January 31, 2014

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Dear Mr. Johnson,

UNITE HERE Local 49 is hereby submitting comments on the DEIR for the Sacramento Entertainment and Sports Center and Related Development (Project Number P13-065, State Clearinghouse Number SCH 2013042031). UNITE HERE Local 49 represents hotel and restaurant workers in the City of Sacramento and the surrounding area, and we are concerned that development projects in these industries be thoroughly studied under CEQA. Beyond the impacts this project will have on the approximately 300 food-service workers at Sleep Train Arena who are most directly impacted by the project, we are especially concerned that the project’s ancillary commercial developments (including hotel and restaurants) are not adequately described or analyzed in the current Draft EIR.

1. Project description

The description of the ancillary development is extremely vague, making it difficult to fully evaluate many of its potential environmental impacts (sections 2.4.4 - 2.4.10). There is virtually no information other than total square footage and/or number of units, and some very general design guidelines. For example, the description does not even specify on what sites the hotel, office, and residential development will be located. By extension, it does not describe their respective loading and unloading needs, effects on traffic flow, or other potential impacts.

Under the description of the mixed-use development (the ancillary development not including the ESC itself), there is a table showing the net increase of employment, comparing the mixed-use development to the existing uses at Downtown Plaza. The table shows that the project would result in an increase of 2,312 jobs as compared
to the number of jobs at the site in 2012. This number is misleading, because it does not include employment estimates for the ESC itself, which will also be on the Downtown Plaza site (Table 2-8). Earlier in the chapter, ESC employment numbers are estimated at nearly 1,500 on the days of major events.

The circulation section (2.4.13) contains a description of circulation as it relates to the ESC, but virtually no description of circulation as it relates to the ancillary development. This is potentially significant, since hotel uses require significant loading and delivery circulation, and office, residential, and commercial uses require significant vehicular circulation, for example. The section does state that "Service delivery and loading for buildings in the PUD area would remain in the current location, access in the alley behind the Traveler’s Hotel building, on the west side of 6th Street south of J Street, and from the alley between the Ramona Hotel and the 660 J Street office building (see Figure 2-22)." However, there is no description of how this would be achieved, given that the existing buildings will be replaced by new buildings that have not been described in any detail beyond total square footage and number of units. Also, Figure 2-22 does not indicate the location of these existing service delivery and loading locations as they relate to the proposed development.

2. Air quality

The analysis of Impact 4.2-1, the effect of the project on the implementation of applicable air quality plans, is inadequate. The analysis rests primarily on estimates of vehicle miles travelled, which depend in part on estimates of employment at the site. This section acknowledges a probably increase of 3,000 jobs and 80,000 daily vehicle miles travelled, but it does not consider the impact on air quality of these additional vehicle miles travelled. There appear to be two purported justifications for this omission: that the project will result in urban infill, and that the number of jobs to be created is within SACOG’s estimate of new jobs to be created in the downtown area by 2035. The first justification is inadequate because there is no claim that the project’s status as urban infill will reduce the net increase in daily vehicle miles travelled. It is possible that the increase would have been greater than 80,000 if the project were not urban infill, but an increase of 80,000 is significant nonetheless. The second justification is inadequate because the impact analysis should compare the project to the no-project alternative, not to projections of future growth. The City has consistently described this project as a catalyst for further development downtown (including in Section 2.3 or project objectives), not simply as a piece of the downtown development that is expected to occur regardless. Therefore, the project’s impact should be analyzed as it relates to the rate at which SACOG’s projections might be reached (i.e. possibly before 2035) and the resulting stresses placed on the ability of the City to implement its air quality plan. Because of these omissions, the DEIR errs in concluding that these impacts are less than significant.

The analysis of Impact 4.2-3, the effect of the project on long-term emissions of NOx
and ROG, is inadequate. By comparing tables 4.2-5 and 4.2-6, it can be deduced that the calculations presented depend on an assumption that the ESC (apart from the ancillary development) will cause 28% less ROG emissions than the Sleep Train Arena, and that it will cause 40% less NOx emissions than the Sleep Train Arena. There is no explanation for these large decreases, and the contrast with the numbers presented in Table 4.10-20, which estimates a decrease of event-related vehicle miles travelled of 18%. This is despite the fact that the analysis states that the reduction in emissions is primarily based on a reduction in vehicle miles travelled, together with "cleaner engines in future years." This latter factor is not an appropriate consideration, because engines will become cleaner in future years whether or not the project is built, causing Sleep Train Arena-related emissions to decrease at the same rate as the project’s estimated emissions, should the project not be built.

3. Biological resources

The analysis of Impact 4.3-4, the effect of the project on street trees and heritage trees, is inadequate. The analysis concludes that the impact would be significant but also that it could be reduced to less than significant with appropriate mitigation measures. The mitigation depends primarily on the replacement of street trees in accordance with the City code. However, heritage trees are virtually impossible to replace, by definition. Figure 4.3-16 identifies three heritage trees that would have to be removed for the construction of the ESC. City code section 12.64 essentially acknowledges that heritage trees cannot be replaced, in that the section of the code on heritage trees (12.64) contains no provision for replacement, unlike the section on "trees generally" (12.56).

4. Climate change

Section 4.5.2 claims that the downtown ESC will achieve and maintain carbon neutrality based on the number of private vehicle trips as compared with the Sleep Train Arena. Table 4.5.1 purports to show that it meets this standard by resulting in a small decrease of CO2 emissions per year. However, this calculation relies on an assumption, explained in Appendix B, that carbon emissions per vehicle miles travelled will decrease from 365.992/VMT to 324.942/VMT between 2013 and 2017. The reliance on this assumption ignores the fact that the same reduction would occur if the project were not built and Sleep Train Arena remained in operation. Taking this into account, the ESC would actually result in a 7% increase in CO2 emissions based on vehicle miles travelled.

The analysis of Impact 4.5-1, the effect of the project on the City’s Climate Action Plan (CAP), is inadequate. This section lists seven criteria that, if met, allow a project to be considered consistent with the CAP and avoid a comprehensive project-specific analysis of greenhouse gas emissions. This section claims that the project meets all seven criteria, but Appendix B reveals that it actually does not meet
criterion number 3 on the inclusion of traffic-calming measures. The explanation provided is that traffic-calming measures are not advised in the downtown area. However, this is not a specified reason for the requirement not to apply. Therefore, a comprehensive project-specific analysis of greenhouse gas emissions is required, and the DEIR errs in concluding that the impact is less than significant.

5. Hazards and hazardous materials

The analysis of Impact 4.6-2, the potential of the project to expose people to asbestos, lead paint, or other hazardous materials, is inadequate. The DEIR acknowledges that due to the age of the buildings on the Downtown Plaza site, they could contain asbestos and lead paint. It assumes that compliance with applicable laws will result in a less-than-significant impact, but offers no explanation of or support for this assumption.

6. Public services

The analysis of Impact 4.9-2, the effect of the project on the capacity of the City's police services, is inadequate. This section notes that additional taxes and fees paid by residents of the residential component of the project would pay for the additional officers needed to serve the increased downtown population. No numerical analysis is provided to demonstrate that this is the case. Furthermore, this analysis does not take into account the effect on demand for police services of increased downtown employment or of the presence of an increased number of customers, guests, and event attendees. The analysis does not take into account the increased concentration of residents, employees, and customers downtown in consideration of whether the police department might need a new facility in the downtown area. (The nearest police station is outside the downtown core, about a mile and half away from the proposed project.) Finally, this section acknowledges that the Sacramento Police Department will be taking over security duty at ESC events, currently provided at Sleep Train Arena by the Sacramento County Sheriff’s Department. However, it does not take this into account at all in considering the possibility that additional police resources might be needed. The section does note that the police department currently does not have the funding to come close to meeting its officer/resident ratio goals, let alone the increased demand possibly required by this project. Therefore, the DEIR errs in concluding that this impact is less than significant.

The analysis of Impact 4.9-3, the effect of the project on the demand for fire services, is inadequate. The DEIR acknowledges that the projected increase in call volume could not be handled by Stations 1 and 2. It is proposed that this problem could be mitigated by relocating a fire company to Station 1, but there is no discussion of Station 1’s physical capacity to accommodate another fire company, what the effect on other parts of the city would be of such a relocation, or whether one additional fire company in the downtown area would be sufficient to meet the increased
demand. Therefore, the DEIR errs in concluding that this impact is less than significant.

The analysis of Impact 4.9-5, the effect of the project on the City's schools, is inadequate. The DEIR takes into account new residents expected at the project, and the corresponding increase in numbers of school-age children, but it does not take into account the effect of new employees at the project. Even if the employees are all from the Sacramento region, as the DEIR assumes, they may relocate from other school districts in order to be closer to work. The City has consistently touted the project as one that would draw residents, including potential employees at the project, into downtown. Also, the assumption itself is questionable, as creation of new jobs is widely understood to result in relocation of families from one area to another for the purposes of finding work, especially in a time of high unemployment. Therefore, the DEIR errs in concluding that this impact is less than significant.

7. Transportation

The analysis of Impact 4.10-1, the effect of the project on the condition of intersections in the City of Sacramento, is inadequate. The DEIR acknowledges that the impacts would be significant, but claims that the required adoption of a transportation management plan (TMP) will provide mitigation sufficient to reduce the impact to less than significant. Possibly because the TMP "has not been finalized and approved by the City," there is no explanation of how the TMP would provide adequate mitigation or discussion of whether adequate mitigation is even possible.

The analysis of Impact 4.10-4, the effect of the project on the ability of the transit system to accommodate demand, is inadequate. Table 4.10-18 shows that projected ridership will be below hourly peak capacity even during peak hours on game days, but neither this table nor the subsequent discussion takes into account the capacity of the two on-street light rail stations nearest the ESC that attendees are likely to use when leaving an event (7th&K and 9th&K), both of which are located very close to the principal pedestrian exit from the ESC, to handle the boarding of hundreds of people all at once, regardless of whether hourly ridership is within capacity. Furthermore, the table acknowledges that at post-event peak hours, all seats will be occupied on the busiest trains and some trains will be very near capacity in terms of standing room. The analysis also fails to consider the effect of thousands of pedestrians leaving the ESC and crossing 7th St and 8th St at the same time on the ability of trains to navigate those streets and keep to their schedules. Relatedly, Table 4.10-15 omits any estimate of pedestrian volumes during the post-event peak hour, which is the time at which the largest number of attendees would be expected to be on the street at the same time (since people generally arrive at events at different times but leave all at once when the event is over). Likewise, Table 4.10-12 offers no estimate of total trip generation during the post-event peak hour, hampering the analysis not only of pedestrian volume but also traffic impacts on downtown intersections and freeway on-ramps.
Conclusion

Due to the various inadequacies described herein, the DEIR is substantially inadequate in its overall consideration of the potential environmental impacts of the project, particularly with regards to the ancillary development around the ESC (hotel, residential, office, commercial). These issues should be thoroughly considered in the final EIR for the project.

Sincerely,

Taylor Hudson
Research Analyst

Cc: Chris Rak
    Ian Lewis
    Nischit Hegde
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