

Bond Case Briefs

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LAND USE - CALIFORNIA

Saltonstall v. City of Sacramento

Court of Appeal, Third District, California - February 18, 2015 - Cal.Rptr.3d - 15 Cal. Daily Op. Serv. 1680

Objector filed challenge under California Environmental Quality Act (CEQA) to city's certification of environmental impact report (EIR) and approval of project to build new downtown entertainment and sports arena. The Superior Court denied objector's challenge and objector's motion to augment administrative record. Objector appealed.

The Court of Appeal held that:

- City did not violate CEQA by committing to project prior to completing its EIR;
- City was not required to study remodeling of existing arena as project alternative;
- City's EIR analysis of traffic congestion was not deficient;
- Alleged failure to address potential impacts to crowd safety did not render EIR analysis deficient; and
- Objector forfeited argument for review that administrative record should have been augmented.

City did not violate California Environmental Quality Act (CEQA) by committing to project to build new downtown entertainment and sports arena prior to completing its environmental impact report (EIR), even though city took steps toward planning arena prior to completing its EIR. Under CEQA, city was allowed to engage in land acquisition for its preferred site before finishing its EIR, statute intended to facilitate expedited CEQA review specifically for arena project expressly allowed city to exercise eminent domain power to acquire site of arena before finishing environmental review, and preliminary nonbinding term sheet between city and investment group formed to build arena constituted agreement to negotiate regarding project and did not foreclose environmental review.