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## Comments on Entertainment and Sports Center Draft Environmental Impact Report

### General DEIR Comments

Thank you for the opportunity to comment on this DEIR. I am a member of the community, I work downtown and I am very interested in the future of Sacramento. Please note my opposition against a large government subsidy for the development of the ESC in downtown. I support the no build alternative and would also support modernizing the existing Sleep Train Arena.

1. The DEIR project alternatives section is deficient. There is obvious bias in favor of the ESC alternative. The DEIR must include the criteria used for consideration of alternatives. Those criteria should be the same for alternatives selected or not selected; they should all be assessed equally. The entire document was written as a post-hoc analysis and justification in favor of the ESC at the Downtown Plaza site. For example academic information regarding the economic risk of ESC's and information that concludes that ESC's do not create economic growth was ignored. The average attendance of games is overestimated. CEQA requires a meaningful consideration of all the alternatives and that did not occur here.

2. The public was never given a meaningful opportunity to provide feedback and input on the building of the ESC. The fact that over 22,000 people signed a petition calling for a vote on this issue shows that there is real opposition to this project but the project proponents never gave the public a chance to actually be part of the process. I know the response to this will be that you held some public meetings and sent out a couple of surveys but all of those things were just a sham and none of the feedback given during meetings or to the surveys was ever given real consideration. Please listen to the community. This does not comply with CEQA.

3. The project proponents, including the mayor and city manager have repeatedly misrepresented to the public and the media the kind of an impact the ESC will have on Sacramento and the true conclusions of the environmental document. The Mayor claims that 4,000 jobs will be created. However, the DEIR states that no new jobs will be created by the ESC, instead the hope is that 3,776 new jobs will be created by development that occurs around the ESC. The problem with that is there is no contractual promise from any of the parties involved to actually build new development around the ESC, thus this job creation is nothing more than wishful thinking. Public comments made by the mayor, city manager have misled the public about the true contents of the DEIR.

### Section 2.4.3: Projected Number and Schedule Of Events

1. Why was the average attendance estimated to be 16,750 people per game? In the last four seasons (2007/08-2010/11) the Kings average attendance was only 13,446 persons per game. From the 2004/05 season through 2010/11 season the average attendance was 15,117. This includes the 2004/05, 2005/06 and 2006/07 seasons, which were all sold out. Therefore, the average attendance figure of 16,750 people per game should not be used as average attendance that high is unlikely to occur. What is the DEIR's figure of 16,750 based on? This figure seems incorrectly high and therefore a misrepresentation. The DEIR did not include the raw data used to calculate the average attendance of 16,750. The informational nature of CEQA supports the disclosure and inclusion of the

raw data used to calculate the average estimate of people per game. Without this information the economic need and objectives are not supported by substantial evidence.

2. Provide the average number of these types of events currently being held at Sleep Train Arena for comparison:

Other Sporting Events

Family Ice Shows

Circus, Premium

Civic Events

Trade Shows

Family Shows

Conventions

Other med. Events

Other small events

Graduations

Concerts (small)

Concerts (med)

Concerts (large)

#### Section 2.4.6: Office

1. Why are you proposing to increase the square footage of office space when the current office space is only 50 percent occupied? What was your basis for your decision to build office space?

2. Was an economic feasibility study of the office space conducted?

#### Section 2.4.7: Hotel

1. Why are additional hotel rooms being built when there is only a 70% occupancy rate in the existing hotels? What was your basis for your decision to build a hotel?

2. Was an economic feasibility study of the hotel rooms conducted?

#### Section 2.7: Parking Monetization Plan

1. A major part of this project is the plan for the city to sell bonds securitized by city parking revenues (both parking fees and parking enforcement revenues) and to backfill the loss to the general fund from some unidentified source. The DEIR states: “[t]he parking monetization plan would not result in changes to the physical features or the operations of the included parking assets. Since there would be no resulting physical or operational changes, the parking monetization plan is not further considered in this DEIR.”

The decision to exclude the parking monetization plan from consideration in the DEIR is not explained in any way. I would like an explanation of why the DEIR concludes that there will be no resulting physical or operation changes. There will be physical changes since many of the existing parking spaces will be demolished when new parking taking its place. In addition the operations of the assets will change in numerous ways, one example is that staffing levels would likely increase at parking facilities that service event-going customers. One very possible change is that the revenue generated by the parking assets is not enough to pay the bond debt then parking rates will need to be raised. Raising parking rates will have an environmental impact because among other things it changes traffic flows and individual’s decisions regarding driving versus other means of transportation.

The finding that the parking monetization plan would not result in changes to the physical features or the operations of the included parking assets is not supported by substantial evidence. All of these impacts must be discussed in the DEIR and by not discussing them you are not complying with the requirements of CEQA and you are misleading the public. The lead agency must consider the whole of the action when determining whether it will have a significant effect.

#### Section 4.8.1: Sensitive Receptors

1. What is your basis for not including nearby office workers on Capitol Mall in the list of sensitive receptors, specifically 455 Capitol Mall, 555 Capitol Mall, 621 Capitol Mall, 721 Capitol Mall and 770 L Street? Users and tenants of these building are sensitive to construction noise and impacts on them should be considered and mitigated for. The DEIR failed to adequately analyzed construction noise impacts.

#### Section 4.9.2 and 4.9.3: Police and Fire Protection

1. The amount of money that will be taken from the general fund and allocated to the city's contribution to the ESC should be considered when determining impacts to police and fire protection. The city will have fewer funds to pay for police and fire protection because the general fund money used for those items will instead be diverted to the building of the ESC.

#### Section 4.10.1: Environmental Setting – Analysis Periods

1. Why is the weekday analysis period from 4:45pm to 5:45pm and from 6pm to 7pm?
2. Why does the analysis not include the time period from 5:45pm to 6pm? This is not explained in the DEIR.

#### Section 5.4.2: Economic Effects

1. Increases in direct, indirect and induced employment should not be included because there is no agreement between the city and any developer to actually construct restaurants, retail, offices, hotels or residences. Because there is no contractual requirement for the supposed restaurants/retail/offices/hotels to be built there is a very real risk that none of the business will be built. The DEIR fails to consider these risks and possibilities and is therefore deficient and misleading. Please explain why the City decided not to secure contracts with restaurants/hotels/offices to guarantee development around the ESC, as other Cities such as San Diego have done. Why hasn't the issue of securing contracts to guarantee ancillary development been discussed in this DEIR? This seems like a reasonable and efficient approach to creating economic development around the ESC.

2. The increase in office jobs is not a real increase as these are likely just jobs that have been moved from the demolished office space to the newly constructed office space, they should not be included as induced or indirect employment. This misleads the public.

3. How do you justify spending approximately \$300 million dollars on the ESC to create between 0 and 3,766 jobs?

#### Section 6 Project Alternatives: General Comments

The DEIR must consider a reasonable range of alternatives that would be capable of avoiding or substantially lessening the impact of the project. The DEIR failed to analyze a reasonable range of alternatives because it does not consider a plan that would have modernized Sleep Train Arena

#### Appendix K: Table K-2

1. Provide the number of events occurring each year at Sleep Train Arena and the average attendance at each kind of event, e.g. Kings games, concerts, family events, graduations, etc. so the attendance can be calculated and broken down.

#### Appendix H: General Comments

1. This economic report was prepared by ALH Urban & Regional Economics. ALH refers to Amy L. Herman. Section 7 states that she has 30 years of experience, but it does not say what that experience is in. I believe Ms. Herman was chosen to write this report because the authors of the DEIR knew Ms. Herman would provide whatever kind of analysis they requested as opposed to a neutral and objective assessment of impact of the new ESC, this does not comply with the requirements of CEQA and is misleading to the public.

#### Appendix H: Page 7 – Economic Development

1. The purpose of CEQA is to give an accurate, objective, good-faith effort at full disclosure of the impacts of a project. By choosing only two cities that may have benefited from construction of sports facilities and then concluding that sports facilities lead to economic growth is misleading. An overwhelming majority of the research done on the economic effects of sports facilities has shown that they do not lead to economic growth and that they are not catalysts.

Further, in San Diego, one of the conditions placed on the developers of Petco Park was a contractual guarantee that they would build housing, retail and commercial space. The city of Sacramento has no such guarantee from developers and thus has no ability to force the development of the area around the new ESC.

This section must be revised to provide an honest and complete assessment of both the benefits and drawbacks of this project.

#### Appendix H: Page 20 – Net New Retail Sales

1. This section claims that there will be a decrease in retail space of 226,628 square feet, yet somehow an increase in sales of 78.2 million dollars but fails to explain how or why the increase will occur. Common sense would suggest that sales would fall when retail space decreases by about 50 percent. The DEIR does state two reasons for the increased sales: “1) the anticipated enhanced performance of the Project’s retailers relative to the existing Downtown Plaza retailers; and 2) much stronger occupancy, with a small vacancy allowance assumed for the Project.” But the DEIR fails to explain, using actual facts and not just wishful thinking, why they anticipate better performance of retailers and stronger occupancy numbers. Where is the data, study or support for the assertion that an increase in sales of 78.2 million will occur? This finding is not supported by substantial evidence.

#### Appendix H: Page 48 – Other Economic Considerations

1. CEQA requires that decisions be informed and balanced. The DEIR does not objectively consider the economic impacts of the project. The information presented has been slanted in favor of the ESC. The analysis in this section is not consistent with the claims of page 7 of Appendix H that sports facilities lead to economic development and growth. The analysis states: “Although the evidence is somewhat anecdotal, it suggests that while Natomas businesses benefit from offsite spending by Sleep Train Arena visitors, this spending does not appear to comprise a significant portion of the sales. Furthermore, no restaurants or retailers have been known to close in parallel with the Arena’s declining attendance.” How do you reconcile the claims that a new ESC will lead to economic

development and growth downtown with the admission that Sleep Train Arena has very little impact upon Natomas businesses?

Appendix H: Page 52 - Economic Development Impacts

1. CEQA requires “a good-faith effort at full disclosure” and “that decisions be informed and balanced.” The DEIR only considers a very limited amount of academic literature available on sports facilities impacts on cities. Only that information that was beneficial to the ESC was considered. There is a vast amount of academic literature available on the topic of sports facilities and their economic impact. Much of this information explains that ESC are a risky investment for communities and that ESC do not generate economic growth or development. CEQA does not allow you to only consider the information that you believe support your preferred alternative an actual analysis must occur. The DEIR must present all information objectively. The DEIR cannot just ignore the large amount of information regarding the negative economic impacts of ESC’s. The DEIR must explain why they chose not to consider information that did not support the ESC alternative. By ignoring all of this academic literature the statements in the DEIR are misleading and deceptive and do not provide the public with a balanced analysis of this project.

Thank You,  
Kevin Smith  
January 31, 2014