The Environmental Costs of Civic Paternalism During Stadium-building

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In the past decade, less than one-quarter of all new professional arenas and stadiums in North America were constructed with comprehensive sustainable designs (Sport and Urban Policy Initiative, 2017). In recognition that sport owners may be skeptical of the economic rewards of pro-environmental initiatives, some scholars have contended that local or statewide mandates would be the most effective vehicle for promoting green facility designs: “Rather than convincing team owners and sport managers that instituting environmental initiatives would be economically viable or is morally imperative, legislative intervention would provide a clear path to normalizing sustainability in sport” (Kellison & McCullough, 2017, p. 453). One such form of legislation, state environmental policy acts (SEPAs), requires that projects undergo a detailed environmental review prior to receiving state approval (e.g., in the form of bond or permit issuances; Porteshawver, 2010). When it comes to large projects like sports arenas and stadiums, however, SEPAs may be sidestepped in order to fast-track the approval and construction processes: “In theory, environmental review of arena and stadium plans prior to construction should identify and require that facilities ‘go green,’ but oftentimes stadiums are exempt from meaningful review because of legislative action” (Porteshawver, 2017, p. 390). SEPA circumvention has become increasingly commonplace in California (Bodie & Jackson, 2017; McLeod & Holden, 2017), where environmental review requirements have recently been amended for projects associated with the Los Angeles Rams (Associated Press, 2015), Los Angeles Angels (Shaikin, 2016), Oakland A’s (DeBolt, 2017), and Sacramento Kings (Dillon & Fenno, 2017).

Environmental review exemptions for major sport facility projects have been publicly defended by local and state legislators as necessary to avoid years of legal challenges (Fulton, 2015), which would all but guarantee that team owners would look elsewhere to build a new arena or stadium—and take with them the jobs, tax revenues, and intangible benefits expected to accompany the project (Lowenthal, 2011; Price, 2010). Opponents have argued that these exemptions are simply legislative loopholes being exploited by wealthy developers under false promises that a sports development would lead to significant public benefits (e.g., Crompton, 1995; Zale, 2013).

In either case, policymakers circumvent existing SEPAs originally put into place to protect the environment and citizens (though these regulations are imperfect; Kasner, 2014). To justify these actions, elected officials may argue that although they are privileging certain types of commercial developments, they are acting in the best interests of the current and future citizenry. This rationalization typifies the concept of civic paternalism, in which actors make decisions based on their own judgment while intentionally ignoring the public will (Kellison & Mondello, 2014). Though bypassing legislation designed to reflect the high priority values of the electorate (e.g., environmental protection), civically paternalistic policymakers may argue they are most qualified to determine what actions will best serve the public. While some commentators have denounced these actions as hypocritical and partisan politics (DeVore, 2011; “The Environmentalist?,” 2009), it is unclear how elected officials justify controversial actions to their electorate. Based on this lack of scholarly work, the purposes of this study are to examine policymakers’ public explanations for SEPA circumvention and to evaluate the use of civic paternalism as the primary source of justification.

Method
We narrowed our focus of sport-related SEPA cases to those occurring in California, a state known for its extensive environmental regulations (DeVore, 2011); additionally, as previously discussed, a number of arena- or stadium- construction proposals have recently received environmental review exemptions (or relaxed requirements). The cities included in our analysis were Los Angeles, Oakland, Sacramento, San Francisco, and Santa Clara. For each city, we aggregated media reports using the Access World News database. Following the reasoning of Mason, Washington, and Buist (2015), our primary interest was in capturing media frames—that is, the primary narratives associated with the case or issue.
Although open coding (Corbin & Strauss, 2014) of the empirical material is ongoing, an initial review of media related to sports-related SEPA exemptions suggests that many policymakers do not consider the state’s primary environmental force, the California Environmental Quality Act (CEQA), applicable to arena or stadium proposals. Instead, CEQA is considered to be a time- and resource-intensive regulatory mandate; in the case of a proposal for a new sports facility or mega event bid, strict adherence to CEQA would be impractical. After further analysis, additional media frames will be identified and discussed, including how policymaker justifications for SEPA exemptions differ across the ideological spectrum.

Discussion and Significance

The results of this study will provide an initial description of the public justifications given by policymakers who have supported SEPA exemptions for major arena or stadium constructions. Previous research has shown that arena and stadium proponents are cognizant of the criticisms that can arise if a SEPA exemption is granted for a proposed sports development. For example, in Kellison and Mondello’s (2013) examination of the Los Angeles Farmers Field proposal (a failed plan that centered on a 68,000-seat stadium to be constructed in the City of Industry for the 2016 National Football League season), the authors observed the proposal’s official social media account heavily promoted the stadium’s eco-friendly design, noting that this strategy was “essential to tempering criticisms that [recent legislation] allowed the stadium project to circumvent environmental reviews” (p. 43). In the current study, we extend this discussion by investigating the public defenses of policymakers (rather than team-related representatives).

This study also complements the existing work on civic paternalism by expanding its application to environmental law in the context of public sports facility negotiations. Additionally, while there may be some concern that SEPA exemptions could lead to less environmentally friendly sports facilities, a number of California arenas and stadiums are among the most sustainable facilities in professional sport, including AT&T Park (San Francisco Giants), Levi’s Stadium (San Francisco 49ers), and the Golden 1 Center (Sacramento Kings). These examples may provide policymakers with tangible evidence that CEQA—at least in its current form—is not necessary to promote pro-environmental initiatives in sport. In light of these examples, we endeavor to explain the arguments that position environmental and economic benefits at odds with one another. In doing so, we provide insight on how California legislators aim to support public sports facility developments while tempering concern over the environmental impact of such support. Further, our findings may inform future inquiries into the fulfillment or abandonment of environmental policies surrounding mega-events (e.g., FIFA World Cup, Olympic and Paralympic Games) and the construction standards of college athletic facilities compared to typical campus buildings (e.g., LEED Silver certification minimum), as well as the justifications for these policy and managerial decisions.