



ECOS
ENVIRONMENTAL
♦ COUNCIL ♦
OF SACRAMENTO

P.O. Box 1526 • Sacramento, CA • 95812-1526 • (916) 444-0022 •
office@ecosacramento.net • <http://www.ecosacramento.net/>

January 31, 2014

Scott Johnson, Associate Planner City of Sacramento,
Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

Dear Mr. Johnson:

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO ENTERTAINMENT AND SPORTS CENTER & RELATED DEVELOPMENT PROJECT (P13-065) (SCH#: 2013042031). ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

ECOS recognizes that this DEIR is specific to the SESC. It must be considered, however, that it is also the first of a cascade of future development projects in the downtown and the Railyards. At the very least, the future development of the 7 parcels being transferred to Basketball Holdings, LLC by the City as a part of the city's participation in the development of the SESC should be regarded conceptually as extensions to this project for the purposes of planning and assuring the maximum benefit to the city and its taxpayers.

The development of Downtown Plaza, especially viewed in concert with development of the other 7 parcels and the Railyards, presents a once-in-a-century opportunity to create a vibrant, 24-hour downtown for Sacramento, and for the region. All the great cities of the world provide a wide range of opportunities for people of all incomes and backgrounds to work, shop and live. It is of great concern to ECOS and many others that this opportunity not be squandered.

Provisions have recently been made to shield the project from certain potential actions under the California Environmental Quality Act (CEQA). Without commenting on the wisdom of these provisions, ECOS, by these comments, wishes to state its fundamental support for the highest quality project possible. This high quality should include, among other things, state-of-the-art energy, water and other resource management as well as the most comprehensive assessment of the project's environmental consequences.

Of equal, if not greater, importance is the inclusion of an extraordinary complement of housing for people of all incomes, many of whom will obtain jobs in the downtown, and perhaps even be

involved in future construction itself. To be effective, this housing stock must not be a footnote to the rest of these projects, but rather the vanguard. Anything less threatens the contribution this project will make towards the goals desired by the City, as expressed in the General Plan. Our concern is heightened yet further by three recent examples of missed opportunity by the City in planning for the future of new housing in the City.

First was the design of the Sutter Park development. The opportunity to obtain much higher, transit-supporting density, consistent with the previous development of that parcel, was completely missed, producing a net loss of transit orientation. Second is the anticipated design of the McKinley Village development. Again, an opportunity for transit-oriented density is absent from the plan currently being proposed by the developer. Most recently, the new owner of the Railyards property was quoted in the Sacramento Bee as saying that the previous estimates of around 12,000 housing units to be developed should be considered as grossly inflated, and that he would be surprised if half that number were actually built. The DEIR for the SESC reminds us of the housing growth projected by 2030 in the General Plan - close to 100,000 units!

Therefore, it is imperative that the development of the SESC be seen as establishing the trajectory, and its design establishing the atmosphere, in which the amount of housing needed to support the commercial success of the new downtown businesses associated with the SESC can come about. Virtually all analysts, including the Mayor, are saying that, considered alone, the SESC cannot be the only stimulus of the commercial future of downtown. Rather, it is the associated residential and commercial development that will, together, revitalize it. Those businesses will not survive without enough local residents to sustain them to complement revenues from those attending events at the SESC. And without those businesses, the success of the SESC cannot be assumed. If the SESC cannot be designed and built so as to pave the way for an expansive array of housing, it must be re-conceptualized, since its ultimate contribution to the success of downtown is dwarfed by the contributions of future housing.

We are all aware of the tight deadlines being imposed by the NBA on the new arena construction. We are also aware of the expeditious efforts being made to accelerate and assure this construction. In no way should the need for quality be diminished because of the need for speed. We will not have the opportunity for a do-over.

Specifically, the following are our comments regarding the DEIR.

Land Use, Population and Housing

EFFECT ON EXISTING AND FUTURE HOUSING

The project must not cause decay in the housing stock as people leave existing housing for the proposed new units. More analysis is needed on how Basketball Holdings, LLC's proposal will affect housing affordability for local residents in the downtown Sacramento. In addition, the Draft EIR also needs more analysis of how this proposal will adversely affect existing small businesses in the project area, impacting jobs and small, minority-owned firms. Not all TOD and infill development results in equitable development.

More attention must be paid to the avoidance of gentrification. The immediate vicinity of the SESC includes a mixture of housing types including Single Room Occupancy. Urban redevelopment projects of this type sometimes stimulate the real estate market to the point that people who might, say, have minimum-wage jobs at the SESC could no longer afford to maintain their households. If this occurred, a preventable increase in transportation costs, greenhouse gas emissions and unemployment could easily result for these individuals.

The DEIR fails to properly analyze the Proposed Project's inconsistency with other goals of the 2013-2021 Housing Element, including:

H-1.2.5 Neighborhood Input on Development. The City shall continue to work with neighborhood associations and residents through the planning and delivery of residential development to ensure that neighborhoods are safe, decent, and pleasant places to live and work.

H-1.3.1 Social Equity. The City shall encourage economic and racial integration, fair housing opportunity, and the elimination of discrimination.

H-1.3.2 Economic Integration. The City shall consider the economic integration of neighborhoods when financing new multifamily affordable housing projects.

H-1.3.4 A Range of Housing Opportunities. The City shall encourage a range of housing opportunities for all segments of the community.

There is nothing equitable or integrated about adding a large number of market rate housing units all together in one place, and it is inconsistent with the City's newly adopted Housing Element within the General Plan.

H-3.1.1 Promote Extremely Low Income Housing. The City shall promote the citing, production, rehabilitation, and preservation of housing for ELI households, including nontraditional housing types. Example: Unregulated SRO and other units in the surrounding area will be priced out.

While smart growth can transform neighborhoods, it fails to help the long term underemployed and unemployed who cannot access newly created jobs or afford the new amenities or even basic goods and services.

A COMMUNITY BENEFITS AGREEMENT IS NEEDED

Given the potential significant impacts on housing, ECOS recommends the following mitigation measure:

Basketball Holdings, LLC shall enter into a partnership with local community groups to provide local hiring, union jobs, train local residents, assist local small business and preserve and create affordable

housing for community residents. Such agreements have been highly effective on other major projects throughout the state and can serve as models for this proposal. This type of agreement can serve to mitigate the negative impacts of the development on the local community by dealing with some of the urban decay and housing affordability issues that are expected to arise.

THE SPECIAL PLANNING DISTRICT

The proposed Special Planning District modifies the site plan and design review planning process established in City Planning and Development Code Section 17.808.130 by subjecting review to the planning director rather than the Commission level. We strongly believe that a project as large and important as the ESC should have the public involvement that commission level review would provide.

THE PLANNED UNIT DEVELOPMENT

1. The PUD Plan Overview (page 6-21) states that potential development phasing is described in the chapter but there is no information included.

2. PUD Fig. 7: Building Footprint Diagram (page 6-30)

a. The east-west public access easement starting at 4th Street ends at the west side of 5th Street. Why doesn't the easement continue to the east side of 5th Street? This is in conflict with Fig. 6: Sustainable Land Use Map (page 6-25) which shows the easement extending over 5th Street.

b. The main building envelope for the structure bounded by J Street, 5th Street, K Street alignment, and 4th Street is shown extending over 5th Street for approximately the central third of the distance between J Street and L Street. This would cover the sidewalk over 5th Street and interrupt the view corridor along 5th Street. The pedestrian experience might be better if the crossing matched the areas on either side of 5th Street and was open to the sky.

c. The main building envelope for the structure at the southwest corner of J Street and 7th Street provides a pedestrian access point to the ESC building site that is over 200 feet wide. The tentative maps and the site plan indicate a much narrower access of 80 to 90 feet. Although the wider access would handle peak pedestrian flows better and provide a better connection between the arena plaza and St. Rose of Lima Park, a width somewhat larger than 100 feet would help differentiate the three spaces and allow room for furniture and amenities.

3. PUD Small Public Spaces (page 6-31) refers to Planning and Development Code Section 17.600.135 for standards and definitions. That language should be included in the PUD and customized to apply to public space. The section should also clarify that PUD common and private open space is exclusive of the ESC Building open space.

4. PUD Sidewalk and Building Interface Area Guideline DG1.5. allows for sidewalks as narrow as 10 feet with a minimum clear zone of 6 feet for pedestrians. The Central City Urban Design Guidelines states that "Whereas sixteen (16) feet is the typical sidewalk width in the CBD, high activity areas should have sidewalk widths of 20 feet or more. Sidewalk widths in the CBD should not be less than 14 feet." The ESC-PUD site should be a high activity area, so the PUD guidelines should be at least as strong as the Central City Urban Design Guidelines. The Sacramento Area Bicycle Advocates (SABA) has suggested that adding a new guideline to provide separate pedestrian and bicycle

pathways on the 5th Street sidewalks using paint or paving materials. We think such a treatment could make the sidewalk safer for both pedestrians and bicyclists.

5. PUD Street Furnishings and Amenities Guideline DG1.7. refers to the whole block, but shouldn't it be the ESC-PUD site?

6. PUD Street Furnishings and Amenities Guideline DG1.9. should state that bus pullout areas should be integrated into the public amenity zone, not the pedestrian zone.

7. PUD Landscaping Guideline DG1.12. refers to the whole block, but shouldn't it be the ESC-PUD site?

8. PUD Public Spaces Guideline DG1.14.

a. Paragraph a. should identify the "common open space" as "public space." The Planning and Development Code definition of common open space reserves the use to adjacent tenants or property owners and includes landscaping and other outdoor use features.

b. Limiting street furniture and amenities as described in paragraph b. might make it difficult to create "an interesting and dynamic pedestrian experience" as in paragraph d.

c. Paragraph d. has good intent, but how will it work with loading access in paragraph a?

9. Add to PUD Siting and Orientation Guideline DG2.3. that building residents should also utilize the subterranean level for vehicle access and use only the existing ramp on J Street between 5th and 6th. This is needed to minimize vehicle travel across the sidewalks.

ADDITIONAL COMMENTS

By extension, this principle should also be considered when additional housing is proposed, either for the SESC parcel itself, some or all of the 7 parcels being contributed by the City to Basketball Holdings, LLC, or nearby at the Railyards or elsewhere downtown. The absence of nearby housing for prospective employees at the SESC also constitutes a preventable lost opportunity for a group of downtown workers to live within walking distance of their jobs.

Environmental Impacts, Setting, and Mitigation Measures

Aesthetics, Light and Glare

DIGITAL BILLBOARDS

It is truly unfortunate that the City, whenever it is seeking a new funding source, resorts to digital billboards. ECOS is unequivocally opposed to this added aspect of the project. ECOS believes that this portion of the project should be eliminated. We do not believe this search for additional funding is justification for imposing additional visual blight on our neighborhoods and on the community as a whole.

Potentially Significant Effects on Aesthetics

There is adequate evidence that digital billboards are a visual intrusion into the aesthetic environment. Cumulative and long term impacts of digital billboards within the city limits of Sacramento have the potential to significantly impact aesthetics, green house gases, transportation and traffic, as well as biological resources. Other impacts which were not adequately addressed in the DEIR include: impacts on traffic safety, impacts on surrounding land values, energy impacts, impacts on the foraging habits of terrestrial mammals, disruption of the biological clocks of avian species. There is no plus side to digital billboards except for the additional dollars they provide the City. Is it worth it?

The Aesthetics section of the DEIR states that no significant impacts on aesthetics will occur due to the digital billboard components of the project, yet evidence exists which would lead one to conclude otherwise.

Potentially Significant Effects on Transportation and Circulation

The impacts on traffic safety are well documented. Recent research findings do validate existing concerns about the relationship between electronic billboards and higher crash risks. A lawsuit, filed on behalf of Scenic America and its members by Georgetown Law Center's Institute for Public Representation, asserts that FHWA's 2007 guidance violates the lighting standards established under the customary use provisions of Lady Bird Johnson's Highway Beautification Act. This lawsuit is still pending and it would appear inadvisable to move forward with any additional digital billboards until the issue is resolved (<http://www.scenic.org/storage/PDFs/FHWA/scenic%20america%20complaint.pdf>) .

Potentially Significant Effects on Land Use and Planning

The Land Use and Planning section of the DEIR states that no significant impacts will occur due to the digital billboard component of the project. A recent paper provides an approach and findings in an attempt to quantify the effects of billboards on real estate values in Philadelphia, and multiple measures of prosperity in 20 cities across the United States. Across these multiple measures, billboards were found to have negative financial and economic impacts. In Philadelphia, there is a statistically significant correlation between real estate value (as measured by sales price) and proximity to billboards. Properties located within 500 ft. of a billboard have a decreased real estate value of \$30,826. Additionally, homes located further than 500 ft. but within a census tract/ community where billboards are present experience a decrease of \$947 for every billboard in that census tract. Income for strict sign control cities is higher than that for not-strict cities. Furthermore, the home vacancy and poverty rates for strict control cities are lower. Having strict sign controls does not negatively impact the economic prosperity of a city. This study was based upon standard billboards and one would anticipate that the impact of digital billboards would be significantly greater.

A study (http://www.scenic.org/billboards/digital_signage_energy_report) conducted by Gregory Young, a Philadelphia based urban planner, states that in a year a digital billboard can consume up to 30 times the energy that an average American household uses. Compared in terms of CO₂ emissions, digital billboards emit over 100 tons of CO₂ a year compared to 10-15 tons of CO₂ generated by an

average household according to Mr. Young's study. These proposed digital billboards are not consistent with General Plan energy policies or with the City's Climate Action Plan.

Potentially Significant Effects on Biological Resources

The Biological Resources section of the DEIR reflects that no significant impacts will occur to the digital billboard components of the project. A variety of nocturnal mammals avoid open areas in moonlit conditions. The avoidance restricts foraging activity and movements, reduces total duration of activity, or concentrates foraging and longer movements during the darkest periods of night. Herbivores therefore eat less during moonlight to avoid predators. A bright artificially glowing sky at night may make every night seem as if lit by a full moon, perhaps resulting in animals being continually underfed.

While artificial night lighting may in the short term seem beneficial for the predators, it is not natural; it is not beneficial for the prey species and may not even benefit the predator species in the long term. Bats seem to concentrate around streetlights, looking for an easy meal among the (<http://physics.fau.edu/observatory/lightpol-Insects.html>) insects captured around the lights. Such concentrations could lead to faster disease transmission among predator species not to mention the faster depletion of their food source. Digital billboards therefore have a negative impact on terrestrial mammals.

Anthropogenic light, including digital billboards, has modified differences between day and night, and may thereby interfere with circadian clocks. Urbanized species, such as birds, are known to advance their activity to early morning and night hours. This study highlights that brightly lit urban environments can significantly modify biologically important rhythms in wild organisms.

The above impacts of digital billboards have not been adequately analyzed in the DEIR. We believe the potentially significant cumulative and indirect impacts outlined above should be fully addressed in an adequate environmental document. ECOS strongly advises that the digital billboards be dropped from the project. We believe that digital billboards are not worth the environmental cost.

RECYCLING

Being certified LEED Gold or better is a great start toward the ultimate goal of zero net resource consumption. There are examples of similar facilities that have made exemplary progress toward such a goal by emphasizing recycling. For example, in Rosemont, Illinois, near Chicago, Allstate Arena has diverted over 250 tons of cardboard, aluminum, glass, plastic & paper from waste since 2010. This facility is the home of the Chicago Rush of the Arena Football League, DePaul University's men's basketball team, the Chicago Wolves of the AHL, and the Chicago Sky of the WNBA . In addition, a ground-breaking cup recycling program was launched in July, 2010. Every clear cup and bottle placed in a green recycling bin at Allstate Arena is staying out of a landfill. Well over 400,000 cups have been recycled already.

Transportation

Project objectives and general plan policy

The DEIR is defective because it fails to acknowledge that the Proposed Project is not consistent with important General Plan policies.

FAILURE TO ADEQUATELY PROVIDE FOR ACCESS BY BICYCLE

The Proposed Project fails to adequately provide for access by bicycle and therefore would cause significant adverse impacts. These adverse impacts on bicycle access would result from: 1) inadequate bicycle parking, 2) inadequate access to bicycle parking, and 3) inadequate bicycle access to and from the ESC site.

Inadequacy of the Event Transportation Management Plan

Mitigation Measures 4.10-1, 4.10-6, 4.10-8, 4.10-11, 4.10-17, and 4.10-19 all require the project applicant to prepare and implement an Event Transportation Management Plan (ETMP). These mitigation measures are flawed, however, and do not comply with CEQA. The ETMP itself is flawed and does not include infrastructure improvements that may be required to fully address impacts of ESC events on transit operations, and pedestrian and bicycle access.

Below is a more detailed explanation of these inadequacies and our recommendations for resolving them.

Project objectives and general plan policy

We wholeheartedly support the City's objectives for the Proposed Project as adopted by City Council on October 29, 2013. Particularly crucial for bicycle transportation are these City objectives for the ESC:

- Sustainable Project: "encourages public transit as well as pedestrian and bicycle transportation"
- Connect Downtown: "connects with and enhances downtown from the waterfront to the Convention Center and from the Capitol to the Railyards and intermodal facilities"
- Multimodal Place: is "an entertainment and sports center that complements a variety of transportation modes including walking and bicycling".

Many policies in the City of Sacramento's 2030 General Plan require that the Proposed Project ensure excellent access for bicycling. DEIR pages 4.10-36 and -37 cite policies from the General Plan's Mobility Element including:

"M5.1.4. The Proposed Project shall not result in conflicts between bicyclists and motor vehicles on streets, and bicyclists and pedestrians on multi-use trails and sidewalks."

However, neither DEIR Table 3-1 nor Chapter 4.10 on transportation impacts and mitigation measures discusses how the Proposed Project is consistent with Mobility Policy M5.1.4.

The Sacramento General Plan also states key urban form characteristics to be achieved by development within the Central Business District (Land Use and Urban Design section) including #12 that specifies that street design shall integrate

“pedestrian, bicycle, transit, and vehicular use” and shall incorporate “traffic-calming features . . . “.

Also, as discussed in DEIR Table 3-1, General Plan Policy LU2.6.1 Sustainable Development Patterns states that the City shall promote development patterns that

“facilitate walking, bicycling, and transit use.”

General Plan Policy LU5.6.2 Family-Friendly Downtown states that the City shall promote the Central Business District as

“a family-friendly area . . .”.

The DEIR must explain how the ESC’s provision of walking and bicycling facilities will qualify as family friendly. The DEIR is defective because it fails to acknowledge that the Proposed Project is not consistent with the General Plan policies stated above.

For example, page 2-3 of the DEIR states the project applicant’s objectives for the Proposed Project. Unfortunately, the 8th and 9th objectives among the applicant’s objectives are not consistent with the City’s objectives for the project and are not consistent with General Plan policies. To be consistent, the 8th objective should be amended to read

“Ensure that adequate vehicle and bicycle parking for ESC patrons and employees is available and accessible for use during events (underline and italicizes added for emphasis).”

Similarly, the 9th objective should be amended to read

“Ensure that adequate vehicle and bicycle parking is available and sufficient and accessible to support patrons and employees of the mixed use development and other adjacent uses.”

Failure to adequately provide for access by bicycle

The DEIR findings of less than significant impacts on bicycle access are not supported by substantial evidence(Transportation Impacts 4.10-7 and 4.10-18, DEIR page 4.10-101 and -111). A more detailed explanation of these inadequacies and our recommendations for resolving the inadequacies is provided below.

1. Inadequate Bicycle Parking

The Proposed Project fails to adequately provide for access by bicycle as it does not include sufficient quantity of bicycle parking or specificity of a bicycle parking plan. The DEIR acknowledges that the

Proposed Project must comply with the City's bicycle parking requirements (Planning and Development Code Chapter 17.608 and Table 17.608.030C) as stated on DEIR page 2-54.

The project description, however, presents only a very conceptual Bicycle (parking) Plan for ESC operations depicted in Figure 2-24 (DEIR page 2-55): Long-term bike parking for employees would be provided in the underground parking garage; some undefined amount of short-term bike parking would be provided along the north edge of the ESC plaza whereas short-term bike parking for events with sufficient demand would be provided in temporary bike-valet operations. The project description fails to describe how decisions will be made to provide bike-valet operations and how and where they will be implemented.

Using the City's bicycle-parking requirements in Planning and Development Code Chapter 17.608, we have calculated required amounts of long- and short-term bicycle parking for the mixed uses proposed for the ESC SPD/PUD based on sizes of the uses stated in DEIR Table 2-2 and for ESC events based on employment (DEIR page 2-17) and event scenarios (DEIR Appendix L ETMP page 8). The DEIR should include information about required bicycle parking spaces in the Project Description section on bicycles at DEIR page 2-54. For example, the ESC must provide one long-term bicycle-parking space per 13 employees and short-term bicycle-parking spaces for 5% of attendees at events. Using this formula, a sold-out NBA game with 17,500 attendees and 1,200 employees would require 875 short-term spaces and 92 long-term spaces.

The DEIR does not describe how the required amounts of bicycle parking will be provided for ESC operations, either for employees or for event attendees. The bicycle parking plan must describe how it will provide long-term parking consisting of at least 20 spaces for permanent employees plus 92 spaces for temporary employees that staff events. The DEIR currently only mentions providing "approximately 20 long-term" spaces for employees in the underground parking (page 2-54).

The DEIR estimates a mode share of 0.5% for bicycling by attendees to typical NBA events, meaning only about 90 attendees will arrive on bicycles for NBA games (ETMP page 27). This low estimate may be appropriate for the initial season or two of NBA events at the ESC and for games in wintertime inclement conditions. However, Sacramento is a very favorable area for bicycling and bicycling to NBA events at the ESC will be much more attractive in spring and fall months when evening bicycling in Sacramento can be quite pleasant. Bicycling to other ESC events will also be more frequent for daytime events (e.g., matinee events attractive to families). The summer Concert in the Park series at Cesar Chavez Park, for example, regularly draws several hundred bicyclists to bike-valet parking for an attendance of several thousand persons.

The DEIR fails to account for the likely growth of bicycling mode share over the timeframe of the cumulative impact analysis to 2035. Currently, although bicycle access to downtown Sacramento can be difficult because of an incomplete network of low-traffic-stress bikeways, bicycles are an increasingly popular mode of transportation for commuters and for simply moving around downtown and midtown. As Sacramento's bikeway network becomes more comfortable and continuous, the bicycling mode share to downtown Sacramento will quickly grow. Tables 3-2 and 3-3 in the ETMP show that approximately 40% of NBA event attendees will come from or go home to neighborhoods within a 20- to 30-minute bicycle ride of the ESC (about 3-5 miles); these neighborhoods include Downtown Sacramento, Midtown, East Sacramento, Land Park, Curtis Park, Oak Park, North

Sacramento, West Sacramento, and South Natomas. So, as Sacramento's bikeway network improves, the bicycling mode share to the ESC can also be expected to steadily grow. The DEIR must relate likely bicycling mode share to the projections for 2035 in the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan. The project description for the Proposed Project therefore must specify short-term parking for ESC events that is readily scalable (i.e., able to adaptively grow in capacity with more favorable bicycling conditions) and adequately secure. Security must not only protect against theft of entire bicycles but against theft or vandalism of important bicycle equipment such as wheels, seats, seats and speedometers. Bicycle racks that are not guarded or otherwise protected during events will not suffice for attendee bicycle parking.

For the required bicycle parking in future SPD/PUD uses, we recommend that the Proposed Project adopt a strategy of bicycle-parking facilities that are integrated into the mixed-use structures. For example, several high volume parking facilities like the Folsom Pedal Stop, which has a capacity of 60 bicycles, located at two or more points around the SPD/PUD buildings could fulfill much of the long-term bicycle parking requirement for employees, tenants and residents, and also make short-term bicycle parking convenient for customers and visitors.

In conclusion, the DEIR must present a bicycle-parking plan that fully complies with City requirements for bicycle parking capacity and that is specific about how short-term bicycle parking will be provided for ESC events. Short-term event parking must be provided sufficiently near the ESC that it not be a deterrent to bicycling use (e.g., in the ESC plaza or immediately adjacent). Such parking must be fully secured to protect bicycles and their auxiliary equipment, and must be scalable for handling the expected amounts of bicycle use for the different kinds and conditions of ESC events.

2. Inadequate access to bicycle parking

The Proposed Project fails to provide access to the bicycle parking depicted in Figure 2-24 of the DEIR. This figure shows that some amount of short-term bicycle parking for small events would be located along the north side of the ESC entry plaza near future SPD/PUD developments for a hotel and retail/commercial uses. The retail/commercial uses would largely be "oriented to have front doors mainly onto the entry plaza and the K St. alignment" (DEIR page 2-40).

Short-term parking for customers of the retail/commercial uses should be in this location as required by the City's bicycle-parking ordinance: "Required short-term bicycle parking facilities shall be located in an area visible from and within 200 ft of the primary entrance of the building served" (Section 17.608.040 N.2.a). Figure 2-24 of the DEIR also shows that long-term bicycle parking for employees would be provided within the parking garage at this location.

The DEIR fails to describe access routes for bicycles to these locations for short-term and long-term bicycle parking. So that people traveling by bike can actually use this parking, the Proposed Project must establish routes for bicycles to access these parking locations from each of the access points shown on ETMP Figure 10 Bicycle Access Routes and Facilities. Key bicycle routes to the ESC under current conditions will approach from K St. to the east, 5th St. from the south, the K St. pedestrian/bicycle connection from the west and Old Sacramento, and J St. and the Intermodal Station to the north. Figure 6 of the PUD Guidelines (page 6-25) shows an access and open space

easement providing pedestrian, bicycle, and vehicular access along the K St. alignment between 4th St. and the ESC plaza across 5th St. To mitigate this significant impact, the Proposed Project must delineate bicycle access paths across the ESC entry plaza from these access points to the bicycle parking that are separate from pedestrian areas, using pavement surface treatments and wayfinding signage. The access paths for bicycles to the short-term parking can also serve to direct bicycle travel across the entry plaza during non-event periods (e.g., for customers of the retail/commercial uses at the north side of the entry plaza).

Table 3-1 (DEIR page 3-13) states that “the public ownership of K St. would be vacated through the ESC project site . . . “. The DEIR must fully explain this statement, reveal the existing status of public ownership of K St., and disclose whether this action would significantly and adversely impact bicycle access to and through the project site in the transportation impact analysis.

3. Inadequate bicycle access to and from the ESC site

The DEIR fails to disclose that the Proposed Project would adversely affect bicycle access to and from the ESC site from within the surrounding Central Business District. DEIR Figure 4.10-4 shows the existing bicycle network in the vicinity of the ESC site, including striped bicycle lanes along 5th St., J St., I St., and Capitol Mall. K St. has a combination of Class 1 bicycle path and Class 3 bicycle route approaching the ESC site from the east. As stated in the ETMP (page 26), “the recent addition of striping to provide on-street bicycle lanes on Capitol Mall, 5th St., and J St. make[s] them ideal routes for bicyclists to access the ESC.”

The DEIR must disclose that event vehicle-traffic operations will adversely affect most of these facilities, as shown by Figure 2-22 (entrances/exits to/from VIP parking and loading/delivery/service bays, zones of auto drop-off) and Figure 2-25 (temporary street closures and traffic control stations to manage vehicle and pedestrian flows for NBA games). Likewise, ETMP Figures 13 and 14 (Pre- and Post-Event Vehicle Routes) show which street segments and intersections will be heavily affected by vehicle traffic to and from parking facilities for NBA games. Figure 4.10-15 (Pre-Event Peak Hour Pedestrian Flows) and Table 4.10-24 (Pedestrian Volumes – Existing plus Project Conditions) show that numerous intersections will be subject to spillover of pedestrians from cross-walks because of excessive pedestrian flow rates before typical NBA events. Those adverse effects must be mitigated.

The DEIR fails to disclose that the concentrated vehicle and pedestrian flows for NBA-type events will cause conflicts between vehicles and bicyclists and between pedestrians and bicyclists, as prohibited by General Plan Mobility Policy 5.1.4. For example, closure of 7th St. between J and L streets would appear to adversely affect bicycle access to the Class 1 bicycle path on K St. These significant impacts on bicycling in the vicinity of the ESC will also occur although to a lesser extent for smaller events. ETMP Table 2-1 estimates 50 NBA events and large concerts (28%), 53 events of 5,000-10,000 attendees (30%), and 74 events of 5,000 attendees or less (42%) each year. These conflicts will adversely affect both bicyclists attending events and those simply passing by between other parts of the SPD/PUD, Old Sacramento, and the Central Business District.

To avoid these conflicts and thus mitigate the significant impacts, the Proposed Project must result in improvements to bicycling infrastructure to and from the ESC site. Bicycling infrastructure improvements will be needed on 5th St. for access from north (e.g., Sacramento Valley Station) and

south (e.g., Capitol Mall), on J St. for access from the east, and on L St. for access from the east. These improvements should consist of dedicated bikeways separated from pedestrian paths (e.g., to and from key transit stations), vehicle access routes (e.g., into and out of ESC underground parking), and truck access routes to the ESC. Because vehicular traffic into and out of large ESC events, especially NBA games, will be very high volume and high speed, these bikeways must offer low traffic-stress conditions.

Appropriate protected bikeways would be two-way cycle tracks (<http://streetswiki.wikispaces.com/Two-Way+Cycle+Tracks>) installed on the north side of J St. (opposite ESC parking entrance/exits and drop-off zones), the south side of L St. (opposite ESC parking entrance/exits and drop-off zones), and the west side of 5th St. (opposite the ESC truck exit ramp and the double northbound right turn lanes at J St.). These sides of these blocks have few driveways, thus minimizing turning conflicts with cars, and making these blocks optimal for cycle-track installations. A two-way bikeway along the 5th St. alignment could also be placed across the entry-plaza bridge over 5th St.

The Proposed Project should partner with the City of Sacramento's Department of Public Works to make these bicycle infrastructure improvements and thereby mitigate the significant impacts to bicycle access to and from the ESC site.

Inadequacy of the Event Transportation Management Plan (ETMP)

The DEIR has proposed Mitigation Measure 4.10-1 to mitigate the significant worsening of intersection conditions in the vicinity of ESC (DEIR page 4.10-93). This measure would require the preparation and implementation of the ETMP, subject to the review and approval of the Sacramento Traffic Engineer in consultation with affected agencies such as Caltrans and Regional Transit.

The ETMP would “manage vehicular circulation near the project site” and “optimize the safe and efficient use of multiple modes of transportation to and from events at the ESC” (DEIR page 4.10-92). The DEIR also proposes the ETMP as mitigation for Transportation Impacts 4.10-6 (access to light rail) and 4.10-8 (pedestrian access) and for mitigation of impacts to intersections, light rail, and pedestrian facilities under cumulative conditions projected for 2035.

Mitigation Measures 4.10-1, 4.10-6, and 4.10-8 do not comply with CEQA guidelines and fail to mitigate the significant impacts in 2 ways:

1. The ETMP has not been finalized and approved by the City so that it cannot be determined that the project would adequately reduce the significant impacts, as stated on DEIR page 4.10-93.
2. CEQA Guidelines Section 15126.4(a) requires that “mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” Mitigation Measures 4.10-1, 4.10-6, and 4.10-8 do not identify the minimum required contents of the ETMP. To be enforceable, the ETMP must have performance standards for what it will achieve, how its efficacy will be measured during ESC operations, how success of the ETMP will be demonstrated, and what corrective actions will be taken and by when if its efficacy is inadequate.

The ETMP must be reworked by the Project Applicant and the City to include enforceable performance standards about what it will achieve. The ETMP should encompass not only traffic-operations measures but also infrastructure improvements that may be required to fully address impacts of ESC events on transit operations, and pedestrian and bicycle access. More than half of ESC events are expected to have more than 5,000 attendees (ETMP Table 2-1). Therefore, the ETMP should also include measures for these events in addition to “sold-out NBA games” with 17,500 attendees. Such smaller events also can be expected to adversely affect travel operations in the ESC vicinity.

Because the ETMP would be intended not only “to manage vehicular circulation near the project site” but also “to optimize the safe and efficient use of multiple modes of transportation to and from events at the ESC” (DEIR page 4.10-92), its final approval should rest with the City of Sacramento Director of Public Works whose responsibilities encompass all types of transportation services. Finalizing the ETMP must include Caltrans and Regional Transit and also other entities responsible for managing Sacramento transportation (e.g., Sacramento Transportation Management Association) and representatives of non-auto travel modes.

The Environmental Council of Sacramento also urges that funding for adequate transit service be provided to accommodate event demands and workers.

The Bicycle Element of the ETMP should be greatly expanded to serve as mitigation for significant impacts to bicycle access as follows:

Adequate bicycle parking for ESC Events

This section should establish a performance standard to provide all long- and short-term bicycle parking required by Sacramento Planning & Development Code including a bicycle valet parking program that is readily scalable for 5% of expected event attendees, is adequately secure from bicycle theft and vandalism, is located in or immediately adjacent to the ESC, and that has clearly described implementation responsibilities. Adequate access to bicycle parking: This section should detail how routes across the ESC plaza will be provided to direct bicyclists to parking locations at the ESC, whether short- or long-term. These routes must be provided for bicyclists arriving at the ESC from north (Sacramento Valley Station and Natomas), south (Land Park), east (Midtown, East Sacramento, Curtis Park), or west (Old Sacramento, Sacramento River Parkway Bicycle Path, West Sacramento). These routes must be delineated with pavement treatments and wayfinding signage.

Adequate access to and from the ESC site: This section should have a performance standard that specifies that the Proposed Project will join in partnership with the City of Sacramento Department of Public Works to install low-traffic-stress bikeways connecting the ESC site in all 4 cardinal directions.

These bikeways would serve the several blocks in each direction affected by vehicular and pedestrian conflicts before, during, and after ESC events. This section must also address bicycle travel through the streets proposed for temporary closure after ESC events. These bikeways would have the

auxiliary benefit of allowing bicyclists of all ages and abilities to ride to the ESC plaza and the SPD/PUD during non-event periods.

One of the objectives of the ETMP is “to facilitate and maximize bicycle use by ESC event attendees and employees” (ETMP page 1). The ETMP’s plan for monitoring and refinement aims to “ensure that a high proportion of project employees and visitors . . . are traveling to and from the site via transit, bicycle, and walk modes” (ETMP page 49). Therefore, the monitoring part of the ETMP must be enhanced to fully encompass all modes of transportation to the ESC, such as its effectiveness in accommodating pedestrians and bicyclists.

The ETMP must describe how the monitoring results will be documented in annual reports, available for public review, and how the results will be used to modify ETMP operations and infrastructure in the ESC vicinity.

Modifications and improvements to the ETMP should be done in consultation with the same entities and representatives of all travel modes as help finalize the ETMP in its initial year and subject to approval by the City of Sacramento Director of Public Works. Monitoring and refinement of the ETMP should continue through the life of the ESC in response to improvements in multi-modal transportation opportunities and further build-out of the Central Business District (e.g., the ESC SPD/PUD).

The mitigation measure adopted by City Council in the EIR will guide preparation of the ETMP and must specify necessary details regarding ETMP content, success criteria, responsibilities for approval and implementation, and enforceability.

BUILDING SITE PLAN

The ESC building site plan, with the bowl “dialed left” and having a smaller footprint, has better pedestrian circulation and access. The mixed-use or retail store fronts on L Street at the base of the arena will better activate the street and provide more “eyes on the street” compared to the wall in the previous version. Steps on the slope along 5th Street between L Street and the entry plaza can provide a social gathering place independent of the arena activity.

The success of the plazas and public open spaces will depend on details in the landscaping plan which we look forward to reviewing when they are made available.

TRAFFIC

Given the identified significant traffic impacts, ECOS recommends the following mitigation measure:

Regional Transit shall be reimbursed for all capital and operating costs associated with increased transit service necessary to provide adequate service for all ESC events. In addition, all event tickets shall serve as a round trip transit pass.

MITIGATION ANALYSIS

CalTrans has submitted comments on downtown development calling for funding for freeway capacity on I-5 as mitigation for additional trip generation. CEQA requires evaluation of the adverse impacts of mitigation measures. If expansion of freeway capacity is proposed, the adverse impact of that expansion, including induced demand for freeway use, with the increase in air pollution and greenhouse gas emissions that entails, must be evaluated. If it is not evaluated, the project cannot include funding of increased freeway capacity as a mitigation measure.

In either case, the mitigation for trip generation at the arena should include funding for transit, and incentives for transit use such as making arrangements for RT and YoloBus accept arena event tickets as one-day transit passes.

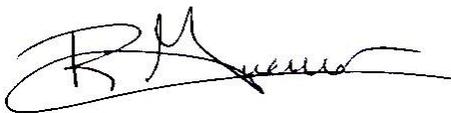
ADDITIONAL COMMENTS

Others will comment on more specific transportation issues. Our emphasis is placed on the valuable opportunity to create a mutually beneficial relationship with Regional Transit and AMTRAK for the benefit of event attendees and downtown business patrons alike who live beyond walking and cycling distance from the SESC. Current schedules and headways do not come close to being convenient, especially for use in the late evening and nighttime hours. It is our belief that every event ticket of any kind for the SESC should be applicable to transit fares both inbound and outbound. In the same way that the City waives parking fees downtown during the Christmas shopping season to stimulate business, the SESC and the surrounding commercial establishments would greatly benefit from the increased foot traffic, and customers would benefit from extended opportunities to shop, eat and otherwise patronize downtown businesses if they did not have to drive and park to do so.

Conclusion

We've all heard the expression "There's never time to do it right, but there's always time to do it over." This time, that may not be true. If downtown revitalization is the city's highest priority, then we cannot afford to be controlled by the conditions imposed by the NBA if that compliance comes at the expense of the next 50 years of downtown development, especially its housing. According to the General Plan, the City anticipates almost 100,000 units of new housing by 2030. Unless this project tees up that extraordinary residential development envisioned by the General Plan, it is difficult to see how those units would materialize, thus threatening not only the viability of the SESC but also any hope for a 24-hour downtown. If a choice must be made between an arena by 2017 or a robust housing environment, we have no doubt that the city would be overwhelmingly more revitalized by housing than by the SESC.

Respectfully Submitted,



Richard Guerrero, President
Board of Directors

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