

**City of Culver City, California
Agenda Item Report**

Meeting Date: 05/28/2013		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Authorizing the Initiation of Impasse Appeal Proceedings with the Los Angeles County Airport Land Use Commission Relating to the City of Los Angeles' and Los Angeles World Airports' Approval of the Los Angeles International Airport Specific Plan Amendment Study Project and Certification of the Related Final Environmental Impact Report.			
Contact Person/Dept.: Carol Schwab, Phone Number: 310-253-5660 City Attorney; Heather Baker, Assistant City Attorney			
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Notification: (E-Mail) Agenda and Meetings – City Council (05/21/13);			
Department Approval: Carol Schwab (05/21/13)		City Attorney Approval: Carol Schwab (05/21/13)	
Chief Financial Officer Approval: Jeff Muir (05/21/13)		City Manager Approval: John Nachbar (05/21/13)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a resolution authorizing the initiation of Impasse Appeal Proceedings with the Los Angeles County Airport Land Use Commission (“ALUC”)¹ relating to the City of Los Angeles’ (“LA”) and Los Angeles World Airports’ (“LAWA”) approval of the Los Angeles International Airport Specific Plan Amendment Study project (“SPAS Project”) and certification of the related Final Environmental Impact Report (“FEIR”). <u>BACKGROUND:</u> On April 30, 2013, after a lengthy process during which the City of Culver City submitted extensive public comments in opposition, the LA City Council approved the Specific Plan Amendment Study (SPAS) related to the proposed expansion at Los Angeles International Airport (LAX) and certified the related FEIR. The SPAS Project was a result of a stipulated settlement in a 2005 lawsuit against Los Angeles, to which Culver City was a party. The goal of the SPAS process was to identify amendments to the LAX Specific Plan that plan for the expansion and improvement of LAX in a manner designed for a capacity of 78.9 million passengers annually, while enhancing safety and security, minimizing environmental impacts on the			
¹ Airport Land Use Commissions have been established for all counties within the State of California with public use airports and were formed with the specific intent of implementing state law (Public Utilities Code) regarding airports and surrounding land use compatibility.			

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surrounding communities and creating conditions that encourage airlines to go to other airports in the region.

The approval of the SPAS Project by the LA City Council was preceded by the LA City Planning Commission's recommendation of approval and ALUC's finding that the SPAS Project is consistent with the LA County Airport Land Use Compatibility Plan.

The City submitted written comments on the Draft Environmental Impact Report ("DEIR") and the FEIR for the SPAS Project and provided testimony (either in person or in writing) during the hearings for each stage of the approval process. Culver City's comments focused on numerous impacts, including noise impacts to the areas next to or near LAX; increases in airport-related traffic as LAX's capacity is increased, as Culver City's streets are already impacted significantly by persons traveling to and from LAX; potential shifts in local traffic patterns resulting from the development of new ground transportation facilities at LAX; and air quality impacts on Culver City and nearby communities, particularly if runways are relocated closer to adjacent communities. The City's comments and testimony also concluded that the FEIR is inadequate because: (1) it fails to adequately analyze the Project's capacity-enhancing impacts, including increased over flight of Culver City; (2) the Project was not consistent with the Los Angeles County Airport Land Use Plan; and (3) it fails to adequately analyze the air quality, greenhouse gas, noise, land use and planning and surface traffic impacts of the Project. In addition, the City commented that the FEIR did not provide for adequate mitigation of these and other impacts, including regionalization alternatives.

DISCUSSION:

Based on the inadequacies in the FEIR's evaluation and mitigation of project impacts, there are certain options the City Council may consider in order to challenge or respond to LA's and LAWA's approval of the SPAS Project. In order to avoid a legal challenge, the City has chosen one option by proposing to enter into mediation with LAWA to obtain needed mitigation measures for the City. In compliance with the statutory timeframes under the California Environmental Quality Act ("CEQA"), on May 7, 2013, the City, jointly with the cities of Inglewood and Ontario and the County of San Bernardino, submitted to LAWA a Notice Requesting Mediation. As of the date of this report, LAWA has not responded to the City's request.

Another remedy the City has with regard to the SPAS Project approval is filing a challenge to ALUC's determination that the SPAS Project is consistent with the LA County Airport Land Use Compatibility Plan. This process is called an "impasse appeal" and applies only to the County of Los Angeles. Under the impasse appeal procedures, if ALUC changes its determination of consistency, LAWA would not be

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able to go forward with the SPAS Project, unless the LA City Council votes, by a super majority, to overturn it.

The City Council's prior direction has been to preserve all of the City's rights in order to protect the Culver City community from the SPAS Project's impacts, which direction has been consistently stated on the public record: 1) the City submitted written comments and/or provided oral testimony at multiple hearings during the lengthy approval process of the SPAS Project, including hearings before the Board of Airport Commissioners, LA City Planning Commission, the LA City Council, as well as at the County's ALUC hearing on March 27, 2013; and 2) the City exercised its right to request formal mediation by serving a Notice Requesting Mediation on the City of LA and LAWA (as discussed above). Based on such direction and this position of the City Council, an Impasse Appeal was administratively filed with ALUC on May 20, 2013 (Attachment 1), as there were deadlines that needed to be met, particularly the ability to file jointly with co-petitioners City of Ontario and County of San Bernardino. However, ALUC also requires a formal resolution of the governing body of the public jurisdiction bringing the appeal (in this case, the City Council). Therefore, the proposed Resolution (Attachment 2), if adopted, will confirm the initiation of the Impasse Appeal proceedings. If the City Council determines that it does not want the Appeal to move forward, it can decline to adopt the resolution, and the City will withdraw the appeal.

FISCAL ANALYSIS:

The City would be sharing equally in the costs of the Impasse Appeal process with the City of Ontario and the County of San Bernardino. It is estimated that Culver City's portion of such costs could be approximately \$5,000.

ATTACHMENT:

1. Impasse Appeal
2. Proposed Resolution

MOTION:

That the City Council:

Adopt a Resolution authorizing the initiation of Impasse Appeal proceedings with ALUC relating to the City of LA's and LAWA's approval of the SPAS Project and certification of the related FEIR.