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 COUNTY OF LOS ANGELES

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John A. ... Officer/Clerk
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 per Gov. Code § 6103]

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF LOS ANGELES

18 CITY OF INGLEWOOD, CALIFORNIA, a)
 chartered municipal corporation; CITY OF)
 19 CULVER CITY, CALIFORNIA, a chartered)
 municipal corporation; CITY OF ONTARIO,)
 20 CALIFORNIA, a chartered municipal)
 corporation; and COUNTY OF SAN)
 21 BERNARDINO, CALIFORNIA, a chartered)
 municipal corporation,)
 22)
 Petitioners and Plaintiffs,)
 23)
 vs.)
 24)
 CITY OF LOS ANGELES, CALIFORNIA, a)
 25 chartered municipal corporation; CITY)
 COUNCIL OF THE CITY OF LOS ANGELES;)
 26 ANTONIO VILLARAIGOSA, Mayor, City of)
 Los Angeles; LOS ANGELES WORLD)
 27 AIRPORTS a/k/a DEPARTMENT OF)
 AIRPORTS OF THE CITY OF LOS ANGELES;)
 28 LOS ANGELES BOARD OF AIRPORT)

CASE NO. **BS143328**
 VERIFIED PETITION FOR WRIT OF
 MANDATE TO SET ASIDE ACTIONS
 TAKEN IN VIOLATION OF THE
 CALIFORNIA ENVIRONMENTAL
 QUALITY ACT (PUBLIC
 RESOURCES CODE § 21000, *ET
 SEQ.*) AND COMPLAINT SEEKING
 DECLARATORY AND INJUNCTIVE
 RELIEF
 [C.C.P. § 1094.5, 1085; Pub. Res. Code
 § 21000, *et seq.*; 14 Cal. Code Regs.
 § 15000, *et seq.*; C.C.P. §§ 526(a), 1060;
 LASC Rule 9.24]

1 COMMISSIONERS; and DOES 1 through 100,)
inclusive,)
2 Respondents and Defendants.)
3 _____)

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I.

INTRODUCTION AND NATURE OF THE CASE

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3 1. This Petition for Writ of Mandate and Complaint Seeking Declaratory and
4 Injunctive Relief (“Petition”) is an action to enforce the requirements of the California
5 Environmental Quality Act (“CEQA”), codified at Public Resources Code Sections 21000, et
6 seq., and its implementing guidelines set forth in 14 Code of California Regulations Sections
7 15000, et seq., (“CEQA Guidelines”). Petitioners City of Inglewood, California (“Inglewood”);
8 City of Culver City, California (“Culver City”); City of Ontario, California (“Ontario”); and
9 County of San Bernardino, California (“San Bernardino County”) (collectively “Petitioners”)
10 challenge a series of actions and approvals by the City of Los Angeles (“City”), owner and
11 operator of Los Angeles International Airport (“LAX”), its elected representatives, and the Los
12 Angeles World Airports (“LAWA”), as the lead agency, in adopting and certifying a
13 Programmatic Environmental Impact Report (“LAX SPAS EIR”) for the LAX Specific Plan
14 Amendment Study (“Project” or “LAX SPAS”).

15 2. The LAX SPAS EIR confirms that the array of impacts resulting from
16 implementation of the Project are real, not theoretical. In Inglewood alone, almost 12,000
17 citizens, 4,600 housing units, 400 acres of land, 15 schools and 21 churches will be newly and
18 significantly impacted by the expanded 65 CNEL noise contour, and/or a 1.5 dB increase in noise
19 within the existing 65 dB CNEL significant noise contour. FEIR, Tables 2.3.9-2, p. 2-147; 2.3.9-
20 3, p. 2-148. Culver City too will suffer from a certain increase in overflights resulting from the
21 projected increase of almost 500 average daily jet operations in the year 2025, of which 200 will
22 be “heavy,” and, thus, certainly, noisier. FEIR, § 2.3.10, Table SRA-2.3.10.1-1, pp. 2-150-151.

23 3. In addition, communities to the east of the airport including Culver City will be
24 subjected to inadequately analyzed air emissions impacts from aircraft operations, construction
25 and vehicle emissions the last of which are exacerbated by similarly incomplete analyses of the
26 Project’s surface traffic impacts.

27 4. While these impacts could be mitigated, to some extent, by the exploitation of
28 regional airports such as Ontario International Airport (“ONT”), also owned by the City, and

1 managed by LAWA, LAWA has consistently failed and refused to take advantage of the benefits
2 offered by the regionalization of air traffic demand and, instead, continues to promote LAX
3 which already serves 75% to 80% of the region's passenger and cargo demand.

4 5. Apparently blind to these realities, the LAX SPAS EIR's stated "rationale" for the
5 Project includes: (1) enhancing "the safe and efficient movement of aircraft;" (2) improving the
6 ground access system to better accommodate airport related traffic, especially as related to the
7 Central Terminal Area; (3) maintaining LAX's position as the "premiere international gateway in
8 supporting and advancing the economic growth and vitality of the Los Angeles region;" (4)
9 planning improvements that do not result in more than 153 passenger gates at a total passenger
10 count of 78.9 million air passengers ("MAP") per year; (5) enhancing safety and security; (6)
11 minimizing environmental impacts on surrounding communities; and (7) producing an
12 improvement program that is efficient, sustainable, feasible and fiscally responsible. FEIR, pp. 2-
13 2, 2-5, § 2.1.2. Not unexpectedly, the Project, and the LAX SPAS EIR supporting it, utterly fail
14 to achieve those purposes, and adequately document the impacts of achieving them.

15 6. The Project has a long and convoluted history that dates back to 2004 when the
16 Los Angeles City Council ("L.A. City Council") initially approved the LAX Master Plan ("2004
17 Airport Master Plan") and related entitlements for the future expansion and modernization of
18 LAX. Related entitlements include, among others: (a) the LAX Plan, the Los Angeles General
19 Plan Component for LAX setting out the goals and policies for long term development of the
20 airport consistent with the vision established in the 2004 Airport Master Plan; and (b) the LAX
21 Specific Plan which establishes zoning and land use regulations and procedures for the processing
22 of future specific projects envisioned by the 2004 Airport Master Plan. The LAX Specific Plan
23 includes a requirement that the LAX SPAS be undertaken at certain decision points in the 2004
24 Airport Master Plan implementation.

25 7. The LAX SPAS EIR ignores compliance with the mandates of CEQA and its
26 implementing Guidelines by, among other things:

27 (a) failing to designate an accurate, stable and finite Project description,
28 substituting instead an array of Project components, leaving it up to the reviewer to aggregate and

1 analyze the collective impacts of the various separate ground and air components, in defiance of
2 the requirement that “[a]n accurate, stable and finite description’ of the project be established
3 ‘early enough in the planning stages of [the] project to enable environmental concerns to
4 influence the project's program and design, yet late enough to provide meaningful information
5 for environmental assessment.’” See, e.g., *Planning and Conservation League v. Castaic Lake*
6 *Water Agency*, 180 Cal.App.4th 210, 234 (2010) citing *Kings County Farm Bureau v. City of*
7 *Hanford*, 221 Cal.App.3d 692, 738 (1990). Instead of adopting a “project” or, at least a
8 “preferred alternative” in accordance with these requirements at the earliest possible stage of
9 analysis, *i.e.*, in the Draft LAX SPAS EIR (“DEIR”), LAWA adopted a “preferred alternative”
10 only in its Final LAX SPAS EIR (“FEIR”). The LAWA Staff-Recommended Alternative
11 (“LAWA Alternative”) is a combination of two alternatives – Alternatives 1 and 9. Alternative 1
12 is an airfield redesign that includes the movement of LAX’s northernmost runway, Runway
13 6L/24R 260 feet north and closer to the community of Westchester to the north and Inglewood
14 and Culver City to the east with accompanying noise and air quality impacts. Alternative 9 is
15 strictly limited to accommodation for surface traffic, including development of an Automated
16 People Mover (“APM”). The two components of the LAWA Alternative had not, before
17 publication of the FEIR, been combined or analyzed as a unit.

18 (b) failing to disclose or analyze the Project’s manifest capacity enhancing
19 purpose and capabilities arising out of, among other things: (1) its lengthened and separated
20 runways aimed at accommodating New Large Aircraft (“NLA”), as well as increase in aircraft
21 “throughput,” defined by the Federal Aviation Administration as “capacity” (DEIR, § 1.2.1.1, p.
22 1-11); (2) the absence of any meaningful constraints on gate size, cargo sort space or terminal
23 capacity; and (3) the lack of substantial evidence to support the Project’s alleged primary
24 purposes of (i) safe and efficient movement of aircraft; (ii) dispersal of demand for air travel
25 throughout the region; (iii) enhancement of passenger security; and (iv) capping the number of
26 passengers at 78.4 MAP;

27 (c) failing to fully disclose or properly analyze the Project’s independent and
28 cumulative air quality impacts, by, among other things: (1) failing to compute at all the air quality

1 impacts of Alternatives 5-7 relying instead on an “assumption” of similarity to Alternatives 1-4;
2 (2) failing to analyze or document future background emissions concentrations, emissions from
3 aircraft reverse thrust, emissions from Ground Support Equipment (“GSE”), or emissions from
4 aircraft Auxiliary Power Units (“APU”); and (3) failing to adequately document the air quality
5 analysis with aircraft engine assignments.

6 (d) failing to fully disclose or properly analyze the Project’s independent and
7 cumulative surface traffic impacts, including, but not limited to: (1) failing to identify the
8 geographic scope of the traffic analysis; (2) omitting from the analysis numerous impacted
9 intersections in surrounding communities and in Los Angeles itself; (3) artificially reducing the
10 Project’s impacts by failing to employ the applicable standards of significance; and (4) failing to
11 adequately mitigate traffic impacts on surrounding jurisdictions;

12 (e) failing to fully disclose or properly analyze, among others: (1) the noise
13 impacts of the certain increase in operations projected in the EIR; (2) failing to model the
14 Project’s noise impacts using the Integrated Noise Model (“INM”), contrary to Federal Aviation
15 Administration regulations; (3) failing to include critical data concerning types of aircrafts,
16 number of each type of aircraft projected, and the number of operations anticipated for each
17 aircraft type; (4) failing to provide data or analysis concerning overflight impact on surrounding
18 communities; and (5) failing to provide enforceable mitigation for the Project’s manifest noise
19 impacts;

20 (f) failing to disclose or analyze reasonable alternatives to the Project,
21 including, but not limited to, increased utilization of other regional airports including ONT. ONT
22 has been consistently ignored by LAWA, and allowed to become LAX’s poor step sister, despite
23 its two runways in excess of 10,000 feet in length and new, but heretofore substantially unused,
24 terminal. The EIR also flagrantly ignores the alternative of a reduction of the scale and scope of
25 the LAWA Alternative. This is despite the fact that Petitioners and LAWA engaged in extensive
26 discussions of what has now become Alternative 6, *i.e.*, movement of Runway 6L/24R 100 feet to
27 the north, objective analysis of which proved that Alternative 6 accomplishes all, or substantially
28 all of LAWA’s “efficiency” goals for the Project, including allowing for a Center Taxiway

1 between runways, and accommodating simultaneous approaches in visual conditions; and

2 (g) failing to disclose the Project's lack of consistency with the Los Angeles
3 County Airport Land Use Compatibility Plan ("ALUCP").

4 8. For these reasons, and others set forth in this Petition, Respondents' actions are
5 unlawful, invalid and unenforceable. Petitioners, therefore, request this Court issue alternative
6 and peremptory writs of mandate invalidating the City's certification of the FEIR; an order for
7 injunctive relief prohibiting the enforcement and implementation of any action in furtherance of
8 the development of the proposed Project or any of its component parts; and judgment declaring
9 the EIR, and any actions undertaken pursuant thereto, null and void.

10 **II.**

11 **PARTIES**

12 **Petitioners Beneficial Interests**

13 9. Petitioner/Plaintiff City of Inglewood, California is a chartered municipal
14 corporation, organized and existing under the laws of the State of California and located at the
15 eastern end of LAX, immediately east of LAX's North Runway Complex. Inglewood's citizens
16 will suffer significantly increased noise, traffic, air quality, land use and other environmental
17 impacts arising from the proposed expansion of LAX, as proposed in the LAX SPAS, and
18 Inglewood's planning will be adversely impacted by Project implementation. For instance, the
19 LAX SPAS EIR affirms that, in Inglewood alone, almost 12,000 citizens, 4,600 housing units,
20 400 acres of land, 15 schools and 21 churches will be newly and significantly impacted by the
21 proposed expanded 65 CNEL (contour noise elevation level), and a 1.5 decibel (dB) increase in
22 noise within the existing 65 dB CNEL significant noise contour. (FEIR, Tables 2.3.9-2, p. 2-147;
23 2.3.9-3, p. 2-148.)

24 10. Petitioner/Plaintiff City of Culver City, California is a chartered municipal
25 corporation, organized and existing under the laws of the State of California and located two
26 miles north and east of LAX, whose citizens will suffer increased noise, air quality, traffic, and
27 other environmental impacts arising from the proposed expansion of LAX. For instance, the
28 LAX SPAS EIR asserts that Culver City will also suffer from a certain increase in overflights

1 resulting from the projected increase of almost 500 average daily jet operations at LAX in 2025,
2 of which 200 will be “heavy,” and, thus, noisier. (FEIR, § 2.3.10, Table SRA-2.3.10.1-1, pp. 2-
3 150-151.) In addition, communities to the east of LAX, including Culver City, will be subjected
4 to unanalyzed air emissions impacts from aircraft operations, construction, and vehicle emissions,
5 the last of which are exacerbated by similarly incomplete analyses of the Project’s surface traffic
6 impacts. The inadequate environmental analysis of the Project will also adversely impact future
7 planning and development in Culver City.

8 11. Petitioner/Plaintiff City of Ontario, California is a chartered municipal corporation,
9 organized and existing under the laws of the State of California and within which is located ONT,
10 currently owned and operated by LAWA. Ontario is also a member of the San Bernardino
11 International Airport Authority (“SBIAA”), the mission of which is to own and operate ONT in
12 the future. Ontario’s future planning and development is adversely impacted by the LAX SPAS
13 EIR’s failure to provide meaningful analysis to support its stated purpose of promoting increased
14 regionalization of air traffic demand. FEIR, pp. 2-2, 2-5; § 2.1.2.

15 12. Petitioner/Plaintiff County of San Bernardino, California is a political subdivision
16 of the State of California that represents unincorporated and incorporated communities, and
17 within which is located both Ontario and ONT. San Bernardino County is also a member of the
18 SBIAA. San Bernardino County’s future planning and development is adversely impacted by the
19 LAX SPAS EIR’s failure to provide meaningful analysis to support its stated purpose of the need
20 for increased regionalization of air traffic demand.

21 **Capacity of Respondents**

22 13. Respondent/Defendant City of Los Angeles, California is a chartered municipal
23 corporation, organized and existing under the laws of the State of California, and the owner and
24 operator of LAX. The City is charged by law with responsibility for ensuring compliance with
25 CEQA and its implementing Guidelines for all discretionary projects within the City’s
26 jurisdiction.

1 14. Respondent/Defendant City Council of the City of Los Angeles is the duly elected
2 legislative body of City. The acts and omissions alleged herein were, and are being undertaken
3 by the L.A. City Council on behalf of City.

4 15. Respondent/Defendant Antonio Villaraigosa (“Mayor”) was the Mayor of City at
5 all times relevant to the matters alleged in this Petition.

6 16. Respondent/Defendant Los Angeles World Airports (“LAWA”) is an agency of
7 City charged with operational responsibility for LAX and the other airports of which City is the
8 owner and operator – Van Nuys and ONT. LAWA is the lead agency in the development of the
9 environmental review which is the subject of this Petition. LAWA Staff has possession of,
10 manages and controls all airports, airport sites and equipment, accommodations and facilities for
11 aerial navigation, flight, instruction, and commerce belonging to City, including those at LAX.
12 LAWA supervises and manages the design, construction, maintenance and operation of all airport
13 improvements.

14 17. Respondent/Defendant Board of Airport Commissioners (“BOAC”) is responsible
15 for formulating airport policy for LAX and the other airports owned and controlled by City, and
16 for evaluating and approving the plans for improvements to those airports, pending final
17 affirmance from the L.A. City Council.

18 18. Petitioners are currently unaware of the true names and capacities of
19 Respondents/Defendants DOES 1 through 100, inclusive, as the information concerning their
20 identity is within the sole and exclusive control of Respondents. Petitioners therefore sue those
21 parties by such fictitious names. Petitioners are informed and believe, and upon such information
22 and belief allege, that DOES 1 through 100, inclusive, are agents of Respondents, and each of
23 them, responsible in some manner for the conduct alleged in this Petition. Petitioners will seek
24 leave to amend this Petition to state the true names and capacities of the fictitiously named parties
25 when the same have been ascertained.

26 19. Respondents/Defendants identified in Paragraphs 13 through 18, inclusive, are
27 referred to collectively herein as Respondents or LAWA.

28

1 III.

2 **JURISDICTION AND VENUE**

3 20. This Court has jurisdiction to issue a Peremptory Writ of Mandate under either
4 (a) *Code of Civil Procedure* Section 1094.5 and *Public Resources Code* Section 21168, or
5 (b) *Code of Civil Procedure* Section 1085 and *Public Resources Code* Section 21168.5.

6 21. Venue is proper for filing this Petition in Los Angeles County because: (a) the
7 Project is located in Los Angeles County and will have adverse environmental impacts in Los
8 Angeles County; (b) Respondents are located in Los Angeles County; and (c) Respondents
9 actions which are the subject of this Petition were taken by Respondents in Los Angeles County.

10 IV.

11 **RELATED CASE**

12 22. *City of El Segundo, et al., v. City of Los Angeles, et al.*, Riverside Superior Court
13 Case No. RIC426822, to challenging City's EIR for the 2004 Airport Master Plan involves the
14 same Respondents as does this Petition, is based on the same or similar claims, and its settlement
15 remains within the jurisdiction of the Superior Court of the County of Riverside for enforcement.
16 Therefore, it is a related case as defined by California Rules of Court, Rule 3.300.

17 V.

18 **COMPLIANCE WITH PROCEDURAL REQUIREMENTS**

19 23. Petitioners have performed all conditions precedent to issuance of a Writ of
20 Mandate.

21 (a) Petitioners have exhausted all applicable administrative remedies available
22 to them, in compliance with, among other statutes, Cal. Pub. Util. Code § 21177, by submitting
23 voluminous comments to Respondents concerning the DEIR on October 10, 2012 (a true and
24 correct copy of Petitioners' comments on the DEIR are attached to this Petition as Exhibit A),
25 FEIR on March 8, 2013 (a true and correct copy of Petitioners' comments on the FEIR are
26 attached to this Petition as Exhibit B), and the LAWA Staff Report's determination of consistency
27 of the Project with the ALUCP by the Los Angeles County Airport Land Use Commission
28 ("ALUC") on March 21, 2013 (a true and correct copy of Petitioners' comments on the

1 “Application for General Plan Consistency Review of Los Angeles International Airport (“LAX”)
2 Specific Plan Amendment Study (“SPAS”) – Project No. R2013-00396-(2) – Aviation Case No.
3 201300001,” is attached to this Petition as Exhibit C), all of which serve as the underlying basis
4 for this Petition.

5 (b) Petitioners have complied with Cal. Pub. Util. Code § 21167.5 by serving
6 written notice of the commencement of this action on Respondents. A true and correct copy of
7 the notice and the accompanying proof of service are attached hereto as Exhibit D.

8 (c) Petitioners have complied with Cal. Pub. Util. Code § 21167.6(a) by filing,
9 concurrently with this filing of this Petition a written request to City for preparation of the record.
10 A true and correct copy of Petitioners’ written request is attached to this Petition as Exhibit E.

11 (d) Petitioners have complied with Cal. Pub. Util. Code § 21167.7 and Cal.
12 Code Civ. Proc. § 388 by serving a copy of this Petition on the Attorney General of the State of
13 California. A true and correct copy of the proof of service on the Attorney General is attached
14 hereto as Exhibit F.

15 VI.

16 STATUTORY BASIS FOR THE ACTION

17 24. Cal. Pub. Res. Code § 21168 provides that suits alleging noncompliance with
18 CEQA shall proceed in accordance with Cal. Code Civ. Proc. § 1094.5 if “by law a hearing is
19 required to be given, evidence is required to be taken and discretion in the determination of facts
20 is vested in a public agency.” Under Cal. Pub. Util. Code § 21168, actions taken by public
21 agencies must be “supported by substantial evidence in light of the whole record.” Cal. Pub. Res.
22 Code § 21168.5 establishes a different standard of review for CEQA challenges that properly
23 proceed under Cal. Code Civ. Proc. § 1085, which provides that a writ of mandate “may issue by
24 any court to any inferior tribunal, corporation, board or person to compel the performance of an
25 act which the law specifically enjoins. . .” Under Cal. Pub. Res. Code § 21168.5, actions taken by
26 public agencies will be invalidated if they constitute prejudicial abuse of discretion.

27 25. The City has violated a duty which the law specifically enjoins, and Petitioners
28 have a clear, present and substantial right to the performance of the City’s duty.

1 (f) adoption of the accompanying Resolutions as recommended by the Mayor,
2 the Director of Planning and the LACPC;

3 (g) approval of the proposed amendments to the LAX Specific Plan and to the
4 City General Plan, including amendments to the LAX Plan, the Westchester-Playa Del Rey
5 Community Plan, Noise Element and Transportation Element of the General Plan for LAX and
6 surrounding area, generally bounded by the Westchester - Playa Del Rey Community Plan Area
7 to the north and east, Inglewood to the east, the City of El Segundo ("El Segundo") to the south,
8 and Dockweiler State Beach to the west (Applicant - City of Los Angeles, Case No. CPC-2012-
9 3357-GPA-SP 10);

10 (h) approval of the revised zone change and General Plan Amendment maps as
11 submitted by Planning on April 9, 2013;

12 (i) instruction to Planning to update the General Plan and appropriate maps
13 pursuant to this action; and

14 (j) request to the City Attorney to prepare and present an ordinance for
15 approval of the LAX Specific Plan.

16 **Project Area Description**

17 29. LAX is located within the City and Los Angeles County on 3,651 acres of land,
18 approximately 12 miles southwest of downtown Los Angeles. LAX is bordered directly on the
19 east by Inglewood and the unincorporated community of Lennox, on the north by the
20 communities of Westchester (part of City) and Playa del Rey, on the south by El Segundo, and on
21 the west by the Pacific Ocean. Culver City is located approximately two miles north of LAX.

22 30. LAX has four runways oriented generally in northeast/southwest directions. Two
23 parallel 150-foot wide runways, Runways 6L/24R and 6R/24L are located in the North Airfield.
24 Runway 6L/24R is approximately 8,925 feet long. Runway 6R/24L is approximately 10,285 feet
25 long. Two other parallel runways, Runways 7L/25R and 7R/25L are located in the South
26 Airfield. Runway 7L/25R is approximately 12,091 feet long and 150 feet wide. Runway 7R/25L
27 is approximately 11,096 feet long and 200 feet wide. LAX has eight passenger terminals,
28 including the Tom Bradley International Terminal.

1 31. LAX provides most of the region's international and domestic air services.
2 Currently, LAX serves approximately 75% of the passengers and 80% of the air cargo services in
3 the Los Angeles region despite the fact that other airports exist, including ONT, that have airfield
4 and groundside facilities sufficient to accommodate a substantial portion of the traffic now being
5 served at LAX. In addition, other smaller regional airports include John Wayne Airport,
6 Burbank-Glendale-Pasadena Airport, Long Beach Airport, and Palm Springs International
7 Airport.

8 **Project Description**

9 32. The Project is defined by Respondents' LAWA Alternative, the so-called
10 enhanced safety and security plan that also purports to minimize environmental impacts on
11 surrounding communities. The LAWA Alternative is a combination of LAX SPAS EIR
12 Alternative 1, the airfield component, and Alternative 9, the surface traffic component.
13 Specifically, the Project calls for, among other things, modifications to the LAX North Airfield
14 facilities, reconfiguration of the Central Terminal Area ("CTA"), construction of a new Ground
15 Transportation Center ("GTC"), a new Intermodal Transportation Center ("ITC") and a new
16 Consolidated Rental Car Facility ("RAC").

17 33. Modifications to the North Airfield Facilities include:

- 18 a. Relocate, Extend and Widen Runway 6L/24R: Relocate Runway 6L/24R
19 260 feet to the north and extend the runway 604 feet west and widen the runway by 200 feet;
- 20 b. Extend, Widen, and Reconstruct Runway 6R/24L: Runway 6R/24L would
21 be extended 1,250 feet east and the 6R landing threshold would be shifted 104 feet east, along
22 with a reconstruction east of 2,000 feet;
- 23 c. Centerfield Taxiway: Construction of an 82-foot-wide centerfield taxiway
24 with a centerline separation distance of 500 feet to Runway 6L/24R and 460 feet to Runway
25 6R/24L;
- 26 d. Taxiway E: Rebuild the western portion of approximately 2,190 feet of
27 Taxiway E and extend 950 feet east to support easterly extension of Runway 6R/24L; and
28

1 e. Taxilane D: Relocate Taxilane D approximately 15 to 19 feet north and
2 extend 745 feet east to support easterly extension of Runway 6R/24L and 5,145 feet west.

3 34. Modifications to Land Uses include:

4 a. Covering the entire length of the Argo Drainage Channel, approximately
5 9,857 linear feet;

6 b. The relocation of Lincoln Boulevard northward between Sepulveda
7 Boulevard and Westchester Parkway, which would require that approximately 540 feet of the
8 road segment be tunneled;

9 c. Avis Rental Car Facility of 24 acres will be replaced with parking;

10 d. FedEx Aircraft Maintenance Facility would be removed and relocated
11 elsewhere; and

12 e. Travelodge Hotel and Denny's, located in the southwestern portion of
13 Manchester Square would also be eliminated.

14 35. Modifications to Terminal Facilities include:

15 a. Construction of a new Terminal 0 with seven gates;

16 b. The demolition of 177 feet of Terminal 1 Concourse;

17 c. The demolition and reconstruction of Terminal 3 concourse and associated
18 gates, with the building centerline shifted 40 feet to the west to increase the width of the alleyway
19 between Terminals 2 and 3;

20 d. Demolish and replace the northerly end of the Tom Bradley International
21 Terminal concourse and associated gates;

22 e. Elimination or downsizing of several gates to accommodate smaller aircraft
23 types;

24 f. Elimination of west remote gates; and

25 g. Maintain total number of gates used at LAX for scheduled passenger
26 service to 153.

27 36. Modifications to Ground Access Facilities include:
28

1 a. Intermodal Transportation Facility: Construction of a new Intermodal
2 Transportation Facility (“ITF”), Consolidated Rent-A-Car Facility (“CONRAC”), and parking
3 outside the CTA;

4 b. Construction of an elevated APM between Manchester Square and the
5 CTA along the 98th Street corridor, and provide connectivity with planned Metro facilities;

6 c. Development of an elevated/dedicated busway along 98th Street; and

7 d. Parking: the construction of 2,750 additional employee parking spaces;
8 construction of approximately 4,200 public parking space sin a portion of Manchester Square;
9 and the development of the ITF that would include approximately 4,900 short-term public
10 parking spaces.

11 37. Modifications to Rental Car Facilities include a new CONRAC in the Manchester
12 Square area would provide for rental car pick-up and drop-off and APM interface, and would
13 include Ready/return and a Quick Turnaround Area (“QTA”), including a structure parking
14 facility to accommodate approximately 1,000 stalls for quick turn-around and 5,800 stalls for
15 ready return.

16 Project History

17 38. In or about November 2000, LAWA published the first draft of the 2004 Airport
18 Master Plan, the principal aim of which was to increase capacity at LAX. It was based on three
19 alternatives, along with a No Project Alternative.

20 39. Alternative A proposed a new runway in the North Airfield Complex, lengthening
21 of the two existing runways and further separation of runways to accommodate the advent of the
22 NLA which have wingspan wide enough to interfere with simultaneous arrivals and departures on
23 the same airfield. Alternative A would have purportedly accommodated approximately 97.9
24 MAP and 4.17 million tons of cargo in 2015. Alternative B proposed a new runway in the
25 existing South Airfield Complex, lengthening of the two existing runways, and further separation
26 of runways. Alternative B would have also accommodated approximately 97.9 MAP and 4.17
27 million tons of cargo in 2015.
28

1 40. Alternative C, the originally preferred alternative, kept the number of runways the
2 same at four, with the two existing runways moved 340 feet south, one runway widened, three
3 runways lengthened, and all runways further separated, and would have accommodated
4 approximately 89.6 MAP and 4.17 million tons of cargo in 2015.

5 41. All three build alternatives proposed a new passenger terminal complex at the west
6 end of the airport with additional gates; new cargo facilities on newly acquired land east of the
7 airport, and an LAX Expressway alongside I-405 to provide direct freeway access to the airport.
8 The LAX Northside Project, a mixed use development to the north of the airfield on airport
9 property would be reconfigured into a smaller development, renamed the Westchester Southside
10 Project, and LAWA's Continental City property would have been used for cargo facilities. All
11 three alternatives met with vigorous opposition from affected surrounding jurisdictions and
12 communities.

13 42. In or about January 2001, the Federal Aviation Administration ("FAA") and
14 LAWA published a joint Draft Environmental Impact Statement/Environmental Impact Report
15 ("Joint DEIR/DEIS") which selected Alternative C as the Preferred Alternative.

16 43. In or about April, 2001, the Southern California Association of Governments
17 ("SCAG") adopted a Regional Transportation Plan ("RTP") that proposed airport demand be met
18 with a regional system of airports. SCAG estimated existing airport capacity in the region to be
19 approximately 120 MAP, with regional demand in 2015 expected to grow to a total of 146.5
20 MAP. SCAG's adopted aviation strategy planned for a maximum 78 MAP at LAX in 2025 and
21 2030, with additional demand being served by expansion of operations at other regional airports.
22 Specifically, it expected ONT to accommodate 30 MAP by 2030. SCAG's comments on the EIR
23 recommended that LAWA take steps to redistribute air traffic to various regional airports.
24 Currently, ONT accommodates slightly over 4 MAP.

25 44. In or about July 2003, purportedly in response to the voluminous critical
26 comments received on the Joint DEIR/DEIS and the changed conditions after the September 11,
27 2001 terrorist attacks, LAWA published a two-volume Addendum to the Draft 2004 Airport
28 Master Plan ("2004 Airport Master Plan Addendum") which added a new alternative,

1 Alternative D - Enhanced Safety and Security Plan. Also in or about July 2003, LAWA published
2 a Supplement ("SEIR") to the Joint DEIR/DEIS containing an environmental analysis of the new
3 Alternative D and supplemental information and analysis that apply to all alternatives based on
4 new or updated data which became available after the publication of the Joint DEIR/DEIS.

5 45. The major new elements of Alternative D were: (1) a new GTC adjacent to the 405
6 Freeway, at the area known as Manchester Square, and an ITC at the same location. The GTC
7 would be between Arbor Vitae Street and Century Boulevard on the north and south, respectively,
8 and between La Cienega Boulevard and Aviation Boulevard on the east and west, respectively.
9 The ITC would be southeast of the airport's runways just east of Aviation Boulevard and north of
10 Imperial Highway. The GTC and ITC would be connected to the CTA by an APM. There would
11 also be a new West Satellite Terminal.

12 46. Under the then Preferred Alternative D, existing parking in the CTA would have
13 been demolished, as would the concourses of Terminals 1, 2 and 3 and the northern end of the
14 Tom Bradley International Terminal ("TBIT"). Vehicle access to the CTA would have been
15 eliminated.

16 47. The SEIR acknowledged that the following impacts of Alternative D would be
17 significant and unavoidable under the build alternatives: (a) aircraft noise, including total
18 population and dwellings exposed to aircraft noise above 65 CNEL, single event night
19 awakenings and school disruptions; (b) off-airport traffic and circulation, including changes in
20 demand through various intersections; and (c) air quality including emissions from on-airport
21 operational emission sources and regional traffic emission increases.

22 48. In or about April 2004, LAWA published the Final 2004 Airport Master Plan,
23 based on the 2004 Airport Master Plan Addendum, which provides the basis for LAWA's
24 preparation of the following proposed regulatory entitlements and/or mitigation measures that
25 would implement Alternative D: (a) the LAX Plan; (b) the LAX Specific Plan; (c) the Airport
26 Layout Plan; (d) the Tentative Tract Maps; (e) the MMRP; and (f) the 2004 Airport Master Plan
27 Program Relocation Plan. Also in or about April 2004, LAWA published the 2004 Airport
28 Master Plan Joint Final EIR/EIS ("Joint FEIR/FEIS").

1 49. On or about June 14, 2004, the BOAC and LACPC approved the LAX Specific
2 Plan. The Specific Plan divides the Project into two separate approval processes. The first, the
3 “Green Light” (immediate), included relocation of Runway 7R/25L, construction of the rental car
4 facility, an elevated people mover and transit hub, an employee parking lot, and additional aircraft
5 parking gates at the Tom Bradley International Terminal. The second “Yellow Light” (or future),
6 included reconfiguration of the North Airfield; implementation of the GTC and APM between the
7 CTA and GTC; demolition of Terminals 1, 2 and 3; and new roadways to accommodate the GTC
8 and APM. The Plan was forwarded to the ALUC for findings of consistency with the adopted
9 ALUCP.

10 50. On or about December 7, 2004, the L.A. City Council certified the Joint
11 FEIR/FEIS and all the Addenda. In January, 2005, a number of lawsuits were filed challenging
12 implementation of the 2004 Airport Master Plan and Specific Plan (“2005 Litigation”) on the
13 grounds that, among other things, (1) the project failed to adequately analyze, and even
14 affirmatively obscured, the project’s capacity enhancing objective; (2) the EIR’s chosen 1996
15 baseline did not allow for a supportable comparison to the project’s impacts; (3) the EIR failed to
16 adequately disclose or analyze the project’s air emissions impacts, including those of reverse
17 thrust, Particulate Matter 10 microns or less, and the impacts of heavy duty diesel trucks; and (4)
18 the project’s acknowledged severe noise impacts. The lawsuits were consolidated into a single
19 case, and ultimately transferred to Riverside County as *City of El Segundo, et al. v. City of Los*
20 *Angeles, et al.*, Riverside County Superior Court Case No. RIC426822.

21 51. On or about February 16, 2006, the petitioners in the 2005 litigation, including the
22 El Segundo, Culver City, Inglewood, County of Los Angeles and Alliance for a Regional
23 Solution to Airport Congestion (“ARSAC”) entered into a Stipulated Settlement with
24 Respondents (“Stipulated Settlement”) with respect to those petitioners’ challenges to the 2004
25 Airport Master Plan. One of the terms of the 2006 Stipulated Settlement requires that LAWA
26 undergo a “LAX Specific Plan Amendment Study Process” to fully consider potential alternative
27 designs, technologies, and configurations for the 2004 Airport Master Plan that would provide
28 solutions to the problems that the Yellow Light Projects were designed to address,” and

1 assurances of adequate environmental review of the Yellow Light Projects, including traffic and
2 air quality impacts for alternative projects.

3 52. In the Stipulated Settlement, LAWA also agreed to fund the cost of implementing
4 mitigation measures to minimize the impacts of LAX and its operations and pledged to consider
5 additional methods of forging a regional airport working group to make recommendations
6 regarding current and future plans to achieve a regional distribution of air traffic demand for
7 regional strategic planning.

8 53. Stipulated Settlement § IX required LAWA to outreach to, and involve airport
9 Petitioners, airport neighbors and surrounding jurisdictions in the LAX SPAS process.

10 54. Stipulated Settlement § VIII required that a Regional Strategic Planning Initiative
11 be prepared annually which describes potential marketing strategies, potential opportunities for
12 increased utilization of underutilized facilities, and other techniques by which LAWA could
13 coordinate and support regional strategic planning for LAWA owned commercial airports within
14 the region, which then included ONT, Van Nuys Municipal Airport, and Palmdale Regional
15 Airport. The first Regional Strategic Planning Initiative was to be prepared by December 31,
16 2006. That Regional Strategic Planning Initiative was completed in March, 2007, but was never
17 followed by any other annual publication.

18 55. Also as part of its regionalization obligations, LAWA was to form a “Regional
19 Airport Working Group” to coordinate with the Southern California Regional Airport Authority
20 (“SCRAA”) and consider the feasibility of entering into a joint powers agreement to create a
21 regional airport authority. Moreover, in order to better promote regionalization, the City and
22 LAWA were obligated by the Stipulated Settlement to “maintain financial and operational control
23 of LAX, Ontario International Airport, Palmdale Regional Airport, and Van Nuys Airport.”
24 However, LAWA gave up financial and operational control of Palmdale Regional Airport by
25 turning in the FAA Airport Operating Certificate to the FAA in 2009, and transferring the
26 passenger terminal lease to the City of Palmdale, and deactivated the “Regional Airport Working
27 Group” shortly thereafter.

28

1 56. Early in the LAX SPAS process, LAWA retained a consultant to evaluate
2 reasonable alternatives. One of those alternatives was the movement of Runway 6L/24R 100 feet
3 to the north, now represented in Alternative 6 to the LAX SPAS EIR. Petitioners unanimously
4 supported the 100 foot to the north alternative as that alternative which came closest to meeting
5 LAWA's objectives, while at the same time dramatically minimizing the environmental impacts
6 of the Project. The LAX SPAS EIR confirms this view in its analysis, where it finds that
7 Alternative 6 would meet the greatest portion of LAWA's objectives by allowing room for a
8 center taxiway and accommodating simultaneous arrivals in visual conditions, *i.e.*, constituting
9 an environmentally preferred alternative.

10 57. On or about July 27, 2012, LAWA published the DEIR, outlining nine identified
11 "alternatives." The nine alternatives propose to offer variations to the Yellow Light Projects
12 with an emphasis on three overarching categories, namely airfield improvements, terminal
13 improvements, and ground access improvements. The DEIR describes the alternatives, detailed in
14 further detail below, generally as follows: "Alternatives 1 through 4 are presented in this EIR as
15 'fully-integrated' alternatives that include specific improvements in all three categories . . .
16 Alternatives 5 through 7 focus on variations to the airfield improvements, which, in turn, affect
17 the terminal improvements. Alternatives 8 and 9 focus on variations to the ground access
18 improvements." DEIR at p. 1-17.

19 58. Alternative 1 proposes the movement of Runway 6L/24R 260 feet north, along
20 with the addition of a centerfield taxiway, the extension of Runway 6R/24L, improvements to
21 Taxiway D and Taxiway E, and relocation of the service road. Alternative 1 would also include
22 the additional of a new Terminal 0, as well as modifications and improvements to existing
23 terminals. DEIR at p. 1-18. The ground access improvements would include modification of the
24 Sky Way, development of an intermodal facility, dedicated busway, and plan for the future Metro
25 LAX/Crenshaw Light Rail Transit Station.

26 59. Alternative 2 is a less intense derivative of Alternative 1 that does not propose the
27 relocation of either Runway 6L/24R to the north or Runway 6R/24L to the south. Alternative 2
28

1 does not include a centerfield taxiway, but does include the modification and addition of high-
2 speed runway exits.

3 60. Alternative 3 is the “CEQA No Project” Alternative. It purports to “represent . . .
4 what would reasonably be expected to occur in the foreseeable future if the LAX Master Plan
5 (i.e., ‘Alternative D’) and all of the LAX Master Plan improvements, including the Yellow Light
6 Projects, were implemented as original envisioned.” DEIR at p. 1-18. This alternative
7 encompasses the movement of Runway 6R/24L 340 feet south, along with the addition of a new
8 centerfield taxiway, extension of Runway 6L/24R, and relocation and improvements to Taxiway
9 E, Taxilane D, and service roads, and additional ground access improvements. It is substantially
10 identical to the 2004 Airport Master Plan Alternative C.

11 61. Alternative 4 represents the numerous projects that would have been implemented
12 if “all ongoing and reasonably foreseeable non-Yellow Light improvements identified in the LAX
13 Master Plan (i.e., ‘Alternative D’) were implemented, and none of the Yellow Light Projects or
14 any of the identified alternatives to the LAX Master Plan Program were constructed or
15 implemented.” DEIR at p. 1-25 [emphasis added]. Projects under this alternative would include
16 an extension of Runway 6R/24L for RSA improvements, related new passenger processor and
17 connectors, and various terminal improvements. There would be no modifications to Lincoln
18 Boulevard under this alternative.

19 62. Alternative 5 focuses primarily on airfield improvements and associated terminal
20 improvements. The DEIR describes this alternative as being “compatible with the ground access
21 improvements associated with Alternatives 1 and 2, as well as the ground access improvements
22 associated with Alternatives 8 and 9.” DEIR at p. 1-25. Alternative 5 proposes to relocate
23 Runway 6L/24R 350 feet north, along with certain identifying characteristics of Alternative 1,
24 including the construction of a new centerfield taxiway, an extension to Runway 6R/24L,
25 modifications to Taxilane D and Taxiway, and relocation of the service road. *Id.*

26 63. Alternative 6 focuses on airfield improvements and related terminal improvements
27 and “is compatible with ground access improvements associated with Alternatives 1 and 2, as
28 well as the improvements associated with Alternatives 8 and 9.” DEIR at p. 1-25. The

1 distinguishing feature is that this alternative poses the relocation of Runway 6L/24R 100 feet to
2 the north. *Id.* The EIR acknowledges that Alternative 6 meets substantially all the EIR's
3 purposes including increasing access by NLA's and improving airfield efficiency by allowing
4 simultaneous approaches in visual conditions. Alternative 6 has been consistently supported
5 throughout the SPAS process by Petitioners.

6 64. Alternative 7 proposes to move Runway 6R/24L 100 feet to the south, but calls for
7 many of the same airfield and associated terminal improvements proposed under Alternatives 1
8 through 4. DEIR at p. 1-25. One component that varies from the proposals set forth in
9 Alternatives 1, 2, 5 and 6 is that "the southward movement of the runway and associated
10 southerly relocation of Taxiway E and Taxilane D would cause the aircraft taxiway operations
11 area to extend further south . . . , which, in turn, would result in comparative concourse and/or
12 gate area for Terminal 3 and a potential need to extend TBIT." DEIR at pp. 1-25 to 1-26.

13 65. Alternative 8 is devoted solely to ground access improvements purported to be
14 "compatible with the airfield and terminal improvements associated with Alternatives 1, 2, 5, 6,
15 and 7, with ground access improvements that could be integrated in place of the improvements
16 proposed under Alternatives 1 through 4." DEIR at p. 1-26.

17 66. Alternative 9 similarly focuses on ground access improvements and is "compatible
18 with the airfield and terminal improvements associated with Alternatives 1, 2, 5, 6, and 7" and
19 incorporated the development of an APM system, instead of a busway, along 98th Street and the
20 development of a CONRAC in addition to parking at Manchester Square. DEIR at p. 1-26.

21 67. LAWA also concurrently published the Preliminary LAX SPAS Report on July
22 27, 2012 that identifies potential LAX Specific Plan amendments consistent with requirements of
23 the LAX Specific Plan and Stipulated Settlement.

24 68. None of the alternatives contain provisions implementing a concerted effort to
25 encourage the growth of planned annual passenger capacity at other regional airports in
26 preference to the continued growth of LAX.

27 69. On October 10, 2012, Petitioners submitted a detailed comment letter outlining
28 various concerns with the DEIR. LAWA received a total of 2,063 individual comments during

1 the comment period. The crux of the comments at issue highlighted LAWA's flawed
2 environmental review process; the inclusion of an inadequate project description; LAWA's
3 failure to select a preferred alternative; the DEIR's reliance on an inaccurate baseline; the
4 omission of critical information needed to perform any meaningful air quality assessment; the
5 inadequate disclosure of the Project's noise impacts and the failure to identify sufficient
6 mitigation measures for them; and the DEIR's failure to properly represent the impacts of and
7 mitigation potential for land use and planning issues attributable to the Project.

8 70. On January 25, 2013, LAWA made available the FEIR and Final LAX SPAS
9 Report, which at long last purported to designate a preferred alternative, *e.g.*, the LAWA
10 Alternative, which combines the airfield and terminal elements of Alternative 1 with the ground
11 transportation elements of Alternative 9. The FEIR and the Final LAX SPAS Report together
12 make up the LAX SPAS.

13 71. On March 8, 2013, Petitioners submitted yet another comment letter to challenge
14 the FEIR's inadequate assessment of the totality of environmental impacts related to the proposed
15 movement of Runway 6L/24R 260 feet to the north, as proposed in Alternative 1. The
16 Petitioners' comment letter to the FEIR again highlighted LAWA's failure to remedy the
17 inadequacies concerning insufficient air quality and surface traffic analyses, the FEIR's failure to
18 adequately analyze the impacts of the full range of alternatives based on the additive approach
19 previously discussed, and the Project's failure to provide adequate mitigation to minimize
20 extreme noise impacts attributable to the Project. In doing so, the Petitioners specifically
21 asserted that the FEIR failed to account for the impacts of reverse thrust emissions, the absence of
22 aircraft engine assignments provides an incomplete and misleading analysis of the air quality,
23 and, that the FEIR omits relevant data relates to the DEIR GSE and APU emissions estimates.

24 72. Less than 10 days later, the BOAC held a meeting on February 5, 2013, at which
25 time it purported to have reviewed and considered the FEIR in its entirety, along with the Final
26 LAX SPAS Report and the LAWA Alternative.

1 73. The LACPC conducted a public hearing on February 14, 2013, at which it
2 reviewed and considered the FEIR and voted to approve the CEQA Findings, Statement of
3 Overriding Considerations and MMRP.

4 74. On or about March 7, 2013, LAWA issued a “Resolution and Consideration of Los
5 Angeles International Airport Specific Plan Amendment Study” to the L.A. City Council,
6 requesting that the L.A. City Council concur with BOAC’s February 5, 2013 Approvals.

7 75. On or about April 9, 2013, the Planning and Land Use Management (“PLUM”)
8 and Trade, Commerce and Tourism (“TCT”) Committees held a special joint meeting and also
9 recommended approval of the proposed Amended LAX Specific Plan. The proposed
10 amendments include the following: (a) a revision to LAX Specific Plan Section 7.H to delete
11 SPAS requirements allegedly satisfied by the LAX SPAS EIR, and to add a Domestic Passenger
12 and Airline Market survey and study requirement when the annual aviation activity analysis
13 required in LAX Specific Plan Subsection 7.G(1) forecasts that passengers at LAX for that year
14 are anticipated to exceed 75 million; (b) approval of any of the potential SPAS and LAX SPAS
15 EIR alternatives. These amendments are purportedly necessary to ensure consistency among
16 planning documents, and include corrections to references to current sections of the Municipal
17 Code, removal of references to those facilities and improvements that are no longer planned as
18 part of the various SPAS and LAX SPAS EIR alternatives, including the Yellow Light Projects,
19 and replacement with references to the new facilities and improvements proposed under the
20 LAWA Alternative; and (c) changes to Specific Plan maps to reflect a reduction in the airport
21 boundaries associated with the smaller acquisition areas of the LAWA Alternative as compared to
22 the existing 2004 Airport Master Plan, and the potential realignment of Lincoln Boulevard
23 associated with a reconfiguration of the north runways.

24 76. On or about April 30, 2013, the L.A. City Council held a regular meeting. During
25 the course of this meeting, serious due process violations ensued when the L.A. City Council
26 refused to allow individual public comment and set a cumulative time of fifteen minutes for those
27 opposed and in favor of the Project. Following this meeting, the L.A. City Council adopted the
28 Majority Report and approved the FEIR, CEQA Findings, Statement of Overriding

1 Considerations and MMRP, in addition to approving amendments to the LAX Plan, including
2 Plan Area boundaries in accordance with the Proposed Amendments, and the Transportation and
3 Noise Elements of the City's General Plan.

4 77. LAWA filed a Notice of Determination on May 2, 2013 with the Los Angeles
5 County Clerk's Office, regarding the L.A. City Council's April 30, 2013 approval of the Project.

6 78. On May 14, 2013, the L.A. City Council held a regular meeting and reviewed its
7 April 30, 2013 Approval for a first reading of the proposed ordinance. PLUM and TCT
8 Committees waived consideration. On or about May 21, 2013, the L.A. City Council held a final
9 meeting and approved the Project.

10 VIII.

11 FIRST CAUSE OF ACTION

12 Violation of CEQA (Cal. Pub. Res. Code § 21000, *et seq.*)

13 (Against All Respondents and DOES 1 through 100, inclusive)

14 79. Petitioners hereby incorporate by reference into their First Cause of Action
15 paragraphs 1 through 78 of this Petition as if set forth herein in full.

16 80. CEQA was enacted to ensure that the long term protection of the environment,
17 consistent with the provisions of a decent home and suitable living environment for every
18 Californian, shall be the guiding criterion in public decisions. Cal. Pub. Res. Code § 21001(d).
19 CEQA, unlike its Federal counterpart, the National Environmental Policy Act, 42 U.S.C. § 4321,
20 *et seq.* ("NEPA") has not been construed as a merely procedural statute. Rather, CEQA contains
21 substantive provisions with which agencies must comply. Most important of these is the
22 provision requiring public agencies to deny approval of a project with significant adverse effects
23 when feasible alternatives or feasible mitigation measures can substantially lessen such effects.
24 Cal. Pub. Res. Code § 21002; *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (6th
25 Dist. 1990).

26 81. CEQA was intended to be interpreted in such a manner as to afford the fullest
27 protection to the environment within the reasonable scope of the statutory language. *Friends of*
28 *Mammoth v. Board of Supervisors*, 8 Cal.3d 247 (1972). Thus, the CEQA process is intended to

1 protect not only the environment, but also informed self-government. *Citizens of Goleta Valley v.*
2 *Board of Supervisors*, 52 Cal.3d 553, 564 (1990). The purpose of CEQA is not to generate paper,
3 but to compel government at all levels to make decisions with environmental consequences in
4 mind. *Bozung v. LAFCO*, 13 Cal.3d 263, 283 (1975).

5 82. The EIR requirement is the heart of CEQA. *County of Inyo v. Yorty*, 32
6 Cal.App.3d 795, 810 (1973). In drafting an EIR, the lead agency must consider the whole of an
7 action, not simply its constituent parts, when determining whether it will have a significant
8 environmental effect. *Citizens Assoc. for Sensible Development of Bishop Area v. County of Inyo*,
9 172 Cal.App.3d 151, 165 (1985).

10 83. In a proceeding that is subject to Cal. Code Civ. Proc § 1094.5, a “determination”
11 must be supported by legally adequate findings. All actions of a local governing body that are
12 subject to review by the processes of Cal. Code Civ. Proc. § 1094.5 must be supported by
13 findings that provide an analytical connection between the facts and the conclusion drawn by the
14 lead agency.

15 84. Under Cal. Code Civ. Proc. § 1085, “a writ of mandate may be issued by any court
16 to any inferior tribunal, corporation, board or person to compel the performance of an act which
17 the law specifically enjoins as a duty resulting from an office. . .” An action subject to C.C.P. §
18 1085 may be overruled by the court if it is deemed arbitrary, capricious or otherwise not in
19 accordance with law.

20 85. The CEQA Guidelines, developed in 1973 pursuant to authority granted in Cal.
21 Pub. Res. Code § 21083, contain the procedures with which public agency action to implement
22 CEQA must be consistent. Cal. Pub. Res. Code § 21082. At a minimum, courts should afford the
23 CEQA Guidelines great weight, *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564, fn. 3, as the
24 contemporaneous construction of a statute by an administrative agency charged with its
25 administration and interpretation. *City of Santa Ana v. City of Garden Grove*, 100 Cal.App.3d
26 521, 530 (4th Dist. 1979).

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1 86. Petitioners allege that the Project will impose significant impacts on the
2 environment that have not been analyzed, or are inadequately evaluated and disclosed in direct
3 violation of CEQA as follows:

- 4 a. The EIR's Project Description is Fatally Flawed Where it Not Only Fails to
5 Disclose, But Affirmatively Obscures, the Project's Real Capacity
6 Enhancing Objective.

7 87. An accurate, stable and finite project description is the sine qua non of an
8 informative and legally sufficient EIR. *San Joaquin Raptor/Wildlife Reserve Center v. County of*
9 *Stanislaus*, 27 Cal.App.4th 713, 730 (1994). Where, as here, a phased project is envisioned, an
10 EIR must include an analysis of the environmental effects of future expansion or other action if:
11 (a) it is a reasonably foreseeable consequence of the initial project; and (b) the future expansion
12 or action will be significant in that it will likely change the scope or nature of the initial project or
13 its environmental effects. *Laurel Heights Improvement Assn. of San Francisco, Inc. v. Regents of*
14 *the University of California*, 47 Cal.3d 376, 393, 399 (1988).

15 88. The LAX SPAS EIR, on the other hand, potentially defies these mandates. What
16 is now the designated project, the combination of Alternatives 1 and 9, was never discussed as a
17 unit in the DEIR (let alone "in detail sufficient [to enable] the public to discern from the [EIR] the
18 'analytic route the . . . agency traveled from evidence to action.'" *California Oak Foundation v.*
19 *Regents of University of California*, 188 Cal.App.4th 227, 262 (2010), quoting *Topanga Assn. for*
20 *a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506, 515 (1974).

21 89. Instead, LAWA admits that rather than identifying a finite "project", it would
22 defer choosing a "project" to the conclusion of public comments and the FEIR. (*See, e.g.,* DEIR
23 § 1-26, 1.2.3). In lieu of a "project," the LAX SPAS EIR provides an array of airfield and surface
24 traffic choices from which the public can choose "one from Column A and two from Column B"
25 and, thereby, purportedly, compute the environmental impacts of each. Specifically, the LAX
26 SPAS EIR presents nine options from which the public may choose. The options are not
27 "alternatives" to one another in the standard sense, because only options 1 through 4 are complete
28 projects, *i.e.*, include both airfield components and off-airfield surface traffic components.

1 Alternatives 5 through 7 omit any mention of associated surface traffic or its impacts.
2 Conversely, options 8 through 9 evaluate only surface traffic, and omit any mention of airfield
3 improvements. Apparently, this approach was chosen on the assumption that the impacts of
4 various components are additive, e.g., the air quality and noise impacts of Alternative 5 can
5 simply be added to those of Alternatives 8 or 9 as assumed in the LAX SPAS EIR. Certain
6 impacts, however, such as noise are evaluated logarithmically. That means the noise impacts
7 from the surface traffic discussed in Alternatives 8 and 9 may be subsumed within the far greater
8 noise impacts calculated from airfield operations when the two are added together, masking the
9 true impacts of both.

10 90. In taking this approach, the LAX SPAS EIR is contrary to the intent of CEQA and
11 judicial precedent, which unanimously requires not only that a project include “the whole of an
12 action, which has a potential for resulting in either a direct physical change in the environment, or
13 a reasonably foreseeable indirect physical change . . .” CEQA Guidelines § 15378(a); *Tuolumne*
14 *County Citizens for Responsible Growth, Inc. v. City of Sonora*, 155 Cal.App.4th 1214, 1222
15 (2007), but also that the scope of the environmental review conducted, even for the Initial Study,
16 “must include the entire project. Specifically, ‘[a]ll phases of project planning, implementation,
17 and operation must be considered’” as early as in the Initial Study of the project.” CEQA
18 Guidelines § 15063(a)(1); *Tuolumne, supra*, 155 Cal.App.4th at 1222. Therefore, whether a
19 program or project EIR is contemplated, by the time the Draft EIR stage is reached, a coherent
20 whole must be presented to the public, not interchangeable parts in as yet indeterminate
21 combination.

22 91. LAWA acknowledges that it did not define a “single proposed project in the SPAS
23 Draft EIR,” (Response to Comment SPAS-AL00007-6, p. 4-172), but argues, nonetheless, that its
24 treatment of “alternatives” as projects is consistent with CEQA, because “the SPAS Draft EIR
25 identifies the ‘whole of an action’ that would be associated with each alternative.” (Response to
26 Comment SPAS-AL00007-6, p. 4-172, quoting CEQA Guidelines § 15378.)

27 92. As is illustrated by the “hybrid” of Alternative 1 initially chosen as the Preferred
28 Alternative, identifying the whole of an action is precisely what the LAX SPAS EIR does not do.

1 Nowhere in either the DEIR or FEIR is there an independent discussion of the potential impacts
2 of combined Alternatives 1 and 9. The synergistic impacts may be greater or less, but, in either
3 event, must be disclosed.

4 93. Nor can the LAX SPAS EIR'S approach be justified on the ground that the airfield
5 and surface traffic options have "independent utility," *see, e.g., Planning and Conservation*
6 *League, supra*, 180 Cal.App.4th at 237, and would occur with or without the Project. The LAX
7 SPAS EIR is clear that surface traffic improvements are critical to the stated purpose of the
8 Project as a whole, and dependent upon the replacement of the Yellow Light Projects, as defined
9 in the Stipulated Settlement, which include both airfield and surface traffic projects. *See, e.g.,*
10 DEIR, Project Description, § 2.2, Objective No. 2, "Improve the Ground Access System at LAX
11 to Better Accommodate Airport-Related Traffic, Especially as Related to the Central Terminal
12 Area." [Emphasis added.]

13 94. In short, the LAX SPAS EIR fails to designate a "project" at all. Rather, it
14 confronts the public with four "projects" and five components of a single project, and asks it to
15 evaluate several in combination, all with the same level of specificity, as any one or more may be
16 chosen to be implemented. The same sort of obfuscation was summarily rejected by the court in
17 *Woodward Park Homeowners Assn., Inc. v. City of Fresno*, 150 Cal.App.4th 683, 711 (2007).
18 The holding in that case applies to the complex conglomeration of options at issue here, including
19 the synergistic impacts of each of those options with those projects arising out of Alternative D of
20 the 2004 Airport Master Plan, and still being implemented, such as rebuilding of the TBIT and
21 addition of a Midfield Concourse. "The sum of the earlier identified impacts and those identified
22 now would be the actual impacts of the present project . . . Even assuming this [addition] would
23 have been possible, an agency cannot satisfy its CEQA obligations by imposing a burden of that
24 kind on the public." *Id.* at 711.

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1 b. The LAX SPAS EIR Incorrectly Relies on Alternative 3 as the “No
2 Project” Alternative By Including Implementation of the Yellow Light
3 Projects that Were Eliminated by the 2006 Stipulated Settlement, Thereby
4 Improperly Elevating the Baseline for Analysis and Artificially
5 Understating the Project’s Impacts.

6 95. The purpose of the “no project” alternative is to allow a comparison of the
7 environmental impacts of approving the proposed project with the effects of maintaining the
8 status quo. CEQA Guidelines § 15126.6(e)(1). When the project involves revisions of an
9 existing plan, policy, or ongoing operation, the “projected impacts of the proposed plan or
10 alternative plans would be compared to the impacts that would occur under the existing plan.”
11 CEQA Guidelines § 15126.6(e)(3)(A); *see also, Woodward Park Homeowners Association, Inc.*
12 *v. City of Fresno*, 150 Cal.App.4th 683, 711 (2007). CEQA Guidelines § 15126.6(e)(3)(C)
13 further provides that the lead agency “should proceed to analyze the impacts of the no project
14 alternative by projecting what would reasonably be expected to occur in the foreseeable future if
15 the project were not approved, based on current plans and consistent with available infrastructure
16 and community services.” In addition, an EIR’s analysis of the no project alternative must also
17 include a discussion of conditions existing at the time the notice of preparation is published, or, in
18 the alternative, upon commencement of the environmental analysis. CEQA Guidelines §
19 15126.6(e)(2).

20 96. Alternative 3 here includes Yellow Light Projects which, cannot “reasonably be
21 expected to occur in the foreseeable future if the project were not approved” because the
22 Stipulated Settlement entered into in the previous lawsuit specifically precludes their
23 implementation, and are to be replaced with other projects which serve the same purpose.

24 97. Alternative 4, on the other hand, represents the Project without Yellow Light
25 Projects, *i.e.*, those that cannot “reasonably be expected to occur in the foreseeable future if the
26 project were not approved,” CEQA Guidelines § 15126.6(e)(3)(C). Alternative 4 is also used as
27 the benchmark of analysis in the air quality analysis, Table 4.2-14, as the closest to the “no
28 Yellow Light” condition. [“Of the nine alternatives, Alternative 4 has the least amount of

1 improvements and most closely represents a future (2025) ‘no Yellow Light Projects’
2 scenario. . .”]. DEIR, p. 4-121.

3 98. Therefore, Alternative 4, not Alternative 3, is the appropriate “No Project”
4 Alternative against which to benchmark the analysis of Project impacts. Use of Alternative 3
5 artificially elevates the baseline for analysis against which Project impacts are calculated, and,
6 thus, improperly understates those impacts.

7 c. The LAX SPAS EIR Fails to Fully Disclose or Adequately Analyze the
8 Impacts of the Full Range of Alternatives.

9 99. CEQA Guideline § 15126.6(d) requires, among other things, that “[t]he EIR shall
10 include sufficient information about each alternative to allow meaningful evaluation, analysis,
11 and comparison with the proposed project.” Not only does the LAX SPAS EIR here fail to
12 designate a “project” to be analyzed, but it also fails to fully analyze the alternatives that will
13 eventually constitute such “a project.”

14 100. The EIR omits simulation modeling (“SIMMOD”) for Alternatives 5 through 7, on
15 the speculative ground “that the modeling results for Alternatives 5 through 7 would likely either
16 fall within the range of, and/or be generally comparable to, the results for Alternatives 1 through
17 4.” Response to Comment SPAS-AL00007-8, FEIR, p. 4-177.

18 101. Alternative 6, however, (movement of the runway only 100 feet to the north), was
19 a recommendation made by Petitioners as part of the LAX SPAS process mandated by the
20 Stipulated Settlement and was studied in depth during the early part of the LAX SPAS process. It
21 is hardly plausible that sufficient data does not already exist to make “reasonably feasible” a
22 discussion of Alternative 6’s actual impacts instead of a mere secondhand “conclusion” about
23 them.

24 102. Nor did the LAX SPAS EIR evaluate the alternative of pursuing a regional
25 solution which it is already obligated to do by the Stipulated Settlement. By ignoring this
26 alternative, the LAX SPAS EIR ignores a reasonable and feasible mitigation measure which,
27 through the provision of additional surface transportation access, promotion and advertising, and
28 reduction of aircraft and concession fees at ONT, could make ONT a reasonable, and even

1 desirable, alternative to the effectively exclusive use of LAX as the dominant regional air travel
2 demand alternative. LAWA not only failed in its obligation to pursue these objectives, but utterly
3 failed to discuss that option in the LAX SPAS EIR.

4 103. While “the range of alternatives required in an EIR is governed by a ‘rule of
5 reason,’” CEQA Guidelines §§ 15126.6(a) and (f), for those alternatives that are presented, which
6 in this case includes Alternatives 5 through 7 and the potential for a more global solution in the
7 utilization of other regional airports, “[t]he EIR shall include sufficient information about each
8 alternative to allow meaningful evaluation, analysis and comparison with the proposed project.”
9 CEQA Guidelines § 15126.6(d). That information is absent here.

10 d. The LAX SPAS EIR Improperly Discounts the Capacity Enhancing
11 Potential of the Project.

12 104. The LAX SPAS EIR and supporting documents strongly emphasize the safety
13 enhancing purposes of the Project, thereby downplaying its capacity enhancing potential. In fact,
14 the LAX SPAS EIR emphasizes that a 30-40% increase in aircraft and passenger activity is
15 projected to occur regardless of the Project (*i.e.*, would occur if none of the LAX SPAS
16 alternatives was implemented). (DEIR, p. 1-47, § 1.4.) Nevertheless, the proposed “safety”
17 improvements, including increased runway separations and extension eastward for the north
18 runways, the addition of centerline taxiways, and high speed runway exits, to accommodate
19 departures of the NLA and other aircraft that cannot currently access the North Airfield without
20 delay, are inextricably linked to capacity, defined by FAA as “throughput rate, *i.e.*, the maximum
21 number of operations that can take place in an hour.” FAA Advisory Circular 150/5060-5, § 3.

22 105. The LAX SPAS EIR itself does not disclaim this link to capacity enhancement. It
23 makes clear that the further separation of the north runways is necessary to efficiently
24 accommodate NLAs, and to allow some larger aircraft, now exclusively using the South Complex
25 to use the North Complex as well. *See, e.g.*, DEIR, pp. 1-10, 2-2. Nevertheless, the LAX SPAS
26 EIR holds aircraft activity constant across all evaluated runway alternatives. In other words, the
27 number of flights into and out of LAX is identical (2053 operations per peak day) under the
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1 existing condition and Project, as is the aircraft fleet mix through which those flights are
2 conducted.

3 106. By assuming constant aircraft activity in 2025 under all four runway “integrated”
4 alternatives, including both Alternative 1, the proposed alternative for adoption, and Alternative
5 3, the purported existing condition, the LAX SPAS EIR is implying that LAX can handle the
6 forecasted aircraft demand – even that related to the new generation of NLA – regardless of
7 whether any redesign of the northernmost runways is implemented. That is, the LAX SPAS EIR
8 assumes that the same aircraft, in the same numbers, will fly into and out of LAX whether the
9 runways are moved or left as is, whether or not more efficient runway exits are constructed, and
10 whether or not taxiways are or are not reconfigured. The explicit assumption is that the potential
11 improvements will enhance the safety of these aircraft operations. However, in this case the
12 improvements made to enhance safety also enhance effective runway capacity. It is this
13 additional capacity that should allow for differential levels of activity under the various
14 alternatives.

15 107. However, and despite the LAX SPAS EIR’s admission that the various airfield
16 alternatives will have differential operational effects, depending on the type of aircraft, time of
17 day and weather, the capacity enhancing impacts of these differential operational effects remain
18 stubbornly unanalyzed because of “budget considerations.” Specific Plan Amendment Study
19 Report, Appendix F-2, p. 1. Neither the CEQA Guidelines nor the courts recognize such budget
20 constraints on reasonable analyses, fundamental to a complete picture of project impacts. Until
21 such analyses are conducted and their results reported, including an analysis of the differential
22 operational characteristics of options 1 through 7, and their resulting capacity enhancing
23 characteristics, including the potential for more divergent flight paths taking additional aircraft
24 over proximate communities such as Culver City and Inglewood than currently exist, the LAX
25 SPAS EIR will remain fatally defective.

1 e. The LAX SPAS EIR Fails to Fully Disclose or Adequately Analyze the
2 Project's Adverse Environmental Impacts.

3 108. An EIR is an informational document which will inform public agency decision
4 makers and the public generally of the significant effects of a project; identify possible ways to
5 minimize the significant effects, and describe reasonable alternatives to the project. CEQA
6 Guidelines, § 15121(a). The decision as to whether a project may have one or more significant
7 impacts shall be based on substantial evidence in the record of the lead agency. CEQA
8 Guidelines, § 15064(f). Argument, speculation, unsubstantiated opinion or narrative or evidence
9 that is clearly inaccurate or erroneous or evidence that is not credible shall not constitute
10 substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated
11 upon facts, and expert opinion supported by facts. *Id.*, at (f)(5). The LAX SPAS EIR here is
12 inadequate because it fails to fully disclose, or adequately analyze, among other things, the
13 Project's air quality, surface traffic, noise or cumulative impacts, or provide adequate mitigation
14 for any of those or other Project impacts.

15 (1) The LAX SPAS EIR is Not Supported By Substantial Evidence
16 Where it Fails to Fully Disclose or Adequately Analyze the
17 Project's Air Quality Impacts.

18 109. The LAX SPAS EIR lacks any analysis of air quality impacts of Alternatives 5-7
19 where the DEIR only reflects air quality modeling for options 1 through 4 (the "integrated
20 alternatives"). For options 5 through 7, additional airfield alternatives, including movement of
21 the runway 100 feet north (Alternative 6) specific aircraft modeling (*e.g.*, runway assignments,
22 delay times, etc.) was not performed. Instead, results were apparently "inferred" from modeling
23 data for Alternatives 1 through 4, again for "budget considerations." LAX Specific Plan
24 Amendment Study Report, Appendix F-2, p. 1. Moreover, the "inferred" data are not presented
25 in either the main body of the DEIR or the Appendices, and, therefore, it is not possible to
26 evaluate the purported inferences, even if they had been documented with data.

27 110. The LAX SPAS EIR fails to provide data adequate to allow the public to assess the
28 impacts of even "modeled" Alternatives 1 through 4. Under the constant activity approach

1 wherein the capacity of the Project is deemed to remain the same regardless of the level and
2 extent of runway improvements, the only variables that should affect airside emissions are taxi
3 time and delay time. Operating modes, *i.e.*, aircraft approach, takeoff and climbout emissions
4 should be identical across the evaluated alternatives, as should GSE and APU emissions. The
5 LAX SPAS EIR, however, fails to present aircraft emissions by operating mode, making it
6 impossible to confirm the expected consistency using the data included.

7 111. The aircraft emissions data that is presented in the DEIR reveals fundamental
8 computational inconsistencies. For example, with respect to Alternatives 3, the designated “No
9 Project” Alternative, and Alternative 4, the “No Project” Alternative for air quality purposes (*see*,
10 *e.g.*, DEIR, Table 4.2-14), data for Alternative 4 indicates 27.72 minutes per landing/takeoff cycle
11 (“LTO”), and for Alternative 3, the former chosen Alternative D, 29.56 minutes, *i.e.*, more
12 aircraft emissions for the same total traffic. The 2004 Airport Master Plan EIR, however, reached
13 precisely the opposite conclusion with the taxi and delay times for the “No Action” Alternative
14 exceeding that of Alternative D by 3%, and Alternative D exhibiting airside emissions generally
15 5% lower than those of the “No Action” Alternative.

16 112. The Project’s air quality analysis does not include, among other things, emissions
17 resulting from aircraft use of reverse thrust rather than braking, even though the calculation of
18 time in mode for reverse thrust is critical to the integrity of the air quality analysis. While the
19 time in mode may be small for reverse thrust, generally on the order of 15 to 20 seconds per
20 operation, such high thrust modes produce very high Nitrogen Oxide (“NO_x”) emissions per unit
21 of time when compared to other operational procedures.

22 113. The LAX SPAS EIR justifies this omission of reverse thrust data by claiming that
23 emissions factors and regulatory guidance for reverse thrust operations are not available; that use
24 of reverse thrust will be minimal because of LAX’s long runway lengths allowing sufficient
25 stopping time; and that the methodology used to estimate times in mode for approach, taxi,
26 takeoff and climbout (associated operations) modes are sufficiently conservative to include
27 reverse thrust. The LAX SPAS EIR’s assertions are unsupported by any evidence, let alone
28 substantial evidence.

1 114. Nor does FAA's EDMS properly account for reverse thrust operations.
2 Accomplishing that task requires more than a User's Manual statement. Only a full review of the
3 model algorithms and data sets would allow for any definitive determination of the LAX SPAS
4 EIR's analytic integrity. That data is not, however, provided anywhere in the LAX SPAS EIR or
5 its supporting Appendices.

6 115. As stated in FAA's "Air Quality Procedures for Civilian Airports and Air Force
7 Bases," Appendix D, p. D-5, "[r]everse thrust is now considered by EPA as an official mode and
8 should be included in calculation procedures as a sixth operating mode when applicable. Since
9 reverse thrust engine operating conditions are similar to takeoff, time spent in reverse thrust
10 should be combined with takeoff mode emissions indices and fuel flow as a means of accounting
11 for reverse thrust mode emissions." That these rules are not reflected in the LAX SPAS EIR
12 analysis calls into question the integrity of the LAX SPAS EIR's emissions calculations.

13 116. The LAX SPAS EIR also lacks any data regarding aircraft engine assignments, on
14 the pretext set forth in its Response to Comment SPAS-AL00007-14: (a) the data was provided in
15 a list of applicable tables; and (b) EDMS provides "default engine selections for most aircraft
16 types, and these defaults were used in the air quality impact analysis" [emphasis added]. Aircraft
17 engine assignments are critical to the integrity of the air quality analysis, making it manifestly
18 deficient for the following reasons.

19 117. First, the referenced tables provided in the DEIR list aircraft assumed in the
20 analysis, not the engines associated with those aircraft. While the response states that "engine
21 types used in the air quality impact analysis are directly tied to the aircraft fleet mixes," nothing
22 in the LAX SPAS EIR makes any connection between the two. Each aircraft may use a variety of
23 different engines, and the emissions profiles of each of those different engines may also differ
24 dramatically. Therefore, a simple reference to aircraft type, without reference to the specific
25 engine used on the aircraft, is an insufficient basis for calculating aircraft operating emissions.

26 118. Second, even if LAWA's statement were taken at face value, the public at which
27 environmental review is aimed does not keep a spare copy of the EDMS lying around. If, as here,
28 the LAX SPAS EIR fails to provide the requisite information, the LAX SPAS EIR's analysis

1 cannot meet CEQA's basis purpose of providing "sufficient information . . . to allow meaningful
2 evaluation, analysis, and comparison with the proposed project." CEQA Guidelines §
3 15126.6(d).

4 119. Third, the LAX SPAS EIR does not specifically designate the engines used where
5 no default engine assignment is made.

6 120. Fourth, even where default engine selection is specified, neither the DEIR nor
7 FEIR provides sufficient information to allow the public to ascertain if the engine assignments
8 used remain appropriate in the face of continuing technological development. This is especially
9 important as FAA voluntarily withdrew EDMS from the United States Environmental Protection
10 Agency ("USEPA") list for guideline models for air quality analysis in November, 2005, 70
11 Fed.Reg. 68,218. Therefore, since that time, EDMS has not been required to undergo non-FAA
12 review and critique, and, consequently, lacks any assurance that the engine types used are
13 applicable today.

14 121. This absence of outside verification is evidenced in at least two errors in the
15 EDMS model itself. First, startup emissions (for which EDMS estimates only hydrocarbon-based
16 emissions) are underestimated because the model algorithm apparently does not account for the
17 fact that startup emissions apply to more than one engine at a time. For the four engine B747,
18 startup emissions are underestimated by 75%. For the two engine B737, startup emissions are
19 underestimated 50%. Second, EDMS produces non-methane hydrocarbon ("NMHC") emissions
20 estimates that are greater than total hydrocarbon ("THC") emissions. Since the former is a subset
21 of the latter, this is not physically possible. Similar inconsistencies affect NMHC versus volatile
22 organic compounds ("VOC") emissions (NMHC is greater, which is also not possible), and
23 NMHC versus total organic gas ("TOG") emissions (NMHC is equal to TOG, which is not
24 possible).

25 122. Also conspicuously absent from the LAX SPAS EIR is any analysis of the data
26 and methodology used to derive the results of the GSE and APU emissions estimates. The LAX
27 SPAS EIR cites two California non-road emissions models (OFFROAD2011 and
28 OFFROAD2007), yet provides no exemplar of the types of equipment assumed, the resulting

1 emissions factors, or why associated emissions factors from the EDMS model are not used. In
2 summary, without the indicated GSE and APU emissions analysis, the LAX SPAS EIR is without
3 required evidentiary support and is, thus, inadequate.

4 123. The LAX SPAS EIR contains no comparative tables either listing or summarizing
5 the way in which GSE and APU populations were estimated, the way in which those populations
6 were assigned activity estimates, or the way emissions were calculated from the activity. As a
7 substitute, there is the cursory discussion referencing: (a) a purported survey of data on specific
8 GSE types and their times in mode for servicing common aircraft types, although the discussion
9 does not reveal how “common types” were chosen, why the analysis did not apply to all aircraft
10 using GSE, and what times in mode were applicable to GSE; (b) use of the FAA’s Emissions and
11 Dispersion Modelling System (“EDMS”) to supplement site specific data, without complete
12 disclosure of the “site specific” data supplemented and the analytic interaction between the site
13 specific data and the EDMS assumptions; (c) general use of emissions factors from the California
14 Air Resources Board (“CARB”) OFFROAD 2007 Model and 2011 Inventory Model for in use
15 offroad equipment in the analysis of GSE emissions without revealing the way in which each was
16 used or the specific emissions factors derived from either, in spite of the fact that the DEIR
17 acknowledges that “future year inventories of alternative fuel GSE were based on these
18 evaluations and LAX environmental policies,” DEIR, p. 4-92; and (d) for APU emissions rates,
19 use of emission factors from EDMS without disclosing the way in which the assumption that all
20 gates would be equipped with preconditioned air (making APU use less necessary) was reached,
21 the numerical impacts of that assumption, or the data or analysis underlying the assumption.
22 DEIR, p. 4-93. The absence of the specific information makes the air quality analysis opaque to
23 public review.

24 124. Given the absence of data to verify the LAX SPAS EIR’s conclusions, the
25 omission from the analysis of critical variables such as reverse thrust and specific engine
26 assignments and GSE and APU emissions, and the apparent errors in the EDMS model itself, the
27 results of the LAX SPAS EIR’s analysis of operational emissions, entirely dependent upon broad
28 references to EDMS, is, at best, inadequate.

1 (2) The LAX SPAS EIR Still Fails to Adequately Evaluate, Disclose,
2 or Provide Sufficient Mitigation to Reduce the Project's Extreme
3 Noise Impacts.

4 125. The noise analysis lacks critical fundamental data concerning types of aircraft,
5 numbers of each type of aircraft projected, the number of operations anticipated for each aircraft
6 type, and the source of the data in the FEIR database. Instead, the LAX SPAS EIR substitutes
7 percentages without revealing the source or calculation of those percentages. Given the
8 differential noise signatures of the various aircraft, the absence of such critical raw data alone
9 renders the noise analysis entirely inadequate.

10 126. The LAX SPAS EIR fails to explain the inconsistencies in the data concerning the
11 differential noise impacts of each alternative, According to the LAX SPAS EIR's unsupported
12 conclusion, "Alternative" 5, with the greatest runway displacement of 350 feet, results in the least
13 population exposed to the 65 CNEL contour, and the third least exposed to an increase of 1.5 dB
14 within the 65 CNEL contour, DEIR, p. 4-738, § 4.9.6.5. This is despite the fact that the
15 "Alternative" 5 noise contour contains the second highest population newly exposed to the 75 dB
16 noise contour, DEIR, p. 1-83. Similarly, the LAX SPAS EIR concludes, without explanation,
17 that "Alternative" 2 which does not contemplate any runway displacement at all, implicates more
18 impacted land use than any other alternative, DEIR, p. 4-706, § 4.9.6.2. These unexplained
19 inconsistencies and total absence of supporting data in the LAX SPAS EIR's noise analysis are
20 merely symptomatic of a larger issue within the FEIR, the failure to support bold conclusions
21 with data.

22 127. Nor was the noise analysis based on the INM, the model required for use by FAA.
23 FAR Part 150, Appendix A, § A150.103(a); FAA Order 1050.1E, § 14.2b. Instead, the flight
24 tracks depicted in the LAX SPAS EIR and used in the noise analysis are radar tracks, wholly
25 independent of the INM protocol.

26 128. In addition, the commitment provided in the LAX SPAS EIR is inadequate to
27 mitigate the Project's extreme noise impacts. The LAX SPAS EIR discloses that, in Inglewood
28 alone, almost 12,000 citizens, 4,600 housing units, 400 acres of land, 15 schools and 21 churches

1 will be newly and significantly impacted by the expanded 65 CNEL noise contour, and/or a 1.5
2 dB increase in noise within the existing 65 dB CNEL significant noise contour, FEIR, Tables
3 2.3.9-2, p. 2-147; 2.3.9-3, p. 2-148, for the proposed Project. Culver City too will suffer from
4 increase in overflights resulting from the projected increase of almost 500 average daily jet
5 operations in the year 2025, of which 200 will be “heavy” and, thus, noisier. FEIR, § 2.3.10,
6 Table SRA-2.3.10.1-1, pp. 2-150-151.

7 129. Despite that enormous increase in noise impacts (falsely minimized by the
8 seemingly small shifts in the size and location of the contours in the FEIR’s graphics, *see, e.g.*,
9 Figures SRA-2.3.9-1, SRA-2.3.10.1-2, and other soothing reassurances in the text of the FEIR),
10 and CEQA’s affirmative requirement that adequate mitigation for significant impacts be
11 provided, the LAX SPAS EIR asserts that “significant and unavoidable interim noise impacts
12 would be experienced over an indeterminate period of time.” FEIR, § 2.3.10.1.3, p. 2-167
13 [emphasis added].

14 130. The extreme scope and significance of the Project’s noise impacts on surrounding
15 communities should theoretically be mitigated by a massive commitment to an Airport Noise
16 Mitigation Program (“ANMP”), providing sound insulation for all residences significantly
17 impacted by noise from the Project. In this case, however, that commitment is vitiated by, among
18 other things: (a) the apparently “indeterminate” period before implementation of mitigation; and
19 (b) the FAA’s Program Guidance Letter 12/09, purporting to amend FAA Order 5100.38C, which
20 has drastically changed the way in which eligibility for sound insulation is calculated.

21 131. First, while the LAX SPAS EIR appears to set forth tangible conditions for
22 implementation of mitigation measure MM-LU-1, Implement Revised ANMP, and provides that
23 “LAX Master Plan Mitigation Measure MM-LU-1 . . . would incorporate all eligible dwellings
24 and nonresidential noise sensitive facilities that are newly exposed to noise levels 65 CNEL or
25 higher into the Aircraft Noise Mitigation Program (ANMP) to mitigate the significant noise
26 impact described in Table SRA-2.3.10.1-9,” FEIR, § 2.3.10.1.3, p. 2-166, Mitigation Measure
27 MM-LU-1 also maintains that, despite these “revised” measures, “significant and unavoidable
28 interim noise impacts will be experienced over an indeterminate period of time.” FEIR, §

1 2.3.10.1.3, p. 2-167 [emphasis added]. CEQA, however, mandates that, to be “feasible” a
2 mitigation measure must be “capable of being accomplished in a successful manner within a
3 reasonable period of time,” Cal Pub. Res. Code § 21061.1 [emphasis added].

4 132. This unspecified period for the implementation of the newly formulated ANMP
5 does not satisfy CEQA’s requirement that the lead agency has “committed itself to a specific
6 performance standard,” *Gray v. County of Madera*, 167 Cal.App.4th 1099, 1119 (2008). The
7 LAX SPAS EIR claims that “the performance standard for this noise insulation measure is 45 dB
8 CNEL; therefore any homes that have achieved this interior noise level are considered less than
9 significant under CEQA.” FEIR, Response to Comment SPAS-AL00007-30, p. 4-195. The 45
10 dB level is not, however, a “specific performance standard” or specific means for achieving a
11 certain noise level, as defined in *Gray, supra*, 167 Cal.App.4th at 119.

12 133. Moreover, even if the LAX SPAS EIR did provide a legally supportable
13 “performance standard,” which it does not, FAA’s Program Guidance Letter 12/09 dramatically
14 changes the applicable standard. It requires that, to be eligible for noise insulation, the impacted
15 structure must be below “an average of 45 dB interior noise across all habitable rooms” [emphasis
16 added]. The EIR, however, is unclear as to the standard that LAWA plans to apply in measuring
17 achievement with the average 45 dB standard – (1) below 45 dB in any given room, or (2) on the
18 basis of an average across the entire dwelling. And if the latter, the LAX SPAS EIR fails to
19 specify: (a) the way in which such an average will be calculated, *i.e.*, by square footage, number
20 of rooms, or other standards; and (b) how varying noise levels throughout the day will affect that
21 average.

22 134. Given the 12,000 residents of Inglewood alone who will be immediately,
23 significantly, and adversely impacted by noise from the project, not to mention the thousands of
24 additional residents within the jurisdictions of other surrounding communities, the mitigation goal
25 of 45 dB average interior noise proposed to be accomplished at some unspecified time in the
26 distant future cannot be considered either feasible, or sufficiently specific in the establishment of
27 a performance standard to constitute the mitigation for the Project’s admittedly significant noise
28 impacts required by CEQA.

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(3) The LAX SPAS EIR Fails to Adequately Analyze or Mitigate the Project's Admittedly Significant Surface Traffic Impacts.

135. The LAX SPAS EIR's surface traffic analysis reflects the same errors and omissions as originally revealed in the DEIR. As a threshold issue, no effort was made to account for the fact that LAWA determined the geographic scope of the traffic analysis only through a Memorandum of Understanding ("MOU") with the City of Los Angeles Department of Transportation ("LADOT"), DEIR, p. 4-1184. The LAX SPAS EIR sets forth no supplement or addition to the MOU establishing that LAWA consulted with other surrounding jurisdictions such as Culver City or Inglewood in developing the scope of the LAX SPAS EIR's surface traffic analysis.

136. LAWA's failure to consult with surrounding jurisdictions leads to fatal inadequacies in the LAX SPAS EIR's surface traffic impacts analysis. Because of failure of consultation and cooperation with Culver City, the LAX SPAS EIR's designated study area omits parts of Culver City northeast from Duquesne Avenue and does not include a substantial number of intersections along the northwestern portion of Culver City and western edge of Inglewood where these Cities intersect with City and the County of Los Angeles.

137. Due to the configuration of the study area, at least one substantial development project, the Metro Expo Line Extension roughly paralleling the arbitrary north boundary of the study area is not included in the LAX SPAS EIR's analysis. Moreover, the part of Culver City that has been omitted is a critical transportation corridor where the current Expo Line terminal, Washington Boulevard, La Cienega Boulevard, Fairfax Avenue and Interstate 10 all come within close proximity. This paints an incomplete picture of the baseline and resulting aggregate impacts attributable to the Project.

138. Culver City and Inglewood have prioritized the pedestrian infrastructure throughout the City. Increased traffic volumes at intersections within both Cities may create significant impacts to pedestrian access and safety, which issue is not addressed in the LAX SPAS EIR's surface traffic analysis.

1 139. Moreover, Cal. Pub. Res. Code § 21002 requires agencies to adopt feasible
2 mitigation measures (or feasible environmentally superior alternatives) in order to substantially
3 lessen or avoid otherwise significant adverse environmental impacts. To effectuate this
4 requirement, EIRs must set forth mitigation measures that decision makers can adopt at the
5 findings stage of the process. Cal. Pub. Res. Code § 21100(b)(3). Mitigation measures must be
6 fully enforceable through permit conditions, agreements or other legally binding instruments.
7 When approving projects that are general in nature (e.g., a General Plan Amendment as opposed
8 to a specific development plan), agencies must divide and approve whatever general mitigation
9 measures are feasible to lessen or avoid a project's significant impacts. Agencies cannot defer the
10 obligation to formulate and adopt mitigation until a specific development project is proposed.
11 *Citizens for Quality Growth v. City of Mt. Shasta*, 198 Cal.App.3d 433, 442 (1988). The LAX
12 SPAS EIR here does not meet that standard.

13 140. First, the criteria used in the LAX SPAS EIR for calculating the project's
14 intersection impacts on Culver City is inaccurate. More than five years ago, Culver City
15 requested that LAWA and LADOT use thresholds of significant transportation impact identified
16 in LADOT's traffic impact analysis guidelines to analyze the impact on intersections and streets
17 in Culver City. The rationale behind Culver City's request is directly related to the LAX SPAS,
18 i.e., that it would simplify the preparation and review of the LAX Specific Plan traffic study,
19 since the City of Los Angeles and Culver City share jurisdiction of several intersections that will
20 be analyzed as part of the study.

21 141. Nevertheless, the LAX SPAS EIR traffic study used Culver City's, not the City of
22 Los Angeles' traffic impact analysis criteria to assess the impact of the project on Culver City
23 intersections. Use of Culver City criteria significantly understates the project's impacts on those
24 intersections. For instance, using LADOT criteria, the intersections of Centinela/Washington
25 Boulevard, Overland/Culver and Sepulveda/Slauson would, in fact, be impacted, as would the
26 non-signalized intersections of Overland/Sawtelle and Walgrove/Washington which are already
27 revealed as impacted in the DEIR.

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1 142. Further, the LAX SPAS EIR fails to provide adequate mitigation even for the
2 properly calculated surface traffic impacts. In response to Culver City's comment SPAS-
3 AL00007-33 concerning the absence of requisite mitigation of the Project's traffic impacts on
4 Culver City, LAWA contends that "a vote was taken [by the Culver City Planning Commission]
5 to retain Culver City's existing thresholds of significance, rather than adopt the standard used by
6 the City of Los Angeles." LAWA omitted the further determination of the Culver City Planning
7 Commission that development projects outside Culver City should use the thresholds for
8 significant impact of other jurisdiction(s) when analyzing intersections in Culver City. This
9 determination requires, therefore, that the standards of the jurisdiction in which the development
10 is taking place, in this case Los Angeles, should be used where the impacts of development in Los
11 Angeles cross jurisdictional lines and impact intersections in other communities in this case,
12 Culver City. The standards used by the City of Los Angeles were not employed in this case.

13 143. Moreover, the LAX SPAS EIR's reliance on its cited authority is misplaced.
14 While CEQA Guidelines § 15064(b) assigns substantial discretion to the lead agency to determine
15 standards of significance for environmental impacts, it does not empower that agency to ignore
16 the standards applicable in affected jurisdictions. *See Mira Mar Mobile Community v. City of*
17 *Oceanside*, 119 Cal.App.4th 477, 493 (2004), in which the court affirmed the lead agency's
18 authority to determine significance "depending on the nature of the area affected." *Id.* The
19 "nature of the area affected" necessarily encompasses the standards applicable within that
20 "affected area."

21 144. In addition, the LAX SPAS EIR's purported commitment to mitigate the traffic
22 impacts on Culver City is not merely miscalculated but also inadequate. For instance, even
23 though Culver City commented extensively on the Project's impacts on, among others, the
24 intersections of Overland/Sawtelle and Washington/Walgrove and the enhanced need for traffic
25 signalization at those locations, the LAX SPAS EIR rejects adequate mitigation, instead opining
26 that LAWA is "willing to pay a fair share contribution; however there is an insufficient nexus to
27 require LAWA to pay for the entire improvement, nor would such payment be roughly
28 proportional to the impact caused by the SPAS alternatives." The LAX SPAS EIR goes on to

1 claim that the impacts on the two intersections are “cumulative,” that “[t]he majority of this
2 cumulative impact is not caused by this SPAS alternative,” Response to Comment SPAS-
3 AL00007-33, p. 4-198; but rather, the bulk of the impact would have occurred as a result of
4 ambient growth in the region. LAWA’s reliance on these assumptions is unsupported by any
5 evidence, let alone substantial evidence, Response to Comment SPAS-AL00007-33, p. 4-198;
6 and, therefore, LAWA has failed to provide mitigation sufficient to meet CEQA requirements.

7 145. Finally, the LAX SPAS EIR fails to provide mitigation for the admittedly
8 significant impacts on intersections at Lincoln and Washington Boulevards. Culver City pointed
9 out in its comments on the DEIR that an appropriate mitigation measure would be the
10 contribution of funding to the SR90 connector road to Admiralty Way project which would serve
11 as a “relief valve” to Lincoln Boulevard when it reaches capacity, and, thus, effectively mitigate
12 the impacts of the SPAS Project on that intersection. The LAX SPAS EIR responds, however,
13 that because “[t]he necessary approvals [for the SR90 connector road to Admiralty Way project]
14 from Caltrans and the City of Los Angeles have not been obtained,” Response to Comment
15 SPAS-AL00001-1, p. 4-121, the SR90 connector is not an adequate mitigation measure. Contrary
16 to the LAX SPAS EIR’s supposition, however, the County of Los Angeles, which administers the
17 SR90 connector road to Admiralty Way project considers the connector road to be an active
18 project as described on pages 11-10 and 11-11 of the Marina del Rey Land Use Plan, February 8,
19 2012. Caltrans has approved the Study Report for the project. Therefore, at this point in time, the
20 project is active pending availability of funds, and according to LAWA’s rationale, should be
21 designated as a reasonable and feasible mitigation measure for the demonstrable impacts of the
22 SPAS Project on Culver City.

23 146. The traffic analysis is flawed as it relates to Inglewood as well. First, although the
24 Future (2025) with Alternative Impact Analysis Summary Table lists 25 of the 29 Inglewood
25 intersections studied as having significant traffic impacts with one or more alternatives, the DEIR
26 indicates that some potential intersection improvements such as those for the intersection of
27 Arbor Vitae Street and Aviation Boulevard are not feasible (*see, e.g.*, DEIR, § 4.12.2.6.4, p. 4-
28 1283; § 4.12.2.7, p. 4-1285; and § 4.12.2.7.1, p. 4-1291). The DEIR does not, however, set forth

1 the specific criteria upon which that determination was based. This is despite the fact that lack of
2 right of way was cited as one factor of concern, but the acquisition of right of way is common as
3 an element of intersection capacity improvement. The inevitable conclusion is that, even though
4 Inglewood is a significant, perhaps primary conduit, for airport directed traffic, the DEIR
5 shortchanges the analysis and mitigation of the manifest traffic impacts on Inglewood as well as
6 on Culver City.

7 f. The FEIR Obscures and Misrepresents the Project's Lack of Consistency
8 with the Los Angeles County Airport Land Use Plan.

9 147. While the LAX SPAS EIR ultimately concludes that “[t]he LAWA Staff-
10 Recommended Alternative would be consistent with the objectives of the Caltrans Handbook,”
11 and, therefore, “impacts would be less than significant,” FEIR, § 2.3.9.1, p. 2-140, that conclusion
12 is belied by the LAX SPAS EIR itself.

13 148. First, the LAX SPAS EIR claims that “[t]he proposed airfield improvements
14 would be designed in conformance with FAA safety requirements, as set forth in FAR Part 77,
15 and would be consistent with ALUP policies that address RPZs and limit uses within these
16 zones.” FEIR, § 2.3.9.1, p. 2-139. However, the LAX SPAS EIR also discloses that “[t]he
17 proposed relocation of Runway 6L/24R 260 feet northward would shift the associated RPZ
18 northward by the same amount, which would extend over existing developed uses near the east
19 end of the runway that are not currently within the existing RPZ,” FEIR, § 2.3.7.2.1, p. 2-111.
20 The LAX SPAS EIR also acknowledges that, while “[t]he presence of such uses . . . may be
21 considered incompatible with FAA design recommendations that RPZ areas be clear of all
22 obstructions and occupied uses; however, it is not considered to pose a significant safety hazard
23 compared to baseline conditions.” FEIR, § 2.3.7.2.1, p. 2-117.

24 149. The LAX SPAS EIR conveniently ignores both state and Federal law governing
25 the areas around airports. FAA’s Advisory Circular 150/5300-13A specifically sets forth rules
26 governing permitted uses within RPZs. “It is desirable to clear the entire RPZ of all above-
27 ground objects. Where this is impractical, airport owners, as a minimum, shall maintain the RPZ
28 clear of all facilities supporting incompatible activities.” Advisory Circular 150/5300-13A,

1 §310.a(2), p. 70. Incompatible activities include, but are not limited to, those which lead to an
2 assembly of people. Advisory Circular 150/5300-13A, §310.a(2), p. 70, citing FAA
3 Memorandum, Interim Guidance on Land Uses Within a Runway Protection Zone, dated
4 9/27/2012. Incorporating this standard into state law, Cal. Pub. Util. Code § 21001, *et seq.*,
5 (“State Aeronautics Acts”), which governs and structures all airport land use plans within the
6 state, including that of Los Angeles County, explicitly recognizes the preemptive authority of
7 Federal law in the area of aviation safety. Cal. Pub. Util. Code § 21240. As the RPZ is
8 “primarily for the purpose of safety and convenience of people on the ground,” Advisory Circular
9 150/5300-13A, § 310.a(1), p. 70 [emphasis added], its uses are determined entirely by Federal
10 regulation.

11 150. Despite these clear legal mandates, the LAX SPAS EIR anticipates adding to the
12 RPZ at least 40 land uses, FEIR, Table SRA-2.3.7.2-2, more than one-half of which implicate
13 “assemblies of persons.” Moreover, the new approach surface for Runway 24R governed by
14 FAA’s regulation, 14 C.F.R. Part 77, and incorporated into the ALUP by reference, includes “the
15 upper portion [of an] existing 5-story office building located at the northwest corner of Sepulveda
16 Boulevard and Westchester Parkway,” FEIR, § 2.3.7.2.1, p. 2-110. Nevertheless, the LAX SPAS
17 EIR postpones determination of the necessary mitigation of this clearly substantial safety impact.
18 “The need, if any, for acquisition or other appropriate measures associated with changes in the
19 RPZs will be determined by the FAA in later stages of planning and therefore are not addressed in
20 this EIR.” FEIR, § 2.3.9.1, p. 2-140. This nonspecific mention of potential mitigation does not
21 create consistency with Federal law, the California Public Utilities Code or CEQA, and does
22 nothing to eliminate the Project’s manifest inconsistency with the derivative requirements of the
23 Los Angeles County Airport Land Use Plan.

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IX.

SECOND CAUSE OF ACTION

Declaratory Relief (Cal. Code Civ. Proc. § 1060)

(Against All Respondents and DOES 1 through 100, inclusive)

151. Petitioners hereby incorporate by reference into their Second Cause of Action paragraphs 1 through 78 of this Petition and paragraphs 80 through 150 of their First Cause of Action as if set forth herein in full.

152. An actual controversy has arisen and now exists between Petitioners and Respondents concerning the validity of the LAX SPAS EIR and other Project actions and the parties' rights and duties with respect thereto. As set forth more fully above, Petitioners contend that Respondents, and each of them, have an obligation and duty to comply with all applicable statutes and regulations, including, among others, CEQA and the CEQA Guidelines, and that Respondents, and each of them, have failed to do so, and that, as a consequence, the Project, and all actions in furtherance of the Project, including, but not limited to, certification of the LAX SPAS EIR are invalid and unlawful.

153. Petitioners are informed and believe, and based on such information and belief, allege that Respondents contend that their certification of the LAX SPAS EIR and associated actions in furtherance of the Project fully comply with applicable statutes and regulations and are, therefore, valid in all respects. A judicial declaration as to the legality and validity of the LAX SPAS EIR and associated actions in furtherance of the Project is, therefore, necessary and appropriate to determine the respective rights and duties of the parties.

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2 **THIRD CAUSE OF ACTION**

3 Injunctive Relief (Cal. Code Civ. Proc. § 526(a))

4 (Against All Respondents and DOES 1 through 100, inclusive)

5 154. Petitioners hereby incorporate by reference into their Third Cause of Action
6 paragraphs 1 through 78 of this Petition, paragraphs 80 through 150 of their First Cause of Action
7 and paragraphs 152 through 153 of their Second Cause of Action as if set forth herein in full.

8 155. Because certification of the LAX SPAS EIR, and other Project actions by City,
9 including, but not limited to, adoption of the LAX Master Plan, LAX Specific Plan, LAX Plan,
10 Airport Layout Plan, Draft Relocation Plan and associated General Plan Amendments, Code
11 Amendments, Zone Changes and Tentative Tract Maps, violate CEQA and the CEQA Guidelines,
12 and are therefore unlawful and invalid, Petitioners are entitled to temporary, preliminary and
13 permanent injunctive relief enjoining Respondents, and each of them, from taking any action in
14 furtherance of the Project.

15 156. For all of the reasons set forth above, Petitioners have a strong probability of
16 prevailing on the merits, and of establishing a pattern of misconduct by Respondents arising out
17 of their continuing overt violations of their statutory and regulatory obligations under CEQA and
18 the CEQA Guidelines.

19 157. Absent immediate intervention by this Court, Petitioners in particular, by virtue of
20 their locations and beneficial interests, and the public in general, by virtue of the adverse local
21 and regional environmental impacts of the proposed Project that will result from Respondents
22 ongoing failure to comply with CEQA and the CEQA Guidelines, will suffer irreparable and
23 irreversible injury in that, if the Project is allowed to be developed without proper environmental
24 review, Petitioners and the public will have no legal way to undo the environmental harm and no
25 further recourse under the law.

26 158. Respondents, by comparison, will suffer little or no harm if this Court grants the
27 relief requested herein. Respondents will incur no new or additional obligations, in that they will
28 be required to do only what they are already obligated by law to do.

1 Respondents, and each of them, have fully complied with the mandates of all applicable statutes
2 and regulations, including CEQA and the CEQA Guidelines;

3 (3) comply with CEQA and the CEQA Guidelines, and to take any
4 other action as required by Cal. Pub. Res. Code § 21168.9; and

5 (b) That this Court retain jurisdiction by way of a Return to the Writ until the
6 Court has determined that Respondents, and each of them, have fully complied with CEQA, the
7 CEQA Guidelines, and all other relevant statutes and regulations.

8 2. On the Second Cause of Action:

9 That this Court issue its judgment declaring that the LAX SPAS EIR is inadequate and
10 that all actions in furtherance of the Project are therefore unlawful, invalid, void and
11 unenforceable, and further determining and declaring Petitioners rights and Respondents
12 obligations and duties with respect to the Project under applicable California law, including
13 CEQA and the CEQA Guidelines.

14 3. On the Third Cause of Action:

15 For an Order granting a temporary restraining order and preliminary and permanent
16 injunctive relief enjoining Respondents, and each of them, and their agents, servants, employees,
17 officers, representatives, and others acting in concert with them or on their behalf, from taking
18 any further action in furtherance of development of the Project, including, but not limited to, any
19 action purportedly authorized by, or taken pursuant to, the recently adopted LAX Specific Plan
20 Amendment Study, LAX Specific Plan Amendment Study Report and associated proposed
21 amendments, Code Amendments, Zone Changes and Tentative Tract Maps, and any other actions
22 in furtherance of the development of the Project, unless and until Respondents, and each of them,
23 have fully complied with the mandates of all applicable statutes and regulations, including CEQA
24 and the CEQA Guidelines.

25 4. On Each and Every Cause of Action:

26 (a) For Petitioners' costs of suit herein;

27 (b) For reasonable attorneys' fees, as authorized by Cal. Code Civ. Proc.

28 § 1021.5 and other applicable provisions of law; and

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(c) For such other, different or further relief as this Court deems just and proper.

DATED: May 30, 2013

BUCHALTER NEMER
A Professional Corporation

By: Barbara E. Lichman
Barbara E. Lichman, Ph.D
Attorneys for Plaintiffs
City of Inglewood, California;
City of Culver City, California; City of Ontario,
California; and County of San Bernardino,
California

VERIFICATION

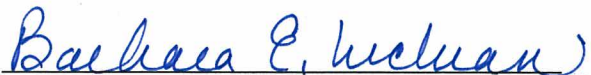
STATE OF CALIFORNIA, COUNTY OF ORANGE

I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE TO SET ASIDE ACTIONS TAKEN IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE § 21000, ET SEQ.) AND COMPLAINT SEEKING DECLARATORY AND INJUNCTIVE RELIEF** and know its contents.

I am one of the attorneys of record for Petitioners/Plaintiffs in this action. Petitioners/Plaintiffs are absent from the County of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of Petitioners/Plaintiffs for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true, except where set forth herein on information and belief, and as to those facts, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30 day of May, 2013 at Irvine, California.



Barbara E. Lichman, Ph.D.