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VIA ELECTRONIC MAIL AND PERSONAL DELIVERY

Mindy Wilcox, AICP, Planning Manager
City of Inglewood, Planning Division
One West Manchester Boulevard, 4th Floor
Inglewood, CA 90301
Via email: ibecproject@cityofinglewood.org

Re: Comments on Inglewood Basketball and Entertainment Center Draft Environmental Impact Report; State Clearinghouse Number 2018021056.

Dear Ms. Wilcox:

This firm represents Unite Here Local 11. The Draft Environmental Impact Report ("DEIR") fails to adequately disclose, analyze and mitigate the Project's environmental impacts. It must be revised and re-circulated to address the deficiencies identified below.

Local 11 represents more than 30,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix, Arizona. Members of Local 11, including thousands who live or work in the City of Inglewood and near the Project Site, join together to fight for improved living standards and working conditions. Local 11's members have a direct interest in seeing that the Project's environmental impact is properly assessed and mitigated in the EIR process. Our members are also significantly invested in ensuring a clear, transparent and thorough environmental review process that ensures the public participation. Unions have standing to litigate land use and environmental claims. See *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

I. The DEIR Lacks a Sufficiently Definite Project Description to Inform Public Review.

A. The Project Description Fails to Determine the Locations of Structures, Excavation, Street Widening and Sidewalk Narrowing.

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The DEIR's Project Description fails to include essential details of the location of proposed uses and structures. Although the Conceptual Site Plan included in the Project Description illustrates generous setbacks on all sides of the proposed structures, not a single one of these setbacks is articulated in the Project Description text or dimensioned on the Conceptual Site Plan.¹ Furthermore, on the West Parking Structure, East Parking Structure and Arena Parking Structures, the Conceptual Site Plan located circulation on the perimeters of the parking structures, yet nothing in the Project Description prescribes this configuration. In fact, the only references to setbacks relate to the proposed – but unspecified – zoning text amendments and new overlay zone for the Project. The Project, therefore, would not be subject to the current yard regulations of the underlying zones, nor do members of the public have the slightest clue about the proposed yard regulations.

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Similarly, the DEIR discloses that the Project would require the export of approximately 296,915 cubic yards of soil, yet provides no proposed grading plan indicating precisely where grading work would take place.² Although members of the public could attempt to discern excavation boundaries from the cross-section in Figure 2-15, even that diagram does not identify property boundaries or adjacent structures. The noise levels of grading equipment (excavators, graders, scrapers, backhoes and cranes) are the highest noise-generators proposed during construction, rendering this information essential to an informed analysis of construction noise impacts.³

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Lacking any guidance in the thousands of pages of the DEIR, members of the public are left guessing where the Project's structures would be located. Based on the scale of the Conceptual Site Plan, proposed building setbacks range from approximately 50 feet (on the west side of the West Parking Garage and the south side of the Arena Parking Structure) to approximately 100 feet (on the east side of the Arena Parking Structure) and 180 feet (on the west side of the Arena Parking Structure). Yet, based on the nebulous Project Description in the DEIR, the structures in fact require no setbacks and could potentially be located up to the property lines. For residents near the Project, these setbacks are among the most important aspects of the Project to understand.

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Finally, the Conceptual Site Plan misleads the public by excluding proposed areas where the Project widens roads for turn lanes and therefore narrows sidewalk widths, such as on the east side of Prairie Avenue. Instead, members of the public must review thousands of pages of appendices for this information. This is improper because assumptions buried in appendices does not constitute a proper Project Description.

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CEQA mandates that the DEIR provide a Project Description that is sufficiently definite to allow for meaningful public disclosure.⁴ An accurate, stable and finite Project Description is the *sine qua non* of an informed and legally sufficient EIR.⁵ The DEIR's failure to disclose the precise locations of the structures is prejudicial because final development plans would be subject only to administrative approval by the City. Interested parties surprised by a modified

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¹ DEIR Figure 2-7, p. 2-19.

² DEIR, p. 3.2-40.

³ DEIR Table 3.11-9 and Appendix J, p. 901-903.

⁴ CEQA Guidelines § 15124.

⁵ *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 CA3d 185, 193.

Project would have no choice but to challenge the issuance of future permits. Without a more definite understanding of what physical form the Project will take, the Project definition is a moving target defying informed public comment. Members of the public cannot even begin to understand their exposure to aesthetic, air quality and noise impacts. Therefore, the DEIR fundamentally fails as an informational document.

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B. The Project Description Grossly Underestimates Required Excavation.

The DEIR discloses that grading and excavation activities are among the highest construction noise generators, yet it grossly underestimates the amount of grading required for the Project according to its own technical sources. The Project Description states, inaccurately, that “excavation depths on the Arena Site would be at a maximum of 35 feet below ground surface[.]”⁶ The Geotechnical Report, however, recommends over-excavation consisting of excavation and re-compaction of an additional 10 feet below, and even that does not account for the depths of foundations and footings for the arena.⁷ The Project Description misleads the public by under-estimating the extent of grading activities, with the associated noise and air quality impacts, by up to a third.

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C. The Inadequate Project Description Masks Aesthetic Impacts.

The DEIR fails to disclose potential aesthetic shade and shadow impacts on adjacent residential yards and rooftop solar panels. By describing only the best-case scenario with generous yards measuring up to 180 feet, the DEIR misleads the public by omitting modified Project scenarios – consistent with the DEIR Project Description – that would result in significant shade and shadow impacts. In particular:

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- *Solar Panels at 3846 West Century Boulevard.* Shifting the Arena to the east or northeast would shade the solar panels at noon during the Winter Solstice per Figure 3.1-18. According to the scale of the Conceptual Site Plan, moving the Arena just 50 feet east or northeast appears to be sufficient to shade the solar panels. Because the Arena also shades the solar structures at 3 p.m. during the Winter Solstice per Figure 3.1-19, this modification would result in more than three hours of shade and a significant impact.
- *Residence at 10204 South Prairie Avenue.* Shifting the Arena Parking Structure to the west would shade the residences and yard at 10204 South Prairie Avenue at noon during the Summer Solstice per Figure 3.1-15. According to the scale of the Conceptual Site Plan, moving the Arena Parking Structure 70 feet west appears to be sufficient to shade the solar panels. Because the Arena already shades the residence and yard at 9 a.m. during the Summer Solstice per Figure 3.1-14, this modification would result in more than three hours of shade and a significant impact.

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Therefore, the DEIR fails to provide a concrete Project Description to enable informed

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⁶ DEIR p. 2-84.

⁷ See DEIR Appendix H, p. 13, Recommendation 1 (recommending over-excavation below structures) and Appendix H, p. 14 (recommending over-excavation adjacent to structures).

environmental review. Even minor modifications to the Project, consistent with the Project Description, would result in significant shade-shadow impacts not disclosed in the DEIR.

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D. The Inadequate Project Description Distorts Analysis of Noise Impacts.

The DEIR's failure to prescribe definite building setbacks renders its construction and operational noise analysis meaningless. As noted in the DEIR, noise levels are strongly correlated with distance between the source and the receiver, with a halving of distance increasing noise between 6 and 7.5 dBA.⁸ Even slight modifications in the locations of the proposed structures would result in undisclosed impacts and exacerbate impacts that have been partially disclosed. The following noise-sensitive receptors⁹ would experience significant noise impacts not disclosed in the DEIR:

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- *Receptors R3 and R5.* For the residences northwest and southwest of the West Parking Garage Site, the DEIR disclosed increases of 3.3 and 4.4 dBA, respectively, yet fails to disclose the assumed distance for excavation and construction. Based on the DEIR's analysis that a halving of distance increases noise by 6 to 7.5 dBA, a reduction in the estimated 50-foot setback between the six-story parking structure and the residences would result in a significant impact over 5 dBA.¹⁰ A review of the Receptor locations in Figure 3.11-12 suggests that the distances were not properly measured to the nearest property line of the sensitive receptor.¹¹

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- *Receptor 11.* For the residences at 10204 South Prairie Avenue, the DEIR claimed no increase in ambient noise and noted it would experience only "light" daytime construction noise impacts.¹² However, because this receptor could be surrounded by construction on three sides with virtually no setback – a scenario consistent with the Project Description – this receptor could experience some of the highest construction noise levels.¹³ The plaza, outdoor stage and open-air restaurant could all be significantly closer to the receptor than assumed in the noise models.

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- *Receptors 15 and 16.* For the residences south of the Arena, the DEIR disclosed increases of between 0 and 4.7 dBA. The Conceptual Site Plan illustrated an approximate 40 feet construction setback.¹⁴ However, the Project Description does not mandate that the parking structure be set back 40 feet from the southerly property line. It would be consistent with the Project Description to develop the parking structure up to the lot line while providing for vehicular circulation within the structure. This arrangement would

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⁸ DEIR p. 3.11-7.

⁹ Receptors are identified on Figure 3.11-12.

¹⁰ DEIR Appendix J, p. 861.

¹¹ California Department of Transportation, 2013. Technical Noise Supplement. September 2013. p. 6-5.

¹² DEIR Appendix J, p. 925.

¹³ DEIR Appendix J, p. 862.

¹⁴ DEIR Appendix J, p. 863.

result in significant noise impacts based on the DEIR's own analysis because it would result in more than a halving of distance and an increase of at least 6 dBA.

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The DEIR's noise model also fails to account for the excavation recommendations in the Geotechnical Report and therefore assumes incorrect distances for noise modeling. For example, the DEIR assumes a 40-foot setback of all construction activities between the South Parking Structure and the property line of noise sensitive uses to the south, measured to the face of the building structure.¹⁵ This assumption directly conflicts with the Geotechnical Report recommendation for a 10-foot horizontal excavation around this structure's footprint.¹⁶ This fundamental methodological error compromises the credibility of noise analysis for all noise-sensitive uses.

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The location of structures is even more important to understanding the effectiveness of the sound wall mitigation. As acknowledged in the DEIR, sound walls must obstruct line-of-sight between a source and a receptor to be effective.¹⁷ Consequently, moving the Project's arena and parking structures closer to receptors would result in more noise propagating *over* noise walls and directly to receptors. Due to these flawed assumptions, the noise model in Appendix J amounts to nothing more than a mathematical sleight-of-hand with no function except to frustrate public understanding of the Project's noise impacts. The DEIR must be re-circulated to include accurate noise analysis, disclose further significant impacts and include new mitigation measures, where appropriate, including temporary relocation of residents during construction.

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E. The DEIR Conceals Noise Impacts from Open-Air Restaurants.

The Project includes a 15,000 square feet of unenclosed rooftop restaurant area including a capacity for 1,000 people.¹⁸ The restaurant space would be open to the public on non-event days, during daytime and corporate events, and before, during and after major events. Located at the northwest corner of the Arena site, the restaurant space would be in relatively close proximity to noise-sensitive receptors at the northwest corner of Prairie Avenue and Century Boulevard, in addition to the receptor at 10204 South Prairie Avenue. The DEIR's composite noise model for the restaurant is based on a fatally flawed assumption that restaurant patrons would use "normal" speech volumes of 58 dBA.¹⁹ This assumption is based on an erroneous application of the technical literature cited in the DEIR.²⁰ In fact, the assumed 58 dBA speech volume applies to study participants instructed to use a "normal" voice in a noise-dampening environment.²¹ The 58 dBA speech volume is almost identical to the speech volume (57 dBA) use *within an urban home* and in *nurse stations in hospitals* – environments that no reasonable person would compare to a 1,000-guest sports bar.²² The DEIR erred in relying on this faulty noise assumption because

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¹⁵ DEIR Appendix J, p. 925.

¹⁶ DEIR Appendix H, p. 14.

¹⁷ DEIR p. 6-30.

¹⁸ DEIR p. 3.11-72.

¹⁹ DEIR p. 3.11-73.

²⁰ Olsen, W. O., 1998. "Average Speech Levels and Spectra in Various Speaking/Listening Conditions: A Summary of the Pearson, Bennett, & Fidell (1977) Report". American Journal of Audiology, vol. 7, no. 1059-0889, October 1998. p. 3.

²¹ Ibid.

²² Id. at 2.

a 15,000 square foot rooftop sports bar hosting 1,000 patrons is not conducive to “normal” speech volumes. Instead of “normal” speech volumes in this context, the DEIR should have assumed “raise” (65 dBA) or “loud” (76 dBA) speech volumes. The DEIR’s assumption is all the more perplexing because in other relatively calm contexts – pedestrians walking along the pedestrian bridge and pedestrians walking on the sidewalk – the DEIR assumed “raised” voice levels of 65 dBA.²³ This assumption is more realistic for the Project’s atmosphere where restaurant patrons will likely be watching sports games, cheering when points are scored, booing in response to penalties and audibly reacting to games in other respects.

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F. The DEIR Conceals Noise Impacts from the Plaza.

The Project includes an 80,000 square foot plaza adjacent to an event stage with capacity for 4,000 attendees.²⁴ Recognizing there will be “conversation and cheering” in the Plaza, the DEIR text properly describes assumed speech volume in the Plaza as “loud” (76 dBA).²⁵ The Noise Appendix model input, however, inexplicably reduces this input to 65 dBA – corresponding to “raised” speech volumes.²⁶ The analysis in the DEIR text, however, is persuasive. Because of the Plaza’s proximity to the outdoor stage and various speakers associated with the stage and the arena itself, speech volumes would increase accordingly.

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Moreover, the DEIR fails to consider the fact described in its own technical references that noise propagation is impacted by the arrangement of surrounding structures. The cone-shaped orientation of structures in the Plaza, rather than reducing noise impacts, would likely funnel noise impacts towards receptors to the northeast. Therefore, the DEIR’s technical appendix relies on an incorrect noise assumption at odds with its own analysis that underestimates the true noise impacts of the Project.

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G. The DEIR Fails to Mitigate Noise Impacts to the Maximum Extent Feasible By Failing to Enclose the Open Air Restaurants.

The DEIR acknowledges there will be significant operational noise impacts after events, increasing ambient noise levels by 10.2 dBA at residences northwest of Prairie Avenue and Century Boulevard.²⁷ The open-air restaurants are a major contributor to this significant operational noise impacts because, located at the northwest corner of the Arena site, they are the nearest noise sources to the receptor. Despite the clear connection between the 1,000-person open-air venue and the noise impacts to its northwest, the DEIR fails to impose a mitigation measure requiring that the restaurant be enclosed. Instead, the DEIR mandates preparation of an amorphous Noise Reduction Plan²⁸ that “could include” the measures identified below. Crucially, the Noise Reduction Plan is not required until prior to the first major event – it does not need to be prepared until after the Project has been constructed. Independently, this delayed mitigation leaves open the possibility that significant noise impacts would occur due to operation

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²³ DEIR Appendix J, p. 1215.

²⁴ DEIR p. 2-50.

²⁵ DEIR p. 3.11-32.

²⁶ DEIR Appendix J, p. 1214-1215.

²⁷ DEIR Figure 3.11-18.

²⁸ DEIR p. 3.11-151.

of the Ancillary Land Uses or minor events. The six²⁹ mitigation measures identified in the Noise Reduction Plan are ineffective, speculative and potentially infeasible, as demonstrated below:

- *Installation of permanent sound barriers.* This portion of the Noise Reduction Plan could not plausibly reduce noise impacts to the northeast because the Plaza entrance cannot be obstructed by solid noise walls.
- *Equip Noise Generating Equipment with Sound Enclosures.* The DEIR fails to attribute how much of the noise impacts on residences to the northeast are due to mechanical equipment. Based on the noise levels estimated in the DEIR and Appendix J, restaurant and crowd noise are the primary contributor to noise impacts to the northeast.
- *Locate Noise Generating Equipment as Far as Possible From Receptors.* There is no guarantee that it would be possible to follow through with this portion of the Noise Reduction Plan because it would not be prepared until after Project Construction.
- *Design the Outdoor Stage to Limit Noise Levels.* There is no guarantee that the outdoor stage can be “designed” to limit noise levels after it has been constructed. As shown on the Conceptual Site Plan, the outdoor stage maintains a clear line-of-sight to noise sensitive uses to the north east.
- *Utilize Sound-Absorbing Materials on Plaza Buildings.* There is no guarantee that sound-absorbing materials can feasibly be installed on the plaza buildings after they have been constructed and opened to the public. Moreover, this would only mitigate sound which reflects off the structures and would not address sound propagating through direct line-of-sight. Because the DEIR and Appendix J failed to account for noise reflecting to sensitive receptors due to the configuration of plaza structures, there is no analytical justification for this mitigation measure. The DEIR cannot subtract an impact it never included in the first place.
- *Enclose the Rooftop with a Noise Barrier Such as Glass.* Yet again, there is no guarantee that the 15,000 square-foot rooftop restaurant could be re-engineered to structurally support a glass enclosure. Nor is there any evidence that enclosure of the rooftop restaurant is theoretically sufficient to reduce significant noise impacts.

The Noise Reduction Plan constitutes ineffective and deferred mitigation. No analytical evidence supports the DEIR’s assessment that the Noise Reduction Plan would reduce operational noise impacts to less than significant levels. Instead, the DEIR commits one logical fallacy followed by another, unsubstantiated by noise modeling or even the simplest estimates of potential noise reduction. The Noise Reduction Plan is so speculative and lacking in evidentiary support that critical review by an acoustic engineer is premature at this time. Most of the

²⁹ Notably, the Noise Reduction Plan is “not limited to” the six identified measures, but could include other actions of unspecified nature and effectiveness. DEIR p. 3.11-158.

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potential measures would not address the greatest sources of noise on the residences to the east, especially the open-air sports bar. Additionally, the Noise Reduction Plan improperly defers the formulation of effective mitigation measures to a future date *after Project construction*, without demonstrating with certainty that the six potential measures would be feasible at that time or that they would successfully reduce impacts to less-than-significant levels.

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The DEIR's deferral of the formulation of effective mitigation measures subverts the Legislature's stated purpose of CEQA, to evaluate a proposed project *before* it is approved:

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The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they – and the environment – will have to give up in order to take that Journey.³⁰

The DEIR must commit to definite and feasible mitigation measures to guarantee noise reductions below the level of significance. CEQA mandates that the DEIR shall include all feasible mitigation measures that would reduce significant and unavoidable impacts.³¹ Enclosing the rooftop restaurants, especially with glass, is feasible because it would continue to provide a comparable ambience while allowing full functionality of the restaurants to advance the Project objectives. Furthermore, enclosing the rooftop restaurants would meaningfully reduce the most severe operational noise impacts after events. Therefore, at a minimum, the DEIR must impose a mitigation measure requiring enclosure of the rooftop restaurants and define maximum volumes for amplified music and stage activities.

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II. The DEIR Fails to Properly Disclose and Mitigate Project Transportation Impacts.

A. The DEIR Must Analyze Transportation Impacts of Concurrent NFL and NBA Games.

The DEIR considers five scenarios consisting of concurrent events at the Project in addition to events at the nearby Forum and the NFL Stadium.³² In addition to the 18,500-seat capacity of the Project, the Forum has a capacity of 17,500 seats and the NFL Stadium has a capacity of 70,240 seats, although the DEIR asserts that routine mid-size events would fill 25,000 seats. The combined capacity of these venues is 106,240 seats – equivalent to the population of the City of Inglewood itself in an area less than two square miles.

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The DEIR asserts that no analysis of a Clippers game concurrent with an NFL football game is required, and instead analyzes Scenario 5 which staggers the NFL and NBA game times

³⁰ *Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268.

³¹ CEQA Guidelines §§ 15092(b), 15043.

³² DEIR p. 3.14-3.

throughout the day.³³ The basis for this assertion is that in three other markets where NFL and NBA venues are near each other, games have not occurred concurrently.³⁴ However, none of the stadiums in these three markets (Golden State Warriors, Philadelphia 76ers and New Orleans Pelicans) serve two NFL teams, whereas the Los Angeles NFL Stadium serves both the Rams and the Chargers. The DEIR contradicts its own logic by noting that in the 2018/2019 season, NFL and NBA events overlapped *twice* – on October 28th and December 22nd.³⁵ Based on the empirical fact that NFL and NBA games have recently been scheduled concurrently in the Los Angeles market, it is reasonably foreseeable that future games could be scheduled concurrently.

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The public has a compelling interest to know the Project's worst-case environmental impacts. The DEIR's failure to disclose these impacts is particularly egregious because this worst-case scenario is clearly articulated, has occurred recently and can be readily modelled from the permutations already analyzed in the DEIR. Therefore, the DEIR must analyze the transportation impacts (in addition to noise and air quality impacts) of concurrent NFL and NBA games.

B. The Project Must Incorporate Feasible Mitigation Measures to Reduce Transportation Impacts from Concurrent Events at the Project, Forum and NFL Stadium.

The DEIR provides a plausible explanation for the general lack of overlap: based on a correspondence from NBA Game Schedule Management personnel, the NBA has a process allowing teams to identify unavailable home days.³⁶ This process creates a convenient mechanism for the Project to mitigate environmental impacts of concurrent events. The Project must incorporate a mitigation measure prohibiting ticketed events at the Project on the same day as events at the Forum and NFL Stadium where the combined attendance at the Project, the Forum and the NFL Stadium would exceed, for example, 24,500. The environmental benefits of this mitigation measure cannot be overstated. The DEIR disclosed that Scenario 5 – involving same-day events with the NFL game concluded before the NBA and Forum events begin – would result in **52 intersections** in the Project vicinity operating at LOS F. Regardless of the threshold of significance for traffic impacts, this gridlock would further compromise emergency access and increases traffic-related air pollution and noise impacts.

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This proposed mitigation measure incorporates reasonable flexibility because it would permit a Clippers game (18,500 seats) in addition to a 6,000-seat performance at the NFL Stadium. This mitigation measure is feasible because the NBA provides a built-in scheduling process to avoid scheduling conflicts in advance. Finally, this mitigation measure is consistent with the objectives of the City and the Applicant because it would allow multiple events concurrently while avoiding the most environmentally impactful scenarios of multiple concurrent events.

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C. The DEIR Fails to Analyze Impacts of the Parking Structures Without Project Events.

The Project's construction of three new parking structures including 4,125 parking spaces

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³³ DEIR 3.14-9; 3.14-361.

³⁴ DEIR 3.14-9.

³⁵ Id.

³⁶ Id.

would result in transportation impacts during NFL and Forum events, even when no events are planned at the Project. The DEIR notes that parking lots and structures in the Project vicinity are generally available to attendees of events at the Forum, the NFL Stadium and the Project. For example, attendees of an NFL game would be able to utilize parking resources at the Forum and the Project. During concurrent events at the Forum and the NFL Stadium, however, attendance would reach 89,500 seats. Given that the combined attendance of concurrent Forum and NFL events exceeds Project-only attendance by a factor of four, it is reasonably foreseeable that these combined events would result in transportation impacts comparable to, or even greater than, the impacts of events at the Project. Although the Forum and NFL Stadium may be accounted for in the environmental baseline, the Project would change the nature and geographic distribution of traffic for those venues by directing thousands of vehicles to the Project's parking structures. The DEIR has altogether failed to address this possibility. As a result, the DEIR does not properly analyze the impacts to emergency access and underestimated the noise and air quality impacts to residents near the Project, as measured by the number of days those impacts occur.

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D. The DEIR Underestimates Pedestrian Volumes and Conceals Sidewalk Facility Impacts.

The DEIR's sidewalk facility analysis considers only the pedestrian traffic resulting from an 18,500-person concert at the Project.³⁷ This analysis fails to consider the numerous other sources of pedestrians utilizing sidewalks in the Project area, including from residents, employees, vendors or attendees of events at the Forum or the NFL Stadium who use Project-adjacent sidewalks to return to their vehicles at the Project's parking garages. The DEIR's failure to include even a single additional pedestrian in its analysis conceals sidewalk facility impacts, particularly on West Century Boulevard between Prairie Avenue and Doty Avenue which the DEIR concludes would be reduced to LOS E. This portion of sidewalk is reduced to 14 square feet per pedestrian – just *one square foot* greater than LOS F and a significant impact.

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Many of the sidewalks in the Project vicinity are identified in the DEIR as measuring only 8 feet wide – woefully inadequate for the high pedestrian volumes resulting from the Project.³⁸ Some of these narrow sidewalks, such as the sidewalk on the north side of Century Boulevard between Prairie Avenue and Doty Avenue, directly abut Century Boulevard with no landscaping buffer. These portions of the sidewalk would be extremely uncomfortable for pedestrians at night after an event. The Project forces pedestrians onto a narrow, crowded sidewalk directly adjacent to a six-lane thoroughfare after events where attendees have been consuming alcohol. The only reasonable conclusion, based on the totality of these circumstances, is that the Project results in significant sidewalk impacts here. The DEIR cannot absolve itself of its obligation to disclose and mitigate this impact by blindly relying on the threshold of significance stating that the Project results in 14, rather than 13 square feet per pedestrian.

The DEIR further fails to disclose its calculations for how it determined the Average Pedestrian Space in Table 3.14-38. Although the DEIR asserts that it has already adjusted the average pedestrian space for obstructions, including areas “where walking may feel uncomfortable” consistent with *Highway Capacity Manual* guidance, the DEIR fails to document these elementary calculations (sidewalk length multiplied by usable width, minus obstructions

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³⁷ DEIR p. 3.14-133.

³⁸ The DEIR appears to mis-state the width of sidewalks

and uncomfortable areas). The DEIR must also provide citations for its assertions that all adjacent sidewalks are 8 feet in width, as portions of sidewalks appear to be significantly narrower than 8 feet. For instance, portions of the sidewalk on the south side of Century Boulevard but outside the Project boundaries appear to be approximately 6 feet wide after subtracting the parkway. Even a slight reduction in usable sidewalk area would result in significant impacts on sidewalk facilities.

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The DEIR fails to include enforceable and effective mitigation measures to ensure that pedestrian impacts on the east side of Prairie Avenue remain less than significant. The DEIR discloses that the Project *reduces the width of the sidewalk* on the east side of Prairie Avenue from 20 feet to 8 feet due to the introduction of a northbound right-turn lane.³⁹ The DEIR concedes this would result in pedestrian flows exceeding sidewalk capacity, yet asserts that this potentially significant impact is reduced to less-than-significant levels simply by posting wayfinding signage per Mitigation Measure 3.14-2(a). This Mitigation Measure inexplicably reduces flows on this sidewalk by the exact number of pedestrians “to match its available width.”⁴⁰

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This assumption is nothing more than self-serving speculation, unsupported by any coherent logic. The Project locates shuttle and transit stops on the east side of Prairie Avenue. Even if pedestrians exit the arena through the plaza to the north, accessing transit and shuttle facilities would require travelling south on the east side of Prairie Avenue – the same portion of sidewalk the DEIR claims these pedestrians would avoid because of wayfinding. The Project Description neglects to precisely define the location of entries and exits, making it unreasonable to assume that attendees would take a significantly longer path if their shortest path of travel crosses the 101st Street crosswalk on Prairie Avenue. Furthermore, the Mitigation Measure fails to include any enforceable and objective standard, such that pedestrian flows are monitored and further mitigation is required if flow exceeds capacity. Such future mitigation would be physically impossible after the Project and its associated street improvements are constructed.

There is, in fact, an enforceable and effective mitigation measure that would avoid these impacts with certainty – maintaining a 20-foot wide public sidewalk on the east side of Prairie Avenue even after accounting for a northbound right-turn lane. This mitigation measure is feasible because the Project site consists of 28 acres and the area of required sidewalk would not exceed several thousand square feet. The Project must include this mitigation measure to properly ensure pedestrian facility impacts are reduced to less-than-significant levels.

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Based on these deficiencies, the DEIR must be revised to properly document the sidewalk level of service, disclose significant impacts on pedestrian facilities and impose mitigation measures to widen sidewalks.

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E. The DEIR Fails to Analyze, Disclose and Mitigate Transit Impacts to the Green Line.

The DEIR analysis concedes that the Project would result in transit demand significantly exceeding capacity during major events.⁴¹ For example, Table 3.14-57 indicates that the

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³⁹ DEIR p. 3.14-217.

⁴⁰ Id.

⁴¹ DEIR p. 3.14-131 and 3.14-188.

eastbound Green Line at Hawthorne/Lennox operates at only 77% of capacity without the Project (656 hourly riders and 850 hourly capacity) and 112% of capacity with the Project (953 hourly riders and 850 hourly capacity). However, the DEIR’s analysis is fatally flawed because the transit impact analysis fails to analyze the ridership surge resulting from concurrent events at the Forum, NFL Stadium and the Project. Members of the public can only speculate how inadequate the Green Line’s capacity is to handle the transit ridership associated with 106,240 visitors at the three event venues. The DEIR must explain, in human terms, the consequences if the Green Line operated at, for example, 150% of capacity. Would transit delays exceed a half hour or even longer? Would platforms be so crowded that passenger safety would be compromised? Would delays be so long that passengers would instead seek a shared ride, such as Uber or Lyft? Members of the public have no meaningful information about how severely concurrent events would degrade their transit experience.

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Furthermore, the DEIR selectively quotes from guidance from the Governor’s Office of Planning and Research that “lead agencies *generally* should not treat the addition of new transit users as an adverse impact.” The next sentence of the OPR guidance, however, recognizes that “Increased demand throughout a region may, however, cause a cumulative impact by requiring new or additional transit infrastructure.” In the case of the Project, the combined development of the Forum, the NFL Stadium and the Project result in transit demand increases so severe that a significant transit impact would result unless additional transit service is needed. In this case, the Project must disclose a significant transit impact and mitigate these impacts to the greatest extent feasible by making fair-share contributions to Metro in order to provide additional transit service.

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F. The DEIR Fails to Analyze VMT Increases from Shifted Traffic Due to Vacation.

The Project proposes the vacation of portions of West 101st and 102nd Streets. West 101st Street currently carries a volume of 1,137 and 996 weekday and weekend trips, respectively, while West 102nd Street currently carries a volume of 5,661 and 4,099 weekday and weekend trips, respectively.⁴² The DEIR recognizes that the vacation would cause existing traffic to shift to nearby roads, yet the DEIR fails to consider that residents would need to take more circuitous paths of travel compared to pre-Project conditions of a connected street grid. For example, if half of the vehicles traveling on West 102nd Street would ultimately turn south to reach their destinations, the Project would increase the length of these trips by redirecting traffic a block or two *north* before vehicles would travel *south* again to their destinations. Given the extensive daily volumes that would be redirected, even a fraction of a mile per trip would significantly increase VMT. The Project disrupts a relatively continuous public street grid south of Century Boulevard and the public is entitled to know the true costs in terms of increased VMT.

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G. The Emergency Access Analysis Misleads the Public by Asserting the Project Would Not Delay Emergency Vehicles Access.

The DEIR acknowledges significant emergency access impacts because peak congestion would increase emergency response times such that the Project would result in inadequate emergency access.⁴³ The fundamental driver of this impact is the degradation of LOS at dozens of intersections in the Project vicinity, including 57 *intersections* reduced to LOS F during

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⁴² DEIR p. 3.14-65.
⁴³ DEIR 3.14-250.

concurrent events.⁴⁴ Despite the catastrophic gridlock associated with 57 LOS F intersections in the Project vicinity, the DEIR bizarrely asserts that emergency vehicles would remain unaffected because they could use sirens or drive in opposing lanes of traffic, or because traffic control officers could erect barriers to prevent slower response times.⁴⁵ Not only does this conclusion lack any empirical or technical support, but it is at odds with the reality that LOS F intersections are very likely congested to such an extent that opposing traffic lanes are also gridlocked. It is also apparent that if a traffic control officer needs to retrieve and manually erect traffic barriers to facilitate emergency access, those emergency vehicles have already been significantly delayed. The DEIR misleads the public by claiming that emergency vehicles would not be significantly impacted by the Project.

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H. The Emergency Access Analysis Relies on Ineffective and Deferred Mitigation.

Regardless of its perplexing analysis of emergency vehicle response times, the DEIR accurately notes that personal vehicles would be substantially delayed accessing emergency services, including at Centinela Hospital Medical Center (CHMC). The DEIR claims, however, that emergency access impacts would be mitigated to less than significant levels by Mitigation Measure 3.14-14, which requires the applicant to work with CHMC to (i) provide wayfinding signage, (ii) update the CHMC website and mobile app to provide advance notice of events, and (iii) instruct traffic control officers of best practices for emergency response.

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The DEIR fails to provide any substantial evidence that these three actions would reduce emergency access impacts to less than significant. Given potentially 57 LOS F intersections in the Project vicinity, no amount of wayfinding signage would result in adequate emergency access for personal vehicles traveling to CHMC. Nor would a mobile app notification be of any use to a parent rushing a child with a broken arm to the hospital. Finally, installation of traffic control barriers may be necessary as a result of the Project, but by the time barriers have been installed at an intersection to allow an emergency vehicle to proceed – through just one intersection – that vehicle has already been significantly delayed. Mitigation Measure 3.14-14 fails to include enforceable and objective performance standards to ensure that emergency access would be adequate. The Mitigation Measure is ineffective and improperly defers the formulation of actions to mitigate impacts. Emergency access impacts are significant and unavoidable notwithstanding Mitigation Measure 3.14-14.

III. The Reduced-Size Alternative Analysis Relies on Erroneous Comparisons to Project Impacts and Misleading Analysis of Project Objectives.

A. The Alternatives Omits the Operational Noise Reduction Benefits of Removing the Open-Air Restaurants.

The DEIR analyzes Alternative 2 (Reduced Project Size Alternative) including an arena of 17,500 seats, the south garage, pedestrian plaza, west garage, replacement well and TNC parking lot. Alternative 2 excludes development of the team practice facility, sports medical clinic, team administrative offices, retail, restaurants, outdoor plaza stage, community uses and

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⁴⁴ Table 3.14-97.

⁴⁵ DEIR p. 3.14-250.

the east parking structure.⁴⁶

The DEIR misleadingly claims that noise impacts under Alternative 2 would be the substantially the same as under the Project.⁴⁷ However, the DEIR’s flimsy rationale is that Alternative 2 would only reduce traffic by 3 percent and would not alter traffic- or airport-related noise. This conclusory statement fails to acknowledge that the open-air restaurant is a major contributor to post-event operational noise impacts on residences northwest of the Project. The DEIR’s assessment can only mislead the public about the environmental merits of Alternative 2.

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B. The Transportation Analysis Fails to Mention Alternative 2 Avoids Significant and Unavoidable Impacts of Ancillary Land Uses Without Events.

The DEIR recognizes the Project would result in significant and unavoidable transportation impacts solely based on the “ancillary land uses” including as the administrative offices, medical clinic, community space, restaurant and retail uses.⁴⁸ Because they would occur on a *daily basis* regardless of other events at the Project, the Forum or the NFL Stadium, impacts from ancillary land uses are of profound significance to members of the public. Alternative 2 would avoid the significant and otherwise unavoidable transportation impacts by removing the trip generators triggering those impacts, especially retail and restaurant uses. The DEIR neglects to inform the public that Alternative 2 would avoid the *most common certain transportation-related impacts*. Therefore, it fails as an informational document by glossing over a crucial reality that would affect members of the public regularly.

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C. The Alternatives Analysis Inadequately Describes GHG Benefits of Alternative 2.

The DEIR fails to describe the extent to which Alternative 2 is environmentally preferable in terms of GHG impacts. The DEIR implausibly states that GHG emissions during construction would be substantially the same, ignoring the hundreds of thousands of square feet of building area reduced in Alternative 2, including the east parking garage, hotel, retail and office space. GHG construction emissions are amortized over a 30 year period for this analysis, and the DEIR neglected to mention the GHG savings from foregoing this construction. Nor can the DEIR rely on emissions offsets to short-circuit an informed analysis of alternatives. As a matter of information disclosure, the public is entitled to know how much of the GHG impacts of the Project would be avoided in Alternative 2. Instead, the DEIR obfuscates public understanding of the environmental benefits of Alternative 2 by simply assuming the scenarios are equivalent after offsets.

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D. Noise Impacts Under Alternative 2 Are Not Greater than Project Impacts.

The DEIR asserts that Alternative 2 would result in greater noise impacts because sensitive receptors northwest of the arena would not be buffered by intervening structures. This conclusion is untenable because the intervening structures – especially the 15,000 square-foot rooftop sports bar – are themselves significant sources of noise impacts. Furthermore, the Project

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⁴⁶ DEIR, Table 6-1.

⁴⁷ DEIR p. 6-27.

⁴⁸ DEIR Table 3.14-15 (significant and unavoidable LOS impact) and Table 3.14-40 (significant and unavoidable VMT impact).

maintained a direct line-of-sight between the sensitive receptors and noise sources such as the retail and the arena itself.⁴⁹ No substantial evidence supports this statement.

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E. Transportation Impacts Under Alternative 2 Are Not Greater than Project Impacts.

The DEIR’s analysis of transportation and circulations is incomplete and misleading. The DEIR states that “few of the [transportation] impacts of the Reduced Project Size Alternative would be more severe” than Project impacts.⁵⁰ This statement has no function other than to misinform the public, because in fact Alternative 2 reduces both most common transportation impacts (those associated with Ancillary Land Uses) and most severe impacts (those associated with concurrent events). The DEIR notes that Alternative 2 might not reduce these impacts to less-than-significant levels, but it is patently false to state that the impacts are not reduced with respect to VMT, LOS and emergency access. Furthermore, the DEIR’s analysis is not supported by any model runs and therefore consists solely of unsubstantiated speculation in direct conflict with the DEIR’s own analysis, for example, identifying significant impacts from Ancillary Land Uses.

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The DEIR further deceives the public by stating that Alternative 2 would “fail to respond to several policies of the City of Inglewood General Plan which encourage the development of employment generating uses in the City.”⁵¹ In fact, Alternative 2 is *more consistent* with applicable General Plan Goals than the Project as summarized below:

<u>Comparison of General Plan Consistency – Alternative 2 Versus Project</u>	
General Plan Goal⁵²	Comparative Analysis
Goal: Provide for the orderly development and redevelopment of the City while preserving a measure of diversity among its parts. Allocate land in the City to satisfy the multiple needs of residents but recognize that land is a scarce resource to be conserved rather than wasted	Alternative 2 provides for orderly development of the City while preserving the diversity of its parts by facilitating development of the arena while maintaining the livability of adjacent residential uses. In contrast, the Project provides for excessive commercial intensification in a manner that compromises the needs of adjacent residents by causing excessive noise, transportation and other impacts. Alternative 2 is therefore superior with respect to this Goal.
Goal: Help promote sound economic development and increase employment	Alternative 2 promotes sound economic development and increases employment

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⁴⁹ See Figure 2-7 (Conceptual Site Plan) illustrating a 200-foot wide clear line of sight between the sensitive receptors northwest of the arena and the stage, retail and arena.

⁵⁰ DEIR p. 6-30.

⁵¹ DEIR p. 6-30.

⁵² City of Inglewood, City of Inglewood General Plan, Land Use Element, updated 2016. Available: <https://www.cityofinglewood.org/DocumentCenter/View/132/Land-Use-Element-1980-Amended-1986-2009-2016- PDF>.

<p>opportunities for the City’s residents by responding to changing economic conditions.</p>	<p>opportunities for the City’s residents by facilitating development of the arena. Alternative 2 promotes “sound” economic development because it appropriately balances the employment needs of the City with the profound environmental impacts associated with development of the Project. Event attendees would continue to patronize local businesses, further supporting employment opportunities in the City. The DEIR asserts Alternative 2 would reduce “non event” employment, yet fails to note that events of some size are proposed 243 days of the year.⁵³ The public can only guess what the true difference in employment would be. Alternative 2 is therefore superior with respect to this Goal.</p>
<p>Goal: Safeguard the City’s residential areas from the encroachment of incompatible uses</p>	<p>Alternative 2 better safeguards the City’s residential areas from the encroachment of incompatible uses by reducing the operational noise and transportation impacts associated with the Project. In particular, residences to the northwest of the arena would significantly benefit from the removal of the Project’s 15,000 square foot open-air sports bar and its associated operational noise impacts. Alternative 2 is therefore superior with respect to this Goal.</p>

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Finally, the DEIR falsely states that Alternative 2 would result in “increased VMT” because it would not consolidate LA Clippers uses, which would “exacerbate the generation of air pollutants, GHG emissions, congestion and other such effects at a regional level.⁵⁴ This statement appears intended to mislead the public because the DEIR elsewhere concedes that Alternative 2 would result in reduced VMT.⁵⁵ The DEIR fails to substantiate this conclusion with any model analysis, nor does it even attempt to estimate the VMT reduction by co-locating these facilities by identifying trip origins or distances. In fact, the DEIR concludes that consolidation would reduce per-employee VMT from 18.6 to 15, accounting for only 5,694 weekday VMT total (not a reduction of 5,694 VMT). The increased VMT of the retail, restaurant and hotel components dwarf this reduction, and the hotel *alone* increases VMT from 1,087 to 4,057.⁵⁶ The

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⁵³ DEIR Table 2-3.

⁵⁴ DEIR p. 6-30.

⁵⁵ DEIR p. 6-29, identifying reduced impacts associated with ancillary uses and hotel.

⁵⁶ DEIR p. 3.14-244 and Table 3.14-40

DEIR further fails to calculate the VMT reduction due to 150 hotel guest rooms located in walking distance, although again this reduction is likely to be a rounding error given the scope of the remainder of the Project. Moreover, there is no reason to assume that removal of ancillary land uses would increase VMT because the Adjusted Baseline includes numerous existing and proposed food and drink establishments in the Project vicinity.⁵⁷ Rather than drive to more-distant destinations, it is more likely that attendees would walk to nearby existing and proposed food and drink establishments.

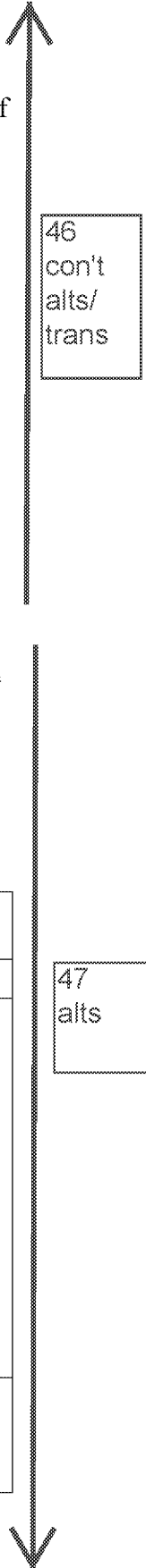
Furthermore, the reductions in VMT due to facility consolidation would likely be minimal because few trips are likely to be made between the arena, administrative offices and practice facilities on event days. In the event that large groups of employees are traveling between these facilities (for example, between practice facilities and the arena), it is reasonable to assume that employees would carpool or use shared transportation such as a charter bus. Crucially, the applicant is the only party able to provide information to inform this discussion because members of the public are not privy to the details of the Clippers' logistical operations, yet the DEIR withholds this essential information and instead relies on unsubstantiated, misleading and self-serving conclusions.

F. Alternative 2 Meets Primary Project Objectives While Reducing Significant Impacts – A Statement of Overriding Considerations is Improper.

The DEIR concludes that Alternative 2 does not meet various Project objectives. As shown in the table below, this assessment is unsupported by substantial evidence and even conflicts with analysis elsewhere in the DEIR.

<u>Analysis of Project Objectives – Alternative 2 Versus Project</u>	
Objective	Comparative Analysis
City Objective 2 (economic development)	The DEIR asserts Alternative 2 would only partially meet this Objective because it would not develop additional retail, office, clinic or practice facilities. However, the DEIR fails to consider that there are hundreds of thousands of square feet of retail and restaurant space proposed and existing within the Project vicinity, allowing the City to capture development benefits regardless of whether those uses are developed with the arena. Alternative 2 meets this objective because the vast majority of economic development benefits are derived from events.
City Objective 4 (strengthen community)	Alternative 2 includes an outdoor plaza that would function as a community gathering space. Alternative 2 substantially meets this objective.

⁵⁷ Phase 1 of the Hollywood Park Specific Plan development includes 107,357 square feet of restaurant and 49,785 square feet of quick food restaurant in addition to a grocery store and hundreds of thousands of square feet of retail. See Table K.2-R. Table K.2-S further identifies dozens of proposed commercial developments in the Project vicinity.



City Objective 7 (employment)	Alternative 2 meets this objective because it requires construction of the arena and associated structures and allows events 243 days per year, generating similar employment opportunities for most of the year.
City Objective 10 (environment)	The DEIR claims that Alternative 2 is “less environmentally conscious” than the Project because it does not consolidate Clippers facilities resulting in increased transportation-related impacts. As discussed above, this conclusion is demonstrably false and misleading.
Applicant Objective 1e (visitor-friendly environment)	Alternative 2 substantially meets this Objective because it promotes a visitor-friendly environment by facilitating development of an arena for 243 annual events in proximity to hundreds of thousands of square feet of visitor-serving commercial uses.
Applicant Objective 1f (economic development)	Alternative 2 meets this objective by facilitating development of the arena and its associated economic activity.
Applicant Objective 2d (maximize profits)	Alternative 2 does not meet the Applicant’s Objective 2d which essentially amounts to maximizing private profit. The DEIR fails to articulate any rationale why development of Alternative 2 would not be financially viable considering the enormous financial resources wielded by NBA franchises.

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Given the analysis above, the DEIR’s comparison of Alternative 2 to the Project is fatally flawed. In fact, Alternative 2 substantially meets all the Project objectives except Applicant Objective 2d to maximize private profits. Alternative 2 entirely avoids or significantly reduces the Project’s most severe and most recurring environmental impacts on residents in the Project vicinity, including transportation and noise impacts. Alternative 2 captures virtually all the economic development benefits of the Project because the Project vicinity has ample existing and proposed visitor-serving uses, even if those uses are located north of Century Boulevard in HPSP rather than within the Project.

Fundamentally, the decision before the City is whether the objectives of the Applicant that are not met by Alternative 2 (consolidation of facilities and maximizing private profits) are given such weighty consideration they justify the severe additional environmental impacts of the Project. There is no public interest in consolidating Clippers facilities, except to the extent that consolidation results in *net* environmental benefits – which it does not. Nor is there a public interest in maximizing the Applicant’s profits for a development that would already be financially viable. Any statement of overriding considerations, therefore, would be uninformed and improper.

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IV. Conclusion.

For the reasons identified herein, the DEIR must be revised and recirculated to properly disclose and mitigate the Project's significant environmental impacts. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

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Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being the most prominent part.

Jamie T. Hall