



CITY OF INGLEWOOD
ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING COMMISSION
MEETING AGENDA



May 6, 2020 7:00 P.M.

City Council Chambers - Ninth Floor (Planning Commission & Staff)
1 West Manchester Boulevard

SEE BELOW PROCEDURES FOR COVID-19 PUBLIC PARTICIPATION OPTIONS

1. Pledge of Allegiance.
2. Roll Call.
3. Communications from staff.
4. Public Comments Regarding Agenda Items. Persons wishing to address the Planning Commission on any item on the agenda other than a public hearing may do so at this time.
5. PUBLIC HEARINGS
 - a. A public hearing to reconsider General Plan Amendment 2020-01 (GPA 2020-001) to adopt an Environmental Justice Element to the General Plan.
 1. Preliminary Recommendations:
 - a. Preliminary CEQA Recommendation: Affirm Notice of Exemption EA-CE-2020-036; and
 - b. Preliminary Recommendation: Adopt Findings and the attached resolution recommending approval of GPA-2020-001.
 - b. A public hearing to reconsider General Plan Amendment 2020-02 (GPA 2020-002) to amend the Land Use Element of the City of Inglewood General Plan to clarify existing population density and building intensity allowances for all land use designations.
 1. Preliminary Recommendations:
 - a. Preliminary CEQA Recommendation: Affirm Notice of Exemption EA-CE-2020-037; and
 - b. Preliminary Recommendation: Adopt Findings and the attached resolution recommending approval of GPA-2020-002.
 - c. A public hearing to consider Zoning Code Amendment 2020-01 (ZCA 2020-001) to Chapter 12 of the Inglewood Municipal Code to modify regulations for Off-Hour Parking for Major Event Patrons.

--This item has been pulled and will be re-noticed.--
6. Commission Initiatives.
7. Public Comments. Anyone wishing to address the Planning Commission on any matter within their jurisdiction and not elsewhere considered on the agenda may do so at this time.
8. Adjournment.

If you will require special accommodations, due to a disability, please contact the Planning Division at (310) 412-5230, One Manchester Boulevard, Fourth Floor, Inglewood City Hall, Inglewood, CA 90301. All requests for special accommodations must be received 48 hours prior to the day of the hearing(s).

"Si no entiende esta noticia o si necesita más información, favor de llamar a este número (310) 412-5230."

In the event that the Planning Commission meeting of May 6, 2020 is not held, or is concluded prior to a public hearing or other agenda item being considered, the public hearing or non-public hearing agenda item will automatically be continued to the next regular Planning Commission meeting.

COVID-19 PUBLIC PARTICIPATION OPTIONS

Please note the following options for public participation at the May 6, 2020 Planning Commission meeting:

Viewing and Listening to Meeting: Live on-line, with audio and limited video, at <https://www.facebook.com/cityofinglewood/>

Viewing and Listening to Meeting: On Spectrum Cable Local Channel 35 with audio and limited video. Please check with your cable provider for details.

Written Public Comments: Members of the public can submit comments for consideration by the Planning Commission by sending them to Mindy Wilcox, AICP, Planning Manager at mwilcox@cityofinglewood.org. To ensure distribution to the members of the Planning Commission prior to consideration of the agenda, comments must be received prior to 12:00 P.M. on May 6, 2020, the day of the meeting. Those comments, as well as any comments received after 12:00 P.M. and prior to close of the public hearing, will be distributed to the members of the Planning Commission and will be made part of the official public record of the meeting.

Listening to Meeting and Oral Public Comments: Members of the public can participate in the meeting telephonically by dialing ~~1(888)431-3632 (Access Code 6963410)~~. Please note number has changed.

New Phone Number: 1-877-369-5243

New Access Code: 3627381##

(Note: The above procedures are subject to change for future Commission meetings. Please refer to future Planning Commission agendas for public participation option procedures at that time.)

**NEXT REGULAR PLANNING COMMISSION MEETING:
WEDNESDAY, JUNE 3, 2020, 7:00 P.M.
INGLEWOOD CITY HALL, COUNCIL CHAMBERS, NINTH FLOOR
ONE WEST MANCHESTER BOULEVARD
INGLEWOOD, CA 90301**

Refer to June 3 Agenda for public participation options at that meeting.

Agenda Item 5a.



CITY OF INGLEWOOD PLANNING COMMISSION AGENDA REPORT



Date: May 6, 2020	Agenda Item Number: 5a
Case Number: General Plan Amendment 2020-01 (Environmental Justice Element)	
Type of Action: Public Hearing	
Description: Adopt Environmental Justice Element of the General Plan	
Project Location: Citywide	

Public Notification: On Thursday, April 23, 2020, notice of a public hearing for General Plan Amendment 2020-01 (GPA 2020-01) was published as required by the Inglewood Municipal Code (Inglewood Today).

RECOMMENDATION

Re-consider the staff report and the public testimony and make a determination. If the Planning Commission determines to recommend GPA 2020-01 for adoption, it is recommended to:

- 1) Affirm Categorical Exemption EA-CE-2020-036, and
- 2) Adopt a resolution recommending City Council adoption of GPA 2020-01.

BACKGROUND

On September 24, 2016, Senate Bill 1000 (SB 1000), the Planning for Healthy Communities Act, was signed into law mandating that cities and counties adopt an environmental justice (EJ) element or integrate EJ goals, objectives, and policies into other elements of their General Plans.

In October 2018, the City commenced preparation of the Environmental Justice Element. From January 2019 to February 2020, the City and Civic Solutions (consultant) conducted outreach sessions and completed the preparation of the Environmental Justice Element.

On April 13, 2020, the Planning Commission considered and determined to recommend to the City Council to adopt an Environmental Justice Element to the Inglewood General Plan. However, just prior to the Planning Commission meeting, staff received a comment letter which included concerns pertaining to the City's public noticing procedures during COVID-19 as well as opportunity for public comment at the hearing. To address the comments outlined in the letter and to ensure adequate opportunity for public comment has been provided, in light of the COVID-19 Pandemic the General Plan Amendment has been re-noticed and is presented for the Planning Commission's reconsideration.

DISCUSSION

The State of California defines Environmental Justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (*California Government Code §65040.12.e*). In practice, environmental justice seeks to minimize pollution and its effects on all communities, including disadvantaged communities, and ensure that residents have a say in decisions that affect their quality of life.

The Environmental Justice Element, or related environmental justice goals, policies, and objectives integrated in other elements, must address the following:

1. Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
2. Identify objectives and policies to promote civil engagement in the public decision-making process.
3. Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

Municipalities are required to adopt or review the Environmental Justice Element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

In anticipation that future, current and long range planning projects could trigger the Environmental Justice Element compliance requirements, the City decided to proactively adopt an Environmental Justice Element ahead of State-mandated deadlines to address important land use and equity issues throughout the City.

The City commenced preparation of the Environmental Justice Element in October 2018. The City and Civic Solutions (consultant) conducted several outreach sessions to gain public input on environmental justice issues in the City and how they should be addressed. On January 17, 2019, a community workshop was conducted with in excess of 40 residents and other interested stakeholders in attendance. On February 26, 2019, additional input was provided at two Focus Group meetings conducted in English and Spanish. All participants engaged in valuable discussion and input on a variety of environmental equity topics. Additional input was received through the City’s website

and at booths set up at both the 2019 Martin Luther King, Jr. Celebration and the Earth Day Festival.

As previously stated, Environmental Justice relates to the fair treatment of all people with respect to environmental laws, regulations, and policies. Environmental Justice has also been described as the right for people to live, work and play in a community free of environmental hazards. According to the United States Environmental Protection Agency (EPA), Environmental Justice can be achieved when people have: 1) equal access to the public decision-making process, and 2) equal protection from environmental hazards.

Public Decision Process

Access to the public decision-making process relates to whether all residents are aware of, and know how to participate in, decisions that affect their environment. Some residents might not be aware how the City Council operates or know how to present their opinions. There may also be other barriers to their participation, such as not being fluent in English, or needing childcare to attend a City Council meeting. Environmental justice seeks to “level the playing field” and allow all members of the community to participate in decisions that affect their environment.

Equal Protection

Equal protection from environmental hazards involves everyone having the same level of protection from environmental hazards. There are areas that have clean environments and high quality of life compared to other areas that may face environmental pollution and lack beneficial resources, such as parks and significant exposure to pollution. These areas are often occupied by low-income residents who may lack resources and the ability to influence their environment. These areas are called “disadvantaged communities” and are required to be addressed in the general plan.

Disadvantaged Communities

According to the California Environmental Protection Agency (CalEPA), disadvantaged communities are those disproportionately burdened by multiple sources of pollution and with population characteristics that make them more sensitive to pollution.

To identify disadvantaged communities within a city or county, CalEPA encourages the use of the CalEnviroScreen 3.0 Model. CalEnviroScreen is a computer mapping tool published by the Office of Environmental Health Hazard Assessment (OEHHA) that identifies communities that are most affected by pollution and are especially vulnerable to its adverse effects.

CalEnviroScreen identifies several Census Tracts within the City of Inglewood in the top 25% of more pollution burdened census tracts and socioeconomic vulnerabilities.

Census Tracts in the City of Inglewood had CalEnviroScreen ranges in percentile from 49% to 98% with a City average of 79%. (Refer to Map Pages 6 and 7 of the Draft Environmental Justice Element) Lower scores (less pollution burdened) tend to be located in the northern and eastern limits of the community while higher scores (more pollution burdened) are located to the west, southwest and south. While some of the numbers and the City average may be at the higher end of the range, it is important to note that Inglewood is not unique in the region. Many other cities in the metropolitan Los Angeles area and the South Bay have a similar pollution burden and vulnerability because they have similar conditions to Inglewood. The important point is to acknowledge the factors that influence environmental justice and take proactive measures to address them.

Several areas of the City are considered disadvantaged based on the City's combined CalEnviroScreen 3.0 scores and are eligible for the State's SB 535 (the California Global Warming Solutions Act of 2012) and AB 1550 (the Greenhouse Gases Investment Plan of 2016) set aside funding which can be used for projects that benefit these communities.

Draft Environmental Justice Element

The Draft Inglewood General Plan Environmental Justice Element sets forward goals and policies related to ensuring environmental justice in the City. In adopting the Environmental Justice Element, the City is ensuring that decisions related to land use and development are made in an equitable manner and take into consideration the health and well-being of our most vulnerable populations.

The key environmental justice topic areas addressed in the element are:

1. Meaningful Public Engagement
2. Land Use and the Environment
3. Mobility and Active Living
4. Access to Healthy Food
5. Healthy and Affordable Housing
6. Public Facilities, Improvements and Programs

1. Meaningful Public Engagement

Public involvement in decisions that affect their environment and quality of life is essential to the implementation of environmental justice. Residents and other stakeholders need to be made aware of actions undertaken in a City which may have a lasting effect on physical development and their well being. The City of Inglewood commits to ensure that all persons have the opportunity to: 1) participate in decisions that affect their environment, and 2) have their concerns considered in the process and have the ability to influence decision making.

The City's goal for Meaningful Public Engagement is:

To have residents and stakeholders that are aware of, and effectively participate in, decisions that affect their environment and quality of life.

To address and guide the implementation of this goal, eight (8) policies were drafted in the area of Governance and ten (10) policies for Participation & Collaboration.

2. Land Use and the Environment

The key to quality of life is the ability to live in a healthful environment with clean air, potable water, nutritious food and a safe place to live. It is important to improve pollution in the environment for all residents, disadvantaged populations have traditionally borne a greater burden of pollution burden.

Inglewood residents identified that air pollution in general and noise associated with Los Angeles International World Airport (LAWA) as being the most critical pollution issues. Other issues identified included air pollution caused by motor vehicles, dust emissions from construction sites, as well light pollution from digital signs.

The City's goal to reduce the pollution burden faced by the disadvantaged population and all sectors of the City is:

Minimize the community's exposure to pollution in the environment through sound planning and public decision making.

To address and guide the implementation of this goal, fifteen (15) policies were drafted in the area of General Environment and Health, six (6) policies for Residential Uses and Other Sensitive Receptors, and nine (9) policies in the area of Industrial and Commercial Facilities.

3. Mobility and Active Living

Opportunities for physical activity are important for bringing equity to disadvantaged communities. Physical activity in a community is directly related to the built environment through having places that encourage walking, biking and other forms of exercise such as parks, trails, open space, urban green spaces, and active transportation networks.

At the Community Workshop and Focus Group Meetings, Inglewood residents noted that while the City is improving in bicycle and pedestrian friendly infrastructure, there is a need for far more safe places to bike and walk. Residents identified a lack of public facilities and parks for athletics, including baseball/softball fields, track fields and other active recreational facilities. Urban greening contributes to physical activity through the

beautification of existing streets, trails, and walkways, and through new infrastructure, such as community gardens.

The City's goal to encourage mobility and active living is:

Promote physical activity and opportunities for active living in all communities.

To address and guide the implementation of this goal, nine (9) policies were drafted in the area of Access and Connectivity and three (3) policies for Urban Greening.

4. Access to Healthy Food

To ensure the health and well-being of a community, it is essential that all community members have access to healthy food which is having a reasonable proximity and ability to travel to a food source that offers affordable, nutritionally adequate, and culturally appropriate food.

The City's goal for access to healthy food is:

That healthy, affordable and culturally appropriate food is readily available to all members of the community.

To address and guide the implementation of this goal, ten (10) policies were drafted in the area of Affordable and Nutritious Food and six (6) policies for Urban Agriculture.

5. Healthy and Affordable Housing

Housing affordability is a major concern for many Los Angeles County residents. Many residents spend a sizable portion of their incomes on housing. The high cost of housing can affect health by prohibiting access to high quality housing, which can often be too expensive. Living in poor quality housing can increase exposure to environmental hazards, such as mold and lead.

The City's goal to promote healthy and affordable housing is:

Provide safe and sanitary housing conditions and affordable housing options for all income levels of the community.

To address and guide the implementation of this goal, nine (9) policies were drafted in the area of Housing Conditions and five (5) policies for Housing Affordability and Displacement

6. Public Facilities, Improvements, and Programs

Public facilities are improvements, services and amenities that benefit the community. These facilities are often directed to more affluent areas of a City. Disadvantaged communities have traditionally had fewer public investments in their neighborhoods.

At the Environmental Justice Community Workshop and Focus Group meetings, residents indicated that there aren't enough parks, community centers and active recreation centers, particularly those that are free of charge and with restroom facilities.

The City of Inglewood's goal related to Public Facilities, Improvements, and Programs is.

To adequately and equitably distribute public facilities, improvements and programs that are available in all communities.

To address and guide the implementation of this goal, ten (10) policies for Public Facilities were drafted.

General Plan Consistency

According to Planning and Zoning Law 2020, Chapter 3, Article 5, Section 65301 (a). "[t]he general plan shall be so prepared that all or individual elements of it may be adopted by a legislative body, ..." Senate Bill 1000 (SB 1000), the Planning for Healthy Communities Act, requires cities and counties that have disadvantaged communities to incorporate environmental justice (EJ) policies into their General Plans, either in a separate EJ element or by integrating throughout the other elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. Also the Planning and Zoning Law, Government Code Section 65358 (b), provides: "Except as otherwise provided in subdivision (c) or (d), no mandatory element of a general plan shall be amended more frequently than four times during any calendar year."

The Inglewood General Plan serves as a blueprint for the physical development of the City. It sets long term physical, economic, social, and environmental goals for a jurisdiction and identifies the types of development needed to achieve those goals. The eight required 'Elements' of the General Plan (Land Use, Housing, Circulation, Conservation, Open Space, Noise, Safety, and Environmental Justice) complement each other and provide a comprehensive plan for the future of the jurisdiction. When a General Plan is developed as a comprehensive document the elements comply with and do not contradict one another. Over time, as individual elements are modified, a jurisdiction must ensure that any modifications do not conflict with any other part of the General Plan.

Due to currently high levels of development activity as well as long range planning projects, the City decided to proactively adopt an Environmental Justice Element ahead

of State-mandated deadlines to address important land use and equity issues throughout the City. The Draft Environmental Justice Element, as a stand-alone element, is allowed per Planning and Zoning Law as well as Senate Bill 1000. Further, the Environmental Justice Element is designed to integrate with and complement other, existing General Plan Elements, and does not conflict with any other policies of the General Plan.

Public Comments

As of the preparation of this report, the following correspondences were received in favor of or against this matter have been received:

- Letter dated April 13, 2020 from Robert Silverstein, The Silverstein Law Firm, APC
- Email dated March 20, 2020 from the Gabrieleno Band of Mission Indians - Kizh Nation
- Email letter dated March 17, 2020 from South Coast Air Quality Management District

Environmental Determination

Based upon substantial evidence in the record of this proceeding and pursuant to the California Environmental Quality Act ("CEQA"), California Public Resource Code Section 21000 et seq.; and the CEQA Guidelines, 14 California Code of Regulations section 15000 et seq., City staff has determined that the proposed General Plan Amendment to adopt the Environmental Justice Element of the General Plan (herein after "Environmental Justice Element") is not subject to CEQA because it would not "result in a direct or reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines section 15060(c)(2)); because it is exempt from environmental review pursuant to the "common sense exemption" (CEQA Guidelines section 15061(b)(3)), which exempts a project from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment"; and because it is exempt under the Class 8 (Section 15308) exemption for actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment.

The Environmental Justice Element is proposed by the City to comply with the Government Code section 65302, which requires a city with disadvantaged communities to "[i]dentify objectives and policies to reduce the unique or compound health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activities." Such a city must also develop policies that promote participation in public decision-making and prioritize programs that address the needs of disadvantage communities. (Gov. Code section 65302(h)(1)(A), (B), (C).)

Consistent with these requirements, the City Environmental Justice Element includes goals and policies, among other things, to promote meaningful public engagement in decisions that affect the environment and quality of life, to minimize exposure to pollution, to encourage physical activity and an active lifestyle, to increase access to healthy foods, to provide safe and clean housing and affordable housing opportunities, and to provide adequate access to public facilities throughout the City. Through these goals and policies, the Environmental Justice Element is intended to guide future development in the City in a way that minimizes health risks and land use incompatibilities that can unduly and disproportionately impact disadvantaged communities.

Specifically, Environmental Justice goals and policies aimed at minimizing exposure to pollution include encouraging land use patterns that promote walking, biking, and use of transit, including locating high density development near transit, which would result in a reduction in vehicle miles traveled and thus a reduction in vehicle emissions. The policies also encourage locating grocery stores and outdoor markets within new transit-oriented development projects and near residential uses. Such policies would increase access to healthy foods in accordance with Government Code section 65302. Such policies also promote a reduction in vehicle miles traveled and vehicle emissions. Further, the Environmental Justice Element includes policies to incorporate compliance with state and federal environmental regulations into projects, and to condition projects to reduce dust and noise, helping to ensure that communities are protected from both air and noise pollution.

The Environmental Justice Element does not provide for, authorize, approve, or describe any particular development activity. It does not increase or change development densities or intensities. It does not authorize any particular land use. Although the Environmental Justice Element provides for evaluation by the City of its existing zoning regulations with a focus on promoting environmental justice policies, it does not include, result in, or authorize any development activity or other physical change to the environment, and does not mandate any specific changes to zoning regulations. For example, policy EJ-4.1 provides that the City should "[a]ddress whether zoning allows providers of fresh produce (grocery stores, farmers markets, produce stands) to locate within three-quarters of a mile of all residences in the City." Similarly, policy EJ-4.2 states that the City should use zoning regulations to "[e]ncourage the development of healthy food establishments in areas with a high concentration of fast food establishments, convenience stores, and liquor stores." These policies do not require or result in any changes to the zoning regulations that could then result in any physical change to the environment. Rather, the policies identify considerations that the City should consider in making future land-use decisions.

For these reasons, adoption of the Environmental Justice Element would not result in a direct or reasonably foreseeable indirect physical change in the environment. Moreover, there is no possibility that adoption of the Environmental Justice Element would have a direct or indirect significant effect on the physical environment. For these reasons, the proposed Environmental Justice Element is exempt from CEQA review under CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

In addition, the Environmental Justice Element is exempt from environmental review pursuant to CEQA Guidelines Section 15308 (Class 8), which exempts from environmental review actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The City is required by California Government Code section 65302 to adopt an Environmental Justice Element to its General Plan for the express purpose of reducing health risks to disadvantaged communities resulting from local land use decisions, and specifically from the impact of those decisions on the environment. The Environmental Justice Element provides goals and policies to guide future development and land use decisions in the City, and to help ensure that those decisions account for the directives in Government Code section 65302. As a result, the Environmental Justice Element will assure the enhancement and protection of the environment, particularly for disadvantaged communities.

The exceptions set forth in CEQA Guidelines section 15300.2 do not apply to preclude application of the Class 8 exemption in this case. As described above, there is no possibility that the action would result in a significant effect on the environment, and there are no unusual circumstances relating to the Environmental Justice Element that would alter this conclusion. The action would not result in a cumulative impact resulting from successive projects of the same type in the same place over time because the Environmental Justice Element is a plan-level document that sets forth goals and policies that would apply throughout the City, and does not provide for, propose or contemplate any specific development in any particular area of the City. The Environmental Justice Element also would not result in damages to a scenic resource within a state scenic highway as there are no designated or eligible state scenic highway segments within the City.

Because the Environmental Justice Element does not propose or describe a specific development activity or identify development sites. It is not reasonably foreseeable that its adoption would result in development of a project on a hazardous waste site (and, in fact, the goals and policies would discourage such development in a way that would impact disadvantage communities), or in development of a project that would result in a substantial adverse change to an historical resource.

For these reasons, each of which is independently sufficient, City staff has concluded that adoption of the Environmental Justice Element does not require further CEQA review, pursuant to CEQA Guidelines sections 15060(c)(2), 15061(b)(2), and 15308.

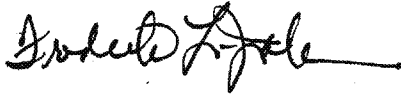
The City also received a comment stating that the City's consideration of the Environmental Justice Element is a component of the Inglewood Basketball and Entertainment Center ("IBEC") project proposed by the Los Angeles Clippers that is currently undergoing environmental review. The comment states that the Environmental Justice Element must therefore be proposed as one aspect of the IBEC project, in the environmental impact report being prepared for that proposal. City staff disagrees with this comment for the following reasons. Under CEQA, a "project" is "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Resources Code, § 21065.) "Project" includes "the whole of an action." (CEQA Guidelines, § 15378, subd. (a).) The failure to consider "the whole of the project" is a CEQA violation often referred to as "piecemealing." (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222.) In this case, the Environmental Justice Element is not part of the IBEC project. The Environmental Justice Element, if adopted, would apply throughout the City, to all proposals, and not solely to one specific proposal. The IBEC proposal is within the City and would therefore be subject to the Environmental Justice Element, but to no greater or lesser extent than any other development proposal. The record contains no evidence that approving the IBEC will be a reasonably foreseeable consequence of adopting the Environmental Justice Element. At most, the Environmental Justice Element contains additional policies that the City will use to evaluate the IBEC, just like any other development project proposed in the City. Nor will adoption of the Environmental Justice Element somehow enable the IBEC to evade CEQA review. Under such circumstances, City staff concludes that the City does not need to analyze the Environmental Justice Element as a component of the IBEC. Case law supports this conclusion. (See, e.g., *Rodeo Citizens Assn. v. County of Contra Costa* (2018) 22 Cal.App.5th 214, 223-225; *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 282; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1450.)

The proposed resolution provided to the Planning Commission includes a finding that the proposed Environmental Justice Element is exempt from CEQA review for the reasons outlined above. Such a finding is not legally required. Nevertheless, City staff believes such a finding is helpful in that it provides a clear record showing that the City has considered fully the extent to which CEQA review may be relevant to this proposal.

City staff has prepared a Notice of Exemption (EA-CE-2020-036) stating that the proposed Environmental Justice Element is categorically exempt from CEQA for the reasons stated above. A copy of Notice of Exemption (EA-CE-2020-036) has been

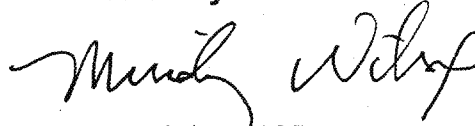
available for review on the City's website. An electronic copy is available by email request to fljackson@cityofinglewood.org.

Prepared by



Fred Jackson
Senior Planner

Reviewed by



Mindy Wilcox, AICP
Planning Manager

Submitted by

Christopher E. Jackson, Sr.
Director

Attachments

- Attachment 1 – Notice of Exemption
- Attachment 2 – Draft Environmental Justice Element
- Attachment 3 – Planning Commission Resolution
- Attachment 4 – Correspondence Received

Draft Environmental Justice Element

Go to the following link:

<https://www.cityofinglewood.org/DocumentCenter/View/14211/Environmental-Justice-Element>



CITY OF INGLEWOOD

Planning and Building Department



Christopher E. Jackson, Sr.
Department Director

Mindy Wilcox, AICP
Planning Manager

NOTICE OF EXEMPTION

Prepared in accordance with California Environmental Quality Act Section No. 15300, and the Inglewood Municipal Code, the following Notice of Exemption is made.

Project Title: General Plan Amendment GPA-2020-01
CEQA Case No: EA-CE-2020-036
Location: Citywide
Zoning: All Zones
Project Sponsor: City of Inglewood
Address: One Manchester Boulevard, Inglewood, CA 90301
Agency Contact: Fred Jackson, Senior Planner
Telephone: (310) 412-5230

Project Description

General Plan Amendment 2020-01 (GPA 2020-001) to adopt an Environmental Justice Element to the General Plan.

Exempt Status

Categorical Exemption: Section 15061(b)(3) and 15060(c)(2)

Reason for Exemption

The proposed General Plan Amendment qualifies under the "common sense" CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3) and 15060(c)(2), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. CEQA only applies to projects that have the potential for causing a significant effect on the environment - either through a direct impact or reasonably, foreseeable indirect impact. The proposed General Plan Amendment will not have a significant impact on the environment and is therefore exempt from the provisions of CEQA. The proposed General Plan Amendment also qualifies for the categorical exemption set forth in CEQA Guidelines section 15308 (Class 8), which exempts from environmental review actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

Signature:

A handwritten signature in black ink, appearing to read "Fred Jackson".

Name:

Fred Jackson

Title:

Senior Planner

Date:

April 1, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INGLEWOOD, CALIFORNIA, APPROVING AND RECOMMENDING TO THE CITY COUNCIL FOR APPROVAL, THE ADOPTION OF CATEGORICAL EXEMPTION EA-CE-2020-36 AND APPROVAL OF GENERAL PLAN AMENDMENT 2020-01, TO ADOPT AN ENVIRONMENTAL JUSTICE ELEMENT OF THE GENERAL PLAN.

WHEREAS, California Government Code Section 65040.12.e defines Environmental Justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies; and,

WHEREAS, Senate Bill 1000 (SB 1000), the Planning for Healthy Communities Act, was signed into law mandating that cities and counties adopt an environmental justice (EJ) element or integrate EJ goals, objectives, and policies into other elements of their General Plans; and,

WHEREAS, City staff and consultants prepared a Draft Environmental Justice Element per State law, incorporated input and direction from the City of Inglewood Planning Commission (Planning Commission) and the public; and,

WHEREAS, to implement the Environmental Justice Element, a series of policies and programs have been incorporated within the Environmental Justice Element; and,

WHEREAS, the Planning Commission scheduled a Public Hearing for April 13, 2020, that was properly noticed pursuant to Section 65353 of the California Government Code with a legal notice published in the Inglewood

1 Today Newspaper, a newspaper of general circulation and a notice posted on
2 the City Hall public information board; and,

3 **WHEREAS**, on April 13, 2020, the City of Inglewood Planning
4 Commission conducted the public hearing, reviewed the Environmental
5 Justice Element policies, goals, and programs and provided an opportunity
6 for members of the public to address the Commission regarding the
7 Environmental Justice Element, an element of the Inglewood Comprehensive
8 General Plan; and,

9 **WHEREAS**, pursuant to Section 65103 of the California Government
10 Code, the Planning Commission, acting as the City of Inglewood Planning
11 Agency, is charged with administration of the City's General Plan and with
12 making recommendations to the City Council on amendments to the City's
13 General Plan; and,

14 **WHEREAS**, after taking public testimony and fully considering all the
15 issues, the Planning Commission determined that General Plan Amendment
16 GPA-2020-01 should be recommended for approval to the City Council as set
17 forth herein below.

18 **WHEREAS**, On April 14, 2020, based on correspondence from the
19 public pertaining to the City's public noticing procedures during COVID-19 as
20 well as opportunity for public comment at the hearing. In light of the COVID-
21 19 Pandemic the General Plan Amendment has been re-noticed and is
22 presented for the Planning Commission's reconsideration; and,

23 **WHEREAS**, the Planning Commission scheduled a Public Hearing for
24 May 6,, 2020, that was properly noticed pursuant to Section 65353 of the
25 California Government Code with a legal notice published in the Inglewood
26 Today Newspaper, a newspaper of general circulation and a notice posted on
27 the City Hall public information board.

28

1 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY
2 OF INGLEWOOD, CALIFORNIA RESOLVES AS FOLLOWS:

3 SECTION 1.

4 The Planning Commission has carefully considered all testimony and
5 evidence presented in this matter, and being so advised, finds as follows:

- 6 1. That the proposed amendment is consistent with the intent of the
7 Inglewood General Plan in that it serves as a blueprint for the physical
8 development of the City. It sets long term physical, economic, social,
9 and environmental goals for a jurisdiction and identifies the types of
10 development needed to achieve those goals. The eight required
11 'Elements' of the General Plan (Land Use, Housing, Circulation,
12 Conservation, Open Space, Noise, Safety, and Environmental Justice)
13 complement each other and provide a comprehensive plan for the
14 future of the jurisdiction. When a General Plan is developed as a
15 comprehensive document the elements comply with and do not
16 contradict one another. Over time, as individual elements are
17 modified, a jurisdiction must ensure that any modifications do not
18 conflict with any other part of the General Plan. The Draft
19 Environmental Justice Element does not conflict with any other
20 policies of the General Plan.
- 21 2. The incorporation of an Environmental Justice Element into the
22 General Plan does not constitute an establishment of unique
23 standards, offering special privilege to a particular individual or group
24 of individuals.
- 25 3. The incorporation of an Environmental Justice Element into the
26 General Plan is consistent with the general intent of the provisions of
27 the Inglewood General Plan to promote the public health, safety,
28 comfort, convenience and general welfare of the City of Inglewood.

1 4. The Inglewood Planning Commission finds that the Environmental
2 Justice Element complies fully with the requirements of California
3 Government Code Section 65040.12.e.

4 5. Notice of the Planning Commission hearing on the Environmental
5 Justice Element was given as required by law and the actions were
6 conducted pursuant to California Planning and Zoning Laws.

7 6. The Planning Commission further finds that adoption of the
8 Environmental Justice Element is in the public interest to protect the
9 public health, safety, and welfare of the City of Inglewood

10 7. That the adoption of the proposed Environmental Justice Element is
11 exempt from review under the California Environmental Quality Act
12 (CEQA) pursuant to the CEQA Guidelines, California Code of
13 Regulations, Title 14, Chapter 3, sections: 15060(c)(2), 15061(b)(3) and
14 15308, individually and collectively, for the reasons set forth in the
15 City staff report to the Commission, which the Commission
16 incorporates by reference, and for which notice of exemption EA-CE-
17 2020-036 has been prepared.

18 **SECTION 2.**

19 Pursuant to the foregoing recitations and findings, the
20 Environmental Justice Element is hereby recommended to the City Council
21 to be incorporated into the Inglewood General Plan as set forth in Exhibit
22 "A" attached hereto and made a part thereof.

23 **SECTION 3.**

24 The Secretary of the Planning Commission is hereby instructed to
25 forward a certified copy of this resolution to the City Council as a
26 recommendation of the Planning Commission to adopt the Environmental
27 Justice Element.

28 Passed, approved and adopted this 6th day of May 2020.

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Larry Springs, Chairman
City Planning Commission

Attest:

Evangeline Lane, Secretary
City Planning Commission
Inglewood, California

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

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WWW.ROBERTSILVERSTEINLAW.COM

April 13, 2020

VIA EMAIL fljackson@cityofinglewood.org;
mwilcox@cityofinglewood.org

Fred Jackson, Senior Planner
Mindy Wilcox, AICP, Planning Manager
City of Inglewood, Planning Division
1 West Manchester Boulevard, 4th Floor
Inglewood, CA 90301

Re: Advance Notice Request and Comments and Objections to Notices of
Exemption for, and of General Plan Amendment GPA-2020-01 and GPA-
2020-02; CEQA Case Nos. EA-CE-2020-036 and EA-CE-2020-037

Dear Mr. Jackson and Ms. Wilcox:

I. INTRODUCTION AND ADVANCE NOTICE REQUEST.

This firm and the undersigned represent Kenneth and Dawn Baines, owners of the property located at 10212 S. Praire Ave., Inglewood. Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the proposed approval/adoption of the General Plan Amendments and Categorical Exemptions listed above ("Project(s)").

Pursuant to Public Resources Code Section 21167(f) and all applicable rules and regulations, please provide a copy of each and every Notice of Determination issued by the City in connection with these Projects. We incorporate by reference all Project objections raised by others with regard to both the present Notices of Exemption and amendments/adoption of General Plan Elements. To the extent the Projects are part of or interrelated with the Clippers IBEC project, we incorporate by reference all public comments/objections to the IBEC project as well as its Draft EIR.^{1, 2, 3}.

¹ See <http://ibecproject.com/>

² We specifically request that all the hyperlinks in this letter be downloaded and printed out, submitted to the agency, and be included in the City's control file and record

for the Project, as duly provided by applicable case law.

³ See http://opr.ca.gov/ceqa/docs/ab900/20190201-AB900_IBEC_Community_letters_1.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190201-AB900_IBEC_Community_letters_2.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_Inglewood_Residents_Against_Takings_Evictions_Comments.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_without_Exhibits.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBITS_1-4.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBIT_5.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBITS_6-7.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBITS_8-10.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190222-AB900_IBEC_Comment_Climate_Resolve.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190304-AB900_IBEC_NRDC.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190422-AB900_IBEC_MSG_Supp_Letter_IBEC_App_Tracking_No-2018021056.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190422-AB900_IBEC_MSG_Supp_Letter_IBEC_App_Tracking_No-2018021056.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190621-IBEC_Comment_NRDC_Clippers_response_6-21-19.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_Opposition_to_Supplemental_Application.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_resident_letters.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_Resident_Letters_1.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_Resident_Letters_2.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-Final_Inglewood_Community_Letters.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-MSG_AB_987_Letter_re_Supplemental_Application_with_exhibits.pdf, <http://opr.ca.gov/ceqa/docs/ab900/20190628-IBEC.pdf>, http://opr.ca.gov/ceqa/docs/ab900/20190729-Public_Counsel_letter_RE_AB_987_Inglewood_Arena_Project.pdf

This letter is also an **Advance Notice Request** that the City of Inglewood Department of City Planning, the City Clerk's office, and all other commissions, bodies and offices, provide this office with advance written notice of any and all meetings, hearings and votes in any way related to the above-referenced proposed Projects and any projects/entitlements/actions related to any and all events or actions involving these Projects.

Your obligation to add this office to the email and other notification lists includes, but is not limited to, all notice requirements found in the Public Resources Code and Inglewood Municipal Code. Some code sections that may be relevant include Public Resources Code Sections 21092 and 21092.2.

This Advance Notice Request is also based on Government Code § 54954.1 and any other applicable laws, and is a formal request to be notified in writing regarding the Projects, any invoked or proposed CEQA exemptions, any public hearings related to the Draft or Final EIR for the IBEC project, together with a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of an advisory or legislative body, by email and mail to our office address listed herein. We further request that such advance notice also be provided to us via email specifically at:

Robert@RobertSilversteinLaw.com; Esther@RobertSilversteinLaw.com;
Naira@RobertSilversteinLaw.com; and Veronica@RobertSilversteinLaw.com.

http://opr.ca.gov/ceqa/docs/ab900/20190903-AB900_IBEC_Community_Letters.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20190903-AB900_IBEC_Inglewood_Community_Letters-2.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20190909-AB900_IBEC_MSG_OPR_Letter_September_2019_with_exhibits.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191112-AB900_IBEC_AB987_Inglewood_Residents_Against_Takings_and_Evictions%20.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191114-Barbara_Boxer_GHG_Emissions_Commitment_Letter.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191127-AB900_IBEC_AB987_Resident_Letters_Supplement_to_GHG_Emissions_Commitment.pdf, http://opr.ca.gov/ceqa/docs/ab900/20191127-AB900_IBEC_AB987_Resident_Letters_Supplement_to_GHG_Emissions_Commitment_2.pdf, http://opr.ca.gov/ceqa/docs/ab900/20191127-AB900_IBEC_AB987_MSG_Forum_Supplement_to_GHG_Emissions_Commitment.pdf, http://opr.ca.gov/ceqa/docs/ab900/20191205-AB987_IBEC_Comment_MSG_Forum.pdf.

Finally, to the extent that an advance written request is required for any and all City hearings regarding the above-referenced project to be recorded and/or transcribed, this letter shall constitute that advance written request. Please include this letter in the record for this matter.

Please, acknowledge receipt of the Advance Notice Request above.

Please also provide a current time line of all scheduled and anticipated events, including hearings or approvals of any type, related to the Projects.

II. OBJECTIONS TO THE LACK OF ADEQUATE AND CONSISTENT NOTICE AND REQUEST TO RESCHEDULE THE APRIL 13, 2020 HEARING.

On April 13, 2020, our office came across the City's *special* meeting agenda for the Planning Commission's Special Meeting on April 13, 2020, at 7:00 p.m. The agenda included Items 5(d) and 5(e) related to the Projects – i.e., amendments to the General Plan.

Based on information we have obtained, the City of Inglewood ("City") is closed for COVID-19 reasons effective April 13 through April 27, 2020. Yet we were informed at approximately 6:00 p.m. tonight that despite the shutdown of City Hall, this Planning Commission hearing is proceeding nonetheless. That is an outrage to the concept of transparency and public participation.

We hereby object to the City's short imposed deadlines, special meetings, inadequate and inconsistent notices, and particularly, to the notice of the special meeting on April 13, 2020 during this time of the COVID-19 crisis. Moving forward with the Projects would also be in violation of the Brown Act's open meetings requirements and any decision taken today will be invalid.

We therefore request that the City reschedule the Special Meeting of April 13, 2020 and properly circulate the notice and all documents related to the Projects, including but not limited to the drafts of the Land Use and Environmental Justice Elements, to afford meaningful opportunity to the public and public agencies to comment on the proposed amendments to the General Plan – prior to any approval. The City's failure to reschedule and duly circulate the documents prior to the respective approvals of the Projects will constitute an abuse of discretion and failure to proceed in a manner required by law.

We also request that the City postpone any action or hearing on General plan amendments until and unless 90 days after the stay-at-home orders have been lifted by the California Governor. State and Planning and Zoning laws necessitate public participation for all actions, whereas the presently-utilized remote participation is often disrupted because of connection problems. The City should not take advantage of these unfortunate times, where people are fighting against the virus and some people are fighting for their lives, to rush through projects of such magnitude as amendments to the City's General Plan.

We also object to the City's imposition of strict deadlines for non-essential projects during the COVID-19 crisis given that – as evidenced by the recent letter of the League of California Cities to the Governor asking for tolling of all deadlines – city staffing shortages affect the efficiency of their work. We request that the City toll and extend its deadlines for public comment period on all environmental documents, including the Notices of Exemption for the Projects, until after the COVID-19 crisis is contained and the Governor lifts stay-at-home orders.

III. LACK OF MEANINGFUL OPPORTUNITY FOR PUBLIC PARTICIPATION PARTICULARLY FOR COVID-19 REASONS.

The City cannot approve the Projects or Notices of Exemption or related findings because it cannot make a finding that those are consistent with the City's General Plan, as the City has not duly circulated the documents for the public to review and comment upon.

Further, the City may not be able to satisfy the public participation requirement under Cal. Gov't Code § 65351, which provides: "During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate."

To the extent that the Projects, specifically, the General Plan amendments, are also interrelated with and being piecemealed from the IBEC project and its DEIR, the Projects will unavoidably facilitate or be used in furtherance of the IBEC project. In turn, the City may not rely on Categorical Exemptions to approve the Projects because doing so would facilitate the IBEC project, which project will have significant, unmitigable impacts. In other words, the use of Categorical Exemptions is facially improper because the Projects are being used to facilitate and expedite approval of the IBEC project and its DEIR. Accordingly, the approval of the instant Projects will cause or contribute to direct or

indirect physical impacts to the environment. Piecemealing the Projects out of the IBEC project and its review is independently a violation of CEQA.

IV. THE PROPOSED LAND USE AND ENVIRONMENTAL JUSTICE ELEMENTS ARE INTERRELATED WITH THE IBEC PROJECT AND THEREFORE ARE ILLEGALLY PIECEMEAELED FROM IT.

These rushed proposed General Plan amendments come at a time when the Clippers IBEC project is being processed and promoted. The IBEC project itself requires zoning changes and amendments to the General Plan's Land Use Element.

The IBEC project has been severely criticized for its 42 environmental adverse impacts, including GHG emissions by bringing in millions of cars, causing severe traffic impacts, and adversely impacting the disadvantaged community of Inglewood, including their health and safety.

The IBEC project has been criticized for its conflicts with environmental justice principles.

Therefore, it appears that the City's efforts to amend the General Plan and include Land Use Element Amendments and the Adoption of an Environmental Justice Element on such a rushed basis, without adequate process for the public, and with zero environmental review in an obvious effort to piecemeal this issue away from where it should be analyzed as part of the IBEC project CEQA review, aims to further the IBEC project without properly and timely disclosing that purpose to the public.

V. THE LAND USE ELEMENT AMENDMENT MAY NOT BE ADOPTED DUE TO LACK OF A CIRCULATED DOCUMENT FOR PUBLIC REVIEW AND COMMENT.

The draft Land Use Element amendment was not available online or was not locatable in a place on the City's website that the public would easily or logically identify. Therefore, it was impossible for the public to see the amendments to be able meaningfully to comment on them. The proposed amendments may not be adopted on this additional ground.

VI. CEQA EXEMPTIONS ARE INAPPLICABLE FOR THE GENERAL PLAN AMENDMENTS AND THE CITY HAS NOT MET ITS BURDEN TO INVOKE THE EXEMPTION.

The City's invoked Exemptions for the proposed Projects - i.e., general plan amendments and adoption of the elements – are in error. Pursuant to the Notices, the City invokes Categorical Exemptions under CEQA Guidelines Sections 15061(b)(3) and 15060(c)(2), by claiming a “common sense” exemption.

Guidelines Section 15061(b)(3) reads:

“(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with **certainty** that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” (Emphasis added.)

Based on the quoted language, CEQA requires certainty that there is no possibility that the activity in question may have a significant effect on the environment. There cannot be such certainty where the proposal is to “clarify” the densities in the Land Use Element, where the draft Land Use Element amendment was never properly circulated to the public, and where – in the case of the common sense exemption – it is the duty and burden of the agency to prove with certainty that the Projects will have no environmental impacts.

Moreover, to the extent the Projects here are interrelated to the IBEC project and facilitate it or its components, as clearly appears to be the case, the Projects may not invoke any common sense exemption at all.

The Projects cannot be approved using categorical exemptions since it is impossible for the City to demonstrate the “certainty” of no potential environmental impacts. Exemptions from CEQA's requirements are to be construed narrowly in order to further CEQA's goals of environmental protection. See Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster (1997) 52 Cal.App.4th 1165, 1220. Projects may be exempted from CEQA only when it is indisputably clear that the cited exemption applies. See Save Our Carmel River v. Monterey Peninsula Water Management Dist. (2006) 141 Cal.App.4th 677, 697.

VII. CONCLUSION.

We respectfully request that the City cancel the Planning Commission of April 13, 2020 related to the Projects, duly circulate the draft amendments to the public for public comment, conduct meaningful environmental review, including as part of a recirculated IBEC project Draft EIR, and not further process the subject Projects as stand-alone approvals, much less based upon categorical exemptions under CEQA.

Very truly yours,

/s/ Robert Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

Fred Jackson

From: Gabrieleno Administration [admin@gabrielenoindians.org]
Sent: Friday, March 20, 2020 5:49 PM
To: Fred Jackson
Subject: Environmental Justice Element of General Plan for the City of Inglewood

Hello Fred Jackson

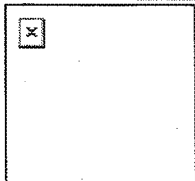
Thank you for your letter dated March 2, 2019. Regarding the project above. This is to concur that we are in agreement with the zone change. However our Tribal government would like to request consultation for any and all future projects within this location.

Thank you

Sincerely,

Brandy Salas

Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org





South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

March 17, 2020

fjackson@cityofinglewood.org

Fred Jackson, Senior Planner

City of Inglewood, Economic and Community Development Department

One West Manchester Boulevard, 4th Floor

Inglewood, CA 90301

Initial Project Consultation for the City of Inglewood General Plan Environmental Justice Element

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned project. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the CEQA document. Please forward a copy of the CEQA document directly to South Coast AQMD at the address in our letterhead upon completion and public release. **In addition, please send with the CEQA document all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files¹. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD staff recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analyses. Copies of the Handbook are available from the South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

On March 3, 2017, the South Coast AQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx)

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

emissions in 2023 and an additional 55 percent NO_x reduction beyond 2031 levels for ozone attainment. The 2016 AQMP is available on South Coast AQMD's website at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005². This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. South Coast AQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance³ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

South Coast AQMD has also developed both regional and localized air quality significance thresholds. South Coast AQMD staff requests that the Lead Agency compare the emissions to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the EIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, for phased projects where there will be an overlap between construction and operational activities, emissions

² South Coast AQMD. 2005. Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

³ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

Mobile Source Health Risk Assessment

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways and other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

Based on review of the Regional Vicinity Map enclosed in the Notice of Preparation, South Coast AQMD staff found that sensitive receptors may be located within close proximity to Interstate 405 and Interstate 105. Sensitive receptors would be exposed to diesel particulate matter (DPM) emitted from heavy-duty, diesel-fueled on-road vehicles. DPM is a toxic air contaminant and a carcinogen. Since sensitive receptors would be exposed to toxic emissions, South Coast AQMD staff recommends that the Lead Agency conduct a mobile source health risk assessment (HRA)⁴ in the CEQA document to disclose the potential health risks⁵. The HRA will facilitate the purpose and goal of CEQA on public disclosure and enable decision-makers with meaningful information to make an informed decision on project approval. This will also foster informed public participation by providing the public with useful information that is needed to understand the potential health risks from living and working within close proximity to freeways.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4(a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the Proposed Project, including:

- Chapter 11 "Mitigating the Impact of a Project" of South Coast AQMD's *CEQA Air Quality Handbook*.
- South Coast AQMD's CEQA web pages at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.
- South Coast AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions.

⁴ South Coast AQMD. *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁵ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

- California Air Pollution Control Officers Association (CAPCOA)'s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.
- Other measures to reduce air quality impacts from land use projects can be found in South Coast AQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

Health Risks Reduction Strategies

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters⁶, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the sensitive receptors (e.g., residents). It is typically assumed that the filters operate 100 percent of the time while sensitive receptors at the Proposed Project are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have their windows or doors open or are in common space areas of the project. In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the environmental analysis. To facilitate a good faith effort at full disclosure and provide useful information to people who will live at the Proposed Project, the environmental analysis should include the following information, at a minimum:

- Disclose the potential health impacts to sensitive receptors from living in close proximity of freeways and other sources of air pollution and the reduced effectiveness of air filtration system when windows are open and/or when receptors are outdoor (e.g., in the common and open space areas);
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected regularly;
- Provide information to sensitive receptors on where the MERV filters can be purchased;
- Disclose the potential increase in energy costs for running the HVAC system to sensitive receptors;

⁶ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.

- Provide recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to sensitive receptors;
- Identify the responsible entity such as sensitive receptors themselves (e.g., residents), Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if sensitive receptors should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
- Set City-wide or Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a "no project" alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the CEQA document shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the CEQA document. For more information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. If there are permitting questions, they can be directed to Engineering and Permitting Staff at (909) 396-3385.

Data Sources

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD's Public Information Center at (909) 396-2001. Much of the information available through the Public Information Center is also available via South Coast AQMD's webpage (<http://www.aqmd.gov>).

South Coast AQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me, at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC200312-07

Control Number

Agenda Item 5b.



CITY OF INGLEWOOD PLANNING COMMISSION AGENDA REPORT



Date: May 6, 2020	Agenda Item Number: 5b
Case Number: General Plan Amendment 2020-02 (GPA-2020-02)	
Type of Action: Public Hearing	
Description: Amend the Land Use Element of the Inglewood General Plan to clarify existing population density and building intensity allowances for all land use designations.	
Project Location: Citywide	

Public Notification: On Thursday, April 2, 2020, notice of a public hearing for GPA-2020-02 was published in the Inglewood Today as required by the Inglewood Municipal Code.

RECOMMENDATION

Re-consider the staff report and the public testimony and make a determination. If the Planning Commission determines to recommend this General Plan amendment for adoption, it is recommended to:

- 1) Affirm Categorical Exemption EA-CE-2020-37, and
- 2) Adopt a resolution recommending City Council adoption of GPA-2020-02.

BACKGROUND

California Government Code Section 65300 requires each city and county to adopt a General Plan. The General Plan is a long-term, comprehensive, internally consistent document that provides guidance for the physical development of a city or jurisdiction.

The General Plan must identify issues and provide policies for the following elements:

1. Land Use
2. Circulation
3. Housing
4. Conservation
5. Open Space
6. Noise
7. Safety
8. Environmental Justice

General Plans provide the overall framework for translating broad community values and expectations into specific strategies for managing growth and enhancing the quality of life. General Plans contain estimates of future population, housing and employment that serve as the basis for infrastructure and service planning. As underlying

assumptions change and events unfold, General Plans should be regularly reviewed and updated so they remain realistic documents to achieve the community's vision.

While the City's General Plan appears to fulfill California Planning and Zoning Law requirements, the City's General Plan was last comprehensively updated in 1987. Since that time, additional judicial interpretations of State General Plan regulations have emerged and staff in consultation with legal land use experts have identified one area of the General Plan that warrants clarification. Specifically, the Planning and Zoning Law provides that the Land Use Element should include a "statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan." (Gov. Code, § 65302, subd. (a).)

On April 13, 2020, the Planning Commission considered and determined to recommend to the City Council amending the Land Use Element of the Inglewood General Plan to clarify existing population density and building intensity allowances for all land use designations. However, just prior to the Planning Commission meeting, staff received a comment letter which included concerns pertaining to the City's public noticing procedures during COVID-19 as well as opportunity for public comment at the hearing. To address the comments outlined in the letter and to ensure adequate opportunity for public comment has been provided, in light of the COVID-19 Pandemic the General Plan Amendment has been re-noticed and is presented for the Planning Commission's reconsideration.

DISCUSSION

Population Density

A General Plan must contain standards for population density. Quantifiable standards of population density must be provided for each of the land use categories contained in the plan. Population density is the relationship between the number of potential residents in a given area (an acre). The number of potential residents is largely based on the number of allowed dwellings in that given area.

$$\text{Population Density} = \text{Dwelling Units/Acre} \times \text{Number of Residents/Dwelling}$$

The General Plan currently contains dwelling density ranges. Based on the California Department of Finance estimations of 3.02 people per unit, the following population densities are proposed to be incorporated into the Land Use Element. These densities conform with the current General Plan and the Zoning Code.

Table 1: Summary of Land Use Designations and Population Density Standards			
Land Use Designation	Purpose & Character	Allowed Density Dwellings (Land Use Element)	Population Density
Low-Density Residential	Existing single-family to be preserved and maintained.	1 to 6 Units/Acre	3.02 to 18.12
Low-Medium Density Residential	Locations suitable for infill housing and conversion of townhouse complexes and garden apartments	7 to 22 Units/Acre	21.14 to 66.44
Medium Density Residential	Developed with single-family densities but in states of transition to more intense development; provide for relative large multiple dwelling complexes.	23 to 43 Units/Acre	69.46 to 129.86
Major Mixed-Use	Development with various commercial, open space, civic, recreation and residential uses.	Not to exceed 85 Units/Acre	Up to 256.7
Fairview Heights TOD	Historic, low-density residential neighborhood that should be protected. Bordering mixed-use streets that should be sensitive to the context of the community.	None (<i>TOD Plans do not prescribe a dwelling unit per acre density</i>)	None
Downtown TOD	Complementary uses, including residential, office, retail, government and light industrial/creative office.	None (<i>TOD Plans do not prescribe a dwelling unit per acre density</i>)	None

Building Intensity:

A General Plan must also contain standards for building intensity for non-residential land use designations. General Plans must contain quantifiable standards of building intensity for non-residential land use designations. These standards define the most intensive use that will be allowed under each land use designation. While the land use designation identifies the type of allowable uses, the building intensity standard defines the concentration of use. Maximum dwelling units per acre is used as the standard for residential uses. Building Area Ratio (Building Total Floor Area divided by the Site Area) is the standard used for commercial, industrial and public/quasi-public intensity.

$$\text{Building Area Ratio (BAR) (\%)} = (\text{Total Building Floor Area} \div \text{Site Area}) \times 100$$

The proposed BAR takes into account current setback and landscape buffer requirements as well as height allowances for each land use designation. The proposed Building Intensity limits conform to current General Plan and Zoning Code regulations. As proposed, proposed structures could not exceed the specified Building Area Ratio.

Table 2: Summary of Building Intensity Standards		
Land Use Designations	Purpose & Character	Building Intensity (Building Area Ratio)
Commercial	Allows for all forms of commercial enterprise	490%
Commercial/ Residential	Areas where Planned Assembly Development (PAD) standards can be used to allow mixed commercial and residential uses.	400%
Commercial/ Recreational	Area where both commercial and private recreation and similar uses are allowed.	880%
Industrial	Area for manufacturing (non-intensive to full range/heavy), storage facilities, processing, and fabrication.	1380%
Hospital-Medical /Residential	Hospital related uses and residential uses are permitted.	390%
Public/Semi-Public	Area generally includes City Hall, library, police station, parking structure, health center, county building, fire station, City maintenance yard, water treatment plant, and water reservoirs.	Not Applicable (Building intensity shall be determined by the Planning Commission)
Open Space	Land and uses that are reserved for open space and/or recreational activities.	Not Applicable (No building is allowed to be erected; only accessory structures)

General Plan Consistency

The California Planning and Zoning Law, Government Code Section 65358 (b), provides: "Except as otherwise provided in subdivision (c) or (d), no mandatory element of a general plan shall be amended more frequently than four times during any calendar year." Periodic updates to the General Plan and its Elements ensures that the long-term vision presented in the plan reflects the current needs and complies with current planning and zoning laws. The proposed clarifying standards are consistent with all current provisions of the General Plan in that they have been developed based on existing Land Use standards and regulations, do not conflict with any other policies of the General Plan, and provide clarification regarding the land-use policies that already appear in the City's existing General Plan.

Public Comments

As of the preparation of this report, the City has received the following correspondence concerning this proposal:

- Letter dated April 13, 2020 from Robert Silverstein, The Silverstein Law Firm, APC

Environmental Determination

Based upon substantial evidence in the record of this proceeding and pursuant to the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21000 et seq.; and the CEQA Guidelines, 14 California Code of Regulations section 15000 et seq., City staff has determined that the proposed General Plan Amendment to amend the Land Use Element of the General Plan ("Land Use Element") is not subject to CEQA because it would not "result in a direct or reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines section 15060(c)(2)), because it is exempt from environmental review pursuant to the "common sense exemption" (CEQA Guidelines section 15061(b)(3)), which exempts a project from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment," and because the proposal qualifies for the categorical exemption established by CEQA Guidelines section 15305, which applies to "minor alterations in land use limitations."

The amendment to the Land Use Element of the General Plan does not provide for or describe any particular development activity, does not increase or change development densities or intensities from those already included elsewhere in the General Plan and Municipal Code, and does not authorize any particular land uses that are not already authorized under the current General Plan. Rather, the amendment incorporates into the Land Use Element population density and non-residential building intensity information derived from existing limitations and standards in the General Plan and the Municipal Code.

With respect to residential land use, the Land Use Element currently contains density ranges permitted within each land use designation but does not provide population

density assumptions based on the provided dwelling unit densities. Based on the California Department of Finance's estimation of 3.02 persons per household, an estimation incorporated into the City's current House Element, the Land Use Element amendment clarifies the population density assumptions for each residential land use designation utilizing density ranges already included in the Land Use Element.

With respect to non-residential land use, the Land Use Element amendment would add clarifying information regarding building intensity standards. The General Plan and Municipal Code provide setback and landscape buffer requirements and include provisions that effectively define the maximum buildable area of uses within the various non-residential land use designation. Utilizing these existing standards and requirements, the Land Use Element amendment defines the Building Area Ratio (Total Floor Area of a Building / Site Area), or maximum building intensity for non-residential use by land use designation.

Land Use Element amendments to include population density assumptions and building intensity standards derived from information already contained in the General Plan and Municipal Code would not permit any particular development activity, increase development intensities or densities currently permitted by the City's planning documents, or authorize any particular land use. Therefore, these amendments would not result in a direct or reasonably foreseeable indirect impact on the environment, and there is no possibility that the addition of this information to the Land Use Element would result in a significant effect on the environment.

The proposed text amendments also constitute "minor alterations in land use limitations" under CEQA Guidelines Section 15305. The amendments fall within this categorical exemption because they "do not result in any changes in land use or density," but instead clarify uses and densities that are already embodied in existing General Plan policies. Moreover, there are no unusual circumstances that would render this categorical exemption inapplicable under CEQA Guidelines section 15300.2.

For these reasons, each of which is independently sufficient, City staff has concluded that adoption of the amendments to the Land Use Element does not require further CEQA review, pursuant to CEQA Guidelines sections 15060(c)(2) and 15061(b)(2).

The City also received a comment stating that the City's consideration of these amendments is a component of the Inglewood Basketball and Entertainment Center ("IBEC") project proposed by the Los Angeles Clippers that is currently undergoing environmental review. The comment states that these amendments must therefore be proposed as one aspect of the IBEC project, in the environmental impact report being prepared for that proposal. City staff disagrees with this comment for the following reasons. Under CEQA, a "project" is "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Resources Code, § 21065.) "Project" includes "the whole of an action." (CEQA Guidelines, § 15378, subd. (a).) The failure to consider "the

Ranch Conservancy v. City of Newport Beach (2012) 211 Cal.App.4th 1209, 1222.) In this case, the General Plan amendments are not part of the IBEC project. The amendments, if adopted, would not alter land-use policy, and would apply throughout the City, to all proposals, and not solely to one specific proposal. The IBEC proposal is within the City and would therefore be subject to the amendments to the extent they are relevant to the IBEC, but to no greater or lesser extent than any other development proposal. The record contains no evidence that approving the IBEC will be a reasonably foreseeable consequence of adopting these amendments. Nor will adoption of the amendments somehow enable the IBEC to evade CEQA review. Under such circumstances, City staff concludes that the City does not need to analyze the proposed Land Use Element amendments as a component of the IBEC. Case law supports this conclusion. (See, e.g., *Rodeo Citizens Assn. v. County of Contra Costa* (2018) 22 Cal.App.5th 214, 223-225; *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 282; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1450.)

The proposed resolution provided to the Planning Commission includes a finding that the proposed Land Use Element amendments are exempt from CEQA review for the reasons outlined above. Such a finding is not legally required. Nevertheless, City staff believes such a finding is helpful in that it provides a clear record showing that the City has considered fully the extent to which CEQA review may be relevant to this proposal.

City staff has prepared a Notice of Exemption (EA-CE-2020-037), under the California Environmental Quality Act (CEQA) stating that the proposed clarification of existing population density and building intensity allowances for all land use designations is categorically exempt from CEQA.

A copy of Notice of Exemption (EA-CE-2020-037) has been available for review on the City's website. An electronic copy is available by email request to fljackson@cityofinglewood.org.

Prepared by,


Fred Jackson
Senior Planner

Prepared by,


Mindy Wilcox, AICP
Planning Manager

Submitted by,

Christopher E. Jackson, Sr.
Economic and Community Development Department Director

Attachments

Attachment No. 1- Categorical Exemption (EA-CE-2020-37)
Attachment No. 2- Planning Commission Resolution
Attachment No. 3 – Public Comments Received



CITY OF INGLEWOOD

Planning and Building Department



Christopher E. Jackson, Sr.
Department Director

Mindy Wilcox, AICP
Planning Manager

NOTICE OF EXEMPTION

Prepared in accordance with California Environmental Quality Act Section No. 15300, and the Inglewood Municipal Code, the following Notice of Exemption is made.

Project Title: General Plan Amendment GPA-2020-02
CEQA Case No: EA-CE-2020-037
Location: Citywide
Zoning: All Zones
Project Sponsor: City of Inglewood
Address: One Manchester Boulevard, Inglewood, CA 90301
Agency Contact: Fred Jackson, Senior Planner
Telephone: (310) 412-5230

Project Description

General Plan Amendment 2020-002 (GPA-2020-002) to amend the Land Use Element of the City of Inglewood General Plan to clarify existing population density and building intensity allowances for all land use designations..

Exempt Status

Categorical Exemption: Section 15061(b)(3) and 15060(c)(2)

Reason for Exemption

The proposed General Plan Amendment qualifies under the "common sense" CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3) and 15060(c)(2), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. CEQA only applies to projects that have the potential for causing a significant effect on the environment - either through a direct impact or reasonably, foreseeable indirect impact. The proposed General Plan Amendment will not have a significant impact on the environment and because it clarifies existing land use regulations is therefore exempt from the provisions of CEQA.

Signature:

Name:

Fred Jackson

Title:

Senior Planner

Date:

April 1, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INGLEWOOD, CALIFORNIA, APPROVING AND RECOMMENDING TO THE CITY COUNCIL FOR APPROVAL, THE ADOPTION OF CATEGORICAL EXEMPTION EA-CE-2020-37 AND APPROVAL OF GENERAL PLAN AMENDMENT 2020-02, TO AMEND THE LAND USE ELEMENT OF THE INGLEWOOD GENERAL PLAN TO CLARIFY EXISTING POPULATION DENSITY AND BUILDING INTENSITY ALLOWANCES FOR ALL LAND USE DESIGNATIONS.

WHEREAS, California Government Code Section 65300 requires each city and county to adopt a comprehensive general plan; and,

WHEREAS, California Government Code Section 65302, subd. (a) requires that the Land Use Element of a comprehensive general plan include a "statement of the standards of Population Density and Building Intensity recommended for the various districts and other territory covered by the plan;" and,

WHEREAS, City staff has prepared proposed standards of Population Density and Building Intensity as an update to the Land Use Element per State law; and,

WHEREAS, to implement the standards of Population Density and Building Intensity to the Land Use Element; and,

WHEREAS, the Planning Commission scheduled a Public Hearing for April 13, 2020, that was properly noticed pursuant to Section 65353 of the California Government Code with a legal notice published in the Inglewood

1 Today Newspaper, a newspaper of general circulation and a notice posted on
2 the City Hall public information board; and,

3 **WHEREAS**, on April 13, 2020, the City of Inglewood Planning
4 Commission conducted the public hearing, reviewed the standards of
5 Population Density and Building Intensity updates to the Land Use Element
6 and provided an opportunity for members of the public to address the
7 Commission regarding the Land Use Element, an element of the Inglewood
8 Comprehensive General Plan; and,

9 **WHEREAS**, pursuant to Section 65103 of the California Government
10 Code, the Planning Commission, acting as the City of Inglewood Planning
11 Agency, is charged with administration of the City's General Plan and with
12 making recommendations to the City Council on amendments to the City's
13 General Plan; and,

14 **WHEREAS**, after taking public testimony and fully considering all the
15 issues, the Planning Commission determined that General Plan Amendment
16 GPA-2020-02 should be recommended for approval to the City Council as set
17 forth herein below.

18 **WHEREAS**, On April 14, 2020, based on correspondence from the
19 public pertaining to the City's public noticing procedures during COVID-19 as
20 well as opportunity for public comment at the hearing. In light of the COVID-
21 19 Pandemic the General Plan Amendment has been re-noticed and is
22 presented for the Planning Commission's reconsideration; and,

23 **WHEREAS**, the Planning Commission scheduled a Public Hearing for
24 May 6,, 2020, that was properly noticed pursuant to Section 65353 of the
25 California Government Code with a legal notice published in the Inglewood
26 Today Newspaper, a newspaper of general circulation and a notice posted on
27 the City Hall public information board.

28

1 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY
2 OF INGLEWOOD, CALIFORNIA RESOLVES AS FOLLOWS:

3 SECTION 1.

4 The Planning Commission has carefully considered all testimony and
5 evidence presented in this matter, and being so advised, finds as follows:

6 1. That the proposed amendment is consistent with the intent of the
7 Inglewood General Plan and supports the following goals and
8 objectives of the Land Use Element of the General Plan:

9 a. To provide for the orderly development and redevelopment of the
10 City while preserving a measure of diversity among its parts;
11 and,

12 b. Create and maintain a healthy economic condition within the
13 present business community and assist new businesses in
14 locating within the City.

15 2. The changes to the text of Chapter 12 do not constitute an
16 establishment of unique standards, offering special privilege to a
17 particular individual or group of individuals.

18 3. The changes to the text of Chapter 12 are consistent with the general
19 intent of the provisions of this Chapter 12 to promote the public health,
20 safety, comfort, convenience and general welfare of the City of
21 Inglewood.

22 4. The Inglewood Planning Commission finds that the standards of
23 Population Density and Building Intensity updates to the General
24 Plan comply fully with the requirements of California Government Code
25 Section 65302, subd. (a).

26 5. Notice of the Planning Commission hearing on the statement of the
27 standards of Population Density and Building Intensity recommended
28 for the various districts and other territory covered by the general plan

was given as required by law and the actions were conducted pursuant to California Planning and Zoning Laws.

6. The Planning Commission further finds that adoption of the standards of Population Density and Building Intensity is in the public interest to protect the public health, safety, and welfare of the City of Inglewood

7. That the proposed amendment is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2), 15061(b)(3)) and 15305, individually and collectively, for the reasons set forth in the City staff report to the Commission, which the Commission incorporates by reference, and for which notice of exemption EA-CE-2020-037 has been prepared.

SECTION 2.

Standards of Population Density and Building Intensity is hereby recommended to the City Council to be added to Section VI; Future Land Use:

1. Insert the following text and chart at the end of the Section VI. Future Land Use, A. Residential Land Use section.

Population density standard have been developed based on the number of potential residents in a given area (an acre). The number of potential residents is largely based on the number of allowed dwellings in that given area.

Population Density = Dwelling Units/Acre x Number of Residents/Dwelling

Based on the California Department of Finance estimations of 3.02 people per unit (2019), the following population densities are allowed within each land use designation:

Population Density Standards		
Residential Land Use Designation	Residential Unit Density Standards (Units per Acre)	Population Density (Persons per Acre)
Low-Density	1 to 6	3.02 to 18.12
Low-Medium Density	7 to 22	21.14 to 66.44
Medium Density	23 to 43	69.46 to 129.86
Population Density Standards		
Residential Land Use Designation	Residential Unit Density Standards (Units per Acre)	Population Density (Persons per Acre)
Major Mixed-Use	Not to exceed 85	Up to 256.7
Fairview Heights TOD	None (<i>TOD Plans do not prescribe a dwelling unit per acre density</i>)	None
Downtown TOD	None (<i>TOD Plans do not prescribe a dwelling unit per acre density</i>)	None

2. Insert the following text and chart at the end of the Section VI. Future Land Use, F. Hospital-Medical/Residential Land Use.

Building Intensity standards have been developed based on the most building intensive use that will be allowed under each land use designation. While the land use designation identifies the type of allowable uses, the building

intensity standard defines the concentration of use. Building Area Ratio (Building Total Floor Area divided by the Site Area) is the standard used for commercial, industrial and public/quasi-public intensity.

$$\text{Building Area Ratio (BAR) (\%)} = (\text{Total Building Floor Area} \div \text{Site Area}) \times 100.$$

Proposed structures shall not exceed the specified Building Area Ratio:

Building Intensity Standards	
Land Use Designation	Building Intensity (Building Area Ratio)
Commercial	490%
Commercial/Residential	400%
Commercial/Recreational	880%
Industrial	1380%
Hospital-Medical /Residential	390%
Public/Semi-Public	Not Applicable (<i>Building intensity shall be determined by the Planning Commission</i>)
Open Space	Not Applicable (<i>No building is allowed to be erected; only accessory structures</i>)

SECTION 3.

The Secretary of the Planning Commission is hereby instructed to forward a certified copy of this resolution to the City Council as a recommendation of the Planning Commission to amend the Land Use Element of the Inglewood General Plan.

This resolution for General Plan Amendment (GPA-2020-02) is passed,
approved and adopted this _____ day of _____ 2020.

Larry Springs, Chairman
City Planning Commission

Attest:

Evangeline Lane, Secretary
City Planning Commission
Inglewood, California

THE SILVERSTEIN LAW FIRM

A Professional Corporation

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April 13, 2020

VIA EMAIL fljackson@cityofinglewood.org;
mwilcox@cityofinglewood.org

Fred Jackson, Senior Planner
Mindy Wilcox, AICP, Planning Manager
City of Inglewood, Planning Division
1 West Manchester Boulevard, 4th Floor
Inglewood, CA 90301

Re: Advance Notice Request and Comments and Objections to Notices of
Exemption for, and of General Plan Amendment GPA-2020-01 and GPA-
2020-02; CEQA Case Nos. EA-CE-2020-036 and EA-CE-2020-037

Dear Mr. Jackson and Ms. Wilcox:

I. INTRODUCTION AND ADVANCE NOTICE REQUEST.

This firm and the undersigned represent Kenneth and Dawn Baines, owners of the property located at 10212 S. Praire Ave., Inglewood. Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the proposed approval/adoption of the General Plan Amendments and Categorical Exemptions listed above ("Project(s)").

Pursuant to Public Resources Code Section 21167(f) and all applicable rules and regulations, please provide a copy of each and every Notice of Determination issued by the City in connection with these Projects. We incorporate by reference all Project objections raised by others with regard to both the present Notices of Exemption and amendments/adoption of General Plan Elements. To the extent the Projects are part of or interrelated with the Clippers IBEC project, we incorporate by reference all public comments/objections to the IBEC project as well as its Draft EIR.^{1 2 3}

¹ See <http://ibecproject.com/>

² We specifically request that all the hyperlinks in this letter be downloaded and printed out, submitted to the agency, and be included in the City's control file and record

for the Project, as duly provided by applicable case law.

³ See http://opr.ca.gov/ceqa/docs/ab900/20190201-AB900_IBEC_Community_letters_1.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190201-AB900_IBEC_Community_letters_2.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_Inglewood_Residents_Against_Takings_Evictions_Comments.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_without_Exhibits.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBITS_1-4.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBIT_5.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBITS_6-7.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190204-AB900_IBEC_MSG_Forum_AB_987_Comment_Letter_EXHIBITS_8-10.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190222-AB900_IBEC_Comment_Climate_Resolve.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190304-AB900_IBEC_NRDC.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190422-AB900_IBEC_MSG_Supp_Lette_re_IBEC_App_Tracking_No-2018021056.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190422-AB900_IBEC_MSG_Supp_Lette_re_IBEC_App_Tracking_No-2018021056.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190621-IBEC_Comment_NRDC_Clippers_response_6-21-19.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_Opposition_to_Supplemental_Application.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_resident_letters.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_Resident_Letters_1.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-AB900_Inglewood_Comment_Resident_Letters_2.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-Final_Inglewood_Community_Letters.pdf, http://opr.ca.gov/ceqa/docs/ab900/20190628-MSG_AB_987_Letter_re_Supplemental_Application_with_exhibits.pdf, <http://opr.ca.gov/ceqa/docs/ab900/20190628-IBEC.pdf>, http://opr.ca.gov/ceqa/docs/ab900/20190729-Public_Counsel_letter_RE_AB_987_Inglewood_Arena_Project.pdf,

This letter is also an **Advance Notice Request** that the City of Inglewood Department of City Planning, the City Clerk's office, and all other commissions, bodies and offices, provide this office with advance written notice of any and all meetings, hearings and votes in any way related to the above-referenced proposed Projects and any projects/entitlements/actions related to any and all events or actions involving these Projects.

Your obligation to add this office to the email and other notification lists includes, but is not limited to, all notice requirements found in the Public Resources Code and Inglewood Municipal Code. Some code sections that may be relevant include Public Resources Code Sections 21092 and 21092.2.

This Advance Notice Request is also based on Government Code § 54954.1 and any other applicable laws, and is a formal request to be notified in writing regarding the Projects, any invoked or proposed CEQA exemptions, any public hearings related to the Draft or Final EIR for the IBEC project, together with a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of an advisory or legislative body, by email and mail to our office address listed herein. We further request that such advance notice also be provided to us via email specifically at: Robert@RobertSilversteinLaw.com; Esther@RobertSilversteinLaw.com; Naira@RobertSilversteinLaw.com; and Veronica@RobertSilversteinLaw.com.

http://opr.ca.gov/ceqa/docs/ab900/20190903-AB900_IBEC_Community_Letters.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20190903-AB900_IBEC_Inglewood_Community_Letters-2.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20190909-AB900_IBEC_MSG_OPR_Letter_September_2019_with_exhibits.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191112-AB900_IBEC_AB987_Inglewood_Residents_Against_Takings_and_Evictions%20.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191114-Barbara_Boxer_GHG_Emissions_Commitment_Letter.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191127-AB900_IBEC_AB987_Resident_Letters_Supplement_to_GHG_Emissions_Commitment.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191127-AB900_IBEC_AB987_Resident_Letters_Supplement_to_GHG_Emissions_Commitment_2.pdf,
http://opr.ca.gov/ceqa/docs/ab900/20191205-AB987_IBEC_Comment_MSG_Forum.pdf.

Finally, to the extent that an advance written request is required for any and all City hearings regarding the above-referenced project to be recorded and/or transcribed, this letter shall constitute that advance written request. Please include this letter in the record for this matter.

Please, acknowledge receipt of the Advance Notice Request above.

Please also provide a current time line of all scheduled and anticipated events, including hearings or approvals of any type, related to the Projects.

II. OBJECTIONS TO THE LACK OF ADEQUATE AND CONSISTENT NOTICE AND REQUEST TO RESCHEDULE THE APRIL 13, 2020 HEARING.

On April 13, 2020, our office came across the City's *special* meeting agenda for the Planning Commission's Special Meeting on April 13, 2020, at 7:00 p.m. The agenda included Items 5(d) and 5(e) related to the Projects – i.e., amendments to the General Plan.

Based on information we have obtained, the City of Inglewood ("City") is closed for COVID-19 reasons effective April 13 through April 27, 2020. Yet we were informed at approximately 6:00 p.m. tonight that despite the shutdown of City Hall, this Planning Commission hearing is proceeding nonetheless. That is an outrage to the concept of transparency and public participation.

We hereby object to the City's short imposed deadlines, special meetings, inadequate and inconsistent notices, and particularly, to the notice of the special meeting on April 13, 2020 during this time of the COVID-19 crisis. Moving forward with the Projects would also be in violation of the Brown Act's open meetings requirements and any decision taken today will be invalid.

We therefore request that the City reschedule the Special Meeting of April 13, 2020 and properly circulate the notice and all documents related to the Projects, including but not limited to the drafts of the Land Use and Environmental Justice Elements, to afford meaningful opportunity to the public and public agencies to comment on the proposed amendments to the General Plan – prior to any approval. The City's failure to reschedule and duly circulate the documents prior to the respective approvals of the Projects will constitute an abuse of discretion and failure to proceed in a manner required by law.

We also request that the City postpone any action or hearing on General plan amendments until and unless 90 days after the stay-at-home orders have been lifted by the California Governor. State and Planning and Zoning laws necessitate public participation for all actions, whereas the presently-utilized remote participation is often disrupted because of connection problems. The City should not take advantage of these unfortunate times, where people are fighting against the virus and some people are fighting for their lives, to rush through projects of such magnitude as amendments to the City's General Plan.

We also object to the City's imposition of strict deadlines for non-essential projects during the COVID-19 crisis given that – as evidenced by the recent letter of the League of California Cities to the Governor asking for tolling of all deadlines – city staffing shortages affect the efficiency of their work. We request that the City toll and extend its deadlines for public comment period on all environmental documents, including the Notices of Exemption for the Projects, until after the COVID-19 crisis is contained and the Governor lifts stay-at-home orders.

III. LACK OF MEANINGFUL OPPORTUNITY FOR PUBLIC PARTICIPATION PARTICULARLY FOR COVID-19 REASONS.

The City cannot approve the Projects or Notices of Exemption or related findings because it cannot make a finding that those are consistent with the City's General Plan, as the City has not duly circulated the documents for the public to review and comment upon.

Further, the City may not be able to satisfy the public participation requirement under Cal. Gov't Code § 65351, which provides: "During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate."

To the extent that the Projects, specifically, the General Plan amendments, are also interrelated with and being piecemealed from the IBEC project and its DEIR, the Projects will unavoidably facilitate or be used in furtherance of the IBEC project. In turn, the City may not rely on Categorical Exemptions to approve the Projects because doing so would facilitate the IBEC project, which project will have significant, unmitigable impacts. In other words, the use of Categorical Exemptions is facially improper because the Projects are being used to facilitate and expedite approval of the IBEC project and its DEIR. Accordingly, the approval of the instant Projects will cause or contribute to direct or

indirect physical impacts to the environment. Piecemealing the Projects out of the IBEC project and its review is independently a violation of CEQA.

IV. THE PROPOSED LAND USE AND ENVIRONMENTAL JUSTICE ELEMENTS ARE INTERRELATED WITH THE IBEC PROJECT AND THEREFORE ARE ILLEGALLY PIECEMEALING FROM IT.

These rushed proposed General Plan amendments come at a time when the Clippers IBEC project is being processed and promoted. The IBEC project itself requires zoning changes and amendments to the General Plan's Land Use Element.

The IBEC project has been severely criticized for its 42 environmental adverse impacts, including GHG emissions by bringing in millions of cars, causing severe traffic impacts, and adversely impacting the disadvantaged community of Inglewood, including their health and safety.

The IBEC project has been criticized for its conflicts with environmental justice principles.

Therefore, it appears that the City's efforts to amend the General Plan and include Land Use Element Amendments and the Adoption of an Environmental Justice Element on such a rushed basis, without adequate process for the public, and with zero environmental review in an obvious effort to piecemeal this issue away from where it should be analyzed as part of the IBEC project CEQA review, aims to further the IBEC project without properly and timely disclosing that purpose to the public.

V. THE LAND USE ELEMENT AMENDMENT MAY NOT BE ADOPTED DUE TO LACK OF A CIRCULATED DOCUMENT FOR PUBLIC REVIEW AND COMMENT.

The draft Land Use Element amendment was not available online or was not locatable in a place on the City's website that the public would easily or logically identify. Therefore, it was impossible for the public to see the amendments to be able meaningfully to comment on them. The proposed amendments may not be adopted on this additional ground.

VI. CEQA EXEMPTIONS ARE INAPPLICABLE FOR THE GENERAL PLAN AMENDMENTS AND THE CITY HAS NOT MET ITS BURDEN TO INVOKE THE EXEMPTION.

The City's invoked Exemptions for the proposed Projects - i.e., general plan amendments and adoption of the elements – are in error. Pursuant to the Notices, the City invokes Categorical Exemptions under CEQA Guidelines Sections 15061(b)(3) and 15060(c)(2), by claiming a “common sense” exemption.

Guidelines Section 15061(b)(3) reads:

“(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” (Emphasis added.)

Based on the quoted language, CEQA requires certainty that there is no possibility that the activity in question may have a significant effect on the environment. There cannot be such certainty where the proposal is to “clarify” the densities in the Land Use Element, where the draft Land Use Element amendment was never properly circulated to the public, and where – in the case of the common sense exemption – it is the duty and burden of the agency to prove with certainty that the Projects will have no environmental impacts.

Moreover, to the extent the Projects here are interrelated to the IBEC project and facilitate it or its components, as clearly appears to be the case, the Projects may not invoke any common sense exemption at all.

The Projects cannot be approved using categorical exemptions since it is impossible for the City to demonstrate the “certainty” of no potential environmental impacts. Exemptions from CEQA's requirements are to be construed narrowly in order to further CEQA's goals of environmental protection. See Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster (1997) 52 Cal.App.4th 1165, 1220. Projects may be exempted from CEQA only when it is indisputably clear that the cited exemption applies. See Save Our Carmel River v. Monterey Peninsula Water Management Dist. (2006) 141 Cal.App.4th 677, 697.

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VII. CONCLUSION.

We respectfully request that the City cancel the Planning Commission of April 13, 2020 related to the Projects, duly circulate the draft amendments to the public for public comment, conduct meaningful environmental review, including as part of a recirculated IBEC project Draft EIR, and not further process the subject Projects as stand-alone approvals, much less based upon categorical exemptions under CEQA.

Very truly yours,

/s/ Robert Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

Agenda Item 5c.

Item 5c.:

**This item has been pulled
and will be re-noticed.**