RESOLUTION
LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION
PROJECT NO. R2013-01802
AVIATION PERMIT NOs: RAV201300004, RAV201300005, RAV201300006

WHEREAS, the Los Angeles County Airport Land Use Commission ("ALUC") met publicly on September 11, 2013 to discuss the appeals submitted by Culver City, the City of Ontario and County of San Bernardino regarding impasses that have resulted between the appellants and the City of Los Angeles over approval of the General Plan amendments and the Los Angeles International Airport Specific Plan Amendment Study ("LAX SPAS") project.

WHEREAS, the Commission finds as follows:

1. The State Aeronautics Act ("Act"), Section 21670, et seq. of the California Public Utilities Code ("PUC") requires every county in which there is an airport served by a scheduled airline to establish an airport land use commission.

2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the ALUC for Los Angeles County and thereby coordinating the airport planning of public agencies within the County.

3. Section 21670.2 of the PUC also provides that in instances where impasses result relative to airport planning, an appeal may be made to the ALUC by any public agency involved.

4. According to Section 21670(a)(1) of the PUC, one purpose of the Act is to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

5. As described in Section 21670(a)(2) of the PUC, another purpose of the Act is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

6. The powers and duties of the ALUC are contained in Section 21674(b) of the PUC which identifies the ALUC's role in coordinating airport planning at the state, regional, and local levels as one to provide for the orderly

development of air transportation, while at the same time protecting the public health, safety, and welfare.

7. The ALUC's review of an appeal primarily considers whether the airport planning being appealed is consistent with Article 3.5 of Chapter 4 of the Act (Section 21670 et seq. of the PUC). An appeal may be upheld by the ALUC if it finds that the information submitted by the appellant and/or presented at the public hearing substantiates that the airport planning proposed by the public agency whose planning led to the appeal is not consistent with the purposes of the Act. An appeal shall be denied when the ALUC finds that the information submitted by the appellant and/or presented at the public hearing substantiates that the proposed airport planning is consistent with the purposes of the Act.

8. Impasse appeals were received within 30 days of the date of the Los Angeles City Council's final decision on May 21, 2013 on the General Plan amendments and LAX SPAS, which is within the time limit established for receiving appeals by the ALUC, pursuant to the ALUC Review Procedures, Chapter 2, Section 5.2.2.

9. On June 27, 2013, the ALUC was sent the following material:

   - A resolution dated May 28, 2013 from Culver City confirming their consent to file the impasse appeal with ALUC, as required by ALUC Review Procedures, Section 5.3.1.
   - A resolution dated June 18, 2013 from the City of Ontario confirming their consent to file the impasse appeal with ALUC, as required by ALUC Review Procedures, Section 5.3.1.
   - A certification document, dated June 27, 2013 implying their consent to file the impasse appeal with ALUC, as required by ALUC Review Procedures, Section 5.3.1.

10. On September 11, 2013, the ALUC held a public hearing on the impasse matter filed by Culver City, the City of Ontario and the County of San Bernardino, which relates to the City of Los Angeles' decision to select one alternative for further study from the LAX SPAS project.

11. The impasse is between the appellants and the City of Los Angeles and concerns the City of Los Angeles' decision to approve the LAX SPAS project and select one alternative for further, more detailed study. The LAX SPAS is a study that identifies an array of airport improvement options. Its purpose is to identify at a broad, conceptual level the benefits

and drawbacks of various airport improvement options so that further detailed analysis may be narrowed to only those options that are viable.

12. Appellants disagree with the City over the process that has been used to reduce the number of options to only one for future study. They believe that selection of one option at this early stage will preclude other options from being introduced that could better minimize the public's exposure t o excessive noise and safety hazards from the airport.

13. Although the purpose of the May 20, 2013 action by the City was to select one option to study in more detail, the City contends that in no way does this action prevent other options from being considered in future project level analysis. CEQA will require that additional options, including a no-project alternative be analyzed along with the preferred alternative for comparison of impacts purposes.

14. Documentary evidence dated September 10, 2013 from Los Angeles World Airports (LAWA) and oral testimony at the September 11, 2013 hearing provides clarification that the City's airport planning process will continue to allow options to be developed and considered while environmental review and project level planning is underway. To achieve orderly development of airports in Los Angeles County, it is important that all affected stakeholders, especially land use planning agencies remain able to participate and assist in developing solutions that minimize the public's exposure to excessive noise and safety hazards.

15. PUC, Section 21670 (a) requires that airport land use compatibility planning be coordinated by the ALUC in such a way that development is orderly and therefore minimizes the public exposure to excessive noise and safety hazards. To achieve this purpose, the ALUC develops Airport Land Use Compatibility Plans (ALUCP) with local land use planning agencies affected by the airport. For airport planning to be orderly, the process must be clear to the affected agencies. The evidence provided by the City demonstrates that the planning process has been made clear to affected agencies.

16. The ALUC Review Procedures, Section 5.5 (ALUC's Possible Actions) provides the standard for action on an impasse appeal. That standard is whether the airport planning being appealed is consistent with the purposes of Article 3.5 of Chapter 4 of the Act (PUC Sections 21670-21679.5).

NOW, THEREFORE, BE IT RESOLVED that the ALUC:

FOR AVIATION CASES RAV201300004 (APPEAL SUBMITTED BY CULVER CITY), RAV201300005 (APPEAL SUBMITTED BY THE CITY OF ONTARIO), AND RAV201300006 (APPEAL SUBMITTED BY THE COUNTY OF SAN BERNARDINO):

1. Deny the appeal because the City has submitted information that demonstrates that the airport planning process it proposes is consistent with the Act because it has been made clear that local agencies and the public will continue to be able to participate and develop solutions that minimize excessive noise and safety hazards within areas around LAX. For this reason, the airport planning is consistent with the intent of the Act, PUC Section 21670(a)(1) and therefore the impasse appeal must be denied.

2. Deny the request to reconsider the ALUC consistency determination of March 27, 2013, which reviewed a series of plan amendments that the City of Los Angeles adopted as part of the LAX SPAS project for consistency with the Los Angeles County Airport Land Use Compatibility Plan (ALUCP,) because ALUC is not the appellant body for its own prior actions.

I hereby certify that the foregoing resolution was adopted by the Los Angeles County Airport Land Use Commission on September 11, 2013.

By _____
Rosie O. Ruiz, Secretary
Los Angeles County
Airport Land Use Commission

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By _____

Jill M. Jones
Principal Deputy County Counsel
Property Division

VOTE: 3-2-0-0

Concurring:	Valadez, Louie, Modugno
Dissenting:	Helsley, Pedersen
Abstaining:	None
Absent;	None
Action Date:	9/11/2013

JS:MC
09/11/13