

PALM SPRINGS TOGETHER

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December 3, 2019

Flinn Fagg
Director of Planning Services
City of Palm Springs
City Hall
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Case 5.1496 – Palm Springs Arena Project

Dear Flinn:

I am a resident of Section 14, in which the proposed arena project would be located. This letter reflects my views as an individual and as founder and a member of Palm Springs Together (PalmSpringsTogether.org).

While a sports and concert arena has the potential to be a great asset for the city, the project as proposed would create conditions, impacts and outcomes that would make it a liability instead. The project at the proposed capacity is inconsistent with the Section 14 Specific Plan and the Circulation and Safety elements of the Palm Springs General Plan. The arena would be a direct threat to the public safety of the people of Palm Springs, including tourists and other visitors.

The capacity of the proposed arena is massive: 11,000. This is more than half the size of Staples Center in downtown Los Angeles. But unlike Staples Center, this arena (the "Son of Staples Center") would not be at or near the intersection of five major freeways. Rather, this arena is proposed for a city center location without the infrastructure, including Police and Fire capacity, to support the impacts it would create. We are most concerned about emergency vehicle circulation and predict a significant drop in emergency response times on game and concert days, which could mean the difference between life and death for people.

While the arena is proposed to be on Tribal land, its impacts would be apparent across a large swath of the city. Notably, there is no emergency services plan proposed as part of the arena project; no transportation, circulation and mobility plan; and no municipal services agreement between the city and the Tribe to address arena impacts. There are some ideas from the sponsor in the project report, but ideas are not plans.

The appropriate action from the city at this time would be to reject the project as proposed, or to call a time-out in order to do real planning to determine how transportation, circulation, mobility and safety would be affected; the severity of the impacts; how the impacts possibly could be mitigated; and the extent to which the mitigation measures would be effective, affordable and in accordance with the city's planning framework and ability to provide municipal services. Without additional real planning, it would be irresponsible for the city to signal support for the arena.

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We urge the project sponsor to consider an arena with half the proposed capacity (approx. 5,500). The impacts of a smaller arena would be more manageable and less character-changing to the city's downtown village core.

Following are more expanded comments on a number of the points raised above, and on the applicability of the California Environmental Quality Act (CEQA) to this case.

Palm Springs as a Model City

Palm Springs is one of the best-planned small cities in America. The arena project as it stands now is less than fully planned ... it's more like 25% baked. Missing are objective analysis and recommendations from Planning, Transportation, Police, Fire and other key municipal stakeholders with insight on the project to mitigate its reasonably foreseeable negative impacts and increase the odds of its success. We need to hear from city staff to finish planning this project, consistent with how the city approaches planning in general. It would be inconsistent to move forward with a less than fully baked project plan. Alternatively, an arena with lower capacity could be considered to minimize impacts.

Impacts of Proposed Arena

No new parking facilities are proposed to be created as part of the arena project. As a result, major portions of downtown, Uptown and Section 14 will become a parking lot for the arena. As the environmental document prepared by the project sponsor demonstrates, there will be significant level-of-service reductions at key intersections all across the city, not just on or near the project site. Our primary concern is the ability of emergency vehicles to circulate amid the gridlock. There is no plan to address this. Our secondary concern is conflict between cars and pedestrians. Spreading parking out over such a large area geometrically increases the odds of conflicts, including accidents, involving cars and people.

There are streets in the center city, including where arena parking is likely, that are incomplete — without fully built out sidewalks, crosswalks and streetlights. At the very least, every street where there is sanctioned arena parking should be fully improved to accommodate such parking, minimize automobile-pedestrian conflict and promote general safety.

A reminder that the arena would not exist in a vacuum. It is part of an expansive — and expanding — gaming, sports, entertainment, cultural, hotel and retail complex. As the Tribe's Vision 2020 plan becomes reality, there will be other demands on infrastructure, including mobility, circulation, Police and Fire. All of the impacts, collectively and cumulatively, need to be considered as part of the arena plan.

Inconsistent with Section 14 Specific Plan

We do not object to the mass and scale of the arena structure that is proposed to be visible above ground, or to the aesthetics of the building. We appreciate the sensitivity of the Agua Caliente Band of Cahuilla Indians, as project sponsor, to these issues.

Design, however, is only a part of planning, and only part of the Section 14 Specific Plan. The most notable conflict between the project and plan is discussed above. The plan itself says:

"Section 14 is intended to be an area where residents and visitors can circulate and move about in a safe and convenient manner using their preferred mode of transportation. The street network within Section 14 is designed to accommodate all users of the roadway, regardless of travel mode. Planning and design elements incorporated within the proposed street standards and street cross-sections are intended to facilitate and promote safe travel by pedestrians, bicyclists, transit vehicles, and automobiles throughout Section 14."

Flooding Section 14 with cars conflicts with the vision of the Section 14 Specific Plan. At the very least, as noted above, every street where there is sanctioned arena parking should be fully improved with sidewalks, streetlights and crosswalks to accommodate such parking and minimize automobile-pedestrian conflict. As a matter of fact, all of Section 14 should be improved with built-out infrastructure to support residents and businesses today, and to encourage the continued responsible build-out of Section 14 in the future. With its geographic location in the city center, Section 14 has the potential to be a vibrant mixed-use, mixed-income commercial and housing district that truly encourages safe travel by pedestrians, cyclists, transit vehicles and cars.

Inconsistent with Circulation and Safety Elements of the Palm Springs General Plan

Arena traffic would reduce the level of service at intersections and on roadways across a wide swath of Palm Springs, hindering emergency vehicle circulation, access and response times, in conflict with the Circulation and Safety elements of the Palm Springs General Plan.

Insufficient Notice to Community About City Hearing

There is a hearing by the City Council on this project scheduled for December 5. The hearing date was originally December 4. Property owners within 500 feet of the project were sent a notice for the December 4 hearing. When the hearing date was changed, they were not sent an updated notice. How can there be public input and participation on a project if people are not reasonably notified? What's more, given the project's far-reaching impacts across a wide swath of the city, notice should have been wider.

City Council Action Subject to California Environmental Quality Act

There are two projects at issue here: the development project proposed for the Tribal land site, and the city's conformance determination, which is an action that rises to the level of "project" under the California Environmental Quality Act (California Public Resources Code §21065). The city's review of and discretionary action on this matter is subject to CEQA. There is substantial evidence to suggest that the development project would cause reasonably foreseeable direct and indirect changes in the environment well beyond the Tribal land site. The city cannot avoid CEQA review of its discretionary action simply because the development project itself is on Tribal land, or because the project sponsor says it's not necessary.

Notably, the city has authority and control to mitigate many of the environmental impacts that would be caused by the arena, notwithstanding whether the project sponsor acknowledges them or contributes to the cost of mitigating them. The city acknowledges as much in its reports on the project. Thus, the city must conduct its own environmental assessment and make a determination before taking discretionary action. To do otherwise would be reckless and irresponsible, in addition to being a violation of the law.

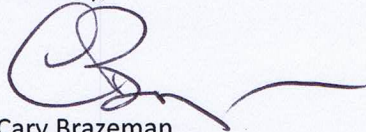
Additionally, the city cannot simply adopt the project sponsor's environmental document in lieu of its own assessment. The sponsor's document is grossly inadequate and insufficient, particularly relative to transportation, circulation and safety. As we've said, ideas in a report are not a mitigation plan. There is no mitigation plan, and there were no alternatives considered.

Case law supports the argument that the discretionary action is a project under CEQA, and that the impacts of a development project beyond the development site itself need to be identified, considered and potentially mitigated.

We would not make this argument if the impacts of the proposed arena were limited to the arena site or if the potential impacts on the rest of the city were limited. But they're not.

Thank you for your consideration of these comments. We are hopeful that the city will undertake the appropriate and necessary level of environmental review, and that the proposed project is improved to reduce the reasonably foreseeable negative impacts on the city. Please let me know if we can help to this end.

Sincerely,

A handwritten signature in purple ink, appearing to read 'Cary Brazeman', with a long horizontal flourish extending to the right.

Cary Brazeman

Attachments

Arena Project Plan
Section 14 Specific Plan
Palm Springs General Plan Circulation Element
Palm Springs General Plan Safety Element
Desert Sun Article (December 3, 2019)
Case Law Citations
Hearing Notice for December 4, 2019 meeting, which is not occurring
Planning Staff Report posted online by the city today (December 3, 2019)
More Project Exhibits posted online by the city today (December 3, 2019)