

July 26, 2019

Ms. Kate Gordon, Director
Office of Planning and Research
1400 10th Street
Sacramento, California 95814

Via Email: California.Jobs@opr.ca.gov

**Re: Inglewood Basketball and Entertainment Center Project AB 987 Application
(Clearinghouse No. 2018021056)**

Dear Ms. Gordon:

On behalf of the Uplift Inglewood Coalition, Public Counsel writes to oppose the Inglewood Basketball and Entertainment Center Project's (the Project's) application for Assembly Bill No. 987 (2017-2018 Reg. Leg. Sess.) (AB 987) certification submitted by Murphy's Bowl (Applicant). The "AB 987 Application for the Inglewood Basketball and Entertainment Center Project," together with Applicant's subsequently submitted "AB 987 Replies to Correspondence" and June 12, 2019 letter from Coblenz Patch Duffy & Bass LLP (collectively, the Application), is woefully insufficient to satisfy AB 987's statutory requirements and must be denied.

Uplift Inglewood is an unincorporated association of individuals and organizations. Part of the coalition's mission is to engage in community-centered development, secure housing for low-income residents of Inglewood, and advance policies that result in fair and equitable neighborhoods free of discrimination.

Public Counsel is the nation's largest pro bono public interest law firm, and has built a 40-year track record of fighting for the rights of low-income people. Public Counsel's Community Development Project maintains a specific focus on combatting Southern California's housing crisis by advancing affordable housing and inclusive, equitable development.

**I. THE APPLICATION FAILS TO MEET STATUTORY REQUIREMENTS FOR
CERTIFICATION UNDER AB 987**

AB 987 sets forth rigorous and unambiguous environmental standards that Applicant must satisfy before the Project can be certified. In the June 28, 2019 letter submitted by Assemblymembers Muratsuchi, Friedman, Garcia, and McCarty, the legislators themselves made clear that:

AB 987 was the product of more than a year of intensive legislative deliberations. Following the failure of a predecessor bill in 2017, we participated in negotiations and hearings where testimony was taken, commitments were made, and amendments were adopted. We supported the final version of AB 987 specifically because it raised the bar compared to existing requirements of AB 900 and the California Environmental Quality Act (CEQA) generally. In particular, AB 987 requires the applicant to achieve more stringent and specific standards for mitigation of traffic and Greenhouse Gas (GHG) emissions.

We concur with the Assemblymembers that the Application "meets neither the letter nor the spirit of AB 987." As proposed, the Project "may not even meet minimums standards for mitigation under CEQA, much less represent an 'environmental leadership' project meeting extraordinary standards that justify expedited judicial review." Contrary to the Application's meritless claims of compliance with AB 987, Applicant fails to provide an adequate description of how it will mitigate the Project's significant negative impacts on GHG emissions, traffic congestion, and the health and well-being of Inglewood residents. As such, it may not be certified under AB 987's authority.

A. Applicant Egregiously Underestimates Net GHG Emissions to Circumvent Mitigation Obligations

We have reviewed and agree with the analysis presented by the NRDC, incorporated herein by reference. Applicant's GHG analysis greatly overestimates baseline GHG emissions in order to find that the Project will produce artificially low net GHG emissions. Based on improper and unsubstantiated assumptions that the Project will draw events away from existing venues, the Application arrives at the incredible finding of 156,643 to 158,631 tons of net emissions for construction and 30 years' operation. Less than a year ago, Applicant's consultants had estimated that the Project would produce 595,000 tons of net emissions. Applicants undermine the central purpose of AB 987 by lowballing the Project's net GHG emissions and thereby escaping the need to provide any of the local GHG mitigation investments and associated community benefits promised when AB 987 was pending before the Legislature.

B. The Application's Traffic Demand Management Plan is Fatally Flawed and Inadequate to Produce GHG Reductions

The Application's Transportation Demand Management Plan (TDM) is fundamentally flawed due to its failure to take into account the objective fact that the Project site is located in a public transit desert where the vast majority of event attendees must rely on cars for transportation to and from the proposed arena. The GHG reductions attributed to transit improvements in the Project's Application—nearly half of Applicant's total GHG reduction obligation—are illusory at best. Notwithstanding the millions of new vehicle trips that the Project will generate, the Applicant offers nothing more than vague and unenforceable goals. The TDM does not contain any actual commitments to invest in traffic reduction.

C. The Project Fails to Provide Local GHG Mitigation Investments and Associated Community Benefits

A fundamental component of the legislative intent in approving AB 987 was to create local jobs and benefit the Inglewood community through GHG offsets. The Application includes no details whatsoever on how the Project will meet AB 987's requirement for offsets to be limited to local projects where feasible, and therefore fails to satisfy AB 987's mandate to provide benefits for Inglewood residents.

II. CONCLUSION

The Application fails to meet the requirements set forth by AB 987 and should not be certified. As proposed, the Project will result in an increase of GHG emissions and VMT and jeopardize the health and wellbeing of Inglewood residents. Certification of this substandard application sets a dangerous precedent against meaningful GHG mitigation, thereby undermining the State's long-term climate goals. For the above-stated reasons, we respectfully request that the Governor reject the Application and require Applicant to revise and resubmit a Project in compliance with AB 987.

Sincerely,



Doug Smith
Staff Attorney
Public Counsel