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SEIU UNITED SERVICE WORKERS WEST

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SEIU UNITED SERVICE WORKERS WEST, a) CASE NO.:

Non-Profit Unincorporated Association,)

Petitioner,)

v.)

VERIFIED PETITION FOR WRIT OF
MANDATE

CITY OF LOS ANGELES, a Municipal)
Corporation; CITY COUNCIL OF THE CITY OF)

LOS ANGELES; LOS ANGELES WORLD)

California Environmental Quality Act (Cal. Pub
Res. Code § 21000 *et seq.*)

AIRPORTS; LOS ANGELES WORLD)

AIRPORTS BOARD OF AIRPORT)

COMMISSIONERS; ANTONIO)

VILLARAIGOSA, Mayor, City of Los Angeles;)

and DOES 1-50,)

Respondents and Real Parties In Interest.)

1 Petitioner, SEIU UNITED SERVICE WORKERS WEST, a Non-Profit Unincorporated
2 Association ("**Petitioner**" or "USWW") petitions this Court on its own behalf, on behalf of its
3 members, on behalf of the general public and **in** the public interest pursuant to Code of Civil Procedure
4 ("**CCP**") § 1094.5 and Public Resources Code ("**PRC**") § 21168, or, in the alternative, pursuant to CCP
5 § 1085 and PRC § 21168.5, for a writ of mandate, and for declaratory and injunctive relief directed to
6 Respondents/ Real Parties In Interest CITY OF LOS ANGELES ("**City**"), CITY COUNCIL OF THE
7 CITY OF LOS ANGELES, LOS ANGELES WORLD AIRPORTS ("**LAWA**"), LOS ANGELES
8 WORLD AIRPORTS BOARD OF AIRPORT COMMISSIONERS ("**BOAC**"), Mayor ANTONIO
9 VILLARAIGOSA, and DOES 1-50 (collectively, "**Respondents**"), and by this verified petition and
10 complaint ("**Petition**"), alleges as follows:

11 INTRODUCTION

12
13 1. This suit challenges the approval of a massive redevelopment and expansion of the
14 impact footprint of the Los Angeles International Airport known as the Los Angeles International
15 Airport ("**LAX**") Specific Plan Amendment Study ("**SPAS**") (SCH # 1997061047, CPC # 2012-3357-
16 GPA-SP, City File # AD-007-08) ("**Project**"), at a cost projected to be \$4.5 billion. The cost is likely to
17 be more as subsequent analysis is done and the true costs - both environmental, financial and to worker
18 safety - are revealed. The Project includes relatively uncontroversial plans for adding terminal space, a
19 consolidated car rental facility, a transportation center and links to light rail lines at the airport, also
20 known as LAX. However, the Project also includes a highly controversial plan to move the
21 northernmost LAX runway 260 feet closer to neighborhoods in Westchester and Playa del Rey, thus
22 increasing the intensity of aircraft traffic because it would allow LAX to handle more passengers and
23 cargo. The proposed runway relocation would move the flight path over 12,000 residents in
24 Westchester/Playa del Rey, Inglewood, and South Los Angeles, thus newly exposing residents to aircraft
25 noise, vibration, pollution, and aircraft safety issues. It also will detrimentally impact workers at LAX.
26 Petitioner's members, including over 2,000 persons who work at LAX, are among the most affected by
27 LAX operations. They will be directly affected by the traffic, air pollution and other impacts of the
28 Project.

2. The Project includes an amendment to the City of Los Angeles' approval in 2004 of a

Master Plan and Specific Plan for LAX. The Master Plan and prior Specific Plan are the subject of litigation by various public agencies and the Alliance for a Regional Solution to Airport Congestion ("ARSAC"). That litigation was first resolved in 2006 through a settlement agreement among multiple parties that sought to guide future changes to LAX and create a collaborative process where stakeholders would be meaningfully involved in decisions the City's airport department, known as Los Angeles World Airports, would take. However, the process envisioned by parties to that agreement, premised upon meaningful public involvement and adequate environmental review and mitigation of airport impacts, was not to be. Instead, LAWA continues to make decisions for poorly explained reasons and refused to choose the Environmentally Superior Alternative identified by its own analysis. With an incomplete understanding of the full range of its impacts and ways to mitigate them, it approved the Project despite its significant adverse impacts on the surrounding communities, workers and the region.

3. In particular, LAWA refused to make serious efforts to expand operations at other LAWA owned airports, or to see operations expanded at other airports within the Los Angeles Basin, as an alternative to capacity expansion allowed by the Project. This refusal has resulted in a substantial effort by the City of Ontario, County of San Bernardino, and numerous Inland Empire Cities to free Ontario International Airport from the control of LAWA.

4. Despite massive public opposition, including the area's Congressional and City Council representatives, the County of Los Angeles, and all of the communities surrounding LAX, LAWA approved the Project.

5. In approving the Project, Respondents violated the California Environmental Quality Act ("CEQA") in numerous ways. Many of the impacts of the Project were not properly analyzed and mitigated in the Environmental Impact Report ("EIR") prepared for it. Many of the factual findings in the EIR were not substantially supported. Other deficiencies in the EIR include, but are not limited to, use of an inaccurate and unstable project description; consideration of an unreasonable range of alternatives to the Project; failing to identify a Preferred Alternative, failing to adopt the feasible environmentally Preferred Alternative; failing to provide referenced documents; failing to respond to public comments; failing to adopt the Project's environmentally Preferred Alternative; and failing to analyze inconsistency with the Los Angeles County Airport Land Use Plan.

PARTIES

6. Petitioner USWW is a non-profit unincorporated association which represents more than 40,000 janitors, security officers, airport service works and other property service workers across California. USWW includes approximately 2,000 members who work at LAX, including passenger service workers, security officers, sky caps, baggage handlers, cabin cleaners, janitors, and cargo handlers. The health and safety of USWW members, many of whom also live in the LAX area, will be directly affected by the Project as the Project will have a significant impact on working and living conditions for USWW workers. The health and safety of USWW members will be significantly impacted by the air quality, traffic, greenhouse gas, noise and other impacts of the Project. US WW members may be exposed to air pollutants, water pollutants, noise and other environmental hazards that have not been adequately analyzed or mitigated in the EIR. As members of the public, moreover, USWW members possess an ownership interest in public resources present in the LAX area. The interests of USWW members are unique and will be directly impacted by the Project. USWW interests are not adequately represented by other parties. Workers and labor organizations have a long history of engaging in the CEQA process to secure safer working conditions, reduce environmental impacts and maximize economic benefits. The courts have held that, "unions have standing to litigate environmental claims." *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

7. Respondent City of Los Angeles is a duly incorporated charter City and a political subdivision of the State of California.

8. Respondent City Council is the governing body of the City, and approved the General Plan Amendments related to LAX and the LAX Specific Plan.

9. Respondent Los Angeles World Airports is a proprietary department in the City of Los Angeles, created by City Charter.

10. Respondent Los Angeles World Airports Board of Airport Commissioners is the governing body of LAWA, and is responsible for establishing airport policy.

11. Respondent Antonio Villaraigosa is the Mayor of the City of Los Angeles.

12. The true names, capacities, corporate, associate or otherwise of Respondents/Real Parties

In Interest named as DOES 1 through 50, inclusive respectively, are unknown to Petitioner who, therefore, sues said Respondents/Real Parties by fictitious names. Petitioner will amend this Petition to show the true names and capacities when ascertained.

13. Petitioner served Notice of Intent to File this Petition on the Respondents by mail service on May 29, 2013 (as reflected in Exhibit A hereto). Notice of the Petition will be timely served on the California Attorney General.

GENERAL ALLEGATIONS

14. LAX is operated by LAWA, which also operates Van Nuys, Ontario, and, until recently, Palmdale airports. LAWA continues to own 17,750 acres of land in Palmdale for development of a future airport at that location.

15. LAX is the region's dominant international and domestic air service airport, providing most of the region's air service. There are a number of smaller airports that augment air service provided by LAX, including Ontario International Airport, John Wayne Airport, Burbank-Glendale-Pasadena Airport, Long Beach Airport, Palm Springs International Airport, Oxnard Airport, San Bernardino International Airport, and Palmdale Regional Airport.

16. LAX is the third busiest airport in the United States. LAX was originally built for a capacity of 40 million annual passengers ("MAP"). In 2000, LAX served 67.3 MAP and 2.1 million annual tons ("MAT") of cargo. In the year ending 2004, due to the impact of September 11, 2001, it served 61 MAP. In 2012, it served 63.7 MAP. The Project is ostensibly designed to allow expansion to 78.9 MAP, but could allow far more capacity than that.

17. LAX is in the southwestern corner of the City of Los Angeles' city limits. LAX is located within the City of Los Angeles on 3,651 acres of land approximately 12 miles southwest of downtown Los Angeles. Unlike almost every other major airport in the United States, and many in the world, that are at locations remote from major metropolitan areas, LAX is surrounded essentially on three sides with residential development, with some commercial and light industrial development. It is bordered on the north by the communities of Westchester and Playa Del Rey, which are part of the City of Los Angeles, on the south by the City of El Segundo, on the east by the City of Inglewood and unincorporated areas of Los Angeles County, and on the west by the Pacific Ocean.

1 18. The area of Los Angeles that the Project would impact is densely populated, with
2 significant new residential and commercial development being developed and planned.

3 19. As a result of the proximity of LAX to residential developments, the surrounding
4 communities experience severe noise impacts, as well as exposure to very elevated levels of air pollution
5 and traffic congestion. Petitioner's members, including over 2,000 who work at LAX every day, are
6 also directly affected by the traffic, air pollution and other impacts of the Project.

7 20. Traffic in the area around LAX is already extremely congested, with the nearby 1-405
8 Freeway notoriously slow even during weekends and non-rush hours. Local streets are overburdened.

9 21. Vehicular traffic contributes to the local air pollution, which combined with air pollution
10 from airport operations, creates unhealthful air.

11 22. In addition to the significant air pollution and traffic congestion problems that will be
12 aggravated, rather than alleviated, by expansion of LAX's operations, noise pollution is severe and
13 projected by the EIR to get worse.

14 23. Currently there are numerous structures, including sensitive receptors such as schools,
15 within the 65 decibel (dB) range, which is considered the upper limit of acceptable noise impacts. This
16 envelope would be extended by the expansion plan to include new sensitive receptors currently affected
17 but not yet severely impacted by airport noise.

18 24. LAWA released its draft EIR ("DEIR") for the Project in July 2012.

19 25. The Project EIR included nine alternatives, without a hint of what alternative or
20 combination of alternatives was the actual proposed Project. No Preferred Alternative was specified in
21 the DEIR.

22 26. Alternative 1 would move a runway for the northern airfield 260 feet to the north.

23 27. Alternative 2 would not relocate a runway to the north, but would include other northern
24 airfield improvements such as redistributed high-speed runway exits and connecting taxiways identified
25 by LAWA as interim north runway safety improvements.

26 28. Alternative 3 was identified as the "no project" alternative that would continue with the
27 LAX Master Plan and associated improvements- known as Alternative D in the Master Plan HR.

28 29. Alternative 4 would be Alternative D without the "yellow lighted" projects. This is the

"No Project" Alternative.

30. Alternative 5 would move the northern runway 350 feet to the north.

31. Alternative 6 would move the northern runway 100 feet to the north.

32. Alternative 7 would move a southern runway 100 feet to the south.

33. Alternative 8 focused on ground access improvements, including a CONRAC- or consolidated rental car facility- in addition to parking at an area called Manchester Square.

34. Alternative 9 also focuses on ground access improvements as in alternative 8 but also included an automatic people mover rather than a busway.

35. Because LAWA did not identify any alternative as its Preferred Alternative or proposed project when it released the DEIR, members of the Advisory Committee objected to the lack of identification of a Preferred Alternative and lack of project specificity. A key point of selecting and evaluating alternatives was the requirement to identify the items that the Yellow Light projects addressed. As LAWA focused solely on Yellow Light projects, there was no description of the entire Project and how it would fit together as a Master Plan to guide future airport development. Items that required major renovation, such as the passenger bridges from the parking lots to terminals or upper roadway, were omitted. LAWA staff briefings to the Board of Airport Commission included project elements such as a new terminal 1.5 which is not identified anywhere in SPAS or Master Plan discussions with the SPAS participants.

36. In addition to failing to describe a single proposed project, the EIR failed to analyze or mitigate impacts in various areas including air quality, traffic, biological resource impacts, aesthetics, and others. Many of these areas had been the subject of LAWA commitments to mitigation in the 2006 Settlement Agreement as described above.

37. The EIR identified Alternative 2, involving runway reconfigurations but no northern runway movement, as the Environmentally Superior Alternative.

38. When the Final EIR ("FEIR") was released in January 2013, LAWA identified its preferred Project as a combination of Alternatives 1 and 9. Thus, it announced it was advocating an alternative that would move the north airfield runway 260 feet closer to the community of Westchester and Playa Del Rey to the north of the airport. Alternative 1 would also require the relocation of Lincoln

1 Boulevard, California State Highway 1- a major roadway north of LAX- approximately 500 feet to the
2 north. The relocation would create significant biological resources impacts associated with modification
3 of the Argo Drainage Ditch. Such movement and tunneling would require consultation with the
4 California Department of Transportation, the Department of Water and Power, the Bureau of
5 Transportation, and possibly the Army Corps of Engineers, but LAWA did not undertake that
6 consultation. Instead LAWA anticipated conducting such consultation in a future review process even
7 though they had already prepared cost estimates for the project.

8 39. Among other claims, LAWA asserted that its EIR was a Program EIR so that detailed
9 information that was requested by commenters was not necessary. LAWA also asserted that the only
10 possible choice was Alternative 1 because of the safety enhancements associated with it, even though a
11 multi-million dollar NASA study commissioned by LAWA established that safety would not be
12 significantly improved by runway movement. LAWA did not dispute that these safety enhancements
13 would be marginal and that the airports operations with current runway configurations were already
14 safe. Nonetheless, LAWA stuck to its newly identified project of preferred Alternative 1, albeit
15 combined with Alternative 9, and continues to fail to provide any details regarding implementation or
16 schedule. In fact, unimpeded taxi times for approved Alternative I are slightly greater than Alternative
17 2, which would indicate that Alternative 1 is less safe.

18 40. In reality, the facts show that the real, but essentially undisclosed, objective for this
19 Project is cargo expansion. The FEIR bases its calculations of environmental impacts on LAX
20 accommodating a practical capacity of 78.9 MAP, but it ignores the impact that the Alternative 1
21 runway improvements would have on traffic on large planes that carry bigger cargo loads. The FEIR
22 nonetheless ignores this by entirely failing to account for the traffic and air quality impacts from
23 increased cargo handling capacity, cargo handling equipment, and trucks that will be needed to handle
24 the large amounts of cargo that will go through LAX. Essentially, LAWA asks that the public take it as
25 a given that LAX will serve no more than 78.9 MAP, not to mention cargo, in spite of indications that
26 LAX would be capable of efficiently accommodating even higher levels of passenger and cargo usage
27 after implementing the proposed improvements in the Project. Plain and simple, this is an expansion
28 Project at LAX.

41. The Los Angeles World Airports Board of Airport Commissioners approved the Project on February 5, 2013.

42. On February 13, 2013, LAWA applied to the Airport Land Use Commission for a finding of General Plan Consistency Review for its proposed Specific Plan Amendment. LAWA stated it would need to conduct farther project-level, technical, and other review of the SPAS projects before it will be ready to seek FAA approval of any of the SPAS elements."

43. The Planning Commission approved the Project on February 14, 2013.

44. On April 30, 2013, the City Council held a hearing at which the City Council approved the Project. Petitioner USWW submitted detailed comments and its representatives testified at the hearing and exhausted all remedies. Further, Congresswoman Maxine Waters appeared at the hearing to re-state her continuing objections to the choice of Alternative 1 rather than Alternative 2 due to its impacts to the region and the surrounding community. The Councilmember representing the area in which LAX is located, Councilmember Rosendahl, and the area's Councilmember-elect, Mike Bonin, spoke strongly in favor of Alternative 2 rather than Alternative 1. Councilmember (now Mayor-elect) Eric Garcetti also advocated the choice of Alternative 2 rather than Alternative 1. Despite these and other elected officials' opposition to Alternative 1, the City Council voted to approve the Project.

45. On May 2, 2013, the City filed a Notice of Determination with the County Clerk.

46. On May 10, 2013, Petitioner USWW filed a request for mediation with the City pursuant to Public Resources Code § 21167.10. This section of the Public Resources Code provides that if, within five business days of the filing of the request for mediation, the public agency involved accepts the request, then the statute of limitations for filing a CEQA lawsuit is tolled during the pendency of the mediation. However, if there is no response to the request, it is deemed denied after five business days. The City provided no response to USWW's request, thus it is deemed rejected.

47. On May 21, 2013, the City Council voted to approve the second reading of the SPAS ordinance to implement the Project. On that day several changes to the Project were made, including new maps that expanded the Project boundary. The public was not afforded an adequate opportunity to review and comment on the changes including the new maps. Despite this, the City Council determined that no further environmental review was necessary after having certified an FIR for the Project on April

30, 2011

EXHAUSTION OF ADMINISTRATIVE REMEDIES, INADEQUATE REMEDIES AT LAW,
AND JURISDICTION

48. Petitioner has exhausted all available administrative remedies before Respondents in objecting to the approval of the Project, as required by Public Resources Code Section 21177.

49. Petitioner has no plain, speedy, or adequate remedy at law, and thus seeks a writ of mandate from this Court.

50. Petitioner has complied with the requirements of Public Resources Code Section 21167.5 by mailing a written notice of commencement of this action to Respondents, a copy of which is attached hereto as Exhibit A.

51. Petitioner will comply with Public Resources Code Section 21167.7 by filing a copy of the original petition with the California Attorney General.

52. Petitioner hereby and by a separate election notifies Respondents that Petitioner elects to prepare the record of the proceedings relevant to the approval of the expansion plan in compliance with Public Resources Code Section 21167.6. A copy of such notice is filed concurrently with this Petition.

53. Pursuant to California Code of Civil Procedure Sections 1085 and 1094.5, as well as Public Resources Code Sections 21168 and 21168.9, this Court has jurisdiction to issue a writ of mandate.

FIRST CAUSE OF ACTION

(By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5

Or In The Alternative Code Civil Procedure § 1085 Re: Violations of CEQA; EIR Does Not
Comply With CEQA)

54. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

55. CEQA requires the lead agency for a project to prepare an EIR that complies with the requirements of the statute. The lead agency also must provide for public review and comment on the project and associated environmental documentation. An EIR must provide an adequate project

1 description and sufficient environmental analysis such that decision-makers can intelligently consider
2 environmental consequences when acting on the proposed project.

3 56. Respondents violated CEQA by certifying an EIR that fails to adequately analyze and
4 mitigate for the Project's environmental impacts, including but not limited to:

- 5 a. Failure to adequately analyze the Project's environmental baseline and impact. In
6 particular the DEIR and FEIR did not properly account for increases in airport
7 and cargo capacity. First, the DEIR and FEIR presume that all project
8 alternatives will only be able to accommodate a "practical capacity" of 78.9 MAP
9 disregarding significant differences in physical capacity among the project
10 alternatives. Second, the DEIR and FEIR fail to consider the environmental
11 impact of increased operations from large aircraft. Third, the DEIR and FEIR do
12 not analyze increases in cargo traffic that will be generated by the Project.
13 Finally, the DEIR and FEIR's approach to calculating the capacity of the Project
14 to accommodate increased air traffic is at odds with federal regulations which
15 require that capacity be based upon the maximum number of aircraft operations
16 per hour.
- 17 b. Failure to adequately analyze or mitigate the Project's air emissions, requiring
18 EIR recirculation. In particular, the DEIR and FEIR fails to include two recent air
19 quality studies conducted at LAX or adequately analyze air emissions that will be
20 generated by the Project — the Froines 2007 *Monitoring and Modeling of Ultrafine*
21 *Particles and Black Carbon at the Los Angeles International Airport* and LAX
22 *Air Quality and Source Apportionment Study*. Moreover, the FEIR shows that
23 approving the Project would violate California's State Implementation Plan under
24 the Federal Clean Air Act, and the FEIR fails to demonstrate adequate mitigation
25 measures to address its impact on air quality. The FEIR adopts an improper
26 baseline for calculating air quality emissions and fails to adequately analyze
27 emissions that will be generated by the Project. Finally, the FEIR demonstrates
28

that the Project would violate both State and Federal Clean Air laws as the Project would generate emissions causing violations of State and Federal Ambient Air Quality Standards.

- c. Failure to adequately analyze and mitigate the Project's traffic impacts. In particular, the DEIR and FEIR fail to adequately mitigate traffic impacts and analyze construction and traffic impacts, particularly in connection with the Lincoln Boulevard Realignment Project.
- d. Failure to adequately analyze and mitigate the Project's greenhouse gas emissions. In particular, the DEIR and FEIR fails to accurately assess the Project's greenhouse gas emissions and does not propose any mitigation measures despite finding significant greenhouse gas emissions.
- e. Failure to adequately analyze or mitigate the Project's noise impacts. In particular, the DEIR and FEIR fails to utilize measured and modeled data in its noise analysis and does not adequately mitigate its noise impacts, failing to provide adequate information concerning the Project's proposed noise mitigation program.
- f. Failure to analyze the Project's significant environmental justice concerns. In particular, the FEIR fails to conduct any environmental justice analysis despite significant concerns raised during the public comment period in the DEIR.
- g- Failure to adequately analyze and mitigate the Project's cumulative impacts. In particular, the DEIR and FEIR failed to consider previously approved plans and environmental review documents, as well as mitigate for cumulative impacts that the DEIR and FEIR found significant.
- h. Failure to prepare a proper Program EIR. A Program EIR does not "decrease the level of analysis otherwise required in the FIR." *Friends of Mammoth v. Town of Mammoth Lakes* (2000) 82 Cal.App.4th 511, 534 (overturning redevelopment plan for insufficient detail and analysis). It should address "the effects of the

program as specifically and comprehensibly as possible." *Id.*; 14 Cal. Code Regs. § 15168(c).

- i. Tunneling that would be required under Alternative I for relocation of Lincoln Boulevard would give rise to issues with wastewater treatment line relocation and water seepage. However, the LAWA avoided confronting these issues by deferring them to a future analysis. Deferral of this analysis, as with deferral of analysis and mitigation for other impacts, violates CEQA.
- j. Respondents failed to adequately address biological resources impacts including, but not limited to, failing to address impacts to sensitive biological resources that could be impacted by the relocation of navigational aids to support the relocated runway. The EIR asserted that such impacts would be mitigated with implementation of various measures. However, the effectiveness of the mitigation measures is not clear, and the impacts could have been avoided altogether by the choice of Alternative 2.
- k. Improper deferral of mitigation. LAWA did not propose feasible mitigation measures everywhere that was necessary to mitigate potentially significant impacts and deferred mitigation. Mitigation is assumed or stated to be adequate without sufficient assurance of future funding.
- l. Failure to adequately analyze, disclose and mitigate the impacts of the Project changes approved on May 21, 2013, including new maps that expanded the Project boundary. The public was not afforded an adequate opportunity to review and comment on the changes including the new maps. Respondents erred when determining that no further environmental review was necessary to analyze, disclose or mitigate these Project changes.

57. As a result of the foregoing defects and others according to proof, Respondents prejudicially abused their discretion by certifying and relying upon an EIR that does not comply with

CEQA and by approving the Project in reliance thereon. Accordingly, Respondents' certification of and reliance upon the EIR and approval of the Project must be set aside.

58. WHEREFORE, Petitioner prays for relief as hereinafter set forth.

SECOND CAUSE OF ACTION

(By Petitioner USVVVV For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5

Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; Failure To

Substantially Support Factual Findings and Overriding Considerations)

59. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

60. CEQA requires that a lead agency's findings for the approval of a project be supported by substantial evidence in the administrative record. CEQA further requires that a lead agency provide an explanation of how evidence in the record supports the conclusions it has reached.

61. Respondents violated CEQA by adopting findings and the Statement of Overriding Considerations not supported by substantial evidence in the record, including, but not limited to, the following:

- a. The determination that certain impacts would be less than significant and/or that adopted mitigation measures would avoid or lessen the Project's significant effects on the environment
- b. The determination that the environmentally preferred alternative, Alternative 2, was infeasible.
- c. The determination that the Project would substantially improve runway safety.
- d. Since environmentally superior Alternative 2 is feasible, LAWA could not legally approve Alternative 1 on the basis of a Statement of Overriding Considerations.

62. As a result of the foregoing defects, Respondents prejudicially abused their discretion by making determinations or adopting findings and a Statement of Overriding Considerations that do not comply with the requirements of CEQA and approving the Project in reliance thereon. Accordingly, Respondents' certification of the HR and approval of the Project must be set aside.

1 THIRD CAUSE OF ACTION

2 (By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5
3 Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; Failure To Provide
4 Adequate Project Description)

5 63. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set
6 forth herein.

7 64. CEQA requires that an EIR provide an accurate, stable or finite project description
8 project description as to allow decision-makers to be able to intelligently consider the environmental
9 consequences when acting on a proposed project.

10 65. The DEIR and FEIR failed to describe an actual project, instead describing itself as a
11 study of various proposed improvements to the LAX facility.

12 66. The DEIR failed to provide a stable or finite project description, instead setting out a set
13 of interchangeable airfield, terminal and ground access improvements. This set of interchangeable
14 airfield, terminal and ground access improvements resulted in a moving target, denying the public and
15 decision-makers adequate information concerning the final approved project's environmental impact.
16 This failure precluded and hinder meaningful public comment and review.

17 67. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
18 certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon.
19 Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

20 FOURTH CAUSE OF ACTION

21 (By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5
22 Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; Failure To Consider
23 Reasonable Range of Alternatives And Identify Preferred Alternative)

24 68. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set
25 forth herein.

26 69. CEQA requires that an EIR consider a reasonable range of alternatives, identify a
27 Preferred Alternative, and identify a "No Project" Alternative.
28

70. The DEIR failed to analyze a reasonable range of alternatives as the DEIR analyzed a mixed set of fully integrated alternatives alongside alternatives including only individual airfield, terminal and ground access improvements. CEQA requires that alternatives be presented as fully-integrated, mutually-exclusive alternatives rather than as mere components of a larger, overall project.

71. The DEIR failed to identify a Preferred Alternative.

72. The DEIR and FEIR failed to properly identify a "No Project" alternative, which likely should have been Alternative 4, but which was not characterized or studied as such in the CEQA documents.

73. As a result of the foregoing defects, Respondents prejudicially abused their discretion by certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon. Accordingly, Respondents' certification of the FIR and approval of the Project must be set aside.

FIFTH CAUSE OF ACTION

(By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5
Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; Failure To Adopt
Environmentally Preferred Alternative)

74. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

75. CEQA requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives (such as Alternative 2) or feasible mitigation measures can substantially lessen such effects.

76. Respondents approved Alternative 1 rather than Alternative 2, despite the fact that the DEIR identified Alternative 2 as the environmentally Preferred Alternative and without adequately supported findings that Alternative 2, the environmentally Preferred Alternative, was not feasible.

77. Respondents' choice of Alternative 1 rather than Alternative 2 creates significant additional impacts that could be avoided or reduced by the choice of Alternative 2. These impacts include impacts on noise, biological resources, air and water pollution, traffic, and aircraft safety hazards. Alternative 2 was thus considered superior to the other alternatives, including Alternative 1,

because it would result in fewer construction and operation-related air quality impacts, including greenhouse gas emissions; it would result in no biological resource impacts that would occur in connection with movement of the Argo Drainage Ditch associated with Alternative 1 and others; and it would result in fewer people being exposed to significant noise levels. Alternative 2 would also avoid the potentially significant land use impact of requiring existing structures such as businesses to be removed from the Runway Protection Zone (RPZ) that is associated with Alternative 1. Since Environmentally Superior Alternative 2 is feasible, LAWA could not legally approve Alternative 1 on the basis of a Statement of Overriding Considerations. Alternative 1 also will detrimentally impact workers at LAX, Petitioner's members, including over 2,000 who work at LAX, are among the most affected by LAX operations. They will be directly affected by the traffic, air pollution and other impacts of the Alternative 1.

78. As a result of the foregoing defects, Respondents prejudicially abused their discretion by certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon. Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

SIXTH CAUSE OF ACTION

(By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5 Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; Failure To Provide Referenced Documents)

79. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set forth herein.

80. CEQA requires that an ER include documents referenced within the EIR.

81. The DEIR and FEIR failed to include important documents relied on in the environmental documents. In particular, the FEIR failed to include or make available to the public documents including but not limited to: Los Angeles/El Segundo Dunes Habitat Restoration Plan, LAX Wildlife Hazard Management Plan, Long Tenn Habitat Management Plan for Los Angeles Airport/El Segundo Dunes, Survey Guidelines referenced in MM-BIO (SPAS)-3 Conservation of Floral Resources: Lewis' Evening Primrose, MM-BIO (SPAS)-4 Conservation of Floral Resources: California

1 Spineflower, MM-BIO (SPAS)-5 Conservation of Floral Resources Mesa Horkelia, MM-BIO (SPAS)-6
2 Conservation of Floral Resources: Orcutt's Pincushion and MM-BIO (SPAS)-7 Conservation of Floral
3 Resources: Southern Tarplant, Visual Flight Rules and Instrument Flight Rules data, Air Quality
4 Modeling Data, Aircraft Engine Assignments, and Airspace Redesign.

5 82. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
6 certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon.
7 Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

8 SEVENTH CAUSE OF ACTION

9 (By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5
10 Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; Failure To Respond
11 To Public Comment)

12
13 83. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set
14 forth herein.

15 84. CEQA requires that a lead agency is required to adequately respond to comments
16 submitted during review of the FIR.

17 85. The FEIR failed to adequately respond to comments about numerous impacts, including
18 but not limited to traffic, air quality, regional plan consistency and other impacts.

19 86. The DEIR and FEIR failed to adequately respond to comments requesting air pollution
20 studies to provide a baseline for a projection of the air toxic impacts of the expansion plan.

21 87. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
22 making determinations or adopting findings that do not comply with the requirements of CEQA and
23 approving the Project in reliance thereon. Accordingly, Respondents' certification of the EIR and
24 approval of the Project must be set aside.

1 EIGHTH CAUSE OF ACTION

2 (By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5
3 Or In The Alternative Code Civil Procedure § 1085, Re: Violations of CEQA; EIR Does Not
4 Review Consistency With Land Use Plans)

5 88. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set
6 forth herein.

7 89. CEQA requires that an EIR analyze consistency of a proposed project with applicable
8 regional plans.

9 90. The EIR failed to adequately analyze the consistency of the Project with applicable
10 regional plans, including, but not limited to the Los Angeles County's airport land use compatibility
11 plan ("ALUCP").

12 91. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
13 making determinations or adopting findings that do not comply with the requirements of CEQA and
14 approving the Project in reliance thereon. Accordingly, Respondents' certification of the EIR and
15 approval of the Project must be set aside.
16

17 NINTH CAUSE OF ACTION

18 (By Petitioner USWW For Writ of Administrative Mandate Under Code Civil Procedure § 1094.5
19 Or In the Alternative Code Civil Procedure § 1085, Re: Violations of State Aeronautics Act;
20 Failure To Ensure Consistency And Analyze Inconsistency With Los Angeles County Airport
21 Land Use Plan)

22 92. Petitioner hereby realleges and incorporates all of the above paragraphs as if fully set
23 forth herein.

24 93. The State Aeronautics Act requires that each county with an airport serviced by a
25 scheduled airline establish an airport land use commission. Each commission is responsible for
26 formulating an airport land use compatibility plan. In addition, airport land use commissions must
27 review the plans of local agencies to determine whether those plans are consistent with the county's
28 ALUCP.

94. Los Angeles County has adopted a Los Angeles County ALUCP. LAWA did not ensure that its entire Project including the Specific Plan Amendment was consistent with the ALUCP.

95. The Project is inconsistent with the ALUCP because it creates structural incursions into the protected area at the east end of the LAX northern airfield, which is called the Runway Protection Zone (RPZ), and includes areas where there would be large assemblies of persons in the RPZ in violation of ALUCP policies and the California State Aeronautics Act.

96. When LAWA applied for a consistency determination from Los Angeles County's Airport Land Use Commission ("ALUC"), LAWA limited its application to a very small portion of the Project consisting of text amendments to its general plan, rather than evaluating consistency of the entire Project with the Airport Land Use Compatibility Plan including the movement of the northern runway 260 feet to the north. LAWA also did not incorporate previous requirements from ALUC such as prohibiting above ground storage of 10,000 gallons or more of aviation fuel.

97. As a result of the foregoing defects, Respondents prejudicially abused their discretion by making determinations or adopting findings that do not comply with the requirements of the State Aeronautics Act and approving the Project in reliance thereon. Accordingly, Respondents' approval of the Project must be set aside.

PRAYER FOR RELIEF

That the Court enter a peremptory writ of mandate:

- a. To set aside and vacate their certification of the EIR, Findings and Statement of Overriding Considerations supporting the SPAS;
- b. To set aside and vacate any approvals for the SPAS based upon the ER and Findings and Statement of Overriding Considerations supporting the SPAS, including but not limited to, the LAX Master Plan, the specific plan, and the general plan amendments; and
- c. To prepare and certify a legally adequate EIR for the SPAS so that Respondents will have a proper FIR disclosure document before it that identifies for the decisionmakers and the public the potential significant impacts of the SPAS and

enable them to formulate realistic and feasible alternatives and mitigation measures to avoid those impacts;

- d. To set aside and vacate their certification of the EIR, Findings and Statement of Overriding Considerations supporting the SPAS to ensure consistency and analyze inconsistency with the Los Angeles County Airport Land Use Plan;
2. For a temporary stay, temporary restraining order, and preliminary or permanent injunction or other order enjoining Respondents from taking any action to construct any portion of the SPAS or to develop or alter the property that will be involved in the SPAS in any way that could result in a significant adverse impact on the environment unless and until a lawful approval is obtained from Respondents after the preparation and consideration of an adequate EIR;
3. For Petitioner's costs and fees pursuant to Code of Civil Procedure; and
4. For other and further relief as the Court finds proper.

DATED: _____

5/29/13

LAW OFFICE OF GIDEON KRACOV

By: _____

GIDEON KRACOV
Attorney for SEIU UNITED SERVICE
WORKERS WEST

I, Andrew Gross Gaitan, am Director of the SEIU United Service Workers West Southern California Airports Division and authorized to make this verification on its behalf. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE and know its contents. The matters stated therein are true to my own knowledge and belief, except as stated on information and belief, and to those matters 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 on May 29th, 2013, at Los Angeles, California.



Andrew Gross Gaitan

EXHIBIT A

1 GIDEON KRACOV (Cal. Bar No. 179815)
2 MITCHELL TSAI (Cal. Bar No. 277156)
3 LAW OFFICE OF GIDEON KRACOV
4 801 S. Grand Avenue, 11th Floor
5 Los Angeles, CA 90017-4645
6 Tel: (213) 629-2071
7 Fax: (213) 623-7755
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9 Attorneys for Petitioner,
10 SEIU UNITED SERVICE WORKERS WEST
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

11 SEIU UNITED SERVICE WORKERS WEST, a) CASE NO:
12 Non-Profit Unincorporated Association;)
13)
14 Petitioner,)
15 v.) NOTICE OF INTENT TO SUE UNDER
16) CEQA.
17 CITY OF LOS ANGELES, a Municipal)
18 Corporation; CITY COUNCIL OF THE CITY OF)
19 LOS ANGELES; LOS ANGELES WORLD) California Environmental Quality Act, State
20 AIRPORTS; LOS ANGELES WORLD) Aeronautics Act and California Code of Civil
21 AIRPORTS BOARD OF AIRPORT) Procedure
22 COMMISSIONERS; ANTONIO)
23 VILLARAIG OSA, Mayor, City of Los Angeles;)
24 and DOES 1-50;)
25)
26 Respondents and Real Parties In Interest.)
27)
28)

1 TO THE CITY OF LOS ANGELES, CITY COUNCIL OF THE CITY OF LOS
2 ANGELES, LOS ANGELES WORLD AIRPORTS, LOS ANGELES WORLD AIRPORTS-
3 BOARD OF AIRPORT COMMISSIONERS, AND MAYOR ANTONIO VILLARAIGOSA:

4 PLEASE TAKE NOTICE THAT under the California Environmental Quality Act, Pub. Res.
5 Code § 21167.5 ("CEQA"), Petitioner/Plaintiff SERI UNITED SERVICE WORKERS WEST, intends
6 to file a Petition/Complaint under CEQA, the State Aeronautics Act, and California Code of Civil
7 Procedure against YOU in certifying the Final Environmental Impact Report for the Los Angeles
8 International Airport Specific Plan Amendment Study ("SPAS") (SCH 4 1997061047, CPC # 2012-
9 3357-GPA-SP, City File # AD-00708) and in approving the SPAS.

10 The relief sought includes as follows:

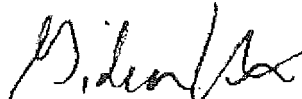
- 11 1. That the Court enter a peremptory writ of mandate:
 - 12 a. To set aside and vacate their certification of the EIR, Findings and Statement of
 - 13 Overriding Considerations supporting the SPAS;
 - 14 b. To set aside and vacate any approvals for the SPAS based upon the EIR and
 - 15 Findings and Statement of Overriding Considerations supporting the SPAS,
 - 16 including but not limited to, the LAX Master Plan, the specific plan, and the
 - 17 general plan amendments; and
 - 18 c. To prepare and certify a legally adequate EIR for the SPAS so that Respondents
 - 19 will have a proper EIR disclosure document before it that identifies for the
 - 20 decisionmakers and the public the potential significant impacts of the SPAS and
 - 21 enable them to formulate realistic and feasible alternatives and mitigation
 - 22 measures to avoid those impacts;
- 23 2. For a temporary stay, temporary restraining order, and preliminary or permanent
- 24 injunction or other order enjoining Respondents from taking any action to construct any
- 25 portion of the SPAS or to develop or alter the property that will be involved in the SPAS
- 26 in any way that could result in a significant adverse impact on the environment unless
- 27
- 28

and until a lawful approval is obtained from Respondents after the preparation and consideration of an adequate EIR;

3. For Petitioner's costs and fees pursuant to Code of Civil Procedure; and
4. For other and further relief as the Court finds proper.

DATED: S(zy113

LAW OFFICE OF GIDEON KRACOV

By: 
GIDEON KRACOV
Attorney for SEIU UNITED SERVICE
WORKERS WEST

PROOF OF SERVICE

I, Mitchell M. Tsai, being duly sworn, deposes and says:

I am a citizen of the United States and work in Los Angeles County, California. I am over the age of eighteen years and am not a party to the within entitled action. My business address is: 801 South Grand Ave., 11 Floor, Los Angeles, California 90017. I served this list of persons with the following document(s) on May 29, 2013:

NOTICE OF INTENT TO SUE UNDER CEQA

The document(s) was served on:

June Lagimay
LA City Clerk
200 N. Main Street, Room 360
Los Angeles, CA 90012

Gina Marie Lindsey
Los Angeles World Airports
1 World Way
Los Angeles, CA 90045

By placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States Post Office mail box at 801 S. Grand Ave., Los Angeles, California, addressed as set forth above. I am readily familiar with my firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date of postage meter date is more than 1 day after date of deposit for mailing in affidavit.

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

Executed this May 29, 2013 at Los Angeles, California.



Mitchell M. Tsai