the full impacts of a given project component. One project will simply leapfrog on the back of another such that projects continue to grow while project reviews assume exactly the opposite about their emissions.

As a consequence, the DEIR fails to properly address the Project's air quality impacts in that it does not account for total airport emissions. This is because emissions from airside activities can substantially influence whether emissions from the LAMP project can cause or contribute to a violation of an ambient air quality standard (*i.e.*, influence a project's significance decision). Therefore, non-quantification can only be justified if such non-LAMP airport related

emissions are properly accounted for in utilized air quality background concentrations. This might be substantiated if background concentrations were obtained at an air quality monitor that was downstream of non-LAMP project airport related emissions sources, and upstream of LAMP activity. Such is not, however, the case for the background concentrations employed in the DEIR.

Specifically, for all emissions species except particulate matter ("PM"), background concentrations were taken from the southwest coastal Los Angeles County Monitoring Station on Hastings Avenue. This station is located approximately 2,000 feet to the north of the west end of the northernmost runway at LAX (Runway 6L/24R). This station is very likely to provide representative background concentrations onto which the effects of airport related emissions can be added, but that only holds true if all airport emissions are considered. The prevailing wind direction at LAX is from the west (off the ocean).¹ Therefore, most of LAX related emissions will be dispersed toward the east. Little of this dispersion will influence readings of the Hastings location and this is precisely why the monitor serves as a reasonable background monitor for the airport as a whole.

What the monitor is not, however, is a reasonable source of background information for portions of the airport that are downwind of other, unaccounted for, airport emission sources. Yet that is precisely what the DEIR is assuming. The DEIR makes no effort to account for airside and terminal related emissions that occur upstream of the LAMP Project. These emissions will substantially influence air quality concentrations east of their release points. Since these emissions are not generally reflected in the background concentrations added to the Project's modeled dispersion effects, they are entirely absent from the estimated air quality concentrations. As a result, it is impossible, using the methodology currently employed in the DEIR, to accurately determine the potential significance of the LAMP Project on air quality.

Further, the importance of ensuring that all airport emissions are considered is magnified by the fact the LAMP Project will relocate a portion of airport emissions much closer to the airport boundary with surrounding communities. The incremental effects of this movement is presumably captured in the Landside air quality analysis performed for the DEIR, but it is not possible to ascertain how this increment will affect overall National Ambient Air Quality Standards/California Ambient Air Quality Standards ("NAAQS/CAAQS") compliance in the absence of a full accounting of airport emissions.

In addition, the DEIR does not appear to have adequately estimated the contribution of emissions from the 900,000 square feet of "future related development" as set forth above, this future related development is to take place on 47.3 acres (2 million square feet) of land used for LAMP construction staging. The rationale for allocating only half the available acreage to future

¹ The DEIR does not present any summary of the meteorological data used for the dispersion modeling (most importantly wind speed and direction data). However, previous EIR analyses have provided information on prevailing wind directional data and that information is consistent with qualitative statements included in the DEIR. See, for example, "the location tends to produce a regular daily reversal of wind direction; onshore (from the west) during the day and offshore (from the east) at night." DEIR, p. 4.2-19.

development is unclear, which is yet another symptom of the defects in the DEIR caused by the failure to analyze the impacts of “future related development,” at least at a program level, coincidentally with the LAMP Project DEIR.

Finally, the DEIR improperly dismisses Sulfate in its analysis of secondary pollutants. DEIR, p. 4.2-2. The definition of Sulfate stated in the DEIR is correct, but its dismissal is incorrect. Sulfur, emitted as Sulfur Dioxide (“SO₂”), reacts in the atmosphere to form Sulfate, which is a significant contributor to total PM, PM₁₀ and PM_{2.5}. Nitrogen, emitted as Nitrous Oxide (“NO_x”) undergoes similar post emission secondary reactions to form particulate nitrates. Ignoring secondary Sulfate and Nitrate formation will underestimate all PM impacts. The DEIR itself notes the importance of secondary PM formation on page 4.2-4, but does not appear to note the inconsistency of this correct recognition with the decision not to estimate such impacts.

While the Southern California Air Quality Management District (“SCAQMD”) CEQA Guidelines significance thresholds appear to allow consideration of emitted PM_{2.5} only, “Final – Methodology to Calculate Particulate Matter (PM) 2.5 and PM_{2.5} Significance Thresholds,” October 2006, the specific wording of the guidance is “staff’s recommendation for calculating PM_{2.5} focuses only on directly emitted PM_{2.5}.” [Emphasis added.] This statement is merely a recommendation, and does not provide sufficient specificity to determine whether the guidance does not cover the estimation of Sulfate and Nitrate PM (the guidance does include a specific methodology to estimate emitted PM_{2.5}), or whether such estimation is not required. In the spirit anticipated by the legislature and the Guidelines, in the face of such uncertainty, it is incumbent upon Los Angeles World Airports (“LAWA”) to perform the most complete and specific study available under existing methodologies. The DEIR does not reflect this mandate in its analysis of Sulfate.

In the final analysis, the DEIR fails to analyze the joint impacts of operational and construction activities. Air quality impacts for construction are based on peak day emissions estimates, while operational impacts are assessed in both 2024 (completion of phase 1 construction) and 2035 (following the completion of phase 2). However, at least at some points between 2024 and 2035, both construction and operational activity will be occurring simultaneously. Nevertheless, the combined effects on air quality during this period are not analyzed in the DEIR.

V. SUMMARY

While the LAMP Project offers some potential remedies for the surface traffic impacts that now burden access to LAX, on some parameters, the DEIR falls short. LAWA has not addressed potential attractants of traffic such as the “future related development,” and potential emissions from that development and its traffic, when coupled with the capacity enhancing characteristics of the airside portion of the project, of which the LAMP Project is part and parcel. As a consequence, the serious impacts arising from the as yet unaddressed full development of the Project area remains similarly unanalyzed.

BuchalterNemer

Evelyn Quintanilla
November 15, 2016
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Culver City looks forward to working with LAWA cooperatively toward full disclosure, analysis and complete mitigation of the apparent environmental impacts of the LAMP Project.

Sincerely,

BUCHALTER NEMER
A Professional Corporation

By

A handwritten signature in cursive script, appearing to read "Barbara Lichman", with a small mark at the end.

Barbara Lichman