



June 21, 2019

Kate Gordon
Director, Governor's Office of Planning and Research
Senior Advisor to the Governor on Climate

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

Re: Opposition to Supplemental Application for Certification of the Inglewood Basketball and Entertainment Center Project under AB 987 (Application No. 2018021056)

Dear Ms. Gordon:

This is in response to the Murphy's Bowl (LA Clippers) response dated June 12, 2019 (the Response).

The Response did little to fix the problems identified in NRDC's earlier submission. It still wrongly conducts its GHG analysis by shifting events that it claims will not be replaced at their current sites. It disrespects the local benefits policy of AB 987. And it relies for nearly half of its claimed GHG offsets on a fantasy version of a traffic management plan. Located not far from the new Inglewood pro football stadium – which never underwent CEQA review – and all its auto traffic and associated criteria pollutants and GHG emissions, the Murphy's Bowl project will harm the local community and the region, and fails to comply with AB 987.

I. The Event-Shifting Argument Is Wrong Conceptually And Factually

Consider this scenario: a developer proposes a 60,000-home project on bare earth far from job centers, ensuring long commutes for the project residents. In the CEQA review, the project proponent argues that GHG emissions from those commutes should not be attributed to the project because they are just replacing the new residents' old commutes, which in turn will never be replicated because no one will ever move into the houses vacated by the new project residents. So, no new GHGs to analyze.

That would never fly. But that is what Murphy's Bowl is doing here with respect to 34 of the 41 Clippers' home games that will move from Staples Center to the new facility. The Response changes its factual assumption from 41 games shifted to 34, but does not change its theory at all.

And that factual assumption doesn't hold water. It assumes that the experienced professional marketing staff at Staples Center cannot fill 34 empty dates – ever. At the same time, the Response asserts that the new Clippers facility will book hundreds of non-basketball events every year – any one

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of which could go to Staples. It is hard to see how the Response can assert those two things at the same time.

Not surprisingly, the Murphy Bowl sports venue expert will not put its professional reputation behind the 34 perpetually empty dates claim. The expert's report says¹:

The information contained in this report is based on estimates, assumptions and other information developed from secondary market research, knowledge of the sports and entertainment industry, and other factors, including certain information provided by Wilson Meany and others. All information provided to us was not audited or verified and was assumed to be correct. Because procedures were limited, we express no opinion or assurances of any kind on the achievability of any projected information contained herein and this report should not be relied upon for that purpose. Furthermore, there will be differences between projected and actual results. This is because events and circumstances frequently do not occur as expected, and those differences may be material. We have no responsibility to update this report for events and circumstances occurring after the date of this report.

Although the expert report expressly disclaims reliance on “the achievability of any projected information contained herein,” that is exactly what the Response does. Even if the market-shifting argument in the Response were theoretically valid – which it is not – the Response does not contain probative facts to back it up.

II. There Are No Local Benefits Proposed

One of the main policies behind AB 987 was the desire for GHG offsets to be local and to create local jobs, for example by weatherproofing homes, installing solar roofs, installing EV charging stations, and the like. But the Murphy's Bowl Application and Response do nothing in that regard. While its transportation plan may conceivably benefit some Clippers fans, it does nothing for the Inglewood residents. Contrast the imaginative Oakland A's plan for a new stadium, a plan that is expected to include 2,400 units of local affordable housing. The A's have the right idea; Murphy's Bowl does not.

III. The Traffic Management Plan Is Inadequate To Produce GHG Reductions

The fundamental problem with the Murphy Bowl transportation management plan is that Murphy's Bowl chose to build the new arena in a transit desert. There are plenty of transit-adjacent sites in the Los Angeles area that could support a basketball arena, but for whatever reason these project proponents want to build in an area where nearly everyone will drive to events. In view of that, the GHG reductions attributable to transit improvements in the initial application and Response are illusory.

IV. Conclusion

The Application and Response appear to have been reverse-engineered to yield a GHG reduction number that meets AB 987. There is no other likely explanation for why the GHG calculations and traffic management plan are so shoddy – that was the only way to make the numbers work out. The Murphy's Bowl AB 987 application should be rejected unless and until the errors that NRDC and others have pointed out are fixed.

¹ <http://opr.ca.gov/docs/20190614-Exhibits-to-Supplemental-AB-987-Submittal.pdf>, page 5.

Thank you for your consideration of this letter.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Pettit". The signature is fluid and cursive, with the first name "David" and last name "Pettit" clearly distinguishable.

David Pettit
Senior Attorney
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