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April 13, 2020

VIA EMAIL fjackson@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/ab900/20191127-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 PIECEMEAILED 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