

Scott Johnson

From: Kevin Coyle <caysea@comcast.net>
Sent: Monday, May 19, 2014 9:38 PM
To: Scott Johnson
Subject: Your responses were inadequate and your EIR is insufficient

My dear Mr. Johnson,

I found your responses to my comments on the arena DEIR to be inadequate.

Here are 9 specific examples of your failure to deliver the goods followed by two general comments.

You wrote: “Regional Transit does not plan to reduce service in other parts of the city in order to accommodate demand at the Downtown project site.”

I wasn’t talking about RT’s plans now. I was talking about the plans they will have to make if thousands of people have to wait in line for 45 minutes to get an RT ticket. In the real world, the ticket queues plus the large, milling crowds plus the alcohol suggest a real possibility for what I called “incidents.” In these situations, crowd control measures, plus the noise of the crowd being controlled, impact the environment with respect to noise, traffic flow and automotive emissions into the air. I can’t see how ignoring these truths in the EIR properly informs the decision-making body.

You wrote: “Further no correlation exists between reduced transit service and blighted environmental conditions.”

In making that argument, you should at least give the title and author of one peer-reviewed study that supports your theory. If you can’t get a bus home X nights a month, you will have incentive to move to a neighborhood with better political connections and bus service. If people begin to abandon a neighborhood, property values go down, meaning poorer people will live there who can less afford to maintain their property up to middle class standards, and the neighborhood will have even less political clout to maintain or enhance other city services. I call that blight.

You wrote: “the Proposed Project would be located in an existing urban environment, which includes occasional police activity and helicopter flyovers.”

When I wrote about the sounds of police helicopters being a true noise issue, I explicitly was not talking about “occasional...helicopter flyovers.” I wrote about the noise pollution a

neighborhood experiences when the bird circles for hours. Not long ago, the helicopter circled for a long time in our neighborhood because there was a rumor that a notable gang leader had been seen—to contain one possible suspect, not to contain thousands of drunken revelers. One time, the copter circled near my house for over 2 hours, I left for 30 minutes, and it was still there when I returned. The Sacramento PD considers the helicopter a very useful tool, particularly when unruly crowds are involved.

You wrote: “Section 4.9, Public Services, in the Draft EIR discusses police presence and law enforcement at the Downtown project site.”

Because police services were discussed in the DEIR, I felt encouraged to comment on policing issues and the inadequacy of your analysis. I argued that the DEIR tended to downplay and obscure the realities of a mixture of boisterous crowds, alcohol, policing measures and Sacramento’s long tradition of unruly, drunken crowds at night. In the 1980s, the St. Patrick’s Day Parade was held after dark on J Street. There were many unruly drunks. It was changed into a daylight venture and moved to Old Sacramento.

In the 1990s, drunken, unruly crowds at the Thursday Night Market drew complaints from citizens, police and city officials, so this popular event was terminated. The Sacramento Heritage Festival was a popular outdoor event, but became a drunken orgy and ceased to exist. More recently, we’ve had several murders associated with the Second Saturday Art Walk, and there is talk of cancelling it.

You can’t have drunken, unruly crowds and an adequate police response without a lot of noise and traffic tie-ups, which in turn increase air pollution.

In most cultures on this planet, in case you are new here, people like to occasionally gather in large crowds, ingest a psychoactive substance, and get wild and crazy. In Sacramento, the number one drug used at outdoor gatherings is alcohol. This is reality; denying it distorts the EIR.

You wrote: “In a survey of 13 other arenas in similar-sized cities around the country, out of over 1,000 events, only 3 had attendance over 18,000.... Because of the infrequency of these events, they are not evaluated further in this EIR.”

Again, a guiding premise of the project is that the arena and plaza will host many, many large events. Again, it doesn’t take 18,000 people to set off a major disturbance that absorbs most of Sacramento’s police force and ties up downtown traffic for hours.

You wrote: “Because of the infrequency and unique character of these types of events, it would be impossible to account for them in the context of an EIR.”

This is another example of you minimizing potential problems because you don't grasp the dynamics of mixing crowds, alcohol, Sacramento and policing practices. How do you know that large events at the arena will be infrequent? One of the City's big pitches in seeking support for the arena was that it would host many more large events than was possible at the present arena in Natomas. Another big pitch was that the public plaza associated with the arena would be Sacramento's night-time gathering spot. Yet another pitch was that these big crowds would generate the market which would entice a huge surge in "induced development" throughout the area. For you to say big crowds will be infrequent contradicts most of the purposes of the project.

Also, drunken, unruly crowds don't have to be all that big to draw a large and nervous police response. To support your view, the EIR should have some discussion of how many squad cars would be drawn to the scene of a public disturbance involving just 5000 people and how much the police response and the subsequent melee with the crowd will lead to noise and traffic congestion. In my experience, unruly crowds become much, much louder at the first sniff of tear gas.

A few smart people with a good "hook" and skill with Facebook and Twitter could turn out 5,000 people for an informal rave in the plaza. It's not that hard.

Do the police enjoy fighting with 5,000 drugged-out ravers? What does the police chief say about that? How much does one of those fights cost taxpayers, and how do the costs not effect other services citywide?

You wrote: "The environmental effects of induced growth are addressed in Section 5.4.3, page 5-9 of the Draft EIR."

Yes, they are—5 whole pages!!!!!! My point was that you did not address those effects to a degree sufficient to properly inform the decision-making body of the consequences of their decision. Key word: insufficient.

You wrote about the growth the City hopes to stimulate by this venture: "actual environmental consequences of this type of economic growth are too speculative to predict or evaluate."

I completely agree. Does the EIR sufficiently inform the decision-making body of this problem—such an important problem that it should be vigorously called to their attention? Would you agree that the induced growth triggered by the "Project" will contribute much more noise, traffic congestion and air pollution to the Sacramento area than the "Project" itself? Shouldn't the fact that these unpredictable environmental consequences of the induced growth may be horrible ones be called to the decision-making body's attention? I would say

yes, especially given the decision-making body's stated intent to induce massive growth. I think the EIR obscures this important decision point.

You wrote: "The information available regarding the proposed mixed use development is sufficient to evaluate the potential physical environmental impacts of the project."

Here, you lack credibility. Since the SPD hasn't yet been designed, and the final agreement between the City and the ownership group hasn't been settled, we don't know if the SPD will include 500 condos, a luxury hotel and a bevy of fine shops and restaurants or will amount to two condos and a cigar store. Therefore, the level of traffic, pollution and noise is too speculative to predict or evaluate. Instead of speculating on the unpredictable, why not wait and do an EIR on the SPD after you know there will really be one and what it will entail? Doesn't CEQA expect EIRs to be based on known quantities?

My general observations about your questionable "responses" to my legitimate comments are as follows: the EIR ignores some important environmental issues, plays down some issues and distorts other. It is not based on the real experiences Sacramento has had for decades. Therefore, I find it completely inadequate for its purpose: to guide the decision-making body with full, balanced, unbiased information on ALL the issues of concern and relevance. Your responses to me encapsulate in just a few pages the general tendency of the EIR to duck or massage the tough questions, the questions about which the decision-making body most desperately needs full, unbiased information.

Worse are the many ways in which the EIR's description of the project differs so drastically from what the members of that decision-making body have been talking about for 14 months. You think that large events will be rare, 7 out of 9 City Council members think those events will be common. You think large outdoor events in the plaza will be rare. The 7 think they will be common. You think the SPD will be modest. They think it will be grand or grandiose. You think induced growth will tend to be modest. They think it will be huge.

My worry is that with your EIR, the Council will go blithely forward on the project as they conceive it, rather than the Potemkin project you analyzed in the EIR. In such a situation, does your EIR serve the intent of CEQA? I can't imagine how.

With all due respect,

Kevin Coyle, Sacramento