



Los Angeles
World Airports

August 8, 2017

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

RE: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF
CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR LAX
TERMINALS 2 AND 3 MODERNIZATION PROJECT (COUNCIL FILE NO. CF 17-
0836)

LAX

Van Nuys

City of Los Angeles

Eric Garcetti
Mayor

Board of Airport
Commissioners

Sean O. Burton
President

Valeria C. Velasco
Vice President

Jeffery J. Daar
Gabriel L. Eshaghian
Beatrice C. Hsu
Nolan V. Rollins
Dr. Cynthia A. Telles

Deborah Flint
Chief Executive Officer

Honorable City Council:

At a special meeting on July 13, 2017, the City of Los Angeles Board of Airport Commissioners (BOAC), acting pursuant to the California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq., approved BOAC Resolution No. 26299, certifying the Final Environmental Impact Report (EIR) for the Los Angeles International Airport (LAX) Terminals 2 and 3 Modernization Project. BOAC also made certain specific findings related to the Executive Director's LAX Plan Compliance Report (EDR). On the basis of the Final EIR, BOAC adopted CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP).

Appeal of BOAC's July 13, 2017 LAX Terminals 2 and 3 Modernization Project Approval

In a letter dated July 24, 2017, Shute Mihaly & Weinberger, LLP, on behalf of the City of El Segundo, appealed BOAC's certification of the LAX Terminals 2 and 3 Modernization Project EIR pursuant to Public Resources Code § 21151(c). The City of El Segundo claims that the bases for its appeal are set forth in its letters to BOAC dated September 9, 2016, April 10, 2017, and July 12, 2017, including all attachments and exhibits thereto, and makes a very general allegation that the LAX Terminals 2 and 3 Modernization Project EIR "fails to comply with [CEQA] because it fails to adequately disclose, analyze, and mitigate the Project's significant impacts." The appeal letter does not, however, provide any explanation or indication, whatsoever, of where or how those alleged failures occur within the EIR. The City of El Segundo's vague allegation is completely unfounded, lacking any supporting evidence, examples, or analysis.

Recommended City Council Actions

The City Council's decision on the appeal should be based on its own independent judgment and consideration of the materials in the administrative record before it, including but not limited to, public comment and testimony; the appeal letter; the attached LAWA Staff Report; the Final EIR certified by BOAC; the CEQA Findings, Statement of Overriding Considerations, and MMRP adopted by BOAC; and BOAC's July 13, 2017 Staff Report.



LAWA staff has carefully reviewed the July 24, 2017 appeal letter, as well as the referenced letters dated September 9, 2016, April 10, 2017, and July 12, 2017, including all attachments and exhibits thereto. The LAX Terminals 2 and 3 Modernization Project Final EIR includes written responses to the September 9, 2016 and April 10, 2017 letters referenced in the appeal letter. Electronic copies of the LAX Terminals 2 and 3 Modernization Project Final EIR, the CEQA Findings, Statement of Overriding Considerations, MMRP, BOAC's adopted July 13, 2017 Staff Report, and BOAC's Resolution No. 26299 were provided to members of the City Council on July 24, 2017. Paper copies of these documents are available to the City Council upon request.

In addition to the written responses already included in the LAX Terminals 2 and 3 Modernization Project Final EIR, LAWA staff has prepared a response to issues raised in the City of El Segundo's July 12, 2017 comment letter on the LAX Terminals 2 and 3 Modernization Project Final EIR. This response is included in the LAWA Staff Report which is attached here for your review.

Based on the administrative record, including but not limited to, the July 24, 2017 appeal letter from the City of El Segundo, the attached LAWA Staff Report, the LAX Terminals 2 and 3 Modernization Project EIR, the CEQA Findings, the Statement of Overriding Considerations, MMRP, and public comment and testimony, LAWA recommends that the City Council take the following actions:

1. DENY the City of El Segundo's July 24, 2017 appeal of BOAC's certification of the LAX Terminals 2 and 3 Modernization Project EIR.
2. Take other actions related to the LAX Terminals 2 and 3 Modernization Project as set forth in BOAC's July 24, 2017 request to City Council for consideration of the LAX Terminals 2 and 3 Modernization Project.

To assist in your review of this appeal, the attached Staff Report also includes a copy of the City of El Segundo's July 24, 2017 appeal letter, and all letters attached to the appeal letter.

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

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

Sincerely,



Samantha Bricker
Deputy Executive Director
Environmental Programs Group

Enclosure:

LAWA Staff Report, with attachments

- Attachment A – July 24, 2017 Appeal Letter from Shute, Mihaly & Weinberger LLP on behalf of the City of El Segundo
 - Attachment A-1 - September 9, 2016 Comment Letter on the LAX Terminals 2 and 3 Modernization Project EIR Notice of Preparation from Shute, Mihaly & Weinberger LLP
 - Attachment A-2 - April 10, 2017 Comment Letter on the LAX Terminals 2 and 3 Modernization Project Draft EIR from Shute, Mihaly & Weinberger LLP
 - Attachment A-3 - July 12, 2017 Comment Letter on the LAX Terminals 2 and 3 Modernization Project Final EIR from Shute, Mihaly & Weinberger LLP
- Attachment B – Response by LAWA to the July 12, 2017 Comment Letter on the LAX Terminals 2 and 3 Modernization Project Final EIR from Shute, Mihaly & Weinberger LLP

cc: Trade, Travel and Tourism Committee
Councilmember Buscaino, E-file
Councilmember Bonin, E-file
Councilmember Krekorian, E-file
BOAC, E-file
CAO (Airport Analyst), E-file
CLA (Airport Analyst), E-file
City Clerk's Office, E-file