



**ARSAC Alliance for a Regional Solution to Airport  
Congestion**  
**322 Culver Blvd., #231 Playa del Rey, CA 90293**  
**[www.regionalsolution.org](http://www.regionalsolution.org) 310-641-4199**

March 21, 2013

Airport Land Use Commission  
County of Los Angeles  
320 W Temple Street  
Los Angeles, CA 90012

Re: Case R2013-0396, Los Angeles International Airport (LAX)

Dear Commissioners:

These comments are being submitted as a follow-up to ARSAC's March 14, 2013 correspondence to the Airport Land Use Committee (ALUC).

ARSAC kindly requests that ALUC provide ARSAC with 15 minutes for a presentation and questions and answers at the ALUC hearing on Wednesday, March 27, 2013.

There are three key issues on the LAWA application that ALUC should consider:

1. Establishing whether the 2004 LAX Plan, LAX Specific Plan and amendments to the General Plan were declared "Inconsistent" by ALUC in 2004.
2. In reference to the LAX Zone maps and proposed changes to move properties out of the LAX Plan and into the Westchester/Playa del Rey Community Plan, examining the text and implication of Los Angeles Municipal Code 12.19.1 establishing the LAX Zone and "automatic" re-zoning of properties
3. Request to reject LAWA's ALUC application or find it Inconsistent

**1. Establishing "Inconsistent" determination for 2004 LAX Plan, LAX Specific Plan and amendments to the General Plan**

At its March 27, 2013 hearing, ALUC should first establish whether or not ALUC declared the original 2004 LAX Plan, LAX Specific Plan and any proposed amendments to the General Plan to be "Inconsistent". In 2004, ALUC voted unanimously, 5-0, to declare the LAX Master Plan (LAX Project) as "Inconsistent" with the Los Angeles County ALUC Comprehensive Land Use Plan (CLUP). The LAX Specific Plan Amendment Study (SPAS) amendments to the LAX Plan, LAX Specific Plan and some of the Los Angeles City General Plan Amendments before you were a part of the underlying documents in the 2004 LAX Master Plan package that ALUC declared "Inconsistent."



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If the 2004 LAX Plan, LAX Specific Plan and General Plan amendment documents were declared “Inconsistent” in 2004, then ALUC should re-affirm its “Inconsistent” determination on these documents and the proposed LAX SPAS amendments to these documents which are on the agenda. If ALUC were to determine that the proposed LAX SPAS amendments to the LAX Plan, LAX Specific Plan and General Plan amendment documents as “Consistent” or “Conditionally Consistent”, then ALUC will be making a de facto reversal of its 2004 “Inconsistent” determination. Please see more of this discussion under Section 3 below.

## **2. LAX Zone “automatic” rezoning**

ALUC should also be very concerned with the City of Los Angeles General Plan for the LAX Zone that provides for “automatic” rezoning of properties owned or controlled by LAWA. Los Angeles City Ordinance 176343 established the Los Angeles International Airport (LAX) Zone on December 14, 2004. This ordinance added Section 12.19.1 to the Los Angeles Municipal Code. ALUC should be very concerned with Paragraph D because properties purchased or controlled by LAWA automatically are re-zoned to the LAX Zone. This action appears to occur without public notice or referral to ALUC for a General Plan consistency determination. Paragraph D states, “The provisions of this section apply only to properties owned by the Los Angeles World Airports (LAWA) or which LAWA has the right to possess. Properties not owned by LAWA or which LAWA does not have the right to possess shall only be subject to the LAX Zone regulations if and when LAWA either obtains ownership or the right to possession. Until that time, the property shall retain the zoning in effect at the time this ordinance becomes effective and shall not be subject to the LAX Zone regulations. *If and when LAWA does become the owner or obtains the right to possess, the LAX Zone shall immediately become operative for that property.*” (emphasis added).

## **3. Request to reject LAWA’s ALUC application or find it Inconsistent**

ARSAC has had time to read the ALUC Staff Report and the documents submitted with LAWA’s application for its LAX SPAS amendments to the LAX Plan, LAX Specific Plan and General Plan amendments relating to Los Angeles International Airport (LAX). ARSAC strongly disagrees with the staff report’s findings. ARSAC again calls on ALUC to reject the application and that ALUC ask LAWA to re-file the application when LAWA has the proposed Airport Layout Plan, Final Environmental Impact Statement (EIS) and other documents to submit with their proposed General Plan Amendments. If ALUC does accept the LAWA application, then, at the very least, ALUC should declare the LAWA application as “Inconsistent” with the Los Angeles County Airport Comprehensive Land Use Plan (CLUP).



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## **WHY THE LAWA APPLICATION SHOULD BE REJECTED**

ALUC should reject the LAWA application because:

1. The proposed LAX SPAS amendments to the LAX Plan, LAX Specific Plan and General Plan amendment documents submitted in the LAWA application are the same underlying documents, but with minor changes, that ALUC declared Inconsistent as a part of the LAX Master Plan submittal package in 2004.
2. The Los Angeles Board of Airport Commissioners (BOAC) and the Los Angeles City Planning Commission (CPC) have both approved a Final EIR and approved the LAWA Staff Preferred Alternative, Alternative 1, which proposes to move Runway 24 Right 260 feet to the north therefore changing noise contours and safety areas.

ALUC must acknowledge that the LAWA application at the March 27<sup>th</sup> ALUC meeting presents a highly unusual situation and therefore, ALUC must proceed very, very carefully. In ordinary situations, an airport operator would be submitting a proposed Airport Layout Plan together with the EIR, the EIS, land use documents and other documents as required with an ALUC Major Airport Development application.

What makes the LAWA application pending before ALUC in 2013 a highly unusual situation is that the state (CEQA) and federal (NEPA) required environmental reviews are not being done at the same time. Normally, an airport EIR and EIS are done in parallel and not in sequence as is the case with the current LAWA application. The reason for the EIR and EIS being done in sequence is due to the Stipulated Settlement Agreement (Settlement), under which the LAX Specific Plan Amendment Study (SPAS) is being conducted. Section V., Paragraph E. of the Settlement provides, "The LAX Specific Plan Amendment Study will be prepared pursuant to CEQA and may, in consultation with the FAA, also be prepared to comply with applicable federal environmental laws." Since both BOAC and CPC have approved the LAWA Staff Preferred Alternative, Alternative 1, which proposes to move Runway 24 Right to the north, this will require a change to the LAX Airport Layout Plan (ALP) and therefore trigger the need for an EIS. Any proposals to move the runway to the north will also change the noise contours and runway safety areas. The proposed runway move also makes a major change to the runway protection zones (RPZ) impact on the Westchester Central Business District along Sepulveda Boulevard. If the RPZ is enforced (as Congress has said they should be), then the business district will be shrunk below a critical mass to survive. If the RPZ is not enforced, then the aircraft will be flying at tree top levels right over people in their offices and business that will impact their health. **These are two key areas for which ALUC has jurisdiction and are not part of the current LAWA application.**



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With ALUC knowing that LAWA will be pursuing a change to the LAX ALP and an EIS, it would make sense that ALUC reject the LAWA application now and request LAWA to resubmit it with the proposed ALP, EIS and other documents required in an ALUC Major Airport Development application. By rejecting the application, ALUC can then see the whole picture of what LAWA is proposing to do at LAX after a complete application with ALP, EIS and other documents have been received.

ALUC should not be lulled into complacency that the proposed LAX SPAS amendments to the LAX Plan, LAX Specific Plan and General Plan amendment documents are innocuous. They are not innocuous and an ALUC finding of consistency will enable and facilitate LAX expansion despite comments to the contrary from LAWA staff that they will revisit ALUC in 2 years with a revised Airport Layout Plan. LAWA has already made their decision and the LAWA Staff Preferred Alternative of moving the north runway 24 Right, 260 feet north already has the approval of BOAC and CPC.

ALUC needs to carefully consider its options and the potential consequences of its actions. If ALUC rejects the LAWA application and asks LAWA to re-file the application with the proposed ALP, Final EIS and other required documents, then ALUC will only have to review all of the materials at one time and get a complete overview of how LAWA is proposing to revamp LAX. No ALUC applicant should be allowed to “piecemeal” his or her ALUC approval request. This would set a bad precedent and may place ALUC in a legally difficult situation if one application is declared consistent and a later application for the same project is declared Inconsistent. ALUC should not place itself in a situation where it has to defend itself against conflicting determinations.

If ALUC accepts the application, and declares it Inconsistent, then ALUC will uphold its previous Inconsistent finding in 2004. Again, ALUC is not being asked to assent to minor changes such as Intermodal Transit Center to Intermodal Transit Facility, but, by default, the entire documents which ALUC had previously found Inconsistent as a part of the 2004 LAX Master Plan submittal package.

ALUC should NOT grant the LAWA application with a “consistent” or “conditionally consistent” determination. A “consistent” or “conditionally consistent” finding would be a de facto reversal of ALUC 2004’s Inconsistent determination of the LAX Master Plan as it related to the CLUP. ARSAC is concerned that LAX expansion supporters will misconstrue or misinterpret even a “conditionally consistent” determination as a “consistent” determination. Also, ALUC will be forced to review the same material a second time and may end up contradicting itself by declaring one application component



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“consistent” and then turning around and declaring another application component submitted at a later date as “Inconsistent.”

It is in ALUC’s and the public’s best interests that ALUC has all of the materials it needs to properly consider LAWA’s ALUC application.

**WHY THE LAWA APPLICATION SHOULD BE DECLARED INCONSISTENT**

ALUC should declare the LAWA application Inconsistent because:

1. The proposed LAX SPAS amendments to LAX Plan, LAX Specific Plan and General Plan amendment documents are essentially the same underlying documents that ALUC declared as “Inconsistent” with the 2004 LAX Master Plan case.
2. In selecting Alternative 1 (move Runway 24 Right 260 feet north), BOAC and CPC will violate various provisions of the LAX Plan and the LAX Specific Plan relating to noise. In the LAX SPAS Draft EIR, page 4-703, LAWA acknowledges that, “Newly Exposed Areas. Under Alternative 1, some areas would be newly exposed to 65 CNEL or higher noise levels in 2025 compared to 2009 baseline conditions....As shown in **Table 4.9-6**, 4,918 dwelling units, 13,455 residents and 44 non-residential noise-sensitive facilities would be newly exposed in 2025 compared to 2009 baseline conditions. Impacts on these noise-sensitive uses would be considered incompatible under Title 21.” ARSAC Vice President Robert Acherman pointed this out the violation of noise policies in his one-minute time limit of public testimony before the City Planning Commission. These provisions include:
  - a. LAX Plan
    - i. Section 1- Purpose of the Plan, Vision 1.2 “...minimizing environmental impacts on the surrounding communities...”
    - ii. Section 2- Goals and Objectives, Goal 5, No. 1, “Minimize negative impacts to surrounding residential land uses”
    - iii. Section 3- Policies and Programs; 3.2- Land Use; 3.2.1.- Airport Airside; P4, “Locate airport uses and activities with the potential to affect nearby residential land uses through noise, light spillover, odor, vibration, and other consequences of airport operations and development, as far from them as possible.”
    - iv. Section 3- Policies and Programs; 3.2- Land Use; 3.2.2.- Airport Landside; P1, “Ensure that the scale and activity level of airport facilities appropriately relates to any abutting neighborhood edges.”



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- v. Section 3- Policies and Programs; 3.2- Land Use; 3.2.2.- Airport Landside; P6, “Locate airport uses and activities with the potential to adversely affect nearby land uses through noise, light spill-over, odor, vibration, and other consequences of airport operations and development, as far from, or oriented away from residential neighborhoods as feasible.”
  - vi. Section 3- Policies and Programs; 3.6- Noise; P3, “Minimize the impacts of aircraft and airport noise through runway orientation.”
  - vii. Section 3- Policies and Programs; 3.6- Noise; P9, “Locate airport uses and activities with the potential for noise impacts as far from adjacent residential neighborhoods as feasible.”
  - viii. Section 3- Policies and Programs; 3.9- Design; P1, “Appropriately relate those airport facilities that are adjacent to community land uses to the scale and level of activity of those uses.”
- b. LAX Specific Plan
- i. Section 2- Purposes, 7, “Recognize the important relationship between LAX and its neighbor and avoid development impacts to the extent practical and feasible.”
  - ii. Section 2- Purposes, 8, “Protect airport-related and community businesses by providing regulatory controls and incentives consistent with these goals.”

ALUC should in no way imply endorsement of a flawed and misleading submission. We know you are not concerned about project feasibility or costs, but you must still understand that LAWA has willfully ignored several major impacting results in their assessment of traffic changes related to relocating and tunneling Lincoln Boulevard. Their cost estimate is at best, “low ball”, and the impact would be closure of a key north-south route for several years or even permanently.

We look forward to seeing you at the ALUC meeting. Please contact us if you have any questions.

Sincerely,

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