

FINAL  
ENVIRONMENTAL IMPACT REPORT

---

49ers SANTA CLARA  
STADIUM PROJECT

---

City of Santa Clara

November 2009

## **PREFACE**

---

This document, together with the Draft Environmental Impact Report (DEIR), constitutes the Final Environmental Impact Report (FEIR) for the 49ers Santa Clara Stadium project. The DEIR was circulated to affected public agencies and interested parties for a 45-day review period from July 30, 2009 to September 14, 2009, which the City subsequently extended for two weeks. This volume consists of comments received by the Lead Agency on the DEIR during the public review period, responses to those comments, and revisions to the text of the DEIR.

In conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those significant effects. According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
  - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
  - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
  
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA and the CEQA Guidelines, the FEIR will be made available prior to certification of the Environmental Impact Report. All documents referenced in this FEIR are available for public review in the office of the Department of Planning and Inspection, 1500 Warburton Avenue, Santa Clara, California, on weekdays during normal business hours.

**TABLE OF CONTENTS**

PREFACE..... i

I. LIST OF AGENCIES AND ORGANIZATIONS TO WHOM  
THE DRAFT EIR WAS SENT..... 1

II. LIST OF THE COMMENT LETTERS RECEIVED ON THE DRAFT EIR.....3

III. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR.....5

IV. REVISIONS TO THE TEXT OF THE DRAFT EIR.....161

V. COPIES OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR..... 178

## **I. LIST OF AGENCIES AND ORGANIZATIONS TO WHOM THE DRAFT EIR WAS SENT**

---

### **Federal Agencies**

U.S. Army Corps of Engineers  
U.S. Department of Transportation, Federal Aviation Administration

### **State Agencies**

California Department of Fish and Game, Region 3  
California Department of Transportation, Division of Aeronautics  
California Highway Patrol  
Department of Parks and Recreation  
Department of Toxic Substances Control  
California Department of Transportation, District 4  
Environmental Protection Agency, Regional Administration  
Department of Water Resources  
Integrated Waste Management Board  
Native American Heritage Commission  
Resources Agency  
State Clearinghouse – Office of Planning and Research  
State Office of Historic Preservation

### **Regional Agencies**

Association of Bay Area Governments  
Bay Area Air Quality Management District  
California Regional Water Quality Control Board, San Francisco Bay Region II  
Metropolitan Transportation Commission  
Santa Clara County Planning Department  
Santa Clara County Roads and Airports  
Santa Clara County Airport Land Use Commission  
Santa Clara Valley Transportation Authority (VTA)  
Santa Clara Valley Water District

### **Cities/Local Agencies**

Cupertino Planning Department  
Cupertino Public Works Department  
Milpitas Planning Department  
Milpitas Transportation Department  
San José Planning Department  
San José Public Works Department  
San José International Airport  
Sunnyvale Planning Department  
Sunnyvale Transportation and Traffic Division

**Organizations, Businesses, and Individuals**

San Francisco 49ers  
Cedar Fair Entertainment Company  
Aldyth Parle

## **II. LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR**

---

### **State Agencies**

- A. California Public Utilities Commission August 7, 2009
- B. California Department of Transportation September 17, 2009

### **Regional Agencies**

- C. County of Santa Clara Roads and Airports Departments August 26, 2009
- D. Bay Area Air Quality Management District September 16, 2009
- E. Santa Clara Valley Transportation Authority September 22, 2009
- F. Santa Clara Valley Water District September 28, 2009
- G. California Regional Water Quality Control Board – SF Bay Region September 28, 2009

### **Cities and Local Agencies**

- H. City of Cupertino August 19, 2009
- I. City of San José – Airport Department August 25, 2009
- J. City of Sunnyvale September 11, 2009
- K. City of San José Police Department September 11, 2009
- L. City of San José September 28, 2009
- M. City of Milpitas September 28, 2009

### **Organizations/Businesses**

- N. Hoge, Fenton, Jones & Appel, Inc. on behalf of Cedar Fair September 25, 2009
- O. West Valley-Mission Community College District September 25, 2009
- P. Abrams Associates, Inc. on behalf of Prudential Insurance Company of America September 28, 2009

### **Public**

- Q. George Bell August 2, 2009
- R. Diane Schneider August 3, 2009
- S. Jon Hoffman August 4, 2009
- T. Ted Roush August 7, 2009
- U. Jack Lueder August 12, 2009
- V. Patrick Grant August 14, 2009
- W. Diane Harrison September 10, 2009
- X. Edwin Maurer September 11, 2009
- Y. Kevin Brown September 12, 2009
- Z. Stephen Hazel September 14, 2009
- AA. William Gissler September 14, 2009
- BB. Deanna Brown/Mike Leonard September 15, 2009
- CC. Kieran Alcumbrac September 16, 2009
- DD. Willie Dizon September 16, 2009
- EE. Jack Lueder September 21, 2009
- FF. Michael J. Antonini September 25, 2009

GG.	Ed Menard	September 26, 2009
HH.	Nancy Lang (letter 1)	September 27, 2009
II.	Nancy Lang (letter 2)	September 27, 2009
JJ.	Nancy Lang (letter 3)	September 27, 2009
KK.	Stephen Hazel	September 28, 2009
LL.	Erlinda Estrada	September 28, 2009
MM.	William Bailey	September 28, 2009
NN.	Carol Foster	September 28, 2009
OO.	Michael Antonini	September 28, 2009

**Public Committees**

PP.	Santa Clara Bicycle Advisory Committee	September 10, 2009
-----	--	--------------------

### **III. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

---

The following section includes all the comments on the DEIR that were received by the City in letters and emails during the 60-day review period. The comments are organized under headings containing the source of the letter and the date submitted. The specific comments from each of the letters or emails are presented as “Comment” with each response to that specific comment directly following. Each of the letters and emails submitted to the City of Santa Clara are attached in their entirety (with any enclosed materials) in Section V of this document.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section I of this document lists all of the recipients of the DEIR.

Thirteen of the comment letters received are from public agencies, seven of whom may be Responsible Agencies under CEQA for the proposed project. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation. [§15086(c)]

Page 161 of this FEIR lists the public agencies that may have permitting or other authority for some aspect of the project, in addition to the City of Santa Clara.

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state that:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decisions, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state. [§15086(d)]

The CEQA Guidelines state that the lead agency shall evaluate comments on the environmental issues received from persons who reviewed the DEIR and shall prepare a written response to those comments. The lead agency is also required to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. This FEIR contains written responses to all comments made on the DEIR received during the advertised 60-day review period. No performance objectives or guidelines concerning mitigation measures were submitted. Copies of this FEIR have been supplied to all persons and agencies that submitted comments.



## MASTER RESPONSE A:

### IMPACTS TO BICYCLE FACILITIES AND ACCESS

Consistent with the CEQA Guidelines (Appendix G, Section XV. Transportation/Traffic), the Draft EIR identified as a threshold of significance the project's consistency with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks) that have been adopted. The Transportation Impact Analysis (TIA) prepared for the project and the EIR concluded that the proposed project would not conflict with any such alternative transportation policy, plan, or program. Specifically, the project would not conflict with any adopted plans, policies, or programs in the City of Santa Clara General Plan, Santa Clara Bicycle Plan, the Congestion Management Plan, or of the Metropolitan Transportation Agency, as discussed below.

The current adopted City of Santa Clara General Plan (Figure 4-F, page 175) does not identify any City-planned bicycle facilities but does have a policy to support construction of the Bay Trail system. The only planned Bay Trail segment within the project area is the connector along San Tomas Aquino Creek south of Tasman Drive (see <http://www.baytrail.org/maps.html>). The project will not conflict with the future development of the planned trail alignment.

The City of Santa Clara Bicycle Plan (adopted 2002) identifies planned future bike lanes on Tasman Drive from Calabazas Creek to Lafayette Street. The bike lanes may require up to five feet of right-of-way on both sides of the roadway. Construction of the proposed stadium and parking structure would not preclude the City from acquiring the necessary right-of-way to widen Tasman. The Bicycle Plan also identified a need to widen Tasman Bridge to accommodate bicycle traffic. The proposed pedestrian bridge south of and immediately adjacent to the Tasman Bridge would help to facilitate implementation of the southern bike lane as the new bridge could also be used by bicyclists. The proposed stadium project will not conflict with the future development of the planned bike lanes on Tasman Drive and will facilitate bicycle movement along Tasman Drive.

The VTA adopted the Santa Clara Countywide Bicycle Plan in August 2008. The VTA plan ([http://www.vta.org/schedules/bikeways\\_plan.html](http://www.vta.org/schedules/bikeways_plan.html)) identifies only one bike path/trail segment in the project area, the San Tomas Aquino Creek trail segment south of Tasman Drive. This is the same trail segment identified in the Bay Trail plan. As previously stated, the project will not conflict with the future development of the planned trail alignment.

The MTC adopted the Regional Bicycle Plan Update in March 2009. The MTC plan ([http://www.mtc.ca.gov/planning/bicyclespedestrians/MTC\\_Regional\\_Bicycle\\_Plan\\_Update\\_FINAL.pdf](http://www.mtc.ca.gov/planning/bicyclespedestrians/MTC_Regional_Bicycle_Plan_Update_FINAL.pdf)) does not identify any bike paths or trails within the project area. Therefore, the project will not conflict with the MTC plan.

Access on bicycle routes in the vicinity of the stadium would include some inconvenience during large stadium events. Most of the 37 potential large stadium events will not occur during peak commute times. The stadium plan contemplates a bicycle parking area. Although no bicycle facilities in the area of the stadium will be closed during large events, cyclists may be required to walk their bikes in certain pedestrian zones during limited hours before and after events. These areas will be officer or monitor controlled during peak event hours in accordance with the operational planning called for in the stadium Draft Transportation Management Plan (TMP) included in the EIR.

## MASTER RESPONSE B:

### TRANSPORTATION MANAGEMENT AND OPERATIONS PLAN

The discussion of parking, traffic, transit use, and related infrastructure in the Draft EIR identifies a set of parameters and operating assumptions for the future stadium. Both the Draft Transportation Management Plan (TMP) submitted by the project proponent and the DEIR, however, reflect assumptions based on information currently available. It is the City's intention that the details of the project operations will be refined through the entitlement and design stages. At this time, there is not sufficient information available to prepare the detailed parking and circulation plans (for example), or specify how the transit services will function. These details of how the complex transportation system for the stadium will be managed will be described in a *Transportation Management and Operations Plan* (TMOP) that will be prepared by the Stadium Authority, the City, VTA and the 49ers organization. It is currently envisioned that the working group responsible for implementation and oversight of the TMOP will also include the two cities responsible for implementing the traffic control plan, and that the group will need to confer regularly and work closely with all effected agencies, including Caltrans, the City of Milpitas, Caltrain, ACE, Amtrak, etc.

The TMOP will be completed for the opening of the stadium utilizing the most current roadway and transit data available at that time (estimated mid-2014), and will be updated annually as necessary. Preparation and Implementation of the TMOP will be a mitigation measure required as a condition of approval of the project.

#### Parking

While the location of approximately 41,300 off-site parking stalls are known and illustrated in Figure 7 of the DEIR, it is not yet known which of those parking places will be made available and used by attendees the first year of stadium operations, nor the extent to which those same parking places will be used in subsequent years. The project proposes, however, to secure through a combination of on-site parking and agreements with individual property owners the right to use 18,865 parking stalls for paid attendees, players, and others, and parking for 1,740 employee vehicles (page 28 of the TMP). There will be site specific issues and constraints that may arise for some of the properties, as illustrated by some of the concerns expressed in Comment Letter III.P. in this Final EIR. In addition, as stated on page 16 of the DEIR, "Circumstances related to development or redevelopment of any or all of these parking sites could result in changes to the master parking plan over time." Sale of a property could also change its status. It will be the responsibility of the individual property owner and the 49ers organization to negotiate and complete contracts that are acceptable to both. The agreements with those property owners will need to be negotiated and completed to the satisfaction of the City of Santa Clara prior to opening day of the stadium for the first year, and prior to start of the NFL season in each subsequent year (as discussed on page 17). It is likely that the status of the parking plan could remain unchanged for many years, depending upon the term of the contracts with individual property owners/tenants, but it is impossible to predict this far in advance what changes might occur.

Page 17 of the DEIR states that "Prior to issuance of any entitlements for the stadium, the City will establish a procedure for annually determining the parking supply which will be incorporated into relevant agreements and permits." The most problematic aspect of the parking plan is the provision of spaces on weekdays, when businesses in the area are typically open and the parking is in use for

their employees and visitors. The traffic impact analysis in the DEIR reflects this uncertainty by evaluating a worst case condition in which the spaces are not all vacated prior to the arrival of all game attendees. It is primarily for NFL games that the uncertainty exists, since tailgaters begin to arrive as much as five hours prior to start of the game. Other events listed in Table 2 of the DEIR would typically occur in the evenings or on weekends when most of the businesses in the area are closed. As stated in the DEIR on page 16, large events that require off-site parking would not be scheduled during normal business hours unless arrangements can be made to provide sufficient parking.

As part of the project approval process, the City will apply a parking district overlay zone that will establish rules for property owners who wish to participate in the off-site parking program and enjoy parking fee proceeds during any of the significant stadium events. Parking supply participants will need to obtain City approval and will be required to have the agreed upon parking spaces available in a timely manner before the given event begins, including the few weekday games or events each year that conflict with normal business hours. The City will also review and monitor the agreements with building owners and tenants in order to ensure that binding commitments are made for use of the parking spaces. The City, Stadium Authority, and 49er organization will work cooperatively within the multi-jurisdiction operations committee to facilitate development of parking limitations in adjoining jurisdictions and management of traffic on streets in those jurisdictions.

The DEIR identifies various methods by which it could be possible to compensate for a shortfall of parking spaces in the off-site lots, should the situation arise. As an additional means of avoiding significant impacts associated with a shortage of parking, the 49ers have indicated that they will “inform the NFL that they will forego weeknight games on their schedule” for any year in which they cannot secure rights to sufficient off-site parking spaces on weekday afternoons and evenings (page 17 DEIR).

## **Traffic**

Managing the arrival of event attendees, directing them to their assigned parking spaces, allowing ongoing access by emergency vehicles and persons wishing to visit businesses in the area, and subsequently moving event attendees out of the stadium and the area in an expeditious fashion will require implementation of the measures described in the draft traffic management plan included in Appendix I of the DEIR. Cooperation between the City of Santa Clara and its neighboring cities, local and regional transit agencies, and the Stadium Authority will be essential. The capacity of the street system and the operating assumptions that would allow the area to empty in less than two hours are described in the TMP beginning on page 33.

Although stadium traffic does not fit within the typical definition of “significant” traffic congestion (it will occur intermittently on a limited number of days and not every weekday in the morning and early evening), the quantity of vehicular traffic generated by NFL and other major events will result in significant congestion at certain locations in the region on the days those events occur. The project proposes several mitigations to reduce the adverse effects of the congestion. One is to contribute to programmed roadway improvements approved by the relevant jurisdiction to serve existing, approved, and planned-for growth. Those roadway improvements, when built, will mitigate the project’s impacts at those locations without creating capacity for additional unplanned growth and without creating new land use and other environmental impacts not already found acceptable by the local jurisdiction in previously certified CEQA documents.

The most critical mitigation measure will be the program in the Draft Transportation Management Plan in the EIR, which identifies the elements of a plan to manage stadium traffic efficiently, protect nearby neighborhoods, and minimize adverse effects. Those elements will be implemented by the proposed TMOP, which will build on that foundation and incorporate the details of all of its elements – an off-site parking program with specific parking locations included with game tickets, road closures, officer controlled intersections, directional signage, an efficient exit plan, and careful integration of a substantial multi-modal transit program.

To the extent that the off-site parking locations remain unchanged and the transit systems (including shuttles, charter and municipal buses) operate without significant changes needed, the traffic management plan could be unchanged from year to year. If the redevelopment of privately owned properties in Santa Clara, San José, and Sunnyvale continue as in the recent past, including the introduction of residential uses into areas that are now industrial, the traffic management system may need to be modified over time. It is and will be flexible enough to respond to unwanted behaviors, wherever they might occur. The City of Santa Clara will therefore review the TMOP each year to identify any necessary changes.

While the transportation management system would be managed and financed by the Stadium Authority, street closures and participation by police officers would require authorization by the relevant jurisdiction, and will be coordinated through a multi-jurisdictional public safety agreement, working with the TMOP working group.

Modifying roadway operations, including adjustments to signal timing (should a need for that be indicated) and placement of temporary signage (whether static or electronic) will also require coordination with other jurisdictions, including neighboring cities, Santa Clara County, and Caltrans. Bus parking, queuing, and loading/unloading in public streets or on private property will require coordination with the shuttle and bus operators (which may include transit agencies in San Francisco, San Mateo, and Alameda Counties).

Many of these traffic operations are already occurring at Candlestick Park. The 49ers organization has extensive experience in creating and overseeing roadway access for the substantial quantity of traffic associated with their events. The 49ers organization meets regularly during the NFL season with all of the service providers (transit agencies, charter bus companies, ambulance drivers, etc.). The involvement of multiple government agencies and the proximity of multiple city boundaries introduces a new level of complexity into the system, but also includes a substantial increase in the resources and expertise available to operate the system. There is time before the anticipated opening of the stadium to establish and refine the details of all of the traffic system elements necessary to provide the access described in the Draft TMP and the DEIR.

### **Transit**

A critical difference between the existing Candlestick Park location and the proposed Santa Clara location is the availability of multiple transit modes. As described in the DEIR and in the TIA and the Draft TMP, the Light Rail Transit (LRT) line runs directly past the site. The Capitol Corridor, ACE and Caltrain all provide services in the area. The Capitol Corridor and ACE trains stop at the nearby Great America Station on Lafayette Street but the nearest Caltrain stop would likely require an extended connection to the stadium area. The details of all of the transit service provided to the stadium will need to be evaluated in detail by the systems' operators. It is assumed that service will

increase as attendees become better aware of the availability of transit and its ease of use for this site (as has occurred with AT&T Park in San Francisco).

The Draft TMP identifies possible levels of service that might be provided by the different services and, in the case of Caltrain especially, the issues that must be dealt with to accomplish those goals (page 17 TMP).

A critical element in providing transit service to the stadium site will be the LRT operations. Not only is it assumed that the LRT system will need to operate with maximum efficiency to provide sufficient service to the site for the primary users, the future BART line (anticipated to open in Santa Clara County in 2018) and access to Caltrain may also require linkages via the LRT (pages 17-18 TMP).

Implementing the levels of transit service identified in the TMP and assumed in the DEIR will require additional and more detailed analysis of the operational and physical capacities of individual components of the LRT system and planning for the level of bus support required. VTA and the City will be working with the 49ers to better quantify and subsequently implement the specific level of support needed for the type of operation proposed – an NFL team in a major urban location.

### **Formation of the Working Group**

The City of Santa Clara and the Valley Transportation Agency (which operates both the LRT and the countywide bus transit system in Santa Clara County) have agreed that the formation of an ongoing multi-jurisdictional group similar to one that exists to support HP Pavilion, the home venue for the San José Sharks, an NHL team, could best address the detailed planning needed to achieve the level of transit service projected by the Draft TMP. Santa Clara City staff have agreed that, particularly for the planning and start-up period leading up to the stadium opening, a working committee of City staff, the Stadium Authority, VTA staff, and the 49ers organization will prepare the TMOP in close consultation with neighboring cities and the transit agencies, in order to accomplish the City's goals for this project. Discussions and agreements with other transit providers, including ACE, Capitol Corridor, Caltrain, other County transit bus operators and charter bus operators, will be initiated, coordinated and finalized. Since some transit systems will be providing "bridge" or gap access that will require coordinating with other transit operators, it will be in the best interest of the City, the Stadium Authority, and the 49ers to ensure that the system is complete and operates at maximum efficiency.

The participation of staff from adjacent jurisdictions, particularly San José and Sunnyvale, will also help to ensure that their concerns are addressed and that services within and through their jurisdictions are optimized to minimize adverse consequences of game day activity. As the opening day gets closer, the coordination of all elements of the transportation system, including roadway modifications, management elements (including the location and scale of signs, numbers of police officers in each city, physical support for the road closures, timing on weekdays, notification of effected property owners, etc.) will require close coordination with the various agencies, including law enforcement.

The City will work with the 49ers organization to create an outline of the components and a set of objectives for the Transportation Management and Operations Plan that can be approved with the PD zoning for the stadium. City staff and team representatives will be working with VTA to design a more detailed program for maximizing the efficient utilization of existing roadway and transit

infrastructure to serve the stadium. It is not assumed that the Transportation Management and Operations Plan will be a static document. It will, however, represent an agreed-upon program of how all of the transportation modes required for the project will operate when the stadium opens, and into the future.

As discussed in the Draft TMP, a significant number of major sports facilities have a well-established record of transit use (page 15 TMP). While attendees at 49ers games at Candlestick have a high vehicle occupancy rate, the limited transit infrastructure at the site does not support a high modal split. The City will use the Transportation Management and Operations Plan to implement and manage the various elements of the transportation system envisioned to support the Santa Clara stadium.

**A. RESPONSE TO COMMENTS FROM STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION, AUGUST 7, 2009:**

**Comment A-1:** As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian movement at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrian, railroad personnel, and railroad passengers.

**Response A-1:** Two existing rail lines pass through the area and serve the stadium site. One is a heavy long distance commuter rail running parallel to Lafayette Street east of the stadium site and one is the VTA light rail line in the median of Tasman Drive on the north edge of the stadium site. These two lines currently have warning and/or control devices at each at-grade crossing. Insofar as these lines may have increased service on those lines and be subject to increased crossings of pedestrian and vehicle traffic in the vicinity of the stadium during significant events, enhanced control and monitoring of the lines in this area is warranted. The prepared Transportation Management Plan (TMP) proposes police officers or designated monitors will provide additional control at the at-grade intersections in the vicinity of the stadium during large NFL and non-NFL events to enhance safety and efficiency.

Some fencing barriers currently exist along the ACE and Capitol Corridor heavy rail line (Union Pacific) adjacent to Lafayette Street. In addition to officers and monitors who will be managing pedestrian and vehicle movements in the vicinity of both the heavy and light rail lines during events, temporary barriers will be used is several locations and some permanent fencing is anticipated to be installed to prevent pedestrians from crossing the lines in locations other than designated crossing points. Vehicles will be officer controlled at the at-grade crossings in the vicinity of the stadium to prevent queuing across tracks. These measures will be specified and worked out in detail by a multi-agency operations committee that will support the Stadium Authority and are referenced in the text revisions.

**Comment A-2:** CPUC sent a comment letter, dated August 29<sup>th</sup>, 2008, on the Notice of Preparation for the proposed project. It appears that this letter was not received, as it is not reproduced as one of the comments letters in Appendix O of the DEIR. Thus, we are re-sending our original comments, which follow below:

**Response A-2:** This letter was inadvertently left out of the compiled NOP letters. The responses to these comments are provided below.

**Comment A-3:** The proposed project would generate large volumes of cars and pedestrians above baseline levels. The traffic impact study conducted for the DEIR should specifically consider traffic safety issues at relevant railroad crossings, including the at-grade railroad crossing of the Union Pacific tracks close to the intersection of Agnew Road and Lafayette Street. The CEQA documentation should evaluate, for example, whether traffic queues would extend across railroad tracks. Such queuing increases the possibility that a motorist would stop on the tracks and be unable

to clear the tracks as a train approaches, e.g., due to congestion or a stalled vehicle. In addition to the potential impacts of the proposed project itself, the CEQA document should consider cumulative rail safety-related impacts created by other projects. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

**Response A-3:** The Draft TMP that has been incorporated into the EIR provides a preliminary plan for implementing traffic controls on roadways and nearby transit lines, including rail facilities. As described in Master Response III.B. Transportation Management and Operations Plan (located before the individual letters and responses in this FEIR), the TMP is incorporated into the project and will be utilized and enhanced in the operations management efforts that will be implemented by the operations committee noted in Response A1. The objective of the TMP, and of the TMOP that will be prepared, is to coordinate movement of all modes of transportation during stadium events in the interest of safety and efficiency.

**Comment A-4:** Give the large number of pedestrians that will be attracted to events at the stadium, installation of vandal-resistant fencing or walls to limit the access of pedestrian onto the railroad right-of-way should be considered.

**Response A-4:** Comment noted. This will be considered as a part of the TMOP.

**Comment A-5:** Lastly, the Santa Clara Valley Transportation Authority (VTA) light rail system proceeds down the middle of Tasman Drive near the proposed stadium. There are four VTA light rail highway-rail at-grade crossings in the vicinity:

- Tasman Drive and Old Ironsides Drive
- Tasman Drive and Great America Parkway
- Tasman Drive and Convention Circle
- Tasman Drive and Centennial Boulevard

These crossings should incorporate additional safety measures in response to the increase in Average Daily Traffic during use of the stadium. VTA is currently working on a project (“Light Rail Left Hand Turn and Track Intrusion Project”) to reduce the frequency of incidents involving vehicles making left turns into light rail vehicles and motorists entering the railroad right-of-way. CPUC recommends incorporating the improvements documented in that project at the aforementioned four light rail crossings. These improvements consist of pushing the left turn limit line away from the intersection, replacement of the W10-7 active “Trolley Approaching” signs with new alternative “Trolley Approaching/No Left Turn” active signs, and pavement markings to direct traffic through the intersection. These modifications will improve general safety at these crossings and ensure motorists will reach their destinations safely.

**Response A-5:** Comment noted. With or without VTA’s advancement of that project, the Draft TMP shows officer controls at these intersections during the hours before and after large stadium events.



**B. RESPONSE TO COMMENTS FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION, SEPTEMBER 17, 2009**

**Comment B-1:** Thank you for continuing to include the California Department of Transportation (Department) in the environment review process for the 49ers Santa Clara Stadium Project. The following comments are based on the Draft Environmental Impact Report (DEIR).

*Forecasting*

On page 176, Section 4.8.4 Traffic Impacts – Table 15 – Trip Generation Estimates for the Proposed Stadium: It states there are 5,450 fans/attendees and 290 employees who use transit to/from the existing 49ers stadium at Candlestick Park. These transit users should generate an additional 127 vehicle per hour (VPH)  $([5450+290]/45)$ . Furthermore, the Table also indicates that there will be 13,000 fans/attendees and 580 employees who will use transit to/from the proposed 49ers Santa Clara Stadium. These transit users should generate an additional 302 vph  $([13,000+580]/45)$ . Since the Santa Clara Valley Transportation Authority (VTA) light rail network is limited in the area, we believe the majority of transit users (fans and employees) would use ‘Special Event’ bus services. As a result, these transit vehicles should be considered as 2.0 passenger car equivalents in the analysis which will generate an additional 604 vph  $(302 \times 2)$ .

**Response B-1:** This comment is not clear, but appears to be assuming that all of the transit users will be taking special event buses. The DEIR describes, beginning on page 175, the modal split experienced at Candlestick and anticipated for the project. This includes ridership projections for bus and light rail (page 177) and for heavy rail (page 177). Many of the specific details for shuttles and bus/rail transfers will need to be clarified and planned as part of the Transportation Management and Operations Plan (TMOP) that will be developed in consultation with VTA and other concerned jurisdictions, including Caltrans (see Master Response III.B. near the beginning of the Responses to Comments section in this Final EIR). The assumption that 13,000 attendees will all be on special events buses is not consistent with the analysis in the EIR.

**Comment B-2:** Table 15 indicates the modal split at the existing stadium is: 82% auto, 10% charter bus, and 8% transit for attendees; 90% auto and 10% transit for employees. For the proposed stadium, modal split is 74% auto, 7% charter bus and 19% transit for attendees; 80% auto and 20% transit for employees. Since Candlestick Park is situated within a rich public transportation network, it should have higher charter bus and transit modal splits compared to the proposed stadium. On the contrary, the proposed stadium shows higher charter bus and transit modal splits. What are the underlying assumptions to justify these modal splits for the proposed 49ers Santa Clara Stadium?

**Response B-2:** While the City of San Francisco overall has a good public transportation network, the area where Candlestick Park is located does not. There is no rail transit of any kind available to Candlestick Park attendees. The only transit currently used is charter and municipal buses. As explained in the EIR (pages 176-178), an extensive multi-modal transit system serves north Santa Clara. The assumptions for each type of available transit are described on pages 177-178, including subsections labeled “Bus and Light Rail” and “Heavy Rail Service”.

**Comment B-3:** Please include the 2030 Cumulative plus Project Conditions in the DEIR.

**Response B-3:** The CEQA Guidelines (Section 15130) require that a cumulative analysis reflect either (1) a list of past present and future projects or (2) a summary of projections contained in an adopted general plan or related planning document or in a prior environmental document which has been adopted or certified. This draft EIR used the list method, consistent with the CEQA Guidelines. For a specific project that does not fall into any typical land use category, such as the proposed stadium, the City believes that projected 2030 conditions based on a regional model are less useful for near term land use planning than an analysis of pending near term projects.

**Comment B-4:** Please provide turning traffic for each study intersection under the Project Only, 2030 Cumulative, and 2030 Cumulative plus Project Conditions. Table 16 provides arrival and departure patterns over time. Please provide additional turning traffic diagrams that show in/out-bound generated PM peak traffic that would allow us to validate total in/out-bound generated PM peak trips through project driveways, adjacent intersections and State facilities.

**Response B-4:** As stated in Response B3, 2030 projections were not used in preparing this analysis. Project turning movements cannot be provided at this stage of the planning process. As explained in the Draft EIR, once the project has finalized parking locations for the first year of operations, arriving project trips will be assigned to a specific off-site parking location, although exactly which parking lot each trip will be assigned to is not known at this time. The general routes to the parking zones are diagrammed in Figure 60 (page 185). Likewise, Figure 59 illustrates the directions of stadium traffic movement and the routes into the area.

Because the off-site parking lots could change over time, the City, stadium operators, and the 49ers organization will review and finalize the parking operations component of the TMOP each year prior to start of the season. The TMOP will be updated each year as needed, based on the specific traffic impact analysis prepared for that year's operations and depending on whether there are significant changes in circumstances since the prior year.

**Comment B-5:** *Highway Operations*

On page 10, Section 2.1 Stadium Component: How will vehicles from Great America Parkway and west of Great America Parkway access the Golf and Tennis Club if Tasman Drive is closed from Great America Parkway to Centennial Boulevard for eastbound vehicles during game days?

**Response B-5:** Persons going to the Golf and Tennis Club on game days after Tasman is closed will need to use westbound Tasman Drive and approach it from the east. Traffic coming from the west may access the eastern leg of Tasman Drive via Yerba Buena Way or Hwy 237 on the north, or via Agnew Road or Montague Road on the south when coming from the west or south. Use of the golf and tennis facilities diminishes slightly in the winter months (from an average of 240 rounds on a Sunday in late summer to just over 200 rounds in December) with shorter daylight and more days of unfavorable weather, some of which may coincide with game days. Game day closure of the designated portion of Tasman Drive will not occur more than three hours before game time and would affect only a percentage of users of the golf and tennis facilities on any given day.

**Comment B-6:** On page 20, section 2.4 Parking Garage Component: The DEIR should state that the vehicular access to the proposed new six-story parking garage will be provided only from westbound

Tasman Drive on game days since eastbound Tasman Drive will be closed between Great America Parkway and Centennial Boulevard.

**Response B-6:** That is not precisely accurate. As stated in the DEIR, the traffic management controls described in the Draft TMP cannot be fully implemented while most of the office park employees are still trying to leave the area. Many of the workforce in north Santa Clara will use Tasman eastbound to leave work. Tasman Drive will need to be closed at a point in time (prior to start of the game) that will not substantially impede the existing traffic.

**Comment B-7:** On page 157, Section 4.8.2 Traffic and Transportation Existing Conditions: The freeway section of US-101, Interstate (I)-880 to Trimble Road (Northbound) should be added to the list of freeway segments currently operating at level-of-service (LOS) F conditions during at least one of the weekday study periods.

**Response B-7:** The reported existing conditions of freeway segment levels of service were based upon the 2006 VTA CMP collected data because that was the only data available when the TIA was prepared. Although there is now 2008 CMP data available, both the 2006 and 2008 data indicate that northbound freeway segments of US-101 between I-880 and Trimble Road/De La Cruz Boulevard are currently operating at LOS D or better conditions during the PM peak hour. The CMP data does indicate that the northbound segments between I-880 and Trimble Road/De La Cruz Boulevard are currently operating at LOS F conditions during the AM peak hour, but the AM peak hour is not a study period for this project, since stadium impacts will not occur in the AM peak hour.

**Comment B-8:** On page 201, Section 4.8.4 Traffic Impacts – Table 19 – Arrival and Departure Roadway Capacities: This table shows 444 vehicles arriving from the east on Tasman Drive. Is this the only access to the proposed six-story 1700+ space parking garage? If so, what is the need for all of these spaces? Are these spaces for vehicles coming from other routes? If so, which routes?

**Response B-8:** The trips arriving from the east are only part of the traffic assumed to arrive at those parking spaces. As explained in the DEIR (page 183), most of the traffic control measures identified in the Draft TMP cannot be implemented before weekday games if the employees working in the office parks and parked in the off-site parking lots to be used for stadium patrons are to be able to leave the area in an expeditious fashion. Because of the two goals for that time period (getting office employees out of the area and getting stadium patrons into the area), only some of the controls were assumed to be in place for arriving trips. It would be imprudent to close Tasman Drive during that time period because many of the employees will need to leave via Tasman Drive eastbound. Many of the arrivals using the on-site parking, parking structure, and surface parking on the north side of Tasman are therefore assumed to arrive via Tasman Drive from the west.

**Comment B-9:** Also, on page 201, the second paragraph states, “*Though arrival and departure demands are projected to exceed existing capacities of the most heavily utilized arterials and ramps, the congestion can be expected to dissipate rapidly after the peak demand periods, which will not last more than two hours. It is also likely that motorists will seek alternative routes when wait times at freeway off-ramps become too long. The TMP identifies measures to control the effects of diversion and maintain freeway mainline flow.*” When the demand exceeds off-ramp capacity a queue will

form on the freeway mainline. This impact will need to be mitigated. What measures does the Transportation Management Plan identify to maintain freeway mainline flow?

**Response B-9:** The ramp analysis and arrival/departure analyses do indicate that during the peak arrival and departure periods on game days, freeway ramps will operate poorly. The poor operations of freeway ramps will likely lead to vehicle queues on freeway ramps and may adversely effect mainline operations. The effects of stadium traffic on freeway mainline operations, and the roadway system as a whole, will be controlled to the greatest extent feasible via implementation of the program described in the TMP and updated with new information based on parking and transit availability (see Master Response III.B at the beginning of the Responses to Comments section. The Transportation Management and Operations Plan (TMOP) will reflect the proposed traffic control center at the stadium that will have the ability to control changeable message signs on impacted freeway segments that can be adjusted to direct drivers to alternate routes should lengthy vehicle queues develop. The use of traffic control officers at various intersections along each of the major arterials leading to parking and from each of the freeway access points also will aid in the reduction of vehicular queues on freeway ramps and mainlines. It should be noted that the report presents an analysis in which football games to be held at the stadium are the source of the worst impacts. However, the games will primarily be held on Sundays when ambient traffic flows on the roadway system, including freeways, are less than during typical weekday peak hours of commute. A worst case analysis of games on weekdays and the potential effects on weekday PM peak hour traffic conditions also is included in the TIA and the EIR. It is, however, anticipated that the occurrence of weekday games will be probably be limited to once or twice per year, with a maximum of four times a year if two teams occupy the stadium.

**Comment B-10:** On page 208, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts, Great America Parkway and State Route (SR) 237 (North): The suggested mitigation measure of adding a third westbound left-turn lane would require widening Great America Parkway between SR 237 eastbound and westbound ramps. A third through lane would need to be added, as there are only two through lanes existing at this section. In addition, the eastbound SR 237 off-ramp to Great America Parkway free right turn lane would need to be converted into a controlled movement. Please re-analyze these two intersections to determine if the proposed third left-turn lane is a viable mitigation measure.

**Response B-10:** As stated on page 204, the project does not propose to implement any of the physical improvements described in this section, but does propose fair share contributions to programmed improvements. This is not a programmed improvement. The proposed text amendments in this Final EIR therefore include this comment from Caltrans on this intersection.

**Comment B-11:** On page 209, Section 4.8.5 Mitigation and Avoidance Measures for Transportation I-880 Northbound and Tasman Drive: The document states, “*The improvements to mitigate the project impact at this intersection would be the addition of a second westbound left-turn lane.*” Is this mitigation measure feasible with the existing VTA light rail train in the median of Great Mall Parkway/Tasman Drive?

**Response B-11:** No, the mitigation has been found not feasible. The proposed text amendments in this Final EIR clarify the reasons for its infeasibility.

**Comment B-12:** On page 210, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts: Although the relevant jurisdictions have not addressed weekend conditions in adopted polices, it is crucial that the weekend traffic impacts be addressed and mitigated.

**Response B-12:** Pages 120-121 of the DEIR identify the time periods analyzed in the TIA including the Sunday peak hours of the stadium (11:00am -1:00pm and 3:00pm-5:00pm). The weekend traffic impacts were identified through this analysis.

Because there are no adopted policies for evaluating weekend conditions, the impacts were analyzed compared to established weekday peak hour thresholds of significance. As stated on page 210 of the DEIR, the weekend impacts were not proposed for mitigation for the following reasons:

- There are no adopted policies or thresholds in place that identify a level of significance for weekday impacts or require mitigation of congestion impacts on Sunday.
- To add capacity improvements for off-peak impacts occurring on a limited number of days per year would create over-built intersections that would likely have unwanted secondary impacts, including induced growth potential. Building very large intersections that are inconsistent with established land use and planning policies creates excessive amounts of pavement, encourages cut-through traffic, and is an inefficient and unattractive use of urban land.
- The consulting traffic engineer has indicated that the congestion at the identified intersections can be adequately managed by the measures identified in the Draft TMP (including officers at the intersections) that will be incorporated into the TMOP and the project.

**Comment B-13:** On page 210, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts: The DEIR states, *“To add capacity improvements for off-peak impacts would create over-built intersections that would likely have unwanted secondary impacts.”* What are the unwanted secondary impacts?

**Response B-13:** For the intersections identified, impacts would likely include land use impacts to existing development and trees, and substantial induced growth, since expanding an intersection to accommodate traffic generated only on weekends would create excess capacity likely to be utilized for weekday traffic generated by other growth elsewhere in the area and thereby facilitate and encourage further development, and would also likely encourage driving instead of transit use. See also Response B12 above.

**Comment B-14:** On page vii in Appendix H, Freeway Segment Impacts: The document states, *“full mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lane, thereby increasing freeway capacity.”* There are mitigation measures other than widening the freeway that could be implemented, such as a more aggressive Traffic Demand Management program to reduce the freeway impacts.

**Response B-14:** The project is implementing a number of measures other than roadway widening, such as the recommendations of VTA to increase transit use (see proposed text amendments in this Final EIR). See Master Response III.B. Transportation Management and Operations Plan for additional discussion of the multi-modal transportation planning program envisioned.

**Comment B-15:** On page 120 of Appendix H – Table 18 – For the northbound US-101 off-ramp to Great America Parkway and the westbound SR 237 off-ramp to Great America Parkway, two-lanes are required at these off-ramps as the existing plus project volumes exceed the 1,500 vph design requirement.

**Response B-15:** Each of the referenced ramps is identified as operating at LOS B or C under existing conditions and at LOS F with the addition of stadium generated traffic in the traffic study. As described for intersections above, there is no adopted threshold of significance that applies to the project circumstances. The discussion in the DEIR of project-generated effects on freeway ramps is provided in the Operations subsection (§4.8.4.5 starting on page 198) because no agency has adopted a threshold of significance for these impacts, pursuant to CEQA Guidelines §15064.7. While the temporary ramp congestion will create an inconvenience for people wanting to leave the freeway at those locations and, briefly, for people traveling in those lanes, the conditions will occur very infrequently and for limited periods of time. Because there are other ramps nearby and the roadway system will be monitored by the traffic control center at the stadium, emergency vehicles can and will be diverted to other routes during these brief periods of congestion.

In addition to creating capacity that would be likely to be used to justify currently unplanned growth, it would be poor planning and an improvident use of resources to implement costly permanent physical improvements to the roadway system, including freeway ramps, designed to serve peak demand from the stadium that will occur only two to four times per year. All other weekday events at the stadium (other than the NFL games) will be substantially smaller, or will occur later in the evening, or both.

**Comment B-16:** On page 134, Appendix H – Cumulative Conditions Intersection Impacts and Mitigation Measures (Weekday Study Period): The document states, “*the project is not proposing to fund, contribute to funding for, or implement the possible measures.*” This development needs to address the impacts from this proposed project by implementing mitigation or providing fair share fees for this mitigation. If this development is not willing to fund or implement any of the proposed mitigation measures, it is not addressing the impacts of the proposed project required under the California Environmental Quality Act (CEQA).

**Response B-16:** This comment is referring to the cumulative impacts section in the TIA in the EIR’s appendices. These are not just the project’s impacts but represent impacts from a significant number of projects that are currently only proposed and may not ever be approved. CEQA requires that an EIR identify the cumulative impacts and examine reasonable, feasible options for mitigating or avoiding the project’s contributions to those impacts (Guidelines §15130). It does not require that the project alone must be required to implement the complete mitigation for a cumulative impact. [For a discussion of fair share contributions for mitigation of *project-specific impacts*, please refer to §4.8.5 starting on page 203 of the Draft EIR, and for additional clarification regarding fair share contributions to programmed mitigation measures see the proposed text amendments in this Final EIR.]

As stated on page 287 of the DEIR, there is no process in place in Santa Clara County or the region to manage a fair share contribution process that would mitigate for the cumulative impacts identified in the DEIR. Just collecting the fair share contributions is not sufficient; there must be an identified, established mechanism for accomplishing the actual mitigation.

In addition, it is somewhat speculative to assume that all the identified projects would be approved and developed within the timeframe as the proposed project. Therefore, cumulative impact mitigation measures are identified in the DEIR, but are not proposed or required by the City.

**Comment B-17:** Traffic Intersection Analysis, Bowers Avenue/US-101 southbound intersection, Weekday Cumulative Conditions: The southbound through movement 95<sup>th</sup> percentile queue will extend upstream beyond the Great America Parkway/eastbound SR 237 off-ramp intersection. This could cause the off-ramp to queue back onto eastbound SR 237. Mitigation measures are necessary for this impact.

Traffic Intersection Analysis, Great America Parkway/Yerba Buena Way, Weekday Cumulative Conditions: The southbound through movement 95<sup>th</sup> percentile queue will extend upstream beyond the Great America Parkway/eastbound SR 237 off-ramp intersection. This could cause the off-ramp to queue back onto eastbound SR 237. Mitigation measures are necessary for this impact.

Traffic Intersection Analysis, Bowers Avenue/Augustine Drive intersection Weekday Cumulative Conditions: Southbound through movement 95<sup>th</sup> percentile queue will extend upstream beyond the Bowers Avenue/southbound US-101 off-ramp intersection. This could cause the off-ramp to queue back onto southbound US-101. Mitigation measures are necessary for this impact.

Traffic Intersection Analysis, westbound SR 237/Great America Parkway, Weekday Project and Cumulative Conditions: The northbound left-turn movement 95<sup>th</sup> percentile queue will exceed the left-turn pocket storage and extend upstream beyond the eastbound SR 237/Great America Parkway intersection. This could cause the off-ramp to queue back onto eastbound SR 237. Mitigation measures are necessary for this impact.

**Response B-17:** This comment is referring to Cumulative Conditions except for the last paragraph, which is both a weekday project and weekday cumulative impact. Please see Response B16 for a discussion of mitigating cumulative impacts.

The traffic analysis does not include detailed vehicle queuing analysis, but vehicular queue estimates are presented by default for each of the studied intersections. It is true that lengthy vehicular queues may develop between intersections on major arterials that provide access to the potential parking areas. The vehicular queues on major arterials, and the roadway system as a whole, will be controlled to the greatest extent feasible via implementation of the stadium TMOP. The use of traffic control officers at various intersections along each of the major arterials leading to parking and from each of the freeway access points also will aid in the reduction of vehicular queues. The project proposes to include a traffic control center at the stadium that will have the ability to inform the traffic control officers of traffic congestion and the need for adjustments in control, when appropriate.

It should be noted that the report presents an analysis in which football games to be held at the stadium are the source of the worst impacts. However, the games will primarily be held on Sundays when ambient traffic flows on the roadway system, including freeways, are less than during typical weekday peak hours of commute. A worst case analysis of games on weekdays and the potential effects on weekday PM peak hour traffic conditions also is included in the TIA and the EIR. It is, however, anticipated that weekday games will

probably be limited to once or twice per year, with a maximum of four times a year if two teams occupy the stadium.

**Comment B-18:** *Traffic Intersection Analysis, Lawrence Expressway ramps/El Camino Real:* This location needs to be analyzed as two separate intersections, the southbound Lawrence Expressway ramps/El Camino Real intersection and the northbound Lawrence Expressway/El Camino Real intersection.

**Response B-18:** The intersection of Lawrence Expressway/El Camino Real physically consists of two intersections, but due to their close spacing to one another and need for signal operations coordination, the VTA CMP considers the two intersections to operate as one. The intersection is a CMP designated intersection and TRAFFIX level of service defaults for the intersection are provided by VTA. No adjustments were made to the VTA CMP defaults for the intersection.

**Comment B-19:** *Goods Movement.* The DEIR did not discuss the existing truck traffic, forecasted truck traffic, dedicated off-street truck parking facilities or other potential impacts and proposed mitigation regarding the delivery and pickup of goods and services to the stadium complex. Please provide a Goods Movement subsection to the Transportation and Circulation section of the DEIR that discusses how a multi-activity stadium complex will successfully operate with consideration for the delivery and pickup of goods and services, truck parking needs during both the unloading/loading process, and the potential need for dedicated off-street parking to avoid impacting local streets and adjacent neighborhoods and businesses.

**Response B-19:** The project design and operations plan are not yet at the stage where such an analysis would be meaningful. The City of Santa Clara will be evaluating the facility design and any applicable operating constraints for loading docks and service entrances as a normal part of the land use permitting process. No goods deliveries will occur during large stadium events, so goods movements will not be an issue during high traffic periods. In addition, the City proposes to work with VTA to establish a multi-jurisdictional transportation operations group to oversee the transit and transportation issues associated with the facility (see also Master Response III.B).

**Comment B-20:** *Regional Transportation Impact.* The traffic generated from the proposed project will have significant impacts to the already congested state highway system. Reducing delays on State facilities will benefit the region and local jurisdictions by providing more reliable travel times for commuters, recreational travelers and freight traffic. The Department strongly urges the City of Santa Clara to develop a regional transportation impact fee (RTIF) program to mitigate the impacts of future growth on regional corridors. Traffic impacts fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system and reduce delays while maintaining reliability on major roadways throughout the San Francisco Bay Area.

**Response B-20:** The City has employed regional traffic mitigation fees for these reasons on several large office projects in the past for impacts related to significant peak hour commute impacts. These have been done through a Development Agreement process. The City may consider an RTIF in the future.



**Comment B-21:** *Transit.* Transit is an important mode to disperse attendees after an event at the proposed stadium. To reduce the number of patrons that would potentially crowd and spill onto immediate roadways, a staging area for transit vehicles would reduce the wait time of transit users and can increase the flow of traffic on local roadways.

**Response B-21:** The Stadium Authority, City of Santa Clara, and the 49ers organization are establishing a transportation and operations plan to evaluate and plan for the interrelated transit needs for this project. The multi-jurisdictional group, to include VTA, and the Cities of Sunnyvale and San José, is envisioned to continue to function after the stadium becomes operational in order to maximize convenient access to transit in all of the forms it is available to this site.

**Comment B-22:** *Mitigation Monitoring and Reporting Program.* The CEQA, Public Resources Code Section 21081.6 and 21081.7 requires the Department to establish mitigation monitoring submittal guidelines for public agencies. The guidelines affect agencies that have approved development projects and are required under CEQA to provide the Department reports on transportation related mitigation monitoring measures. Please see the Department's "Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the Department of Transportation" at the following website for more information:

[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa.html](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html)

The Mitigation Monitoring Submittal Guidelines discuss the scope, purpose and legal requirements for mitigation monitoring reporting and submittal, specify the generic content for reports, and explain procedures for timing, certification and submittal of reports. Please complete and sign a Certified Checklist form for each approved development project that includes transportation related mitigation measures and return it to this office once the mitigation measures are approved, and again when they are completed.

Please send signed Certificate Checklist forms and supporting attachments to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D. For supporting attachments, the CEQA lead agency, at its discretion, may also submit the entire mitigation monitoring program report for each project with the required transportation information highlighted. When the District has approved the submittal and signed the Certification Checklist form, a copy of the form will be supplied to your agency.

**Response B-22:** The information is acknowledged.

**Comment B-23:** *Encroachment Permit.* Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental **documentation**, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

**Response B-23:** The information is acknowledged.

**C. REPONSE TO COMMENTS FROM COUNTY OF SANTA CLARA ROADS AND AIRPORTS DEPARTMENT, AUGUST 26, 2009**

**Comment C-1:** Your July 2009 Memo along with the attachments for the subject project have been reviewed. Our comments are as follows:

1. There are significant impacts to many of the expressway intersections (such as Lawrence, San Tomas and Montague Expressways).

**Response C-1:** All of the significant project traffic impacts are listed in the Draft EIR on pages 187 through 203.

**Comment C-2:** 2. The intersections impacted require monitoring at the Roads and Airports, Traffic Operation Center (TOC) in order to run special timing plan.

**Response C-2:** The City of Santa Clara is working with VTA to establish an operations committee similar to the one created for the Downtown San José Arena (now HP Pavilion). It is anticipated that it will be multi-jurisdictional, including all of the agencies responsible for facilities impacted by the project, and will coordinate and oversee transit and traffic issues. The Draft Transportation Management Plan (TMP) included in the Draft EIR contemplates management of various game-day transit operations; details of these operational aspects will be addressed between project approval and opening day of the stadium by the operations committee described in Master Response III.B. Transportation Management and Operations Plan, in order to maximize the transit usage for stadium events.

**Comment C-3:** 3. The traffic impact on such intersections should be mitigated. The conversion of High Occupancy Vehicle (HOV) lane to mixed use is not funded and is not considered mitigation. All four lane section of Montague will have HOV lanes. Possible improvements should be considered and they have to be discussed with the County.

**Response C-3:** As discussed in Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts, the project does not propose to implement any of the identified physical improvements. The project's impacts will not occur very often (unlike typical developments that operate five days a week, 52 weeks a year). The project is proposing to make a fair share contribution, based on the frequency of the impacts' occurrences during the weekday peak hour, to projects for which there is programmed mitigation for seven intersections. The seven intersections include: Great America Parkway/Mission College Boulevard; Lafayette Street/Yerba Buena Way; North First Street/Montague Expressway; Zanker Road/Montague Expressway; O'Toole Avenue/Montague Expressway; Trade Zone Boulevard/Montague Expressway; and Abbott Avenue/Calaveras Boulevard. Language clarifying this has been added to the text amendments in this Final EIR. This is consistent with recent practice for projects in the North Valley cities that are significantly impacting regional roadways for which identified mitigation is available and programmed.

## **D. RESPONSE TO COMMENTS FROM BAY AREA AIR QUALITY MANAGEMENT DISTRICT, SEPTEMBER 16, 2009**

**Comment D-1:** Bay Area Air Quality Management District (District) staff has reviewed your agency's Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project (Project). We understand that the Project proposes to construct a football stadium in the City of Santa Clara (City). The stadium would have a capacity of 68,500 seats with possible expansion of up to 75,000 seats. The stadium would be used by one, and possibly up to two, NFL teams and as a venue for concerts and sporting events.

The DEIR states that construction activities could generate significant dust and exhaust emissions. We appreciate that the DEIR contains mitigation measures that address dust, as well as exhaust emissions from construction; however, construction activities are still expected to create a significant impact to air quality (AIR-7, p. 228). The City should consider additional feasible mitigation measures to minimize construction equipment exhaust emissions, specifically diesel particulate matter, a known carcinogen. Such measures could include, but are not limited to: stipulating in construction contracts limiting the idling time of diesel powered construction equipment to two minutes; using alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric); using add-on control devices such as diesel oxidation catalysts or particulate filters; and requiring all contractors to use equipment that meets California Air Resources Board's (ARB) most recent certification standard for off-road heavy duty diesel engines. The EIR should provide justification for finding that any of these measures are deemed infeasible or unwarranted.

**Response D-1:** The proposed project will include all of the additional mitigation measures for construction activities based on District recommendations. Limitation placed on idling vehicles will be that required by the California Air Resources Board (five minutes). The additional mitigation measures have been added to the text amendments in this Final EIR.

**Comment D-2:** The DEIR states that the Project will result in significant unmitigable air quality impacts (AIR 2-5) and will implement identified TDM measures as a condition of approval. To further reduce the Project's significant air quality impacts identified in the DEIR, the Project should implement the following feasible mitigation measures: unbundling parking costs from employee benefits and rents; providing transit subsidies to employees; offering preferential parking to vanpools and carpools for event attendees; and coordinating with transit (Specifically Caltrain, BART, ACE, and VTA) providers to offer promotions for event attendees to use alternative transportation modes. In addition, the DEIR estimates that a minimum of 19,000 parking spots will be necessary to support stadium events and that the Project will implement an approved program for providing parking and transit to support these events. We recommend that the Project's conditions of approval include TDM measures for parking pricing and management. Underpriced and excess parking tend to encourage driving and exacerbate efforts to encourage alternative transportation modes. We suggest referring to the Metropolitan Transportation Commission's parking toolbox which contains parking best practices and strategies to support smart growth.

([http://www.mtc.ca.gov/planning/smart\\_growth/parking\\_seminar/Toolbox-Handbook.pdf](http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox-Handbook.pdf))

**Response D-2:** The proposed project will include those additional mitigation measures for stadium operations found to be feasible, based on District recommendations. It is not clear what "unbundling parking costs from employee benefits and rents" means for this project. Given the seasonal nature of the use and the temporary status of most on-site employees, the relationship between parking costs and employee benefits and rents is not clear. Parking

spaces for attendees will not be free and most will not be on-site. Those additional mitigation measures feasible for this project have been added to the text amendments in this Final EIR.

**Comment D-3:** We commend the DEIR for taking a comprehensive approach to quantifying the Project's greenhouse gas (GHG) emissions. We are encouraged that the Project is committed to implementing a number of green building elements; however, the Project should consider additional feasible measures to reduce greenhouse gas emission. Such measures could include, but are not limited to: implement a zero waste plan by diverting 100 percent of waste from landfills; build the Project to surpass the minimum LEED certification requirements; use locally produced building materials for construction; and plant sufficient numbers of trees (low VOC species) for carbon sequestration to at least replace the sequestration value of trees removed for project construction.

**Response D-3:** The proposed project will include additional mitigation measures for greenhouse gas emissions based on District recommendations. Additional mitigation measures have been added to the text amendments in this Final EIR that are similar to those suggested in this comment. Additional measures to encourage transit use will be considered as part of the Transportation Management and Operations Plan to be prepared for the working group. (See Master Response III.B)

**E. RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY  
TRANSPORTATION AGENCY, SEPTEMBER 22, 2009**

**Comment E-1:** VTA has reviewed the Draft Environmental Impact Report (DEIR) and Transportation Impact Analysis (TIA) for a 68,500-seat open-air stadium at the southwest corner of Tasman Drive and Centennial Boulevard in the City of Santa Clara. We previously commented on the original NOP for this project in a letter dated September 22, 2008, and on the revised Notice of Preparation (NOP) for this project in a letter dated March 18, 2009. The following is a summary of our comments on the DEIR and TIA for this project.

**Project Location and Land Use/Transportation Integration**

VTA supports policies that target growth around the established transportation cores, corridors, and station areas in the County, as described in VTA's Community Design & Transportation (CDT) Program and CDT Manual. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and has been endorsed by all 15 Santa Clara County cities and the County. Intensification of land uses in these areas can promote alternative transportation methods and help reduce vehicle miles traveled. The proposed 49ers stadium project offers an excellent opportunity to build on and make use of the existing transit and roadway network along in the Great America Station area. The stadium can benefit from the existing transportation infrastructure, although it may justify or require additional transportation improvements given the size of the project and highly peaked travel characteristics of its users, as noted below.

**Response E-1:** The City of Santa Clara concurs with the policy direction stated. The modal split assumptions for transit in the EIR anticipate a need for changes or increases in operational characteristics of the existing transit systems that serve the area and recognize that physical enhancements to existing transit infrastructure may be required. The City will work in partnership with VTA and the 49ers to understand what if any changes to the transit system may be needed. (See Master Response III.B)

**Comment E-2:** Description of Existing Transit

The DEIR and the accompanying Transportation Management Plan (TMP) contain a number of out-of-date or inaccurate descriptions of the existing VTA transit routes that serve the project site. Most importantly, the TMP/DEIR does not show the current 2-car train light rail operating from Mountain View past the proposed stadium, through San Jose to the Winchester Station in Campbell. The shorter station platform lengths on the Winchester Line southwest of Diridon Station limit train lengths to 2 cars, not the 3-car trains assumed in the TMP/DEIR. Other VTA comments on the description of Existing Transit Services in the DEIR are listed below:

1. System map (Figure 33 on Page 139): This map should be updated to reflect that the Great America Shuttle no longer operates; the most current version of the VTA system map is dated July 2009.
2. Page 140 - Table 14: Line 60 should be shown with 30 minute headways (not 15 minutes) in the Great America area.
3. Page 140- Line 55 description: The description should note that Line 55 operates 30 minute headways from 8 a.m. to 7:30 p.m. on Sundays.
4. Page 140 - Line 60 description: The description should note that Line 60 operates every 30 minutes during weekday peak periods in the project area (not 15 minutes).

5. Page 141- Light Rail Service. There are many out-of-date statements and errors in the description of existing light rail service. We suggest replacing this paragraph with the following description:

The project area is served by two light rail transit lines, one that serves the project site directly and one that is available via a transfer. The Mountain View - Winchester LRT line operates along the center of Tasman Drive and directly serves the site with the nearest station to the project site at Great America Parkway near the Santa Clara convention Center (approximately 650 feet from the nearest stadium entrance). This line generally operates every 15 minutes during weekday commute periods and every 30 minutes on weekends. The Alum Rock-Santa Teresa line operates in the center of Highway 87 and North First Street through downtown San Jose and connects with the Mountain View - Winchester line at the Tasman Station. This line generally operates every 15 minutes on weekdays and weekends. 6. Page 141 - Caltrain: This section incorrectly states that the Caltrain shuttle to Mission College Boulevard operates on Sundays, and should be corrected.

**Response E-2:** The Draft Transportation Management Plan and Traffic Impact Analysis were prepared in advance of the EIR's completion. Given the lead time in preparation of a substantial CEQA document, changes in schedules and services over time are inevitable. The information provided above has been incorporated into the proposed text changes for the Final EIR but it is also acknowledged that this information represents a "snapshot in time", does not change the overall analysis or conclusions, and is subject to change in the future.

Preparation of operational programs related to stadium events, both NFL and non-NFL events, will likely expand use of transit system services and resources beyond both normal "current" weekday commute and weekend services. It is expected that special consideration will be required for all stadium events that might affect weekday commute schedules for VTA and other transit providers.

**Comment E-3:** Transit Service, Operations and Infrastructure

We note that the TMP assumes that approximately 13,000 patrons (out of a sold-out capacity of 68,500 seats) will take public transit to access the stadium. It appears that this assumption is based primarily on the 49ers experience at Candlestick Park which has considerably fewer transit options than at the proposed site, supplemented by information from other stadiums in similar settings. This assumption about public transit usage is applied to the total trip generation of the stadium in the TIA, and is built into the discussion of transportation impacts and mitigation measures in the DEIR.

Based on the assumptions in the TMP, a number of which may require further verification, this transit mode split assumption appears reasonable; however further analysis should be done to better determine a mode share specific to the unique conditions in Santa Clara County. In addition, it is likely that a number of conditions would need to be met in terms of transit service and operations for this transit mode split to be achieved. It is also possible that certain infrastructure improvements would be needed to make the required transit service and operations possible.

**Response E-3:** As reflected in VTA's comments, the assumptions were based on the best available historic information – the past experience at Candlestick Park. The City of Santa Clara agrees that the broader spectrum of transit choices available in Santa Clara may lead to more transit use at this stadium location than has been the case in the past. The various transit systems in place that serve this site were an important consideration in the site selection process for a new stadium by the team. Both the 49ers organization and the City

are committed to working with the various transit service providers to maximize transit use for stadium functions.

Specifically, the City and VTA are working on better defining the service levels and infrastructure necessary to meet the mode split assumptions for the stadium project. The analysis may involve VTA's countywide travel demand model, which is used for short and long-range transportation planning in Santa Clara County as well as the analysis of large projects and capital investments.

Because the stadium project transportation analysis addresses event impacts with not more than 40 significant events per year (not more than 11 percent of the days in a year), it assumes a very limited effect on the peak demand service times of the transit systems, including VTA, that can serve the site. The majority of these 40 events would not affect either the AM or PM peak hour of the weekday commute. Given this, and the time available for transit agencies, the City, and the team/Stadium Authority to fully develop an operational program for transit service before stadium events begin in 2014, minimal physical changes to the existing transit infrastructure are assumed in the TMP, but will be considered in operational planning efforts, including preparation of the TMOP.

The City is prepared to begin immediately on this planning effort to evaluate operating systems and physical resources.

**Comment E-4:** The following are VTA's comments regarding transit service, operations and infrastructure based on our review of the DEIR and TMP. They are divided into several sections as noted below.

Transportation Management Plan and Transit:

1. The Draft TMP, dated July 13, 2009, has been developed at very general level and is more a collection of possible transit options than a plan that could be directly implemented. VTA would like to coordinate with the City of Santa Clara, the 49ers and other transit operators to develop a complete transit plan for game days and other events.
2. VTA suggests that the 49ers and the City of Santa Clara continue to develop a complete transportation management plan. Given the projected time frame for opening the stadium, there is time to complete this task. However, it would be best to start the process now to ensure that all needs - operational, physical improvements and funding are addressed.
3. The HP Pavilion management instituted an Arena Events Operations Committee (AEOC), which included representatives from VTA and the city of San Jose, to assist with developing their transportation plan, and this group continues to meet to address event-specific needs. VTA suggests that a similar group be developed for the proposed 49ers stadium in Santa Clara. One very helpful aspect of the AEOC is that it includes the traffic management personnel from the city of San Jose, including both traffic engineering and police representatives who would handle the game day traffic and parking management.

**Response E-4:** The City of Santa Clara concurs that it is the time to begin filling in specific details and developing a work plan for managing transportation for the stadium in order to be able to maximize transit use after the stadium is operational. City staff is consulting with VTA to start the process of working together to develop a framework for a comprehensive

transportation, transit and parking program for stadium events. While primarily focused on event-day operations, such a program can address the full range of needs contemplated by the transportation elements included in the TMP. However, due to the long lead time and inevitable operational changes during this lead time, a complete TMOP cannot be prepared until closer to stadium opening.

Santa Clara also agrees that building on the successes of San José's traffic and transit management experience with HP Pavilion, including an operations committee that includes engineering and police representatives, should begin immediately. A new multi-jurisdictional committee that includes staff from adjoining cities, and VTA, working closely with other related transportation authorities, should help formulate the comprehensive event-day program to a high degree prior to opening day of the stadium in 2014, and some form of this operations committee should carry on year-to-year monitoring and enhancement of this program to ensure maximum success over time. The committee would be empowered to make decisions to ensure coordination among all of the affected jurisdictions. See Master Response III.B for further details.

**Comment E-5:** 4. VTA requests that the transportation management plan address weekday night games and other events, in addition to Sunday afternoon games (which are the focus of the current draft TMP). We assume that the 49ers would like to schedule Monday or Thursday night games and VTA will need to plan accordingly. The day of the week will have significant implications for the transit plan as the weekday night games/events will typically occur within VTA's normal weekday PM peak commute period. Our ability to provide sufficient resources, both personnel and vehicles, is a concern on weekdays. The impact of changing our operations to accommodate a weeknight game while still providing our normal transit services has not yet been determined. This will require further analysis, which may include studying how transit systems have handled this in other NFL cities. In addition, the transportation management plan will need to provide further information on how each street in the stadium vicinity would be impacted, so that VTA can develop or modify bus routes and determine the impact on our light rail operation.

**Response E-5:** It is intended that the TMP address all events at the stadium. The TMP prepared for the EIR is broader than will be necessary for an operations plan because it includes all of the available options. The detailed management program for vehicular traffic on public streets is relatively specific, but assumes that all of the leased parking spaces are vacated prior to game time. The TIA, however, took a less constrained approach that presents a "worst case scenario" and assumed that many office employees would work later than agreed to, and traffic entering and exiting the area would be as bad as possible. The TMP would not be as effective under such conditions because traffic would need to be moved from the area as well as into the area as quickly as possible.

It is, however, the City's intention that the operations plan prepared for this area will address in specific detail the elements required to move employees from the office buildings and game attendees into the parking lots. Through project approval, the City will apply a parking district overlay zone that will establish rules for property owners who wish to participate in the off-site parking program and enjoy parking fee proceeds during any of the significant stadium events. Parking supply participants will need to obtain City approval and will be required to have the agreed upon parking spaces available in a timely manner before the given event begins. The City will also review and monitor the agreements with building owners and tenants in order to ensure that binding commitments are made for use of the



parking spaces. The City, Stadium Authority, and 49er organization will work cooperatively within the multi-jurisdictional operations committee to facilitate development of parking limitations in adjoining jurisdictions and management of traffic on streets in those jurisdictions.

As additional information is developed relative to project design and as greater detail is developed about the transportation and transit operations themselves, the viability of weekday games may be dependent upon the development of enhanced weekday schedules within the transportation operations program that can accommodate game-day and other event transit demand while preserving existing weekday commute service. While weekday games are part of the whole NFL experience that is currently proposed for this site, the questions relative to changes in infrastructure and transit operations will need to be resolved prior to stadium opening to ensure smooth operations on weekdays. The basic program of 8-10 games (per team) played on weekends is, however, fundamental to the stadium operations.

**Comment E-6:** Transit Demand:

1. Based on VTA's review of the TMP and DEIR, it appears that the transit analysis did not consider the potential demand from Alameda and Contra Costa counties to the proposed stadium via BART and connecting transit services. VTA expects that this demand would be significant in the opening year, from either the existing Fremont Station or the new Warm Springs Station, and would increase further in 2018 with the opening of the Milpitas and Berryessa Stations. This flow of ridership from BART could place an additional strain on the VTA light rail system from the east, which is not addressed in the TMP and DEIR. Further analysis of demand from BART to the east of the stadium will be required. For this analysis to be most useful, it should cover both the opening year scenario (from Fremont or Warm Springs Station) and the 2018 scenario (from the Milpitas Station).

**Response E-6:** The transportation impacts identified in the DEIR are the impacts considered most likely to occur when the stadium opens, which is estimated to happen in 2014. While the TMP and DEIR did not specifically address the potential for patrons to arrive via BART in the opening year, it did anticipate that a certain number of transit riders would arrive via the VTA system from all directions, including from east of the stadium. The City, Stadium Authority, and the 49ers organization will work with VTA as the stadium project progresses to further refine the transit demand projections and the associated transit operating plan.

The TMP and DEIR do not take into account potential changes in transit demand and service needs when the BART extension to San José opens, beginning in 2018. There are likely to be changes in traffic and transit use after BART reaches the South Bay. The City will work with VTA to use the VTA countywide travel demand model to analyze the potential changes in traffic and transit use in this future year, which may factor into the assessment of any infrastructure that may be needed to serve transit demand to the stadium.

The current impact analysis identified a likely scenario in which 4,500 riders are moved via light rail during the hour after a game or other significant event ends. To implement this scenario will require modifications to existing LRT operations, which are assumed to include three-car-trains and very short headways. The City and 49ers will need to work closely with VTA and other transit agencies to develop specific operating plans for game days in order to ensure that any needed improvements are in place prior to opening day of the stadium.

Subsequent changes in the transportation network and transit systems, especially changes such as BART with the potential for increasing transit ridership, will require future modifications to allow stadium attendees to take full advantage of all transit opportunities. It is expected that the ongoing multi-jurisdictional operations committee will address such changes over time.

**Comment E-7:** Transit Buses and Shuttles:

1. VTA needs to more closely review FTA regulations that prohibit public transit operators from providing "charters" to sporting events under certain situations. While we have stopped operating this type of service to Candlestick, there may be some other available options for the new stadium since the games are now in our regular service area. More study is needed on this issue to determine what VTA can provide and what service private carriers would operate.
2. Further study on specific routes to games is needed including how many vehicles would be required to provide the service and where the routes would originate. Automobile parking at the origin will need to be identified, either at current VTA park-and-ride lots or at other locations.
3. More detail is needed on how the bus parking on Stars & Stripes Boulevard would operate and how many vehicles this location could accommodate. This location is of particular concern as it is the busiest station on the Altamont Commute Express (ACE) line. VTA as well as private companies provide numerous shuttles to this location bringing passengers from employment sites throughout Santa Clara County. Those shuttles will need access to the station during games on weekdays.
4. Many transit passengers currently use the parking lot adjacent to the Great America ACE Station. This lot along with the extension of Stars & Stripes was funded, constructed and made available to ACE and Capitol Corridor passengers as part of a cooperative agreement with the City of Santa Clara. These rail passengers need to continue to have access to this parking. Typically this is overnight parking, where the passengers leave vehicles to be used after getting off the train in the morning and returning to the station in the afternoon. This constraint needs to be taken into account in the transportation management plan.
5. As noted above, further study of bus and shuttle circulation and related operating needs is required. This may lead to the identification of physical improvements necessary to support bus and shuttle operations. They could include bus bays, passenger amenities, wayfinding signage, and real-time information; all of these could be organized into a centralized transit center near the stadium site.

**Response E-7:** While the TMP and the EIR identify generally the bus capacities and movements that would be required to support the stadium, the operational details will be developed prior to opening day of the stadium. The TMP identifies the extensive infrastructure in place near the project site, identifies possible methods for utilizing the available capacity, and also discusses possible modifications to better serve stadium patrons. Other than the fact that the TMP concludes that there are adequate bus parking and loading areas on the streets near the site, and that pedestrian access routes could be available on streets closed for game days, no specific parking and loading analysis has yet been done. Further analysis of parking and loading capacity for transit buses and shuttles is necessary, and the City is committed to working with VTA and other agencies as appropriate to address this issue as the project design progresses and the stadium opening draws closer, to ensure then-current operations are included. (See Master Response III.B)

As noted in the TMP, a number of transit agencies operate special routes to 49ers games at Candlestick, to maximize use of transit by event attendees (p. 19, TMP). The analysis in the EIR assumes that all of the transit agencies with facilities in or near north Santa Clara (many of which are currently providing services) will also be willing to work with the City to provide transportation to stadium events in the future.

As part of the TMOP, the operations of the ACE lot, including the need for overnight parking and bus queuing will be considered with the queuing and parking needs for charter buses serving stadium patrons. The TMP and EIR identify where those buses are currently assumed to park, based on physical conditions on the ground at the time the Notice of Preparation was circulated for this EIR. Future changes in the area, including changes in transit operations, pending or previously approved development, and other issues may influence bus parking locations, however. The TMOP working group will need to coordinate with VTA, other transportation providers, and private bus operators to minimize conflicts between the movements of buses, shuttles, and passenger vehicles and to ensure that sufficient parking is available, based upon the stadium site design. These plans must be completed and ready to implement prior to opening day of the stadium.

**Comment E-8:** Light Rail:

1. As noted above, the TMP/DEIR does not show the current rail operating plan that uses 2 car trains to operate from Mountain View past the proposed stadium and onto the Winchester Station in Campbell. Due to shorter station lengths in Campbell, trains are restricted to 2 car trains, not the 3 car trains included in the TMP. The TMP/DEIR further assumed a load per light rail car of 150 passengers, a condition which may be acceptable for a few trains under game-day crush load conditions but should not be used as an assumption for average loading over a longer period. Given the experience of other systems in carrying departing patrons via transit after stadium events, we believe that the majority of transit passengers will need to be cleared in a 30 to 60 minute window after a game; further analysis of the implications of these demands on light rail vehicle loading will be required for the proposed 49ers stadium.

**Response E-8:** The TMP does assume 3-car trains, and it does assume “game-day crush load conditions” for a period of approximately one hour after the event ends. This is different than current conditions, but not inconsistent with the types of transit system modifications that are made for NFL stadia and other event venues in other areas. Determinations regarding the viability of 3-car trains on restricted routes and for restricted periods will be made upon further development of VTA operations planning for stadium events.

The proposed text amendments included in this FEIR reflect the City’s intention to require the preparation of the TMOP discussed in Master Response III.B., and the City’s. It is the City’s understanding that finalization of the project’s design and operating plans will need to include extensive collaboration with VTA in order to: (1) identify how the LRT system will need to operate and if any capital improvements are needed to meet the assumptions in the EIR, (2) ensure that the system operations fall within the parameters of what would be acceptable to event attendees, and (3) satisfy the City and VTA objectives that stadium users maximize possible use of transit.

**Comment E-9:** 2. A rail operating plan is needed for VTA to adequately plan light rail service during events. VTA has access to a rail simulation program of its current light rail system and

different operating scenarios should be tested to determine the best plan to meet the expected ridership demand. The simulation would also assist in identifying if any capital improvements are necessary and what level of service (frequency/capacity) could be operated.

3. As indicated above, the operating plan would also assist in identifying potential infrastructure improvements needed to accommodate the planned passenger demand and rail service. Without the benefit of the analysis, we cannot now ascertain what improvements might be needed. Possible improvements could include storage tracks, crossover tracks, substations, signal improvements, station improvements or other similar items.

**Response E-9:** As stated above, the City is prepared to work with VTA in evaluating the demand on the light rail and bus systems and in preparing an analysis of operating conditions needed to support transit ridership as assumed in the EIR, including assessment of design and infrastructure needs of the system at a level necessary to support stadium operations to the satisfaction of VTA and the City.

**Comment E-10:** 4. During a recent meeting between representatives of the 49ers, the City of Santa Clara, and VTA, two possible improvements were identified by the 49ers. These are (1) fencing the light rail right-of-way in the area of the Great America Station and the stadium and (2) constructing a new game day at-grade pedestrian crossing of the tracks, east of Great America Station, to connect the new parking garage at the golf course to the stadium. These and other improvements must meet VTA design standards, operational policies and be safety certified. The new at-grade pedestrian crossing would be subject to safety review by the California Public Utilities Commission (CPUC). Given the expected use of this crossing, it is likely that the CPUC will require the installation of automatic warning devices such as flashers, bells, and possibly gates. Static signs and pavement makings will also be a requirement. Because of the high level of pedestrian use on game days, and the likelihood of special VTA train service, the effect on VTA's system-wide schedules must also be taken into consideration.

5. VTA encourages the applicant and the City to consider the full breadth of alternatives to a new pedestrian grade crossing (which might meet significant opposition from the CPUC). This could include improvements to the existing grade-separated pedestrian crossing under Tasman Drive (along San Tomas Aquino Creek) to make it as attractive and accessible as possible, or potentially the construction of a pedestrian bridge across Tasman Drive. (Note comments on Pedestrian and Bicycle Accommodations below.)

6. Passenger access to Great America Station, including the possibility of using Tasman Drive for passenger queuing (as proposed in the TMP) also needs further review. Both physical improvements and operational strategies need to be explored to determine how this could work effectively and safely, and to avoid excessively long train dwell times that could impact service reliability.

**Response E-10:** All of the final design of improvements or modifications of the transit system would be prepared in close consultation and subject to approval from VTA. The City will explore with VTA the range of possible methods of getting passengers from the parking garage to the stadium and from the stadium to the loading platforms safely and expeditiously. Crossings of the LRT tracks by pedestrians and all safety measures associated with pedestrian movement on Tasman Drive during events will be explored and evaluated to maximize pedestrian safety and transit efficiency. This will include an evaluation of widening and improving the existing grade-separated crossing currently used. A possible

pedestrian bridge has not been evaluated in this environmental analysis, but options for study purposes could be considered in the context of all the measures that could be considered in the development of the Transportation Management and Operations Plan. CPUC issues are also addressed in responses to their comment letter (see §III.A. of this FEIR).

Passenger queuing in Tasman Drive is being considered because (and when) the road will be closed to vehicle traffic from the east and west. It is acknowledged that the ultimate solution for staging passenger loading to the LRT trains will be developed in consultation with VTA, based on the need to maximize the efficiencies and minimize interference with train headways.

**Comment E-11:** 7. VTA would also need to be involved in the City's plans to monitor and adjust traffic signal timing before and after games as necessary. Impacts on our light rail signal priority and on transit service in general is a concern especially with the frequent service that would be needed on game days. The TMP states that manual overrides of traffic signals and/or transit signal priority will be required to achieve the required headways on the light rail system to serve stadium events. While transit signal priority is already in place along significant portions of the light rail system in the vicinity of the project site, it is not in place in all areas. Further analysis of intersection operations including increased light rail frequencies and vehicular traffic, as well as coordination with VTA, local municipalities, and Santa Clara County will be necessary.

**Response E-11:** Specific plans to modify signal overrides will, as stated, need to be thoroughly coordinated with VTA, Santa Clara and any cities in whose jurisdictions such overrides are implemented. Signal overrides would be evaluated as part of operations planning for the opening of the stadium and as part of ongoing operations enhancements.

**Comment E-12:** 8. VTA would require a significant resource allocation for game day/special event operations. Additional vehicles, operators, transit field supervisors, security personnel, customer service ambassadors, fare inspectors, and maintenance staff would be needed. It is likely that fare revenues received from games and events would not cover our additional expenses, and this additional operating funding would need to be provided by third parties.

**Response E-12:** A cost/benefit analysis of expenses/expenditures/costs and the fares likely to be experienced by the anticipated significant increase in ridership farebox revenues could identify what increase in revenues might be expected that could help support changes in transit operations. The City will work with VTA to assist in developing a plan that addresses transit operations at an optimized level, as well as any capital program for which a need is identified for that level of service. Transportation analysis modal splits for transit presented in the TMP assume reliance on existing infrastructure with enhanced services. The City will also work with VTA organization to explore options that could help fund additional transit operating expenses that may be required to reach desired transit service levels.

**Comment E-13:** Other Transit Services:

1. VTA is a partner, through formal agreements, with the Capitol Corridor, Caltrain and ACE. As mentioned earlier, the initiation of a transportation working group would be helpful for all involved.

**Response E-13:** The City agrees and will take steps to form such a group as soon as possible. Please see Master Response III.B. Transportation and Operations Management Plan, which is at the beginning of the Responses to Comments section of this FEIR.

**Comment E-14:** 2. The TMP includes an assumption that 3,000 patrons would take Caltrain to reach the stadium. While the TMP discusses three possible ways of allowing these patrons to reach the stadium (since Caltrain trains currently do not serve the stadium area), each of these discussions is problematic. For direct service, trains would need to make a reverse move near Diridon Station and travel on the UPRR tracks to the station area; such a move is likely to take long enough that it will make this trip unattractive in terms of travel time. A transfer from Lawrence Station to shuttle buses is possible, but Lawrence Station has far too little space to accommodate the shuttle buses to carry these passengers. It is more likely that patrons would transfer to the VTA light rail system at Mountain View; however, the transit analysis in the TMP does not account for these additional 3,000 patrons on VTA light rail, which would place a significant additional strain on the system. Further analysis of how patrons would reach the proposed stadium from Caltrain is required, including coordination with VTA and Caltrain staff.

Given the limited information in the DEIR, TMP and TIA about transit, it is difficult for VTA to confirm how transit would serve the proposed stadium. However we believe that it should be possible through close coordination and further study to address these issues as the project progresses through the development process. Identification of the specific transit service, operations, and infrastructure requirements to serve the proposed stadium adequately will require considerable analysis and coordination between the project applicant, the City of Santa Clara, VTA, and other agencies.

**Response E-14:** As stated above, the TMP identifies the extensive transit infrastructure in place near the project site, identifies possible methods for utilizing the available capacity, and also discusses possible modifications to better serve stadium patrons. The TMP acknowledges that some of the elements (such as “Caltrain Passengers transfer to VTA Light Rail at Mountain View” on page 17) would require operating changes which could place an additional ridership demand on the VTA light rail system for those transferring passengers, beyond the 4,500 light rail passengers projected in the TMP. The TMP discussion also identifies that passengers might not like the need for a transfer and associated delays.

The TMP discussion is focused on utilizing existing infrastructure to the maximum extent possible, and identified a range of possible scenarios. Barriers and constraints to some of the use scenarios are identified to the extent they are known. The City agrees that analysis and coordination between the project applicant, the City of Santa Clara, VTA, and other agencies will be necessary to meet the City’s commitment to achieving maximum transit use for stadium patrons in order to make use of the unusually efficient and direct transit access this area already enjoys. The formation of the interagency working group (as described in Comment E-13 above) will be of particular importance in achieving the City’s and VTA’s goals for this project. Please also see Master Response III.B., at the beginning of this section of the FEIR.

**Comment E-15:** Roadway Congestion/Consistency with the VTA Congestion Management Program. Based on our review of the TIA, TMP, and DEIR, VTA has the following comments on congestion-related impacts of the project and the project's consistency with the VTA Congestion Management Program (CMP).

1. It appears that the TMP primarily covers Sunday game conditions, while the TIA and DEIR address both Sunday and weekday game conditions. While we understand the rationale for assuming a worst-case scenario in terms of roadway congestion for the CEQA analysis, we believe it will be

very important to develop a thorough management plan for weekday conditions as well, covering both pre-game and post-game periods. VTA encourages the project applicant to develop such a plan, in coordination with the City, VTA, and other agencies as the project moves through the development process.

**Response E-15:** The TMP focuses on the localized methods for managing the vehicular traffic arriving for and departing from stadium events. The EIR, as discussed on page 187, does not assume full implementation of the TMP during the arrival time because full efficiency in managing the incoming traffic cannot be achieved while employees at existing businesses in the area are still leaving the area. The measures identified in the TMP would be required for all significant stadium events, however, as a part of the project approval.

As described in Master Response III.B., the City will be working annually with the 49ers organization and all effected transportation agencies, including VTA and Caltrans, to develop a plan for managing the traffic conditions anticipated each year. The plan will need to reflect the parking agreements completed *for that year* and any roadway or other infrastructure improvements, transit system modifications, or other physical and/or operating changes implemented within the stadium area.

**Comment E-16:** 2. The DEIR notes (on pages xi and xii) that the project would cause Significant and Unavoidable Impacts in terms of roadway congestion on 2 CMP intersections during at least one weekend study period on up to 20 NFL event days per year. It also notes that for a maximum of four times per year (depending on whether one team or two plays at the stadium) the project would exceed the adopted LOS threshold on all 16 directional freeway segments and one HOV lane during at least one of the weekday study periods.

The DEIR then states that the project does not propose to implement any physical improvements to mitigate roadway congestion impacts, and the TIA notes (on page 170) that "the infrequency of occurrence... does not justify the implementation of costly physical improvements." While VTA agrees that significant but very infrequent impacts are not necessarily inconsistent with the Congestion Management Program, we recommend that the applicant work with VTA, the City, and Caltrans to identify possible measures that could lessen the project's impacts on roadway facilities, and conduct an analysis of a possible fair-share contribution to these improvement measures. In addition, we encourage the City to require the project applicant to implement measures from the Immediate Implementation Action List in the VTA TIA Guidelines to minimize roadway congestion impacts. Further discussion of immediate actions such as Transportation Demand Management programs is included in the next section.

**Response E-16:** The City will require those items on the Immediate Implementation Action List that are appropriate to this project, as part of the TDM program described on page 230 of the DEIR. The analysis in the EIR assumes an average vehicle occupancy rate of 2.7 for event attendees and 1.5 for employees, based on past practice. The proposed text amendments in this FEIR include a list of possible requirements from the Action List that can be applied by the project approvals.

**Comment E-17:** 3. The first bullet on page 85 of the TIA states that the stadium will include traffic control center that will be connected and integrated into the City of Santa Clara's existing electronic traffic control system. VTA recommends that that the traffic control system for the stadium include

the installation of CCTV cameras at nearby intersections to allow real-time monitoring of vehicular traffic as well as light rail vehicles, transit and charter buses, and pedestrians.

**Response E-17:** Development of the traffic control center for the stadium anticipates utilization of devices that will allow real time monitoring of vehicular, transit, and pedestrian traffic, including such things as signal upgrades, communication upgrades, and CCTV installations, as may be available at the time the system is operational, and as upgrades over time. These measures would be coordinated with planning efforts by the multi-jurisdictional operations committee.

**Comment E-18:** 4. The last paragraph on page 76 of the TIA states that all employees utilizing private vehicles will be required to park in locations east of Lafayette Street and along Tasman Drive. Currently parking is not allowed along on Lafayette Street and Tasman Drive in the project area. The documents should clarify where on Lafayette Street and Tasman Drive the employees would park) and how additional on-street parking may impact vehicular movement or transit operations.

**Response E-18:** This language is in the TIA. The DEIR states on page 182 that the employees will park east of Lafayette Street, “on properties north and south of Tasman Drive”. The intent is that employees would park on private property along Lafayette and Tasman, subject to agreements executed with the relevant property owners.

**Comment E-19:** Transportation Demand Management

VTA urges large employers and large trip generators to implement transportation demand management (TDM) programs in order to reduce the number of single occupant vehicle trips they generate. In particular, VTA encourages the project applicant to provide incentives for patrons and employees to take public transit to stadium events, as part of the TDM program described on page 230 of the DEIR. VTA encourages the applicant to consider offering season ticket holders the option to either purchase reserved parking spaces or buy transit passes to the games. Prepurchasing season or game-specific transit passes would provide for easier, quicker boarding of transit vehicles and also provides VTA with information on transit demand. VTA has coordinated with the 49ers in the past to provide season ticket holders with information on how to purchase transit passes to the games, when VTA did provide direct bus service from Santa Clara County to Candlestick Park. In addition, VTA supports the inclusion of a small component of ground floor commercial space in the stadium, as described on page 12 of the DEIR. This space could potentially accommodate a restaurant or retail use that could serve employees at nearby office buildings, visitors to the Santa Clara Convention Center, or patrons of Great America, making the area more convenient and attractive for pedestrians, transit riders, and cyclists, and reducing the need for single occupant vehicles for lunchtime trips or errands.

**Response E-19:** Regarding transit passes and incentives, the City agrees that the 49ers could offer a way of purchasing transit passes to games that would make this an attractive option, as well as incentives for patrons to take transit to the stadium. Insofar as there may be high demand for transit ridership for patrons, employees would be encouraged but not required to use transit. The City expects that the 49ers will work with VTA to identify possible transit pass options, such as a special event transit pass that could be purchased on the web. The City will require the 49ers to provide information about transit passes and purchasing options to season ticket holders as a condition of project approval.



The City concurs that the inclusion of commercial space that could serve daytime workers in the area is an incentive for alternative transportation.

**Comment E-20:** Pedestrian and Bicycle Accommodations

VTA encourages the development of pedestrian and bicycle accommodations in order to improve access and connectivity of these important modes. We support the inclusion of the new pedestrian/bicycle bridges across the San Tomas Aquino Creek in the proposed project. We also recommend that the project applicant and the City work together to consider the full breadth of alternatives to a new at-grade pedestrian crossing of the light rail tracks on Tasman Drive near the stadium. This could include making the pedestrian/bicycle crossing under Tasman Drive near the project site as attractive as possible, or possibly constructing a pedestrian bridge across Tasman Drive both of these improvements would lessen the demand for pedestrians and cyclists to cross Tasman Drive near the stadium around game times. In addition, VTA suggests that the project applicant provide secure, guarded bicycle parking close to the proposed stadium on game days.

**Response E-20:** The City will work with VTA in evaluating the alternatives to the track crossing, as well as defining minimum standards for controlling pedestrian movement across at-grade track crossings before, during, and after events. The project will provide permanent bicycle parking. Significant events will be required to set aside additional secured bicycle parking areas sufficient for demand. The specific design of the bicycle parking, both permanent facilities and temporary arrangements during events, will be resolved with final site design and transportation programming. Modification of these facilities will be part of the annual monitoring of the stadium transportation management and operations plan.

**F. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY WATER DISTRICT, SEPTEMBER 28, 2009**

**Comment F-1:** Santa Clara Valley Water District (District) reviewed the Draft Environmental Impact Report (DEIR) for the proposed 49ers Stadium Project in Santa Clara, received on August 03, 2009.

Implementation of the proposed Stadium Project includes construction of an open-air stadium at the southwest corner of San Tomas Aquino Creek and Tasman Drive, a parking garage site at the northwest corner of Tasman Drive and the creek, and relocation of an existing substation to the proposed substation receiver site southeast of the stadium site. In addition to an existing vehicular bridge, two new pedestrian bridge crossings over San Tomas Aquino Creek are proposed to facilitate pedestrian traffic.

The creek in this area has earth levees on both sides of the channel. The levees are not adequate to convey the ultimate 100-year design flow rate of 9100 cfs. The District raised the levees north of Hwy. 101 as an interim measure to contain the existing 1 percent flow rate with 1.5 feet of freeboard, to a total flow rate of 7550 cfs. Levee modifications will be needed in the future as part of the construction of channel improvements to contain upstream spills in the channel.

The proposed bridges must be designed to convey the 100-year flow rate of 9100 cfs. and meet freeboard requirements for leveed sections. In accordance with Federal Emergency Management Agency (FEMA) guidelines, levees shall have a minimum of 4 feet of freeboard at the bridges and 100 feet on either side of the bridges. Design of the bridges and foundations should consider eventual levee raising. Additional width and fill on the levee may be needed to accommodate the bridge construction so as to not impact District maintenance operations. Access ramps on the outboard levee slopes may be necessary for the bridge approach.

**Response F-1:** The bridges will be designed to meet the applicable FEMA design standards and be consistent with the existing bridges. The applicant is aware that the bridges will require a permit from the SCVWD and that, as part of that process, the final design of the bridges will need to be reviewed and approved by the SCVWD.

**Comment F-2:** For site planning purposes, the proposed stadium and the parking garage should be setback from the levee toe to accommodate emergency access and future levee raising. Although this levee is not regulated by the U.S. Army Corps of Engineers (Corps), the Corps levee standards require all landscaping and vegetation setback 15 feet from the outboard toe of the levee. In addition these levee standards, which can affect levee certification through FEMA, may require the District to remove the existing trees on the levee in the future.

**Response F-2:** The stadium and parking garage structures will be set back 15 feet from the property lines. The District already has vehicular access along the top of the levee in these stretches. The pedestrian plaza platform adjacent to the District right-of-way can be constructed to meet standards for retaining fill if the levee is raised.

**Comment F-3:** The DEIR should also address temperature related impacts to the channel due to increased stadium lighting and from any proposed lighting on the bridge crossings. Although there appears to be minimal riparian habitat along the creek, there is vegetation and wildlife in the creek confines of the levee.

**Response F-3:** As discussed in Section 4.2.2.4 of the DEIR, the proposed stadium lighting would be directed into the stadium bowl, specifically and technologically designed to have the intended effect without spillover onto the surrounding area. In addition, the stadium lighting would only be required for evening NFL games and large non-NFL events. By condition of approval, the upper stadium lights would not be operated when the stadium is not in use, except for testing and maintenance purposes. Security lighting around the stadium would be comparable to the existing parking lot lighting.

Due to the limited use of the stadium lights and the fact that the lights will be directed only on the field (from a height of 200 feet), the increase in lighting at the project site will not significantly impact the water temperature of San Tomas Aquino Creek.

The proposed pedestrian bridges have not yet been designed. Final design, including lighting on the bridges, will be in conformance with relevant District policies.

**Comment F-4:** The District's Water Resources Protection Ordinance (WRPO) states that any work which affects a District facility or is within the District fee or easement right of way will require a District encroachment permit. Portions of the proposed project, such as the pedestrian bridges are proposed within the District's fee title right of way; therefore, a District permit is required. When plans are prepared, please provide them for our review and approval along with a permit application. A permit application can be found on our website at [www.valleywater.org](http://www.valleywater.org) under the Business and Permits section.

**Response F-4:** The proposed project will comply with all requirements for District permits.

**Comment F-5:** The project proposes construction of pedestrian bridges crossing District owned property. Appropriate land rights must be sought for this use. Because the District has discretion in this matter, the District should be considered a responsible agency under CEQA. The DEIR should discuss the land rights acquisition and permit requirements so that the environmental document can be relied upon by the District.

We appreciate the opportunity to review this document and look forward to review of Final EIR. I can be reached either by phone at (408) 265-2607, extension 2731 or by e-mail at [uchatwani@valleywater.org](mailto:uchatwani@valleywater.org)

**Response F-5:** Due to the fact that SCVWD approval is needed for the proposed bridges over San Tomas Aquino Creek, the City concurs that the SCVWD will be a responsible agency under CEQA. This fact has been added as a text amendment in this Final EIR to the text of Section 1.4, *Uses of the EIR*. It is also acknowledged that the bridges may require the acquisition of land rights (e.g., easement, fee title) from the SCVWD. The environmental impacts of the bridges are described in the DEIR and, therefore, the SCVWD will be able to use the document in its role as a responsible agency.

## **G. RESPONSE TO COMMENTS FROM CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SEPTEMBER 28, 2009**

**Comment G-1:** San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the Draft Environmental Impact Report (DEIR) for the 49ers Santa Clara Stadium Project, 4900 Centennial Boulevard, Santa Clara, California. The DEIR evaluates the potential environmental impacts that might reasonably be anticipated to result from the construction of a 68,500-seat stadium, with expansion of up to 75,000 seats, a new parking structure, and the relocation of an existing electric substation. The project site is located along the San Tomas Aquino Channel in the City of Santa Clara (APN's 10443-030, 047,049,052,053, and 104-03-040). Water Board staff have the following comments on the DEIR.

Comment 1, Section 4.4.2.4, Water Quality Impacts, page 80. The proposed use of continuous deflection separator (CDS) units to treat runoff from impervious pathways, driveways, and surface parking lots is not consistent with the requirements of Provision C.3 of the Santa Clara County NPDES Permit for stormwater discharges (Board Order No. 01-024; NPDES Permit, CAS0299718, as amended by Order Nos. 01-119 and 2005-0035), issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program. CDS units belong to a class of treatment devices referred to as "hydrodynamic separators". Water Board staff discourage the use of hydrodynamic separators at sites with significant areas of currently undeveloped open space. These devices are more appropriate at dense infill sites that lack adequate surface area for landscape-based treatment devices. At sites with available, unused surface area, such as the Project site, it is possible to design the Project to set aside sufficient surface area for appropriate stormwater treatment BMPs. When they are used, hydrodynamic separators are only appropriate if used in combination with BMPs that are capable of removing the fine particulate matter that is not amenable to removal by hydrodynamic separators, and in combination with filter media that permanently absorbs hydrocarbons. CDS units should discharge to landscape-based treatment measures to treat the CDS effluent to remove fines and hydrocarbons. Research sponsored by a CDS unit manufacturer has demonstrated that hydrocarbons removed by a CDS unit during one storm tend to be washed out of the units by subsequent storms, unless the units are equipped with hydrocarbon absorbing media. The project should be revised to rely only on landscape-based treatment measures.

**Response G-1:** As stated in Section 4.4.2.4 of the DEIR, the project proposes a variety of stormwater treatment measures to comply with Provision C.3 of the NPDES permit including pervious pavers in some of the new surface parking areas, bio-swales, and bio-retention areas. The CDS units are proposed in conjunction with bio-swales and/or for areas where bio-swales are not practical.

The applicant will work with the RWQCB and the City of Santa Clara to ensure the final design of the stormwater treatment system is fully in compliance with Provision C.3 of the NPDES permit.

**Comment G-2:** Comment 2, Section 4.4.3. Mitigation and Avoidance Measures for Hydrology Impacts, pages 81-82. This section contains a list of program mitigation measures to reduce hydrology impacts to less than significant levels. One of the items in the list on page 82 states that oil/water separators would be used in parking structures. Oil/water separators are most effective when used to treat oily wastewaters from service facilities that use oils and fuels. The effluent stream from a well-functioning oil/water separator usually contains oil and grease at concentration on the order of 10 to 15 milligrams per liter. Since stormwater runoff from parking lots and streets

typically contains oil and grease in the range of 10 to 15 milligrams per liter, even a well-functioning oil/water separator would not be expected to decrease the concentration of oil in urban stormwater runoff. Therefore, Regional Board staff recommend deleting oil/water separators from the list of potential BMPs at the site, if these devices are used upstream of discharges to storm drain outfalls.

**Response G-2:** This comment is noted.

**Comment G-3:** From the information provided in the DEIR, it is not clear where the drainage from the interior levels of the parking structures will be discharged. Please revise the text to clarify that the interior levels of the parking structures will discharge to the sanitary sewer system. The lower levels of the parking structures will be effectively shielded from rain water by the upper levels of the parking structures. Because of this, the majority of liquids that enter the stormdrain inlets on the lower parking levels do not originate as stormdrain runoff. Most of the liquids entering the drain system from the lower parking floors are associated with leaking vehicle fluids, other spilled liquids, and water and/or other cleaning solvents used to clean the parking surfaces; the discharge of these fluids to the storm sewer system and, ultimately, waters of the State, is not permitted under the NPDES Municipal Stormwater Permit (Board Order No. 01-024; NPDES Permit, CAS0299718, as amended by Order Nos. 01-119 and 2005-0035), issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program. Oil/water separators may be appropriate pre-treatment for the lower levels of parking structures, prior to discharge to the sanitary sewer system, if the local POTW requires them.

**Response G-3:** Because the covered floors of the garage are not subject to the stormwater flushing typical in rainfall conditions, vehicle leaks and spills on those floors are similar to dry weather conditions in an open parking lot, where in many cases significant spills will be identified and captured prior to entering the storm drain system. Regular cleaning and maintenance of the parking structure will address much of the daily and minor leaks and spills that have not migrated to floor drains due to the dry conditions. All levels of the parking garage will be required to comply with the same NPDES standards as open parking lots, directing runoff to water quality treatment features, such as vegetated swales or other systems that meet the City's Urban Runoff Pollution Prevention Program requirements.

**Comment G-4:** Comment 3, Section 4.5.3.3, Vegetation, Habitats, and Wildlife, Impact BIO-2, page 96. The discussions of potential permits required for the two new clear span bridges should be expanded to clarify that permits may be required from the Water Board. The Water Board has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (certifications) under Section 401 of the CWA, which are issued in combination with permits issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs) from the Water Board. If construction of the bridges will impact the creek banks between the top of bank and the ordinary high water mark, then permits may be needed from the Water Board.

In addition, if construction of the new bridges requires temporary structures in the stream channel (e.g., supports for falsework), then a CWA Section 404 Nationwide Permit Number 33 (Temporary Construction, Access, and Dewatering) will be required from the ACOE; this Section 404 permit would require a certification.

**Response G-4:** The applicant will apply for and obtain permits as necessary for work within the creeks associated with the proposed bridges. Although it is not yet certain that no work will need to be done between the top of bank and the ordinary high water mark, the current proposal is for clear span bridges that require no work in the channel.

## **H. RESPONSE TO COMMENTS FROM CITY OF CUPERTINO, AUGUST 19, 2009**

**Comment H-1:** The City of Cupertino staff has reviewed the July 2009 Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project located at southwest corner of Tasman Drive and Centennial Boulevard in the City of Santa Clara. We received this notice on August 3, 2009, and have the following comments:

The DEIR did not include traffic generated from approved or pending projects in the City of Cupertino in the traffic impact analysis. Please see the enclosed Approved and Pending Project Trip Generation Table and include this information in the Traffic Impact Analysis (TIA) and DEIR. I have also attached the trip distribution maps for four of the projects for your use.

**Response H-1:** The TIA for the proposed project did not include any study intersections within the City of Cupertino because traffic from the proposed project would add less than 10 trips per lane per hour to intersections within the City of Cupertino. A review of City of Cupertino approved and pending projects showed that the amount of traffic added to adjacent project study locations would be nominal (i.e., less than 10 trips per lane per hour as stipulated in the CMP guidelines). Thus, approved and pending development in Cupertino is not expected to substantially affect intersections included in the project analysis and vice versa.

**Comment H-2:** Mitigation measures are required if there are traffic impacts within the City of Cupertino based on the inclusion of these approved and pending projects.

**Response H-2:** The proposed project would not add a substantial amount of traffic to any intersection within the City of Cupertino and would not, therefore, have a significant impact on any intersection in Cupertino.. Therefore, no mitigation measures are required or proposed.

**Comment H-3:** DEIR Page 297, the intersection of Lawrence Expressway and Homestead Road is not in the City of Milpitas. Please make the correction.

**Response H-3:** Pages 296-297 of the DEIR list the impact and possible mitigation for the cumulative impact at the Lawrence Expressway/Homestead Road intersection, which is listed as being within the City of Sunnyvale (page 295). Immediately following the discussion of the Lawrence Expressway/Homestead Road intersection is the discussion of cumulatively impacted intersections in Milpitas. The document does not list the Lawrence Expressway/Homestead Road intersection as being within the City of Milpitas.

## I. RESPONSE TO COMMENTS FROM CITY OF SAN JOSÉ AIRPORT DEPARTMENT, AUGUST 25, 2009

**Comment I-1:** The City of San José Airport Department has reviewed the aviation-related sections of the subject Draft EIR and has no major concerns or objections to the information or analyses presented. We do recommend, however, the following specific text revisions to clarify or more accurately present the aviation-related information.

Section 3.5 (City of Santa Clara General Plan), p.28: 1. In the last paragraph, correct the 1<sup>st</sup> sentence by changing “..jurisdiction..” to “..adopted safety zones, and complies with the safety-related policies..”. Also, the 2<sup>nd</sup> sentence can be deleted (as not being relevant to the subject General Plan policy).

**Response I-1:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**Comment I-2:** Section 4.1 (Land Use), pp. 38-40: 2. In the last paragraph of p. 38, 2<sup>nd</sup> sentence, change “..FAA imaginary surface restriction..” to “..FAA-defined imaginary surface (approximately 160 feet above ground at the project site)..”, the FAA’s notification surface is not necessarily a restrictive surface. In the next sentence (top of p. 39), change “..creating a potentially significant impact” to “..requiring submittal to the FAA for airspace safety review”.

**Response I-2:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**Comment I-3:** 3. On p. 39, delete the entire 1<sup>st</sup> full paragraph. It addresses airline “one-engine inoperative” imaginary surfaces, not FAA Part 77 obstruction surfaces. Instead, see Comment 4 below.

**Response I-3:** The paragraph in question refers to the one-engine inoperative restrictions established by Mineta San José International Airport and not the FAA and is relevant to the overall discussion of height restrictions on the project site. Therefore, the requested text revision has not been made.

**Comment I-4:** 4. In the 3<sup>rd</sup> full paragraph on p. 39, 1<sup>st</sup> sentence, after the word “..for..”, insert “each of the eight high points of”. Correct the 2<sup>nd</sup> sentence of the paragraph to: “The No Hazard determinations state that the stadium heights would not impact the airspace as long as prescribed obstruction lighting is installed on the roof and notification is provided to the FAA when construction of the stadium high points is completed.” A 3<sup>rd</sup> sentence can also be added: “According to Airport staff, the stadium heights also would not conflict with any of the airline emergency “one-engine inoperative” imaginary surfaces that are not considered in the FAA’s obstruction evaluation.”

**Response I-4:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**Comment I-5:** 5. Revise the “Impact LU-7” statement to: “Through compliance with the FAA’s No Hazard determinations, the project will be compatible with the height restrictions applicable to the Mineta San José International Airport.”



**Response I-5:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**Comment I-6:** 6. In the “Impact LU-8” statement, delete “..and will not temporarily impact airport operations..”. No-hazard determinations for construction cranes sometimes do include temporary impacts to air operations.

**Response I-6:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**Comment I-7:** 7. Under “Temporary Restrictions to Airport Operations” (bottom of p. 39), the EIR should also disclose that stadium events involving fireworks displays, or other types of aerial releases, may also potentially impact Airport operations. The following mitigation measure, providing for a less than significant impact, is suggested:

“In addition to obtaining required City permits for fireworks displays or other aerial releases, event sponsors shall coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Mineta San José International Airport.”

**Response I-7:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**Comment I-8:** Section 4.10 (Noise), p.236: 8. In the 1<sup>st</sup> paragraph under “Project Site Under Existing Conditions”, replace the last sentence with: “According to the City of San José’s noise contour maps, the project site is located within the existing and projected (2017) 65 decibel CNEL impact area of the Mineta San José International Airport. The projected 65 CNEL contour map for the airport is also adopted by the Airport Land Use Commission for its project reviews.” This clarification should also be reflected in the Appendix K Noise Assessment.

**Response I-8:** The EIR has been revised to reflect the information provided in the comment letter. The revisions have been added to the text amendments in this Final EIR.

**J. RESPONSE TO COMMENTS FROM CITY OF SUNNYVALE, SEPTEMBER 11, 2009**

**Comment J-1:** Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed 49ers stadium on Tasman Drive in Santa Clara. This letter includes the comments to the DEIR from all departments within the City of Sunnyvale, including the Traffic and Transportation Division of Public Works, the Office of the City Attorney, the Department of Public Safety and the Planning Division of the Community Development Department.

As described in the following comments to the DEIR, the City of Sunnyvale believes the report does not adequately address all environmental concerns of the project, and includes several areas that provide inadequate analysis, a lack of information, or erroneous conclusions.

Given the importance of this project and short review time, the City of Sunnyvale strongly suggests the DEIR be revised and re-circulated to all reviewing parties and agencies, after which a new appropriate time period is provided to allow for a second review of the document.

**Response J-1:** The original DEIR circulation period was 45 days consistent with CEQA Guidelines Section 15105(a). Based on a written request from the City of Sunnyvale, the review period was extended by two weeks to 60 days.

**Comment J-2:** The following comments cover issues that were previously raised by Sunnyvale staff as well as additional comments on the DEIR.

1. Notice of Preparation letter

Sunnyvale staff also had a scoping meeting with Santa Clara staff in September 2008 to discuss issues that should be covered in the DEIR which are critical to Sunnyvale. On October 1, 2008, Sunnyvale staff submitted a letter in response to the Notice of Preparation (NOP) for the EIR. A number of items raised in the NOP letter and at a subsequent meeting in December 2008 have not been addressed, which are listed below:

- A. The DEIR is non-responsive to the City of Sunnyvale NOP comment that the intersections of Fair Oaks/Weddell and Fair Oaks/U.S. 101 should be analyzed.

**Response J-2:** The two identified intersections were not included in the traffic analysis because the proposed project will not result in the addition of ten or more trips per lane to those intersections during the weekday study periods. The City of Sunnyvale response to the NOP stipulated that this measure should be used as the analysis criteria. Fair Oaks Avenue provides three lanes of travel in each direction. Therefore, the addition of a minimum of 30 project trips to the through lanes in either direction for intersections along Fair Oaks Avenue would be required for their inclusion in the traffic analysis. The analysis found that the project will add less than 30 peak hour trips to Fair Oaks Avenue and that project trips will dissipate drastically south of US 101 and result in less than 10 project trips being added to any intersections along Fair Oaks south of US 101.

**Comment J-3:**

B. The DEIR does not adequately respond to the City of Sunnyvale NOP comment that a traffic analysis should be performed for non-NFL events.

**Response J-3:** As stated on page 122 of the DEIR, non-NFL events (i.e., special events) are presently assumed to have start and end times similar to start and end times of both the weekday and Sunday football games. Because attendance at special events would be less than attendance for NFL events, traffic conditions resulting from special events would be within the scope of traffic from NFL games but, in all or nearly all cases, with substantially less volume. Therefore, because NFL event traffic volumes represent the greatest possible traffic impact on the local and regional roadway system, NFL events were used to quantify impacts for all stadium events.

**Comment J-4:**

C. The DEIR does not respond to the City of Sunnyvale NOP comment that a roadway capacity (corridor) analysis should be performed for Lawrence Expressway and Fair Oaks Avenue.

**Response J-4:** A roadway corridor analysis was not completed for roadway segments as part of the traffic analysis. An analysis of roadway capacities that will serve as primary routes to and from identified parking areas for the stadium was completed. The purpose of the roadway capacity analysis was to evaluate the time needed to serve the peak arrival and departure of fans during game days. The City of Sunnyvale response to the NOP says that the corridor analysis would be necessary to evaluate impacts on access (including emergency access) to residential neighborhoods and a mobile home park.

The roadway capacity analysis is not intended to identify inadequacies of area roadways for which physical improvements should be implemented. The adequacy of the street system to serve anticipated traffic was evaluated with a Level of Service (LOS) analysis, consistent with the methodology adopted by the CMA and cities in the County. The Traffic Management and Operations Plan (TMOP) for game days will include temporary traffic control measures along all roadways in the immediate area of the stadium to serve stadium traffic as efficiently as possible. The applicability of the Draft TMP to residential neighborhoods and to Sunnyvale neighborhoods in particular is discussed primarily as a means of precluding spillover parking on page 203 of the DEIR, and on pages 29-30 of the TMP.

**Comment J-5:**

D. The DEIR does not respond to the City of Sunnyvale NOP comment to analyze access impacts to emergency response times. The effect on emergency vehicle response time compared to City of Sunnyvale standards need to be evaluated for the areas abounding Tasman Drive, particularly the Abode Wells mobile home park.

**Response J-5:** The NOP response letter from the City of Sunnyvale requested that the corridor analysis “should cover potential traffic congestion and associated impacts on emergency service access to Sunnyvale neighborhoods”. The transportation management plan (TMP) includes officer controlled intersections and other traffic management measures along Tasman Drive, and particularly for the driveway into the Adobe Wells mobile home park, to ensure safe passage for vehicles and pedestrians as well as accommodate emergency vehicles. As stated on page 204 of the DEIR, the TMP is specifically intended to protect emergency vehicle access, when required.

**Comment J-6:**

E. The DEIR does not respond to the City of Sunnyvale NOP comment that the traffic LOS analysis for the Lawrence Expressway/Lakehaven Drive intersection should account for northbound to southbound U-turns.

**Response J-6:** The existing counts collected at the Lawrence Expressway/Lakehaven intersection include U-turns as part of the left-turn movements at the intersection. It is not standard level of service practice to analyze U-turn movements at intersections separate from left-turn movements. It is not anticipated that stadium traffic would add to the U-turn movement identified in the comment.

**Comment J-7:**

F. The DEIR does not respond to the City of Sunnyvale NOP comment that the parking analysis should evaluate the potential for event attendees to park their vehicles in Sunnyvale near light rail stations and utilize the trail to reach the stadium.

**Response J-7:** It is assumed that the comment is in reference to stadium attendees using the train. It is possible that some stadium attendees would park near Sunnyvale light rail stations and take the train to the stadium. Nevertheless, there is no restriction on the types of patrons who choose to utilize light rail and no way to control where patrons board the LRT, so stadium attendees could choose to utilize transit at any convenient station within Santa Clara County. Consequently it is unlikely that Sunnyvale light rail stations would experience an unusual concentration of vehicles parking in the vicinity, as compared to other light rail stations. Furthermore, the Sunnyvale rail stations nearest the stadium site do not have park and ride lots. It is unlikely that people will utilize these stations if there is not abundant and easily accessible free parking and so it is likely that the number of people using the Sunnyvale light rail stations would be minimal.

As discussed in Master Response III.B. Transportation Management and Operations Plan, the City of Santa Clara will be working with VTA and nearby jurisdictions to identify and resolve issues associated with transit use and parking during the time prior to the stadium's opening day. This will include managing the demand for park and ride capacity at outlying lots as more specific information on stadium operations is developed.

**Comment J-8:**

G. The DEIR and the TMP do not respond to the City of Sunnyvale NOP comment that detailed information should be presented on how public safety agencies will coordinate traffic control during stadium events.

**Response J-8:** The NOP response letter refers to a "description and illustration of a detailed traffic control plan" providing such information. The TMP attached to the DEIR as Appendix I does provide as much detail as can be generated at the current level of project design specificity. Please see Master Response III.A. Transportation Management and Operations Plan. The City of Santa Clara is working with VTA to establish an operations committee similar to the one created for the Downtown San José Arena (now HP Pavilion). It is anticipated that it will be multi-jurisdictional and will coordinate and oversee transit and traffic issues.

**Comment J-9:** General Comments to the DEIR Document

2. Description of Proposed Project

- A. Page 8, 2.1: In the second paragraph, the last sentence states there will be 17 “non-NFL large events.” For the sake of consistency (and because the term is used throughout the document), please define “non-NFL large event” in this section since it describes the project.

**Response J-9:** Immediately preceding the last sentence, the document states that “In addition to football events, use of the stadium may range from incidental use of meeting room facilities within the main building, including support of Convention Center activities, to larger activities such as concerts and other sporting events that would use a significant amount of the available seating.” In effect, non-NFL large events are any event not sanctioned by the NFL that would occupy a significant amount of seating at the stadium. The DEIR further describes non-NFL large events on page 14, Section 2.1.5.2, *Non-Football Events*, which is also part of the Project Description section. Table 2 on page 15 lists samples of large non-NFL events. The small events are those that can be parked on-site and in the parking structure in Subarea A.

**Comment J-10:**

- B. Page 11, 2.1.2: Please give the expected heights of the cooling towers.

**Response J-10:** Based on cooling tower designs at other stadiums, the towers are expected to be 15-20 feet tall.

**Comment J-11:**

- C. Page 12, 2.1.4.3 Tailgating: The second paragraph tells where tailgating will occur. The lack of convenient bathroom facilities in off site parking lots can create unsanitary and offensive situations, especially if near residential properties. Please describe how this will be addressed. Also, describe whether the owners of these off-site lots will be allowed to sell food or merchandise on their premises during games or other large events.

**Response J-11:** As with the existing Candlestick Park facility, the parking lots that allow tailgating will be located more than 750 feet of residential and educational land uses, and will have portable toilets on-site for game days.

The sale of food or merchandise on these premises is not proposed and will not be permitted.

**Comment J-12:**

- D. Page 15, 2.1.5.2 Non-football Events: This section describes several options for large events at the stadium, including Table 2, which shows one concert per year. Given that this DEIR uses that criterion, the project should be conditioned to allow no more than one concert per year.

**Response J-12:** Table 2 shows a likely schedule of non-NFL events per year for a total of 26 event days per year. The number and type of events was arrived at through a combination of market analysis and experience. Given the size of the stadium, the likely “large” users are fairly limited in number.

The California Environmental Quality Act identifies a process for evaluating subsequent project modifications that occur in the future, and determining whether or not new significant

or significantly greater impacts will occur. The City currently believes that the estimated number of events is a reasonable one. The actual types and number of event types (i.e., concerts, sports, etc.) that will occur during the 26 event days may vary somewhat from year to year.

**Comment J-13:** Given the desire of the City of Santa Clara to have a successful facility, it seems possible that there will be interest in using the stadium for large events more often than stated in the DEIR. Please justify why these “best case” assumptions were made, and describe how the impacts would change if these assumptions are changed.

**Response J-13:** As stated in Response 12, the estimated number and type of events was arrived at through a combination of market analysis and experience at Candlestick Park. Given the size of the stadium, the likely “large” users are fairly limited in number.

The California Environmental Quality Act identifies a process for evaluating subsequent project modifications that occur in the future, and determining whether or not new significant or significantly greater impacts will occur. The City currently believes that the estimated number of events is a reasonable one. The actual types and number of non-NFL event types (i.e., concerts, sports, etc.) that will occur during the 26 event days may vary somewhat from year to year. The estimated number of events is not a “best case” except that it may be the most events that will occur.

**Comment J-14:** Also, the DEIR states there will be no large daytime events, but it seems the X-Games will be a multiple day event that will take place during the day. Please clarify that, and correct the impacts if that assumption is correct.

**Response J-14:** As stated on page 14, Section 2.1.5.2 of the DEIR, non-football events that would require the use of parking in the existing parking lots of surrounding businesses would be limited to evenings and weekends to avoid conflict with those businesses. Because off-site parking would not be available during typical work hours, the City cannot and will not allow events to take place at that time if there is not parking available. If a multi-day event like the X-Games is scheduled at the proposed stadium, it could only take place on evenings and weekends unless sufficient parking can be provided.

**Comment J-15:** The DEIR should clearly mention that there will be 35 major events (NFL and non-NFL) per year (3 per month) requiring more parking than what existing on the property or on Great America property.

**Response J-15:** The conclusion that there will be 35 major events (NFL and non-NFL) per year is not correct. Page 8, Section 2.1 of the DEIR states that there will be a minimum of 20 NFL events per year between August and December covering pre-season and regular season play if two teams are based at the stadium. Page 10 states that in addition to the pre-season and regular season games, there is a possibility of either team hosting up to two post-season play-off games dependant on multiple factors. The breakdown of a typical NFL game schedule is also provided on page 14, Table 1. On page 15, Table 2, the DEIR lists the 26 large non-NFL event days per year. Taking into account the 20 guaranteed NFL games if two teams are based at the stadium, and the 26 large non-NFL event days, that calculates to 46 large event days that could occur per year. All impacts are discussed in relation to the 46

event days although the conclusions are sometimes broken down in terms of weekend days and/or weekdays (for examples, see DEIR pages 210, 254-255 and 340).

It should be noted that the events will not be spaced evenly throughout the year, particularly because the NFL season is specifically scheduled between August and December, so the statement that there would be three events per month is not an accurate summary of their frequency.

**Comment J-16:** E. Page 16, 2.3, Parking: The Parking Control District: Parking at the off-site businesses are necessary in order for the project to be feasible, so these spaces are crucial; yet, it relies on leases with individual businesses and property owners to be effective. The DEIR assumes there will always be enough parking available in these off-site lots to serve the stadium. Given the initial 40-year lease between the 49ers and the City of Santa Clara, it seems there is no assurance that the off-site parking lot owners will always have sufficient parking available for use. This should be a required mitigation measure. Please describe how the impacts change if insufficient parking is available in the off-site lots. Will the City of Santa Clara review future developments at these locations with a strategy to provide joint use parking for the stadium?

**Response J-16:** Please see Master Response III.B. The DEIR and TMP identify 41,373 parking spaces within the acceptable 20 minute walking radius. The stadium needs 19,000 parking spaces which is 46 percent of the total identified parking available. Of the 19,000 parking spaces, approximately 3,000 spaces that are within the City's control and immediately adjacent to the stadium and across Tasman Drive will be available without the need for parking agreements. It is reasonable to assume that on a yearly basis, the team could secure agreements for the remaining required parking from the total supply available. Furthermore, the DEIR states on page 16 that "large stadium events requiring off-site parking would not be scheduled during normal business hours when the off-site surface lots would be utilized by local businesses unless arrangements could be made to ensure that adequate parking is available for event patrons." Therefore, use of the stadium will be limited to time periods when there is available parking.

The City is not proposing to preclude or restrict future development in the project area based on the need for parking at the proposed stadium.

**Comment J-17:** F. Page 17, 2.3, Parking: The DEIR states that arrangements can be made with transit agencies to supply extra service. That requirement should be added as a required mitigation measure of the Transportation and Circulation section to assure the project intent and assumptions can be met. This is a concern because (as shown in a letter from VTA in Appendix O), VTA has a concern that the project could generate more light rail trips than the system can handle, and suggests the possible need for investment in the system to meet demand.

**Response J-17:** Please see Master Response III.B. Transportation Management and Parking Plan (TMOP). The City of Santa Clara is working with VTA to establish an operations committee similar to the one created for the Downtown San José Arena (now HP Pavilion). It is anticipated that it will be multi-jurisdictional and will coordinate and oversee transit and traffic issues. As this operations committee has been proposed as a mandatory component of the project itself, it is unnecessary to also include it as a mitigation measure.

**Comment J-18:** G. Page 19, 2.3.1, Parking Lot Security and Maintenance: Please describe how the Stadium Authority will manage the security and maintenance of the off-site lots. The DEIR states the parking operator will provide security during and after stadium events; but please clarify that the operation will also provide the same services before events (during the hours before a game when tailgating occurs).

**Response J-18:** The hours prior to kick-off when stadium attendees are tailgating and watching warm-ups is considered part of the event. Therefore, parking lot security will be on-site when the lots are open to stadium patrons. This is clarified in the text amendments proposed as part of this FEIR.

**Comment J-19:** H. Page 19, 2.3.2, Pedestrian Access: This section describes the pedestrian access to the stadium, including access from the off-site lots. Please describe whether the sidewalks leading from the off-site parking area of sufficient width for the large numbers of attendees using the off-site lots. Also please detail whether the street lighting is sufficient for the safety of the attendees parking in the off-site lots.

**Response J-19:** The width of the sidewalks and the existing street lighting meet all relevant standards to accommodate pedestrians going to and from stadium events from off-site parking lots, within the parameters discussed in the EIR (pages 201-202).

**Comment J-20:** I. Page 20, 2.4, Parking Garage: Please clarify whether the use of the proposed multi-level parking garage is limited to only stadium attendees only during large events, and not by the convention center or Great America.

**Response J-20:** The convention center schedule will be coordinated with that of the stadium.

**Comment J-21:** 3. Consistency with Adopted Plans and Policies

A. Page 27, 3.5, City of Santa Clara General Plan Consistency: The *Environmental Quality Element* Policy 20 requires projects “to the extent possible” to avoid unacceptable noise levels; however, the DEIR concludes there are has Significant Unavoidable noise impacts. Is the inability to find mitigation measures to reduce an impact below a significant level considered feasible mitigation, to which it can be claimed the General Plan policy is met?

**Response J-21:** As stated on page 27 of the DEIR, the project includes all feasible mitigation which is consistent with Policy 20 because it protects existing development to the extent possible. Even though the project was found consistent with Policy 20, the DEIR clearly identifies all significant and significant unavoidable noise impacts that could result from the stadium and does not find consistency with Policy 20 as justification to find any project specific impact less than significant.

**Comment J-22:** Also, pages xiv and xv of the Summary states “implementation of relevant General Plan policies will reduce noise to a less than significant level”, while the next impact described is listed as Significant Unavoidable Impact. Please correct this inconsistency.

**Response J-22:** As shown in the Summary Table on page xiv and discussed on pages 242, (Section 4.10.2.2), 252 (Sections 4.10.3.1 and 4.10.3.2), and 254 (Section 4.10.4.1) of the DEIR, the conclusion that “Implementation of relevant General Plan policies will reduce



noise impacts to a less than significant level” is in reference to the impact identified from the proposed General Plan text amendment, not from implementation and operation of the proposed stadium.

**Comment J-23:** 4. Section 4.0 Environmental Setting, Impacts & Mitigations

A. Page 38, 4.1.2.3, Land Use Conflicts: The Project Specific Impact section describes potential incompatibility from the project, and details tailgating uses being restricted to 750 feet from residential properties. Please specify that means any residential property, including those located in adjacent cities.

**Response J-23:** The 750 foot residential setback proposed by the project for tailgating activities would be applicable to all residential property.

**Comment J-24:** Also, the section related to LU-5 describes the current uses of the project site, including as an over-flow parking lot for Great America. Impact LU-5 states there is no conflict with these current uses, but does not describe how removal of the overflow lot will affect Great America’s need for an overflow lot during simultaneous events.

**Response J-24:** The City of Santa Clara is contractually obligated to provide Great America Theme Park with a set number of parking spaces. If, after construction of the stadium, the theme park has an event that requires more parking than is available in the main lot, the City will provide parking in the proposed parking structure or other off-site locations within a reasonable distance of the park and in accordance with its contractual obligations.

**Comment J-25:** Also, the first sentence in the paragraph after impact LU-4 describes Sub-area C, but lists it as Sub-area B in the text.

**Response J-25:** This correction has been made and is shown as a text amendment in this Final EIR.

**Comment J-26:** B. Page 40, 4.1.2.5, Population and Housing Impacts: The third paragraph in this section includes language that is inconsistent. It states, “Because Santa Clara already has a strong employment base, *new workers could either have to commute* from housing in the southern areas of Santa Clara County or from outside the County. Many of the stadium jobs would, however, be seasonal in nature and *would not necessarily attract workers from outside the City*” (emphasis added). Please clarify this language.

**Response J-26:** The discussion on page 40 is in reference to both full time and part time employment at the stadium. Because Santa Clara currently has more jobs than employed residents, it is reasonable to assume that new full time workers at the stadium site would be commuting from outside the City. The seasonal, part-time jobs provided by the stadium would not be a viable option for working professionals and would more likely be filled by students, seniors, or other members of the community that are not full time workers. The part-time workers are more likely to be located within Santa Clara as people do not typically commute long distance for part-time jobs.

**Comment J-27:** Section 4.2 Visual and Aesthetics

A. Page 71, 4.2.2.4, Light and Glare: The first paragraph states that of the 37 large events per year, seven would require use of field lighting. That number should be 10 events (27%), because the X-Games extend over 4 days.

**Response J-27:** The statement of seven events is correct. As stated in Footnote 22 on page 71, the analysis assumes that the X-Games, motocross, and concert events will occur during the evening hours in addition to up to four NFL events. This equates to three non-NFL events and four NFL events for a total of seven events. The four-day X-Games is considered a single event over four days as shown on page 15, Table 2, so it would be seven events over ten days.

**Comment J-28:** Also, the last paragraph in this section describes outdoor security lighting along walkways, driveways, entrance areas, and within the parking structure and parking lots. Clarify whether this includes walkways to the off-site parking areas.

**Response J-28:** Page 71, Section 4.2.2.4 of the DEIR states that “both the stadium and the parking garage would include outdoor security lighting along walkways, driveways, entrance areas, and within the parking structure and parking lots.” This description of new proposed security lighting only pertains to the stadium site (Sub-Area C) and the parking structure (Sub-Area A) as stated in the previously identified sentence. All of the public streets in Santa Clara have street lighting in place to light the public sidewalks.

**Comment J-29:** Section 4.6 Hazard and Hazardous Materials

A. Page 114, 4.6.3, Mitigation and Avoidance Measures for Hazardous Materials Impacts: The Toxic Air Contaminants mitigation measure requires an emergency response plan to include an evacuation plan, etc. This plan needs to include the distance many of the attendees will need to walk to reach their cars. That will significantly affect their ability to leave the area, and time in which to do so.

**Response J-29:** This comment is acknowledged and the information will be included in the response plan.

**Comment J-30:** Section 4.8 Transportation and Circulation

A. General Comments: The DEIR and TIA are missing critical basic traffic analysis details, most particularly detailed trip assignments. It is therefore not possible to consider the adequacy of the traffic analysis. Sunnyvale recommends that the trip assignment be provided and the DEIR re-circulated for review. The City is particularly interested in the assumptions regarding trip assignments on Lawrence Expressway and intersecting streets leading to the stadium.

**Response J-30:** The assignment of stadium traffic is indicated as a line item in the intersection volume sheets (Appendix C of the TIA). The volume sheets include stadium trips that are indicated for all study intersections along Lawrence Expressway for each of the study periods.

**Comment J-31:** B. Page 120, Section 4.8.1.1, Scope and Study: The opening assumption that most traffic will be outside of peak hours is not accurate. Traffic will occur in the peak hour.

**Response J-31:** As stated on Page 120, Section 4.8.1.1 of the DEIR, the assumption that most traffic will be outside the typical peak or “commute” hours in the morning and early evening is valid because most events will occur on Saturdays and Sundays (particularly NFL events). Saturdays and Sunday’s are outside the standard peak traffic periods used to assess transportation impacts from new development. Despite most of the trips occurring at time periods other than the traditional peak hours, the TIA and DEIR specifically address traffic from all of the events, including the weekday PM peak hours in addition to the weekend analysis. Only on a maximum of four days (if two teams occupy the stadium) per year could traffic impacts occur during typical peak hours.

**Comment J-32:** This section indicates that outside agencies will be required to provide additional police services, increased transit service, and to re-time signals to support the project. This proposed mitigation cannot be a feasible element of the transportation management program mitigation unless the project is conditioned to provide funding and secure agreements with outside agencies for the required services. The feasibility of securing these resources needs to be assessed, and a financing mechanism needs to be included as a mitigation measure.

**Response J-32:** The basis for this statement is not clear since there is no language anywhere in the Draft EIR that says that “outside agencies will be required” to provide any services. Since it would not be within the City of Santa Clara’s power to require outside agencies to perform such services, such performance could not be listed as a mitigation measure. It is not clear exactly what is referenced in this comment other than transit service, which is provided by VTA in Santa Clara County. A multijurisdictional operating committee will be formed to work with VTA and other transit agencies to address transportation concerns. Please see Master Response III.B. Transportation Management and Operations Plan for additional discussion related to transit services and traffic control. The negotiations between the City and the 49ers provides for the Stadium Authority to fund the costs associated with the public safety officers needed, as set forth in the Draft TMP.

**Comment J-33:** C. Page 122, Section 4.8.1.1, Study Scenarios: The traffic analysis background scenarios and the cumulative analysis do not use a growth factor for regional growth beyond the local approved/pending projects traffic. A growth factor, which is readily available from the Santa Clara Valley Transportation Authority (VTA) transportation model, needs to be applied to background and cumulative traffic analyses.

**Response J-33:** The background scenario is based on a list of approved projects from the cities of Santa Clara, San José, Sunnyvale, and Milpitas as well as the North San José Development Policy Update Phase I, which is consistent with the CMA methodology. The cumulative analysis is based on lists of pending and reasonably foreseeable development, which is consistent with the CEQA Guidelines [§15130(b)]. Using both a growth rate and a list of pending projects would double count future traffic and would therefore be inappropriate.

**Comment J-34:** D. Page 123, 4.8.1.2, Methodology: In the Intersection Analysis section, please clarify whether the CMP “ten trips rule” that was utilized assumes ten trips per approach lane or ten trips per overall number of lanes.

**Response J-34:** The “ten trip rule” is based on trips per lane per hour. Page 123 of the DEIR states “10 trips or more per lane” which is consistent with the adopted CMP

methodology, and with the direction requested by the City of Sunnyvale in the letter responding to the NOP.

**Comment J-35:** Please note as appropriate throughout the document that the expressways are the jurisdiction of the County of Santa Clara, and the County is responsible for operations, maintenance, and improvements.

**Response J-35:** It is not clear from this comment where the letter writer feels it would be appropriate to specify the expressways' jurisdiction, since jurisdiction for roadway maintenance is not called out for any group of streets. Therefore, the text amendments in this FEIR identify a modification to the text in the TIA in Appendix H. The DEIR refers multiple times to the County's Expressway Study, but does not identify the County as responsible for mitigating project impacts.

**Comment J-36:** E. Page 137, 4.8.2.2, Existing Bicycle and Pedestrian Facilities: Please note the existence of Calabazas Creek Trail stretching along said creek from Mission College Drive to Old Mountain View/Alviso Road. Potential issues with the access that the Trail provides to Fairwood neighborhood from Tasman Drive and the project area need to be identified and considered in the EIR.

**Response J-36:** The Fairwood neighborhood, located west of Calabazas Creek and south of the Adobe Wells Mobile Home Park, is outside the 20 minute walking radius considered feasible for use by patrons of the stadium (as shown on Page 6, Figure 5 of the DEIR). As stated in the DEIR and based upon data compiled for stadiums across the country, fans are willing to walk no more than 20 minutes to a sporting event (page 182 of the DEIR). If stadium patrons were to park in the Fairwood neighborhood, they would have to walk approximately 0.36 miles to Tasman Drive or approximately 0.63 miles to Mission College before they could cross the creek to the east side. They would then need to walk an additional 20+ minutes from either Tasman Drive or Mission College to the stadium. It is reasonable to assume that patrons will not find the Fairwood neighborhood a viable parking option. Nevertheless, to ensure the neighborhood is not impacted by game day traffic and parking, the intersections of Lawrence Expressway and Palamos Avenue, Lawrence and Sandia Avenue, and Lawrence and Bridgewood Way would be officer controlled and monitored for residential intrusion control (as shown on Figure 61 of the DEIR). Mission College Boulevard will also be closed at the Sunnyvale/Santa Clara border. For these reasons, the EIR concluded that the Fairwood neighborhood would not be adversely impacted by stadium operations.

**Comment J-37:** F. Page 141, 4.8.2.3, Existing Transit Service: Please note that the Amtrak/ACE section is incorrectly labeled and the text is incorrect. Amtrak service is Coast Starlight, as well as the Capitol Corridor service. Amtrak and ACE service should be described separately.

**Response J-37:** The description of existing rail serving the project site has been clarified. The revisions have been added to the text amendments in this Final EIR.

**Comment J-38:** G. Please clarify the text throughout the document to identify that the Lawrence Expressway/Homestead Road intersection is primarily within the boundaries of the City of Santa Clara with a portion in Sunnyvale, and that the intersection is the jurisdiction of the County of Santa

Clara. It is identified as a “Sunnyvale CMP intersection” only because State CMP Law does not require the County to have CMP responsibility for expressway intersections.

**Response J-38:** As stated on page 123 of the DEIR, the regional intersections under the jurisdiction of the Santa Clara County Congestion Management Agency are specifically designated by asterisk (\*) as CMP intersections. The intersection of Lawrence Expressway and Homestead Road is discussed in Section 4.8 (*Transportation and Circulation*) and Section 6.0 (*Cumulative*) as being within the City of Sunnyvale but is marked with an asterisk to designate it as a CMP intersection.

**Comment J-39:** H. Page 176, 4.8.4.3, Transportation Management Plan: Table 15 of the Estimated Attendance and Traffic Projections section shows a 19% transit share, which is not reasonable. The transit use characteristics and the transit service network in San Francisco are vastly different from Santa Clara County. Transit use is much greater in San Francisco. The transportation analysis should be re-done and the document re-circulated with a transit mode share that is proportionately reduced from the difference of transit mode share in San Francisco versus Santa Clara County. The 2000 Census transit mode share for San Francisco was 9.4%; in Santa Clara County it was 1.8%. This is 80% less transit use. The traffic analysis needs to reflect transit share of trips proportional to expected transit use in Santa Clara County, not greater than the share realized at Candlestick Park. Although transit use will hopefully increase in the future, assuming 80% less transit use in Santa Clara County versus San Francisco would place the transit mode split at 3.8%. Therefore, the assumption of 19% transit share seems overly optimistic and understates the traffic impacts of the project.

**Response J-39:** The assumption of 19 percent transit use for future stadium attendees is based on substantial historical data from the current stadium (Candlestick Park), data collected from other NFL stadiums with similar transit opportunities, and the fact that the proposed stadium site has substantially more transit options than Candlestick Park (page 176 of the DEIR). Based on the availability of multiple transit options and a proposed program to include transit use as much as possible, the transportation engineer who prepared the TMP calculated the assumed transit use. The City believes the 19 percent transit share assumed in the TMP and the DEIR is reasonable for this type of special event venue. Assigning transit share based on citywide averages is not a reasonable approach for this very specialized project proposed at a location with unusually good transit access.

**Comment J-40:** In the Transit Trips section, please note that VTA has announced service cuts. The effect of these cuts on transit service to the project area should be assessed in the DEIR.

**Response J-40:** The announced service cuts are a result of the current economic conditions in the Bay Area and are not assumed to remain in place permanently. In addition, transit for game days will necessitate modified service schedules from VTA, CalTrain, and other transit service providers as they do for other sports venues such as AT&T Park, H.P. Pavilion (San José Arena), and Oakland Arena. The modified game day service is unlikely to be impacted by cuts to regular service operations.

**Comment J-41:** I. Page 179, Vehicle Trips: What is the basis for only 65 percent of project traffic departing the peak hour following a football game? It is not reasonable to utilize Candlestick Park departure traffic statistics, given the highly congested conditions at Candlestick Park. More vehicles are likely to be able to leave the project area than at Candlestick Park, because of better access. The

amount of post-game traffic departure needs to be increased based on available roadway capacity. Accordingly, the transportation analysis needs to be re-done, and the document re-circulated.

**Response J-41:** The 65 percent departure rate for the hour following the end of an NFL event is based on the existing capacity of the roadways surrounding the project site, as discussed on pages 199-201 of the DEIR.

**Comment J-42:** J. Page 182, Off-site Parking: The document needs to assess the potential for stadium patrons to park at remote locations in Sunnyvale near light rail stations and ride LRT to the project site, particularly at the Fair Oaks station and stations in the Moffett Industrial Park area. This analysis should be based on potential travel time savings compared to driving, parking and walking in the immediate project vicinity. Available parking capacity and potential for displacement of parking for the intended users in these areas should be assessed. The need for mitigation to lessen any identified impact to parking in these areas should be identified. Mitigation could include parking management/control, institution of permit parking for public street space, or construction of new parking facilities in these areas. Sunnyvale suggests examination of the use of vacant land at the interchange of Fair Oaks Avenue and Route 237. Also, there is a lack of parking in some areas adjacent to the light rail in Sunnyvale, particularly near Fair Oaks and Tasman Drive, which is adjacent to residential uses. This analysis needs to be completed and the document re-circulated.

**Response J-42:** Please also see Response J7 regarding stadium attendees using park and ride lots in Sunnyvale. Some stadium attendees may park at park and ride light rail stations and take the train to the stadium. It is assumed that “intended users” of LRT stations would be anyone in the general public regardless of destination and so stadium attendees would qualify as “intended users”. There is no restriction on the types of patrons who choose to utilize light rail and no way to control where people board the LRT, so stadium attendees could choose to utilize transit at any convenient station within Santa Clara County. Consequently, it is unlikely that Sunnyvale light rail stations would experience an unusual concentration of vehicles parking in the vicinity, as compared to other light rail stations. Further, the LRT stations in Sunnyvale that are nearest Santa Clara do not have park and ride lots. Because finding a parking space will not be convenient, it is unlikely that stadium patrons will make extensive use of those stations.

As stated in response to Comment J7, Master Response III.B. Transportation Management and Operations Plan describes the planning and management process which the City is proposing for the immediate future. That process will include an evaluation of park and ride lots, their capacities and likely utilization for stadium events. Using existing parking lots in order to use existing transit is not generally considered a significant environmental impact.

**Comment J-43:** K. Page 183, Stadium Trip Assignment: How is non-stadium Tasman Drive traffic redistributed assuming closure of Tasman Drive at Great America Parkway/Centennial Drive? Please show this data. There is incomplete trip assignment data provided in the document or accompanying technical studies.

**Response J-43:** The reassignment of existing and background traffic due to the proposed closure of Tasman Drive between Great America Parkway and Centennial Boulevard was completed and included within the traffic analysis. The reassignment is based upon the existing and background traffic volumes at selected locations east and west of the proposed closure along Tasman Drive. The volume of traffic traveling along Tasman Drive from east

and on through the west of the proposed closure was reassigned to alternative east-west routes, primarily SR 237, with a TRAFFIX assignment. The reassigned volumes at each of the affected intersections are included in the intersection volume sheets (Appendix C of the TIA).

As described in the DEIR (including on page 178) and the TIA, the traffic impact analysis did not assume that the full Draft TMP could be implemented prior to departure of the employees from the parking lots that would be utilized for off-site parking. Because allowing employees to leave as quickly as possible is essential to having sufficient parking available for attendees, traffic must be able to move both in and out of the area. The closure of Tasman Drive is not, therefore, assumed in the weekday arrival scenario since departing business park employees will need Tasman to leave the area in an expeditious manner.

**Comment J-44:** L. Page 183, TMP Traffic Control Plan: The Transportation Management Program does not appear to be part of the project description, and is not specifically called out as project mitigation. Mitigation measures and/or project conditions must include assurances that the Transportation Management Program will be fully implemented prior to commencement of the stadium events.

**Response J-44:** The Draft TMP is referenced in the introductory paragraph to §4.8.5 Mitigation and Avoidance Measures for Transportation Impacts. It is part of the proposed project as a means of minimizing or avoiding significant impacts, not a mitigation measure. Language clarifying that is added in the text amendments that are part of this FEIR. The TMOP described in Master Response III.B., and in the text amendments will be required as a mitigation measure to implement the program described in the Draft TMP.

**Comment J-45:** Additionally, the trip assignment to parking zones could misrepresent what traffic flow to and from the site may ultimately be, depending upon where parking agreements are ultimately secured. A sensitivity analysis needs to be provided on how traffic flow accessing the site might vary under alternative parking distribution scenarios, i.e. situations where parking distribution would be much more unevenly distributed.

**Response J-45:** All identified parking is contained within a narrow geographic area. Since agreements have not yet been executed (and will not be permanent), the assignment of stadium traffic required grouping the identified parking lots into zones based on their location. The percentage of stadium trips assigned to each of the parking areas was based on the percentage of total parking provided in each zone. The total stadium trips were then assigned to each of the parking zones and the roadway network based upon the traffic control plan (see page 183 of the DEIR). Any other assumption of parking and traffic distribution in the immediate project area would be speculative and misleading. Regardless of where in the identified parking area the parking agreements are obtained, traffic trips into the stadium area will still arrive by major roadways and most must eventually travel on Great America Parkway to access the parking.

**Comment J-46:** As presented, the parking management plan cannot be an assumed part of the project description, nor can it be considered feasible project mitigation. If sufficient parking resources are not secured or required to be secured prior to project occupancy, and there is not a means to assure that off-site parking rights are secured over the lifetime of the project, then the

parking plan cannot be considered feasible and parking impacts need to be called out as a significant and unavoidable impact.

**Response J-46:** The parking program is not mitigation; it is part of the project. The DEIR and TMP identify 41,373 parking spaces within the acceptable 20 minute walking radius. The stadium needs 19,000 parking spaces which is 46 percent of the total identified parking available. It is reasonable to assume that on a yearly basis, the team could secure agreements for the required parking from the total supply available. Furthermore, the DEIR states on page 16 that “large stadium events requiring off-site parking would not be scheduled during normal business hours when the off-site surface lots would be utilized by local businesses unless arrangements could be made to ensure that adequate parking is available for event patrons.” Therefore, use of the stadium will be specifically limited to times when there is sufficient available parking.

**Comment J-47:** M. Page 184, Figure 59, Micro Stadium Project Trip Distribution: The document assumes a relatively small proportion of project traffic utilizing Tasman Drive west of the project area to access the project area. However the majority of parking both onsite and offsite is accessed by Tasman Drive. This justifies a higher trip distribution to Tasman Drive. The pre-game traffic impacts on Tasman Drive west of the project site appear to be understated. This could constitute an unidentified significant project impact.

**Response J-47:** As stated in Response J43, the TMP cannot be fully implemented in the pre-game timeframe on weekdays because expediting the departure of office park employees is essential to the off-site parking operations.

**Comment J-48:** N. Page 186, Figure 61 Planned Road Closures and Intersection Control: The proposed Wildwood Avenue at Calabazas Creek closure will negatively impact commercial businesses on Wildwood. The impacts need to be discussed in the document.

**Response J-48:** Three businesses are identified on Wildwood Avenue: Ramada Silicon Valley (1217 Wildwood), Bogart’s Lounge and Tech Pub (1209 Wildwood), and 7-11 (1201 Wildwood). It is unlikely that the proposed road closure will impact the hotel as the patrons of the hotel would still be able to gain access at the officer controlled intersections. The other two businesses should not be affected by the proposed road closure as access would still be available from the officer controlled intersections. CEQA states that economic or social effects of a project shall not be treated as a significant environmental impact (Guidelines Section 15131). The program developed in the TMOP will ultimately determine the need for and location of traffic controls.

**Comment J-49:** Additionally, the City of Sunnyvale has a planned improvement to construct a full access intersection of Wildwood Avenue and Lawrence Expressway. This improvement is an appropriate alternative mitigation to the traffic management scheme for the Fairwood neighborhood. Consideration shall be given to the cost of implementing the Wildwood road closure and providing neighborhood traffic control at streets accessing the Fairwood neighborhood versus the cost of implementing the planned intersection improvement. A project contribution to constructing this improvement should be required as a mitigation measure.



**Response J-49:** The proposed project will not have an impact that would provide a nexus for the project to contribute to the planned roadway improvement. Once the roadway improvement is implemented the TMOP will be revised accordingly.

**Comment J-50:** O. Page 187, Traffic Impacts: Pursuant to CEQA Guidelines, an analysis should be provided for post-game departure peak times that assesses whether the project will “cause an increase in traffic that is substantial in relation to the existing load and capacity of the street system (i.e., result

in substantial increases in vehicle trips, the volume to capacity ratio on roads, or congested intersections).” Impacted areas shall be identified and increases in traffic loads quantified. The information in Table 19 (page 201) should be used to identify significant impact to Tasman Drive west of the project site due to a substantial increase in the volume to capacity ratio.

**Response J-50:** This appears to be suggesting that an LOS analysis be done for the egress scenario. Since signals will not be used to control traffic movement, a typical LOS analysis would not be appropriate. It is also not possible at this time to do a detailed turning movement assignment because the specific off-site parking lots have not been identified. In the Draft TMP that is in Appendix I of the DEIR is a detailed analysis of capacity for exiting traffic. Figure 10 in the TMP illustrates how many lanes are currently assumed to move traffic expeditiously out of the area. (Figure 10 also identifies the substantial number of officer-controlled intersections that will be regulating the flow of outbound traffic, instead of signals.) In the discussion of departure constraints in the TMP, the specific capacity and assumptions for Tasman Drive westbound identify two lanes with a combined capacity of 2,000 vehicles per hour (TMP, page 38). Figure 12 in the TMP shows the area-wide assumptions for outbound lane capacity and departure time. The combined lane capacity available would move 12,000 vehicles per hour, emptying the parking lots in less than two hours if there were a capacity crowd who all left simultaneously.

**Comment J-51:** P. Page 197, Traffic Impacts from Non-NFL Events: Justification for lack of analysis of other events (less attendance, controls on time) does not account for scenarios that differ and/or would have greater impact from a traffic standpoint. Other events could have more concentrated arrival times, could occur to a greater extent during peak traffic hours, and impact parking availability. Sunnyvale recommends that an additional analysis scenario be developed to capture information specific to the other types of events. Limiting the analysis to NFL events only understates the potential impacts of operation of a stadium at this location.

**Response J-51:** As stated on page 122 of the DEIR, non-NFL events would likely have start and end times similar to start and end times of both the weekday and Sunday football games. Because attendance at the anticipated non-NFL events would be less than attendance for NFL events, the traffic resulting from non-NFL events would be within the scope of (less than) traffic from NFL games. Therefore, because NFL event traffic volumes represent the greatest possible traffic impact on the local and regional roadway system, NFL events were used to quantify impacts for all stadium events.

**Comment J-52:** Also, the analysis assumes that two NFL teams might utilize the stadium. If the other team is assumed to be the Raiders, there would be a significantly different trip distribution. An assumption should be made about the origin of stadium patrons for a team other than the 49ers, and information presented on how traffic impacts might vary from a trip distribution based on 49ers ticker holder information.

**Response J-52:** There is no assumption on the second NFL team and it cannot be assumed to be the Oakland Raiders. As stated on page 8 of the DEIR, the NFL is encouraging any franchise proposing a new stadium in a large market to evaluate shared use by a second NFL team. There are currently no specific plans for use of the stadium by a second NFL team and any assumptions about trip distribution for a second team would be speculative. As shown in Table 17 in the DEIR, a substantial percentage of attendees are assumed to travel from the East Bay and Central Valley.

**Comment J-53:** What is the source for concert and other event attendance assumptions? The document does not attempt to estimate impacts for major entertainment and civic events. Even if proponent does not know, CEQA requires a good faith effort to at least estimate the events and the costs.

**Response J-53:** Attendance estimates and parking needs for non-NFL events were based on discussions with the management of a number of existing open air event venues as well as with event promoters.

Attendance at the anticipated special events would be less than attendance for NFL events and the impacts resulting from special events would therefore be substantially less than what has been identified for NFL events. Therefore, because NFL events represent the greatest possible impact, NFL events were used to quantify impacts for all stadium events.

**Comment J-54:** Why do the X-Games, with an assumed attendance of 50,000, have a lower assumed trip generation than other events with less attendance? The X-Games are several days long, which is inconsistent with the assumptions of the project description that states there will be no weekday day-time events.

**Response J-54:** Table 2 of the DEIR lists the possible schedule of non-NFL events per year. The estimated attendance listed is for the entire event (as noted in the column header). The X-Games would be a multi-day event. Therefore, the X-Games attendance of 50,000 people would occur over four days. That means that there would be 50,000 attendees total for the entire four day event. This equates to approximately 12,500 attendees per event day.

While the X-Games are multi-day events, this type of event is not inconsistent with the assumption that the stadium will not host weekday day-time events. Page 14 of the DEIR specifically states that “Non-football events that would require the use of parking in the existing parking lots of surrounding businesses would be limited to evenings and weekends to avoid conflict with those businesses.” Events that require off-site parking would be scheduled to comply with this requirement, including multi-day events. An event such as the X-Games could be scheduled on two weekday nights and two weekend days.

**Comment J-55:** Q. Page 203, Parking Control: Emergency vehicle access to the Adobe Wells mobile home park under congested conditions will far exceed the City of Sunnyvale’s standard for emergency vehicle response time. Specific analysis of this issue should be presented, and this impact may need to be identified as a significant environmental impact.

**Response J-55:** Because most of the parking spaces will be accessible from Great America Parkway (which connects to both SR 237/I-880 and to US 101), the TIA assumes that traffic on Tasman Drive west of Great America Parkway will not be exceptionally heavy. As

discussed in the DEIR (page 183 and Figure 61) and in the Draft TMP, there will be officers controlling traffic on Tasman Drive from Lawrence Expressway to Great America Parkway which will help to facilitate movement of emergency vehicles, as will the central traffic control. Consequently, the project will not result in inadequate emergency access.

**Comment J-56:** R. Page 208, City of Sunnyvale Intersection Impacts: The City of Santa Clara’s transportation impact fee program should be considered as a potential means for mitigation of project traffic impacts. Cumulative impacts to Lawrence Expressway are a particular example of a suitable

justification for requiring a project contribution to impacts on this regional facility. The document does not include obvious mitigation measures, or mitigation fees, for “fair share” impacts. These could be used to improve intersections over time. The DEIR is deficient as it fails to even discuss or analyze a well-understood and feasible mitigation measure. Cooperative Fee agreements and other

Inter-jurisdictional Mitigation Measures should be considered and added to the document for recirculation.

**Response J-56:** The proposed project would impact one Sunnyvale intersection in the PM Peak Hour, Lawrence Expressway and Tasman Drive. No feasible improvements to this intersection were identified due to right-of-way restrictions (page 209 of the DEIR). The TMP has identified temporary traffic control measures at this intersection to be implemented during large stadium events that will maintain efficient operations.

The DEIR does address fair share fees for intersections where programmed mitigation will reduce the project’s impacts (§4.8.5, top of page 204). The text amendments in this FEIR clarify which intersections are scheduled for improvements to which the project can contribute a fair share.

There is no known mechanism currently in existence for collecting a “Cooperative Fee” or implementing mitigation measures. It is not known what is meant by an “Inter-jurisdictional Mitigation Measure”. The CMA drafted a Countywide Deficiency Plan which included a proposal to collect fees from projects in all jurisdictions in Santa Clara County that contributed significant traffic to impacted roadways. That plan was never adopted.

The DEIR identifies mitigation measures for all significantly impacted intersections, where the traffic consultant was able to identify appropriate improvements.

Regarding the comment that “Cumulative impacts to Lawrence Expressway are a particular example of a suitable justification for requiring a project contribution to impacts on this regional facility”, there is no mechanism for planning, funding and implementing mitigations for cumulative impacts. And, since a cumulative analysis (consistent with CEQA) includes traffic from projects that are not yet approved and may never be approved, any mitigation for those impacts is likely to be overdesigned and growth inducing.

**Comment J-57:** Fee-based mitigation programs are adequate mitigation under CEQA, and fair share traffic impact mitigation fee programs are legally sufficient. The document is inadequate in how it analyzed the effect of the project on intersections that would deteriorate to LOS F without offering any mitigation.

**Response J-57:** See Response J56 for information on proposed fair share impacts. In addition, mitigations are identified for all intersections where the traffic consultant was able to identify improvements (see pages 204-210 in the DEIR). Some of the mitigations are infeasible, and some are not programmed by their relevant jurisdiction.

**Comment J-58:** Section 4.8 Air Quality. A. Page 222, Regional Air Quality Impacts: The DEIR uses the 19% assumption for transit use, which appears too high (see 7.H in Transportation and Circulation review above).

**Response J-58:** Please see Response J39.

**Comment J-59:** B. Page 224, Non-NFL Events: Assumes large Non-NFL events will use the same vehicles rate as NFL games. Justify why the same 19% transit use rate is an appropriate assumption.

**Response J-59:** The analysis did use the same vehicle occupancy rate that was used for NFL events. Most of the large non-NFL events would be other sporting events whose attendees are assumed to behave similar to 49ers fans. In addition, many of the attendees at the X-Games, for example will be young people below driving age. Other large events, such as concerts, are social activities also attended by people in pairs or groups.

**Comment J-60:** C. Page 227, Local Impacts: The study uses the same projections as in the traffic impacts, which undercounts the cumulative projects that should be included in the analysis.

**Response J-60:** The comment is referring to the *project* impact section, not the cumulative air quality impact analysis, which is in §6.1.2 on page 299 of the DEIR.

**Comment J-61:** Section 4.10 Noise. A. Page 244, 4.10.2.4, Project-generated Noise Impacts: The last sentence states the “noise from tailgating activities would assume typical background levels within approximately 1,900 feet of the southernmost parking area.” This statement seems to assume tailgating will occur on the stadium site, and not the off-site parking locations. A mitigation measure listed on page 253 requires no tailgating within 750 feet of residences, but gives no justification of that distance, nor whether it applies to the off-site parking areas.

**Response J-61:** The analysis does not assume that tailgating will only occur on the stadium site. Noise measurements were taken in the neighborhoods south and east of the stadium site because they are the nearest residences to the site and are the most likely land uses to be impacted by stadium noise. Because the noise measurements were taken in these areas, the analysis discusses tailgating noise as it relates to these neighborhoods. Nevertheless, tailgating will be allowed in most surface parking lots (with approval by the property owner) both on and off-site which is why the mitigation refers, and applies, to all residential areas.

**Comment J-62:** B. Page 246, Large Non-NFL Sporting Events: This DEIR states no basis for assuming there will only be one concert per year, yet the impacts all use that criterion. This is a concern because it seems feasible that the stadium will be used for more concerts per year. Also, the assumption that concerts will generate noise levels similar to an NFL game does not seem correct. Concerts have noise at loud levels sustained for longer periods of time than a football game. Please include an analysis of these impacts on the surrounding area.

**Response J-62:** The list of large non-NFL events discussed in the DEIR represents what the City believes they can support at the proposed stadium. The statement that “concert generated noise levels are likely to be similar or slightly less than the maximum crowd (i.e., cheering) noise at an NFL event” (page 248 of the DEIR) is not an assumption, but is based on an average concert noise level of 95 dBA  $L_{eq}$  measured at 100 feet from the stage and speakers. Extrapolating the known data, the noise consultant was able to determine that concert noise levels at the nearest residences south of the stadium would be approximately 66 dBA  $L_{eq}$  compared to 61 to 66 dBA  $L_{eq}$  for an NFL event (page 246 of the DEIR). Concerts typically last for two hours where as an NFL games lasts three hours.

**Comment J-63:** C. Page 249, Project-generated Traffic Noise: The document states the noise resulting from stadium traffic would be extremely limited in duration and would not increase ambient noise levels. It also states that Tasman Drive is not adjacent to residential neighborhoods. The traffic study information shown in Table 19 on page 201 shows westbound traffic on Tasman Drive after an event with the second highest traffic volumes and a time of 1 hour 22 minutes for it to dissipate. This traffic runs immediately adjacent to the Adobe Wells residential neighborhood. Impact NOI-9 states this is a Less than Significant Impact, which seems incorrect. This section needs to be corrected and impact level more appropriately considered.

**Response J-63:** The statement that “...the roadways that will carry most of the traffic, Tasman Drive and Great America Parkway, are not adjacent to either of the nearby residential neighborhoods” is in reference to the two Santa Clara residential neighborhoods closest to the project site.

Arrival trips are spread over a five-hour period and the peak event arrival volume is well below the existing peak hour traffic volumes. Exiting trips will be a higher volume for a brief period of time (about an hour and a half). As stated on page 249 of the DEIR, traffic noise would only increase for very short periods of time, when traffic is free flowing on Sundays well before game time and after most of the traffic has left after games.

Immediately prior to game time and after games when congestion is at its maximum, traffic would be traveling at slower speeds and generating decreased noise. The TMP also proposes to close Tasman to eastbound traffic during the maximum exit period, which reduces most traffic on the southerly half of the roadway nearest the mobile home park.

**Comment J-64:** D. Page 254, 4.10.4 Conclusion: The DEIR states that there are no feasible mitigation measures that would reduce noise levels from large events. Feasible mitigation measures can include limits on noise levels and hours of non-NFL events, levying of fines to event promoters that exceed those limitations, and incorporation of a roof on the stadium or other noise attenuation measures in the design of the stadium.

**Response J-64:** Most of the large non-NFL events at the stadium would be sporting events. It is impossible to impose noise level restrictions on sporting events because the noise is mostly generated by the fans in attendance. The possibility of having an enclosed stadium is discussed in Section 7.5.3 of the DEIR as an alternative to the proposed project. The City is unaware of any other noise attenuation measures that could be incorporated into an open stadium design.

**Comment J-65:** Section 4.12 Energy. A. Page 266, 4.12.4, Mitigation and Avoidance Measures for Energy Impacts: The use of green building materials and construction is an important part of the project, and the report lists measures that reduce energy consumption from the project. The installation of solar panels on the parking garage roof would provide an additional energy source.

**Response J-65:** This comment is noted.

**Comment J-66:** Also, the applicant should consider using wind energy given the height of the stadium and location near the bay, where winds speeds are at their greatest.

**Response J-66:** This comment is noted.

**Comment J-67:** Section 5.0 Public Facilities and Services. A. Page 267, 5.1, Police Services: This section describes the police needs for the project. These include officer-controlled intersections for traffic and access to residential areas during road closures, and for emergency response. The DEIR and Appendix I greatly under-estimate the impact of the project on the City of Sunnyvale. This includes needed staffing and equipment needs and traffic impacts on Sunnyvale residents and visitors.

**Response J-67:** As stated on page 267 of the DEIR, game day staffing would be comprised of off-duty police personnel, and security staff hired specifically for the event. It also says in the same paragraph that “*off-duty* police officers” will be hired for the event (italics added). A joint powers agreement or its equivalent will be prepared to reflect the details of the arrangement between the cities. No new facilities would need to be constructed or physically altered in order to maintain acceptable service ratios or response times.

**Comment J-68:** The City of Sunnyvale is concerned with statements in the DEIR that states that officers are available for staffing at the events. There are significant concerns about the limited availability of officers and costs to provide security and traffic management roles. The DEIR does not provide any details as to fiscal impacts, reimbursement of municipal service costs, liability mitigation, or public safety staffing needs.

**Response J-68:** CEQA Guidelines Section 15131 states that economic or social information may be included in an EIR or may be presented in whatever form the agency desires. It also states that economic or social effects of a project shall not be treated as significant effects on the environment. Based on the CEQA Guidelines, the City of Santa Clara does not include economic analyses in EIRs.

Fiscal and economic matters may be discussed in a different context as appropriate.

**Comment J-69:** The Sunnyvale Department of Public Safety (DPS) is a full-time Police, Fire and Emergency Medical Service. The 210 sworn personnel, when at full-staff, manage all emergency incidents within the city as one organization. Currently DPS is operating with only 204 sworn personnel not including any associated leaves, worker’s compensation or disability losses.

The population for the City of Sunnyvale is currently 138,826 compared to the City of Santa Clara at 117, 242. Santa Clara Police is staffed with 148 sworn personnel compared to DPS at 121 sworn personnel for the same comparable positions. The remaining DPS sworn staff fills six fire stations and manages the fire prevention unit.

Sunnyvale currently allows contract employment only through DPS approved venues and at the financial rate established for cost recovery of the time and personnel associated with the event.

The DEIR fails to capture the full impact of the project on the City of Sunnyvale and its staff. Staffing and equipment concerns include the available pool of officers for events, public works employees for traffic management set-up, equipment related to the traffic management plan, and required vehicles and transportation for the event staff.

The DEIR recognizes some additional calls for service related to game day events but does not mention any impact to Sunnyvale. Based on the proximity of the proposed stadium to the Sunnyvale border, the project will clearly have a significant impact on Sunnyvale. The DEIR recognizes three intersections requiring five officers for game days and fails to account for several other intersections which are also identified but no additional controls are proposed.

**Response J-69:** Santa Clara Police Department (SCPD) will take the lead in coordinating stadium event police services, including officer controls at certain intersections in San Jose and Sunnyvale for NFL Games and other large events. Negotiations between the City and the 49ers anticipate that the Stadium Authority will enter into an agreement pursuant to which the Stadium Authority will reimburse the cities for event police services and other public safety costs. Staffing for police services will be provided by the SCPD as well as pursuant to agreements with surrounding jurisdictions.

**Comment J-70:** The DEIR does not discuss traffic and parking management impacts on several Sunnyvale streets (Elko Drive, Birchwood Drive and Reamwood Avenue) where there are industrial uses and on-street parking available. The report identifies a circular area that represents a 20-minute walking range, but does not incorporate the above-mentioned streets which fall within two miles of the proposed stadium with an approximately 30-minute walking range. The report should discuss the impacts on Sunnyvale parking lots located in close proximity to the stadium (which is not a part of the parking management agreements in Santa Clara) that might be used for parking.

**Response J-70:** Based upon data compiled for stadiums across the country, fans are willing to walk no more than 20 minutes to a sporting event (page 182 of the DEIR). So it is reasonable to conclude that patrons will not park outside the identified 20-minute parking radius. Parking on public streets, especially in non-residential areas, is not specifically an environmental impact unless the parking occurs in such numbers that it results in impacts such as impaired access, changes in land use or character, or safety issues. While it is unlikely that people will park that great a distance away from the stadium, if a few do park in the industrial areas on public streets, it would not specifically create a significant environmental impact.

If stadium patrons choose to park on private property that does not have restricted parking, then the property owner has the option of limiting access to their site. It is assumed that any cars parked illegally would be ticketed and/or towed.

**Comment J-71:** Several other equipment concerns have been raised related to portable radios, riot control gear, cones, signs, flares and the storage space required for these items. DPS has reached maximum capacity of its facility for the currently staffing it employs.

**Response J-71:** This comment is noted. This does not appear to relate to a significant environmental impact.

**Comment J-72:** Several safety impacts on the Sunnyvale community are possible, including: graffiti, litter, burglaries (residential, commercial and automobile). The light rail system on Tasman Drive has had several traffic related accidents each year, including a pedestrian fatality. Parking within residential neighborhoods is another significant concern due to the amount of traffic and the speed at which vehicles will travel.

**Response J-72:** The possibility of graffiti, litter, and burglaries impacting a City is present whether or not a sporting event is taking place. There is no evidence to suggest that a typical sporting event increases crime in the area around the stadium, and the effect of the project on police services was evaluated in Section 5.1 of the DEIR.

Tasman Drive will have officer controls from Lawrence Expressway to North First Street which will help to minimize conflicts between the light rail trains and cars/pedestrians.

The Sunnyvale residential neighborhoods (Adobe Wells and Fairwood) nearest the project site will have road closures and officer controlled intersections for residential intrusion control (as shown on Figure 61 of the DEIR). Stadium attendees will not be able to park within these neighborhoods.

**Comment J-73:** The intersection located at Lawrence Expressway and Wildwood Avenue is another area of great concern due to its proximity to the stadium and easy access to the proposed off-site parking areas. Large events in the general areas of the stadium can have a tremendous impact on the City of Sunnyvale. For example, in years past the Great America facility held a fireworks show with an estimated 15,000-17,000 viewers. The impact on DPS staff was enormous. DPS staffed several intersections with a total of 12 officers and it was determined that more would be needed if the show continued in future years.

**Response J-73:** Watching fireworks from outside the facility (sitting in or on one's car) is not subject to the same limitations as walking to an event venue (i.e., the 20-minute walking distance standard is not relevant).

**Comment J-74:** A financing mechanism will need to be established to mitigate the previously mentioned costs which have not been quantified. Additionally, discussions should occur regarding necessary agreements to reimburse the City for its incurred municipal service costs. Until these discussions occur, the true impact on the City of Sunnyvale will not be known.

**Response J-74:** Santa Clara Police Department (SCPD) will take the lead in coordinating stadium event police services, including officer controls at certain intersections in San Jose and Sunnyvale for NFL Games and other large events. The negotiations between the City and the 49ers anticipate that the Stadium Authority will enter into an agreement pursuant to which the Stadium Authority will reimburse the cities for event police services and other public safety costs. Staffing for police services will be provided by the SCPD as well as pursuant to agreements with surrounding jurisdictions.

**Comment J-75:** Section 6.0 Cumulative Impacts. A. Page 270, Cumulative Impacts, Table 39 and Appendix B of TIA: Neither of these documents includes Sunnyvale projects. Large, approved



projects are located directly on or adjacent to primary travel routes to and from the project area. Clarify what the cumulative condition is relative to the traffic study background section by using the attached approved/pending project lists. Please re-assess the background and cumulative project conditions using this information.

**Response J-75:** A joint scoping meeting for both the Yahoo Santa Clara campus project and the 49ers Stadium project was held at the City of Santa Clara on December 4<sup>th</sup>, 2008 with the City of Sunnyvale, Hexagon Transportation Consultants, and City of Santa Clara staff. The issue of approved and pending projects within the City of Sunnyvale was discussed. Hexagon requested that a list of projects be provided for use in the traffic analysis of the stadium if the list of approved and pending projects in Sunnyvale that was to be utilized for the Yahoo project was not adequate. City of Sunnyvale staff directed Hexagon to utilize the information provided for the Yahoo project. The list of Sunnyvale projects dated June 2008 was provided to Hexagon by City of Sunnyvale staff and used in the cumulative sections of both the Yahoo and stadium projects' traffic impact analyses, so the analysis does not need to be redone. The City of Sunnyvale project list was erroneously excluded from the TIA appendices and Table 39 of the DEIR. The intersection volume sheets within the appendices do, however, include project trips for approved and pending Sunnyvale projects. The list of Sunnyvale projects is included in the text amendments proposed in this FEIR.

**Comment J-76:** Comments to Technical Appendices I, Traffic Management Plan (TMP). A. Page 30: The County of Santa Clara operates signals on Lawrence Expressway. Please note that Sunnyvale may not have the ability to remotely control signals along Tasman without hardware upgrades. To the extent that remote operation, flush timing, etc. are considered mitigation as part of the Traffic Management Plan, these upgrades should be identified and their feasibility assessed; otherwise, the TMP cannot be considered feasible mitigation.

**Response J-76:** Please see Master Response III.B, which is at the beginning of the Responses to Comments section of this FEIR. The City of Santa Clara is working with VTA at this time to establish an operations committee similar to the one created for the Downtown San José Arena (now HP Pavilion). The intent is to include close coordination with the Cities of Sunnyvale and San José in the operations committee responsibilities. It is anticipated that the committee will be multi-jurisdictional and will coordinate and oversee transit and traffic issues. If the City of Sunnyvale does not have the resources to do signal timing modifications for special events, other options can be explored through the Transportation Management and Operations Plan (TMOP).

**Comment J-77:** B. The City of Sunnyvale does not have resources to do signal timing modifications for special events. Therefore, the TMP must identify resources to provide for this mitigation.

**Response J-77:** Please see Response J76.

**Comment J-78:** C. Neither the project applicant, nor the City of Santa Clara has jurisdiction over ACE, Capitol Corridor, Caltrain, or VTA services. Yet modifications to these services area considered cornerstones of both the mode split assumptions and the Traffic Management Plan. The mode split assumptions and the TMP cannot be considered reasonable without identifying the resources and mandating the agreements necessary to project the assumed transit service modifications. Yet the project is not being required to provide any kind of tangible mitigation or

condition of approval to provide for these resources prior to occupancy. The mechanism for assuring that transit service modifications will be made to support the proposed use and TMP shall be identified, or the transit analysis should be re-done assuming a more reasonable transit mode split based on existing available transit services to the site.

**Response J-78:** Please see Master Response III.B. The DEIR and the TMP acknowledge the existing uncertainties relative to providing all of the transit service (DEIR pages 176-178) and also state that “existing transit services...will need to be enhanced with additional lines, capacity and service frequencies to serve the project transit demand of the stadium.”

It is not clear what is meant by the statement that the TMP must “mandate[e] the agreements necessary”. CEQA requires that an EIR be done as early as possible in the project planning process. If new information becomes available later in the process that indicates that a new significant impact, or a much worsened significant impact, will occur, then additional CEQA review must be done at that time. If the project cannot be implemented as proposed and (for example) the level of transit service assumed in this EIR cannot be provided, either equivalent mitigation must be developed or a subsequent CEQA document will be required.

The City of Santa Clara will be formulating the conditions of project approval prior to the consideration of the project by the City Council. It is not typical practice for a project to develop its own conditions of approval.

**Comment J-79:** D. Page 38: Tasman Dr. conditions west of the project site conflict with the TIA and EIR conclusions regarding capacity.

**Response J-79:** The traffic analysis evaluates weekday (two study periods) and Sunday (two study periods) conditions when traffic for the stadium is arriving and weekday and Sunday conditions for when the traffic leaving. It is not possible to determine which capacity assumptions the City of Sunnyvale believes are inconsistent with the TIA and EIR, so no response can be provided.

**Comment J-80:** E. Page 42: Conflicts with EIR Fig. 61-Lawrence at Sandia, Lawrence at Bridgewood, and Lawrence at Palamos are not identified for traffic control; Tasman at Reamwood is not on EIR Figure 61. Please clarify the locations recommended for traffic control.

**Response J-80:** The proposed traffic control locations are shown on Figure 61 of the DEIR; this includes Lawrence at Sandia, Lawrence at Bridgewood, and Lawrence at Palamos. Figure 61 also shows access to the Adobe Wells Mobile Home Park would be officer controlled, which includes the intersection of Reamwood Avenue and Tasman Drive as well as the main driveway entrance into the mobile home park.

**Comment J-81:** F. The EIR shall identify potential safety impacts of queuing created by police officer-controlled access of high speed Lawrence Expressway traffic. This may be a potentially significant impact.

**Response J-81:** There is no reason identified why this situation is any different than normal congestion backup, or why a safety impact different than normal would be created.

**Comment J-82:** G. Cumulative impacts sections: Please clarify whether the cumulative conditions traffic study background section and approved/pending project lists are the same.

**Response J-82:** The background conditions for any traffic analysis are based on existing and approved development, consistent with the CMP methodology. Table 39 on page 270 of the DEIR shows only pending (i.e., not approved) projects and projects currently under analysis. The title of Table 39 is incorrect. The title revision to Table 39 has been added to the text amendments in this Final EIR, “Reasonably Foreseeable Projects”.

**Comment J-83:** H. The traffic analysis does not consider the impact of project traffic, traffic congestions, traffic control, and detours on bicyclists and pedestrians. This analysis shall be provided, as the impact on pedestrian and bicycle safety may be significant.

**Response J-83:** The traffic generated by the proposed stadium will significantly affect the roadway system surrounding the stadium and in turn affect pedestrians and bicyclists. The existing pedestrian facilities surrounding the stadium will adequately serve the pedestrian demand of the stadium. The project is proposing several improvements to serve pedestrians associated with the stadium in the immediate vicinity of the stadium, but no improvements to bicycle facilities area planned. The proposed stadium will generate an insignificant amount of new bicycle trips. Though the traffic associated with the stadium may increase traffic volumes along streets that include bicycle facilities, the traffic will not prohibit the use of existing bicycle facilities. Officers will be positioned at each of the major intersections surrounding the stadium and serving identified parking areas to assist in the safe crossing of major thoroughfares by both pedestrians and bicyclists.

**Comment J-84:** I. Please assess the potential for pre- and post-event traffic to cut through the area bounded by Old Mountain View/Alviso Road, Lawrence Expressway, Tasman Drive, and Calabazas Creek.

**Response J-84:** Given the location of the proposed parking and the major routes into the core stadium area, it is unlikely that patrons will cut through this area as it is not convenient and very limited as to the parking areas that can be accessed.

**Comment J-85:** J. Please provide traffic impact and other information on a Super Bowl scenario, where stadium seating would increase by 10% and other ancillary activities would further increase project trip generation.

**Response J-85:** A Superbowl would be an extraordinary event likely to occur only once every five to 10 years. It would be highly speculative to try to identify the impacts of such an unusual event, particularly because many of the attendees will not be from the Bay Area. If a Superbowl were to occur at the proposed stadium, the City and the Stadium Authority would prepare a special transportation management and operations plan to be coordinated with all relevant public transit agencies, local police departments, and neighboring cities.

**Comment J-86:** K. As an alternative to officer-controlled traffic operations at the intersection of Tasman Drive and Great America Parkway, and as a means to improve traffic flow efficiency and decrease the potential for vehicle/pedestrian conflicts, consider the construction of a pedestrian overpass to accommodate the anticipated large volumes of pedestrian traffic.

**Response J-86:** This comment is noted.

**Comment J-87:** L. Consider opportunities to improve Bay Trail facilities in the project area for handling project traffic and improving stadium access.

**Response J-87:** This comment is noted.

**Comment J-88:** M. Relocation of the stadium from San Francisco to Santa Clara may change the distribution of trips to the stadium over time, as the increased travel time discourages patrons from traveling the extra distance to Santa Clara from the north. The potential for such a change in the trip distribution needs to be discussed, and the potential for different or additional environmental impacts from a different trip distribution also need to be discussed.

**Response J-88:** The assumption of a change in fan distribution over time is reasonable, but it is speculative to assume where new fan trips might originate considering the wide distribution of current 49ers season ticket holders (DEIR Table 17). Regardless of where the trips originate, the trips inside the core stadium area would remain relatively consistent with currently assumed traffic patterns because the major access points into the core area will not change over time. Highways 237 and 101 and Great America Parkway would remain the main roadways in and out of the core area.

**K. RESPONSE TO COMMENTS FROM CITY OF SAN JOSÉ POLICE DEPARTMENT, SEPTEMBER 11, 2009**

**Comment K-1:** At the request of Chief Lodge, I have identified locations within the City of San José which may be affected by traffic congestion associated to events held at the proposed 49er Stadium. This information is based on the Environmental Impact Report provided to us by your City and a site survey completed by the San José Police Department's Traffic Enforcement Unit. The following is a brief summary of areas that may be significantly impacted by parking issues associated to events held at the stadium:

- There is no street parking along Tasman Drive. Tasman Drive, east of the proposed stadium is comprised predominantly of Cisco System's property. Cisco would be responsible for policing and securing their parking lots. The City of Santa Clara may want to establish a contractual agreement with Cisco Systems regarding parking.

**Response K-1:** As shown on Figure 7 of the DEIR, the Cisco parking lots have been identified as possible parking for the stadium. If these parking lots are needed to meet the stadium's parking demand, the team will work with the property owner to secure parking agreements.

**Comment K-2:** Renaissance Drive may be seen as potential parking for those attending events at the stadium. Renaissance Drive is a residential area within in walking distance to the proposed stadium. I anticipate people utilizing the street parking in lieu of paying for stadium parking.

**Response K-2:** A portion of Renaissance Drive is located within the 20 minute walking radius of the proposed stadium but is not currently proposed to be officer controlled. If game day parking becomes a problem for the residential neighborhood, controls would be shifted accordingly. The TMP describes a program that is intended to be flexible enough to respond to such unwanted circumstances.

**Comment K-3:** Another area that may be impacted is the commercial businesses along Tasman Drive and North First Street. Attendees who wish to ride the Light Rail System may look for parking in the parking lots near each station. Tasman Drive is entirely commercial along the light rail route as is most of the North First Street.

**Response K-3:** It is likely that some stadium attendees would park near North San José light rail stations and take the train to the stadium. There is no restriction on the types of patrons who choose to utilize light rail and no way to control where people board the LRT, so stadium attendees could choose to utilize transit at any convenient station within Santa Clara County. Consequently, it is unlikely that North San José light rail stations would experience an unusual concentration of vehicles parking in the vicinity, as compared to other light rail stations. Moreover, North San José rail stations along Tasman Drive and North First Street do not have park and ride lots. Because there will not be abundant and easily accessible free parking, it is unlikely that stadium patrons will make extensive use of those stations.

The reference to "commercial" on Tasman Drive is assumed to mean industrial/R&D/office uses. If stadium patrons choose to park on private property and utilize transit, the property owner has the option of limiting access to their site. Any cars parked illegally could be ticketed and/or towed.

**Comment K-4:** Another area of concern with regards to traffic congestion is the traffic associated to the ingress and egress of attendees. I have attached a document that identifies intersections that will be significantly impacted by traffic congestion with in the City of San Jose. This document also identifies the number of police staffing that would potentially be involved in managing the traffic flow before and after weekend events as well as events held during the week.

If you have any questions or concerns, please contact Lieutenant David Honda, Traffic Enforcement Unit, at 408-277-4525 or email at him at [david.honda@sanjoseca.gov](mailto:david.honda@sanjoseca.gov).

**Response K-4:** The information in this comment is acknowledged. Please also see Master Response III.B. Transportation Management and Operations Plan, which describes the collaborative process proposed for implementing and overseeing future traffic control and transit programs.

**L. RESPONSES TO LETTER FROM CITY OF SAN JOSÉ, SEPTEMBER 28, 2009:**

**Comment L-1:** The City of San Jose received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Santa Clara for the proposed 49-ers Stadium Project to be generally located on the south side of Tasman Drive, east of San Tomas Aquino Creek, and west of Centennial in the City of Santa Clara.

The City of San Jose appreciates the opportunity to review and provide comments on the Draft EIR and offers the following comments:

- Since the event traffic will significantly impact other jurisdictions, event traffic management operations need to be coordinated closely with those other jurisdictions, including the interoperability of the CCTV cameras, changeable message signs (CMS) on and off the freeways, and event management strategies, enabling multiple agencies to operate/control the cameras, and CMS signs.
- Santa Clara should coordinate with all affected agencies and should be prepared to coordinate City of San Jose traffic signal operations (ITS) efforts to help reduce the duration of traffic congestion and its resulting impact.

**Response L-1:** Please see Master Response III.B. Transportation Management and Operations Plan. The City of Santa Clara is working with VTA to establish an operations committee similar to the one created for the Downtown San José Arena (now HP Pavilion). It is anticipated that it will be multi-jurisdictional and will coordinate and oversee transit and traffic issues. The development of a Transportation Management and Operations Plan will provide a basis for implementing and managing transportation problems and solutions on an ongoing basis.

**Comment L-2:** • We expect that, due to heavy traffic flow on Tasman Drive during exiting times from the Stadium, the following streets will be susceptible to cut-through traffic. Please review the following Segments.

- Vista Montana, between Tasman and First Street
- Renaissance Drive, between Tasman and Montana

**Response L-2:** Renaissance Drive does not provide direct access to any major street. Vista Montana could be used as a shortcut for northbound traffic toward SR 237. Eastbound Tasman will not provide an exit for a substantial percentage of the exiting traffic, but could be congested for a brief period. However, if cut-through traffic becomes a problem for the residential neighborhood, controls could be shifted accordingly. The program described in the TMP is intended to be flexible enough to respond to all unwanted circumstances.

**Comment L-3:** • We also expect in-bound traffic flow to the Stadium to be heavy at the Lafayette and 237 off-ramp, and as result motorists could get off Hwy 237 at First Street and then use First Street to Gold Street in Alviso. Please review cut-through traffic through Alviso area including Gold Street.

**Response L-3:** It is projected that traffic congestion will be present at the SR 237/Great America Parkway interchange since it will serve as a direct access point to potential stadium parking areas. The use of the SR 237/First interchange and Gold Street through Alviso is a route that may be utilized to avoid congestion at the SR 237/Great America Parkway interchange. The use of Gold Street will result in a two mile travel distance between First Street and Great America Parkway instead of the one mile travel distance with the use of SR 237. Additionally, it is proposed that traffic control officers would be located at the SR 237/Great America interchange. Therefore, congestion at the interchange and on SR 237 and the use of Gold Street can be minimized by the officers. Should it be found that cut-through use of Gold Street becomes prevalent, temporary road closures at Gold Street/Great America and additional officers may be implemented as part of the traffic control plan on game days.

**Comment L-4:** • Weekday impacts are identified at intersection of Trimble & Montague Expressway on page 188 of the Draft EIR; however, no mitigation is identified in section 4.8.5 for this intersection. The EIR needs to identify the appropriate mitigation to improvement this intersection, which is a fly-over ramp identified in the County Expressway Study and North San Jose Area Development Policy. The project should provide a fair-share contribution toward the construction of this planned improvement to mitigate for the project impact.

- For impacts at the O’Toole & Montague intersection, the mitigation measure mistakenly states “the only improvement remaining for this intersection is the widening of Montague Expressway to eight lanes ... there are no other feasible improvements that can be made at the intersection.” The statement in the EIR is not correct. There is a square loop interchange identified for this intersection in the County’s Expressway Study as well as North San Jose Area Development Policy. Please update this EIR analysis and text. The project should provide a fair-share contribution toward the construction of this planned improvement to mitigate for the project impact.
- Pg. 208. Great America and SR 237(North) Mitigation Measure: An improvement has been identified at this ramp, associated with the nearby Legacy project, which includes realignment and extension of Great America Parkway north of SR 237, modifying the westbound SR 237 off-ramp and constructing an exclusive right-turn lane. The project should provide a fair-share contribution toward the construction of this planned improvement to mitigate for the project impact.

**Response L-4:** The text of the EIR had errors in the list of impacted intersections for weekdays in San José on page 188. Trimble/Montague should not have been listed. The list is correct in the TIA in Appendix H, however.

There is also an error in the description of the mitigation for O’Toole and Montague on page 207 of the DEIR, which should have been described the same way for weekday mitigation and for the cumulative scenario (page 294). Those references are corrected in the text amendments in this Final EIR. The project will contribute a fair share to the cost of all programmed mitigation for impacted intersections.

The mitigation required of Legacy for their project impacts would not qualify as programmed mitigation since there is no timeline for its implementation – it is not proposed by the City of San José. The project proposes fair share contributions to programmed mitigation measures



at four intersections in San José: North First/Montague, Zanker/Montague, O'Toole/Montague, and Trade Zone/Montague.

**Comment L-5:** • We support fair-share contribution to physical improvements as stated on page 204. Multiple level-of-service impacts occur for both project and cumulative scenarios along Montague Expressway. The project should contribute fair share contributions toward mitigations identified in the NSJDP and the County's Expressway Study. A methodology for determining fair share contribution has been discussed and tentatively agreed upon between neighboring cities including Santa Clara and San Jose.

**Response L-5:** Please see Response L-4.

**Comment L-6:** • The Draft EIR for the proposed Earthquakes Soccer Stadium located in the City of San Jose, has identified a level-of-service impact at the intersection of Coleman Avenue and Brokaw Road, a City of Santa Clara intersection. The project proposes to mitigate the impact with physical improvements. The City of San Jose has coordinated this with the City of Santa Clara and will be supportive of conditioning the soccer stadium to construct the mitigation regardless of the fact that the project proposes a 15,000 seat stadium and that this impact may only occur not more than seven times yearly.

**Response L-6:** The comment is acknowledged.

**Comment L-7:** • Revise Pg. 7 of the Draft EIR (Uses of the EIR) to identify the City of San Jose as a responsible agency, with responsibility for implementation of the traffic improvements discussed above.

We look forward to reviewing the Final EIR when it becomes available. Please provide me with a hard copy and a CD version of the complete Final EIR, including all technical reports/volumes of the document. You may send the document directly to my attention. If you have questions about the traffic comments) please contact Manuel Pineda, San Jose Department of Transportation at (408) 975-3295.

**Response L-7:** The requested addition to the list of responsible agencies has been included with the proposed text amendments in this Final EIR.

## **M. RESPONSE TO COMMENTS FROM CITY OF MILPITAS, SEPTEMBER 28, 2009**

**Comment M-1:** Thank you for continuing to include the City of Milpitas in the environmental review process for this exciting project. We reviewed the draft environmental impact report (DEIR) and have the following comments:

### Page 209 & 298 – Calaveras Boulevard Intersections

The DEIR correctly states that developments impacting this segment of Calaveras Boulevard are required to pay the established traffic impact fee to help fund the Calaveras Boulevard Widening project. This project included replacing the four lane bridge over the Union Pacific railroad tracks with a new six lane structure along with new bicycle and pedestrian facilities on both sides, an exclusive northbound right turn lane and an additional eastbound left turn lane at Abel Street, and operational improvements to correct horizontal alignment deficiencies from the overpass west to Abbott Avenue.

Payment of this fee would be considered adequate mitigation for the project impact at Abbott Avenue and the cumulative impact at Abel Street. Under the Milpitas traffic impact fee program, the proposed project would fall under the catch-all “Other Uses” category (i.e., constitute a land use that requires project specific nexus calculations). Therefore, the fee amount will be determined by Milpitas’ City Engineer after consideration and approval of a focused nexus study supplied by the project proponent. The implementing fee resolution and the fee study have been attached for reference.

**Response M-1:** The project is proposing to pay a fair share of the identified improvements to the Abbot/Calaveras intersection. Language clarifying that proposal is included in the proposed text amendments in this Final EIR. The project will have impacts at this intersection on a maximum of two to four days a year.

**Comment M-2:** Page 209 & 298 – I-880 Northbound and Tasman Drive/Great Mall Parkway The DEIR concludes that an additional second westbound left-turn lane would mitigate the project and cumulative traffic impacts to this intersection. Milpitas previously studied the additional lane for other projects within the City and found it to be infeasible for the following reasons: An additional lane would require acquisition of additional right-of-way, elimination of open spaces within the adjacent residential neighborhood, and impacts to the existing light rail crossing at this intersection. These environmental impacts of the recommended mitigation measures and their inconsistency with City General Plan open space policies and goals were not considered in the DEIR.

An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections (e.g., Tasman Drive/I-880 SB Ramps and Tasman Drive/Alder Drive). These measures will reduce impacts to the intersection, but not to a less than significant level.

**Response M-2:** The project will have impacts at this intersection on a maximum of two to four days a year, as is the case for the previously discussed intersection. The project is, therefore proposing to pay fair share contributions to programmed improvements already found acceptable and programmed for construction, including CEQA review, by the jurisdictions responsible for the impacted facilities. This alternative mitigation is not programmed and the project is not proposing a fair share contribution.

**Comment M-3:** Page 297 – I-880 Southbound and Tasman Drive

The DEIR concludes that an additional second eastbound right-turn lane would mitigate this cumulative impact. Milpitas previously studied the additional lane for other projects and found it to be infeasible for the following reasons: The Tasman/Great Mall Parkway overpass would require widening to accommodate the channelized eastbound right-turn movement and the elevated on-ramp would require widening to accommodate the receiving vehicles from the eastbound approach. These environmental impacts of the recommended mitigation measure were not considered in the DEIR.

An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections (e.g., Tasman Drive/I-880 NB Ramps and Tasman Drive/Alder Drive). These measures will reduce impacts to the intersection, but not to a less than significant level.

Page 297 – Alder Drive and Tasman Drive

The DEIR concludes that an additional northbound right-turn lane, a third southbound left-turn lane, and a second westbound left-turn lane would partially mitigate the cumulative impact to this intersection. The City of Milpitas has found these additional lanes infeasible due to impacts to pedestrian and bicycling crossings and impacts to the vehicle and light rail progression along Tasman Drive. These environmental impacts of the recommended mitigation measure were not considered in the DEIR.

An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections. These measures will reduce impacts to the intersection, but not to a less than significant level.

**Response M-3:** This information has been added to the discussion of mitigation for cumulative impacts in the proposed text amendments in this Final EIR.

**Comment M-4:** Montague Expressway

The project will have significant impacts on three Montague Expressway intersections located within Milpitas and San José. We expect that all the impacts be mitigated to the approval of Santa Clara County Roads & Airports Department and be consistent with the Comprehensive County Expressway Planning Study 2008 Update.

**Response M-4:** The project is proposing fair share contributions proportionate to the total number of days the impacts will occur, for programmed mitigation measures at all intersections for which such measures are identified and for which CEQA review has been completed. The measures are identified on pages 204 through 209 of the DEIR as modified by the text amendments in this Final EIR.

**Comment M-5:** Valley Transportation Plan 2035

The EIR refers to the VTP 2030; however, the VTP 2035 has been adopted and should be incorporated by reference.

We look forward to reviewing the Final EIR when it is available. If you have any questions, feel free to contact me at (408) 586.3278.

**Response M-5:** VTP 2035 was not available when this traffic report and EIR were being prepared.

**N. RESPONSE TO COMMENTs FROM HOGE, FENTON, JONES & APPEL, INC.,  
SEPTEMBER 25, 2009:**

**Comment N-1:** Cedar Fair, the owner and operator of the Great America theme park in Santa Clara, submits the following preliminary comments on the draft environmental impact report (Draft EIR) prepared by the City of Santa Clara for the 49ers Santa Clara stadium project.

Cedar Fair's comments on the Draft EIR are based on the limited information available to Cedar Fair at this time. On September 1, 2009, Cedar Fair submitted a request pursuant to the Public Records Act for documents and information that relate to the Draft EIR. One part of that request was for all documents the 49ers have provided to the City since January 1, 2007. On September 11, 2009, the City notified Cedar Fair that it would not provide a single page of documentation in response to this part of the request. Cedar Fair cannot comment fully on the Draft EIR without a thorough review of the requested documents and asks the City to reconsider its response. Further, Cedar Fair requests an extension of the comment period until after it has received and reviewed the requested records, as discussed below.

**Response N-1:** Cedar Fair has received copies of the Draft EIR and all of the technical appendices, which are the same documents available to all members of the public. While other information may be helpful for some in the review of the Draft EIR, it is only the contents of the circulated document that is subject to the State mandated public review process. This review is a minimum 45-day period, but in this case, the review was extended by an additional two weeks for interested parties to address the completed Draft EIR and its appendices.

**Comment N-2:** Cedar Fair and Great America  
Cedar Fair owns and operates the Great America theme park pursuant to a ground lease with the City. Cedar Fair pays a minimum of \$5,300,000 in rent each year for the right to operate the theme park, for substantial control over adjacent parcels, and for protection from interfering uses on those adjacent parcels. The City signed the ground lease for the theme park in 1989 and has, over the last 20 years, collected rent approaching a total of \$100,000,000. The theme park was one of the first major redevelopment projects in the City's North Bayshore Redevelopment Area, and it has served as a major anchor for the subsequent development of the area. In addition to the rent that the City receives each year under the ground lease, the City receives substantial benefit from the increased property taxes and sales taxes every year as a result of Great America. Cedar Fair enjoys providing important cultural and economic benefits to the residents and businesses of Santa Clara and contributing to the health of the community.

**Response N-2:** This comment does not speak to any aspect of the EIR and no response is required.

**Comment N-3:** Comments on the Draft EIR  
Cedar Fair has major concerns regarding the adequacy of the environmental analysis, the design of the project, and the City's entitlement process for the project:

1. The Draft EIR wrongly concludes that the project would not conflict with the Land Use Element of the City's General Plan. Land Use Policy 19 of the General Plan requires the City to develop the Bayshore North area as a long-term financial resource for the City, but the project could cause a major adverse impact on the City's financial resources by impacting attendance at Great America.

The proposed stadium is projected to produce annual income to the City of \$1,600,000, but will jeopardize rent from Great America in the amount of \$5,300,000. Interference with attendance at Great America could result in reduced property tax revenue, reduced sales tax revenue, reduced lease payments of \$5,300,000 per year, and liability of the City for Cedar Fair's financial damages.

The Draft EIR briefly considers whether the project would conflict with the Land Use Element of the General Plan, but totally fails to identify and consider the significant potential reduction in lease and tax revenue and the potential liability that could result from project. Cedar Fair outlined for the City this potential reduction of revenue and possible liability in a letter from this office to City Manager Sparacino dated September 3, 2009, which is incorporated by reference in these comments. Because of the failure to consider these financial losses, the Draft EIR wrongly concludes that the project would be consistent with the City's General Plan.

The revenue from Great America far exceeds the projected revenue from the project. The City receives a minimum of \$5,300,000 per year in lease revenue from Great America, a share of property taxes for the Great America site, and sales tax revenues. According to the projections prepared for the City by Keyser Marston Associates, Inc., the total revenue to the City's General Fund from the project would be average only about \$1.6 million per year for the first ten years of operation, and only about \$2.6 million per year over the next 30 years. Therefore, approval of the stadium could result in the City facing (a) a potential average net loss of revenue of more than \$3.5 million each year over the first ten years of the stadium and an annual loss of \$2.5 million in subsequent years and (b) potential liability for losses suffered by Cedar Fair.

**Response N-3:** This comment does not accurately reflect on the purpose and intent of the General Plan. Land Use Policy 19 does not “require” that the City Council make any land use decision based solely on maximizing revenue to the City, even on property north of Bayshore. Land Use Policy 19 is one of 25 General Plan land use policies that combine to establish the overall direction for future land uses in the entire City. Land Use Policy 19 does not mandate or prohibit any specific land use on any specific piece of property anywhere in the City. As reflected in the Draft EIR discussion (page 26), City staff determined that the City would benefit from the revenue-generating aspects of the proposed use, which is consistent with Land Use Policy 19.

Land Use Policy 7 includes a variety of uses that represent entertainment-themed activities within the Bayshore North Redevelopment Area. It promotes City actions that “Support the continued development of a visitor economy in the Bayshore North area, including lodging, entertainment, recreation, retail and a lively urban character.” The proposed General Plan Amendment would acknowledge “stadiums, arenas, sports and cultural facilities” as other specific “entertainment” facilities that complement each in a cohesive center for leisure time activity. In general, these activities have peak hours and days that differ from the weekly workday activity of this area that is also a significant employment center. That some of the entertainment activities may compete with each other for time and visitors is not an environmental impact.

The stadium project proposes up to 37 significant events per year, representing only eleven percent (11%) of the 365 days in the year when it may constrain access to the area and demand a substantial number of parking spaces in the vicinity. The NFL events and other significant events that occur in the fall and winter months will conflict only minimally with the well established Theme Park schedule of operations. The scheduling of any of the 40

events that may conflict with the Theme Park operations could reduce Theme Park revenues somewhat if patrons are discouraged from attending the Theme Park because of concerns of parking and traffic, but any resultant loss of Theme Park revenues is not an environmental impact.

The statements made in this comment about profits and losses that Cedar Fair thinks might occur are (1) speculative and (2) not environmental consequences of the proposed project. There is, therefore, no basis for discussing them in the EIR.

**Comment N-4:** The City has acknowledged that the stadium project may have an adverse impact on operations and attendance at Great America, but the Draft EIR fails to disclose this possibility and the City's possible losses and liability.

The Draft EIR should include a review of impacts of existing NFL stadiums on surrounding land uses. As one example, the Houston Texans built an NFL stadium in 2002 near an existing amusement park and that park closed three years later. Parking rights issues involving the football team and declining attendance were significant contributing factors to the closure. The City must disclose the possibility of a similar outcome here and the Draft EIR must analyze the potential significant impacts in such a situation, especially in an area that has been designated a redevelopment area.

**Response N-4:** This comment gives no context or source for the statement alleged to have come from the City (acknowledging an adverse impact), and no response is appropriate. As stated in the comment, the EIR does not identify such an impact on Great America.

The contention of nexus between a park closure and a stadium opening in Houston is vague and unsubstantiated. The EIR is not required to and could not responsibly conclude that such an impact would occur, based on an unsupported comparison.

Regarding the possibility that “parking rights issues” might cause the park to close -- Great America currently has (and will retain) access to 6,234 immediately adjacent parking spaces in the main lot and the City has the option of increasing that count by restriping the lot, as described below. The park also currently has the right to use 1,823 “spillover” spaces that are east of San Tomas Aquino Creek (1,150 feet from the front gate to centroid of the parking lot). Not all of those spaces will not be available under the project scenario, but (1) the main lot will be reconfigured to provide an additional 380 spaces (Area A on Figures 3 and 4 of the DEIR), and (2) the park will gain the right to use spaces in a parking structure immediately north of Tasman Drive (2,300 feet from the front gate to the centroid of the parking structure). The park will therefore have *more* proximate parking in the main parking lot with the project (estimated 6,614 versus 6,234 spaces in the main lot) and will have the rest of their 8,100 contractual spaces nearby.

Great America is open on weekends from late March in the spring until late May, plus Spring Break week; every day from late May until Labor Day; and thereafter on weekends until Halloween. Of this total (approximately 150 operating days), 6-12 of those days may coincide with NFL events (depending on whether one or two teams use the stadium as a home venue). Of those 6-12 NFL events, 2-4 of those days would be pre-season games which are not typically sold out (i.e., they would have lesser impacts and parking demand). The possibility of NFL-Theme Park conflict would be restricted to those few days (6-12 maximum) in August, September, and October (toward the end of the park’s season) when

the park would be open and events could occur on the same days. Other unknown significant events (less than 20 per year) would be scheduled by the Stadium Authority in cooperation with the Theme Park to minimize access and parking conflicts.

Given the specifics of the proposed project, it is not clear what impact or conflict the proposed project would have on or with the existing amusement park that is being referenced in this comment and would result in a substantial decline in attendance that would drive the park out of business. No further response is therefore possible.

**Comment N-5:** 2. The Draft EIR wrongly concludes that the project is compatible with surrounding land uses, because the Draft EIR fails to acknowledge that the project could have a major adverse impact on operations and attendance at the Great America theme park.

As discussed above, the project could have a significant adverse impact on Great America and the City's general fund. Despite this possible impact, the Draft EIR wrongly concludes that the project would be compatible with surrounding land uses. (See Draft EIR, Impact LU-3 at page 37.) The City must revise the Draft EIR to acknowledge that the project would be incompatible with Great America, discuss this significant impact, and consider potential mitigation measures. As one example, the Draft EIR must consider mitigating the impact of the project by restricting games and other events at the stadium to dates on which Great America has chosen not to be open for business.

**Response N-5:** The comment does not specify what kind of "significant adverse impact" would be alleged to occur, or what characteristic of the proposed stadium would trigger the impact. No significant land use impact on the park was identified in the land use section of the EIR. As stated in the previous response, there will be very few days in Great America's season when the park would be open on a day that a game would be scheduled at the stadium. Based upon the Theme Park's 2009 season calendar, during the late spring and early fall months, when the Theme Park is typically open on Friday, Saturday and Sunday, there are 16-17 weeks when the mid-week days would be available as options for possible non-NFL events that also would not conflict with Theme Park activity.

**Comment N-6:** 3. The Draft EIR incorrectly describes the stretch of San Tomas Aquino Creek adjacent to the project and wrongly concludes that the project would not have a significant adverse impact on the riparian habitat.

The 150-foot high west wall of the stadium and the two wide bridges over the creek would shade the bed and banks of the creek for a significant portion of the year and damage the value of the habitat.

The Draft EIR incorrectly describes the stretch of San Tomas Aquino Creek adjacent to the project, stating that the creek is "channelized in the project area and has little to no riparian vegetation and no trees within the creek channel or on the top of the banks." As a visit to the site demonstrates, however, the bed and banks of the creek are rock, sand, and dirt in a natural state, with levees set substantially away from the centerline of the creek. In addition, the banks of the creek contain grasses, bushes, trees, and other plant life that could provide habitat for birds, reptiles, amphibians, and other wildlife.

**Response N-6:** There are a few trees in this stretch of the creek, and that reference is corrected in the text amendments provided in this Final EIR. The creek was relocated in the past to the straight channel it currently occupies. The channel is maintained for flood control

purposes and lacks a well-developed riparian system, as noted in Comment F3 from the Santa Clara Valley Water District.

The rock, sand and dirt are not riparian habitat. Various definitions of riparian habitat emphasize that good quality riparian habitat is characterized by “well-developed, layered vegetation consisting of dense ground cover, understory, and canopy layers” and that such complexity is required to support the much higher bird diversity and abundance compared to channelized creeks with poorly developed riparian habitat.<sup>1</sup>

As noted here, riparian habitat is often characterized by substantial areas shaded by tree canopy layers, often with daylight reaching the ground and water surfaces only during midday hours. The few morning hours that would involve shading of the creek riparian area by the stadium structure would not result in a significant effect.

**Comment N-7:** During a visit to the site and the adjacent section of the San Tomas Aquino Creek trail on September 11, 2009, a Cedar Fair representative observed a wide array of plants and wildlife in the creek and on its banks, including a great blue heron, an egret, ducks and other waterfowl, various species of butterfly, willows, and bulrush, all of which are evidence that the riparian corridor provides suitable habitat for birds, fish, and amphibians. In addition, a large raptor was observed perched on a pole on the project site. A video record of the site visit and the view from the trail will be submitted under separate cover.

In addition to incorrectly describing the creek, the Draft EIR fails to analyze whether the stretch of San Tomas Aquino Creek adjacent to the project contains habitat for special status species. The Draft EIR states that there is no habitat on the project site, but the Draft EIR does not consider whether there are special status species or habitat on adjacent areas affected by the project.

**Response N-7:** The Draft EIR does not anywhere state that there is “no” habitat on the project site. The Draft EIR does state that “Most special status animal species occurring in the Bay Area use habitats that are not present on the project site.” It also states that “Salt march [sic], freshwater marsh, and serpentine grassland habitats are not present within or immediately adjacent to the site.” (§4.5.2.2, page 84) The section concludes with the statement that “Wildlife use of the creek corridor is sparse due to the intensity of surrounding development and the lack of vegetation and food sources within the riparian corridor” (page 85).

The DEIR does not say that there is *no* habitat value anywhere on or adjacent to the project site. It says that there are no special status species likely to be found on or adjacent to the property due to the lack of appropriate habitat and resources. That statement includes San Tomas Aquino Creek. The fact that there are sometimes birds and animals within the creek does not contradict any statement in the EIR. Birds and animals sometimes forage in parking lots, on grassy lawns, and in parking lot trees. Their presence in a parking lot does not mean that the parking lot is high value habitat or that the parking lot can support special status species.

---

<sup>1</sup> Rottenborn, S. C. 1997. *The impacts of urbanization on riparian bird communities in central California*. Unpublished Ph.D. dissertation, Stanford University



It is also relevant to acknowledge that periodic maintenance of the creek channel includes the removal of all vegetation from the sides of the creek, down to the low water line. Photo 39 in the proposed text amendments of this Final EIR illustrates the process, which was done earlier this year.

It should be noted that no video was ever received from this letter writer.

**Comment N-8:** As the Draft EIR acknowledges, Chinook salmon and steelhead trout spawn in other San Francisco Bay drainages in the area. Given that the stretch of the creek adjacent to the project site is of higher habitat value than the Draft EIR implies, the City must engage a qualified biologist to study the quality of the riparian habitat and survey the creek for Chinook salmon, steelhead trout and other special status species.

**Response N-8:** Approximately 5.5 miles upstream San Tomas Aquino Creek emerges from an underground pipe. The reach adjacent to the project site, when there is water present, is (as it is now) frequently shallow and slow moving. In the summer months, water in the creek is usually the result of localized irrigation drainage from landscaping. These conditions would not support special status fish species.

According to the Santa Clara Valley Urban Runoff Pollution Prevention Program website for the San Tomas Aquino Creek watershed, the only fish found in San Tomas Aquino Creek is the hitch, a native species found throughout Santa Clara County. The population of the species is considered “secure” by both US Fish and Wildlife and the State of California. It is not, therefore, special status.

**Comment N-9:** The Draft EIR also totally fails to acknowledge the fact that the two clear-span bridges would shade at least approximately 10,000 square feet of the riparian habitat all of the time, in addition to the shadows cast on other parts of the riparian habitat by the wall of the stadium.

In addition, the Draft EIR understates the impact of the 150-foot high by 600-foot wide west wall of the stadium. The Draft EIR acknowledges that the massive west wall would cast a shadow on the creek, but the Draft EIR concludes without analysis or substantial evidence that the substantial decrease in available direct sunlight could affect the diversity of plant life in the riparian corridor.

**Response N-9:** As a general rule, shaded riparian habitat (SRH) is considered a higher value habitat than non-shaded. As described above, riparian habitat is valued in part for the layered and dense qualities of its vegetative growth, including the extent to which the vegetation shades the stream and lowers the water temperature. Only when the shade is so deep that no sunlight reaches the vegetation during the day and inhibits growth is the shading considered a significant impact to riparian habitat. Both of the proposed pedestrian bridges will be free span – meaning that each will be a clear arch from bank to bank. Sunlight will be able to reach nearly all of the creek area under each bridge at different times of day.

Likewise, the sun and shade study done for the project (§4.2.2.3 of the DEIR) illustrates the shading anticipated to occur from the stadium structure. Shading will occur in the morning, but the creek will be in full sunshine in the afternoon during all seasons of the year. Shading will not, therefore, be sufficient as to inhibit vegetation growth.

**Comment N-10:** 4. The Draft EIR wrongly concludes that the loss of more than 300 mature trees on the project site and the associated loss of bird habitat and bird species would not be a significant impact.

The Draft EIR acknowledges that the project would eliminate more than 300 mature trees on the project site and that the loss of these trees would likely reduce the number of birds and bird species in the North Santa Clara area, and would even result in microclimate changes. However, the Draft EIR, without basis, nonetheless wrongly concludes that the project would have less-than-significant impact on biological diversity in the north Santa Clara area.

Even in the absence of an ordinance or policy for preserving trees, the loss of trees itself may be a significant impact. Where a project would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or threaten to eliminate a plant or animal community, the Draft EIR must conclude that the project would have a significant environmental impact, regardless of whether the plants or animals are separately protected by ordinance or policy.

In this case, as the Draft EIR acknowledges, the project would likely reduce the number of birds and bird species in the north Santa Clara area, which is substantial evidence that the project would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or threaten to eliminate a plant or animal community.

**Response N-10:** The thresholds of significance that were utilized in the assessment of vegetation and wildlife impacts for this project are all listed in Section 4.5.3.1 of the DEIR. These are also the same thresholds suggested in Appendix G of the CEQA Guidelines (Section IV). There is no threshold that says reducing the number of bird species in a localized area would be a significant impact.

This comment offers no basis for its statements that the impacts described would “substantially reduce the habitat of a fish or wildlife species” (nor does it say what species of fish or wildlife would be impacted) or that the loss of the trees would have a “significant environmental impact”. The DEIR does say that the project would likely decrease the number and variety of bird species in the project vicinity (which is not the same as the “north Santa Clara area”). The DEIR also states that the habitats used by most special status species in the area are not present on the project site. The possible exception, burrowing owls, are addressed on page 85 and no evidence of that species was found in the area.

Since the project site is not a “sensitive natural community identified in local or regional plans, policies or regulations” or anywhere else, is not within a migratory corridor or wildlife nursery site, does not contain wetlands or any special status species, the project would not have a significant impact under any of the thresholds of significance in §4.5.3.1.

**Comment N-11:** 5. The Draft EIR fails to identify or discuss the major visual impact that the project would have on the public trail along San Tomas Aquino Creek. The project would impose a massive wall approximately 150 feet high and 600 feet long a mere 250 feet from the public trail, completely altering the character of the view from the trail.

The Draft EIR totally fails to analyze the impact of the project on the view from the public trail along the section of San Tomas Aquino Creek west of the project. The trail is maintained by the City and is part of the City's recreational trail system.

The west wall of the project would be a massive face approximately 600 feet long and 150 feet high. The west wall would be only about 250 feet from the public trail along the east bank of the creek. The wall would eliminate any view of the hills and ridgeline to the east from that section of the trail, and it would completely alter the character of the landscape and the view from a long section of the trail from Tasman Drive south to Agnew Drive. A video showing the view from the current view of the eastern hills from the trail will be submitted under separate cover. The impact of the project on the view from the public trail would be significant and must be identified and discussed in the Draft EIR.

**Response N-11:** The DEIR describes the visual character of all elements of the project site, their surroundings and the area in general (§§4.2.1.1 through 4.2.1.3), including photographs (Photos 1-18). The top of the embankment on the east side of the creek is not a part of the trail system, but is a gated service road for the Santa Clara Valley Water District. The trail along the west bank of San Tomas Aquino Creek, one hundred and twenty-five feet to the west, is a part of the City's defined recreational and alternate modes transportation system. In the project area, the trail runs through the business/industrial parks northwest of Great America, past the back of the convention center near a row of non-native pine trees at the golf and tennis club (Photo 15 in the DEIR), immediately adjacent to the electrical substation and the Great America parking lot (Photo 2 in the DEIR), near the electrical receiving station (Photo 6 in the DEIR) and water storage tanks, adjacent to the Great America amusement park (and the helipad located in their maintenance yard) and through another office/industrial area to the south. The text amendments in this FEIR provide more photographs and some additional details about the existing aesthetic setting of the trail.

The trail is not designated as a scenic corridor. This segment is mostly in the City's industrial/R&D/office areas, connecting these job sites with residential neighborhoods to the south, and is adjacent to a number of utility facilities. This comment states that the project would completely alter the character of the landscape and the view from a "long section" of the trail from Tasman Drive south to Agnew Road. For clarification purposes, a set of photographs showing significant existing visual elements of the trail in the project area (starting north of Tasman Drive) is added to the EIR in the text amendments in this FEIR.

Views of both the western and the eastern foothills from this trail are intermittent in the existing condition due to existing development.

It should be noted that no video was ever received from this letter writer.

**Comment N-12:** 6. The Draft EIR fails to identify or consider potential mitigation measures that would substantially decrease the significant effects of the project on traffic, air quality, and global warming by increasing the use of public transportation.

The Draft EIR dismisses several potential mitigation measures that would lessen or avoid the project's significant impacts on traffic and air quality and concludes that the impacts are significant and unavoidable. In addition, the Draft EIR fails to consider other mitigation measures that would lessen or avoid the significant impacts by encouraging or requiring visitors to use public transportation rather than individual cars.

As one example, given that the City proposes to establish a parking district to control the use of off-site lots for stadium events, and given that the 49ers propose to allocate spaces to season ticket

holders, the City could restrict the amount of parking available to some amount less than the estimated demand for approximately 19,000 parking spaces, thereby effectively requiring visitors who are not allotted a parking space to either share a car with a visitor who has an allotted space or to take public transportation. This would substantially decrease the impacts of the project on traffic and air quality.

**Response N-12:** The average vehicle occupancy assumed for this project is 2.7 occupants per car, indicating that the project already has a very high occupancy rate compared to typical development or employment centers. There is no known method for “requiring” event attendees to use public transportation. Failure to provide sufficient parking could increase impacts from illegally parked cars. The Draft Transportation Management Program (TMP) prepared for the project anticipates that up to 20 percent of stadium attendees for NFL events would utilize transit, thereby reducing vehicle trips and parking demand in the area immediately surrounding the stadium site. Even with the aggressive TMP proposed, which includes physical and officer controls to preclude entry into residential neighborhoods, an intentional and substantial shortage of parking would likely have unintended consequences.

The text amendments in this Final EIR identify further transportation demand management techniques which the project is proposing to undertake in order to reduce vehicular traffic to the maximum extent possible. An alternative of substantially underparking the proposed project would not be environmentally superior. The project does propose to use positive reinforcement to encourage transit use.

**Comment N-13:** 7. The Draft EIR incorrectly describes the background traffic conditions in the vicinity of the project, and therefore substantially understates the significant impact that the project would have on traffic and air quality.

The traffic analysis in the Draft EIR understates the impacts of the project by using incorrectly low assumptions about existing traffic conditions. The City conducted traffic counts in order to characterize baseline traffic conditions on Sundays in the vicinity of the project. Unfortunately, these traffic counts understate average summer baseline traffic conditions by approximately 8% for morning hours and by approximately 9% for afternoon hours.

According to attendance figures maintained by Cedar Fair, the Sundays on which the City conducted traffic counts were days on which attendance at Cedar Fair was approximately 8%-9% below seasonal Sunday attendance, on average. As the Draft EIR acknowledges, the bulk of the traffic in the vicinity of the project on Sunday is trips to or from Cedar Fair. Therefore, by selecting days with below-average attendance, the Draft EIR systematically underestimates baseline traffic conditions. The City must revise the traffic analysis and the Draft EIR to increase background traffic assumptions in the vicinity of the project by 8%-9% to account for the new roller coaster.

In addition, Cedar Fair recently obtained conditional approval for the construction of a major new roller coaster at Great America. The Draft EIR fails to include Cedar Fair's anticipated roller coaster in its projection of background traffic conditions and instead makes a conservative projection based on factors derived from other types of land uses. (See Draft EIR at 158.) Based on Cedar Fair's experience with the impact on attendance of the installation of major attractions, the factors used by the Draft EIR to project background traffic substantially understate the likely background conditions. The City should revise its traffic analysis to include the likely increase in traffic due to the new roller coaster.

**Response N-13:** Counts were made in the summer of 2008, starting in June, soon after Great America began their summer hours. Because of the large number of intersections to be counted, counts occurred on several days. Sunday counts were done on June 15, 2008, June 22, 2008, June 29, 2008, July 13, 2008, July 20, 2008, August 3, 2008, August 10, 2008 and August 17, 2008. The counts were done on 8 of 14 possible Sundays during the months of June, July, and August. It is statistically unlikely that attendance was unusually low on more than half of the Sundays that summer. If two teams occupy the stadium, it is possible that most of the weekends from August through October could have a game scheduled that could conflict with Theme Park operations for one weekend day. The remainder of the games in any NFL season would occur after the close of the Theme Park Season.

The project proposal and the environmental review conducted for the new roller coaster assumed no substantial increase in traffic would be attributed to the ride. The project analysis and approval in May 2009 relied upon a categorical exemption that relied in turn upon a finding that “there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility.” Cedar Fair represented that the erection of the roller coaster was one of the annual improvements that are necessary to maintain attendance at least at traditional levels, in order to maintain the financial health of the operation. No substantial increase in traffic has been anticipated from the approval of the roller coaster.

**Comment N-14:** 8. In addition, the Draft EIR understates the background traffic conditions by not accounting for Cedar Fair’s business plan for the park. Cedar Fair's business plan for the park, consistent with the terms of Cedar Fair's lease of the park site, includes projects to improve the Park increase attendance on weekends during the fall, particularly on Sunday evenings, which is a growth opportunity for the park.

Cedar Fair anticipates a substantial increase in attendance on Sunday evenings over the next few years as Cedar Fair introduces additional events and activities. The City should revise the traffic analysis and the Draft EIR to increase background traffic assumptions in the vicinity of the project to account for Cedar Fair’s plans to increase attendance on fall weekends. The Draft EIR further understates the significant impact that the project would have on traffic conditions and air quality by overestimating the amount of parking that would be available for stadium events.

**Response N-14:** Consistent with City of Santa Clara policies and adopted CMP methodology, the traffic analysis for this project reflects background conditions that include existing traffic, traffic from projects that are approved and have certified CEQA documents, and improvements that are already programmed. In the proposal presented to the City prior to beginning of the Halloween events across several weekends in October, it was indicated that these fall events were intended to enhance lower attendance numbers than are typical after the Labor Day conclusion of the prime season and would ultimately maintain, not increase, attendance levels. The EIR recognizes that there could be conflicts between the Theme Park operations and large stadium events during the Theme Park season unless care is taken to avoid overlap of schedules.

Any new “projects to improve the Park increase attendance on weekends” and “additional events and activities” that would produce significant increases in attendance at the park would likely require further CEQA analysis by the City. As Cedar Fair has not yet filed applications for these potential projects, events and activities, they are not a part of the

environmental baseline for the analysis of project impacts, and they would not be included in the list of future projects for the analysis of cumulative impacts.

**Comment N-15:** The Draft EIR makes unwarranted assumptions about the amount of parking potentially available for stadium events. First, the Draft EIR makes an unwarranted assumption about the feasibility of procuring shared parking agreements. The Draft EIR states, without supporting evidence, that "It is reasonable to assume that use of approximately 20,000 parking spaces can be secured from more than 40,000 spaces available in the project area." However, based on the custom and practice in the commercial leasing market, the assumption in the Draft EIR is not reasonable. Most of the parking lots identified in the Draft EIR as potential parking supply are controlled by both landlords and tenants. Most often, tenants have exclusive parking rights at all hours. Therefore, in order to secure parking rights on any given lot, the City and the 49ers may need to obtain the consent of the landlord and all tenants who have rights in the lot, effectively giving each tenant veto rights over the parking arrangement. Given the difficulty of procuring parking under those Conditions, the Draft EIR should assume that no off-site parking is available unless the City or the 49ers can show actual agreements with the parties that control the parking rights.

Second, the Draft EIR assumes that the Permanent Parking Area for Great America is available for stadium events. Cedar Fair has exclusive use and possession of the Permanent Parking Area, and Cedar Fair intends to maintain the Permanent Parking Area for the exclusive use of Great America guests to ensure that the guests have convenient access to the park. There is no agreement in place for the use of this parking lot, so the present reality is that the potential parking supply for stadium events should be reduced by 6234 spaces.

**Response N-15:** There are 40,000 parking spaces identified within walking distance of the stadium. The 49ers organization has made contact with some of the property owners in the area to assess the viability of the parking program as described. Approval of the stadium will include the establishment of a parking overlay district that will establish rights and restrictions regarding stadium related parking on these properties, as described on page 16 of the DEIR. Any property owner wishing to participate in the parking program for the stadium will be required to obtain a condition permit from the City that will limit the current unconstrained parking rights for those days in a year that they choose to participate. They will then enter into an agreement to that effect that can run for one or multiple years.

Cedar Fair's use of the permanent parking areas is covered by its lease with the City. Its use is to the extent needed. As indicated in Response N4 above, most stadium events will not occur on days when the Theme Park is open and thus it is reasonable to assume that the parking is available.

**Comment N-16:** 9. The Draft EIR further understates the potentially significant impact that the project would have on traffic conditions and air quality by making unwarranted assumptions about parking demand. The Draft EIR ignores the likelihood that a substantial number of stadium visitors will drive around to search for available parking, thereby increasing the project's impacts on traffic and air quality.

**Response N-16:** As stated on page 19 of the DEIR, in the first paragraph, season ticket holders will be assigned a specific parking lot for the season and will receive their parking passes and specific directions to assigned lots when they get their tickets. As stated in footnote 13 on page 19, season ticket holders to 49ers games average 88 percent of all

available seating. While that same average may not apply to another team occupying the stadium, the same general mechanism of selling parking passes at a specific location with the ticket will apply. The parking passes would be accompanied by a map showing the parking location. On game days, as described in the Transportation Management Plan (TMP in Appendix I of the DEIR), routing in the area will be controlled by a combination of signals, signs, street closures, and police officers.

**Comment N-17:** The Draft EIR states that the City will establish a mechanism for annually determining the parking supply (Draft EIR at 17), but there is no mechanism or opportunity for the City to annually determine the parking demand. Without a procedure for determining parking demand, a determination of parking supply is virtually meaningless, because it provides no information about whether the supply is adequate to meet demand.

**Response N-17:** The DEIR discusses parking availability, parking supply, and the regulatory controls of parking throughout the document. This comment refers to text on page 17, but in the first paragraph on page 16 (as noted above in Response N14), it states that “City control of parking use entitlements and restrictions on off-site event parking on private properties and public streets would be defined by establishment of a parking control district in the area around the stadium.” The EIR further describes the likelihood that individual sites would change over time and that the rights to use off-site parking facilities will require land use entitlements within a “prescribed parking overlay”. This would all be tied to the PD zoning of the stadium. A City permit is assumed to be required for each property owner willing to participate. On page 17, the text refers to a process for renewing permits and reviewing the status of parking leases annually. The statement that there is no mechanism for annually determining parking demand does not take into account that records would be kept and notice taken of previous years parking demand, which is clearly inaccurate. Master Response III.B. Transportation Management and Operations Plan further describes how the City proposes to manage the interrelated issues of traffic and traffic control and off-site parking.

The regulation of off-site parking through the use of zoning and land use entitlements is a proven and standard practice in land use planning, and no unusual mechanisms or processes are required.

**Comment N-18:** The Draft EIR suggests that the 49ers might eliminate weeknight games if they are not satisfied with the parking arrangements for the upcoming season. Based on this statement, the Draft EIR assumes that parking supply will be sufficient to meet demand.

**Response N-18:** This comment is not accurate. The Draft EIR does contain the following statement (on page 17):

Should the shared use of parking lots or the provision of adequate transit services be unattainable for any given year for *potential weekday games*, [italics added] the team(s) will inform the NFL that they will forego weeknight games on their schedule for that year.

The statement only applies to weeknight games because the shared parking agreements may be determined to not be possible during the regular work week at some point in the future.

**Comment N-19:** However, the statement that the 49ers will forego weeknight games for any year in which the shared use of parking lots or the provision of adequate transit services is unattainable does not provide any assurance that there will be adequate parking for stadium events. First of all, it is unclear what the statement even means; does "Should the shared use of parking lots ... be unattainable" mean only a situation in which there are no shared lots? Or does it mean a situation in which there is not sufficient dedicated parking to meet demand? If the stadium will not host any weekday games in years that the City and the stadium are not able to show that dedicated parking supply and transit services are adequate to meet anticipated demand during the upcoming season, then the conditions of approval for the project must clearly include such a restriction.

Second, a commitment not to host weekday games is severely insufficient, because it does not address weekend games or non-NFL events, where the parking demand could be just as high. Therefore, the terms of the project as stated in the Draft EIR do not support the Draft EIR's critical assumption that there will be sufficient parking for stadium events. The City must revise the Draft EIR to analyze the possibility that a substantial number of stadium visitors will drive around to search for available parking, thereby increasing the project's impacts on traffic and air quality.

**Response N-19:** The statement in the DEIR utilizing "attainable" in this context means achievable. Should the shared use of parking or adequate transit service not be achievable for weekday games, there will be no weekday games. The shared use of parking lots is described very specifically in this EIR, including numbers of spaces and general location, maintenance, management, security. Any reference to shared use of parking lots refers to the program that is proposed as part of this project. Likewise a specific modal split and assumptions about transit use are described in the EIR. There are some acknowledged uncertainties about exactly how the transit service will be achieved and the greatest uncertainty about transit will be having sufficient capacity available on weeknights when the demand is highest. Therefore any reference to "adequate transit service" is to the level of capacity described in this EIR.

Master Response III.B. Transportation Management and Operations Plan further identifies the working process the City proposes for the time period leading up to the stadium opening, and the oversight that would be provided for all elements of the multi-modal transportation program.

**Comment N-20:** 10. The Draft EIR correctly identifies several environmentally superior alternatives to the proposed project, each of which is at least as feasible as the proposed project. The City and the 49ers should pursue these alternatives in lieu of the proposed project. CEQA prohibits the City from approving the project as proposed, given the availability of feasible and environmentally superior alternatives.

Because the proposed project would have significant environmental impacts, and because the Draft EIR identifies potentially feasible alternatives that would be environmentally superior to the proposed project, CEQA prohibits the City from approving the project as proposed. Instead, the City must either deny the proposed project or adopt one of the environmentally superior alternatives.

The Draft EIR identifies two project alternatives that are environmentally superior to the proposed project: the enclosed stadium design alternative and the Great America main lot design alternative. Each of these project alternative would meet most of the project objectives and is potentially feasible, based on the information in the record. Both the proposed project site and the main lot alternative site are subject to the same ground lease to Cedar Fair. The use of either site-the proposed project site or



the main lot design alternative site-is subject to the approval of Cedar Fair under the terms of its lease with the City. Therefore, the proposed project and the Great America main lot design alternative are equally feasible or infeasible.

**Response N-20:** The California Environmental Quality Act recognizes that approval of a project in the context of an evaluation of alternatives involves not only that some alternatives may be feasible and environmentally superior, but also the degree to which any of the alternatives or the project meet the objectives of the applicant and the City.

**Comment N-21:** 11. The City has effectively precluded meaningful consideration of the analysis, mitigation measures, and project alternatives discussed in the Draft EIR by approving the Term Sheet before it certified an EIR for the project.

The adoption of the Term Sheet on June 2, 2009, was a significant step in the approval process and should not have occurred prior to completion of proper CEQA review. The City put the cart before the horse by approving the Term Sheet for the stadium project before it even released the Draft EIR for public comment. CEQA requires the City to conduct its environmental review of the project at the earliest reasonable opportunity to ensure that there is a meaningful opportunity to revise the project to reflect the results of the environmental review. By approving the Term Sheet before it certified an EIR for the project, the City violated that requirement.

**Response N-21:** The City's actions regarding its approval of a Term Sheet between the City and the 49ers were preliminary in nature and did not constitute a project approval. The consideration of the Term Sheet by the Council provided a mechanism to publicly discuss the status of negotiations with the 49ers and to receive input from the community regarding the proposed project. The City Council is expected to place the proposed project before the citizens of the City in a ballot measure. The City Council has directed the City Manager to complete the EIR so that it can be considered and certified as to the potential environmental effects of the proposed stadium before the Council takes an action to place the terms of the proposed project on the ballot for the voters.

**Comment N-22:** Public Records Act Request

Cedar Fair submitted a request for records regarding the stadium project to the City of Santa Clara on September 1, 2009. Cedar Fair asked the City to provide the documents and other written records regarding the stadium project that the City has received from the 49ers since January 1, 2007, all of which are public records which Cedar Fair and other members of the public are entitled to inspect. However, the City notified Cedar Fair on September 11, 2009, that the City has refused to provide any of these documents and information. In response to the second part of Cedar Fair's request under the Public Records Act, the City provided an incomplete list of people and agencies consulted during the preparation of the Draft EIR. [Footnote: The City is required to list in the Draft EIR all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the Draft EIR. The purpose of this requirement is to give the public an opportunity to see whether the City consulted with the appropriate persons and agencies that have special expertise with regard to the potential impacts of the project, or whether the City instead relied primarily on information received from the project applicant. The City did not include the required list in the Draft EIR. This is information that CEQA specifically requires the City to include in the Draft EIR.]

**Response N-22:** On September 29, 2009, the City informed Cedar Fair that it would reexamine its records and reconsider Cedar Fair's public record request. On October 14, 2009, the City made available to Cedar Fair non-exempt documents in response to Cedar Fair public records request. At Cedar Fair's request, the City copied 756 pages of documents for delivery to Cedar Fair. In addition, on October 22, 2009, the City made additional project related documents available to Cedar Fair as a result of a second public records act request by Cedar Fair. The City copied an additional 54 pages for delivery to Cedar Fair.

Most of the organizations and resources consulted in preparing the DEIR are listed in Section 12.0 References. In addition, Appendix O includes the Notice of Preparation and the responses to the NOP received by the City from a number of public agencies. The list of individuals consulted was omitted in error but the names are available in the Planning and Inspection Department of the City. The information is included in the text amendments included in this Final EIR. The purpose of public review of a CEQA document under the State Public Resources Code and the CEQA Guidelines is to allow agencies and the public to comment on the contents of the document. While additional materials may be helpful to any reviewer of the EIR, the review is directed to the materials contained with the document. A valid EIR comment by anyone may include reference to specific information that is missing from the document, but correspondence between the applicant and the City is not necessarily or likely germane to the CEQA analysis.

**Comment N-23:** The City continues to deny Cedar Fair and the public their opportunity to comment meaningfully and fully on the Draft EIR until the City provides the requested records. Cedar Fair will continue to pursue its right to obtain the public records requested from the City. Cedar Fair believes that the requested records will provide additional insight into the project, its environmental impacts, and potential mitigation measures and project alternatives.

In addition to the problems discussed in this letter, Cedar Fair has identified a number of other potential problems with the Draft EIR, the design of the project, and the City's entitlement process. However, Cedar Fair would like the opportunity to review the records that it has requested, in order to clarify the extent and nature of the problems before submitting its additional concerns. The sooner that the City provides the requested records, the sooner Cedar Fair will be in a position to provide its additional comments.

#### Request for Extension of Public Review Period

For a project of this magnitude, particularly one that will be subject to a public vote, the City should ensure that the public has an adequate opportunity to review and analyze the material presented. Given the volume of material presented in the Draft EIR-several thousand pages-and the complexity of the impacts, Cedar Fair requests that the City extend the public comment period on the Draft EIR for an additional 15 days, to October 13, in order to provide the public with adequate time to review and analyze the document.

In addition, Cedar Fair requests that the City extend the public comment period on the Draft EIR until at least 15 days after the date that the City provides Cedar Fair with all of the records it has requested, so that Cedar Fair and the public have adequate time for review. Cedar Fair remains deprived of a fair opportunity to comment on the Draft EIR until the City provides the requested records.

**Response N-23:** As discussed above, the City provided Cedar Fair access to the City's public records and copied 810 pages of documents for Cedar Fair. On July 14, 2009, the 49ers made a public presentation to the City Council on the proposed stadium design.

The City has provided environmental analysis that it believes is complete and thorough in addressing the full scope of potential environmental effects of the proposed stadium project. The CEQA Guidelines, codified in the California Code of Regulations, indicates that EIRs should circulate for not less than 45 days or more than 60 days, except in unusual circumstances. The City extended the 45-day review period by an additional two weeks.

**O. RESPONSE TO COMMENTS FROM WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT, SEPTEMBER 25, 2009**

**Comment O-1:** Thank you for including the West Valley-Mission Community College District in the public review process of the Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project. The District is providing the following comments for your consideration in the completion of the environmental review process.

1. Introduction, (Page 5): The third paragraph indicates, "off-site parking is proposed to be located in existing parking facilities throughout the industrial office area that surrounds the proposed stadium site. Rights to the parking would be subject to the regulations of a parking overlay district and parking program approved by the City and would be secured by contractual arrangements for large stadium events. Figure 5 shows the locations of the proposed parking areas."

Comment: Figure 5 identifies approximately 2,769 parking spaces on District-owned property that are included in the available parking inventory for future stadium events. The District welcomes the opportunity to assist the City in its creative approach to provide the parking supply necessary for stadium events. We would note that the availability of parking for these events would be subject to the changing parking needs of Mission College as it implements its Master Plan development and other District obligations, and appropriate mutual use of the college's parking lots will be addressed in contractual discussions with the City. Please see Comments 2 and 3 for additional information.

**Response O-1:** The City is assuming that individual contracts for use of off-site parking will be negotiated by the property owners to reflect their respective needs. Stadium parking permits could be revised on a yearly basis as necessary to ensure that the parking agreements do not conflict with the evolving operations of the participating businesses.

**Comment O-2:** 2. Description of the Proposed Project, (pages 12 through 13): The DEIR includes a detailed discussion of the types, frequency, and timing of events that would occur at the proposed stadium. These include both NFL football events and non-football events that would be limited to evenings and weekends to avoid conflict with surrounding office and commercial businesses.

Comment: Mission College provides educational services during weekday evenings that may affect the availability of potential parking supply for the limited number of football events and non-football events that could occur during weekday evenings. The DEIR specifies that weekday NFL games "would only be scheduled if there is sufficient parking available in off-site parking lots, which is subject to the approval of businesses who control the off-site parking lots" (Page 13). Subject to the scheduling requirements of Mission College operations and special events, the parking facilities of the college may not be available for mutual use during weekday evenings. These arrangements can be part of the contractual discussions with the City.

**Response O-2:** In negotiating the contract for use of their properties, it is assumed that Mission College will ensure that only available parking spaces are identified for use by stadium attendees during the appropriate time periods.

**Comment O-3:** 3. Land Use, (Page 37, Land Use Impacts, paragraph 5): The DEIR indicates that "sources of conflict could be issues such as traffic, ingress/egress, parking availability, and pedestrian safety. Since the City of Santa Clara will own the stadium and is the underlying property owner for

the adjacent facilities, the city will retain the ability to oversee event scheduling and planning. The City and the 49ers team have both stated their intentions of scheduling football games and other non-football events at times that do not conflict with the planned use of nearby facilities."

Comment: The District commends the City's commitment to minimizing the potential disruption from stadium events upon nearby residential, institutional, and commercial uses. While there exists a significant potential for project-related traffic to interfere with timely access to the Mission College campus, the limited number of weekday evening events and the development of a new in-stadium traffic control center (page 10, paragraph 4) linked to the city's existing electronic traffic control system should minimize these potential conflicts.

**Response O-3:** This comment is noted.

**Comment O-4:** 4. Land Use, (Page 38, Land Use Impacts, paragraph 2): The proposed project would encourage tailgating in designated parking lots that are more than 750 feet from residential properties.

Comment: The District understands that it is one of the objectives of the project applicant to enhance the football event experience by accommodating tailgating activities (page 5, Project Objectives, bullet item 7). These activities are to be located at an appropriate distance from sensitive receptors such as residential uses. Land use compatibility with nearby existing uses is a concern for the College. Please see Comment X, Noise, for a recommendation that addresses this concern.

**Response O-4:** Please see the response to Comment O8 below.

**Comment O-5:** 5. Land Use, (Page 38, Land Use Impacts, paragraph 4): The proposed project would displace Santa Clara Police Department training activities from an overflow parking lot for Great America Theme Park. The DEIR indicates that there are other large parking areas within the City that could be utilized.

Comment: The Santa Clara Police Department may wish to consider conducting its training exercises at the Mission College parking lots. The District would be open to discussions regarding the availability of the college's parking facilities for these training exercises.

**Response O-5:** This comment is noted.

**Comment O-6:** 6. Land Use, (Page 40, Population and Housing Impacts, paragraph 3): The DEIR states that many part-time or seasonal jobs could be filled by students or seniors, alleviating potential population and housing impacts of the proposed project.

Comment: The District would initiate discussions with the City and project applicant to establish a program that would provide well-qualified part-time and seasonal workers for stadium operations. In addition to alleviating population and housing effects of the project, this program would also assist Mission College students, particularly those that are enrolled in the college's Hospitality Management curriculum.

**Response O-6:** Revisions to reflect this concern have been added to the EIR text in the proposed text amendments in this FEIR.

**Comment O-7:** 7. Transportation and Circulation, (pages 120 to 210): The DEIR presents a comprehensive and thorough evaluation of potential traffic impacts that would result from anticipated stadium development and use. The transportation analysis concludes that the proposed project could have a significant impact on eight intersections in Santa Clara, including the Mission College Boulevard/Great America Parkway intersection, during eight events per year. This would include up to four NFL events and four non-NFL events.

In order to mitigate these impacts, a traffic control plan is proposed as part of the TMP and is designed to move vehicular traffic associated with the stadium efficiently from regional transportation facilities to arterials and into designated parking areas. The traffic control plan identifies road closures, intersection lane configuration changes and locations that will be controlled by uniformed officers. Planned road closures and officer-controlled intersections are shown in DEIR (Figure 61). The officers will facilitate traffic flow, and minimize congestion, manage pedestrian traffic to minimize conflicts with vehicular traffic, and communicate with the stadium traffic control center to request signal timing adjustments as needed. The consulting traffic engineer believes that the congestion at the affected intersections can be adequately managed by the proposed traffic control measures.

Comment: The District concurs with the traffic engineers' assessment concerning the need for a comprehensive traffic control plan as part of the Transportation Management Plan. In order to minimize the overall cumulative traffic effects on the Mission College Boulevard/Great America Parkway intersection, the District will coordinate its mitigation efforts with the City as the Mission College Master Plan improvements are implemented; District sponsored mitigation measures are as defined in the FEIR for the Mission College Master Plan.

**Response O-7:** This comment is noted.

**Comment O-8:** 8. Noise, (Pages 236 and 253): Table 29 on page 236 shows noise levels considered compatible with specific land uses. The table indicates that noise levels compatible with residential uses are equivalent to compatible noise levels for educational uses. Page 253, Section 4.10.3.3, Stadium Event Mitigation, second bullet item, indicates that tailgating in surface parking areas within 750 feet of residences will be prohibited.

Comment: The District requests that the restrictions placed upon noise generating activities such as tailgating be expanded to include educational uses. Text changes for Stadium Event Mitigation measures would involve changing the term "~~residences~~" to "residential and educational uses." While the District will be able to control pre-game activities on District-owned parking facilities through potential contracts with the City, it would be important to control potential noise intrusion from nearby non-District parking facilities.

**Response O-8:** The requested revisions have been added to the text amendments in this Final EIR.

**Comment O-9:** The District would appreciate the City's consideration of these comments in the preparation of the Final Environmental Impact Report (FEIR) and requests a copy of the FEIR for review upon completion. The District is committed to working with the City to ensure the successful implementation of its mitigation program as project planning and development progresses.

**Response O-9:** These comments and the suggested text amendments will be part of the Final EIR considered by the City Council prior to considering the proposed project.

**P. RESPONSE TO COMMENTS FROM ABRAMS ASSOCIATES, INC. , SEPTEMBER 28, 2009:**

**Comment P-1:** On behalf of Prudential Insurance Company of America, Abrams Associates have reviewed the Draft Environmental Impact Report (DEIR) and the Draft Transportation Management Plan (TMP) prepared for the 49ers Stadium Project. Our client owns and manages the office complex at 4555-59 and 4655-69 Great America Parkway (Prudential Property), which is located very near the proposed project and directly adjacent to the Great America Theme Park. The Prudential Property is well within the fifteen minute walking radius and has a total of 2,026 parking spaces in two six-story parking garages. Access to the Prudential Property is via the Great America Parkway which will be greatly affected by the proposed project and the TMP, especially during weekday events. Proper planning for access to and from the Prudential Property will be critical given its unique location and access constraints.

Prudential recognizes that the proposed Stadium Project has wide community support and is likely to bring significant benefits to the area. Prudential also believes that, with careful planning and thoughtful implementation, the significant transportation impacts of the proposed project can be mitigated effectively. However, while the DEIR and the TMP represent a good start, additional work is clearly needed in order to assure that the stadium project will not have an unnecessary negative effect on office tenants and other users that rely on the Great America Parkway for access. We are confident that with such efforts, effective solutions can be identified and implemented.

**Response P-1:** An EIR prepared at an early stage of project development can only address the level of specificity of what is known. CEQA Guidelines §15004 advises that “EIRs...should be prepared as early as feasible in the planning process”. As described in Master Response III.B. Transportation Management and Operations Plan, it is the City’s intention to work closely with VTA, the County, and neighboring cities to develop the project design and the TMP into a detailed and comprehensive operations plan appropriate for the implementation of the full project. Traffic management and operations related to weekday stadium events will be of particular concern so as to minimize adverse effects upon businesses operating in the vicinity when these events occur.

**Comment P-2:** The majority of the comments in this letter are directed towards the Transportation Management Plan (TMP) and how it would affect access to the Prudential Property. The TMP must become an integral part of the DEIR and the Conditions of Approval and must specify provisions for access and parking for tenants of the Prudential Property. There are four specific issues that need to be resolved in the final TMP.

1. Tenant access both to and from the Prudential Property during events must be specifically provided for. The TMP will need to provide details on how this will be accomplished.
2. There will need to be specific plans and/or provisions for the exit of office employees from the Prudential Property before (and during) weekday events. The DEIR and TMP indicate that this will be problematic for employees not only in the hours leading up to events but also when the proposed officer-controlled traffic restrictions are established at the intersections adjacent to the project.

**Response P-2:** The TMP is a preliminary operations plan that is proposed as part of the project. As stated in Response P-1 and Master Response III.B., the City will be preparing a



comprehensive Transportation Management and Operations Plan that will address all aspects of physical systems and ongoing operating plans associated with stadium operations.

It is the City's intention that the operations plan prepared for this area will address in specific detail the elements required to move employees from the office buildings and game attendees into the parking lots. While substantial congestion will occur during the time period closest to the start of the games, the planning reflected in the TMP and the EIR assume that office employees will be leaving buildings in the area. The DEIR states, on page 183, that:

“The assignment of stadium traffic during the weekday scenarios therefore assumes stadium attendees arriving and office departures occurring during the same period, utilizing the existing roadway network with no active (i.e., officers or signal overrides) control and without the road closures that may occur.”

**Comment P-3:** 3. The Prudential Property is one of those identified as potentially providing parking during large stadium events. Prudential will certainly consider such a proposal at the appropriate time. However, Prudential believes that providing event parking on weekdays would be challenging. Even on weekends it will be necessary to maintain a substantial number of parking spaces, perhaps 500 or more, for tenant use during events. We expect that other nearby office buildings may also want to retain some tenant parking during events. That means the plans for use of the Prudential Property for stadium patron use will need to address not only the needs of stadium parkers but also the concurrent use of a portion of the parking by office tenants.

**Response P-3:** Each property owner who wishes to participate in the stadium off-site parking program will need to establish the parameters for allowing shared use of their own parking lots and ensure that those requirements are embedded in the agreements they enter into. A parking overlay district that will be a part of the stadium zoning approval process will establish rights and responsibilities for all properties within the district, whether they participate fully, partially, or not at all. Access to all private property can and will be maintained. During the one to two hours immediately following a game, however, access into the area will be significantly impeded, creating inconvenience for non-stadium activity in the immediate vicinity. Provisions will be made through the intersection control systems and the officers in the area for emergency vehicle access.

**Comment P-4:** 4. There must be a mechanism in the DEIR or the TMP (or a condition of approval) that will specify the maximum number and type of both large and medium sized events that will be permitted. There also needs to be more details on the approval process for exceeding those maximums so that additional analysis and mitigations can be undertaken if necessary.

**Response P-4:** CEQA requires that subsequent environmental review for any modifications to the proposed project that would result in new significant impacts or substantial increases in the significance of environmental impacts. The PD zoning and permits issued for the project will reflect the essential characteristics of the proposed project and will be approved after substantial public notices and hearings.

**Comment P-5:** The Draft Transportation Management Plan (TMP) - The Transportation Management Plan (TMP) has been developed at a very general level. The major concern is the lack of detail in the DEIR and the TMP on the number and types of non-NFL events and the mechanisms

restricting the numbers of these events, pending additional analysis. The following are our specific comments on the TMP.

**Response P-5:** Please see responses to Comments P-1 and P-2 above.

**Comment P-6:** Maximum Number of Events - The completion of the Final TMP with the specifics on the access to the Prudential Property should be a condition of approval for the project. Please clarify how this would be accomplished or if it is already considered to be part of the proposed project.

**Response P-6:** The TMP is part of the proposed project. As stated in Response P-1 and described in Master Response III.B., above, it is the City's intention that an ongoing transportation management working group will be formed that will help the City prepare and implement a transportation operations plan to oversee all of the complex transportation and transit issues associated with the design, construction, and operation of the stadium. The TMOP that will be required as a mitigation measure of the project approval and which will be completed in time to be in effect on opening day of the stadium will include relevant provisions of the TMP.

**Comment P-7:** The EIR concludes that the number of weekday events do not occur "often enough" to warrant the need for the DEIR-identified traffic improvements on the Great America Parkway. While the number of weekday football games each season may be predictable, the maximum allowed number of other events that can be scheduled are not. There needs to be a stricter quantification of the maximum number and a clear definition of the approval process for expanding the approved maximum for weekday events beyond the number addressed in the DEIR. If the number of weekday events (both large and medium sized) could grow substantially then additional transportation mitigations may need to be implemented before an expanded number of weekday events is allowed.

**Response P-7:** The project proposal includes fewer than 30 non-NFL large events per year. It assumes that weekday events will be limited to only a portion of those 30 events, due to availability of parking on commercial lots, insofar as most businesses will likely be unwilling to give up parking to that extent. The project description in §2.3 points out that large stadium events would only be scheduled during normal business hours if adequate parking can be provided. Substantial growth of large events above the proposed 30 events would require amendment of the stadium zoning approval.

**Comment P-8:** Exit Plan for Office Employees in the Area-The DEIR indicates that when there are events on weekdays there will be very poor traffic operations (LOS F conditions) at numerous intersections along the Great America Parkway in the period leading up to the implementation of the special officer-controlled traffic restrictions that would apparently begin at 5:00 PM. In addition, based on the "proposed inbound lane configurations and control" shown in Figure 9 of the TMP, it appears it would be very difficult to exit the Prudential Property before events. Specific provisions and a plan for office employees to exit the area before and during events must be incorporated into the Final TMP. This may require establishing a separate set of officer controlled restrictions in the period when most office employees would be exiting the area (approximately 2:00 to 4:00 PM). This will be required regardless of whether or not there is an agreement reached for the use of Prudential Property parking during events.

**Response P-8:** Please see Response P-2 above. The conditions described in the DEIR are those that are anticipated to occur prior to weekday games, the “worst case” scenario for the proposed project. The shared parking plan assumes that office employees in those buildings where shared parking will occur would vacate prior to 3 p.m., as required by the agreements. The traffic impact analysis assumes that those employees will begin to leave at 3 p.m. Reality is likely to be somewhere in between. A plan for people that are not affiliated with an event at the stadium to access or leave any one of the office buildings will be developed as part of the transportation operations plan developed for the area (Please see Master Response III.B Transportation Management and Operations Plan).

Also, please note that the TMP on page 30 says that pre-game set-up of cones, signs and officers should be in place *four hours* prior to the start of the game, not at 5 p.m.

**Comment P-9:** 24-hour Property Access During Events - The Final TMP must include provisions for 24-hour access for tenants to get both to and from the Prudential Property during stadium events, both NFL and other events. Based on the current TMP it appears there could be periods where this would not be possible. This is unacceptable given the 24-hour research and development activities that take place on the Prudential Property.

**Response P-9:** As stated in Response P-8, provision will be made for persons to have access to and to exit private properties in the area. The plan will be prepared as part of the development of the transportation operations plan prepared for the area.

**Comment P-10:** Planning for Inbound Traffic Operations During Events on Weekdays - The DEIR and the TMP have much greater detail on outbound conditions after large events but there needs to be more analysis and planning of the inbound component prior to a game. Figure 12 details the outbound conditions, but there is no suitable or comparable inbound lane capacity plan included. Inbound conditions on weekdays should be analyzed as the worst case scenario since they overlap with the substantial volumes of commute traffic in the area.

**Response P-10:** The TMP is an operations plan, not a traffic impact analysis. The complete analysis of traffic movements, inbound and outbound, is found in Section 4.8 of the DEIR and in Appendix H. Table 22 in Appendix H is a summary of arrival and departure road capacities. Figure 59 in the EIR is a micro distribution of stadium-related trips in and out of the area. Figure 60 in the EIR shows the general routes to identified parking zones, since the specific routes cannot be determined until the leases are finalized for shared parking agreements. In addition to these routes, the specific impacts at individual intersections, taking into account both exiting and arriving traffic, are described in Section 4.8.4.4 of the DEIR.

**Comment P-11:** Non-NFL Events - These events could theoretically be more frequent than football games but are given little attention in the DEIR or the TMP. NFL events will mostly involve repeat visitors who will learn where to park, how to take transit etc. NFL visitors will have assigned parking spaces with specific access routes laid out for each parking area. On the other hand, non-NFL events would more likely involve people with less experience and information on how to access the stadium site. These events will likely attract more motorists who have little familiarity with the area. This may actually be the worst case scenario from a traffic planning perspective. In response to this issue there needs to be a distinct traffic management plan developed for non-NFL events. The roadway closure plan, changes in lane usage, one-way streets, and assignments of police traffic control may

need to be different than for football games. A detailed plan of this type should be included in the TMP, analyzed in the DEIR, and be adopted before the first such large non-NFL event takes place.

**Response P-11:** The TMOP described in Master Response III.B., is an operations plan for both NFL and Non-NFL traffic. For a complete project description, including Non-Football Events, please refer to Section 2.0 of the DEIR; Section 2.1.5.2 describes non-football events. As stated in that section, non-football events that require access to shared off-site parking will be restricted to evenings and weekends, to avoid conflict with employees of businesses in the area. Smaller events at the stadium which would require only the parking adjacent to the stadium, in the parking garage and on Sub-Area A across Tasman Drive, would not have time-of-use restrictions.

**Comment P-12:** Advance Planning - It is important to note that the specific parking plans contemplated under the TMP should be prepared well in advance of each event. This will allow any affected property owners enough time to communicate with their tenants, and have the parking areas cleared of as many vehicles as possible prior to the event. This will also permit each property owner with an agreement for events adequate time to plan for their own contingencies.

Parking Issues - The proposed parking plan for game-days has been reviewed but neither the EIR nor the TMP provides sufficient details on the parking management plan for weekdays. The plan for reserved parking spaces for 49ers patrons has a number of questions, particularly with respect to the exact times that tenants of any properties that agree to provide stadium parking will be required to vacate the parking garage before football events. It is also important to note that there is no comparable plan for other events in the stadium, which may have very different parking issues, and no method of directing patrons to a particular parking location.

From the standpoint of the building managers, reaching an agreement to allow some of their parking to be used by stadium patrons could be complicated because it may be problematic for them to guarantee that any agreed spaces would be vacated at the time it would be needed. There is also the problem on game days that, even if an agreement is reached, the tenants will require that some minimum number of spaces be available to meet the needs of the unique tenants of the Prudential Property. It is currently expected that if an agreement is reached for events on weekends, the Prudential Property would still retain approximately 25% of the parking on the site for tenants (about 500 spaces). The Final TMP will need to clearly define how the various properties such as the Prudential Property are proposed to be managed, define the number of spaces that will be available, and also describe how the plan will address intermixing of stadium parking and building parking needs.

**Response P-12:** This comment is correct that the Draft TMP included as Appendix I of the DEIR does not yet include all of the details that will need to be negotiated with private property owners who wish to participate in the off-site parking program and enjoy parking fee proceeds during any of the significant stadium events. As stated in the DEIR, the City will apply a parking district overlay zone that will establish rules for the off-site parking program. Parking supply participants will need to obtain City approval and will be required to have the agreed upon parking spaces available in a timely manner before the given event begins. The City will also review and monitor the agreements with building owners and tenants in order to ensure that binding commitments are made for use of the parking spaces.

Large stadium events requiring off-site parking would not be scheduled during normal business hours when the off-site surface lots would be utilized by local businesses unless arrangements could be made to assure that adequate parking is available for event patrons.

**Comment P-13:** Traffic Issues - The Traffic Management Plan dealing with access before and after events calls for detours, one-way streets, and several street closures. The TMP does not provide sufficient details to understand the traffic impacts on Great America Parkway adjacent to the project and the DEIR indicates there will be LOS F conditions before (and possibly during) events. The TMP must specify that access will be available to the Prudential Property at all times during events at the stadium, including weekends. A clear, unobstructed route must be available for both directions of traffic for tenants. The Final TMP must be developed in sufficient detail to define the plan for access to the Prudential Property before, during, and after all events.

**Response P-13:** The TMOP will be an operations plan. Please also see Master Response III.B. Transportation Management and Operations Plan for a description of the plan that will be prepared to succeed the Draft TMP. The DEIR in Section 4.8 includes a full traffic impact analysis that describes a worst case condition prior to start of games at the stadium, and the conditions anticipated to occur after games. Specifically, Figure 10 in the TMP shows the detailed outbound lane configurations and controls for existing traffic, including Great America Parkway. As stated previously, the transportation operations plan prepared for the area will identify means of access to private properties. The request that the plan include a “clear, unobstructed route...for both directions of traffic...before, during, and after all events” is acknowledged. At this time, no details are available about temporary access during major events.

**Comment P-14:** Assessment of Traffic Operations after the Stadium Opens - The DEIR analysis and TMP are based on a series of assumptions about traffic, transit use etc that might not be achieved in reality. There is no way to predict with certainty how everything will function when the stadium opens, and it may be necessary to make adjustments once the stadium operations normalize. This is a major concern for the Prudential Property because none of the identified roadway improvements/mitigations for the Great America Parkway would be implemented as part of the project. It is therefore requested that the DEIR and TMP specify that traffic conditions would be reviewed with a follow up traffic study after the first full year of stadium operations. This would be used to determine if the operations and transportation effects are consistent with the analysis in the DEIR, and if additional or different mitigations should be considered and/or required. In general, this particular follow up traffic study should focus primarily on the need for roadway improvements in addition to other operational mitigations and whether any of the previously deferred traffic mitigations have subsequently been found to be warranted or otherwise appropriate.

**Response P-14:** Over the life of this project, there will undoubtedly be a number of changes, physical and operational, that will occur in the region and in north Santa Clara. As stated previously and described in Master Response III.B. Transportation Management and Operations Plan, the City is setting up a transportation operations committee. It is anticipated that the new multi-jurisdictional committee will draft the comprehensive event-day program to a high degree prior to opening day of the stadium in 2014, and some form of this operations committee should carry on year-to-year monitoring and enhancing this program to ensure maximum success over time. The 49ers organization, who has extensive experience managing a major sports venue with limited transit access, will be an important source of expertise on the planning group.

It should be noted that the project is not proposing to “defer” mitigations. The City is proposing a fair share contribution for programmed improvements, which will be built by others. Other intersections either have no feasible mitigations available, or improvements would create excessive capacity for impacts that could occur a maximum of 20 times per year. This distinction is clarified in the text amendments included in this Final EIR.

**Comment P-15:** We appreciate the opportunity to provide these comments on the DEIR and TMP. Prudential looks forward to working with the 49ers and the City to assure that all the points noted above can be successfully addressed.

**Response P-15:** No response is required.

**Q. RESPONSE TO COMMENTS FROM GEORGE BELL, AUGUST 2, 2009**

**Comment Q-1:** I am a commute cyclist who uses the San Tomas Aquino bike trail near Great America and the bike lane on Tasman towards North 1<sup>st</sup> street. I use this route twice a day.

I am concerned that the proposed 49ers stadium will absolutely ruin the bike lane on Tasman. How will the many cyclists who use Tasman be accommodated?

**Response Q-1:** Tasman Drive is designated a bike boulevard west of the Guadalupe River, but does not have designated bike lanes.

As discussed in the DEIR, the majority of large events (including NFL events) will occur on the weekends when there is no commute. When events do occur during the weekday PM commute period (it is estimated that there will be up to eight large event days during weekdays per year), once the off-site parking lots are substantially emptied of on-site employees, Tasman Drive will be closed to vehicles from the Great America Main Lot driveway to Stars and Striped Drive. Tasman will not, however, be closed to pedestrian and bicycle traffic, enabling commuters and other cyclists to pass through the stadium area. For safety reasons, cyclists may be required to walk their bikes in pedestrian zones at certain peak times, perhaps causing some inconvenience for cyclists, but not prohibiting their passage into or through the area.

All major intersections in the area will be controlled by police and standard traffic laws will be in effect so no cars will be traveling in any designated bike lanes. Therefore, traffic is not anticipated to interfere with bicycle commuters on Tasman Drive.

**R. RESPONSE TO COMMENTS FROM DIANE SCHNEIDER, AUGUST 3, 2009**

**Comment R-1:** This letter is to serve as my official protest, disagreement and opposition to the new stadium proposal in the city of Santa Clara. I am a long time resident and am horrified at the prospect of having a stadium in Santa Clara!

I have chosen to live in Santa Clara for more than 30 years and am outraged the stadium is still being considered! The noise, additional light and neighborhood safety issues the stadium would bring are outrageous and I'm more than disgusted and vehemently oppose the stadium in Santa Clara.

**Response R-1:** Your comment is noted and will be included in the documentation provided to the City Council on this project.

**Comment R-2:** I have very bad allergies and asthma and the additional pollution the stadium would bring according to the environmental study report is more than unacceptable!

**Response R-2:** As discussed in Section 4.9.2.3 of the DEIR, the increase in regional air pollutants above Bay Area Air Quality Management District thresholds will only occur on large event days (42 days a year) and will not result in a permanent increase in local or regional pollutants.

**Comment R-3:** In addition, the increase of traffic arising from holding events is unfathomable.

**Response R-3:** As discussed in Section 4.8 of the DEIR, a significant increase in traffic would only occur on large event days and would only impact local roadways up to eight weekdays per year. Relative to the 250 total commute days per year, local roadway facilities will only be impacted approximately three percent of the time.

**Comment R-4:** I feel the stadiums that the Bay Area currently supports are more than sufficient for all sports team and concert events. The Last thing we need in Santa Clara is another stadium!

**Response R-4:** It should be noted in this context that the proposed Santa Clara stadium will replace an existing stadium at Candlestick Park. Your comment is noted and will be included in the documentation provided to the City Council on this project.



**S. RESPONSE TO COMMENTS FROM JON HOFFMAN, AUGUST 4, 2009**

**Comment S-1:** Need to consider impact on bicycling.

**Response S-1:** Please see Master Response III.A. on page 6 of this document.

**T. RESPONSE TO COMMENTS FROM TED ROUSH, AUGUST 7, 2009**

**Comment T-1:** I am concerned that the DEIR for the 49ers stadium plan does not appear to contain an analysis of the impact on bicycle usage in the area. This is a serious omission and flaw of the DEIR.

**Response T-1:** Please see Master Response III.A. on page 6 of this document.

**Comment T-2:** Can you please provide specific contacts on the Santa Clara BPAC that I can discuss this issue with? These contacts were not easily found using the City's web-site.

**Response T-2:** It is assumed that the commenter is referring to the Santa Clara Valley Transportation Authority (VTA) Bicycle & Pedestrian Advisory Committee (BPAC). The roster of committee members and contact information can be found on the VTA website at [http://www.vta.org/inside/boards/committee\\_advisory/bpac/bicycle\\_advisory\\_committee.html](http://www.vta.org/inside/boards/committee_advisory/bpac/bicycle_advisory_committee.html)

**U. RESPONSE TO COMMENTS FROM JACK LUEDER, AUGUST 12, 2009**

**Comment U-1:** I am reviewing the 49ers Stadium D-EIR with regard to the impact on Bicycle Environment in the City & County. I find it makes reference to a document “City of Santa Clara Transportation Bicycle Network” on page 159, section 4.8.3.3.

I have asked the City Clerk’s Office, the Planning Office and the Bicycle Advisory Committee Staff Representative for a copy of the reference. None of those offices could find such a document or any indication that it exists. The D-EIR itself does not show the document in the References Section 12.

**Response U-1:** The reference to the City of Santa Clara Transportation Bicycle Network is misstated and should reference the Santa Clara County Transportation Bicycle Network. The revision has been added to the text amendments in this Final EIR.

**Comment U-2:** I could not find any statement of where comments on the D-EIR should be delivered so I am sending this to the two most likely City offices since the City is listed as the Lead Agency.

This is the first of my comments but since it seems that an error has crept into the document, I am providing it ASAP.

**Response U-2:** This comment is noted.

## V. RESPONSE TO COMMENTS FROM PATRICK GRANT, AUGUST 14, 2009

**Comment V-1:** Thank you for the clearly stated EIR. Unfortunately, it has a critical shortcoming which, fortunately, can be rectified economically, that must be done, and would result in a world class facility that is pleasant to travel to, with environmental and traffic improvements that provide an incredible win-win for everybody.

First, the DEIR does not evaluate per MTC, VTA and city of Santa Clara General Plan requirements (1), the impact on area bike commuters and planned infrastructure, especially on Tasman. It is my estimation that Level of Service (LOS) will fall from an estimated B LOS to F LOS for all east/west commuters needlessly in the region. For many workers at the lowest wage levels, with daily bus service being severely curtailed by VTA, the bicycle is the only affordable means of flexible transportation.

**Response V-1:** Please see Master Response III.A on page 6 of this document.

**Comment V-2:** Second, it ignores the available option of utilizing the very wide Hetch Hetchy Trail corridor for a wide pedestrian/bike bridge over Great America Parkway and a connecting trail from Sunnyvale to San José. Such a bridge, versus a grade level crossing, would eliminate the dangerous conflict between throngs of fans walking from parking across Great America Parkway and traffic rushing to the game. The resulting smoother traffic flow on Great America would ripple through and greatly reduce regional traffic problems from the stadium. Unnecessary headaches, police costs, injuries and even needless fatalities will occur with surface crossings, all preventable by a proper bridge funneled directly to the stadium.

**Response V-2:** The City of Santa Clara does not have a plan in place for a pedestrian/bike bridge crossing over Great America Parkway and does not support such a proposal.

As discussed on Page 45 of the Transportation Management Plan (Appendix I of the DEIR), patrons parking on the west side of Great America Parkway will have to cross game day vehicular traffic. To avoid safety issues, all intersections between Bunker Hill Road and Mission College Boulevard will be officer-controlled during large events at the stadium. All officer-controlled intersections are shown on Figures 9 and 10 of the Transportation Management Plan. For the limited number of days when large events would occur at the stadium, this is a more cost effective plan than building substantial improvements.

**Comment V-3:** Completion of the Hetch Hetchy trail east to San José will likewise funnel foot and bicycle traffic safely, in the most direct, car-free, continuous trail route. The trail being interconnected with the other great regional trails from Sunnyvale to San José will provide direct regional commute and recreational opportunities in all directions. This will allow bike commuters, from the very poorest minimum wage earners, to all other health and climate concerned bike commuters, safe car-free passage; regardless of events at the 49er's Stadium and Great America. Adding the Hetch Hetchy trail as a required part of the 49er EIR is truly a win-win for all parties. I also believe this will easily win solid VTA support.

**Response V-3:** The proposed project will not conflict with nor significantly adversely affect any adopted alternative transportation plans, policies, or programs. While the trail may be a valuable asset to the region generally, there is no nexus for the City of Santa Clara to require the 49ers Santa Clara Stadium project to complete the Hetch-Hetchy trail.

**Comment V-4:** Let me add some more details on the severe impact the 49ers Stadium imposes, as proposed. Currently, Tasman is the only viable east-west commuter bike route. Traffic from the anticipated 49ers and Raiders events, plus numerous concerts, will eliminate bike riding as a consistent mode of transportation.

**Response V-4:** As stated on pages 14 and 15 of the DEIR, it is anticipated that 37 NFL and large non-NFL events requiring off-site parking could be held at the stadium per year. These events would equate to 46 event days per year. Of the 46 event days, a minimum of 38 would occur on weekends, which would not conflict with commute traffic by either automobile or bicycle. Of the maximum eight event days which would occur during the weekday, traffic would only occur during the PM peak commute hour. Therefore, the proposed stadium would only impact commuters a maximum of eight afternoons (and usually less) out of 250 commute days per year and would not eliminate bike riding on Tasman as a consistent mode of transportation for commute bikers. At such times as stadium events cause closure of the portion of Tasman Drive from the Great America north entrance driveway to Centennial Boulevard for pedestrian use only, this one-third mile section of roadway will be officer controlled. At those times, bicycles either accessing the stadium or passing through the area will not be prohibited, but riders will likely be required to walk their bikes through this short section during peak event times for safety reasons.

Please note that the Raiders NFL team is not proposed to use the stadium.

**Comment V-5:** A trail will also provide the key link enabling direct bike commuting from all directions to Silicon Valley's high tech heart. Those on a lower income may lose current employment options, not being able to commute through area as they currently do, not likely will they be able to take employment options at the stadium or Great America. Eliminating the Hetch Hetchy trail will result in more traffic and higher CO2 at a time when mandates and needs dictate we need to go the other way.

**Response V-5:** The proposed project will not eliminate any future options for a Hetch-Hetchy trail in this area or impact any existing segment of the trail.

**Comment V-6:** Finally, the general heavy traffic burden will make biking in the Santa Clara-Sunnyvale area extremely hazardous, (see Illustration 1, VTA bike routes) further dropping numbers of those that would bike.

**Response V-6:** Please refer to response V4:

**Comment V-7:** The bay area Metropolitan Transportation Commission and Moffett Park Business Transportation Association among others have conducted studies and surveys supporting how severe the loss will be. By constricting infrastructure so that bikers would be forced to periodically face the dangers of heavy traffic, (in heavy traffic, drivers are more distracted by other cars and do not notice bikers) over 95% of the potential commuters would not bike, but drive instead. With the potential bike commuters between 10 to 20% of the working population, that amounts to a severe impact on traffic and CO2 emissions by not completing the Hetch Hetchy trail as part of the 49er's EIR transportation plan.

**Response V-7:** The comment appears to be referring to capacity studies, not existing conditions. Based on the MTC Regional Bicycle Plan Update (Table 3.4), bicycle commuters in Santa Clara County account for 1.2 percent of all commuters. It is not appropriate to assume in an EIR that because the project does not include a trail extension, the total number of bicycle commuters would not increase by nine percent or more and therefore the impact of not increasing bicycle commuting by this very large percentage is assigned to the project.

**Comment V-8:** In our excellent climate plus the previous experience of other US and European cities, those are realistic expectations for a decade from now with, give adequate facilities. Even with largely incomplete facilities throughout much of the region, 200,000 persons commuted by bike in the San Francisco area last May. The Hetch Hetchy trail will provide a central route between most popular destinations paralleling Tasman and safely crossing Great America Parkway. The Hetch Hetch trail must be completed as part of the 49ers transportation plan in the EIR.

**Response V-8:** There is no nexus for requiring the project to complete the Hetch Hetchy Trail.

**Comment V-9:** To reiterate, the present DEIR pedestrian flow plan has the vast majority of foot traffic trying to cross Great America while heavy car traffic is traveling along Great America. Routing foot traffic down the Hetch Hetchy trail and across the bridge over Great America would expedite both pedestrian and vehicle traffic, improving flow and greatly improving safety. Cars, bikes and pedestrian could follow separated, safe routes during intense event traffic. Completion of the trail to its logical east end would even allow biking to events very easily from nearby cities, the San José airport and downtown hotels. This would further reduce traffic, making a more enjoyable event for those attendees, and reduce CO2 emissions. Illustration 2 (from Fig 15 of the DEIR) shows that almost all pedestrians crossing traffic can be eliminated. The trail would also enable Great America to be a bike accessible destination for youth and car-less families, something already successfully done in other cities.

**Response V-9:** The project includes provision for ensuring safe pedestrian crossings of Great America Parkway at multiple locations. It is unlikely that the stadium attendees parking west of Great America Parkway would all walk to use a single pedestrian overcrossing that is not otherwise on their route to the stadium.

**Comment V-10:** Further support can be seen in the remaining illustrations and attachments. Illustration 3 is the aerial photo from the plan, marking the approximate route of the Hetch Hetchy trail. Illustration 4 is the Santa Clara County Master Trail Plan, showing that the Hetch Hetchy trail has been considered an important element in the county plans for a very long time. The land is available, it is a needed part of the regional master plan, and it has already had implementation in Sunnyvale & Mountain View. Illustration 5, is Bikeways from City of Santa Clara General Plan. Illustration 6 is detail map courtesy of Google, showing street alignment with Hetch Hetchy in city of Santa Clara added in green. Illustration 7-10 is county assessor maps of Hetch Hetchy corridor in Santa Clara. Final attachment is good urban planning guide showing how to effectively reduce car use, out of Sacramento, titled “A Plan to Walk”

In conclusion, the time is right, the 49er’s stadium needs the Hetch Hetchy trail completed to fix major safety and environmental concerns, and it should be a part of the EIR. This is truly a WIN-WIN for a very low cost. If one considers the cost of injuries, deaths and resulting litigation, the

improvement in traffic flow and reduction of CO2 emissions, it is certainly will provide a large cost savings. Make the Santa Clara 49er's stadium green by providing viable, interconnected, car-free trail access to the stadium from surrounding cities.

**Response V-10:** The information in this comment will be included in the Final EIR, which will be considered by the City Council.

## **W. RESPONSE TO COMMENTS FROM DIANE HARRISON, SEPTEMBER 10, 2009**

**Comment W-1:** Hi Jeffrey! Yes, I was at the committee meeting where you took our comments (though I have yet to see what Marshall sent you on our behalf). I would like to re-iterate that it seems that very little thought was given to local residents who are either bicycling through the area with no intention of going to the game or who are bicycling to the game and will need to park their bicycle.

For example, I searched the transportation impact analysis document and did not find one instance of "bicycle", "cyclist", or "pedestrian".

**Response W-1:** The transportation impact analysis (TIA) identifies existing pedestrian and bicycle facilities in the project area on page 24 and Figure 7. Page 127 of the TIA discusses increased pedestrian traffic and likely routes in the project area. Figure 51 illustrates likely pedestrian routes and volumes to and from the various zones where parking facilities are located and identifies how pedestrians could utilize the San Tomas Aquino trail on game days (depending on where parking is ultimately located).

While there will likely be a sizeable increase in pedestrians on the San Tomas Aquino Creek trail before and after NFL events, the creek trail is open to both pedestrians and cyclists and there are no restrictions on use. Anyone at anytime can access and use the trail. It should be noted, that NFL events will occur only 10 days per year (20 if a second team shares the stadium, which is not currently anticipated) and most patrons arrive and leave within one hour of the start/end of the game. As a result, the trail might be crowded for approximately two hours on up to 10 days a year. This would be an inconvenience to people who currently use the trail during those particular time periods, but would not constitute a significant impact.

**Comment W-2:** I did find a discussion of existing facilities in the main EIR but was surprised to see that NO improvement or mitigation was planned as a result of the stadium project. It so states on page 186.

**Response W-2:** The proposed stadium operations will not remove or alter the existing bicycle or pedestrian facilities in the project area. For this reason, no mitigation is proposed. The project does include two new bridges over San Tomas Aquino Creek, which are identified on page 127 of the TIA and in the Project Description section of the DEIR on page 10. Page 186 of the DEIR is Figure 63, which only identifies planned game day road closures and controlled intersections.

**Comment W-3:** I was also surprised to find a discussion of ferry service to Hunter's Point in San Francisco. Hey, if San Francisco wants to keep their stadium, by all means let them!

**Response W-3:** This comment may be a reference to the discussion in §7.4.2 of an alternative to the proposed project.

**Comment W-4:** Bicycle parking is mentioned, but with no details. It obviously has to be adequate for both employees and event attendees.



**Response W-4:** No details on the bicycle parking are currently available as the final stadium design is not yet complete. Bicycle parking will be provided, based on City requirements.

**Comment W-5:** Pedestrian crossings of the existing bicycle path **MUST** be grade-separated at all points. If they are not, trail traffic will come to a standstill before and after each event. Similarly, people walking to/from their cars to the stadium along the path of the creek trail should be accommodated on the opposite side of the creek so they don't clog the bike trail.

**Response W-5:** The only pedestrian crossings along the existing bicycle path adjacent to San Tomas Aquino Creek would be the existing bridge between the Great America main lot and the stadium site and two new proposed pedestrian bridges (one adjacent to Tasman and one adjacent to the existing Great America bridge). The new bridges will be clear span structures but the final design is not yet complete. The team will need to comply with all City and Santa Clara Valley Water District requirements for design and installation of the bridges. There is currently no proposal to have the pedestrian crossings be grade separated from the existing trail, or to build a new trail on the east side of the creek.

**Comment W-6:** Light rail and VTA are far inferior to BART & Muni in terms of capacity and frequency of service. Thus, automobile traffic will be worse than in SF or Oakland.

**Response W-6:** While BART trains do have greater capacity per train than light rail, the total availability and variety of transit at the proposed Santa Clara site is greater than what is currently available at Candlestick Park.

**Comment W-7:** Parking is going to be a major problem no matter what. If it is free, it will encourage more automobile traffic. If it is not free (or inadequate), it will encourage people to park on neighborhood streets. I don't know the answer, but stadiums should not be located in heavily urbanized areas.

**Response W-7:** All proposed parking will be paid parking or restricted parking. Some attendees may choose to find free legal parking outside the core stadium area. Based upon data compiled for stadiums across the country, however, fans are willing to walk no more than 20 minutes to a sporting event (page 182 of the DEIR). To ensure that the nearby residential neighborhoods are not impacted by game day traffic and parking, various intersections would be officer controlled and monitored for residential intrusion control (as shown on Figure 61 of the DEIR).

## **X. RESPONSE TO COMMENTS FROM EDWIN MAURER, SEPTEMBER 11, 2009**

**Comment X-1:** I have many concerns about the proposed use of city funds to support the development of a professional football stadium. In general, the use of public funds to support this private development project of a football stadium is contrary to the values and vision of the City residents, as reflected in the work being performed as part of the General Plan Update. While the DEIR notes in section 3.5 (to which my comments below pertain for the most part) that the current General Plan, dated 1992, governs current development, the stadium project will be constructed most likely after the update, and should be assessed with that in mind.

**Response X-1:** All projects must be analyzed as they pertain to the laws and land use policies in place at the time of the analysis. While the stadium project would likely not be fully constructed by the time the General Plan update is complete, the City Council will make a determination on the EIR and the general public will vote on the project prior to the completion of the General Plan update.

Please note that the current General Plan is dated 2002. The 1992 reference in the footnote on Page 25 refers to the Airport Land Use Commission Land Use Plan.

**Comment X-2:** The DEIR statement in section 3.5 that "The City would benefit from the revenue generated by both NFL and non-NFL events at the stadium" motivates my comments 3 and 4 below. In summary, to promote development in concert with the community needs, the City funds that would otherwise support this stadium project should be invested in other projects that would help shape a more sustainable, community-enhancing environment for ourselves and our children. My specific comments/questions are detailed below.

**Response X-2:** The statement in Section 3.5 of the DEIR relates to a General Plan policy that Bayshore North development should be a "long term financial resource" for the City. The DEIR statement is that the project would generate revenue for the City, not that City funds would support the stadium project.

**Comment X-3:** 1) My first concern is in using city coffers to fund a development project that runs counter to the public values. As part of the survey conducted for the City General Plan Update, the question was posed "What do you like most about living in Santa Clara?" The most common response was that they "remarked that they liked Santa Clara's small town feel, sense of community, or good neighborhoods." Furthermore, to the question "Looking ahead, what is the one thing you think that your City government should do in the future?" the topic mentioned most frequently was the revitalization of Downtown. On question 4, regarding actions the City should take, the item "Provide more walking destinations and opportunities" was one of the top items receiving "strong support." This paints a clear picture of what is values by City residents, and the direction we would like to see development move. Using millions in City resources to promote a huge stadium far North of the population and commercial centers, and which would sit vacant most of the time, hardly seems consistent with community values or desires.

**Response X-3:** This comment speaks to the letter writer's opinion about the project itself. No question is asked about the environmental impacts or the analysis in the DEIR. No response is required in this EIR.

**Comment X-4:** My question is, then, how is the direction of these funds to a project like the 49ers stadium seen as consistent with Community goals and values, when the funds could be spent on any of many other projects much more aligned with these?

**Response X-4:** The question is about the financing or economics of the proposed project and does not raise any issue about environmental impacts or the adequacy of the DEIR. No response is required in this EIR.

**Comment X-5:** 2) Referring to the same survey as above, the top item receiving strong public support was that the City should take action to promote sustainability. It is difficult to envision how a 68,000 seat stadium, for which the vast majority of spectators would arrive for events in individual vehicles, would reflect the communities values of sustainability more than using the funds to accelerate the redevelopment of a walkable downtown (a survey item receiving 50% "strong support"), more bicycle lanes and trails, improved mass transit options and so on. How does the City see the use of public money toward a football stadium the best possible use of the funds to reflect building a more sustainable community, a most deeply held value among residents?

**Response X-5:** Regarding the environmental characteristics of the proposed project, most spectators will arrive in personal vehicles but the DEIR identifies an average vehicle occupancy of 2.7 persons. Questions about community values do not relate to the analysis in the EIR. No response is required in this EIR.

**Comment X-6:** 3) The peer-reviewed article "The Economics of Sports Facilities and Their Communities" (J. Economic Perspectives, 2000) finds that "Independent work on the economic impact of stadiums and arenas has uniformly found that there is no statistically significant positive correlation between sports facility construction and economic development" and that "[t]hese results stand in distinct contrast to the promotional studies that are typically done by consulting firms under the hire of teams or local chambers of commerce supporting facility development." If looking at stadium projects in recent years in cities with similar resources as Santa Clara, how many of these projects were built on time and within their Initial budget? How many of these projects have met their initial projections on the amount of money returned to the cities that subsidized their construction? How does this bear on the projections for a successful return of City money by the project?

**Response X-6:** These are questions about the financing and economics of the stadium and not about the analysis in the EIR or about the environmental impacts. No response is required in this EIR.

**Comment X-7:** 4) Extending the concerns of item 3 above, I have more concerns following the analysis in the peer-reviewed article "Professional Sports as Catalysts for Metropolitan Economic Development" (J. Urban Affairs, 1996). This article finds that there have been an unprecedented number of recent threats to cities by professional sport teams hosted by them to build new playing facilities or lose the franchise. The authors summarize their findings in this way: "To attract or retain a team, cities are offering staggering financial support and rationalize their largesse on economic grounds. Do professional sports increase income and create jobs in amounts that justify the behavior of cities? The evidence detailed in this paper fails to support such a rationale." This raises the issue of the viability of seeing positive economic results from the stadium project, but also of the vulnerability of the host city to threats by the team of moving to another host city in the future. What long-term guarantees are established to ensure this sort of threat cannot occur, and that the occupancy

of the stadium will exceed the payback time scale for the investment? And again, as above, what independent economic analysis suggests that a public subsidy for a stadium in Santa Clara will fare better than the plethora of money-losing past subsidized stadium projects documented in the economics literature?

**Response X-7:** Please see response X6.

## **Y. RESPONSE TO COMMENTS FROM KEVIN BROWN, SEPTEMBER 12, 2009**

**Comment Y-1:** I am a Santa Clara homeowner and business owner, living near Tasman and Lafayette. I've been reading through this impact report and it's clear to me that this proposed stadium will produce an unacceptable, sustained nuisance on the residents living in the area, particularly with regard to noise in excess of legal limits (46 times per year, and then some), excessive traffic (17 major intersections and freeway segments impacted across Santa Clara, San Jose and Sunnyvale), transportation pollution emissions in excess of established thresholds, none of which (according to DEIR section 8.0) can be mitigated. As such, I sincerely hope and urge that this project be cancelled.

**Response Y-1:** The recommendation and comments will be included in the Final EIR which will be considered by the City Council.

**Comment Y-2:** Also, conspicuously missing from the report are the long-term effects of stadiums on local property values, and blight introduced by the rowdy and often illegal behavior of sports fans; for example: drunken driving, vandalism, setting off illegal fireworks, rioting and destruction of local property, gang activity or violence between rivals (fights, beatings, stabbings, shootings) for sports and other event usages beyond football, as is planned.

**Response Y-2:** As discussed on pages 19, 183, 203, and 267 in the DEIR, there will be a significant police presence in the stadium area for NFL and large non-NFL events. In particular, all off-site parking lots will be regularly patrolled by private security, numerous intersections will be officer controlled, and security personnel will be around and within the stadium. Page 267 states that "City Police Department staffing will meet or exceed normal levels throughout the City in anticipation of the activity level. Security forces dedicated to the stadium event and the area around the stadium will be a combination of regular police personnel and security staff hired specifically for the event. Event security staff is planned to include off-duty police officers hired for the event...Regular police services for the residents and businesses of Santa Clara will not be reduced or interrupted by large events at the proposed stadium." With the significant police/security force presence that will be located at the stadium and in the surrounding areas, it is highly unlikely that there will be any major issues with rowdy patrons and illegal behavior on NFL and large non-NFL event days.

**Comment Y-3:** To see the affect of a stadium on a neighborhood, one only needs to look at the areas around Candlestick Park, the Cow Palace and Oakland Coliseum, which are some of the worst, filthiest, poorest neighborhoods in the Bay Area, though they did not exactly begin that way. I certainly do not want my neighborhood to slide in that direction. As another point of comparison, the new, elite, high-tech area around (PacBell/SBC) AT&T Park has seen an exodus of residents due in part to the disturbances of the stadium (I had a coworker who lived there) and which had a violent event outside it's gates recently. At minimum, I believe strongly that a study of these impacts should be included in the final report.

**Response Y-3:** Please see Response Y2.

**Comment Y-4:** Additional facts which are not environmental but worth considering in any decision to proceed are that the original plan materials provided by the 49ers stated that the City would invest \$160 million (20% of the cost) while the stadium would only return \$1 million annually to the City General Fund. It would take 160 years just to break even on that investment. The entire City Council

will be long dead before the stadium ever returns a value to Santa Clara. How much more foolish could a plan possibly be?

**Response Y-4:** These are questions about the financing and economics of the stadium and not about the analysis in the EIR or about the environmental impacts. No response is required in this EIR.

**Comment Y-5:** The 49ers materials also state that the project would create "hundreds of 'full-time equivalent' jobs", which is a laughably perverse euphemism for a hell of a lot of low-paying part-time jobs. I have a better idea: for \$32 million (one-fifth) we could build a business center that sustains thousands (not hundreds, but thousands) of actual full-time professional jobs, attracting new corporate residents, without introducing the significant negative impacts and blight that a stadium will. But even beyond that, I can't think of any business in Santa Clara that received a \$160 million subsidy to startup. The specific dollar amount may have changed by now, but it's unconscionable that any amount of my tax money would be used this way; for a football team that doesn't represent our city. As a point of reference, the 'state of the art' PacBell Park cost \$255 million to build. How is it that the 49er Stadium would cost \$854 million, and it's not even an enclosed stadium? Are we really sure we aren't actually paying for the majority of the stadium cost?

**Response Y-5:** Please see Response Y4.

**Comment Y-6:** I live near Tasman and Lafayette. I moved to Santa Clara as a first-time homebuyer for the location, proximal to all points in the south bay, and for the relatively peaceful neighborhood with families and professional residents. The last thing I want is for that balance to be further upset and my property value to severely slump year over year, all ultimately due to an aggressive, greedy sports organization building a stadium in my backyard and attracting rowdy drunk fans 46+ times a year, and an overly-optimistic city council that seems to just go along with their plan and is being suckered into paying a significant amount of the cost with my painfully hard-earned tax money. I find it hard to believe anyone on the council lives in the area being impacted. As a Santa Clara resident who will be significantly impacted I sincerely hope and urge that this project be killed.

**Response Y-6:** The recommendation and comments will be included in the Final EIR which will be considered by the City Council.

**Comment Y-7:** P.S. I do find one other thing conspicuously strange. If the 49ers headquarters and stadium were located in Santa Clara, why are we not requiring them to change their name? If the purpose of moving them here is to give Santa Clara visibility, shouldn't the Council be requiring them to change their name to the Santa Clara 49ers? I don't know of any other sports team that changed cities yet kept their original city name. When the Raiders went to L.A., they were no longer the Oakland Raiders. If we are taking on a 20% stake in their business, supplying police and emergency services, electric and water resources, etc., I think it's a reasonable demand that they properly represent the city they are residing in.

But speaking for myself, as a homeowner who lives within 1000 feet of the site, I strongly urge they go somewhere else altogether. The 49ers presence here will not provide sufficient benefits for Santa Clara to offset all the problems they will introduce. Their fans will not frequent Santa Clara businesses. Our businesses are downtown and on the El Camino, nowhere near the project site. Their fans will just clog our neighborhood streets and introduce rampant illegal behavior, which Santa Clara will have to bear the brunt of and pay for. 49er fans are not the individuals from

corporations we want to attract to the convention center and hotels nearby. I believe strongly that the affect of the stadium that the City Council is hoping for is founded on some overly-optimistic and flawed assumptions.

**Response Y-7:** The recommendation and comments will be included in the Final EIR which will be considered by the City Council.

**Z. RESPONSE TO COMMENTS FROM STEPHEN HAZEL, SEPTEMBER 14, 2009**

**Comment Z-1:** The noise generated from 49ers football games and other events can only be mitigated with a facility which is enclosed (or with a retractable roof).

**Response Z-1:** This statement is consistent with the conclusion on page 255 of the DEIR.

**Comment Z-2:** With no on-site parking what exact (specific location) spot do the 49ers designate for their “tailgating” fans.

**Response Z-2:** Tailgating will be allowed in any surface parking lot that has a parking agreement with the stadium and is not restricted by the 750 foot buffer zone for residential properties and Mission College.

**Comment Z-3:** What would prevent the thousands of cars from parking in the surrounding neighborhoods (avoiding parking fees) while the occupants made their way to the facility?

**Response Z-3:** As explained on page 203 and shown on Figure 61 of the DEIR, and explained in the Draft Transportation Management Plan (pages 29-30) included in Appendix I of the DEIR, the surrounding residential neighborhoods will be protected from cut through traffic by a combination of road closures and officer-controlled intersections.

**Comment Z-4:** Since the 49ers are seeking a parking variance, what exact parking spaces are guaranteed (in writing) to satisfy the lack of parking? (Just saying spaces have been identified does in no way ensure the proper number of spaces will materialize.)

**Response Z-4:** The stadium is guaranteed use of the parking immediately adjacent to the stadium, the surface parking lots on the north side of Tasman Drive (in front of the Golf and Tennis Club), and some of the structured parking on event days. The remainder of the parking will be secured through parking agreements with local property owners. Page 17 of the DEIR describes the steps that will be taken each year to ensure adequate parking.

**Comment Z-5:** During construction would Tasman Drive be all, partly or intermittently closed? Also, what about all of the surrounding streets?

**Response Z-5:** Tasman Drive and the surrounding roadways will not be closed during construction of the proposed project. It is possible, however, that intermittent traffic disruptions would occur and would be managed by the construction crew as is typical for large construction projects.

**Comment Z-6:** In the case of a natural disaster, i.e. an earthquake, how would 68,500 to 75,000 individuals be safely evacuated and to where?

**Response Z-6:** The project includes the preparation of an emergency response plan that will be created in coordination with first-responders and other emergency services. The plan will need to be approved by the City prior to issuance of occupancy permits for the stadium.



**Comment Z-7:** Even with the Joint Powers Authority, how can you guarantee proper security (staffing) when all surrounding agencies (Police, Public Safety) are experiencing budget cuts, layoffs and not being able to adequately patrol their own neighborhoods.

**Response Z-7:** Sufficient staffing will be guaranteed through the hiring of private security personnel and off-duty police officers (to be funded by the Stadium Authority) as discussed on page 267 of the DEIR.

**Comment Z-8:** What have the owners of the SF 49ers done to satisfy the owners of Great America (Cedar Fair) concerns since they are proposing a project which sits directly on their (Cedar Fair's) leased land?

**Response Z-8:** This is not an environmental impact issue. This comment is noted.

**Comment Z-9:** What guarantee can be given that this project won't negatively impact our city and bankrupt us?

**Response Z-9:** The DEIR analyzed and identified the environmental consequences of the proposed project and mitigation for significant impacts where such mitigation is available.

**AA. RESPONSE TO COMMENTS FROM WILLIAM GISSLER, SEPTEMBER 14, 2009**

**Comment AA-1:** (1) If the Great America Theme Park goes out of business, and the site is used for Stadium parking, tailgating and other stadium related activities, how could this help to mitigate the significant impacts related to transportation, air quality and noise?

**Response AA-1:** The question is speculative and cannot be analyzed as stated.

**Comment AA-2:** If the Theme Park was turned into a hotel, office and commercial development with large parking garages would this help to mitigate the above significant impacts?

**Response AA-2:** The question is speculative and cannot be analyzed as stated.

**Comment AA-3:** (2) The use of nearby office parking lots may look good on paper, but I believe that there will be many problems. If it turns out that the office parking lot plan dose not work, there should be a required backup parking plan. The DEIR should discuss in greater detail the use of nearby large parking lots and a shuttle system. Large existing lots should include Mission College Campus, University of Santa Clara, San Jose Airport, proposed San Jose Soccer Stadium, sites north of 237 in Sunnyvale, Mt. View and San Jose.

**Response AA-3:** Page 17 of the DEIR states that “prior to the season opening each year, the team(s), City, and the Stadium Authority will have an approved implementation project and schedule for providing adequate parking and transit support for the season such that the identified parking demand for the stadium use is satisfied.” The DEIR further states (on page 17) that “should there be any proposal to provide less than the amount of parking discussed in this EIR (20,740 spaces including employee parking), the team(s), with City concurrence, will ensure that alternative parking locations, a combination of other transportation options, or enhanced transit services will be implemented.”

Figure 7 of the DEIR identifies Mission College as possible stadium parking.

**Comment AA-4:** (3) The DEIR should address what the City will do to prevent residential owners from turning their private properties (driveways and front yards) into charge parking spaces.

**Response AA-4:** The residential neighborhoods nearest the project site will be included within the parking overlay district that will be established around the stadium for properties within the defined walking distance to the stadium. The parking overlay will establish parking restrictions and rights for properties that may be allowed to participate in the stadium off-site parking program and also protections for properties which may not or cannot be a part of the paid parking program. Nearby neighborhoods will have officer controlled intersections that will be monitored for residential intrusion control. As such, stadium patrons will not be able to access these areas for parking.

**Comment AA-5:** (4) Another alternate use of the proposed stadium site is to build a swim center on this site. The City's cost would probably be less than currently asking, and the environmental impacts would be less. Please consider this as an alternate use.

**Response AA-5:** This comment is noted.

**BB. RESPONSE TO COMMENTS FROM DEANNA BROWN AND MIKE LEONARD, SEPTEMBER 15, 2009**

**Comment BB-1:** After attending local community and city council meetings, we still have concerns regarding traffic control in our residential housing area around Lafayette and Calle de Primavera, elevation of the stadium, visual appearance of stadium and lighting and noise.

Concern 1: Traffic Control - would like to know what form of traffic control/street blockage that is planned in our neighborhood during stadium events and who will be in control of it.

**Response BB-1:** As shown on Figure 61 of the DEIR, the intersection of Lafayette Street and Calle De Primavera will be officer controlled for residential intrusion control.

**Comment BB-2:** Concern 2: Elevation of stadium - would like to see a mock elevation in the parking lot of the proposed site that would show the actual height of stadium and the lights. This will give us a visual impact from our homes.

**Response BB-2:** Figure 11 of the DEIR shows a photo simulation of the proposed stadium, including the light standards, looking west from the Calle de Primavera roadway median at the intersection of Calle de Primavera and Lafayette Street.

**Comment BB-3:** Concern 3: Noise - Our concern here is how we are to live with the extra noise. We now have to deal with the airplane and train traffic noise.

**Response BB-3:** As discussed on page 246 of the DEIR, the neighborhood east of the stadium site will experience noise levels of 57 to 62 dBA  $L_{eq}$  during NFL events. This would be an hourly average increase of about 4 dBA  $L_{eq}$ . A four decibel increase in ambient noise levels is noticeable to the human ear but it is not a substantial increase. The EIR does identify this as a significant impact.

**Comment BB-4:** At this time, we feel we are going to vote NO to the stadium proposal unless our concerns are satisfied. We are long time residence of Santa Clara and we don't want our quality of life to be compromised.

**Response BB-4:** The recommendation and comments will be included in the Final EIR which will be considered by the City Council.

**CC. RESPONSE TO COMMENTS FROM KIERAN ALCUMBRAC, SEPTEMBER 16, 2009**

**Comment CC-1:** After reviewing the summary of significant environmental effects that this 49er stadium project would have on the proposed project site my family vehemently opposes any such development occur at this site.

I and my neighbors strongly oppose such a project less than a mile from our homes. As an individual with asthma and someone who considers herself a strong advocate for environmental causes I can clearly see the negative aspects of this proposed project outweigh any positive outcomes.

I am very concerned about the additional toxins, the additional waste, and drain on the city resources, including but not limited to, utilities, water, sewer, maintenance, and public services, such as police resources.

**Response CC-1:** This comment does not ask a question about the analysis in the EIR or the environmental effects of the proposed project. No response is required.

**Comment CC-2:** This site is too close to sensitive wildlife habitat and the fragile wetlands. The proposed site is currently a parking lot, but on its borders is where the Burrowing owls live and many other endangered and threatened species. San Tomas Aquino creek, which drains directly to the San Francisco bay, borders this proposed site. I fear run off containing contaminants would create an even larger impact on the bay that has not even been considered in the DEIR.

**Response CC-2:** Section 4.5.2.2 of the DEIR discusses the possible impacts to special status animal species in the project, particularly Burrowing Owls. Page 85 discusses the findings of the Burrowing Owl survey which was completed pursuant to California Department of Fish and Game protocol. There are currently no Burrowing Owls on or within close proximity of the project site.

Section 4.4.2.4 of the DEIR describes the measures proposed as part of the project to reduce stormwater runoff pollutant loads consistent with the requirements of the State Water Resources Control Board National Pollutant Discharge Elimination System Permit.

**Comment CC-3:** I am extremely worried that the pollution generated by a 68,000+ person stadium would be detrimental to the area, negatively impact my personal quality of life, and would negatively impact the threatened wildlife.

**Comment CC-3:** It is unclear from this comment what type of pollution the commentor is concerned about. Impacts from air pollution, stormwater runoff, and solid waste are discussed in Sections 4.4, 4.9, and 4.11 of the DEIR, respectively.

**Comment CC-4:** In addition, they are not planning anywhere near enough parking spots for that many people.

**Response CC-4:** Sections 2.3 and 4.8.4.5, and Appendix I of the DEIR describe how parking will be implemented on a yearly basis.

**Comment CC-5:** This proposed stadium will end up becoming a drain on the taxpayers and the residents of the city of Santa Clara. Just imagine the amount of trash generated by 68,000+ people going into our already over-burdened landfills.

**Response CC-5:** Section 4.11.2.5 of the DEIR analyzes how the increase in solid waste will be handled. The text amendments included in this Final EIR also identifies the current proposal to implement a program with the goal of diverting 100 percent of the waste generated from local landfills.

**Comment CC-6:** Remember, this stadium is going to expand to 75,000 for Super Bowls. This needs to be considered in the DEIR, not just the impacts of 68,000 people.

**Response CC-6:** A Superbowl would be an extraordinary event likely to occur only once every five to 10 years. Superbowl seating represents a 9.5 percent increase in seating over the proposed 68,500 seats. While some degree of increase in traffic and parking demand and overall activities would be associated with this occasional situation, it is highly speculative to try to accurately identify the impacts of such an unusual event in advance of it being proposed. The DEIR discloses the possibility, but cannot identify the impacts.

**Comment CC-7:** Also, our homes are using the Hetch Hetchy reservoir water. The amount used by the stadium is going to make the water scarcer for residents who need it and mean an increase in my utility bills.

**Response CC-7:** As discussed in Section 4.11.2.2 and Appendix L of the DEIR, the proposed project will have a less than significant impact on the City's water supply and the ability of the water service providers to provide sufficient water for existing residents and businesses.

**Comment CC-8:** Also consider the burden on the sewer system and water treatment facility that will be created by 75,000 beer guzzling sports fans.

**Response CC-8:** The effects of the proposed project on the existing sanitary sewer system were analyzed based on a maximum impact scenario (Section 4.11.2.3 of the DEIR). The hydraulic modeling analysis concluded that the proposed project would not exceed the capacity of the existing system.

**Comment CC-9:** In addition, because there are a large number of people who live within a 1 mile radius of the proposed site we can expect:

• Major devalues in our Home price due to the following:

1. Increase in vandalism, graffiti and theft (think of all the people walking through the neighborhood to get to the events and loitering during events and after events, as we are within that 1.5 mile radius where people are willing to walk to the venue).

• This results in increased need for resources from the city police, maintenance, and graffiti abatement departments

**Response CC-9:** As discussed on pages 19, 183, 203, 267 in the DEIR, there will be a significant police presence in the stadium area for NFL and large non-NFL events. In particular, all off-site parking lots will be regularly patrolled by private security, numerous intersections will be officer controlled, and security personnel will be around and within the stadium. Page 267 states that “City Police Department staffing will meet or exceed normal levels throughout the City in anticipation of the activity level. Security forces dedicated to the stadium event and the area around the stadium will be a combination of regular police personnel and security staff hired specifically for the event. Event security staff is planned to include off-duty police officers hired for the event...Regular police services for the residents and businesses of Santa Clara will not be reduced or interrupted by large events at the proposed stadium.” With the significant police/security force presence that will be located at the stadium and in the surrounding areas, it is highly unlikely that there will be any major issues with loitering, graffiti, or other illegal behavior on NFL and large non-NFL event days.

**Comment CC-10:** 2. Noise pollution (remember this just won't be used for games, but any large event, concerts, etc. with no regard for time or date)

**Response CC-10:** As discussed on page 246 of the DEIR, the neighborhood south of the stadium will experience noise levels of 61 to 66 dBA  $L_{eq}$ . This would be an hourly average increase of about 4 dBA  $L_{eq}$ . A four decibel increase in ambient noise levels is noticeable to the human ear but it is not a substantial increase. The DEIR identifies this as a significant impact.

**Comment CC-11:** 3. Light pollution (all those evening events and massive stadium lighting), which will impact the wildlife in the area and the migratory birds and insects.

**Response CC-11:** As stated on page 54 of the DEIR, there is already substantial evening lighting in the project area from the existing soccer fields and Great America Theme Park. Section 4.2.2.4 of the DEIR describes the lighting plan for the stadium and how the event lighting will have internal reflector systems to control spill light and glare. It also states that both the outdoor security lighting along walkways, driveways, entrance areas, and within the parking structure and parking lots will comply with the City’s lighting requirements (Municipal Code Section 18.48.140) and be comparable in brightness to the ambient lighting currently on the project site.

**Comment CC-12:** 4. Increase in traffic, to the point where pre-event/post-event I would have trouble even getting out of my neighborhood. I fear getting to a hospital in an emergency pre-post event, or even the grocery store.

How will emergency vehicles reach my home in a reasonable amount of time with the massive amount of event traffic blocking all the entrances to my neighborhood? We only have a couple streets to get in and out of our neighborhood.

**Response CC-12:** As shown on Figure 61 of the DEIR, the intersections around the project site and access points into the residential neighborhoods will be police controlled. Officers will also be directing traffic as needed throughout the project area. These measures are included as part of the project to 1) ensure patrons do not park in or cut through residential neighborhoods, 2) control the flow of vehicles through the project area, and 3) ensure adequate access for emergency vehicles.

**Comment CC-13:** Parking issues due to not enough spaces will mean more people circling in my neighborhood looking for a place to park and walk. Creating even more air and noise pollution.

**Comment CC-13:** As shown on Figure 61 of the DEIR, the residential neighborhoods east and south of the stadium will be officer controlled and monitored for residential intrusion control so that stadium patrons cannot park in these areas.

**Comment CC-14:** 5. During construction - air pollution and more noise and more run-off into the bay.

**Response CC-14:** As with any construction project, the proposed project will implement standard mitigation measures for air quality, noise, and run-off consistent with the requirements of the Bay Area Air Quality Management District, the Regional Water Quality Control Board, and the City of Santa Clara. These measures are listed on pages 81, 230, and 253 of the DEIR.

**Comment CC-15:** 6. Increases to the electric, gas, water, sewer and garbage bills (the city will have to pass these along, as they are underestimating use during events and construction).

**Response CC-15:** Please see Response CC5, CC7, and CC8. It is not possible to respond to the issue of increases in utility bills as an environmental impact.

As discussed in Section 4.12 of the DEIR, the proposed project will have a less than significant impact on the City's energy supply and their ability to provide sufficient energy for existing residents and businesses. The project will reduce energy consumption by exceeded Title 24 energy requirements, installing green roofs, installing solar panels, utilizing local and recycled building materials, and through other measures as listed on page 266 of the DEIR. The stadium will pay for its use of utilities.

**Comment CC-16:** 7. Relocation of the substation to the vacant lot across Tasman from the proposed site where the Burrowing Owls live.

**Response CC-16:** Page 85 of the DEIR discusses the findings of the Burrowing Owl survey which was completed pursuant to California Department of Fish and Game protocol. There are currently no Burrowing Owls on or within close proximity to the project site.

**Comment CC-17:** 8. This stadium will be a huge monstrosity and will negatively impact the visual appeal of the area.

**Response CC-17:** Figure 12 of the DEIR shows a photo simulation of the proposed stadium, including the light standards, looking north from the intersection of Gianera/6<sup>th</sup> Street and Lake Shore Drive. The project site is located in a highly developed urban industrial area that includes Great America Theme Park, the Convention Center, the Caltrain tracks and elevated Tasman Drive, the Northern Receiving Station, and multi-story office buildings and hotels. The existing view shown in Figure 12 is a chain link fence with redwood slats, water storage tanks, and a complex of steel and wooden utility poles and wires.

**Comment CC-18:** • Currently there is a nice trail to walk the dogs and bike and enjoy some quiet and solitude on the outskirts of the city near the wetlands. This is priceless!

**Response CC-18:** The creek trail on the west side of San Tomas Aquino Creek will not be altered as a result of the proposed project. The DEIR identifies the likelihood that there may be events on as many as 42-47 days out of 365 in a year.

**Comment CC-19:** 9. Having all those cars parked in the lot means an excess of engine fluids such as oil and anti-freeze leaking onto the ground, into the ground and draining into the creek to the bay. This has not been adequately reviewed.

**Response CC-19:** Section 4.4.2.4 of the DEIR describes the measures proposed as part of the project to reduce stormwater runoff pollutant loads consistent with the requirements of the State Water Resources Control Board National Pollutant Discharge Elimination System Permit. Since most of the site is paved and used for vehicle parking now, this is not a new source of impact. Subarea A and the site of the surface parking lot east of Subarea A are unpaved and used occasionally for parking. Paving the parking lot will decrease the potential for vehicular pollution to drain to creeks and the Bay. The stadium site will allow less vehicle parking than is currently permitted, and much of the proposed parking north of Tasman Drive will be in a parking structure whose runoff is captured and diverted to the sanitary sewer for treatment.

**Comment CC-20:** And the list can go on, but these are the major points! The rest of Santa Clara (who doesn't live within the 5 mile radius of the stadium) may not realize the long term cost and impact to the city once power, gas, garbage, sewer, water, traffic, vandalism, litter, air quality, excess noise, and the need for more police and public department resources become a huge burden on its residents. I want this stopped. Why are sports more important than animal or human welfare? It doesn't seem right.

**Response CC-20:** This comment is noted.



## **DD. RESPONSE TO COMMENTS FROM WILLIE DIZON, SEPTEMBER 16, 2009**

**Comment DD-1:** As a resident living close to this stadium project, I would like to express my opinions on this matter.

To put it simply, if this were to be put to a vote, my answer would be a definite "NO", for the following reasons:

### 1.) The noise impact:

It is bad enough that we live close to San José Airport, that despite the double-paned windows on our house, there are times that you could still hear airplane noise, such as at this moment that I am writing this.

How much more when the stadium is operational? On one weekend, there seemed to be a car or motorcycle race that went on in the vicinity, perhaps from Great America, which is only a couple miles away from my house. And you definitely could hear the loud engines and cheers from the crowd. So, put yourself in the residents' shoes, can you imagine living in a neighborhood where you are constantly bombarded with noise, day in and day out, and even at night (for late football games and musical concerts)?

**Response DD-1:** As discussed on page 246 of the DEIR, the neighborhood south of the stadium will experience noise levels of 61 to 66 dBA  $L_{eq}$  and the neighborhood south of the stadium will experience noise levels of 57 to 62 dBA  $L_{eq}$  during NFL and other large events. This would be an hourly average increase of about 4 dBA  $L_{eq}$ . The increases are identified as significant in the DEIR.

### **Comment DD-2:** 2.) The traffic and safety of pedestrians and children:

In our neighborhood, I see a lot of people enjoying walks including children. Opening up the streets to the general public for this stadium, would increase the frequency of cars passing in the neighborhood, and thereby, also increasing chance of endangering pedestrians by reckless out-of-town drivers.

**Response DD-2:** As shown on Figure 61 of the DEIR, the residential neighborhoods east and south of the stadium will be officer controlled and monitored for residential intrusion control so that stadium patrons cannot park or drive through these areas on game days or other large event days.

### **Comment DD-3:** 3.) Too much infrastructure within a concentrated area:

Just take a walk in our neighborhood, and you'll see some electrical sub-stations around. Putting a stadium, electrical sub-stations, a theme park, and an international airport, all within close proximity of each other, I don't think is good. A natural (such as lightning or rare weather abnormalities) or man-made calamity would pose a great impact to people and resources of the city. I hope it does not happen, and it may be absurd, but think about its possibility.

In making your decision, please consider not only the prestige and monetary benefits that the proposed Stadium may contribute to the city, but a greater weight on the opinions of the residents and constituents whose lives will be affected significantly.

**Response DD-3:** This comment is noted.

**EE. RESPONSE TO COMMENTS FROM JACK LUEDER, SEPTEMBER 21, 2009**

**Comment EE-1:** I consider Comments A,B,C to be serious defects in the document.

A "You will note that the Transportation Summary makes no mention of Bicycling in either Impact or Mitigation."

**Response EE-1:** The proposed stadium operations will not remove or alter the existing bicycle facilities in the project area or preclude cyclists from using the existing designated facilities. For this reason, no impacts have been identified and no mitigation or improvements have been proposed. The two pedestrian bridges proposed over San Tomas Aquino Creek could be used by bicycles.

**Comment EE-2:** B The reference document of Section 4.8.3.3 does not appear to exist.

**Response EE-2:** The reference to the City of Santa Clara Transportation Bicycle Network is misstated and should reference the Santa Clara County Transportation Bicycle Network. The revision has been added to the text amendments in this Final EIR.

**Comment EE-3:** C Appendix H Transportation Impact Analysis by Hexagon Transportation Consultants Inc. makes no mention of Bicycling.

Jack Lueder

**Response EE-3:** Existing bicycle facilities are described on page 24 and shown on Figure 7 of the transportation impact analysis (TIA).

**Comment EE-4:** from D-EIR

4.8.2 Traffic and Transportation Existing Conditions

This chapter describes the existing physical and operational conditions for all of the major transportation facilities serving the project area, including the roadway network, transit service, and bicycle and pedestrian facilities. It includes an evaluation of existing traffic conditions at signalized intersections and freeways within and surrounding the project area.

4.8.2.2 Existing Bicycle and Pedestrian Facilities

There are several bike lanes and bike paths in the vicinity of the project site. Bowers bike lanes from Mead Avenue to Great America Parkway. Great America Parkway has bike lanes from US 101 to Gold Street. Scott Boulevard has bike lanes from Central Expressway to Arques Avenue in Sunnyvale. There is a bike path adjacent to San Tomas Aquino Creek that extends from Scott Boulevard to Great America Parkway and Sunnyvale Baylands Park. A trail access point is located on Tasman Drive at the northeast of the project site. Bicycle lanes are present on Mission College Boulevard from Wyatt Drive to Great America Parkway. Bicycles are permitted on Great America Parkway, San Tomas Expressway, Montague Expressway and Central Expressway. The existing bicycle facilities within the study area are shown on Figure 32.(Portion of VTA 2008 Bike Map)

Tasman Drive has a continuous sidewalk on the south side of the street between North First Street and Lawrence Expressway. The north side of Tasman Drive has continuous sidewalks from North First Street to Patrick Henry Drive and intermittent sidewalks thereafter to Lawrence Expressway. Pedestrian crosswalks and signal heads with pushbutton actuators are present at all signalized

intersections, including the Tasman Drive and Great America Parkway and Tasman Drive and Centennial Boulevard intersections.

J Lueder Comments:

For Cyclists, Tasman is a significant East-West Corridor as seen in the County-VTA Bike Plan 2020.

For Cyclists, the Hetch Hechy corridor is a long anticipated East-West Trail.

For Cyclists and pedestrians, the East Levee of the San Tomas Aquino Creek is a viable access.

**Response EE-4:** This comment is noted.

**Comment EE-5:** from D-EIR

#### 4.8.3 Traffic and Transportation Background Conditions

This section describes background traffic conditions, consistent with the adopted methodology of the CMA and the City of Santa Clara. Background conditions represent the circumstances most likely to exist when the project becomes operational (i.e., it includes traffic from development that has already received discretionary approvals and completed its own CEQA process). The traffic associated with already approved, but not yet constructed development is added to existing conditions traffic. This section also describes the planned roadway system and intersection Improvements, the procedure used to determine background traffic volumes, and the resulting traffic conditions.

##### 4.8.3.3 Background Bicycle and Pedestrian Facilities

There are no planned or approved improvements to bicycle or pedestrian facilities within area. Nor are there any bicycle facilities planned according to the City of Santa Clara Transportation Bicycle Network.

Comment: This document (City of Santa Clara Transportation Bicycle Network) could not be found by the City Planners or Bicycle Coordinator.

**Response EE-5:** Please refer to Response EE2.

**Comment EE-6:** from D-EIR

Page 10, Sec 2.1

During large events, including NFL games, Tasman Drive would be temporarily closed to vehicle access (with the exception of emergency vehicles) between Great America Parkway and Centennial Boulevard to accommodate crowds entering and leaving the stadium. Automobiles parking in the surface lots directly adjacent to the stadium would have access to the lots from Stars and Stripes Boulevard, immediately east of the road closure. To further facilitate pedestrian traffic, two new pedestrian bridges are proposed over San Tomas Aquino Creek. A 30-foot clear span pedestrian bridge would be built south of and immediately adjacent to the Tasman Drive bridge. A 54-foot wide clear span bridge would be built immediately adjacent to the automotive bridge that connects the Great America main parking lot to the stadium site.

Comment:

Means major impact to bicycling the Creek Trail and Tasman but ignores It. Operating time-windows are 6 or more hours. This will be a major impact. Some mitigation could be obtained using the East Levee of the San Tomas Creek and the Hetch Hetchy corridor.

**Response EE-6:** While Tasman Drive will be closed to automobile traffic on large event days, it will not be closed to bicycle traffic enabling cyclists to pass through the stadium area or reach the stadium for an event.

Page 127 of the TIA discusses the increased pedestrian traffic in the project area. Figure 51 identifies pedestrian access to the trail on game days (depending on where parking is ultimately located).

While there will likely be a sizeable increase in pedestrians on the creek trail before and after NFL events, the creek trail is open to both pedestrians and cyclists and there are no restrictions on use. Anyone at anytime can access and use the trail. It should be noted, that NFL events will occur only 10 days per year (20 if a second team shares the stadium) and most patrons arrive and leave within one hour of the start/end of the game. As a result, the trail will be crowded for approximately two hour up to 10 days a year. This might be an inconvenience to people who currently use the trail during one of those time periods, but would not constitute a significant environmental impact.

**Comment EE-7:** Pg20 Sec2.4

2.4 Parking Garage Component

The new six-story parking garage would be located on approximately two acres of a four-acre site directly across Tasman Drive from the proposed stadium. As stated above, the parking structure would have up to 1,708 parking stalls which would be utilized by the stadium, the convention center, and the Great America theme park<sup>14</sup>. Vehicular access will be provided directly from Tasman Drive and from Stars & Stripes Boulevard via Centennial Boulevard.

Comment:

Means significant Impact to Creek trail access but ignores it. There is a Trail access ramp located at that site, it would be obliterated.

**Response EE-7:** The main creek trail access on the north side of Tasman Drive is located west of San Tomas Aquino Creek and will not be affected by development of the proposed parking structure.

It appears that there is also a pathway to the trail from the existing parking garage site that goes between the tennis courts and the levee. This entry point allows access to the small bridge north of Tasman Drive. The proposed parking structure would have a minimum 16 foot setback (as seen in Figure 6 of the DEIR) from the tennis courts. This setback would allow sufficient space for cyclists to access the small pathway west of the tennis courts. No trail access will be lost as a result of the proposed project.

**FF. RESPONSE TO COMMENTS FROM MICHAEL ANTONINI, SEPTEMBER 25, 2009**

**Comment FF-1:** Serious problems exist with the DEIR that analyses the environmental effects of a possible stadium in Santa Clara. The document understates traffic impacts based on an assumption that at least 25% of the fans would use public transit to reach the stadium. This figure is unrealistically high. A much more transit rich and transit receptive San Francisco has witnessed, at best to date, less than 20% of the San Francisco 49er fan base using transit in route to Candlestick Park.

**Response FF-1:** The DEIR assumes 19 percent of fans would arrive by transit (page 176 of the DEIR) not 25 percent as stated in this comment.

Currently, the only transit service available at Candlestick Park are Muni and private charter buses.<sup>2</sup> The proposed project site is directly served by VTA bus and light rail, Caltrain, and ACE train. The project site would also be served by private charter buses. Because the proposed project site has more direct transit options than Candlestick Park, the assumptions for transit use are higher.

**Comment FF-2:** Also, the study is inaccurate in accessing San Francisco stadium alternatives. Among the inaccurate statements made in the document is a claim that San Francisco Prop G (June 2008) does not allow a retrofit of Candlestick Park. Prop G does not contain such language. It also claims the \$100 million that developers of Hunters Park must pay toward a new San Francisco stadium would be out of profits. In fact, the fee must be paid as a precondition for development, which is soon to begin.

**Response FF-2:** It is not clear what the basis of comment is. The DEIR states on page 316 that,

“ In June 2008, a plan for redevelopment of Candlestick Point was placed on the ballot by petition, voted on and approved by the residents of San Francisco as part of the proposed Bayview Waterfront development (Proposition G – Bayview Jobs, Parks and Housing Initiative). The result of the vote was that the residents of San Francisco approved a plan that includes only housing, retail, and open space on Candlestick Point.” It further states on page 318 that “Nevertheless, the voter referendum would preclude a new stadium being built on the Candlestick Point site unless rescinded or modified by the voters.”

This information is accurate as Proposition G proposed housing, retail, and open space on Candlestick Point and a new stadium for the 49ers on Hunter’s Point. No mention is made in the DEIR of retrofit not being allowed by Proposition G.

There is no reference in the DEIR regarding the \$100 million that developers of Hunter’s Point must pay toward a new stadium.

**Comment FF-3:** Finally, the document fails to recognize hundreds of millions of dollars in traffic and transit improvements at Candlestick and Hunters Point that have already been funded, or are being identified, from state and federal transportation funding that will greatly expedite auto, pedestrian, and transit access to those stadium sites.

<sup>2</sup> <http://www.49ers.com/stadium/directions.html>. Accessed October 23, 2009.

**Response FF-3:** Page 320 of the DEIR lists the transportation improvements proposed at Hunters Point based on the information available at the time the DEIR was prepared. Specifically the DEIR states that:

“The Bayview Waterfront project does, however, propose transportation improvements including street improvements, transit-related improvements, and pedestrian and bicycle circulation improvements. Proposed transit improvements include a new ferry terminal at Hunters Point and a transit center adjacent to the ferry terminal. A traffic control center is also proposed near the stadium site to assist in managing game day traffic.”

**Comment FF-4:** The details of this massive public-private mixed use- project at Candlestick and Hunters Points shall be revealed in DEIR to be published by the Planning Department of the City and County of San Francisco in October. The comment period for the Santa Clara Stadium DEIR should be extended for at least a month to allow for correction of errors mentioned in this letter, among others. If the document is certified in its current erroneous form, it would be vulnerable to appeal or legal challenge. Regrettably, over the last seven years as a member of the Planning Commission of the City and County of San Francisco, I have seen many environmental impact reports invalidated or needlessly delayed due to omissions or inaccuracies in analysis.

**Response FF-4:** Since the errors described in these comments do not appear in this DEIR, no response to this comment is required.

## **GG. RESPONSE TO COMMENTS FROM ED MENARD, SEPTEMBER 26, 2009**

**Comment GG-1:** As a homeowner and resident in the area immediately adjacent to the proposed stadium site, I have many concerns about the potential impacts to the neighborhood, and our quality of life. These range from shorter-term concerns during construction, to longer-term impacts during the lifetime of the stadium.

I am particularly struck by the seeming small portion of the report (section 7.5.4) that discusses the Great America Main Lot Design Alternative, and which concludes that this is alternative is "... environmentally superior to the propose project." I request that the city further explore this alternative, as I am concerned that impacts of the proposed project to the residents will be significant, in terms of noise, traffic, lighting, odors, etc. and this alternative proposal would seem to lessen those.

**Response GG-1:** The City Council may request further evaluation of any alternative if the additional information is useful for the decision making process.

**Comment GG-2:** During construction, which is expected to stretch over 28 months, I am concerned about construction noise, vibration, dust/debris, etc. Having a complaint coordinator will be helpful, but please also include specific contract language with contractors / suppliers, etc that provides for fines and penalties if noise, etc exceeds acceptable conditions.

**Response GG-2:** The recommendation is acknowledged but the City may not be able to require fines in construction contracts.

**Comment GG-3:** I am very concerned about traffic and being able to go to and from my home during event days. Currently the traffic in the area is already quite heavy and this project will significantly increase traffic congestion. It seems that it would be extremely difficult if not prohibitive to travel to or from our home during event days. I am particularly concerned about traffic control, street closures and non-resident parking. The plan appears to propose parking control areas (would this be via resident permits?), and the closure of Agnew road during events. This traffic and parking control will require additional staff for enforcement, either by the city or our homeowners association. These costs should be borne by the project, not by the residents. It also makes it more difficult for residents to travel to/from their homes. What provisions will be made to ensure that residents will be able to travel freely during events? Will there be accessible traffic corridors for use by residents only?

**Response GG-3:** The residential neighborhoods nearest the project site will be included within the parking overlay district that will be established around the stadium for properties within the defined walking distance to the stadium. The parking overlay will establish parking restrictions and rights for properties that may be allowed to participate in the stadium off-site parking program and also protections for properties which may not or cannot be a part of the paid parking program. Please see Master Response III.B., Transportation Management and Operations Plan (TMOP), which describes the process of implementing all of the traffic, parking, and transit programs described in the DEIR.

To ensure that the nearby residential neighborhoods are not impacted by game day traffic and parking, various intersections would be officer controlled and monitored for residential intrusion control and Agnew Road will be closed (as shown on Figure 61 of the DEIR).



There is no proposal to implement a residential parking permit program. The team and the Stadium Authority are responsible for implementation of the proposed TMOP. While the TMOP will allow for expeditious access by emergency vehicles, most major travel corridors will be congested during the normal commute period on weekdays, for the one to two hour period before and after games on weekdays.

**Comment GG-4:** The project will probably generate significant amounts of non-resident foot-traffic through our neighborhood, and I am concerned that this will impose additional security and cleanup (litter, graffiti) costs that will be borne by the residents. Is there a provision in the plan to mitigate (either directly or by reimbursement) these additional costs by having them paid by the stadium? I think these additional costs should be borne directly by the project. Also, will there be additional foot paths, etc along Lafayette, which would encourage foot traffic to not pass through our neighborhood, but rather around it?

**Response GG-4:** As stated in Response GG3, the TMOP will preclude stadium patrons from parking in the residential neighborhoods east and south of the stadium. The basis of an assumed increase in food traffic through the residential neighborhood is clear, unless residents of the area are walking to the game.

**Comment GG-5:** Lighting and sound impacts are also significant and the report claims these are "unavoidable".

**Response GG-5:** The DEIR concluded that lighting impacts would be less than significant as discussed on page 71 of the DEIR. Noise impacts from stadium activities and from construction were found to be significant and unavoidable.

**Comment GG-6:** I urge the city to put specific provisions into any project agreements that contains specific noise limits that would apply to events and which are enforceable by fine or other financial impact. Additionally, I think the noise from events would be much more significant than the existing air traffic noise, both in terms of its duration and frequency content. Event noise would be much more continuous and annoying. Again this would decrease the quality of life for residents. Please consider additional mitigations to control light and noise effects on nearby residents, and put a enforceable monitoring and complaint procedure in place to address these concerns.

**Response GG-6:** Most of the large non-NFL events at the stadium would be sporting events. It is impossible to impose noise level restrictions on sporting events because the noise is mostly generated by the fans in attendance. The possibility of having an enclosed stadium is discussed in Section 7.5.3 of the DEIR as an alternative to the proposed project. The City is unaware of any other noise attenuation measures that could be incorporated into an open stadium design.

**Comment GG-7:** In short, I think that this project could have a significant negative impact to the quality of life in our neighborhood, and I would like to see further mitigations and design to minimize those impacts. In the extreme case, it seems that some of the impacts from this project will cause me to be unable to travel to/from my home, and/or when I am in my home, cause me to have to close the doors and windows, turn on the air conditioner and air cleaner, and hope that the insulation and window coverings will block out most of the noise, light, etc from stadium events. This is not a pleasant thought to contemplate and not the quality of life that have enjoyed until now. Please further mitigate these impacts to the quality of the life of nearby residents.

**Response GG-7:** The opinions as to the effect of the impacts from this project are those of the letter writer and are not reflected in the EIR.

**HH. RESPONSE TO COMMENTS FROM NANCY LANG (LETTER 1), SEPTEMBER 27, 2009**

**Comment HH-1:** On 10-25-06, Mr. Charles Seymour, a retired Santa Clara Police Lieutenant, wrote a letter of support for the proposed helipad at the new Kaiser Hospital at Lawrence Expressway and Homestead Road.

In this letter he states, "I became acutely aware of the problems with extrication of persons who were either seriously injured, who had a heart attack, or who had other serious medical emergencies while at Great America, or in the surrounding area." He further states, "This need led to the installation of a helipad at the S/E quadrant at Great America Park so that persons needing life and death treatment could be removed from the park. The immediate problem on highly compacted, high traffic days was that if a person could not be removed via helicopter to a medical facility, they were probably going to die." He continues, "This was due to the fact that an ambulance, police car, fire truck or other Emergency vehicle could not penetrate the horrific traffic that was at a stand still on all the roads surrounding the park, to be able to transport the patient to a medical facility for life saving measures."

These observations by now retired, Police Lieutenant, Mr. Charles Seymour were many years ago, and there was no football stadium in the area. Since then, the traffic has gotten worse, and the City wants to build a football stadium in the same area where there is "horrific traffic." The City needs to consider this information provided by a retired Santa Clara Police Lieutenant who has observed and dealt with the horrific traffic in the proposed 49er football stadium area.

**Response HH-1:** The existing roadway conditions in the project area are provided in Section 4.8.2.4 of the DEIR.

The Draft TMP includes officer controlled intersections and manually controlled traffic signals which will allow emergency vehicles to access and exit the project area quickly and the TMOP to be developed prior to stadium opening will implement these measures (please see Master Response III.B).

**Comment HH-2:** Where exactly, in Great America, is the helipad that Police Lieutenant, Mr. Charles Seymour, speaks of in his letter? I do not see it from Google's Satellite view map. How will it be used for stadium events?

**Response HH-2:** The Great America Theme Park helipad is located in the southeast corner of the park's corporation yard adjacent to San Tomas Aquino Creek. The City has not defined how the helipad would be used specifically for stadium emergencies, but its presence in close proximity to the stadium provides a resource for the City's emergency services should it be needed in the area.

## **II. RESPONSE TO COMMENTS FROM NANCY LANG (LETTER 2), SEPTEMBER 27, 2009**

**Comment II-1:** Again I ask, "where's the land?" Without the land, there is no stadium. Cedar Fair holds a long-term lease for the parking lot proposed as the stadium location, and there is no agreement with Cedar Fair to use the land for a stadium.

**Response II-1:** Cedar Fair enjoys an entitlement to an agreed upon number of parking spaces which are today found on City-owned surface parking lots in the vicinity of the Theme Park. The proposed project would rearrange the location of those spaces but does not eliminate the right of use of the parking.

**Comment II-2:** The following is taken from:

Subject: Guiding Principles - Feasibility of a Proposed 49ers Stadium in the City of Santa Clara,

Dated: January 2, 2007 "Cedar Fair Agreement Necessary to Proceed with a Stadium

Feasibility Study

"Prior to entering into any type of feasibility analysis/formal discussions with the 49ers, the City and Redevelopment Agency also should ensure that Cedar Fair, LP (Cedar Fair), the owner of the Theme Park, acknowledges and concurs with the study/discussions with the 49ers. Cedar Fair holds a long-term ground lease agreement with the Agency for the parking lot proposed as the stadium location."

"It would be prudent for the City and the Agency to ensure that the Theme Park owner does not later assert liability, among other things, from the possibility of interference with on-going business concerns. A stadium feasibility study and any required CEQA review could encompass many months and even years of effort with no certain outcome until all the public and legal processes have been completed."

Without the land, the CEQA review is meaningless, and the DEIR cannot be certified.

**Response II-2:** The DEIR is based on the assumption that the stadium project site would be available for construction of the proposed stadium. If the land is not available the project cannot be built.

**JJ. RESPONSE TO COMMENTS FROM NANCY LANG (LETTER 3), SEPTEMBER 27, 2009**

**Comment JJ-1:** The DEIR states, "Much of the proposed parking is to be provided on property owned or controlled by others and used by various businesses."

The City of Santa Clara cannot be allowed to create another situation as they did at the new Kaiser facility located at Lawrence Expressway and Homestead Road. The final EIR stated that four access points (entrance/exits) were needed to accommodate the project traffic. Forge Drive was identified as one of those access points. According to the Santa Clara County Assessor's Office, Forge Drive is not a dedicated roadway, and the City of Cupertino does not have any current plans to develop it into a roadway. The EIR for the Kaiser project was certified and the hospital was built with no viable forth access point available. Therefore, this DEIR cannot be certified until the City has signed legal contracts with the companies/land owners where the 20,000 cars will park. The City cannot be allowed to declare, "It is reasonable to assume that use of approximately 20,000 parking spaces can be secured from more than 40,000 spaces available in the project area." Forge Dr. has never existed, and right now, neither do the 20,000 parking spaces.

**Response JJ-1:** The stadium is guaranteed access to the parking immediately adjacent to the stadium, the surface parking lots on the north side of Tasman Drive (in front of the Golf and Tennis Club) and some of the structured parking on event days. The guaranteed parking accounts for approximately 13 percent (2,500 spaces) of the total parking spaces needed for NFL events. The remainder of the parking will need to be acquired through parking agreements with local property owners. Page 17 of the DEIR details the steps that will be taken each year to ensure adequate parking.

It is not accurate to say that the 20,000 parking spaces do not exist. They do exist. In order to implement this project, the 49ers will need to obtain a legal commitment to allow stadium attendees to use the parking spaces.

**Comment JJ-2:** This DEIR cannot be certified until the city has legal parking agreement documents to the required amount of parking that is set forth in the DEIR.

**Response JJ-2:** The opinion of the commentor is noted.

## **KK. RESPONSE TO COMMENTS FROM STEPHEN HAZEL, SEPTEMBER 28, 2009**

**Comment KK-1:** Has a study been done concerning the impact of individuals coming from outside of the area and parking in neighborhoods and along the streets (to avoid paid parking lots) then making it to the stadium by walking, biking or using public transit? What measures could be implemented to mitigate the potential impact on the surrounding areas?

**Response KK-1:** As shown on Figure 61 of the DEIR, the entrances into the residential neighborhoods nearest the project site will be officer controlled and monitored for residential intrusion control.

**Comment KK-2:** The 49ers say that Tasman Drive needs to be closed for game days due to the number of people. What about non-NFL events that could also fill the stadium i.e. concerts, other sporting events, etc? (There will be no limit on people able to attend an event up to the capacity).

**Response KK-2:** Tasman Drive will be closed as needed for all large events as part of the transportation management plan.

**Comment KK-3:** There are no guarantees that events (non-NFL) will not be held Monday thru Friday and be full to capacity. How will these concerns be mitigated?

**Response KK-3:** Based on the project description for the proposed project, it is assumed that there will be up to eight weekday evening events a year which includes up to four NFL events (up to two if only one team plays at the stadium) and up to four large non-NFL events. Ultimately, the scheduling of weekday events will depend on the availability of parking.

**Comment KK-4:** Since the stadium has no on-site (required) parking and needs to enter into parking agreements with other business owners (to use their parking) what would happen if at some point the parking contracts were voided and the stadium did not have sufficient or required parking for the stadium? How would this situation be mitigated with no other foreseeable parking available?

**Response KK-4:** Sections 2.3 and 4.8.4.5, and Appendix I of the DEIR describe how parking will be implemented on a yearly basis. The stadium will have some on-site parking, and additional parking will be located immediately across Tasman Drive. The Transportation Management and Operations Plan (TMOP) will be implemented and reviewed annually to ensure adequate parking. Please see Master Response III.B.

**Comment KK-5:** Other than saying the 49ers are negotiating with Cedar Fair, what specific compensation (dollar amount) are the 49ers willing to pay Cedar Fair for their lost revenues (i.e. closing the park, reduced attendance, employee's salary-reduced or lost, restricting easy access to the theme park)?

**Response KK-5:** The comment does not raise any question(s) about environmental effects or the adequacy of the DEIR. The question should be directed to the City Council.

**Comment KK-6:** With the Mello Roos tax being used to finance the stadium and myself being a Santa Clara resident, what if I stayed at one of these hotels? Wouldn't I be taxed under Mello Roos? Doesn't the Term Sheet, agreement or promise from the City Manager say there will be no tax for Santa Clara residents? How can this issue be mitigated?

**Response KK-6:** Questions regarding the term sheet and stadium financing should be directed to the City Council and do not address environmental issues considered in the DEIR.

**Comment KK-7:** This facility could potentially be used 7 days a week (all hours) will there be any restricted days or hours that this facility cannot be in use? How will this be mitigated to lessen the impact on the surrounding area?

**Response KK-7:** The Stadium Authority will be responsible for scheduling events at the stadium and the City Council will approve the schedule. The question is about something other than the proposed project, and no information is available.

**LL. RESPONSE TO COMMENTS FROM ERLINDA ESTRADA, SEPTEMBER 28, 2009**

**Comment LL-1:** I have several concerns regarding the Draft Environment Impact Report for the proposed 49ers stadium.

Transportation Impact Analysis:

Nowhere in this section is the Santa Clara Convention Center mentioned. Certainly any event at the proposed stadium will adversely impact any conventions or trade shows at the Convention Center.

Many convention/trade show attendees drive to the Convention Center. Convention attendees often seek entertainment and food off the Convention Center premises. How attractive would such events be to promoters if they know their attendees are so grossly inconvenienced not only during game days but during other events that may be held at the stadium?

**Response LL-1:** The Stadium Authority and the City of Santa Clara would control the scheduling of events at the stadium and would work cooperatively with the Convention Center bureau regarding concurrent events at the stadium and the Convention Center. The City does not believe that scheduling conflicts will arise between the two venues.

**Comment LL-2:** Noise Assessment:

The report states that the Operational Noise for stadium events would be significant and that "There are no feasible measures that would reduce noise levels generated by activities prior to, during, or after proposed events below median and background noise levels at nearby residential uses, and the impact would be unavoidable."

I would argue that this report understates the impact. Even now in the residential areas north of Agnew Road, there is significant noise on summer days from Great America. The wind carries voices, music, and screams from thrill-riders into the area at an annoying volume. I think it's unrealistic to think that there will be no events at the stadium while Great America is operating, so the noise levels in these neighborhoods will be even higher than suggested in the DEIR. The DEIR should have measured noise volumes during the summer, not just in December.

**Response LL-2:** Noise levels were measured in December to accurately represent ambient conditions during the fall and winter and to provide a conservative baseline noise level that project noise levels could be compared against. This time period was selected because the stadium would be primarily used for football events during the fall and winter.

If measurements were made during the summer, and included event noise from Great America, ambient noise levels may have been higher in some areas. A comparison of project noise levels to summertime conditions may have understated the impact from the project because the baseline noise level would have been much higher.

**Comment LL-3:** Project Alternatives:

Only two project alternatives were addressed: locating the stadium somewhere else or not building a stadium at all. This is insufficient. All along opponents to this project urged the City of Santa Clara to explore alternatives to the stadium project that would be in keeping with the idea of enhancing the



entertainment area while having less adverse impacts that a stadium would entail. The City has not. So this section of the DEIR is incomplete.

**Response LL-3:** The DEIR (in Section 7.5) discussed eleven alternative locations and analyzed four project alternatives; 1) No Project, 2) Reduced Stadium Size, 3) Enclosed Stadium Design, and 4) Great American Main Lot Design.

The purpose of the alternatives discussion under CEQA is to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” [CEQA Guidelines Section 15126.6(a)]. The DEIR alternatives analysis is consistent with the requirements of CEQA. To analyze anything other than a stadium would be inconsistent with all of the project applicants’ objectives. The 49ers organization is one of the project proponents and is only interested in building a stadium; it is the fundamental purpose of their proposal.

## **MM. RESPONSE TO COMMENTS FROM WILLIAM BAILEY, SEPTEMBER 28, 2009**

**Comment MM-1:** I would like to comment on the Draft Environmental Impact Report for the proposed development of an NFL stadium for the San Francisco 49ers. My comments are on four areas of the report - the traffic, estimates of mass transit usage, the road closures and the parking analysis:

### 1. Traffic:

Section 4.8.5, beginning on page 203 of the Draft EIR Main Report, makes this only too clear: The Project Owners propose to degrade traffic to the two worst Levels-of-Service (LOS) on seventeen intersections north of U.S. 101.

However, the Report then states, on page 204, "The project does not, therefore, propose to implement any of the physical improvements described below."

In other words: Seventeen intersections on the northern side of our city will be essentially gridlocked on NFL event days - and the only "mitigation" proposed is to drop 160 police officers into the middle of those intersections and others.

On the issue of the traffic congestion alone, the DEIR is woefully insufficient. It is ample reason to deny any permitting for this project.

**Response MM-1:** At the end of the paragraph quoted from above is the statement that "Mitigation for these impacts will be fair share contributions to the physical improvements listed below which are programmed; the contribution will be proportionate to the total number of days the impacts will occur."

The statement implies that 17 intersections in Santa Clara will be "gridlocked". On weekdays (2-4 times per year) the project will have significant impacts to 8 intersections in Santa Clara, 6 in San José, one in Sunnyvale, and two in Milpitas (DEIR page 188). The basis for this reference to 160 police officers is unknown. The Draft TMP refers to 39 officers required to manage game day traffic (TMP page 30).

As stated on page 204 of the DEIR, "the traffic impacts would not occur often enough to exceed the thresholds established by the CMA..." Nevertheless, the City conservatively called out the intersection LOS impacts as significant. The transportation management plan has been proposed to facilitate traffic through the project area on NFL event days and during other large events. Significant effects of traffic would occur on large event days only during short periods leading up to and after events.

### **Comment MM-2:** 2. Estimates of Mass Transit Usage:

In the original EIR Scoping sessions of September 2<sup>nd</sup>, 2008, several speakers, myself included, stated our well-founded skepticism over the rosy projections of mass transit usage in the area of the proposed stadium. Specifically, the initial estimates of 25% usage of light rail, local and charter buses in Santa Clara for NFL games were simply improbable.

In this Draft EIR, on pp. 175-176, this figure is now stated to be 26%. Since the time of the Scoping Sessions, however, more information has come to light which again contradicts this mass-transit figure:

**Response MM-2:** On pages 175-176, the DEIR says that "...it is anticipated that of all attendees, 74 percent would arrive via automobile, seven percent by charter bus, and 19 percent would arrive via transit." The transit assumption for stadium attendees is 19 percent.

The assumption of 19 percent transit use for future stadium attendees is based not only on substantial historical data from the current stadium (Candlestick Park), but is also based on data collected from other NFL stadiums with similar transit opportunities and takes into account the fact that the proposed stadium site has many more transit options than Candlestick Park (pages 176-178 of the DEIR). Based on this data, and on the existing transit systems' capacity, the transportation engineer who prepared the TMP calculated the assumed transit use. The City believes the 19 percent transit share assumed in the TMP and the DEIR is reasonable for this type of special event venue.

The assumption for stadium attendees arriving by charter bus is seven percent. Currently, Candlestick Park has 10 percent of stadium attendees arrive by charter bus. The seven percent assumption is on par with existing stadium operations.

**Comment MM-3:** This writer was made aware of discussions between the Project Owners and transit authorities in San Francisco. In those meetings, those authorities were told that a 20-25% mass-transit utilization at any Hunters Point stadium location was - somehow - a gross overestimate.

In other words: The "one-quarter" figure, unacceptable to the Project Owners in reference to the Hunters Point development, is now somehow considered to be perfectly reasonable for a stadium site in Santa Clara.

**Response MM-3:** No response is possible without knowing the circumstances referred to. The "one-quarter" figure is not accurate for the proposed project since, as stated previously, the transit assumption is for 19 percent.

**Comment MM-4:** Based on the many millions of dollars for traffic infrastructure which will no doubt be expended by San Franciscans to make a Hunters Point site freely accessible: Underestimating mass-transit utilization at Hunters Point and overestimating it for Santa Clara simply paints far too optimistic a picture for the flawed proposal here.

**Response MM-4:** The DEIR has made no estimate of mass-transit utilization at Hunters Point. Please see Response MM2.

**Comment MM-5:** For comparison, transit modes for Candlestick Park were surveyed for single NFL events in the years 2002-5 and 2007, with data compiled by SamTrans, the San Francisco Muni Railway, our own VTA and Golden Gate Transit. They arrived at an average mass-transit utilization figure of only 18.5%. The notion that we would exceed that here - and by an additional 7.5%- should be immediately suspect.

In fact, it's quite plausible that the most minor of variances in the mass-transit usage figures will have a severe impact on the already congested traffic acknowledged in Section 4.8.4.3 of the Draft EIR.

**Response MM-5:** Currently, Candlestick Park is only served directly by Muni and private charter buses.<sup>3</sup> The proposed project site is directly served by VTA bus and light rail, Caltrain, and ACE train. The project site would also be served by private charter buses. Because the proposed project site has more direct transit options than Candlestick Park, the assumptions for transit use are higher.

**Comment MM-6:** 3. Closure of Tasman Drive; Checkpoints. Tasman & Lafayette:

In this region, our cities spent many millions of dollars and waited well over a decade to finally see the completion of a Tasman Drive which truly links Sunnyvale and Milpitas. High-technology businesses, creating high-quality employment and generating significant tax receipts have greatly benefited from this thoroughfare. Tasman Drive allows easy access for technology workers, as well as ease of access to transportation modes into and out of the "237 Triangle."

In fact, a case could be made that this infrastructure alone has increased productivity of the employers in this north side business area, and to the benefit of us all.

However, the Project Owners actually propose to CLOSE Tasman Drive on NFL event days. This simply defies any reasonable logic, after what we've gone through to get Tasman done at last.

**Response MM-6:** This comment is concerned with commute traffic being unable to use Tasman on NFL game days. Only 2-4 of those game days will be on weekdays (depending on the number of teams based at the stadium). Disruption of the afternoon commute 2-4 days a year will not significantly impact employers in the north side business area.

**Comment MM-7:** In addition, Santa Clarans with Zip Codes of 95054 will be severely impacted by not only the closure of Tasman Drive, but particularly by that of Agnew Road, and as well as by the seven checkpoints proposed for Lafayette Street. A rather startling graphic which proves how serious this really is may be found on page 186 of the Report, as "Figure 61."

**Response MM-7:** The closure of Agnew Road and the officer controlled intersections in the residential neighborhoods are proposed so that stadium patrons will not park or cut through the residential neighborhoods on game days. These traffic controls will not preclude the residents of these neighborhoods from entering and leaving their neighborhoods on game days.

**Comment MM-8:** What is particularly troubling about these closures is the fact that the Project Owners - as well as stadium proponents in general - have assured Santa Clarans that the proposed site at Tasman and Great America is somehow 'stadium-ready'.

The closure of Tasman Drive on NFL event days provides ample proof that, in fact, serious capacity problems with the site exist and that they remain unaddressed. By no means is the site 'stadium ready'.

**Response MM-8:** The closure of Tasman Drive is proposed to ensure safe and efficient pedestrian access to and from the site for transit users and stadium patrons parking north of Tasman Drive.

---

<sup>3</sup> <http://www.49ers.com/stadium/directions.html>. Accessed October 23, 2009.

**Comment MM-9:** 4. Parking:

There can be no doubt that the problem of parking some 20,000 vehicles on private land is a major undertaking, and one certainly deserving of treatment in this Draft EIR Report. Some additional figures may provide some insight into exactly why this environmental impact will be as severe as it is:

Note that the Project Owners are proposing to locate a stadium with approximately a 14-acre footprint on a 17-acre site. The complete lack of any ancillary development, as well as the utterly insufficient Project parking nearby, should give us all considerable pause.

Contrast the 17-acre Santa Clara site with the current 84 acres at Candlestick Park and with the well-over-600 acres at Hunters Point – and one can see immediately why the proposed "private-parking" plan is completely insufficient to the siting of a 68,500-seat stadium in Santa Clara.

**Response MM-9:** The comment above does not raise any question(s) as to the adequacy of the DEIR. This comment is noted.

**Comment MM-10:** One interesting line on page 178 of the Draft EIR reads, "Although the Traffic Management Plan assumes that the office parking lots to be used by the stadium will be vacated prior to 3:00pm on a weekday game day, ..."

... In fact, it would be astonishing if technology business managers and executives, who are relying on their workers being present for a full work day, would ever agree to lose the latter part of any work day, merely so that they can accommodate 49ers fans on Mondays. As many of these businesses operate well outside of the "nine-to-five" workday, requiring their workers to compete with football fans for parking spaces in their own lots is simply absurd.

**Response MM-10:** The opinion of the commentor is noted.

**Comment MM-11:** The insufficiency of the stadium site itself is the immediate reason for the insufficiency of the parking plan. However, nowhere in this Draft EIR are those considerations even addressed.

**Response MM-11:** The DEIR analyzes the proposed parking consistent with the CEQA Guidelines. Page 17 of the DEIR details the steps that will be taken each year to ensure adequate parking.

**Comment MM-12:** Conclusions

To sum up: Among the considerations of congested traffic, inflated mass-transit usage numbers, disruptive closures of major roads., and a completely insufficient plan to park some 20,000 automobiles, the Draft EIR gives us Santa Clarans no reason to proceed. In fact, it's a clear statement of exactly why the permitting of this project should be denied at once.

It is unfortunate that we would arrive at this stage, only to find that an NFL stadium at Tasman and Great America Parkway would cause the problems that it will - and that the Project Owners continue to demand that Santa Clarans pay a public subsidy of \$114,000,000 for such a substandard development.

I urge the Planning Commission to halt the permitting of this Project at once. For the money we're expected to pay for it, it will clearly do more harm than good.

I sincerely appreciate the opportunity to add comments to the DEIR process for a stadium project, and I would like to respectfully request that this letter be included in its public record.

If there any questions about this letter or its contents, please do contact me at any time.

**Response MM-12:** This comment is noted.

## **NN. RESPONSE TO COMMENTS FROM CAROL FOSTER, SEPTEMBER 28, 2009**

**Comment NN-1:** This letter is in response to the Draft Environmental Impact Report for the 49ers Santa Clara Stadium Project. The report claims there will be a less than significant impact to the immediately adjacent San Tomas Aquino Creek or San Francisco Bay from increased pollution runoff or trash. Proposed post-construction BMP's include sweeping, maintaining vegetative swales, litter control, stenciling storm water catch basins to discourage illegal dumping, and installing trash racks. However, I don't believe this DEIR is taking into account the trash that will be discarded 1) on surface streets as people are driving to the stadium including over the Tasman Drive bridge crossing the creek and 2) by people walking over the creek on the two newly proposed pedestrian bridges.

A pilot study done in San Mateo County to identify trash sources found littering at parks and dumping from bridges were the most likely sources of trash to the creek at the study site ("Pilot Study to Identify Trash Sources and Management Measures"

[http://www.flowstobay.org/documents/community/watershed/studies/gateway\\_park\\_trash\\_pilot\\_study\\_2005\\_report.pdf](http://www.flowstobay.org/documents/community/watershed/studies/gateway_park_trash_pilot_study_2005_report.pdf)).

How will littering directly into the creek be prevented and how will impacts to the creek be assessed after stadium events?

**Response NN-1:** The proposed stadium and all parking areas will have sufficient numbers of trash receptacles to accommodate the volume of trash and recyclables estimated to be generated during stadium events. In addition, parking areas will be cleaned after each event. For these reasons, the City believes that operation of the stadium will not result in a significant increase in debris in San Tomas Aquino Creek.

**Comment NN-2:** Firstly, the pedestrian bridges should be enclosed by fencing with small enough mesh to discourage all trash from being discarded over the bridge, including cigarette butts. Secondly, trash receptacles should be installed at both ends of each pedestrian bridge and positive signage should be posted encouraging people to use the receptacles in order to keep the creek clean for fish and wildlife. Thirdly, monitoring of the stream at the pedestrian bridges and the Tasman Drive bridge crossing using the Regional Water Quality Control Board's or the Santa Clara Valley Urban Runoff Program's 'Urban Rapid Trash Assessment' protocols should be done both the day before and the day after events to document trash accumulation information. This should be done several times before and after different event types. If trash is increased after an event, pre-determined mitigation measures should be implemented.

**Response NN-2:** This comment is noted.

**OO. RESPONSE TO COMMENTS FROM MICHAEL ANTONINI, SEPTEMBER 28, 2009**

**Comment OO-1:** Trust you received my written comments on Saturday, September 26 regarding shortcomings of the Santa Clara stadium DEIR. You should receive hard copy of these comments today in the mail. Over the weekend, I noticed that the stadium comparisons you are using to assess impacts are (1) for sports other than football (2) of smaller capacities (3) were never built-ie Manhattan Jets stadium. (4) in urban, not suburban settings; all of which (the urban settings) have plentiful public transit.

**Response OO-1:** Page 14-15 of the Transportation Management Plan (Appendix I of the DEIR) states that “As a point of information, modal splits for various stadiums across the country are presented in Table 9. As shown, the percentage of transit usage for the current 49ers Candlestick Point site is lower than the average for other stadiums across the country.” None of the analysis in the DEIR is based on comparisons of other existing or proposed stadiums.

**Comment OO-2:** Finally, I noted that you propose closing a major street, Tasman Dr., on game days-an impact that cannot be mitigated.

Thank you for your attention to these matters. Hope you will choose to extend the comment period.

**Response OO-2:** The closure of Tasman Drive, which would occur 10 days a year for NFL games (20 days if at any time two teams occupy the stadium), is proposed to ensure safe and efficient pedestrian access to and from the site for transit users and stadium patrons parking north of Tasman Drive. The closure of Tasman Drive was not identified as an impact.



**PP. RESPONSE TO COMMENTS FROM SANTA CLARA BICYCLE ADVISORY COMMITTEE, SEPTEMBER 10, 2009**

Note: Comments on the Draft EIR from the Bicycle Advisory Committee meeting of August 26, 2009 were transmitted by the Director of Public Works for inclusion in the Final EIR. Response to this City committee are provided here in the interest of answering all questions and comments directed at the environmental review process.

**Comment PP-1:** At the August 26<sup>th</sup> Bicycle Advisory Committee (BAC) committee meeting, members discussed potential impacts that the proposed 49er's Stadium could have on adjacent bicycle facilities and areas of concern that they wished to express during the Draft Environmental Impact Report (DEIR) comment phase of this development. The members of the BAC feel that these concerns need to be addressed in the EIR.

The adjacent San Tomas Aquino-Saratoga Creek Trail was the main focus for the committee members. Due to its proximity to the proposed 49er's Stadium, members felt that Stadium users would greatly impact the trail as they made their way to and from the Stadium. Four locations along the Creek Trail would experience the most impact; the at-grade intersection of the trail with the Southern Bridge over the creek located southwest of the proposed Stadium, the at-grade intersection of the trail with the proposed pedestrian bridge located immediately south of Tasman Drive, the pedestrian bridge located adjacent to the Golf & Tennis Club, as well as the Creek Trail leading from the bridge south to Tasman Drive.

**Response PP-1:** The transportation impact analysis (TIA) identifies existing pedestrian and bicycle facilities in the project area on page 24 and Figure 7. Page 127 of the TIA discusses increased pedestrian traffic and likely routes in the project area. Figure 51 illustrates likely pedestrian routes and volumes to and from the various zones where parking facilities are located and identifies how pedestrians could utilize the San Tomas Aquino trail on game days (depending on where parking is ultimately located).

While there will likely be a sizeable increase in pedestrians on the San Tomas Aquino Creek trail before and after NFL events, the creek trail is open to both pedestrians and cyclists and there are no restrictions on use. Anyone at anytime can access and use the trail. It should be noted, that NFL events will occur only 10 days per year (20 if a second team shares the stadium, which is not anticipated) and most patrons arrive and leave within one hour of the start/end of the game. As a result, the trail might be crowded for approximately two hours up to 10 days a year. This would be an inconvenience to people who currently use the trail during those particular time periods, but would not constitute a significant impact.

**Comment PP-2:** The BAC feels that there would be potential impact to existing Creek Trail users during the pre-event and post-event periods. This includes introduction of delays, congestion, and access problems for existing Creek Trail users who cross the Southern Bridge at grade. The BAC feels that the project should include constructing a grade separated bypass for Creek Trail users to remove this conflict.

**Response PP-2:** Please see Response PP-1.

**Comment PP-3:** The BAC questioned the need for the additional pedestrian bridge adjacent to Tasman Drive which may impact the existing at-grade trail access at that location.

**Response PP-3:** The proposed clear-span pedestrian bridge adjacent to the existing Tasman Drive bridge is included in the project to ensure that there is adequate facilities for patrons as they walk to and from the stadium and to facilitate pedestrian traffic as quickly as possible. The bridge will be designed in consultation with the Santa Clara Valley Water District and will not impact access to the trail.

**Comment PP-4:** The BAC also inquired whether or not the Traffic Management Plan (TMP) addresses bicyclists use of Tasman Drive during the road closure of Tasman Drive on game days. The BAC noted that the TMP does not discuss how bicyclists on Tasman Drive either going to the Stadium or through the area will be able to accomplish their goal.

**Response PP-4:** Tasman Drive will be closed to vehicles from the Great America Main Lot driveway to Stars and Striped Drive. Tasman will not, however, be closed to pedestrian and bicycle traffic, enabling commuters and other cyclists to pass through the stadium area. Given the concentrated pedestrian activity that could be present during arrival and departure times for large events, cyclists may be required to walk bicycles when entering the area for an event or when passing through this area.

**Comment PP-5:** The BAC proposes that the project should open up and improve access on the east side of the San Tomas Aquino-Saratoga Creek levee for pedestrian use between the pedestrian bridge north of Tasman Drive and the Hetch Hetchy right of way. This would provide an alternate route for Stadium users who park at the proposed parking structure on the north side of Tasman Drive to make their way to the Stadium without impacting the existing Creek Trail users on the west side of the levee.

**Response PP-5:** The levee on the east side of the creek is owned by the Santa Clara Valley Water District and is used as a maintenance road. The project has no jurisdiction over the levee.

**Comment PP-6:** The BAC has concerns about the possible impact weekday evening football games might have on access to the Great America ACE Train Station for bicycle commuters. This concern pertains to access from the Creek Trail as well as Tasman Drive and Stars & Stripes Drive.

**Response PP-6:** Bicycle access to the Great America ACE Train Station from both Tasman Drive and Stars & Stripes Drive will not be prohibited during the weekday evening football games. Traffic control officers will be present to help facilitate pedestrians, cyclists, and automotive traffic on Tasman Drive.

The influx of people into the stadium area for weekday evening football games would only occur up to four times per year. While the increase in pedestrian and automotive traffic could be an inconvenience to people who currently use the Great America ACE train Station during those particular time periods, it would not constitute a significant impact.

**Comment PP-7:** These evening events also pose a potential conflict with the present City practice of the Creek Trail being open for use only from dawn to dusk, especially since the trail is not lighted.

**Response PP-7:** The operation of the stadium during evening events is not anticipated to change existing practices regarding use of the trail. If it is determined that any portion of the

trail may be useful to help move people around the stadium area, such as crossing under Tasman Drive, temporary safety lighting could be employed in a limited manner.

**Comment PP-8:** The BAC was also concerned with the potential increase of litter on Creek Trail from Stadium users.

**Response PP-8:** The proposed stadium and all parking areas will have sufficient numbers of trash receptacles to accommodate the volume of trash and recyclables estimated to be generated during stadium events. In addition, parking areas will be cleaned after each event. For these reasons, the City believes that operation of the stadium will not result in a significant increase in debris on the creek trail or in San Tomas Aquino Creek.

**Comment PP-9:** As part of the proposed Stadium, the BAC would like to see a possible bike corral, staffed bike valet, and/or dedicated on site parking for bicyclists.

**Response PP-9:** Bicycle parking is proposed and will be provided based on City requirements. Some permanent facilities will be constructed and temporary, event-based bike compounds are anticipated. No details on the bicycle parking are currently available, however, as the final stadium design is not yet complete.

**Comment PP-10:** The BAC feels that the project should also mitigate the congestion, delay and access impacts to bicyclists by opening up access for bicyclists/pedestrians along the Hetch Hetchy corridor from San Tomas Aquino-Saratoga Creek Trail to Lafayette Street.

**Response PP-10:** The Hetch Hetchy corridor is owned by the San Francisco Public Utilities Commission. The project has no jurisdiction over the Hetch Hetchy corridor.

**IV. REVISIONS TO THE TEXT OF THE DRAFT EIR**

---

The following section contains revisions/additions to the text of the *Draft Environmental Impact Report, 49ers Santa Clara Stadium*, dated July 2009. Revised or new language is underlined. All deletions are shown ~~with a line through the text~~.

Page x Summary, Hazards and Hazardous Materials *Continued*; **Delete** the following text from the summary table:

<u>Significant Impact</u>	<u>Mitigation Measures</u>
<b>Hazards and Hazardous Materials <i>Continued</i></b>	
<p><del>The stadium site is located within the worst case release impact zone for two toxic gas facilities and could expose event attendees to toxic chemicals if a worst case release were to occur.</del></p>	<p><del>The proposed project will have to prepare an emergency response plan in coordination with first responders and other emergency agencies. The plan will include an evacuation plan, medical response plan, and advance warning system, and will detail what parties are responsible for specific response actions. The plan will need to be approved by the City’s Director of Planning and Inspection and the Santa Clara Fire Chief prior to issuance of occupancy permits.</del></p>
<b>Significant Unavoidable Impact</b>	

Page 7 Section 1.0 Introduction and Purpose; the following text will be **ADDED** at the end of Section 1.4. Uses of the EIR:

The following agencies are Responsible Agencies who may use this EIR in making discretionary decisions that include but may not be limited to those listed:

- Santa Clara Valley Water District
  - Acquisition of land rights (e.g., easement, fee title)
  - Encroachment permit
- Santa Clara Valley Transportation Agency
  - Modifications to transit operations
- Santa Clara County Roads and Airports Department
  - Implementation of transportation improvements
- City of San José
  - Implementation of transportation improvements
- City of Milpitas
  - Implementation of transportation improvements
- California Public Utilities Commission
  - Rail crossing
- Bay Area Air Quality Management District
  - Permits for on-site operating equipment

Page 8 Section 2.0 Description of the Proposed Project; **Add** the following to the opening sentence:

The proposed project includes ~~four~~ five specific components, as shown:

- Stadium
- Substation Relocation
- Transportation Management Plan
- Off-Site Surface Parking
- Parking Garage

The Draft Transportation Management Plan is attached to the Draft EIR as Appendix I. Since it is an operational component, it is addressed in more detail in Section 4.8 Transportation and Circulation.

Page 8

Section 2.0 Description of the Proposed Project, 2.1 Stadium Component; **Add** the following text and table after the second paragraph:

Table 1A lists the known NFL events and likely non-NFL large events that could occur in any given year. NFL events are discussed in more detail in Section 2.1.5.1 and non-NFL events are discussed in Section 2.1.5.2.

<b>TABLE 1A</b>			
<b>Possible Large* Events Per Year</b>			
<b>Type of Event</b>	<b>No. Events/Year</b>	<b>No. Days/Event</b>	<b>Total Event Days</b>
NFL Preseason	2-4	1	2-4
NFL Regular Season	8-16	1	8-16
<i>NFL Subtotal Per Year</i>	<i>10-20</i>	<i>10-20</i>	<i>10-20</i>
X-Games	1	4	4
Moto-Cross	1	1	1
International Soccer	2	1	2
Concert	1	1	1
College Football	1	1	1
Festivals/Antique Shows	8	1	8
College Bowl Game	1	1	1
Car Shows	2	4	8
<i>Non-NFL Subtotal Per Year</i>	<i>17</i>	-	<i>26</i>
<b>Total Large Events Per Year</b>	<b>37 maximum</b>	-	<b>46 maximum</b>
* Large events refer to events that require off-site parking.			

Page 19

Section 2.0 Description of the Proposed Project; 2.3.1. Parking Lot Security and Maintenance; **Add** the following to the second sentence in the paragraph:

Parking lot security and maintenance will be managed by the Stadium Authority through a contract with an independent parking operator. The parking operator will provide parking lot security before and during stadium events and post-event clean up of all parking areas. In order to ensure that sufficient security is provided for all events and that the parking areas are properly maintained, the Stadium Authority will review the parking security and maintenance plans on a yearly basis.

Page 28

3.5. City of Santa Clara General Plan; Public Facilities and Services Element; the last paragraph in the *Consistency* section will be **REVISED** as follows:

The project site is outside the jurisdiction adopted safety zones, and complies with the safety-related policies of the Santa Clara County Airport Land Use Commission.

~~The project will, however, comply with the operational requirements of the Mineta San José International Airport.~~ Therefore, the project will not conflict with Policy 13 in the General Plan Public Facilities and Services Element.

Page 38 4.1. Land Use; Section 4.1.2.3. Land Use Conflicts; Project Specific Impact; the first sentence of the fourth paragraph will be **REVISED** as follows:

Sub-Area ~~B~~ C is currently a surface parking lot used for overflow parking for the Great America Theme Park.

Page 38 4.1. Land Use; Section 4.1.2.3. Land Use Conflicts; Norman Y. Mineta San José International Airport; Height Restrictions; the last paragraph on the page will be **REVISED** as follows:

Due to the project's proximity to the San José Airport flight paths, development on the site is subject to height limits under Federal Aviation Regulations, Part 77, which is administered by the Federal Aviation Administration (FAA) and incorporated into the Santa Clara County Airport Land Use Commission (ALUC) Policy. Under these regulations, any proposed structure that would exceed an FAA-defined imaginary surface restriction (approximately 160 feet above ground at the project site), or which stands at least 200 feet above ground level, is required to be referred to the FAA for an airspace safety evaluation. The proposed stadium would be 175 feet tall with light standards up to 200 feet, thereby ~~creating a potentially significant impact requiring~~ submittal to the FAA for airspace safety review.

Page 39 4.1. Land Use; Section 4.1.2.3. Land Use Conflicts; Norman Y. Mineta San José International Airport; Height Restrictions; the third full paragraph on the page will be **REVISED** as follows:

In June 2009, the FAA issued a Determination of No Hazard to Air Navigation (see Appendix A) for each of the eight high points of the proposed stadium project. The No Hazard determinations state that the stadium heights would not impact the airspace as long as prescribed obstruction lighting is installed on the roof and notification is provided to the FAA when construction of the stadium high points is completed and was issued because the light standards and solar panels are within the 200 foot AGL obstruction standards and will not interfere with airport operations. According to airport staff, the stadium heights also would not conflict with any of the airline emergency "one-engine inoperative" imaginary surfaces that are not considered in the FAA's obstruction evaluation.

Page 39 4.1. Land Use; Section 4.1.2.3. Land Use Conflicts; Norman Y. Mineta San José International Airport; Height Restrictions; impact LU-7 will be **REVISED** as follows:

The project will comply with the height restrictions for the Mineta San José international Airport and through compliance with the FAA's No Hazard determinations, ~~and~~ will not impact airport operations. (**Less Than Significant Impact**)

Page 39 4.1. Land Use; Section 4.1.2.3. Land Use Conflicts; Norman Y. Mineta San José International Airport; Height Restrictions; impact LU-8 will be **REVISED** as follows:

The project will comply with the FAA determination for large construction equipment ~~and will not temporarily impact airport operations during construction of the proposed project.~~ **(Less Than Significant Impact)**

Page 39 4.1. Land Use; Section 4.1.2.3. Land Use Conflicts; Norman Y. Mineta San José International Airport; the following paragraph will be **ADDED** under *Temporary Restrictions to Airport Operations*:

If event coordinators plan fireworks or other aerial releases, they will be required as a condition of approval to obtain permits from the City of Santa Clara and coordinate in advance with the FAA to ensure that the proposed timing, height, and materials used do not temporarily impact airport operations.

Page 40 4.1.2.5 Population and Housing Impacts: **ADD** the following at the end of the paragraph as shown:

...from outside the City. Many of the part-time or season jobs could be filled by students or senior and would not be a viable option for working professionals. The project will also provide employment for students at nearby Mission College, particularly those in the Hospitality Management curriculum.

Page 53 Section 4.2 Visual and Aesthetics; Section 4.2.1.2: Visual Character of the Project Area; third complete paragraph on this page: **Revise** as shown:

West of the stadium site is San Tomas Aquino Creek, the Great America Theme Park, Sub-Area B, and the Santa Clara Convention Center. All elements of the project site are separated from the creek by levees. Along the western boundary of Sub-Area A, there is a group of approximately 54 pine trees adjacent to the levee (see Photo 15). Behind the trees, on top of the east levee, is a maintenance road (see Photo 16). Beyond the creek, south of Tasman Drive, is the main parking lot for the Great America Theme Park and the park itself (see Photo 17). Additional details on the visual setting of San Tomas Aquino Creek are provided in the subsection below.

The main parking lot is a vast surface lot with approximately 6,234 parking spaces. This constitutes the existing setting against the proposed project is to be compared. (Photo 3) Immediately south of the parking lot is the theme park which has several large roller coasters and other rides. The tallest and most visible ride is the Drop Zone Stunt Tower which is approximately 224 feet tall. Other large rides in the park have maximum heights of approximately 90 to 140 feet.

**Add** a new subsection at the end of this section:

**4.2.1.2.1 San Tomas Aquino Creek Trail**

The San Tomas Aquino Creek Trail is shown in the City’s General Plan as following the alignment of San Tomas Aquino Creek. It is designated as a “Connector” Trail. In the project area, it is a paved pathway with a painted line down the center located on the west bank of the creek.

The following photographs (19 through 38) were taken from San Tomas Aquino Creek Trail on October 20, 2009. They illustrate the existing visual and aesthetic environment seen from the trail in the vicinity of the proposed project site.

Photo 19 was taken from the trail, just north of Tasman Drive and is the back of the convention center, including the loading docks and truck staging area. Photos 20 and 21, labeled Substation 1 and 2 are views of the existing substation at the northwest corner of the creek and Tasman Drive. The substation is on project Subarea B. Photos 22, 23 and 24 show the stadium site (Subarea C) as it looks currently (the orange cones are not always present). The parking lot, utility poles and overhead lines, and scarcity of vegetation are all existing conditions, however.

Photos 25, 26, 27, and 28 are views to the east, across the creek, as seen from the trail. Behind the levee on the east side of the creek are residences, large water storage tanks, and the electrical distribution center.

Photos 29 through 38 are of Great America Park, which occupies the property west of the trail for approximately one mile. The visual character of this stretch of the trail includes the large parking lots similar to the overflow lots on the east side (Photos 29, 30, and 31). Other areas of the park adjacent to the trail include what appears to be storage for topsoil and a distant view of the amusement park behind a chain link fence with razor wire on top (Photo 32). The chain link and razor wire fence continue the length of the park boundary next to the trail. Other elements visible and proximate to the trail include utilities and other equipment (Photos 33, 34, 35) and the park’s paved corporation yard with various storage units and stacked pallets (Photos 36 and 37). Near the southern boundary of the park is another parking lot (Photo 38).

Page 84

Section 4.5.2.1: Vegetation and Wildlife; Existing Setting, Overview of Habitat Found on the Project Site:

First paragraph in the section, **Revise** as shown:

The project site is comprised of four lots currently developed with two surface parking lots, an electrical substation, and an electrical receiver station. All four lots have some landscape vegetation around the perimeter of the properties. Three of the four lots are directly adjacent to San Tomas Aquino Creek, which is channelized in the project area, and has ~~little or no~~ limited riparian vegetation near the water line and ~~no a few~~ trees within the creek channel ~~or on the top of the banks~~. There are, ~~however,~~ some pine trees on the east side of the east levee adjacent to Sub-Area A.



Periodically, maintenance of the creek removes all of the vegetation on the creek banks down to the low water line. An aerial photo illustrates this process being done earlier this year (see Photo 39).

Page 111 4.6. Hazards & Hazardous Materials; Section 4.6.2.4. Off-Site Hazards; The following discussion will be **ADDED** at the end of Section 4.6.2.4 – *Toxic Gas Facilities*:

If the worst-case release impacts an off-site receptor then the RMP and CalARP require an “alternative release” scenario analysis which corresponds with a more likely release scenario. The alternative release scenario (as defined by RMP/CalARP) is used for the evaluation of significance under CEQA for facilities with specific toxic chemicals of concern stored at quantities above specific thresholds in State regulations.

Based on an analysis prepared by *Environ* and described in Appendix A of this FEIR, the alternative release analysis of non-flammable toxic gases concluded that the stadium site would not be within the impact radius of any of the identified facilities. The alternative release analysis of flammable toxic gases concluded that the project site is outside the trichlorosilane fire and vapor cloud explosion radius at 2201 Laurelwood Avenue (see Figure 25-A).

The stadium site is located within the worst-case release impact zone for two toxic gas facilities, but is outside the alternative release impact zone for all identified toxic gas facilities. Under the alternative release scenarios which also constitute the more like release scenarios, the proposed stadium would not be significantly impacted by the accidental release of toxic gases from existing hazardous materials facilities identified in the general project area.

Page 111 4.6. Hazards & Hazardous Materials; Section 4.6.2.4. Off-Site Hazards; impact statement HAZ-5 will be **REVISED** as follows:

~~The stadium site is located within the worst case release impact zone for two toxic gas facilities and could expose event attendees to toxic chemical if a worst case release were to occur. A release of toxic gases from any identified facility in the general project area would have a less than significant impact on stadium patrons. (Less Than Significant Impact)~~

Page 112 4.6. Hazards & Hazardous Materials; **ADD** new figure (Figure 25-A) “Alternative Scenario Hazardous Release Impact Zone” after Figure 25. New and revised figures are provided in Appendix A of this FEIR.

Page 114 4.6. Hazards & Hazardous Materials; Section 4.6.4. Conclusion; the second paragraph of will be **REVISED** as follows:

~~Implementation of the proposed mitigation measure will reduce the impacts from a worst case toxic gas release, but not to a less than significant level. Because of the proposed design of the stadium, a shelter in place would not be a viable option. As a result, the impact will be significant and unavoidable. Existing hazardous materials~~

facilities will have a less than significant impact on the project site. (Less Than Significant Impact)

Page 141 4.8. Transportation and Circulation; Section 4.8.2.3. Existing Transit Service; **REVISE** the paragraph headings for Amtrak/Ace and Capitol Corridor as follows:

**Amtrak/Ace**

**Amtrak - Capitol Corridor**

Page 159 4.8. Transportation and Circulation; Section 4.8.3.3. Background Bicycle and Pedestrian Facilities; the paragraph will be **REVISED** as follows:

There are no planned or approved improvements to bicycle or pedestrian facilities within the project area. Nor are there any bicycle facilities planned according to the ~~City of Santa Clara~~ Santa Clara County Transportation Bicycle Network.

Page 188 4.8. Transportation and Circulation; 4.8.4.4 Traffic Impacts; Intersection Impacts Weekday Study Periods; **REVISE** the paragraph headed City of San José as shown:

On weekdays (two to four times per year), the quantitative threshold would be exceeded at six intersections in San José, all of which are CMP intersections.

83 North First Street and Montague Expressway\*  
84 Zanker Road and Montague Expressway\*  
~~86 Trimble Road and Montague Expressway\*~~  
87 O'Toole Avenue and Montague Expressway\*  
~~88 Oakland Road/Main Street and Montague Expressway\*~~  
89 Trade Zone Boulevard and Montague Expressway\*  
91 North First Street (N) and SR 237\*  
93 Great America (N) and SR 237\*

Page 199 4.8.4.5 Operational Traffic Conditions; Arrival and Departure Roadway Capacities; **Revise** the last sentence in the second paragraph as shown:

...it was calculated that it will take no longer than 45 minutes to serve arriving attendees. Since larger volumes of attendees are projected to depart during the first hour after the game, it will take up to one hour and 20 minutes to serve the peak departure demand on the arterials (or as estimated in the TMP, 1 hour and 45 minutes to empty all of the parking lots).

Page 203 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts; **Insert** new paragraph immediately after the title of the section, as shown:

The adopted Congestion Management Program identifies a number of Immediate Implementation Action items that can help reduce traffic impacts by avoiding or reducing the use of automobiles. The project will be required to implement those Action Items that are appropriate to the proposed use. These may include:

Bike lockers, racks and facilities  
Improve roadside bicycle facilities  
Improve pedestrian facilities  
Shuttles to nearby transit stops  
Bus stop improvements  
Public Information programs  
HOV parking preference program  
On-site pedestrian circulation system  
Transit stop improvements

Page 204

First full paragraph on this page: **REVISE** as shown:

The project does not, therefore, propose to implement any of the physical improvements described below. The project does propose to implement the traffic control plan (TMP) described in this section. The TMP conditions do not fit into the methodology used to evaluate intersection impacts because this situation does not fit into a normal operations scenario. Because the project conditions were analyzed assuming the most conservative assumptions in order to not understate impacts, it is reasonable to assume that virtually all of the intersections will operate better than the “Project Conditions” identified. Although the traffic impacts would not occur often enough to exceed the thresholds established by the CMA, the City of Santa Clara is conservatively calling out all intersection LOS impacts as significant. ~~Mitigation for these impacts will be fair share contributions to the physical improvements listed below which are programmed; the contribution will be proportionate to the total number of days the impacts will occur.~~ For the seven intersections with programmed improvements, mitigation proposed for impacts to those intersections will be fair share contributions to the physical improvements proportionate to the total number of days the impacts will occur. Fair share contributions are indicated under the Mitigation Measure discussion for each of the seven intersections. The City is not, however, proposing to construct substantial unprogrammed improvements at other intersections, as would be appropriate if these impacts would occur every weekday.

Page 204

Immediately after the previous paragraph (first complete paragraph on the page), **Insert** the following new subsection:

### **Mitigation and Condition of Approval**

The City will require, as a condition of project approval, the preparation and implementation of a Transportation Management and Operations Plan (TMOP) and the formation of a working group to oversee the plan’s implementation. The City of Santa Clara and the Valley Transportation Agency (which operates both the LRT and the countywide bus transit system in Santa Clara County) have agreed to form an ongoing multi-jurisdictional group that will address the detailed planning needed to achieve the level of transit service assumed by the Draft TMP. Santa Clara City staff have agreed that a committee of City staff, VTA staff, and the 49ers organization will lay out the framework of the TMOP and the objectives of the program to accomplish the City’s goals for this project. That framework will be attached to the PD zoning as a condition of project approval. The long term working group that will be created to prepare the TMOP will include the Stadium Authority, City of Santa Clara, VTA, and

the adjacent cities that will help to implement the traffic control plan. The working group will also need to work closely with other transit providers, including ACE, Capitol Corridor, Caltrain, other County transit bus operators and charter bus operators.

The TMOP will be completed for the opening of the stadium utilizing the most current roadway and transit data available at that time (estimated mid-2014), and will be updated annually as necessary.

Page 204 City of Santa Clara Intersections Mitigation for Weekday Study Period Impacts; Subsection entitled (8) Great America Parkway and Mission College Boulevard\*; **Revise** the second paragraph as shown:

**Mitigation Measure:** The improvements to mitigate the project impact at this intersection would consist of the addition of a third northbound left-turn lane, third westbound left-turn lane, a fourth southbound through lane, and a separate southbound right-turn lane. The improvements will require acquisition of right-of-way ~~that may not be feasible due to existing development~~ but will not impact existing buildings. The intersection improvements would improve intersection operating levels to LOS E during both the early and standard weekday PM peak hours and will also mitigate project impacts. The proposed project will make a fair share contribution toward this intersection improvement.

Page 206 Subsection entitled (35) Lafayette Street and Yerba Buena Way; **Add** the following to the second paragraph as shown:

**Mitigation Measure:** The improvement to mitigate the project impact at this intersection would be the signalization of the intersection. The intersection improvement would improve intersection operating levels to LOS C during the standard weekday PM peak hour, and will also mitigate project impacts. The proposed project will make a fair share contribution toward this intersection improvement.

Page 206 City of San José Intersections Mitigation for Weekday Study Period Impacts; Subsection entitled (83) North First Street and Montague Expressway; **Add** the following to the third paragraph in the subsection as shown:

Developments in North San José are being assessed for the cost of implementing this improvement and others in the area. Recent development proposals outside North San José (e.g., in Milpitas and Santa Clara) have proposed to make fair share contributions to improvements at regional intersections where the development will have a significant impact. This improvement will reduce project impacts but not to a less than significant level. The proposed project will make a fair share contribution toward this intersection improvement.

Page 207 Subsection entitled (84) Zanker Road and Montague Expressway; **Add** the following to the third paragraph in the subsection, as shown:

Developments in North San José are being assessed for the cost of implementing this improvement and others in the area. Recent development proposals outside North San José (e.g., in Milpitas and Santa Clara) have proposed to make fair share contributions to improvements at regional intersections where the development will have a significant impact. This improvement will reduce project impacts but not to a less than significant level. The proposed project will make a fair share contribution toward this intersection improvement.

Page 207

Mitigation Measures Identified for Weekday Study Period Impacts: **REVISE** the mitigation measure in the second paragraph entitled (87) O’Toole Avenue and Montague Expressway\* as shown:

**Mitigation Measure:** The improvement remaining for this intersection is the construction of a “square loop” intersection as identified as part of the North San José Development Policy (NSJDP). The recommended mitigation measure would improve intersection operations to C for the typical peak hour and will also fully mitigate the project’s impacts.

Developments in North San José are being assessed for the cost of implementing this improvement and others in the area. Recent development proposals outside North San José (e.g., in Milpitas and Santa Clara) have proposed to make fair share contributions to improvements at regional intersections where the development will have a significant impact. The proposed project will make a fair share contribution toward this intersection improvement.

~~The only improvement remaining for this intersection is the widening of Montague Expressway to eight lanes as identified in the County’s Expressway Study and in the North San José Development Policy. The widening to eight mixed flow lanes (for part of the expressway length that would involve concerting HOV lanes to mixed flow) would improve intersection operating levels, but the intersection will continue to operate at LOS F, with or without project traffic. There are no further feasible improvements that can be made at the intersection.~~

Page 208

First subsection on the page entitled (89) Trade Zone Boulevard and Montague Expressway\*; **Add** the following to the third paragraph in the subsection as shown:

Developments in North San José are being assessed for the cost of implementing this improvement and others in the area. Recent development proposals outside North San José (e.g., in Milpitas and Santa Clara) have proposed to make fair share contributions to improvements at regional intersections where the development will have a significant impact. This improvement will reduce project impacts but not to a less than significant level. The proposed project will make a fair share contribution toward this intersection improvement.

Page 208

Subsection entitled (91) North First Street (N) and SR 237\*; **Add** the following text to the end of the second paragraph in this subsection, as shown:

**Mitigation Measure:** The necessary improvement to mitigate the project impact at this intersection would consist of the addition of an exclusive southbound right-turn

lane. The intersection improvement would improve intersection operating levels to LOS E during the standard weekday PM peak hour, which is better than background. The intersection is in the City of San José and neither the City nor Caltrans have programmed this improvement. This impact is therefore significant and unavoidable.

Page 208

Subsection entitled (93) Great America and SR 237 (North)\*; **Add** the following text to the end of the second paragraph in this subsection, as shown:

Mitigation Measure: The improvement to mitigate the project impact at this intersection would be the addition of a third westbound left-turn lane. The improvement will require acquisition of right-of-way, and may not be feasible. The improvement would result in better intersection operating levels, but the intersection will continue to operate at LOS E. There are no further feasible improvements that can be made at the intersection. According to Caltrans, “A third through lane would need to be added, as there are only two through lanes existing at this section. In addition, the eastbound SR 237 off-ramp to Great America Parkway free right turn land would need to be converted into a controlled movement.” Caltrans agrees this improvement may not be feasible. Since the mitigation is likely not feasible and the mitigation is not programmed, this impact is significant and unavoidable.

Page 209

City of Milpitas Intersection Impacts Weekday Study Periods; subsection entitled (112) I-880 Northbound and Tasman Drive; **Add** the following to the second paragraph in the subsection as shown:

Mitigation Measure: The improvement to mitigate the project impact at this intersection would be the addition of a second westbound left-turn lane. The additional lane would improve intersection operating levels to LOS D during the standard weekday PM peak hour. An additional lane would require acquisition of additional right-of-way, elimination of open spaces within the adjacent residential neighborhood, and would impact the existing light rail crossing at this intersection. The City of Milpitas has determined that these impacts would be inconsistent with its General Plan. An alternate mitigation measure that would reduce impacts but not to a less than significant level would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections (e.g., Tasman Drive/I-880 SB Ramps and Tasman Drive/Alder Drive). This measure has not been programmed and the project cannot therefore make a fair share contribution.

Page 209

Subsection entitled (115) Abbott Avenue and Calaveras Boulevard; **Add** the following text to the second paragraph of the subsection, as shown:

Mitigation Measure: The planned improvement that would mitigate the project impact at this intersection would be the addition of a fourth westbound through lane. The City of Milpitas has plans to widen Calaveras Boulevard to eight lanes between Abbott Avenue and Milpitas Boulevard. A traffic impact fee has been implemented to fund the planned widening. Developments that impact intersections along this segment of Calaveras Boulevard are required to pay a fee of \$2,500 per PM peak hour trip. The planned intersection improvement would improve operating levels to LOS D during the standard weekday PM peak hour and will fully mitigate project

impacts. The proposed project will make a fair share contribution toward this intersection improvement.

Page 230 4.9. Air Quality; 4.9.3. Mitigation and Avoidance Measures for Air Quality Impacts; the following mitigation measure will be **ADDED** to *Regional Air Quality Impacts*:

- The 49ers team will coordinate with transit providers on a yearly basis to offer promotions for events attendees to use transit.

Page 230 4.9. Air Quality; 4.9.3. Mitigation and Avoidance Measures for Air Quality Impacts; the section titled *Construction Impacts* will be **REVISED** as follows:

The following mitigation measures (recommended by BAAQMD) are proposed as part of the project to avoid or reduce significant construction related air quality impacts:

- The following dust control measures will be implemented during all construction phases:
  - Water all active construction areas at least twice daily and more often during windy periods.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - Sweep daily (preferably with water sweepers) all paved access roads on-site, parking areas and staging areas at construction sites.
  - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - Limit traffic speeds on unpaved roads to 15 mph.
  - Replant vegetation in disturbed areas as quickly as possible.
  - Suspend construction activities on windy days that cause visible dust plumes that extend beyond the construction site.
  - Idling time of all diesel powered construction equipment will be limited to five minutes (based on California Air Resources Board regulations) and/or alternative powered construction equipment (i.e., hybrid, compressed natural gas, bio-diesel, electric) will be used.
  - All diesel powered construction equipment will be outfitted with add-on control devices such as diesel oxidation catalysts or particulate filters where possible.
  - All contractors will be required to use equipment that meets the California Air Resources Board most recent certification standard for off-road heavy duty diesel engines.

Page 236 4.10. Noise; Section 4.10.1.4. Existing Noise Environment; Project Site Under Existing Conditions; the first paragraph will be **REVISED** as follows:

The project site is located on either side of Tasman Drive between Great America Parkway and Lafayette Street. The site is bounded by the Santa Clara Golf and Tennis Club to the north, the Amtrak/ACE rail line and a residential neighborhood to the east, a residential neighborhood to the south, and Great America Theme Park and commercial/office development to the west. The site is also approximately 2.4 miles southeast of Mineta San José International Airport. The existing noise environment is created primarily by vehicular traffic, operation of the theme park, trains, and aircraft flyovers. Based on the City of San José noise contours map from the Mineta San José International Airport Noise Exposure Map, the project site is located within the Airport Land Use Commissions (ALUC) identified within the existing and projected (2017) 65 decibel CNEL boundary impact area of Mineta San José International Airport. The projected 65 CNEL contour map for the airport is also adopted by the Airport Land Use Commission (ALUC) for its project reviews.

Page 248 §4.10.2.4 Project-Generated Noise Impacts; Concert Events; **REVISE** as shown:

A concert at the proposed stadium would also be expected to generate noise levels audible in the surrounding residential neighborhoods. Concert noise levels would vary depending on the type of music performed. On average, concerts typically generate an average noise level of approximately 95 dBA Leq measured 100 feet from the stage and speakers. Concert generated noise levels are likely to be similar ~~or slightly less than~~ to the maximum crowd noise (i.e., cheering) at an NFL event. Concert noise levels would be approximately 66 dBA Leq or less at the nearest residences south of the stadium site.

Page 253 4.10. Noise; Section 4.10.3.3. Project Specific Mitigation; Stadium Event Mitigation; the second bullet item in this section will be **REVISED** as follows:

Tailgating in surface parking areas within 750 feet of residences will be prohibited. Tailgating in surface lots will also be prohibited within 750 feet of school buildings on weekday evenings and Saturdays. There will be no restrictions to surface lots within 750 feet of school buildings on Sundays. Posted signs and security patrols of these parking areas prior to, during, and after game times will enforce ~~this restriction~~ these restrictions.

Page 261 4.11 Utilities; Section 4.11.2 Utilities Impacts; 4.11.2.5 Solid Waste Impacts; **REVISE** the fourth paragraph in this section as shown:

The Newby Island Landfill, located in San Jose, has an agreement with the City to provide disposal capacity through 2024. There is no limit on the amount of waste materials the City can dispose of at this facility. The project will comply with the requirements of the Santa Clara Business/ Commercial Recycling Program to help the City meet its waste diversion goal of 50 percent. Even with 45 percent of all solid waste from the stadium being recycled (which is comparable to the City's current diversion rate), the project would generate approximately 1.6 million pounds of garbage per year that would need to go to a landfill. ~~While the increase in solid waste production would place an additional burden on existing landfill facilities, new landfill facilities will not need to be constructed to service the proposed project.~~ The 49ers organization is proposing, and a condition of approval will require, preparation



and implementation of a Waste Reduction and Recycling Plan that targets diversion of 100 percent of the solid waste generated at the facility, including composting or an equivalent diversion of compostable organics.

6.0. Cumulative Impacts; Table 39 will be **REVISED** as follows:

<b>TABLE 39</b>			
<b>Recently Approved and Reasonably Foreseeable Projects</b>			
<b>Name</b>	<b>Type</b>	<b>Size</b>	<b>Status</b>
2585 El Camino Real	Mixed-Use	Development of 60 dwelling units and 3,300 sf retail on an existing parking lot	Pending
North San José Phase II (San José)	Mixed	Development of 1,500,000 sf R&D/office and 5,353 residential units	Pending
<u>401 Town &amp; Country (Sunnyvale)</u>	<u>Mixed-Use</u>	<u>Development of 264 residential units and 35,000 sf of retail and commercial</u>	<u>Pending</u>
<u>1287 Lawrence Station Road (Sunnyvale)</u>	<u>Mixed-Use</u>	<u>Development of 348 residential units and 16,000 sf of retail and commercial</u>	<u>Pending</u>
<u>399 Java Drive (Sunnyvale)</u>	<u>Industrial</u>	<u>Development of seven-story, 209,500 sf office building</u>	<u>Pending</u>
<u>384 Santa Trinita Avenue (Sunnyvale)</u>	<u>Industrial</u>	<u>Development of four-story, 99,317 sf office building</u>	<u>Pending</u>
Menlo Equities	Office	Demolition of existing 100,575 sf of existing office and development 200,000 sf R&D campus	Pending
Fairfield Development	Residential	Demolition of existing 131,500 sf medical office and development of 45 single-family houses, 225 townhouses, and 536 apartments	Pending
Mission College Master Plan	Educational	Demolition of existing 235,000 sf educational facility and development of two new buildings totaling 427,000 sf	Pending

<b>TABLE 39 Continued</b>			
<b>Recently Approved and Reasonably Foreseeable Projects</b>			
<b>Name</b>	<b>Type</b>	<b>Size</b>	<b>Status</b>
Santa Clara Square	Mixed-Use	Existing shopping center redeveloped to 490 dwelling units and 171,000 sf retail and 12,300 sf of office	In Process
EOP Augustine at Bowers	Office/Retail	Demolition of existing 444,752 sf of industrial and 5,290 sf of restaurant space redeveloped to 1,969,500 sf feet office and 35,000 sf retail	In Process
Regency Plaza	Office/Retail	Demolition of existing 253,396 sf office/industrial redeveloped to 300,000 sf of office use and 6,000 sf retail	In Process
Lowe Enterprises	Office	Existing light industrial redeveloped to 215,000 sf of office	In Process
Sobrato – Great America	Office	Demolition of 301,163 square feet of existing office and development of 600,000 square feet of new office	In Process
Pelio Investments	Office	Development of a 350,000 sf data center	In Process
Swim Center at Central Park	Recreational	Demolition of the existing swim facility and development of 2 Olympic-sized pools and special event venue	In Process
Yahoo Campus	Office	Demolition of 675,150 square feet of office/industrial and development of 3,060,000 sf of new office	In Process

Period Impacts; subsection entitled (110) Alder Drive and Tasman Drive; **Add** the text to the end of the second paragraph in the subsection as shown:

Mitigation Measure: The significant cumulative impact to this intersection could be partially mitigated by the addition of a northbound right-turn lane, a third southbound left-turn lane, and a second westbound left-turn lane. The intersection improvement would improve intersection operating levels, but the intersection will continue to operate at LOS E and F during the early and standard weekday PM peak hour, respectively. The City of Milpitas has found these additional lanes infeasible due to impacts to pedestrian and bicycle crossings and impacts to the vehicle and light rail progression along Tasman Drive. There are no further feasible improvements that can be made at the intersection. An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections. These measures will reduce impacts to the intersection, but not to a less than significant level. This mitigation measure is not programmed.

Page 297

Subsection entitled (111) I-880 Southbound and Tasman Drive; **Add** the following text to the second paragraph in the subsection as shown:

Mitigation Measure: The significant cumulative impact to this intersection could be mitigated by the addition of a second eastbound right-turn lane. The identified improvement would improve intersection operating levels to LOS D during the standard weekday PM peak hour. The City of Milpitas previously found this mitigation infeasible because the Tasman/Great Mall Parkway overpass would require widening to accommodate the channelized eastbound right-turn movement and the elevated on-ramp would require widening to accommodate the receiving vehicles from the eastbound approach. There are no further feasible improvements that can be made at the intersection. An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections (e.g., Tasman Drive/I-880 NB Ramps and Tasman Drive/Alder Drive). These measures will reduce impacts to the intersection, but not to a less than significant level. This mitigation is not programmed.

Page 313

6.0. Cumulative Impacts; Section 6.1.4. Cumulative Global Climate Change Impacts; Section 6.1.4.12. Mitigation and Avoidance Measures will be **REVISED** as follows:

The following project specific mitigation measures will be implemented to lessen identified significant cumulative global climate change impacts:

- The proposed project will be built to exceed the minimum LEED certification requirements.
- The project will implement the identified TDM measures as a condition of approval.

The following measures will also be included in the project as Conditions of Approval:

- The ~~proposed project stadium operators~~ will be required to prepare and implement a Waste Reduction & Recycling Plan that would increase targets 100 percent diversion of solid waste from ~~special stadium events to 75 percent~~, including composting or other diversion of compostable organics.
- Offices and critical support features will be built above project flood levels or provide flood proofing.
- Water conservation measures will be implemented for potable water use.
- Construction contracts will include a provision encouraging the use of locally produced building materials to the extent feasible.

Page 344 12.0. References; the title of this section will be **REVISED** as follows:

References and Persons Consulted

Page 346 12.0 References; the following will be **ADDED** to the end of Section 12.0:

**Persons Consulted During Preparation of the EIR**

Bill Burton, P.E./Associate Vice President, AECOM Transportation

Cary Greene, Airport Planner, San José International Airport

Robert Nixdorf, P.E./Vice President, Flack & Kurtz, Inc.

Harry O'Brien, Attorney, Coblentz, Patch, Duffy & Bass LLP

John Wasson, Project Executive, 49ers Stadium, LLC

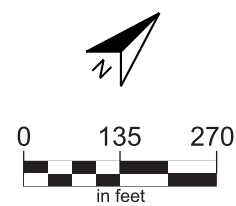
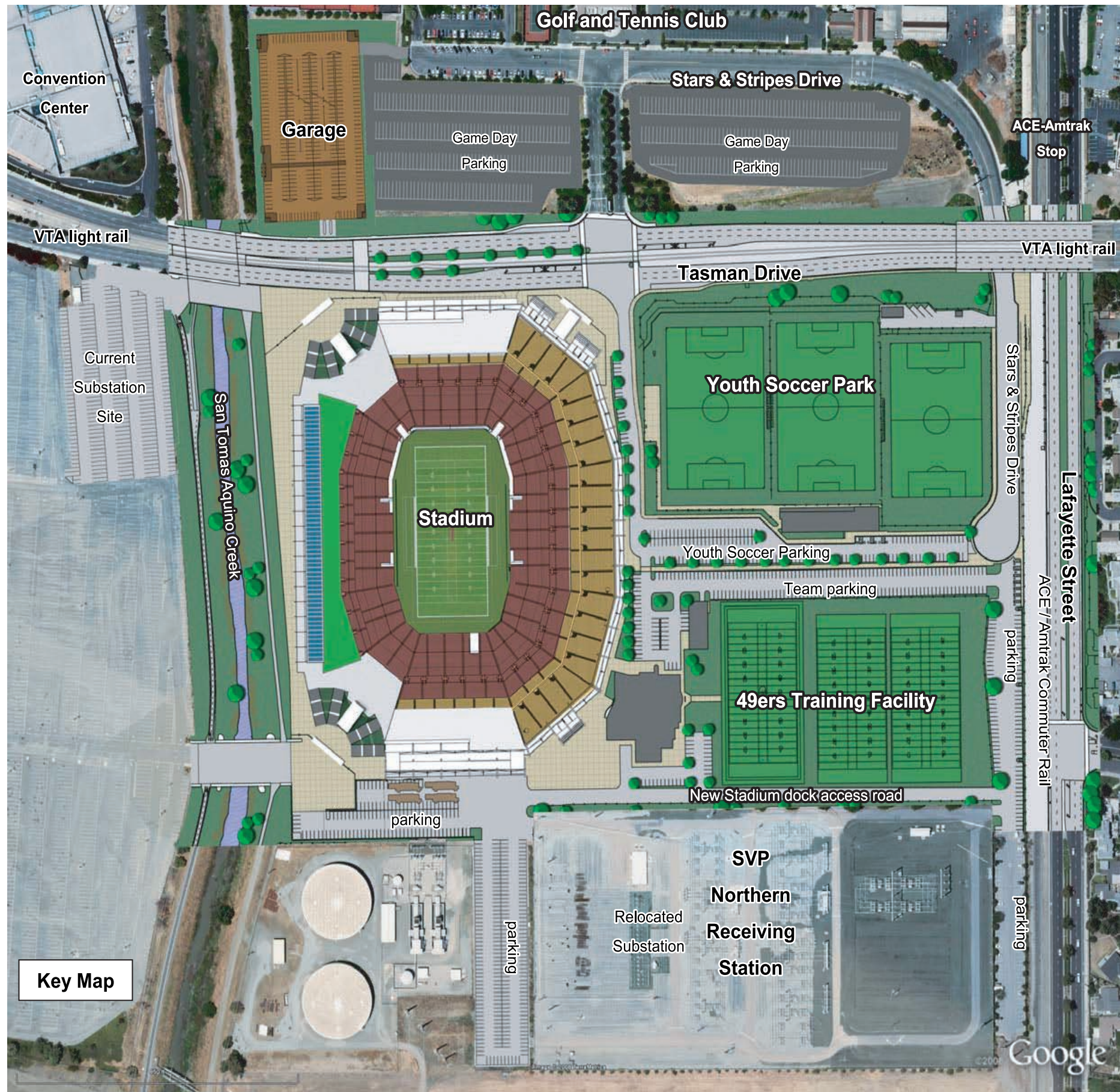
Larry MacNeil, Vice President/Chief Financial Officer, San Francisco 49ers

Manuel Pineda, Acting Deputy Director, Department of Public Works, City of San José

Appendix H San Francisco 49ers Santa Clara Stadium Transportation Impact Analysis; Chapter 2, Existing Roadway Network:

**Add** the following text to the fifth paragraph in the section, as shown:

Local access to the site is provided by Lawrence Expressway, San Tomas Expressway, Montague Expressway, Great America Parkway, Bowers Avenue, Central Expressway, Tasman Drive, Lafayette Street, and Mission College Boulevard. The expressways are County roadways, operated and maintained by County Roads and Airports. These roadways are described below:



CONCEPTUAL SITE PLAN

FIGURE 6 (REVISED)



Convention Center, October 20, 2009



Substation 1, October 20, 2009



Substation 2, October 20, 2009



**Stadium Site 1, October 20, 2009**



**Stadium Site 2, October 20, 2009**



**Stadium Site 3, October 20, 2009**



**East Side 1, October 20, 2009**



**East Side 2, October 20, 2009**



**East Side 3, October 20, 2009**



**East Side 4, October 20, 2009**





Great America 1, October 20, 2009



Great America 2, October 20, 2009



Great America 3, October 20, 2009



Great America 4, October 20, 2009



Great America 5, October 20, 2009



Great America 6, October 20, 2009



Great America 7, October 20, 2009



Great America 8, October 20, 2009



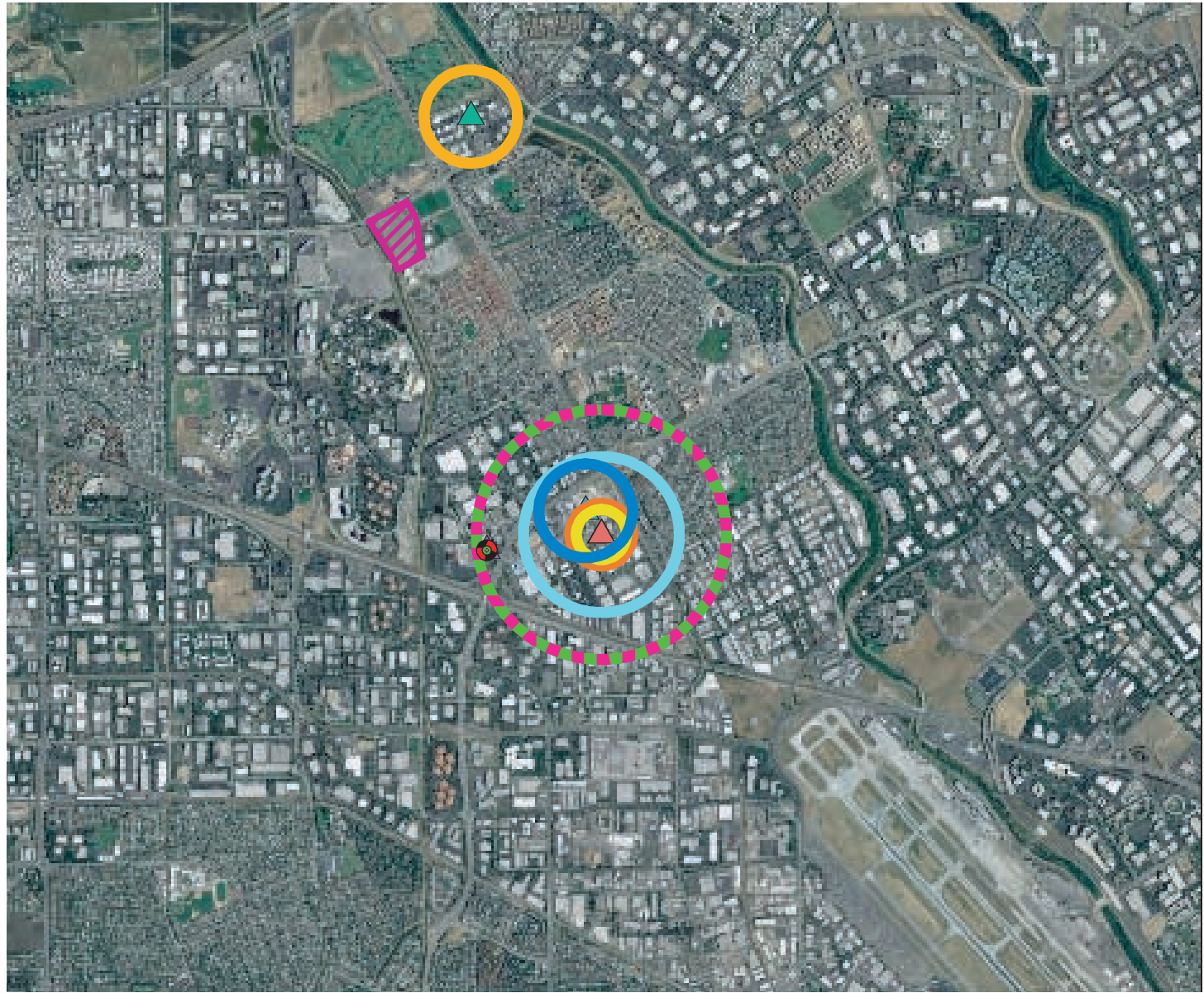
Great America 9, October 20, 2009



Great America 10, October 20, 2009



Creek Maintenance, 2008












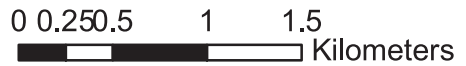
**Legend**

 Project Boundary

**Endpoint Radii**

**Chemical**

-  Ammonia
-  Arsine
-  Chlorine
-  Hydrogen Chloride
-  Hydrogen Selenide
-  Potassium Cyanide
-  Sodium Cyanide
-  Trichlorosilane (VCE)
-  Trichlorosilane (pool fire)



ALTERNATIVE SCENARIO HAZARDOUS RELEASE IMPACT ZONE

FIGURE 25-A

## *Appendix A*

---

# ENVIRON

November 12, 2009

Shannon George  
David J. Powers & Associates, Inc.  
Environmental Consultants & Planners  
1885 The Alameda, Suite 204  
San Jose, California 95126

**Re: Addendum to Accidental Release Assessment  
San Francisco 49ers Stadium – Santa Clara, California Site**

Dear Ms. George:

ENVIRON International Corporation (ENVIRON) prepared this addendum to the letter report on the consequence analysis of potential toxic or flammable substance accidental releases from the commercial areas near to the location of the proposed San Francisco 49ers stadium in Santa Clara, California (“Proposed Project” or the “Site”).

## **BACKGROUND**

ENVIRON has previously prepared a letter report (“Worst Case Scenario Report”) regarding the accidental release assessment pertaining to the Proposed Project.<sup>1</sup> ENVIRON understands that the City of Santa Clara Fire Department (the “Fire Department”) requested an accidental release risk assessment for the Site. The proposed stadium site and use are described in detail in the Worst Case Scenario Report. The proposed project location is shown in Figure A-1.<sup>2</sup>

For our previous report, the Fire Department identified several nearby facilities that store certain toxic or flammable gases in such quantities that could potentially affect sensitive receptors at the Site in the case of an accidental release. The initial concern expressed by the Fire Department for this Site is the potential for “worst-case” accidental chemical releases from these nearby facilities. The Fire Department defined “worst-case” to be consistent with assumptions made by Federal and State accidental release prevention programs: the total quantity is released in 10 minutes. These worst case release scenarios were modeled using standard accidental release methodologies. The results of

---

1 From Douglas Daugherty of ENVIRON to Shannon George of David J. Powers and Associates, dated July 7, 2009.

2 The project location is also shown in Figure 1 of the Worst Case Scenario Report, and is unchanged.

the analysis were described in the Worst Case Scenario Report and summarized in Table A-4.

There are eight substances identified by the Fire Department as chemicals of concern at facilities in the vicinity of the Site that are regulated under the United States Environmental Protection Agency's (USEPA's) Risk Management Plan (RMP) Rule<sup>3</sup> and the California Accidental Release Prevention (CalARP)<sup>4</sup> program: arsine, chlorine, ammonia, hydrogen chloride, trichlorosilane, hydrogen selenide, potassium cyanide and sodium cyanide. David J. Powers & Associates requested ENVIRON's assistance in evaluating potential acute health risks at the Site due to accidental releases of the eight substances in the vicinity of the Proposed Project as discussed above. The materials and chemical quantities provided by the Fire Department are listed in Table A-1 and the facility locations are listed in Table A-4 and shown in Figure A-1.<sup>5</sup>

The RMP Guidance and CalARP have defined the alternative release scenario as the release of a regulated substance that is more likely to occur than the worst-case scenario and that reaches an endpoint offsite, unless no such scenario exists.<sup>6</sup> Alternative release scenario modeling may yield results that are more realistic and more appropriate as the basis of emergency planning. The RMP Guidance states:<sup>7</sup>

Since worst-case scenario distances are based on modeling conditions that are unlikely to occur, and since modeling of any scenario that results in large distances is very uncertain, EPA strongly urges communities and industry not to rely on the results of worst-case modeling or any modeling that results in very large toxic endpoint distances in emergency planning and response activities. Results of alternative scenario models are apt to provide a more reasonable basis for planning and response.

ENVIRON understands that the City of Santa Clara Fire Department (the "Fire Department") requested an addendum to our worst-case accidental release risk assessment for the Site that incorporates modeling of alternative release scenarios for the eight chemicals identified above.

## **SCOPE OF WORK**

In accordance with ENVIRON's March 17, 2009 proposal, the original scope of ENVIRON's work consisted of conducting a consequence analysis for the worst-case release scenarios of the eight substances discussed above. The analysis of the worst-case release scenarios was summarized in the letter report dated July 7, 2009. This additional scope of ENVIRON's work consists of conducting a consequence analysis for the alternative release scenarios of the same eight substances. This addendum presents the

---

3 Code of Federal Regulations. Title 40 Part 68 - Chemical Accident Prevention Provisions.

4 California Code of Regulations, Title 19, Division 2, Chapter 4.5: California Accidental Release Prevention (CalARP) Program. 2004

5 Facility addresses and the chemicals at each facility are also shown in Table 1 and Figure 1 of the Original Letter Report and are unchanged.

6 USEPA. 2009. Risk Management Program Guidance for Offsite Consequence Analysis. EPA 550-B-99-009. March. Available at: <http://www.epa.gov/emergencies/docs/chem/oca-chps.pdf> p. 6-1.

7 USEPA 2009 p. 1-5.



results of the alternative release scenario analysis. The alternative release scenarios analyzed are based on the definitions and the methods contained in the USEPA guidelines established for toxic and flammable substances for the RMP (“RMP Guidance”).<sup>8</sup> Due to the limited availability of detailed process information, the alternative release scenarios analyzed are conservatively based on the release of the entirety of the quantities provided by the Fire Department. As discussed below, alternative release scenario meteorological data assumptions were used in lieu of the worst-case conditions assumed in the original analysis.

The remainder of this addendum describes ENVIRON’s technical approach and conclusions for the assessment of potential impact radii corresponding to toxic endpoints established under USEPA RMP guidelines.

## **TECHNICAL APPROACH**

This section describes the technical approach that ENVIRON used to perform the consequence analysis for the alternative release scenario releases of arsine, chlorine, ammonia, hydrogen chloride, trichlorosilane, hydrogen selenide, potassium cyanide and sodium cyanide. For this alternative analysis it was assumed that the full amounts provided by the Fire Department were released. The chemicals and amounts released are summarized in Table A-1. The facility locations are listed in Table A-4.

### ***Screening Analysis***

ENVIRON modeled each of the eight release scenarios using RMP\*Comp, software developed by USEPA to analyze compliance with its RMP rule. RMP\*Comp is based on the USEPA RMP Guidance document and represents a simplified but conservative approach.

### **Assumptions**

The alternative release scenario assumptions provided in USEPA RMP Guidance were used for all eight substances. When conducting RMP/CalARP alternative release analysis, specific facility engineering/process information is needed to identify site-specific alternative release amounts to use in the analysis. The process details necessary to determine chemical volumes appropriate for an alternative release analysis were not available to ENVIRON for this assessment. Consequently, the worst-case release assumption that the full contents of the largest vessel are released over a 10-minute period was used as a conservative assumption. In accordance with the default conditions used to develop the USEPA RMP Guidance tables, meteorological conditions are assumed to be a wind speed of 3.0 meters per second, air temperature of 77 degrees F (25 degrees C) and stability class D.

ENVIRON further assumed that topography for all eight releases was urban. Urban terrain is defined as terrain having many obstacles in the immediate area.

---

<sup>8</sup> USEPA. 2009. Section 6

In contrast, rural terrain is defined as generally flat and unobstructed. While urban topography is a less conservative assumption, it realistically reflects the terrain in the developed area in which the Proposed Project and nearby facilities are located, as shown in Figure A-1. USEPA and CalARP guidance provide for using either urban or rural topography as appropriate for modeling of alternative release scenarios.<sup>9,10</sup> Urban topography is appropriate where there are obstacles such as buildings or trees present and was selected as most representative of the project area.

The alternative release scenario defined in the RMP and CalARP Guidance<sup>11,12</sup> documents allows for passive mitigation measures, including mitigation due to a release occurring inside an enclosed building. Specifically, the RMP\*Comp program includes an option to indicate that the material is “release[d] in an enclosed space, in direct contact with outside air. An enclosed space in direct contact with outside air would be a building or shed with openings to the outside, as opposed to a room inside a building or a very airtight building.” However, ENVIRON did not assume any passive mitigation measures due to the lack of specific information on the storage of these chemicals and after discussions with the Fire Department.<sup>13</sup>

#### Material Details

Five of the eight materials of concern are toxic gases at room temperature. These include arsine, chlorine, ammonia, hydrogen chloride and hydrogen selenide. Trichlorosilane is considered a flammable liquid under the RMP and CalARP programs. Two endpoints were analyzed for trichlorosilane, as described in more detail below: the distance to one pound per square inch overpressure due to a vapor cloud explosion and the distance to 5 kilowatts per square meter of heat radiation for 40 seconds due to a pool fire. In addition, the liquid temperature was assumed to be 77 degrees Fahrenheit, equal to the ambient temperature under the alternative release scenario meteorological conditions. Two of the materials of concern, sodium cyanide and potassium cyanide, are crystalline compounds. All of the cyanide was assumed to acidify to form hydrogen cyanide gas, or hydrocyanic acid (HCN) at 100% concentration as requested by the Fire Department.<sup>14</sup>

The inputs to the model for the seven toxic gases are shown in Table A-1. Model inputs for the one flammable release are shown in Table A-2.

---

9 USEPA 2009 p. 8-1.

10 California Code of Regulations. 2004. Section 2750.2.e.

11 USEPA 2009 p. 9-2.

12 California Code of Regulations. 2004. Section 2750.4.d.

13 Personal Communication. D. Parker of Santa Clara Fire Department in telephone conversation with D. Daugherty of ENVIRON. March 27.

14 The calculation of the quantity of HCN released is shown in Table 2 of the Worst Case Scenario Report.

## RESULTS OF CONSEQUENCE ANALYSIS

This section describes the results of the consequence analysis performed by ENVIRON for the eight alternative release scenarios. It includes the potential impact radii of the release scenarios discussed above.

### *Toxic Releases*

The American Industrial Hygiene Association (AIHA) has developed criteria to determine what concentration of a released chemical will be of concern. These criteria are set in a series of Emergency Response Guidelines (ERPGs). The ERPG-2 concentrations for six of the seven toxic chemicals of concern in this analysis correspond to the toxic endpoints for these chemicals defined in CalARP Guidance<sup>15</sup> and were used to determine an acceptable chemical concentration at the radius of impact. ERPG-2 concentrations are defined as the maximum concentration below which nearly all individuals could be exposed to for up to 1 hour without experiencing or developing irreversible or other serious side effects of symptoms that would prevent people from taking protective action. The exception to the use of ERPG-2 in the modeling was for arsine, for which the CalARP toxic endpoint differs from the ERPG-2 concentration. The CalARP toxic endpoint was used to determine the impact radius for arsine. Table A-3 presents the endpoint criteria used for each release and the related acceptable maximum concentration. The distances to these endpoints are presented in Table A-4 and shown in Figure A-1 for the alternative release scenario.

### *Flammable Releases*

Trichlorosilane is a flammable liquid at atmospheric temperature and pressure. Two alternative release scenarios were modeled for trichlorosilane. Per RMP guidance, pool fires may be considered as potential alternative release scenarios for flammable liquids.<sup>16</sup> Due to the low autoignition temperature of trichlorosilane, and high probability of explosive reignition, it is recommended that flames not be extinguished.<sup>17</sup> Consequently, ENVIRON modeled both a vapor cloud explosion scenario and a pool fire scenario. ENVIRON used the distance to one pound per square inch overpressure to determine the impact distance for the vapor cloud explosion scenario. ENVIRON used the distance to 5 kilowatts per square meter of heat radiation for 40 seconds to determine the impact distance for the pool fire scenario. The distances to one pound per square inch of overpressure and to 5 kilowatts per square meter of heat radiation for 40 seconds are presented in Table A-4 and shown in Figure A-1 for the alternative release scenario.

## RESULTS SUMMARY

---

15 California Code of Regulations. 2004. Appendix A.

16 USEPA 2009. Section 10.2

17 Praxair Material Safety Data Sheet. Trichlorosilane. December 2006. Section 5. Firefighting Measures. Accessed 10/12/2009

[http://www.praxair.com/praxair.nsf/0/03d56df6a83f948d85256a86008221af/\\$FILE/p4823g.pdf](http://www.praxair.com/praxair.nsf/0/03d56df6a83f948d85256a86008221af/$FILE/p4823g.pdf).

Following the methodologies outlined above, ENVIRON's alternative release scenario offsite consequence analysis showed the following results, summarized in Table A-4:

- Our analysis of the non-flammable alternative release toxic gas scenarios results in impact radii as presented in Table A-4 and shown in Figure A-1.
  - The proposed Site is not within the impact radius for any toxic gas as shown in Figure A-1.
- Analysis of the flammable alternative release scenario results in an impact radius of less than 0.003 km for a pool fire resulting from the release of trichlorosilane, as shown in Table A-4.
  - The proposed project area is not within this impact radius as shown in Figure A-1.
- Analysis of the flammable alternative release scenario results in an impact radius of less than 0.04 km for a vapor cloud explosion resulting from the release of trichlorosilane, as shown in Table A-4.
  - The proposed project area is not within this impact radius as shown in Figure A-1.

## CONCLUSIONS AND MITIGATION MEASURES

The Fire Department indicated that four facilities in the vicinity of the proposed Project Site store chemicals that could have off-site consequences if catastrophically released. The facilities and the toxic chemicals stored in quantities of concern are summarized below:

- 1375 Norman Avenue, Santa Clara, CA - Arsine - 50 lbs - 100%
- 1375 Norman, Santa Clara, CA - Chlorine - 100 lbs - 100%
- 1375 Norman, Santa Clara, CA - Ammonia - 500 lbs - 100%
- 1375 Norman, Santa Clara, CA - Hydrogen Selenide – 22 lbs - 100%
- 1375 Norman, Santa Clara, CA - Hydrogen Chloride – 599 lbs - 100%
- 2201 Laurelwood Rd, Santa Clara, CA - Trichlorosilane - 550 lbs - 100%
- 2262 Calle del Mundo, Santa Clara, CA - Potassium Cyanide - 110 lbs - 100% acidified to HCN
- 1650 Russell Avenue, Santa Clara, CA - Sodium Cyanide - 100 lbs - 100% acidified to HCN

ENVIRON evaluated the potential risk posed by these chemicals at these four facilities by evaluating alternative release scenarios as defined under RMP, as requested by the Fire Department. For the evaluation of impacts from accidental releases, ENVIRON understands that the Fire Department requested the use of ERPG-2 endpoints, consistent

with CalARP Guidance. The endpoints are specified in Table A-3. Our off-site consequence analysis using USEPA-approved methodologies showed that it is unlikely that an alternative release (i.e., “a release that is more likely to occur than a worst case release scenario” as defined by USEPA) of the chemicals evaluated from these four facilities would have off-site consequences that would potentially affect individuals at these criteria of concern at the Proposed Project Site

Note that one of the goals of the USEPA’s RMP is to provide information to local emergency responders and communities near RMP facilities to prepare and respond to potential accidental releases.<sup>18,19</sup> Thus, notwithstanding the findings discussed above, but in accordance with the goals of USEPA’s RMP, the City of Santa Clara should recognize the presence of these chemicals at the facilities evaluated above, which is in proximity to developed areas of Santa Clara including the Proposed Project Site, and consider the information presented in this report for emergency response planning purposes.

## LIMITATIONS

This memorandum has been prepared exclusively for use by David J. Powers & Associates, 49ers Stadium LLC, and the City of Santa Clara and contains information considered to be confidential information. This memorandum may not be relied upon by any other person or entity without ENVIRON’s express written permission. The conclusions presented in this report represent ENVIRON’s professional judgment based on the information available to us during the course of this assignment and on conditions that existed at the time of the assessment. ENVIRON made reasonable efforts to verify the information provided to us but did not perform an independent evaluation of the information. Nonetheless, this report is accurate and complete only to the extent that information provided to ENVIRON was itself accurate and complete.

## CLOSING

We appreciate the opportunity of providing our service to David J. Powers & Associates and the City of Santa Clara. Please call Douglas Daugherty at (510) 420-2513 if you have any questions or comments regarding this addendum.

---

18 United States Environmental Protection Agency (USEPA). 2009. Updates to *General Guidance on Risk Management Programs for Chemical Accident Prevention*. Office of Solid Waste and Emergency Response. EPA-550-B-04-001. March.

19 United States Environmental Protection Agency (USEPA). 2004. *General Guidance on Risk Management Programs for Chemical Accident Prevention*. Office of Solid Waste and Emergency Response. EPA-550-B-04-001. April.

Sincerely,

A handwritten signature in cursive script that reads "Loren F Bentley Tammero".

Loren F Bentley Tammero, Ph.D.  
Senior Associate

Douglas Daugherty, Ph.D., P.E., C.I.H.  
Principal

Attachments:

Tables

Figures

Attachment A: Modeling Output Files

## TABLES

**Table A-1: Toxic Gas RMP\*Comp Inputs and Outputs for Alternative Release Scenarios  
San Francisco 49ers Stadium Site  
Santa Clara, California**

Chemical	Arsine	Chlorine	Ammonia (anhydrous)	Hydrogen chloride (anhydrous)	Hydrogen selenide	Hydrocyanic acid	Hydrocyanic acid
CAS #	7784-42-1	7782-50-5	7664-41-7	7647-01-0	7783-07-5	74-90-8	74-90-8
Category	Toxic Gas	Toxic Gas	Toxic Gas	Toxic Gas	Toxic Gas	Toxic Gas	Toxic Gas
Scenario	Alternative	Alternative	Alternative	Alternative	Alternative	Alternative	Alternative
Quantity Released <sup>a</sup>	50 pounds	100 pounds	500 pounds	599 pounds	22 pounds	45.7 pounds	55.2 pounds
Release Duration	10 min	10 min	10 min	10 min	10 min	10 min	10 min
Release Rate (lb/min)	5	10	50	59.9	2.2	4.57	5.52
Mitigation Measures	NONE	NONE	NONE	NONE	NONE	NONE	NONE
Topography	Urban	Urban	Urban	Urban	Urban	Urban	Urban
Toxic Endpoint <sup>b</sup>	0.0019	0.0087	0.14	0.03	0.00066	0.011	0.011
Wind Speed <sup>c</sup>	3 m/s	3 m/s	3 m/s	3 m/s	3 m/s	3 m/s	3 m/s
Stability Class <sup>c</sup>	D	D	D	D	D	D	D
Air Temperature <sup>c</sup>	25 C	25 C	25 C	25 C	25 C	25 C	25 C
Estimated Distance to Toxic Endpoint	0.5 miles	0.1 miles	<0.1 miles	0.3 miles	0.5 miles	0.2 miles	0.2 miles
	(0.8 kilometers)	(0.2 kilometers)	(<0.16 kilometers)	(0.5 kilometers)	(0.8 kilometers)	(0.3 kilometers)	(0.3 kilometers)

**Notes:**

a. As described in more detail in the Addendum, the process details necessary to determine chemical volumes appropriate for an alternative release analysis were not available to ENVIRON for this assessment. Consequently, the worst-case release assumption that the full contents of the largest vessel are released over a 10-minute period was used as a conservative assumption.

b. See Table A-3 for endpoint information. RMP\*Comp uses a level of concern (LOC) for extremely hazardous substances (EHS) for some chemicals. For Arsine and Hydrogen Selenide, these EHS-LOC values are equal to the CalARP toxic endpoints. EHS-LOC levels are based on either 1/10th of the Immediately Dangerous to Life and Health (IDLH) value or 1/10th of an estimated IDLH. These levels are derived from pre-1994 IDLH concentrations. EPA decided to retain these values. USEPA 2009. Appendix D. p. D-7. See Table A-3 for further information on endpoints.

c. Default values in RMP\*Comp were used for Met data inputs.

**Abbreviations:**

lb - pound  
mg/L - milligrams per Liter  
min - minute

**Sources:**

USEPA. 2009. Risk Management Program Guidance for Offsite Consequence Analysis. EPA 550-B-99-009. March. Appendix D. Available at: <http://www.epa.gov/oem/docs/chem/oca-apds.pdf>



**Table A-2: Flammable Liquid RMP\*Comp Inputs and Outputs for Alternative Release Scenarios  
Offsite Consequence Analysis  
San Francisco 49ers Stadium Site  
Santa Clara, California**

<b>Chemical</b>	<b>Trichlorosilane [Silane, trichloro-]</b>	<b>Trichlorosilane [Silane, trichloro-]</b>
<b>CAS #</b>	10025-78-2	10025-78-2
<b>Category</b>	Flammable Liquid	Flammable Liquid
<b>Scenario</b>	Alternative	Alternative
<b>Quantity Released</b>	550 pounds	550 pounds
<b>Release Type</b>	Pool fire	Vapor cloud explosion
<b>Liquid Temperature</b>	77 F	77 F
<b>Mitigation Measures</b>	NONE	NONE
<b>Release Rate to Outside Air<sup>a</sup></b>	55.0 pounds per minute	51.3 pounds per minute
<b>Quantity Evaporated in 10 Minutes<sup>a</sup></b>	550 pounds	513 pounds
<b>Estimated Distance to Endpoint<sup>b</sup></b>	0.002 miles (0.003 kilometers)	.03 miles (.04 kilometers)

**Notes:**

a. Calculated by RMP\*Comp based on the liquid temperature of 77 F.

b. The endpoint is defined as a heat radiation of 5 kilowatts per square meter for the pool fire scenario, and an overpressure of 1 psi for the vapor cloud explosion scenario.

**Table A-3: Endpoint Criteria for Alternative Accidental Release Scenarios  
San Francisco 49ers Stadium Site  
Santa Clara, California**

Chemical	Concern Criterion	Concentration		Source
		ppm	mg/L	
Arsine	CalARP Toxic endpoint / EHS-LOC (IDLH)	0.6	0.0019	a,b
Chlorine	CalARP Toxic endpoint/ ERPG-2	3	0.0087	a,b
Ammonia	CalARP Toxic endpoint/ ERPG-2	200	0.1400	a,b
Hydrogen Chloride	CalARP Toxic endpoint/ ERPG-2	20	0.0300	a,b
Hydrogen Selenide	CalARP Toxic endpoint/ EHS-LOC (IDLH) / ERPG-2	0.2	0.00066	a,b
Trichlorosilane	5 kW/m <sup>2</sup> heat radiation (pool fire)			c
	1 psi overpressure (vapor cloud explosion)			c
Potassium Cyanide (Acidified to Hydrogen Cyanide)	CalARP Toxic endpoint/ ERPG-2	10	0.011	a,b
Sodium Cyanide (Acidified to Hydrogen Cyanide)	CalARP Toxic endpoint/ ERPG-2	10	0.011	a,b

**Source:**

- a. USEPA. 2009. Risk Management Program Guidance for Offsite Consequence Analysis. EPA 550-B-99-009. March. Exhibit B-1 Data for Toxic Gases. Available at: <http://www.epa.gov/oem/docs/chem/oca-apds.pdf>
- b. California Code of Regulations, Title 19, Division 2, Chapter 4.5: California Accidental Release Prevention (CalARP) Program. 2004. Appendix A.
- c. California Code of Regulations, Title 19, Division 2, Chapter 4.5: California Accidental Release Prevention (CalARP) Program. 2004. Section 2750.2(a)(4).

**Abbreviations:**

- CalARP - California Accidental Release Prevention Program
- EHS - Extremely Hazardous Substances
- ERPG-2 - Emergency Response Planning Guideline 2
- IDLH - Immediately Dangerous to Life and Health
- kW - kilowatt
- LOC - Level of Concern
- m - meter
- mg/L - milligrams per Liter
- ppm - parts per million
- psi - pounds per square inch

**Table A-4: Results of Alternative Scenario Modeling  
San Francisco 49ers Stadium Site  
Santa Clara, California**

Scenario	Facility	Chemical	CAS #	Quantity Stored (lbs)	Category	Endpoint (mg/L)	Estimated Distance to Endpoint (Worst Case) <sup>ab</sup>		Estimated Distance to Endpoint (Alternative) <sup>a</sup>		Distance from Site Boundary	
							miles	km	miles	km	miles	km
1	1375 Norman Avenue	Arsine	7784-42-1	50	Toxic Gas	0.0019	<b>1.6</b>	<b>2.6</b>	0.5	0.8	1.3	2.1
2		Chlorine	7782-50-5	100	Toxic Gas	0.0087	0.3	0.5	0.1	0.2	1.3	2.1
3		Ammonia <sup>c</sup>	7664-41-7	500	Toxic Gas	0.14	0.3	0.5	< 0.1	< 0.16	1.3	2.1
4		Hydrogen Chloride	7647-01-0	599	Toxic Gas	0.03	1.1	1.8	0.3	0.5	1.3	2.1
5		Hydrogen Selenide	7783-07-5	22	Toxic Gas	0.00066	<b>1.7</b>	<b>2.7</b>	0.5	0.8	1.3	2.1
6	2201 Laurelwood Rd	Trichlorosilane (pool fire) <sup>d</sup>	10025-78-2	550	Flammable Liquid	5 kW/m <sup>2</sup> heat radiation	N/A	N/A	0.002	0.003	1.2	1.9
		Trichlorosilane (vapor cloud explosion) <sup>b</sup>				1 psi overpressure	0.03	0.04	0.03	0.04		
7	2262 Calle del Mundo	<i>Potassium Cyanide</i>	151-50-8	110	Toxic Gas	0.011	0.3	0.5	0.2	0.3	0.4	0.7
		Acidified to Hydrogen Cyanide	74-90-8	45.7								
8	1650 Russell Avenue	<i>Sodium Cyanide</i>	143-33-9	100	Toxic Gas	0.011	0.4	0.6	0.2	0.3	1.2	1.9
		Acidified to Hydrogen Cyanide	74-90-8	55.2								

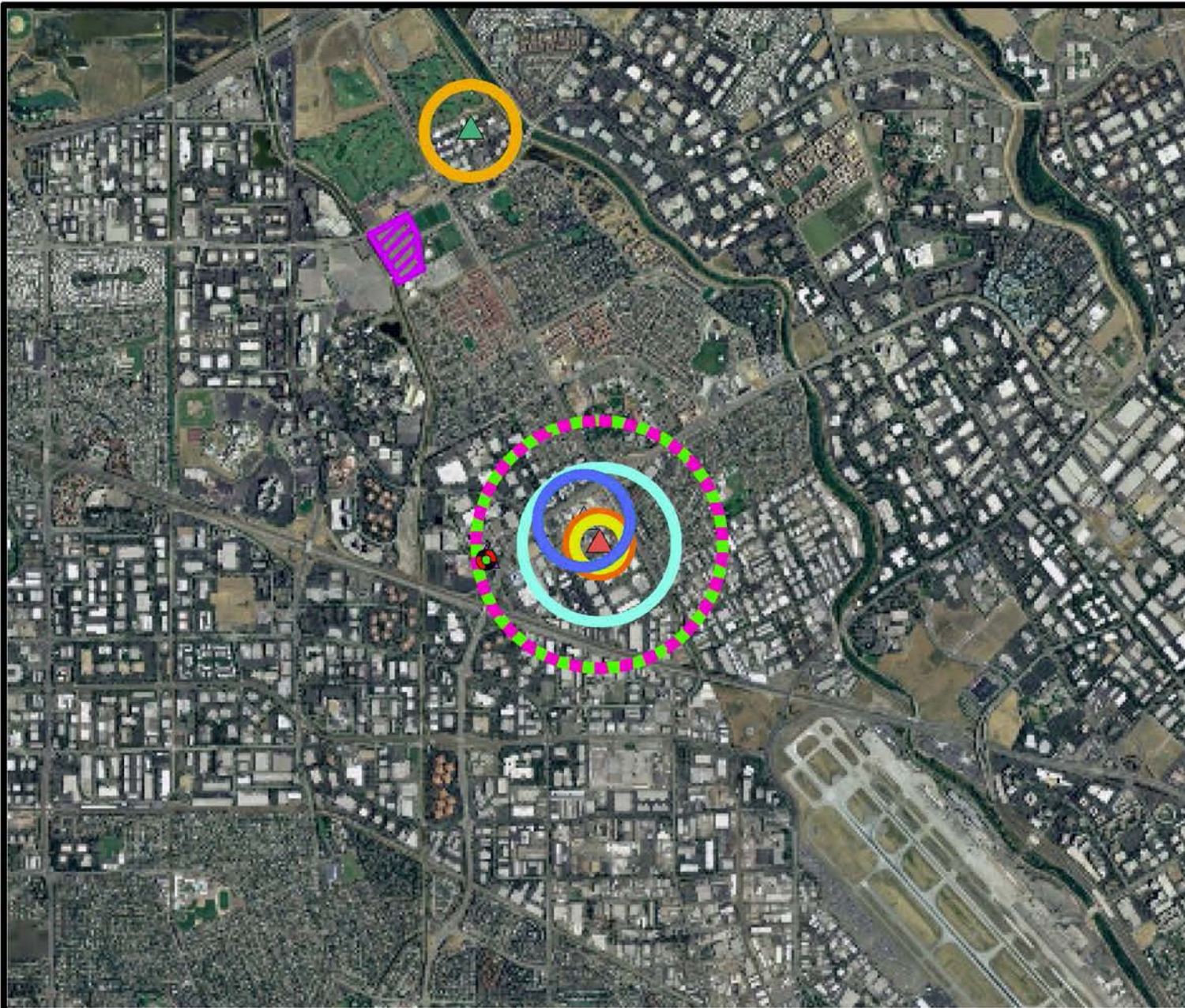
**Notes:**

- a. Analysis based on RMP\*Comp, Version 1.07. USEPA. Available at: [http://www.epa.gov/oem/content/rmp/rmp\\_comp.htm](http://www.epa.gov/oem/content/rmp/rmp_comp.htm)
- b. Results summarize the findings of the previous worst-case release scenario modeling described in the letter report from Douglas Daugherty of ENVIRON to Shannon George of David J. Powers and Associates, dated July 7, 2009. Results in bold exceed the distance to the project site.
- c. The worst-case scenario for ammonia was refined to a more conservative assumption that the ammonia is liquefied under pressure; the updated distance to endpoint is 0.3 miles (0.5 kilometers). The proposed Site is not within this updated impact radius for the worst-case ammonia release scenario.
- d. Both a vapor cloud explosion and a pool fire were modeled for the alternative release scenario for trichlorosilane. These two results likely bracket the probable impact radius of an alternative release of this chemical.


**Abbreviations:**

- lbs - pound
- km - kilometer
- kW - kilowatt
- m - meter
- mg/L - milligrams per Liter
- N/A - not applicable
- psi - pounds per square inch

## FIGURES












**Legend**

 Project Boundary

**Endpoint Radii**

**Chemical**

-  Ammonia
-  Arsine
-  Chlorine
-  Hydrogen Chloride
-  Hydrogen Selenide
-  Potassium Cyanide
-  Sodium Cyanide
-  Trichlorosilane (VCE)
-  Trichlorosilane (pool fire)

N

0 0.25 0.5 1 1.5  
Kilometers

**ENVIRON**

**Modeled Distances to Endpoints for Alternative Release Scenarios  
San Francisco 49ers Stadium Site  
Santa Clara, California**

Figure  
**A-1**

6001 Shellmound St., Suite 700, Emeryville, CA 94608

Drafter: EH

Date: 09/25/2009 Contract Number:

Approved:

Revised:

## ATTACHMENT A

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Ammonia (anhydrous)  
CAS #: 7664-41-7  
Category: Toxic Gas  
Scenario: Alternative  
Liquefied under pressure  
Release Duration: 10 minutes  
Release Rate: 50 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.14 mg/L; basis: ERPG-2  
Estimated Distance to Toxic Endpoint: <0.1 miles (<0.16 kilometers); report as  
0.1 mile

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Arsine  
CAS #: 7784-42-1  
Category: Toxic Gas  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Rate: 5 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.0019 mg/L; basis: EHS-LOC (IDLH)  
Estimated Distance to Toxic Endpoint: 0.5 miles (0.8 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----



RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Chlorine  
CAS #: 7782-50-5  
Category: Toxic Gas  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Rate: 10 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.0087 mg/L; basis: ERPG-2  
Estimated Distance to Toxic Endpoint: 0.1 miles (0.2 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Hydrogen chloride (anhydrous)  
CAS #: 7647-01-0  
Category: Toxic Gas  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Rate: 59.9 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.030 mg/L; basis: ERPG-2  
Estimated Distance to Toxic Endpoint: 0.3 miles (0.5 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Hydrocyanic acid  
CAS #: 74-90-8  
Category: Toxic Gas  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Rate: 4.57 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.011 mg/L; basis: ERPG-2  
Estimated Distance to Toxic Endpoint: 0.2 miles (0.3 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Hydrocyanic acid  
CAS #: 74-90-8  
Category: Toxic Gas  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Rate: 5.52 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.011 mg/L; basis: ERPG-2  
Estimated Distance to Toxic Endpoint: 0.2 miles (0.3 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Hydrogen selenide  
CAS #: 7783-07-5  
Category: Toxic Gas  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Rate: 2.2 pounds per min  
Mitigation Measures: NONE  
Topography: Urban surroundings (many obstacles in the immediate area)  
Toxic Endpoint: 0.00066 mg/L; basis: EHS-LOC (IDLH)  
Estimated Distance to Toxic Endpoint: 0.5 miles (0.8 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)

-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Trichlorosilane [Silane, trichloro-]  
CAS #: 10025-78-2  
Category: Flammable Liquid  
Scenario: Alternative  
Release Duration: 10 minutes  
Release Type: Pool Fire  
Release Rate: 55 pounds per min  
Mitigation Measures: NONE  
Estimated Distance to Heat Radiation Endpoint (5 kilowatts/square meter): .002  
miles (.003 kilometers)

-----Assumptions About This Scenario-----  
Wind Speed: 3 meters/second (6.7 miles/hour)  
Stability Class: D  
Air Temperature: 77 degrees F (25 degrees C)  
-----

RMP\*Comp Ver. 1.07  
Results of Consequence Analysis

Chemical: Trichlorosilane [Silane, trichloro-]  
CAS #: 10025-78-2  
Category: Flammable Liquid  
Scenario: Worst-case  
Quantity Released: 550 pounds  
Release Type: Vapor Cloud Explosion  
Liquid Temperature: 77 F

Mitigation Measures: NONE  
Release Rate to Outside Air: 51.3 pounds per minute  
Quantity Evaporated in 10 Minutes: 513 pounds  
Estimated Distance to 1 psi overpressure: .03 miles (.04 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 1.5 meters/second (3.4 miles/hour)  
Stability Class: F  
Air Temperature: 77 degrees F (25 degrees C)  
-----

**V. COPIES OF THE COMMENT LETTERS RECEIVED ON THE DRAFT EIR**

---



## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



August 7, 2009

Jeff Schwilk  
City of Santa Clara  
1500 Warburton Ave.  
Santa Clara, CA 95050

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)  
The 49ers Stadium Project  
SCH# 2008082084

Dear Mr. Schwilk:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian movement at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

CPUC sent a comment letter, dated August 29, 2008, on the Notice of Preparation for the proposed project. It appears that this letter was not received, as it is not reproduced as one of the comment letters in Appendix O of the DEIR. Thus, we are re-sending our original comments, which follow below:

The proposed project would generate large volumes of cars and pedestrians above baseline levels. The traffic impact study conducted for the DEIR should specifically consider traffic safety issues at relevant railroad crossings, including the at-grade railroad crossing of the Union Pacific tracks close to the intersection of Agnew Road and Lafayette Street. The CEQA documentation should evaluate, for example, whether traffic queues would extend across railroad tracks. Such queuing increases the possibility that a motorist would stop on the tracks and be unable to clear the tracks as a train approaches, e.g., due to congestion or a stalled vehicle. In addition to the potential impacts of the proposed project itself, the CEQA document should consider cumulative rail safety-related impacts created by other projects. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

Given the large number pedestrians that will be attracted to events at the stadium, installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way should be considered.

Lastly, the Santa Clara Valley Transportation Authority (VTA) light rail system proceeds down the middle of Tasman Drive near the proposed stadium. There are four VTA light rail highway-rail at-grade crossings in the vicinity:

- Tasman Drive & Old Ironsides Drive
- Tasman Drive & Great America Parkway
- Tasman Drive & Convention Circle
- Tasman Drive & Centennial Boulevard

These crossings should incorporate additional safety measures in response to the increase in Average Daily Traffic during use of the stadium. VTA is currently working on a project ("Light Rail Left Hand Turn and Track Intrusion Project") to reduce the frequency of incidents involving vehicles making left turns into light rail vehicles and motorists entering the railroad right-of-way. CPUC recommends incorporating the improvements documented in that project at the aforementioned four light rail crossings. These improvements consist of pushing the left turn limit line away from the intersection, replacement of the W10-7 active "Trolley Approaching" signs with new alternating "Trolley Approaching/No Left Turn" active signs, and pavement markings to direct traffic through the intersection. These modifications will improve general safety at these crossings and ensure motorists will reach their destinations safely.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-1306.

Sincerely,



Daniel Kevin  
Regulatory Analyst  
Consumer Protection and Safety Division

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

September 17, 2009

SEP 17 2009

SCL237177  
SCL-237-R5.83  
SCH#2008082084

Mr. Jeff Schwilk  
Planning Division  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Dear Mr. Schwilk:

**49ers Santa Clara Stadium Project – Draft Environmental Impact Report**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the 49ers Santa Clara Stadium Project. The following comments are based on the Draft Environmental Impact Report (DEIR).

**Forecasting**

On page 176, Section 4.8.4 Traffic Impacts - Table 15 - Trip Generation Estimates for the Proposed Stadium: It states there are 5,450 fans/attendees and 290 employees who use transit to/from the existing 49ers Stadium at Candlestick Park. These transit users should generate an additional 127 vehicles per hour (vph)  $([5450+290]/45)$ . Furthermore, the Table also indicates that there will be 13,000 fans/attendees and 580 employees who will use transit to/from the proposed 49ers Santa Clara Stadium. These transit users should generate an additional 302 vph  $([13,000+580]/45)$ . Since the Santa Clara Valley Transportation Authority (VTA) light rail network is limited in the area, we believe the majority of transit users (fans and employees) would use 'Special Event' bus services. As a result, these transit vehicles should be considered as 2.0 passenger car equivalents in the analysis which will generate an additional 604 vph  $(302 \times 2)$ .

Table 15 indicates the modal split at the existing stadium is: 82% auto, 10% charter bus, and 8% transit for attendees; 90% auto and 10% transit for employees. For the proposed stadium, modal split is 74% auto, 7% charter bus and 19% transit for attendees; 80% auto and 20% transit for employees. Since Candlestick Park is situated within a rich public transportation network, it should have higher charter bus and transit modal splits compared to the proposed stadium. On the contrary, the proposed stadium shows higher charter bus and transit modal splits. What are the underlying assumptions to justify these modal splits for the proposed 49ers Santa Clara Stadium?

Please include the 2030 Cumulative plus Project Conditions in the DEIR.

Mr. Jeff Schwilk /City of Santa Clara  
September 17, 2009  
Page 2

Please provide turning traffic for each study intersection under the Project Only, 2030 Cumulative, and 2030 Cumulative plus Project Conditions. Table 16 provides arrival and departure patterns over time. Please provide additional turning traffic diagrams that show in/out-bound generated PM peak traffic that would allow us to validate total in/out-bound generated PM peak trips through project driveways, adjacent intersections and State facilities.

#### ***Highway Operations***

On page 10, Section 2.1 Stadium Component: How will vehicles from Great America Parkway and west of Great America Parkway access the Golf and Tennis Club if Tasman Drive is closed from Great America Parkway to Centennial Boulevard for eastbound vehicles during game days?

On page 20, Section 2.4 Parking Garage Component: The DEIR should state that the vehicular access to the proposed new six-story parking garage will be provided only from westbound Tasman Drive on game days since eastbound Tasman Drive will be closed between Great America Parkway and Centennial Boulevard.

On page 157, Section 4.8.2 Traffic and Transportation Existing Conditions: The freeway section of US-101, Interstate (I)-880 to Trimble Road (Northbound) should be added to the list of freeway segments currently operating at level-of-service (LOS) F conditions during at least one of the weekday study periods.

On page 201, Section 4.8.4 Traffic Impacts - Table 19 - Arrival and Departure Roadway Capacities: This table shows 444 vehicles arriving from the east on Tasman Drive. Is this the only access to the proposed six-story 1700+ space parking garage? If so, what is the need for all of these spaces? Are these spaces for vehicles coming from other routes? If so, which routes?

Also, on page 201, the second paragraph states, "*Though arrival and departure demands are projected to exceed existing capacities of the most heavily utilized arterials and ramps, the congestion can be expected to dissipate rapidly after the peak demand periods, which will not last more than two hours. It is also likely that motorists will seek alternative routes when wait times at freeway off-ramps become too long. The TMP identifies measures to control the effects of diversion and maintain freeway mainline flow.*" When the demand exceeds off-ramp capacity a queue will form on the freeway mainline. This impact will need to be mitigated. What measures does the Transportation Management Plan identify to maintain freeway mainline flow?

On page 208, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts, Great America Parkway and State Route (SR) 237 (North): The suggested mitigation measure of adding a third westbound left-turn lane would require widening Great America Parkway between the SR 237 eastbound and westbound ramps. A third through lane would need to be added, as there are only two through lanes existing at this section. In addition, the eastbound SR 237 off-ramp to Great America Parkway free right turn lane would need to be converted into a controlled movement. Please re-analyze these two intersections to determine if the proposed third left-turn lane is a viable mitigation measure.

On page 209, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts, I-880 Northbound and Tasman Drive: The document states, "*The improvement to mitigate the*

Mr. Jeff Schwilk /City of Santa Clara  
September 17, 2009  
Page 3

*project impact at this intersection would be the addition of a second westbound left-turn lane."* Is this mitigation measure feasible with the existing VTA light rail train in the median of Great Mall Parkway/Tasman Drive?

On page 210, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts: Although the relevant jurisdictions have not addressed weekend conditions in adopted policies, it is crucial that the weekend traffic impacts be addressed and mitigated.

On page 210, Section 4.8.5 Mitigation and Avoidance Measures for Transportation Impacts: The DEIR states, *"To add capacity improvements for off-peak impacts would create over-built intersections that would likely have unwanted secondary impacts."* What are the unwanted secondary impacts?

On page viii in Appendix H, Freeway Segment Impacts: The document states, *"full mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lane, thereby increasing freeway capacity."* There are mitigation measures other than widening the freeway that could be implemented, such as a more aggressive Traffic Demand Management program to reduce the freeway impacts.

On page 120 of Appendix H - Table 18 - For the northbound US-101 off-ramp to Great America Parkway and the westbound SR 237 off-ramp to Great America Parkway, two-lanes are required at these off-ramps as the existing plus project volumes exceed the 1,500 vph design requirement.

On page 134, Appendix H - Cumulative Conditions Intersection Impacts and Mitigation Measures (Weekday Study Period): The document states, *"the project is not proposing to fund, contribute to funding for, or implement the possible measures."* This development needs to address the impacts from this proposed project by implementing mitigation or providing fair share fees for this mitigation. If this development is not willing to fund or implement any of the proposed mitigation measures, it is not addressing the impacts of this proposed project required under the California Environmental Quality Act (CEQA).

Traffic Intersection Analysis, Bowers Avenue/US-101 southbound intersection, Weekday Cumulative Conditions: The southbound through movement 95<sup>th</sup> percentile queue will extend upstream beyond the Great America Parkway/northbound US-101 off-ramp intersection. This could cause the off-ramp to queue back onto northbound US-101. Mitigation measures are necessary for this impact.

Traffic Intersection Analysis, Great America Parkway/Yerba Buena Way, Weekday Cumulative Conditions: The southbound through movement 95<sup>th</sup> percentile queue will extend upstream beyond the Great America Parkway/eastbound SR 237 off-ramp intersection. This could cause the off-ramp to queue back onto eastbound SR 237. Mitigation measures are necessary for this impact.

Traffic Intersection Analysis, Bowers Avenue/Augustine Drive intersection Weekday Cumulative Conditions: Southbound through movement 95<sup>th</sup> percentile queue will extend upstream beyond the Bowers Avenue/southbound US-101 off-ramp intersection. This could

Mr. Jeff Schwilk /City of Santa Clara  
September 17, 2009  
Page 4

cause the off-ramp to queue back onto southbound US-101. Mitigation measures are necessary for this impact.

**Traffic Intersection Analysis, Lawrence Expressway ramps/El Camino Real:** This location needs to be analyzed as two separate intersections, the southbound Lawrence Expressway ramps/El Camino Real intersection and the northbound Lawrence Expressway/El Camino Real intersection.

**Traffic Intersection Analysis, westbound SR 237/Great America Parkway, Weekday Project and Cumulative Conditions:** The northbound left-turn movement 95<sup>th</sup> percentile queue will exceed the left-turn pocket storage and extend upstream beyond the eastbound SR 237/Great America Parkway intersection. This could cause the off-ramp to queue back onto eastbound SR 237. Mitigation measures are necessary for this impact.

#### ***Goods Movement***

The DEIR did not discuss the existing truck traffic, forecasted truck traffic, dedicated off-street truck parking facilities or other potential impacts and proposed mitigation regarding the delivery and pickup of goods and services to the stadium complex. Please provide a Goods Movement subsection to the Transportation and Circulation section of the DEIR that discusses how a multi-activity stadium complex will successfully operate with consideration for the delivery and pickup of goods and services, truck parking needs during both the unloading/loading process, and the potential need for dedicated off-street parking to avoid impacting local streets and adjacent neighborhoods and businesses.

#### ***Regional Transportation Impact***

The traffic generated from the proposed project will have significant impacts to the already congested state highway system. Reducing delays on State facilities will benefit the region and local jurisdictions by providing more reliable travel times for commuters, recreational travelers and freight traffic. The Department strongly urges the City of Santa Clara to develop a regional transportation impact fee (RTIF) program to mitigate the impacts of future growth on regional corridors. Traffic impact fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system and reduce delays while maintaining reliability on major roadways throughout the San Francisco Bay Area.

#### ***Transit***

Transit is an important mode to disperse attendees after an event at the proposed stadium. To reduce the number of patrons that would potentially crowd and spill onto immediate roadways, a staging area for transit vehicles would reduce the wait time of transit users and can increase the flow of traffic on local roadways.

#### ***Mitigation Monitoring and Reporting Program***

The CEQA, Public Resources Code Section 21081.6 and 21081.7, requires the Department to establish mitigation monitoring submittal guidelines for public agencies. The guidelines affect agencies that have approved development projects and are required under CEQA to provide the Department reports on transportation related mitigation monitoring measures. Please see the

Mr. Jeff Schwilk /City of Santa Clara  
September 17, 2009  
Page 5

Department's "Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the Department of Transportation" at the following website for more information: [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa.html](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html)

The Mitigation Monitoring Submittal Guidelines discuss the scope, purpose and legal requirements for mitigation monitoring reporting and submittal, specify the generic content for reports, and explain procedures for timing, certification and submittal of reports. Please complete and sign a Certification Checklist form for each approved development project that includes transportation related mitigation measures and return it to this office once the mitigation measures are approved, and again when they are completed.

Please send signed Certification Checklist forms and supporting attachments to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D. For supporting attachments, the CEQA lead agency, at its discretion, may also submit the entire mitigation monitoring program report for each project with the required transportation information highlighted. When the District has approved the submittal and signed the Certification Checklist form, a copy of the form will be supplied to your agency.

**Encroachment Permit**

Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

## County of Santa Clara

Roads and Airports Department  
Land Development and Survey

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400



August 26, 2009

Mr. Jeff Schwilk  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050



Subject: Draft Environmental Impact Report (DEIR) for the 49ers Stadium  
Project  
File No.: SCH# 2008082984

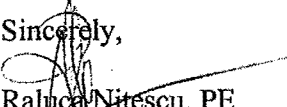
Dear Mr. Schwilk,

Your July, 2009 Memo along with the attachments for the subject project have been reviewed. Our comments are as follows:

1. There are significant impacts to many of the expressway intersections (such as Lawrence, San Tomas and Montague Expressways).
2. The intersections impacted require monitoring at the Roads and Airports, Traffic Operation Center (TOC) in order to run special timing plan.
3. The traffic impact on such intersections should be mitigated. The conversion of High Occupancy Vehicle (HOV) lane to mixed use is not funded and is not considered mitigation. All four lane section of Montague will have HOV lanes. Possible improvements should be considered and they have to be discussed with the County.

Please take into consideration the above comments in the DEIR to be resubmitted for our review. Thank you for the opportunity to review and comment on this project. If you have any questions, please contact me at 408-573-2464.

Sincerely,

  
Raluca Nitescu, PE  
Project Engineer

cc: MLG, MA, AP, WRL, File

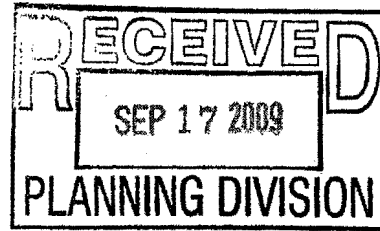




BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT  
SINCE 1955

September 16, 2009

Jeff Schwilk, AICP  
Associate Planner  
City of Santa Clara, Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050



Subject: 49ers Santa Clara Stadium Project Draft Environmental Impact Report

Dear Mr. Schwilk:

ALAMEDA COUNTY  
Tom Bates  
(Secretary)  
Scott Haggerty  
Jennifer Hosterman  
Nate Milley

Bay Area Air Quality Management District (District) staff has reviewed your agency's Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project (Project). We understand that the Project proposes to construct a football stadium in the city of Santa Clara (City). The stadium would have a capacity of 68,500 seats with possible expansion of up to 75,000 seats. The stadium would be used by one, and possibly up to two, NFL teams and as a venue for concerts and sporting events.

CONTRA COSTA COUNTY  
John Gioia  
Mark Ross  
Michael Shimansky  
Gayle B. Lilkema

The DEIR states that construction activities could generate significant dust and exhaust emissions. We appreciate that the DEIR contains mitigation measures that address dust, as well as exhaust emissions from construction; however, construction activities are still expected to create a significant impact to air quality (AIR-7, p.228). The City should consider additional feasible mitigation measures to minimize construction equipment exhaust emissions, specifically diesel particulate matter, a known carcinogen. Such measures could include, but are not limited to: stipulating in construction contracts limiting the idling time of diesel powered construction equipment to two minutes; using alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric); using add-on control devices such as diesel oxidation catalysts or particulate filters; and requiring all contractors to use equipment that meets California Air Resources Board's (ARB) most recent certification standard for off-road heavy duty diesel engines. The EIR should provide justification for finding that any of these measures are deemed infeasible or unwarranted.

MARIN COUNTY  
Harold C. Brown, Jr.

NAPA COUNTY  
Brad Wagenknecht  
(Vice-Chairperson)

SAN FRANCISCO COUNTY  
Chris Daly  
Gavin Newsom

SAN MATEO COUNTY  
Carol Klatt  
Carole Groom

SANTA CLARA COUNTY  
Susan Garner  
Yoriko Kishimoto  
Liz Khniss  
Ken Yeager

The DEIR states that the Project will result in significant unmitigable air quality impacts (AIR 2-5) and will implement identified TDM measures as a condition of approval. To further reduce the Project's significant air quality impacts identified in the DEIR, the Project should implement the following feasible mitigation measures: unbundling parking costs from employee benefits and rents; providing transit subsidies to employees; offering preferential parking to vanpools and carpools for event attendees; and coordinating with transit (specifically Caltrain, BART, ACE, and VTA) providers to offer promotions for event attendees to use alternative transportation modes. In addition, the DEIR estimates that a minimum of 19,000 parking spots will be necessary to support stadium events and that the Project will implement an approved program for providing parking and transit to support these events. We recommend that the Project's conditions of approval include TDM

SOLANO COUNTY  
Jim Sperling

SONOMA COUNTY  
Shirlee Zane  
Pamela Torliatt  
(Chairperson)

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

*Save the Air*

The Air District is a Certified Green Business

Printed using soy-based inks on 100% post-consumer recycled content paper



Mr. Jeff Schwilk

-2-

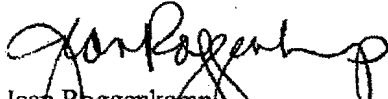
September 16, 2009

measures for parking pricing and management. Underpriced and excess parking tend to encourage driving and exacerbate efforts to encourage alternative transportation modes. We suggest referring to the Metropolitan Transportation Commission's parking toolbox which contains parking best practices and strategies to support smart growth. ([http://www.mtc.ca.gov/planning/smart\\_growth/parking\\_seminar/Toolbox-Handbook.pdf](http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox-Handbook.pdf))

We commend the DEIR for taking a comprehensive approach to quantifying the Project's greenhouse gas (GHG) emissions. We are encouraged that the Project is committed to implementing a number of green building elements; however, the Project should consider additional feasible measures to reduce greenhouse gas emission. Such measures could include, but are not limited to: implement a zero waste plan by diverting 100 percent of waste from landfills; build the Project to surpass the minimum LEED certification requirements; use locally produced building materials for construction; and plant sufficient numbers of trees (low VOC species) for carbon sequestration to at least replace the sequestration value of trees removed for Project construction.

If you have any questions regarding these comments, please contact Sigalle Michael, Environmental Planner, at (415) 749-4683.

Sincerely,



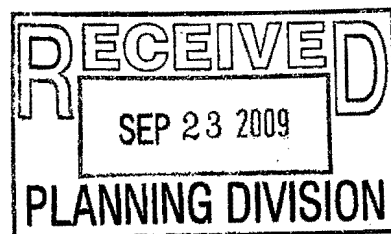
Jean Roggenkamp  
Deputy Air Pollution Control Officer

cc: BAAQMD Director Susan Garner  
BAAQMD Director Yoriko Kishimoto  
BAAQMD Director Liz Kniss  
BAAQMD Director Ken Yeager



September 22, 2009

City of Santa Clara  
City Manager's Office  
1500 Warburton Avenue  
Santa Clara, CA 95050



Attention: Jennifer Sparacino, City Manager

Subject: VTA Comments on Draft EIR for Proposed 49ers Stadium in Santa Clara

Dear Ms. Sparacino:

VTA has reviewed the Draft Environmental Impact Report (DEIR) and Transportation Impact Analysis (TIA) for the proposed 49ers Stadium in the city of Santa Clara. We have a number of detailed comments on these documents, which are included in the attached memorandum. However, I would like to highlight here the key themes from our review.

First, from a transportation planning perspective we believe that the proposed 49ers stadium project offers an excellent opportunity to build on and make use of the existing transit and roadway network in the Great America Station area. VTA supports policies and projects that target growth around the established transportation cores, corridors, and station areas in Santa Clara County.

Second, we want to acknowledge the cooperation and responsiveness of the 49ers organization and the city of Santa Clara in recent weeks as VTA staff has reviewed the DEIR. We would also like to recognize the 49ers for their thorough attention to transportation matters in the DEIR, TIA, and associated Transportation Management Plan (TMP). We would like to note, however, that the analysis of transit in these documents was not as thorough and will require more in-depth investigation over the coming months. Our detailed comments on the transit analysis and assumptions are included in the attached memorandum, and provided below is a summary of the most salient points:

- The analysis of the potential transit demand from Alameda and Contra Costa counties to the proposed stadium via BART and connecting transit services, including the VTA light rail system, needs to be more fully developed.
- The DEIR and TMP should reflect certain current conditions and constraints on the VTA transit system, in particular the current light rail operating plan in which trains that operate to/from Mountain View past the proposed stadium are limited to two cars in length.
- For VTA to adequately plan light rail service for game day events, the development of a rail operating plan, including a rail simulation of different scenarios, is needed. This analysis

would assist in identifying the level of service (frequency/capacity) that can be operated and whether any capital improvements are necessary. Without benefit of this analysis, we cannot now determine what improvements might be needed. Possible improvements could include storage tracks, crossover tracks, substations, signal improvements, station improvements or other similar items. Non-VTA funding would need to be identified to design and construct these improvements. In addition, resources (both staff and consultant assistance) would be needed to develop the operating plan and rail simulation.

- A more complete transportation management plan addressing weekday as well as Sunday events and covering all modes of transportation including VTA light rail and buses is needed. Accordingly, we suggest that a working group be formed, comprised of the 49ers, the city of Santa Clara, VTA, and other agencies, to ensure that all transportation needs—operational, physical improvements and funding—are addressed.
- Game day transit operations will require a significant resource allocation beyond the normal levels for standard Sunday or weekday service. Vehicles, operators, transit field supervisors, security personnel, customer service ambassadors, fare inspectors, and maintenance staff would all need to be added. It is likely that fare revenues received from games and events would not cover VTA's additional operating expenses, and this additional operating funding would need to be provided by third parties.

VTA looks forward to a strong and effective partnership with the city of Santa Clara in the advancement of the proposed stadium project. Please do not hesitate to contact Dan Smith at (408) 321-7005 or John Ristow at (408) 321-5713 if you have any questions or to discuss how we can work together with you in this process.

Sincerely,



Michael T. Burns  
General Manager

cc: Ron Garratt, City of Santa Clara  
Kevin Riley, City of Santa Clara  
Rajeev Batra, City of Santa Clara  
Jeff Schwilk, City of Santa Clara  
Dan Smith, VTA  
John Ristow, VTA

Jim Unites, VTA  
Chris Augenstein, VTA  
Michael Hursh, VTA  
Robert Swierk, VTA  
Roy Molseed, VTA

## MEMORANDUM

TO: Jeff Schwilk, AICP  
City of Santa Clara Planning Division

FROM: Robert Swierk, AICP  
VTA CMA Planning Department

DATE: September 22, 2009

SUBJECT: VTA Comments on 49ers Stadium – Draft EIR (City File No.: PLN2008-06947)

VTA has reviewed the Draft Environmental Impact Report (DEIR) and Transportation Impact Analysis (TIA) for a 68,500-seat open-air stadium at the southwest corner of Tasman Drive and Centennial Boulevard in the City of Santa Clara. We previously commented on the original NOP for this project in a letter dated September 22, 2008, and on the revised Notice of Preparation (NOP) for this project in a letter dated March 18, 2009. The following is a summary of our comments on the DEIR and TIA for this project.

### Project Location and Land Use/Transportation Integration

VTA supports policies that target growth around the established transportation cores, corridors, and station areas in the County, as described in VTA's *Community Design & Transportation* (CDT) Program and CDT Manual. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and has been endorsed by all 15 Santa Clara County cities and the County. Intensification of land uses in these areas can promote alternative transportation methods and help reduce vehicle miles traveled. The proposed 49ers stadium project offers an excellent opportunity to build on and make use of the existing transit and roadway network along in the Great America Station area. The stadium can benefit from the existing transportation infrastructure, although it may justify or require additional transportation improvements given the size of the project and highly peaked travel characteristics of its users, as noted below.

### Description of Existing Transit

The DEIR and the accompanying Transportation Management Plan (TMP) contain a number of out-of-date or inaccurate descriptions of the existing VTA transit routes that serve the project site. Most importantly, the TMP/DEIR does not show the current 2-car train light rail operating from Mountain View past the proposed stadium, through San Jose to the Winchester Station in Campbell. The shorter station platform lengths on the Winchester Line southwest of Diridon Station limit train lengths to 2 cars, not the 3-car trains assumed in the TMP/DEIR. Other VTA comments on the description of Existing Transit Services in the DEIR are listed below:

1. System map (Figure 33 on Page 139): This map should be updated to reflect that the Great America Shuttle no longer operates; the most current version of the VTA system map is dated July 2009.
2. Page 140 – Table 14: Line 60 should be shown with 30 minute headways (not 15 minutes) in the Great America area.

3. Page 140 – Line 55 description: The description should note that Line 55 operates 30 minute headways from 8 a.m. to 7:30 p.m. on Sundays.
4. Page 140 – Line 60 description: The description should note that Line 60 operates every 30 minutes during weekday peak periods in the project area (not 15 minutes).
5. Page 141 – Light Rail Service. There are many out-of-date statements and errors in the description of existing light rail service. We suggest replacing this paragraph with the following description:  
*The project area is served by two light rail transit lines, one that serves the project site directly and one that is available via a transfer. The Mountain View – Winchester LRT line operates along the center of Tasman Drive and directly serves the site with the nearest station to the project site at Great America Parkway near the Santa Clara Convention Center (approximately 650 feet from the nearest stadium entrance). This line generally operates every 15 minutes during weekday commute periods and every 30 minutes on weekends. The Alum Rock – Santa Teresa line operates in the center of Highway 87 and North First Street through downtown San Jose and connects with the Mountain View – Winchester line at the Tasman Station. This line generally operates every 15 minutes on weekdays and weekends.*
6. Page 141 – Caltrain: This section incorrectly states that the Caltrain shuttle to Mission College Boulevard operates on Sundays, and should be corrected.

#### Transit Service, Operations and Infrastructure

We note that the TMP assumes that approximately 13,000 patrons (out of a sold-out capacity of 68,500 seats) will take public transit to access the stadium. It appears that this assumption is based primarily on the 49ers experience at Candlestick Park, which has considerably fewer transit options than at the proposed site, supplemented by information from other stadiums in similar settings. This assumption about public transit usage is applied to the total trip generation of the stadium in the TIA, and is built into the discussion of transportation impacts and mitigation measures in the DEIR.

Based on the assumptions in the TMP, a number of which may require further verification, this transit mode split assumption appears reasonable; however further analysis should be done to better determine a mode share specific to the unique conditions in Santa Clara County. In addition, it is likely that a number of conditions would need to be met in terms of transit service and operations for this transit mode split to be achieved. It is also possible that certain infrastructure improvements would be needed to make the required transit service and operations possible.

The following are VTA's comments regarding transit service, operations and infrastructure based on our review of the DEIR and TMP. They are divided into several sections as noted below.

#### *Transportation Management Plan and Transit:*

1. The Draft TMP, dated July 13, 2009, has been developed at very general level and is more a collection of possible transit options than a plan that could be directly implemented. VTA would like to coordinate with the City of Santa Clara, the 49ers and other transit operators to develop a complete transit plan for game days and other events.

2. VTA suggests that the 49ers and the City of Santa Clara continue to develop a complete transportation management plan. Given the projected time frame for opening the stadium, there is time to complete this task. However, it would be best to start the process now to ensure that all needs – operational, physical improvements and funding – are addressed.
3. The HP Pavilion management instituted an Arena Events Operations Committee (AEOC), which included representatives from VTA and the city of San Jose, to assist with developing their transportation plan, and this group continues to meet to address event-specific needs. VTA suggests that a similar group be developed for the proposed 49ers stadium in Santa Clara. One very helpful aspect of the AEOC is that it includes the traffic management personnel from the city of San Jose, including both traffic engineering and police representatives who would handle the game day traffic and parking management.
4. VTA requests that the transportation management plan address weekday night games and other events, in addition to Sunday afternoon games (which are the focus of the current draft TMP). We assume that the 49ers would like to schedule Monday or Thursday night games and VTA will need to plan accordingly. The day of the week will have significant implications for the transit plan as the weekday night games/events will typically occur within VTA's normal weekday PM peak commute period. Our ability to provide sufficient resources, both personnel and vehicles, is a concern on weekdays. The impact of changing our operations to accommodate a weeknight game while still providing our normal transit services has not yet been determined. This will require further analysis, which may include studying how transit systems have handled this in other NFL cities. In addition, the transportation management plan will need to provide further information on how each street in the stadium vicinity would be impacted, so that VTA can develop or modify bus routes and determine the impact on our light rail operation.

*Transit Demand:*

1. Based on VTA's review of the TMP and DEIR, it appears that the transit analysis did not consider the potential demand from Alameda and Contra Costa counties to the proposed stadium via BART and connecting transit services. VTA expects that this demand would be significant in the opening year, from either the existing Fremont Station or the new Warm Springs Station, and would increase further in 2018 with the opening of the Milpitas and Berryessa Stations. This flow of ridership from BART could place an additional strain on the VTA light rail system from the east, which is not addressed in the TMP and DEIR. Further analysis of demand from BART to the east of the stadium will be required. For this analysis to be most useful, it should cover both the opening year scenario (from Fremont or Warm Springs Station) and the 2018 scenario (from the Milpitas Station).

*Transit Buses and Shuttles:*

1. VTA needs to more closely review FTA regulations that prohibit public transit operators from providing "charters" to sporting events under certain situations. While we have

stopped operating this type of service to Candlestick, there may be some other available options for the new stadium since the games are now in our regular service area. More study is needed on this issue to determine what VTA can provide and what service private carriers would operate.

2. Further study on specific routes to games is needed, including how many vehicles would be required to provide the service and where the routes would originate. Automobile parking at the origin will need to be identified, either at current VTA park-and-ride lots or at other locations.
3. More detail is needed on how the bus parking on Stars & Stripes Boulevard would operate and how many vehicles this location could accommodate. This location is of particular concern as it is the busiest station on the Altamont Commute Express (ACE) line. VTA as well as private companies provide numerous shuttles to this location bringing passengers from employment sites throughout Santa Clara County. Those shuttles will need access to the station during games on weekdays.
4. Many transit passengers currently use the parking lot adjacent to the Great America ACE Station. This lot along with the extension of Stars & Stripes was funded, constructed and made available to ACE and Capitol Corridor passengers as part of a cooperative agreement with the City of Santa Clara. These rail passengers need to continue to have access to this parking. Typically this is overnight parking, where the passengers leave vehicles to be used after getting off the train in the morning and returning to the station in the afternoon. This constraint needs to be taken into account in the transportation management plan.
5. As noted above, further study of bus and shuttle circulation and related operating needs is required. This may lead to the identification of physical improvements necessary to support bus and shuttle operations. They could include bus bays, passenger amenities, wayfinding signage, and real-time information; all of these could be organized into a centralized transit center near the stadium site.

*Light Rail:*

1. As noted above, the TMP/DEIR does not show the current rail operating plan that uses 2 car trains to operate from Mountain View past the proposed stadium and onto the Winchester Station in Campbell. Due to shorter station lengths in Campbell, trains are restricted to 2 car trains, not the 3 car trains included in the TMP. The TMP/DEIR further assumed a load per light rail car of 150 passengers, a condition which may be acceptable for a few trains under game-day crush load conditions but should not be used as an assumption for average loading over a longer period. Given the experience of other systems in carrying departing patrons via transit after stadium events, we believe that the majority of transit passengers will need to be cleared in a 30 to 60 minute window after a game; further analysis of the implications of these demands on light rail vehicle loading will be required for the proposed 49ers stadium.
2. A rail operating plan is needed for VTA to adequately plan light rail service during events. VTA has access to a rail simulation program of its current light rail system and different operating scenarios should be tested to determine the best plan to meet the



expected ridership demand. The simulation would also assist in identifying if any capital improvements are necessary and what level of service (frequency/capacity) could be operated.

3. As indicated above, the operating plan would also assist in identifying potential infrastructure improvements needed to accommodate the planned passenger demand and rail service. Without the benefit of the analysis, we cannot now ascertain what improvements might be needed. Possible improvements could include storage tracks, crossover tracks, substations, signal improvements, station improvements or other similar items.
4. During a recent meeting between representatives of the 49ers, the City of Santa Clara, and VTA, two possible improvements were identified by the 49ers. These are (1) fencing the light rail right-of-way in the area of the Great America Station and the stadium and (2) constructing a new game day at-grade pedestrian crossing of the tracks, east of Great America Station, to connect the new parking garage at the golf course to the stadium. These and other improvements must meet VTA design standards, operational policies and be safety certified. The new at-grade pedestrian crossing would be subject to safety review by the California Public Utilities Commission (CPUC). Given the expected use of this crossing, it is likely that the CPUC will require the installation of automatic warning devices such as flashers, bells, and possibly gates. Static signs and pavement markings will also be a requirement. Because of the high level of pedestrian use on game days, and the likelihood of special VTA train service, the effect on VTA's system-wide schedules must also be taken into consideration.
5. VTA encourages the applicant and the City to consider the full breadth of alternatives to a new pedestrian grade crossing (which might meet significant opposition from the CPUC). This could include improvements to the existing grade-separated pedestrian crossing under Tasman Drive (along San Tomas Aquino Creek) to make it as attractive and accessible as possible, or potentially the construction of a pedestrian bridge across Tasman Drive. (Note comments on Pedestrian and Bicycle Accommodations below.)
6. Passenger access to Great America Station, including the possibility of using Tasman Drive for passenger queuing (as proposed in the TMP) also needs further review. Both physical improvements and operational strategies need to be explored to determine how this could work effectively and safely, and to avoid excessively long train dwell times that could impact service reliability.
7. VTA would also need to be involved in the City's plans to monitor and adjust traffic signal timing before and after games as necessary. Impacts on our light rail signal priority and on transit service in general is a concern especially with the frequent service that would be needed on game days. The TMP states that manual overrides of traffic signals and/or transit signal priority will be required to achieve the required headways on the light rail system to serve stadium events. While transit signal priority is already in place along significant portions of the light rail system in the vicinity of the project site, it is not in place in all areas. Further analysis of intersection operations including increased light rail frequencies and vehicular traffic, as well as coordination with VTA, local municipalities, and Santa Clara County will be necessary.

8. VTA would require a significant resource allocation for game day/special event operations. Additional vehicles, operators, transit field supervisors, security personnel, customer service ambassadors, fare inspectors, and maintenance staff would be needed. It is likely that fare revenues received from games and events would not cover our additional expenses, and this additional operating funding would need to be provided by third parties.

*Other Transit Services:*

1. VTA is a partner, through formal agreements, with the Capitol Corridor, Caltrain and ACE. As mentioned earlier, the initiation of a transportation working group would be helpful for all involved.
2. The TMP includes an assumption that 3,000 patrons would take Caltrain to reach the stadium. While the TMP discusses three possible ways of allowing these patrons to reach the stadium (since Caltrain trains currently do not serve the stadium area), each of these discussions is problematic. For direct service, trains would need to make a reverse move near Diridon Station and travel on the UPRR tracks to the station area; such a move is likely to take long enough that it will make this trip unattractive in terms of travel time. A transfer from Lawrence Station to shuttle buses is possible, but Lawrence Station has far too little space to accommodate the shuttle buses to carry these passengers. It is more likely that patrons would transfer to the VTA light rail system at Mountain View; however, the transit analysis in the TMP does not account for these additional 3,000 patrons on VTA light rail, which would place a significant additional strain on the system. Further analysis of how patrons would reach the proposed stadium from Caltrain is required, including coordination with VTA and Caltrain staff.

Given the limited information in the DEIR, TMP and TIA about transit, it is difficult for VTA to confirm how transit would serve the proposed stadium. However, we believe that it should be possible through close coordination and further study to address these issues as the project progresses through the development process. Identification of the specific transit service, operations, and infrastructure requirements to serve the proposed stadium adequately will require considerable analysis and coordination between the project applicant, the City of Santa Clara, VTA, and other agencies.

Roadway Congestion/Consistency with the VTA Congestion Management Program

Based on our review of the TIA, TMP, and DEIR, VTA has the following comments on congestion-related impacts of the project and the project's consistency with the VTA Congestion Management Program (CMP).

1. It appears that the TMP primarily covers Sunday game conditions, while the TIA and DEIR address both Sunday and weekday game conditions. While we understand the rationale for assuming a worst-case scenario in terms of roadway congestion for the CEQA analysis, we believe it will be very important to develop a thorough management plan for weekday conditions as well, covering both pre-game and post-game periods.

- VTA encourages the project applicant to develop such a plan, in coordination with the City, VTA, and other agencies as the project moves through the development process.
2. The DEIR notes (on pages xi and xii) that the project would cause Significant and Unavoidable Impacts in terms of roadway congestion on 2 CMP intersections during at least one weekend study period on up to 20 NFL event days per year. It also notes that for a maximum of four times per year (depending on whether one team or two plays at the stadium) the project would exceed the adopted LOS threshold on all 16 directional freeway segments and one HOV lane during at least one of the weekday study periods. The DEIR then states that the project does not propose to implement any physical improvements to mitigate roadway congestion impacts, and the TIA notes (on page 170) that "the infrequency of occurrence... does not justify the implementation of costly physical improvements." While VTA agrees that significant but very infrequent impacts are not necessarily inconsistent with the Congestion Management Program, we recommend that the applicant work with VTA, the City, and Caltrans to identify possible measures that could lessen the project's impacts on roadway facilities, and conduct an analysis of a possible fair-share contribution to these improvement measures. In addition, we encourage the City to require the project applicant to implement measures from the Immediate Implementation Action List in the VTA TIA Guidelines to minimize roadway congestion impacts. Further discussion of immediate actions such as Transportation Demand Management programs is included in the next section.
  3. The first bullet on page 85 of the TIA states that the stadium will include a traffic control center that will be connected and integrated into the City of Santa Clara's existing electronic traffic control system. VTA recommends that that the traffic control system for the stadium include the installation of CCTV cameras at nearby intersections to allow real-time monitoring of vehicular traffic as well as light rail vehicles, transit and charter buses, and pedestrians.
  4. The last paragraph on page 76 of the TIA states that all employees utilizing private vehicles will be required to park in locations east of Lafayette Street and along Tasman Drive. Currently parking is not allowed along on Lafayette Street and Tasman Drive in the project area. The documents should clarify where on Lafayette Street and Tasman Drive the employees would park, and how additional on-street parking may impact vehicular movement or transit operations.

#### Transportation Demand Management

VTA urges large employers and large trip generators to implement transportation demand management (TDM) programs in order to reduce the number of single occupant vehicle trips they generate. In particular, VTA encourages the project applicant to provide incentives for patrons and employees to take public transit to stadium events, as part of the TDM program described on page 230 of the DEIR. VTA encourages the applicant to consider offering season ticket holders the option to either purchase reserved parking spaces or buy transit passes to the games. Pre-purchasing season or game-specific transit passes would provide for easier, quicker boarding of transit vehicles and also provides VTA with information on transit demand. VTA has coordinated with the 49ers in the past to provide season ticket holders with information on how

to purchase transit passes to the games, when VTA did provide direct bus service from Santa Clara County to Candlestick Park.

In addition, VTA supports the inclusion of a small component of ground floor commercial space in the stadium, as described on page 12 of the DEIR. This space could potentially accommodate a restaurant or retail use that could serve employees at nearby office buildings, visitors to the Santa Clara Convention Center, or patrons of Great America, making the area more convenient and attractive for pedestrians, transit riders, and cyclists, and reducing the need for single-occupant vehicles for lunchtime trips or errands.

#### Pedestrian and Bicycle Accommodations

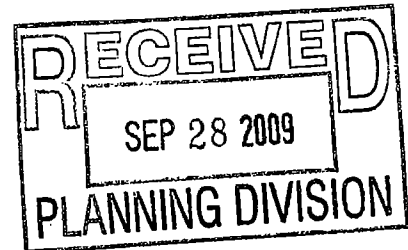
VTA encourages the development of pedestrian and bicycle accommodations in order to improve access and connectivity of these important modes. We support the inclusion of the new pedestrian/bicycle bridges across the San Tomas Aquino Creek in the proposed project. We also recommend that the project applicant and the City work together to consider the full breadth of alternatives to a new at-grade pedestrian crossing of the light rail tracks on Tasman Drive near the stadium. This could include making the pedestrian/bicycle crossing under Tasman Drive near the project site as attractive as possible, or possibly constructing a pedestrian bridge across Tasman Drive; both of these improvements would lessen the demand for pedestrians and cyclists to cross Tasman Drive near the stadium around game times. In addition, VTA suggests that the project applicant provide secure, guarded bicycle parking close to the proposed stadium on game days.



File: 32070  
San Tomas Aquino Creek

September 28, 2009

Mr. Jeff Schwilk  
Associate Planner  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050



Subject: Draft Environmental Impact Report – 49ers Santa Clara Stadium Project

Dear Mr. Schwilk:

Santa Clara Valley Water District (District) reviewed the Draft Environmental Impact Report (DEIR) for the proposed 49ers Stadium Project in Santa Clara, received on August 03, 2009.

Implementation of the proposed Stadium Project includes construction of an open-air stadium at the southwest corner of San Tomas Aquino Creek and Tasman Drive, a parking garage site at the northwest corner of Tasman Drive and the creek, and relocation of an existing substation to the proposed substation receiver site southeast of the stadium site. In addition to an existing vehicular bridge, two new pedestrian bridge crossings over San Tomas Aquino Creek are proposed to facilitate pedestrian traffic.

The creek in this area has earth levees on both sides of the channel. The levees are not adequate to convey the ultimate 100-year design flow rate of 9100 cfs. The District raised the levees north of Hwy. 101 as an interim measure to contain the existing 1 percent flow rate with 1.5 feet of freeboard, to a total flow rate of 7550 cfs. Levee modifications will be needed in the future as part of the construction of channel improvements to contain upstream spills in the channel.

The proposed bridges must be designed to convey the 100-year flow rate of 9100 cfs. and meet freeboard requirements for leveed sections. In accordance with Federal Emergency Management Agency (FEMA) guidelines, levees shall have a minimum of 4 feet of freeboard at the bridges and 100 feet on either side of the bridges. Design of the bridges and foundations should consider eventual levee raising. Additional width and fill on the levee may be needed to accommodate the bridge construction so as to not impact District maintenance operations. Access ramps on the outboard levee slopes may be necessary for the bridge approach.

For site planning purposes, the proposed stadium and the parking garage should be setback from the levee toe to accommodate emergency access and future levee raising. Although this levee is not regulated by the U.S. Army Corps of Engineers (Corps), the Corps levee standards require all landscaping and vegetation setback 15 feet from the outboard toe of the levee. In



Mr. Jeff Schwilk  
Page 2  
September 28, 2009

addition these levee standards, which can affect levee certification through FEMA, may require the District to remove the existing trees on the levee in the future.

The DEIR should also address temperature related impacts to the channel due to increased stadium lighting and from any proposed lighting on the bridge crossings. Although there appears to be minimal riparian habitat along the creek, there is vegetation and wildlife in the creek confines of the levee.

The District's Water Resources Protection Ordinance (WRPO) states that any work which affects a District facility or is within the District fee or easement right of way will require a District encroachment permit. Portions of the proposed project, such as the pedestrian bridges are proposed within the District's fee title right of way; therefore, a District permit is required. When plans are prepared, please provide them for our review and approval along with a permit application. A permit application can be found on our website at [www.valleywater.org](http://www.valleywater.org) under the Business and Permits section.

The project proposes construction of pedestrian bridges crossing District owned property. Appropriate land rights must be sought for this use. Because the District has discretion in this matter, the District should be considered a responsible agency under CEQA. The DEIR should discuss the land rights acquisition and permit requirements so that the environmental document can be relied upon by the District.

We appreciate the opportunity to review this document and look forward to review of Final EIR. I can be reached either by phone at (408) 265-2607, extension 2731 or by e-mail at [uchatwani@valleywater.org](mailto:uchatwani@valleywater.org).

Sincerely,

*for Sue Tippets*  
Usha Chatwani, P.E.  
Associate Civil Engineer  
Community Projects Review Unit

cc: C. Elias, S. Tippets, M. Martin, U. Chatwani, File

32070\_52302uc09-28



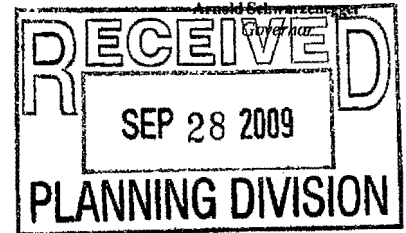
# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



September 28, 2009  
CIWQS Place ID No. 744999 (bkw)

Sent via electronic mail: No hardcopy to follow

City of Santa Clara  
Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050

Attn: Jeff Schwilk, Associate Planner ([jschwilk@santaclearaca.gov](mailto:jschwilk@santaclearaca.gov))

Re: Draft Environmental Impact Report for the 49ers Santa Clara Stadium Project, 4900  
Centennial Boulevard, Santa Clara, California

SCH # 2008082084

Dear Mr. Schwilk:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the Draft Environmental Impact Report (DEIR) for the 49ers Santa Clara Stadium Project, 4900 Centennial Boulevard, Santa Clara, California. The DEIR evaluates the potential environmental impacts that might reasonably be anticipated to result from the construction of a 68,500-seat stadium, with expansion of up to 75,000 seats, a new parking structure, and the relocation of an existing electric substation. The project site is located along the San Tomas Aquino Channel in the City of Santa Clara (APN's 104-43-030, 047, 049, 052, 053, and 104-03-040). Water Board staff have the following comments on the DEIR.

### Comment 1

#### Section 4.4.2.4, Water Quality Impacts, page 80.

The proposed use of continuous deflection separator (CDS) units to treat runoff from impervious pathways, driveways, and surface parking lots is not consistent with the requirements of Provision C.3 of the Santa Clara County NPDES Permit for stormwater discharges (Board Order No. 01-024; NPDES Permit, CAS0299718, as amended by Order Nos. 01-119 and 2005-0035), issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program. CDS units belong to a class of treatment devices referred to as "hydrodynamic separators". Water Board staff discourage the use of hydrodynamic separators at sites with significant areas of currently undeveloped open space. These devices are more appropriate at dense infill sites that lack adequate surface area for landscape-based treatment devices. At sites with available, unused surface area, such as the Project site, it is possible to design the Project to set aside sufficient surface area for appropriate stormwater treatment BMPs. When they are used, hydrodynamic separators are only appropriate if used in combination with BMPs that are capable of removing the fine particulate matter that is not amenable to removal by hydrodynamic separators, and in combination with filter media that permanently absorbs hydrocarbons. CDS units should

discharge to landscape-based treatment measures to treat the CDS effluent to remove fines and hydrocarbons. Research sponsored by a CDS unit manufacturer has demonstrated that hydrocarbons removed by a CDS unit during one storm tend to be washed out of the units by subsequent storms, unless the units are equipped with hydrocarbon absorbing media. The project should be revised to rely only on landscape-based treatment measures.

#### **Comment 2**

**Section 4.4.3. Mitigation and Avoidance Measures for Hydrology Impacts, pages 81-82.** This section contains a list of program mitigation measures to reduce hydrology impacts to less than significant levels. One of the items in the list on page 82 states that oil/water separators would be used in parking structures. Oil/water separators are most effective when used to treat oily wastewaters from service facilities that use oils and fuels. The effluent stream from a well-functioning oil/water separator usually contains oil and grease at concentration on the order of 10 to 15 milligrams per liter. Since stormwater runoff from parking lots and streets typically contains oil and grease in the range of 10 to 15 milligrams per liter, even a well-functioning oil/water separator would not be expected to decrease the concentration of oil in urban stormwater runoff. Therefore, Regional Board staff recommend deleting oil/water separators from the list of potential BMPs at the site, if these devices are used upstream of discharges to storm drain outfalls.

From the information provided in the DEIR, it is not clear where the drainage from the interior levels of the parking structures will be discharged. Please revise the text to clarify that the interior levels of the parking structures will discharge to the sanitary sewer system. The lower levels of the parking structures will be effectively shielded from rain water by the upper levels of the parking structures. Because of this, the majority of liquids that enter the stormdrain inlets on the lower parking levels do not originate as stormwater runoff. Most of the liquids entering the drain system from the lower parking floors are associated with leaking vehicle fluids, other spilled liquids, and water and/or other cleaning solvents used to clean the parking surfaces; the discharge of these fluids to the storm sewer system and, ultimately, waters of the State, is not permitted under the NPDES Municipal Stormwater Permit (Board Order No. 01-024; NPDES Permit, CAS0299718, as amended by Order Nos. 01-119 and 2005-0035), issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program. Oil/water separators may be appropriate pre-treatment for the lower levels of parking structures, prior to discharge to the sanitary sewer system, if the local POTW requires them.

#### **Comment 3**

##### **Section 4.5.3.3, Vegetation, Habitats, and Wildlife, Impact BIO-2, page 96.**

The discussions of potential permits required for the two new clear span bridges should be expanded to clarify that permits may be required from the Water Board. The Water Board has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (certifications) under Section 401 of the CWA, which are issued in combination with permits



issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs) from the Water Board. If construction of the bridges will impact the creek banks between the top of bank and the ordinary high water mark, then permits may be needed from the Water Board.

In addition, if construction of the new bridges requires temporary structures in the stream channel (e.g., supports for falsework), then a CWA Section 404 Nationwide Permit Number 33 (*Temporary Construction, Access, and Dewatering*) will be required from the ACOE; this Section 404 permit would require a certification.

Please contact me at (510) 622-5680 or [bwines@waterboards.ca.gov](mailto:bwines@waterboards.ca.gov) if you have any questions. All future correspondence regarding this Project, should reference the CIWQS Place ID Number indicated at the top of this letter.

Sincerely,



Brian Wines  
Water Resources Control Engineer  
Southeast Bay Counties Section

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044  
([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))



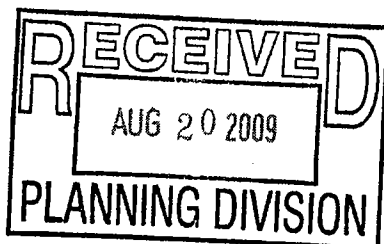
**CUPERTINO**

City Hall  
10300 Torre Avenue  
Cupertino, CA 95014-3255  
PH: (408) 777-3354  
FX: (408) 777-3333

**PUBLIC WORKS DEPARTMENT**

August 19, 2009  
File: 77,105

City of Santa Clara  
Attn: Jeff Schwilk  
1500 Warburton Avenue  
Santa Clara, CA 95050



PROJECT: The 49ers Santa Clara Stadium Project  
SUBJECT: Comments on the Draft Environmental Impact Report (DEIR)

Dear Mr. Schwilk:

The City of Cupertino staff has reviewed the July 2009 Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project located at southwest corner of Tasman Drive and Centennial Boulevard in the City of Santa Clara. We received this notice on August 3, 2009, and have the following comments:

1. The DEIR did not include traffic generated from approved or pending projects in the City of Cupertino in the traffic impact analysis. Please see the enclosed Approved and Pending Project Trip Generation Table and include this information in the Traffic Impact Analysis (TIA) and DEIR. I have also attached the trip distribution maps for four of the projects for your use.

Mitigation measures are required if there are traffic impacts within the City of Cupertino based on the inclusion of these approved and pending projects.

2. DEIR Page 297, the intersection of Lawrence Expressway and Homestead Road is not in the City of Milpitas. Please make the correction.

We look forward to receiving the requested information for our review. If you have any questions, please contact me at (408) 777-3237 or hannahc@cupertino.org.

Sincerely,

Hannah S. Chow, PE  
Associate Civil Engineer

Enclosures: Cupertino Approved and Pending Project Trip Generation Table and Distribution maps  
G:\Public Works\Outside Agency Review\City of Santa Clara\49ers Stadium\DEIR Aug09.doc

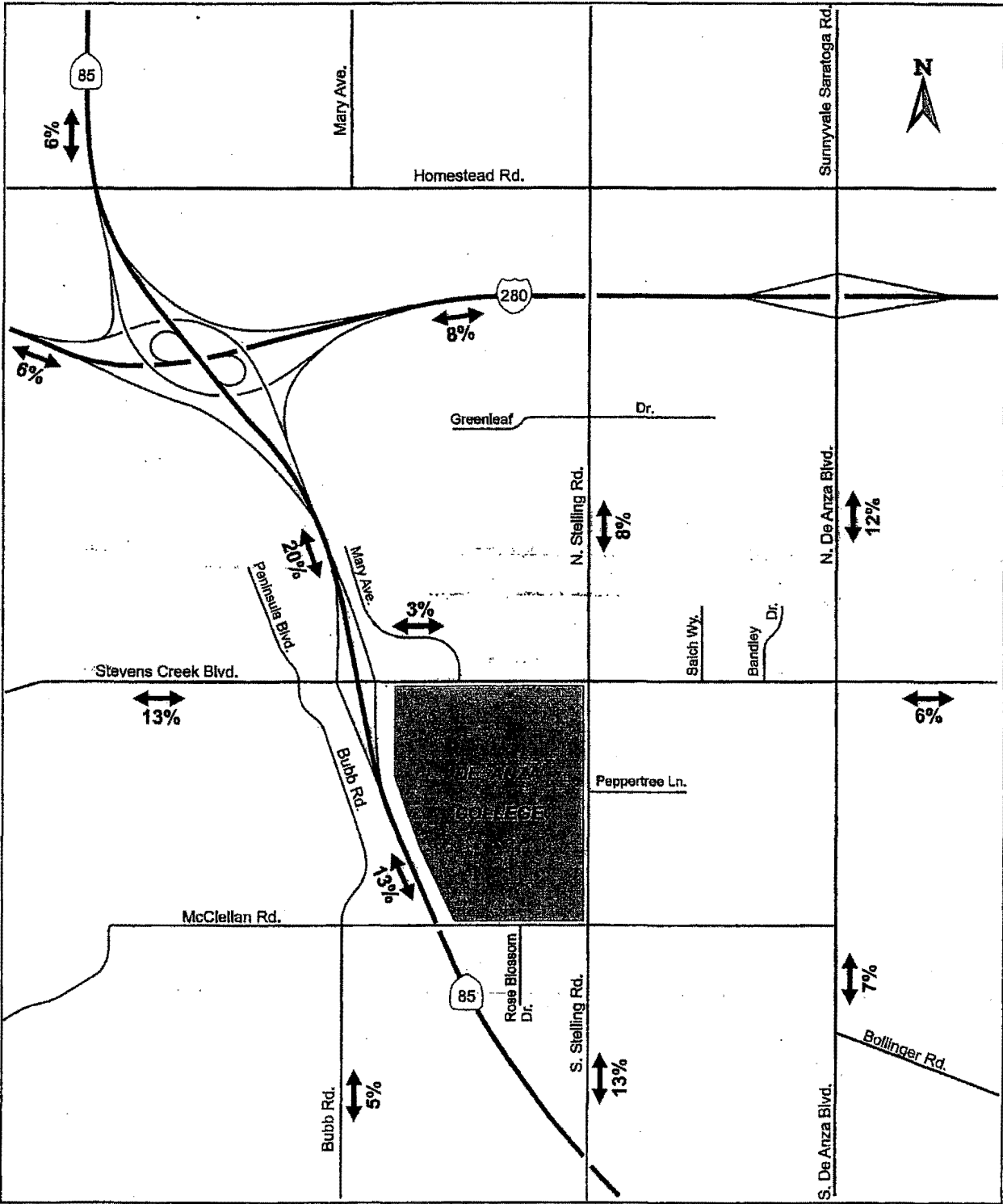
Cc: A. Shrivastava, Community Development  
G. Chao, Planning  
D. Stillman, Public Works

City of Cupertino Approved and Pending Project Trip Generation													
Development	Occupied	Land Use	Size	Weekday		A.M. Peak Hour			P.M. Peak Hour				
				Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
<b>APPROVED</b>													
1. Wolfe & Valco Pkwy (Valco Mall)		Condo	204 d.u.	-	-	-	11	54	65	-	55	27	82
Rose Bowl	No	Retail	105,000 s.f.										
Occupancy of Vacant Space	No	Retail	200,000 s.f.										
Valco Expansion	No	Retail	284,000 s.f.										
		<b>Total Retail</b>	589,000 s.f.				276	177	453		969	1049	2018
		Restaurant	12,000 s.f.				-	-	-		80	51	131
2. 10165 N. De Anza Blvd (Shashi Hotel)	No	Hotel	138 rooms										
3. 10212 N. De Anza Blvd (Learning Game)	No	Retail	2,007 s.f.										
		Retail	2,864 s.f.										
4. 19770 Stevens Creek Blvd. (Marketplace Bldg. C)	No	Retail	34,300 g.s.f. (19,000 s.f. net)	42.94	1,385	1	20	13	33	3.75	58	63	121
5. Valco Hotel	No	Hotel	200 rooms				65	46	111		53	55	108
6. Stevens Creek Blvd. & Stelling (De Anza College Expansion)(2)	No	Jr. College	7,000 students	1.54	10,780	0.14	892	88	980	0.16	728	392	1,120
7. Main Street Cupertino (3)	No	Hotel	150 rooms		872		37	24	61		42	38	80
	No	Senior Housing	160 units		485		5	6	11		10	6	16
	No	Retail	150,000 s.f.		6,460		93	48	141		285	317	602
	No	Office	100,000 s.f.		1,307		161	23	184		31	156	187
	No	Athletic Club	145,000 s.f.		4,627		126	98	225		223	157	380
		<b>Total</b>			13,751		422	199	622		591	674	1,265
8. 20800 Homestead/10807 N. Stelling (Villa Serra)(4)	No	Apartments	117 units	7.3	854	0.52	12	49	61	0.7	53	29	82
9. 10855 N. Stelling Rd. (Larry Guy)(5)	No	S.F. Houses	19 d.u. net	-	-	-	6	19	25	1.25	17	10	27
10. 10100 N. Tantau Avenue	No	Retail	10,582 s.f.				35	38	73		30	23	53
11. One Results Way	No	Office	11,015 s.f.										
<b>PENDING</b>													
Oaks Shopping Center (Stevens Creek/SR85) (6)	No	Hotel	122 rooms		971		32	23	55		29	30	59
		Retail	18,200 s.f.		1785		26	17	43		78	85	163
		Office	18,300 s.f.		361		42	6	48		17	82	99
		Meeting Rms	14,400 s.f.		428		19	13	32		17	17	34
		<b>Total</b>		-	3,545	-	119	59	178	-	141	214	355

Notes:

Trip generation average rates from ITE's *Trip Generation*, 7<sup>th</sup> Edition.

- (1) Peak hour trip generation provided by City of Cupertino.
- (2) Trip generation from DKS, De Anza College EIR (May 2002).
- (3) Trip generation rates from Fehr & Peers, TIA (October 2008)
- (4) Trip generation rates from Fehr & Peers, TIA (May 2007)
- (5) Trip generation rates from Fehr & Peers, TIA (April 2007)
- (6) Trip generation rates from Republic ITS.



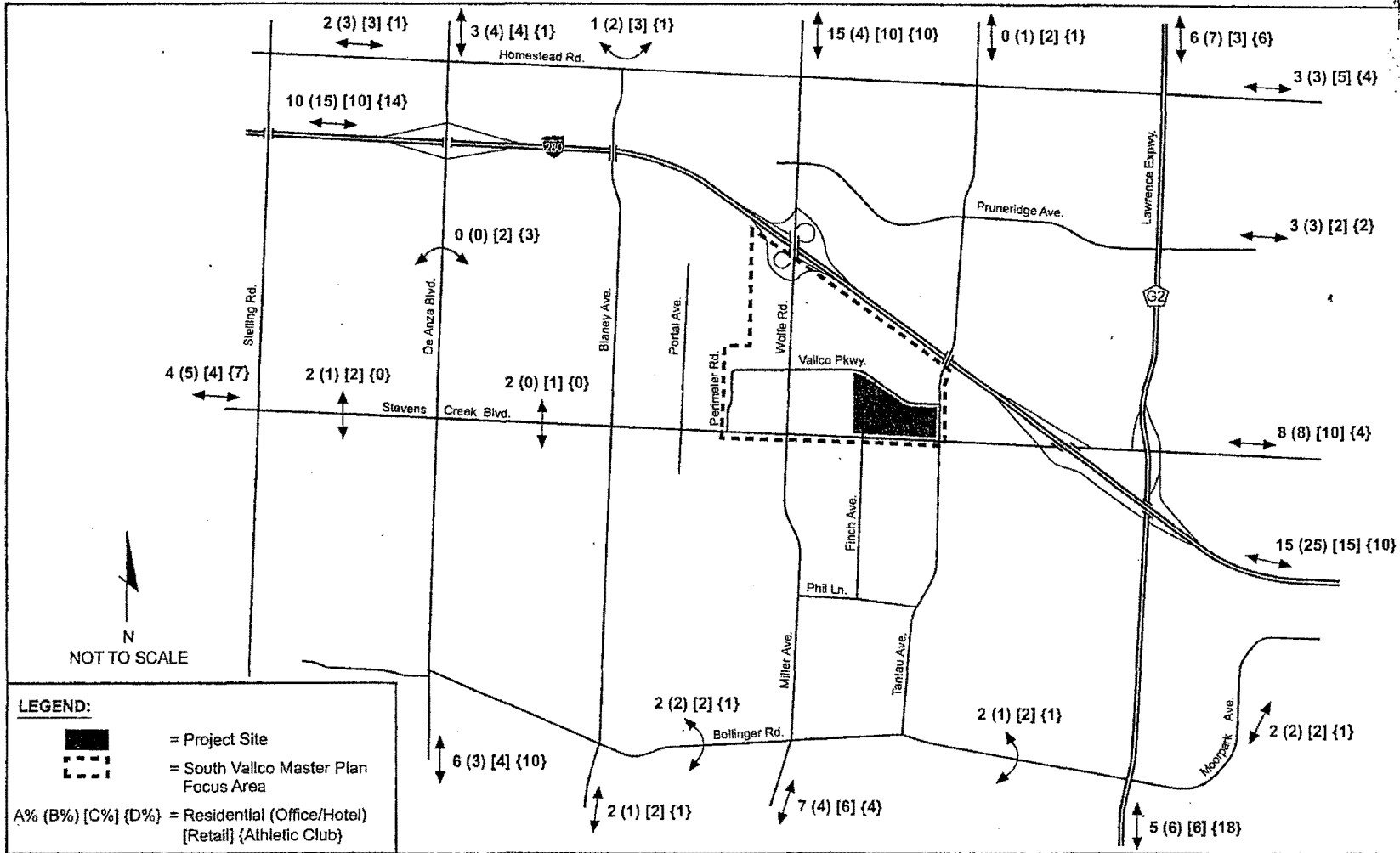
P01020

DKS Associates

**Exhibit 3  
Trip Distribution**

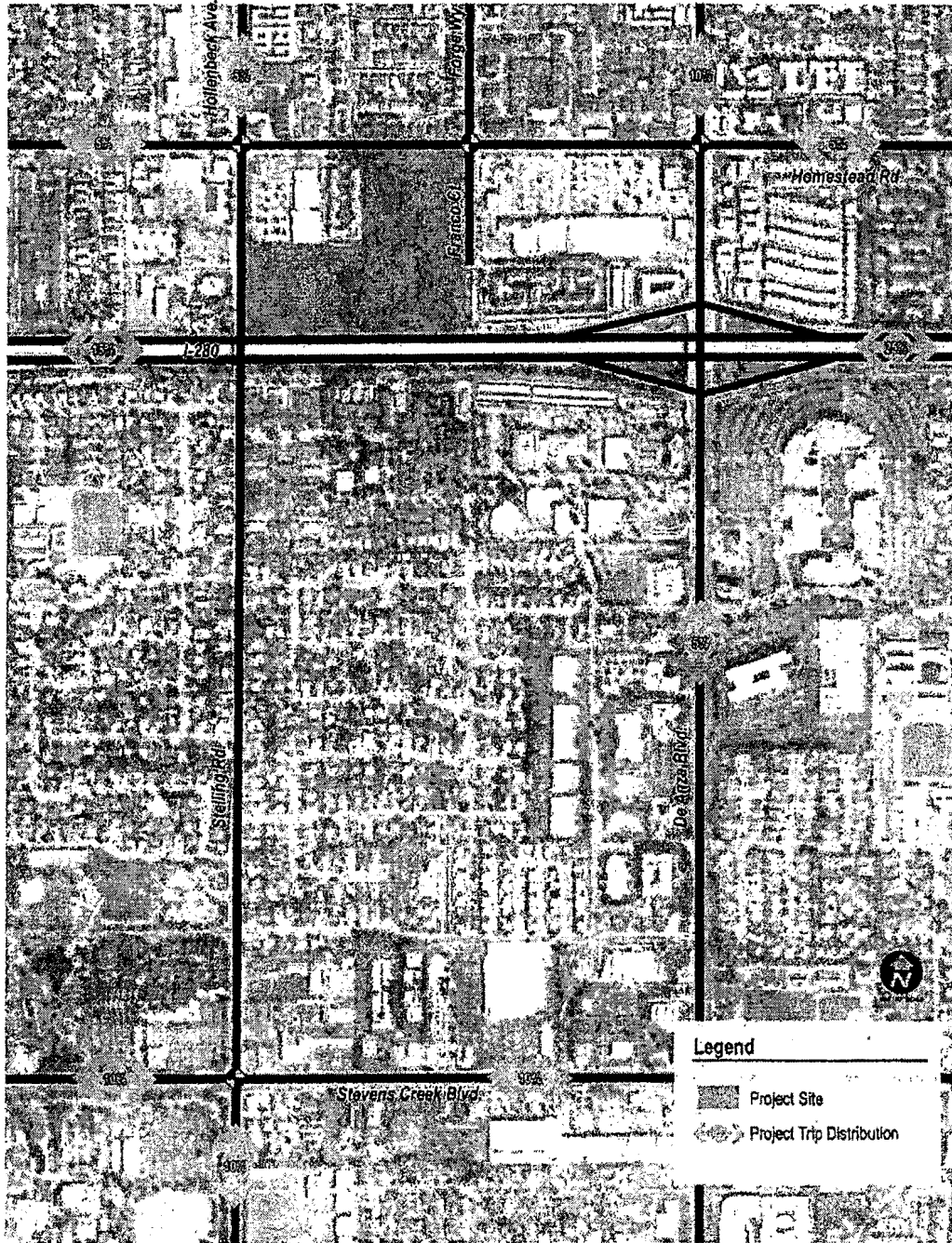
**DE ANZA COLLEGE EXPANSION**

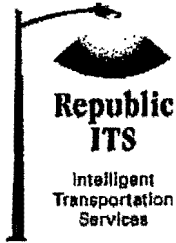
MAIN STREET CUPERTINO



Main Street Cupertino

Figure 7 Project Trip Distribution





David Stillman  
City of Cupertino  
October 18, 2007  
Page 10

### **LEVEL OF SERVICE (LOS) ANALYSIS**

As with the Approved projects, a draft trip distribution pattern was developed by Republic ITS staff and reviewed by the City for use in this analysis. The approved pattern is summarized as follows:

- ❖ 40% north on Route 85
- ❖ 30% south on Route 85
- ❖ 5% west of SCB
- ❖ 7% north on Stelling Road
- ❖ 15% east on SCB
- ❖ 3% south on Stelling Road

The volumes were added to the volumes from the Exist + ATI scenario to form the Exist + ATI + Project scenario. Level of Service was calculated with the new volumes and is summarized in Table 1. After Project traffic is added, LOS values remain within the acceptable range of LOS E or better. LOS calculations are included in the Appendix, as are summaries of the peak hour traffic volumes for each scenario.

*There are no significant impacts on intersection operations that result from the proposed development and no mitigation measures are required.*

### **LEFT TURN QUEUING ANALYSIS**

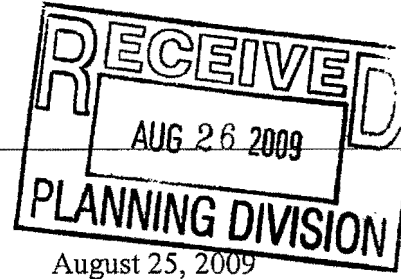
A queuing analysis was conducted based on the average vehicle queue length reported from the Traffic software output. The projected queue length was determined using an average vehicle length of 20 feet per vehicle. The calculated queue lengths for all left turn movements at study intersections where the proposed project adds left turn traffic are summarized in Table 4. As shown, all queues are less than the available storage except one move at the SCB/Mary intersection, which has a long queue because of other approved projects.

## **OAKS SHOPPING CENTER**

(510) 440-8127 • Fax (510) 440-1751 • 3765 Yale Way • Fremont, CA 94539-5043  
BOSTON • DALLAS • LOS ANGELES • SACRAMENTO • SAN DIEGO • SAN FRANCISCO



NORMAN Y. MINETA  
SAN JOSE  
INTERNATIONAL  
AIRPORT



Mr. Jeff Schwilk  
City of Santa Clara Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050

**Subject: DEIR for 49ers Stadium Project (File No. CEQ2008-01060)**

Dear Mr. Schwilk:

The City of San Jose Airport Department has reviewed the aviation-related sections of the subject Draft EIR and has no major concerns or objections to the information or analyses presented. We do recommend, however, the following specific text revisions to clarify or more accurately present the aviation-related information.

**Section 3.5 (City of Santa Clara General Plan), p. 28:**

1. In the last paragraph, correct the 1<sup>st</sup> sentence by changing “..jurisdiction..” to “..adopted safety zones, and complies with the safety-related policies..”. Also, the 2<sup>nd</sup> sentence can be deleted (as not being relevant to the subject General Plan policy).

**Section 4.1 (Land Use), pp. 38-40:**

2. In the last paragraph of p. 38, 2<sup>nd</sup> sentence, change “..FAA imaginary surface restriction..” to “..FAA-defined imaginary surface (approximately 160 feet above ground at the project site)..”, i.e., the FAA’s notification surface is not necessarily a restrictive surface. In the next sentence (top of p. 39), change “..creating a potentially significant impact” to “..requiring submittal to the FAA for airspace safety review”.
3. On p. 39, delete the entire 1<sup>st</sup> full paragraph. It addresses airline “one-engine inoperative” imaginary surfaces, not FAA Part 77 obstruction surfaces. Instead, see Comment 4 below.
4. In the 3<sup>rd</sup> full paragraph on p. 39, 1<sup>st</sup> sentence, after the word “..for..”, insert “each of the eight high points of”. Correct the 2<sup>nd</sup> sentence of the paragraph to: “The No Hazard determinations state that the stadium heights would not impact the airspace as long as prescribed obstruction lighting is installed on the roof and notification is provided to the FAA when construction of the stadium high points is completed.” A 3<sup>rd</sup> sentence can also be added: “According to Airport staff, the stadium heights also would not conflict with any of the airline emergency “one-engine inoperative” imaginary surfaces that are not considered in the FAA’s obstruction evaluation.”



5. Revise the "Impact LU-7" statement to: "Through compliance with the FAA's No Hazard determinations, the project will be compatible with the height restrictions applicable to the Mineta San Jose International Airport."
6. In the "Impact LU-8" statement, delete "...and will not temporarily impact airport operations..". No-hazard determinations for construction cranes sometimes do include temporary impacts to air operations.
7. Under "Temporary Restrictions to Airport Operations" (bottom of p. 39), the EIR should also disclose that stadium events involving fireworks displays, or other types of aerial releases, may also potentially impact Airport operations. The following mitigation measure, providing for a less than significant impact, is suggested:  
"In addition to obtaining required City permits for fireworks displays or other aerial releases, event sponsors shall coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Mineta San Jose International Airport."

**Section 4.10 (Noise), p. 236:**

8. In the 1<sup>st</sup> paragraph under "Project Site Under Existing Conditions", replace the last sentence with: "According to the City of San Jose's noise contour maps, the project site is located within the existing and projected (2017) 65 decibel CNEL impact area of the Mineta San Jose International Airport. The projected 65 CNEL contour map for the Airport is also adopted by the Airport Land Use Commission for its project reviews." This clarification should also be reflected in the Appendix K Noise Assessment.

If your office or the EIR consultant has any questions regarding the above comments, please contact me at (408) 501-7702 or [cgreene@sjc.org](mailto:cgreene@sjc.org). Please also provide the San Jose Airport Department a copy of any further DEIR or Final EIR document when available.

Sincerely,

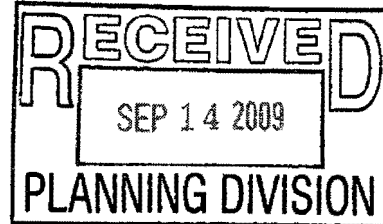


Cary Greene  
Airport Planner



September 11, 2009

Kevin Riley  
Director of Planning and Inspection  
Planning Division  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050



**Re: Comments to the 49ers Stadium Draft Environmental Impact Report**

Dear Kevin:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed 49ers stadium on Tasman Drive in Santa Clara. This letter includes the comments to the DEIR from all departments within the City of Sunnyvale, including the Traffic and Transportation Division of Public Works, the Office of the City Attorney, the Department of Public Safety and the Planning Division of the Community Development Department.

As described in the following comments to the DEIR, the City of Sunnyvale believes the report does not adequately address all environmental concerns of the project, and includes several areas that provide inadequate analysis, a lack of information, or erroneous conclusions.

Given the importance of this project and short review time, the City of Sunnyvale strongly suggests the DEIR be revised and re-circulated to all reviewing parties and agencies, after which a new appropriate time period is provided to allow for a second review of the document.

The following comments cover issues that were previously raised by Sunnyvale staff as well as additional comments on the DEIR:

**1. Notice of Preparation letter**

Sunnyvale staff also had a scoping meeting with Santa Clara staff in September 2008 to discuss issues that should be covered in the DEIR which are critical to Sunnyvale. On October 1, 2008, Sunnyvale staff submitted a letter in response to the Notice of Preparation (NOP) for the EIR. A number of items raised in the NOP letter and at a subsequent meeting in December 2008 have not been addressed, which are listed below:

- A. The DEIR is non-responsive to the City of Sunnyvale NOP comment that the intersections of Fair Oaks/Weddell and Fair Oaks/U.S. 101 should be analyzed.

**ADDRESS ALL MAIL TO: P.O. BOX 3707 SUNNYVALE, CALIFORNIA 94088-3707  
TDD (408) 730-7501**

B. The DEIR does not adequately respond to the City of Sunnyvale NOP comment that a traffic analysis should be performed for non-NFL events.

C. The DEIR does not respond to the City of Sunnyvale NOP comment that a roadway capacity (corridor) analysis should be performed for Lawrence Expressway and Fair Oaks Avenue.

D. The DEIR does not respond to the City of Sunnyvale NOP comment to analyze access impacts to emergency response times. The effect on emergency vehicle response time compared to City of Sunnyvale standards needs to be evaluated for the areas abounding Tasman Drive, particularly the Adobe Wells mobile home park.

E. The DEIR does not respond to the City of Sunnyvale NOP comment that the traffic LOS analysis for the Lawrence Expressway/Lakehaven Drive intersection should account for northbound to southbound U-turns.

F. The DEIR does not respond to the City of Sunnyvale NOP comment that the parking analysis should evaluate the potential for event attendees to park their vehicles in Sunnyvale near light rail stations and utilize the trail to reach the stadium.

G. The DEIR and TMP do not respond to the City of Sunnyvale NOP comment that detailed information should be presented on how public safety agencies will coordinate traffic control during stadium events.

### **General Comments to the DEIR Document:**

#### **2. Description of Proposed Project**

A. Page 8, 2.1: In the second paragraph, the last sentence states there will be 17 "non-NFL large events." For the sake of consistency (and because this term is used throughout the document), please define "non-NFL large event" in this section since it describes the project.

B. Page 11, 2.1.2: Please give expected heights of cooling towers.

C. Page 12, 2.1.4.3 Tailgating: The second paragraph tells where tailgating will occur. The lack of convenient bathroom facilities in off site parking lots can create unsanitary and offensive situations, especially if near residential properties. Please describe how this will be addressed. Also, describe whether the owners of these off-site lots will be allowed to sell food or merchandise on their premises during games or other large events.

**D. Page 15, 2.1.5.2 Non-Football Events:** This section describes several options for large events at the stadium, including Table 2, which shows one concert per year. Given that this DEIR uses that criterion, the project should be conditioned to allow no more than one concert per year. Given the desire of the City of Santa Clara to have a successful facility, it seems possible that there will be interest in using the stadium for large events more often than stated in the DEIR. Please justify why these "best case" assumptions were made, and describe how the impacts would change if these assumptions are changed. Also, the DEIR states there will be no large daytime events, but it seems the X-Games will be a multiple day event that will take place during the day. Please clarify that, and correct the impacts if that assumption is correct.

The DEIR should clearly mention that there will be 35 major events (NFL and non-NFL) per year (3 per month) requiring more parking than what exists on the property or on Great America property.

**E. Page 16, 2.3, Parking: The Parking Control District:** Parking at the off-site businesses are necessary in order for the project to be feasible, so these spaces are crucial; yet, it relies on leases with individual businesses and property owners to be effective. The DEIR assumes there will always be enough parking available in these off-site lots to serve the stadium. Given the initial 40-year lease between the 49ers and the City of Santa Clara, it seems there is no assurance that the off-site parking lot owners will always have sufficient parking available for use. This should be a required mitigation measure. Please describe how the impacts change if insufficient parking is available in the off-site lots. Will the City of Santa Clara review future developments at these locations with a strategy to provide joint use parking for the stadium?

**F. Page 17, 2.3, Parking:** The DEIR states that arrangements can be made with transit agencies to supply extra service. That requirement should be added as a required mitigation measure of the Transportation and Circulation section to assure the project intent and assumptions can be met. This is a concern because (as shown in a letter from VTA in Appendix O), VTA has a concern that the project could generate more light rail trips than the system can handle, and suggests the possible need for investment in the system to meet demand.

**G. Page 19, 2.3.1, Parking Lot Security and Maintenance:** Please describe how the Stadium Authority will manage the security and maintenance of the off-site lots. The DEIR states the parking operator will provide security during and after stadium events; but please clarify that the operator will also provide the same services before events (during the hours before a game when tailgating occurs).

H. Page 19, 2.3.2, Pedestrian Access: This section describes the pedestrian access to the stadium, including access from the off-site lots. Please describe whether the sidewalks leading from the off-site parking area of sufficient width for the large numbers of attendees using the off-site lots. Also, please detail whether the street lighting is sufficient for the safety of the attendees parking in the off-site lots.

I. Page 20, 2.4, Parking Garage: Please clarify whether the use of the proposed multi-level parking garage is limited to only stadium attendees only during large events, and not by the convention center or Great America.

### **3. Consistency with Adopted Plans and Policies**

A. Page 27, 3.5, City of Santa Clara General Plan Consistency: The *Environmental Quality Element Policy 20* requires projects "to the extent possible" to avoid unacceptable noise levels; however, the DEIR concludes there are has Significant Unavoidable noise impacts. Is the inability to find mitigation measures to reduce an impact below a significant level considered feasible mitigation, to which it can be claimed the General Plan policy is met? Also, pages xiv and xv of the Summary states "Implementation of relevant General Plan policies will reduce noise to a less than significant level", while the next impact described is listed as Significant Unavoidable Impact. Please correct this inconsistency.

### **4. Section 4.0 Environmental Setting, Impacts & Mitigations**

A. Page 38, 4.1.2.3, Land Use Conflicts: The Project Specific Impact section describes potential incompatibility from the project, and details tailgating uses being restricted to 750 feet from residential properties. Please specify that means *any* residential property, including those located in adjacent cities.

Also, the section related to LU-5 describes the current uses of the project site, including as an over-flow parking lot for Great America. Impact LU-5 states there is no conflict with these current uses, but does not describe how removal of the overflow lot will affect Great America's need for an overflow lot during simultaneous events.

Also, the first sentence in the paragraph after Impact LU-4 describes Sub-area C, but lists it as Sub-area B in the text.

B. Page 40, 4.1.2.5, Population and Housing Impacts: The third paragraph in this section includes language that is inconsistent. It states, "Because Santa Clara already has a strong employment base, *new workers could either have to commute* from housing in the southern areas of Santa Clara County or from outside the County. Many of the

stadium jobs would, however, be seasonal in nature and *would not necessarily attract workers from outside the City*" (emphasis added). Please clarify this language.

**5. Section 4.2 Visual and Aesthetics**

A. Page 71, 4.2.2.4, Light and Glare: The first paragraph states that of the 37 large events per year, seven would require use of field lighting. That number should be 10 events (27%), because the X-Games extend over 4 days.

Also, the last paragraph in this section describes outdoor security lighting along walkways, driveways, entrance areas, and within the parking structure and parking lots. Clarify whether this includes walkways to the off-site parking areas.

**6. Section 4.6 Hazards and Hazardous Materials**

A. Page 114, 4.6.3, Mitigation and Avoidance Measures for Hazardous Materials Impacts: The Toxic Air Contaminants mitigation measure requires an emergency response plan to include an evacuation plan, etc. This plan needs to include the distance many of the attendees will need to walk to reach their cars. That will significantly affect their ability to leave the area, and time in which to do so.

**7. Section 4.8 Transportation and Circulation**

A. General Comments: The DEIR and TIA are missing critical basic traffic analysis details, most particularly detailed trip assignments. It is therefore not possible to consider the adequacy of the traffic analysis. Sunnyvale recommends that the trip assignment be provided and the DEIR re-circulated for review. The City is particularly interested in the assumptions regarding trip assignments on Lawrence Expressway and intersecting streets leading to the stadium.

B. Page 120, Section 4.8.1.1, Scope of Study: The opening assumption that most traffic will be outside of peak hours is not accurate. Traffic will occur in the peak hour.

This section indicates that outside agencies will be required to provide additional police services, increased transit service, and to re-time signals to support the project. This proposed mitigation cannot be a feasible element of the transportation management program mitigation unless the project is conditioned to provide funding and secure agreements with outside agencies for the required services. The feasibility of securing these resources needs to be assessed, and a financing mechanism needs to be included as a mitigation measure.

**C. Page 122, Section 4.8.1.1, Study Scenarios:** The traffic analysis background scenarios and the cumulative analysis do not use a growth factor for regional growth beyond the local approved/pending projects growth that is identified. This omission underestimates background traffic. A growth factor, which is readily available from the Santa Clara Valley Transportation Authority (VTA) transportation model, needs to be applied to background and cumulative traffic analyses.

**D. Page 123, 4.8.1.2, Methodology:** In the Intersection Analysis section, please clarify whether the CMP "ten trips rule" that was utilized assumes ten trips per approach lane or ten trips per overall number of lanes.

Please note as appropriate throughout the document that the expressways are the jurisdiction of the County of Santa Clara, and the County is responsible for operations, maintenance, and improvements.

**E. Page 137, 4.8.2.2, Existing Bicycle and Pedestrian Facilities:** Please note the existence of the Calabazas Creek Trail stretching along said creek from Mission College Drive to Old Mountain View/Alviso Road. Potential issues with the access that the Trail provides to Fairwood neighborhood from Tasman Drive and the project area need to be identified and considered in the EIR.

**F. Page 141, 4.8.2.3, Existing Transit Service:** Please note that the Amtrak/ACE section is incorrectly labeled and the text is incorrect. Amtrak service is Coast Starlight, as well as the Capitol Corridor service. Amtrak and ACE service should be described separately.

**G.** Please clarify the text throughout the document to identify that the Lawrence Expressway/Homestead Road intersection is primarily within the boundaries of the City of Santa Clara with a portion in Sunnyvale, and that the intersection is the jurisdiction of the County of Santa Clara. It is identified as a "Sunnyvale CMP intersection" only because State CMP law does not require the County to have CMP responsibility for expressway intersections.

**H. Page 176, 4.8.4.3, Transportation Management Plan:** Table 15 of the Estimated Attendance and Traffic Projections section shows a 19% transit share, which is not reasonable. The transit use characteristics and the transit service network in San Francisco are vastly different from Santa Clara County. Transit use is much greater in San Francisco. It is not reasonable to assume greater transit use in a Santa Clara County location versus San Francisco. The transportation analysis should be re-done and the document re-circulated with a transit mode share that is proportionately reduced from the difference of transit mode share in San

Francisco versus Santa Clara County. The 2000 Census transit mode share for San Francisco was 9.4%; in Santa Clara County it was 1.8%. This is 80% less transit use. The traffic analysis needs to reflect a transit share of trips proportional to expected transit use in Santa Clara County, not greater than the share realized at Candlestick Park. Although transit use will hopefully increase in the future, assuming 80% less transit use in Santa Clara County versus San Francisco would place the transit mode split at 3.8%. Therefore, the assumption of 19% transit share seems overly optimistic and understates the traffic impacts of the project.

In the Transit Trips section, please note that VTA has announced service cuts. The effect of these cuts on transit service to the project area should be assessed in the DEIR.

I. Page 179, Vehicle Trips: What is the basis for only 65% of project traffic departing the peak hour following a football game? It is not reasonable to utilize Candlestick Park departure traffic statistics, given the highly congested conditions at Candlestick Park. More vehicles are likely to be able to leave the project area than at Candlestick Park, because of better access. The amount of post-game traffic departure needs to be increased based on available roadway capacity. Accordingly, the transportation analysis needs to be re-done, and the document re-circulated.

J. Page 182, Off-site Parking: The document needs to assess the potential for stadium patrons to park at remote locations in Sunnyvale near light rail stations and ride LRT to the project site, particularly at the Fair Oaks station and stations in the Moffett Industrial Park area. This analysis should be based on potential travel time savings compared to driving, parking and walking in the immediate project vicinity. Available parking capacity and potential for displacement of parking for the intended users in these areas should be assessed. The need for mitigation to lessen any identified impact to parking in these areas should be identified. Mitigation could include parking management/control, institution of permit parking for public street space, or construction of new parking facilities in these areas. Sunnyvale suggests examination of the use of vacant land at the interchange of Fair Oaks Avenue and Route 237. Also, there is a lack of parking in some areas adjacent to the light rail in Sunnyvale, particularly near Fair Oaks and Tasman Drive, which is adjacent to residential uses. This analysis needs to be completed and the document re-circulated.

K. Page 183, Stadium Trip Assignment: How is non-stadium Tasman Drive traffic redistributed assuming closure of Tasman Drive at Great America Parkway/Centennial Drive? Please show this data. There is



incomplete trip assignment data provided in the document or accompanying technical studies.

**L. Page 183, TMP Traffic Control Plan:** The Transportation Management Program does not appear to be part of the project description, and is not specifically called out as project mitigation. Mitigation measures and/or project conditions must include assurances that the Transportation Management Program will be fully implemented prior to commencement of the stadium events.

Additionally, the trip assignment to parking zones could misrepresent what traffic flow to and from the site may ultimately be, depending upon where parking agreements are ultimately secured. A sensitivity analysis needs to be provided on how traffic flow accessing the site might vary under alternative parking distribution scenarios, i.e. situations where parking distribution would be much more unevenly distributed.

As presented, the parking management plan cannot be an assumed part of the project description, nor can it be considered feasible project mitigation. If sufficient parking resources are not secured or required to be secured prior to project occupancy, and there is not a means to assure that off-site parking rights are secured over the lifetime of the project, then the parking plan cannot be considered feasible and parking impacts needs to be called out as a significant and unavoidable impact.

**M. Page 184, Figure 59, Micro Stadium Project Trip Distribution:** The document assumes a relatively small proportion of project traffic utilizing Tasman Drive west of the project area to access the project area. However the majority of parking both onsite and offsite is accessed by Tasman Drive. This justifies a higher trip distribution to Tasman Drive. The pre-game traffic impacts on Tasman Drive west of the project site appear to be understated. This could constitute an unidentified significant project impact.

**N. Page 186, Figure 61 Planned Road Closures and Intersection Control:** The proposed Wildwood Avenue at Calabazas Creek closure will negatively impact commercial businesses on Wildwood. The impacts need to be discussed in the document.

Additionally, the City of Sunnyvale has a planned improvement to construct a full access intersection of Wildwood Avenue and Lawrence Expressway. This improvement is an appropriate alternative mitigation to the traffic management scheme for the Fairwood neighborhood. Consideration shall be given to the cost of implementing the Wildwood road closure and providing neighborhood traffic control at streets accessing the Fairwood neighborhood versus the cost of implementing

the planned intersection improvement. A project contribution to constructing this improvement should be required as a mitigation measure.

O. Page 187, Traffic Impacts: Pursuant to CEQA guidelines, an analysis should be provided for post-game departure peak times that assesses whether the project will "cause an increase in traffic that is substantial in relation to the existing load and capacity of the street system (i.e. result in substantial increase in vehicle trips, the volume to capacity ratio on roads, or congested intersections)." Impacted areas shall be identified and increases in traffic loads quantified. The information in Table 19 (page 201) should be used to identify significant impact to Tasman Drive west of the project site due to a substantial increase in the volume to capacity ratio.

P. Page 197, Traffic Impacts from Non-NFL Events: Justification for lack of analysis of other events (less attendance, controls on time) does not account for scenarios that differ and/or would have greater impact from a traffic standpoint. Other events could have more concentrated arrival times, could occur to a greater extent during peak traffic hours, and impact parking availability. Sunnyvale recommends that an additional analysis scenario be developed to capture information specific to the other types of events. Limiting the analysis to NFL events only understates the potential impacts of operation of a stadium at this location. Also, the analysis assumes that two NFL teams might utilize the stadium. If the other team is assumed to be the Raiders, there would be a significantly different trip distribution. An assumption should be made about the origin of stadium patrons for a team other than the 49ers, and information presented on how traffic impacts might vary from a trip distribution based on 49ers ticket holder information.

What is the source for concert and other event attendance assumptions? The document does not attempt to estimate impacts for major entertainment and civic events. Even if proponent does not know, CEQA requires a good faith effort to at least estimate the events and the costs.

Why do the X-Games, with an assumed attendance of 50,000, have a lower assumed trip generation than other events with less attendance? The X-Games are several days long, which is inconsistent with the assumptions of the project description that states there will be no weekday day-time events.

Q. Page 203, Parking Control: Emergency vehicle access to the Adobe Wells mobile home park under congested conditions will far exceed the City of Sunnyvale's standard for emergency vehicle

response time. Specific analysis of this issue should be presented, and this impact may need to be identified as a significant environmental impact.

R. Page 208, City of Sunnyvale Intersection Impacts: The City of Santa Clara's transportation impact fee program should be considered as a potential means for mitigation of project traffic impacts. Cumulative impacts to Lawrence Expressway are a particular example of a suitable justification for requiring a project contribution to impacts on this regional facility. The document does not include obvious mitigation measures, or mitigation fees, for "fair share" impacts. These could be used to improve intersections over time. THE DEIR is deficient as it fails to even discuss or analyze a well-understood and feasible mitigation measure. Cooperative Fee agreements and other Inter-jurisdictional Mitigation Measures should be considered and added to the document for recirculation.

Fee-based mitigation programs are adequate mitigation under CEQA, and fair share traffic impact mitigation fee programs are legally sufficient. The document is inadequate in how it analyzes the effect of the project on intersections that would deteriorate to LOS F without offering any mitigation.

#### **8. Section 4.8 Air Quality**

A. Page 222, Regional Air Quality Impacts: The DEIR uses the 19% assumption for transit use, which appears too high (see 7.H in Transportation and Circulation review above).

B. Page 224, Non-NFL Events: Assumes large Non-NFL events will use the same vehicle rate as NFL games. Justify why the same 19% transit use rate is an appropriate assumption.

C. Page 227, Local Impacts: The study uses the same projections as in the traffic impacts, which undercounts the cumulative projects that should be included in the analysis.

#### **9. Section 4.10 Noise**

A. Page 244, 4.10.2.4, Project-generated Noise Impacts: The last sentence states the "noise from tailgating activities would assume typical background levels within approximately 1,900 feet of the southernmost parking area." This statement seems to assume tailgating will occur on the stadium site, and not the off-site parking locations. A mitigation measure listed on page 253 requires no tailgating within 750 feet of residences, but gives no justification of that distance, nor whether it applies to the off-site parking areas.

**B. Page 246, Large Non-NFL Sporting Events:** The DEIR states no basis for assuming there will only be one concert per year, yet the impacts all use that criterion. This is a concern because it seems feasible that the stadium will be used for more concerts per year. Also, the assumption that concerts will generate noise levels similar to an NFL game does not seem correct. Concerts have noise at loud levels sustained for longer periods of time than a football game. Please include an analysis of these impacts on the surrounding area.

**C. Page 249, Project-generated Traffic Noise:** The document states the noise resulting from stadium traffic would be extremely limited in duration and would not increase ambient noise levels. It also states that Tasman Drive is not adjacent to residential neighborhoods. The traffic study information shown in Table 19 on page 201 shows westbound traffic on Tasman Drive after an event with the second highest traffic volume and a time of 1 hour 22 minutes for it to dissipate. This traffic runs immediately adjacent to the Adobe Wells residential neighborhood. Impact NOI-9 states this is a Less than Significant Impact, which seems incorrect. This section needs to be corrected and impact level more appropriately considered.

**D. Page 254, 4.10.4 Conclusion:** The DEIR states that there are no feasible mitigation measures that would reduce noise levels from large events. Feasible mitigation measures can include limits on noise levels and hours of non-NFL events, levying of fines to event promoters that exceed those limitations, and incorporation of a roof on the stadium or other noise attenuation measures in the design of the stadium.

#### **10. Section 4.12 Energy**

**A. Page 266, 4.12.4, Mitigation and Avoidance Measures for Energy Impacts:** The use of green building materials and construction is an important part of the project, and the report lists measures that reduce energy consumption from the project. The installation of solar panels on the parking garage roof would provide an additional energy source. Also, the applicant should consider using wind energy given the height of the stadium and location near the bay, where winds speeds are at their greatest.

## **11. Section 5.0 Public Facilities and Services**

**A. Page 267, 5.1, Police Services:** This section describes the police needs for the project. These include officer-controlled intersections for traffic and access to residential areas during road closures, and for emergency response. The DEIR and Appendix I greatly under-estimate the impact of the project on the City of Sunnyvale. This includes needed staffing and equipment needs and traffic impacts on Sunnyvale residents and visitors.

The City of Sunnyvale is concerned with statements in the DEIR that states that officers are available for staffing at the events. There are significant concerns about the limited availability of officers and costs to provide security and traffic management roles. The DEIR does not provide any details as to fiscal impacts, reimbursement of municipal service costs, liability mitigation, or public safety staffing needs.

The Sunnyvale Department of Public Safety (DPS) is a full-time Police, Fire and Emergency Medical Service. The 210 sworn personnel, when at full-staff, manage all emergency incidents within the city as one organization. Currently DPS is operating with only 204 sworn personnel not including any associated leaves, worker's compensation or disability losses.

The population for the City of Sunnyvale is currently 138,826 compared to the City of Santa Clara at 117,242. Santa Clara Police is staffed with 148 sworn personnel compared to DPS at 121 sworn personnel for the same comparable positions. The remaining DPS sworn staff fills six fire stations and manages the fire prevention unit.

Sunnyvale currently allows contract employment only through DPS approved venues and at the financial rate established for cost recovery of the time and personnel associated with the event.

The DEIR fails to capture the full impact of the project on the City of Sunnyvale and its staff. Staffing and equipment concerns include the available pool of officers for events, public works employees for traffic management set-up, equipment related to the traffic management plan, and required vehicles and transportation for the event staff.

The DEIR recognizes some additional calls for service related to game day events but does not mention any impact to Sunnyvale. Based on the proximity of the proposed stadium to the Sunnyvale border, the project will clearly have a significant impact on Sunnyvale. The DEIR recognizes three intersections requiring five officers for game days and fails to account for several other intersections which are also identified but no additional controls are proposed.

The DEIR does not discuss traffic and parking management impacts on several Sunnyvale streets (Elko Drive, Birchwood Drive and Reamwood Avenue) where there are industrial uses and on-street parking available. The report identifies a circular area that represents a 20-minute walking range, but does not incorporate the above-mentioned streets which fall within two miles of the proposed stadium with an approximate 30-minute walking range. The report should discuss the impacts on Sunnyvale parking lots located in close proximity to the stadium (which is not a part of the parking management agreements in Santa Clara) that might be used for parking.

Several other equipment concerns have been raised related to portable radios, riot control gear, cones, signs, flares and the storage space required for these items. DPS has reached maximum capacity of its facility for the current staffing it employs.

Several safety impacts on the Sunnyvale community are possible, including: graffiti, litter, burglaries (residential, commercial and automobile). The light rail system on Tasman Drive has had several traffic related accidents each year, including a pedestrian fatality. Parking within residential neighborhoods is another significant concern due to the amount of traffic and the speed at which vehicles will travel.

The intersection located at Lawrence Expressway and Wildwood Avenue is another area of great concern due to its proximity to the stadium and easy access to the proposed off-site parking areas. Large events in the general area of the stadium can have a tremendous impact on the City of Sunnyvale. For example, in years past the Great America facility held a fireworks show with an estimated 15,000-17,000 viewers. The impact on DPS staff was enormous. DPS staffed several intersections with a total of 12 officers and it was determined that more would be needed if the show continued in future years.

A financing mechanism will need be established to mitigate the previously mentioned costs which have not been quantified. Additionally, discussions should occur regarding necessary agreements to reimburse the City for its incurred municipal service costs. Until these discussions occur, the true impact on the City of Sunnyvale will not be known.

**12. Section 6.0 Cumulative Impacts**

A. Page 270, Cumulative Impacts, Table 39 and Appendix B of TIA: Neither of these documents includes Sunnyvale projects. Large, approved projects are located directly on or adjacent to primary travel routes to and from the project area. Clarify what the cumulative condition is relative to the traffic study background section by using the attached approved/pending project lists. Please re-assess the background and cumulative project conditions using this information.

**13. Comments to Technical Appendices I, Traffic Management Plan (TMP)**

A. Page 30: The County of Santa Clara operates signals on Lawrence Expressway. Please note that Sunnyvale may not have the ability to remotely control signals along Tasman without hardware upgrades. To the extent that remote operation, flush timing, etc. are considered mitigation as part of the Traffic Management Plan, these upgrades should be identified and their feasibility assessed; otherwise, the TMP cannot be considered feasible mitigation.

B. Sunnyvale does not have resources to do signal timing modifications for special events. Therefore, the TMP must identify resources to provide for this mitigation.

C. Neither the project applicant, nor the City of Santa Clara has jurisdiction over ACE, Capitol Corridor, Caltrain, or VTA services. Yet modifications to these services are considered cornerstones of both the mode split assumptions and the Traffic Management Plan. The mode split assumptions and the TMP cannot be considered reasonable without identifying the resources and mandating the agreements necessary to provide the assumed transit service modifications. Yet the project is not being required to provide any kind of tangible mitigation or condition of approval to provide for these resources prior to occupancy. The mechanism for assuring that transit service modifications will be made to support the proposed use and TMP shall be identified, or the traffic analysis should be re-done assuming a more reasonable transit mode split based on existing available transit services to the site.

D. Page 38: Tasman Dr. conditions west of the project site conflict with the TIA and EIR conclusions regarding capacity.

E. Page 42: Conflicts with EIR Fig. 61- Lawrence at Sandia, Lawrence at Bridgewood, and Lawrence at Palamos are not identified for traffic control; Tasman at Reamwood is not on EIR Figure 61. Please clarify the locations recommended for traffic control.

**F.** The EIR shall identify potential safety impacts of queuing created by police officer-controlled access of high speed Lawrence Expressway traffic. This may be a potentially significant impact.

**G.** Cumulative impacts sections: Please clarify whether the cumulative conditions traffic study background section and approved/pending project lists are the same.

**H.** The traffic analysis does not consider the impact of project traffic, traffic congestion, traffic control, and detours on bicyclists and pedestrians. This analysis shall be provided, as the impact on pedestrian and bicycle safety may be significant.

**I.** Please assess the potential for pre- and post-event traffic to cut through the area bounded by Old Mountain View/Alviso Road, Lawrence Expressway, Tasman Drive, and Calabazas Creek.

**J.** Please provide traffic impact and other information on a Super Bowl scenario, where stadium seating would increase by 10% and other ancillary activities would further increase project trip generation.

**K.** As an alternative to officer-controlled traffic operations at the intersection of Tasman Drive and Great America Parkway, and as a means to improve traffic flow efficiency and decrease the potential for vehicle/pedestrian conflicts, consider the construction of a pedestrian overpass to accommodate the anticipated large volumes of pedestrian traffic.

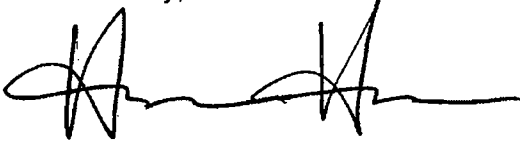
**L.** Consider opportunities to improve Bay Trail facilities in the project area for handling project traffic and improving stadium access.

**M.** Relocation of the stadium from San Francisco to Santa Clara may change the distribution of trips to the stadium over time, as the increased travel time discourages patrons from traveling the extra distance to Santa Clara from the north. The potential for such a change in the trip distribution needs to be discussed, and the potential for different or additional environmental impacts from a different trip distribution also need to be discussed.



Thank you for your consideration in this matter. Please contact Andrew Miner, Principal Planner, at (408) 730-7707, if you have any questions or concerns about items discussed in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hanson Hom', with a long horizontal flourish extending to the right.

Hanson Hom  
Director, Community Development Department

enc. August 2009, City of Sunnyvale Development Update

cc: Gary Luebbers, City Manager  
David Kahn, City Attorney  
Don Johnson, Director of Public Safety  
Marvin Rose, Director of Public Works  
Trudi Ryan, Planning Officer  
Jack Witthaus, Transportation and Traffic Manager  
Andrew Miner, Principal Planner

# August 2009 Development Update City of Sunnyvale



This development update lists *new* development that has occurred within the city in the last 2 years. It does not list additions, individual single-family homes, or tenant improvements. If you have any questions regarding specific projects, contact the planner listed in parentheses next to the project address.

## Status of Projects

Pending: A project is considered to be pending after a completed application has been submitted and before an action has been taken.

Approved: Approved projects are ones that have been reviewed and approved by the Planning Division but have not yet been issued building permits.

Under Construction: A project under construction has been reviewed and approved by the Planning Division and Building Permits have been issued.

Completed: A project is considered to be complete after the final building permit inspection is approved.

\* - Projects with the Art-in-Private-Development requirement

PLANNER		PHONE
AM	Andy Miner	408.730.7707
GC	Gerri Caruso	408.730.7591
NC	Noren Caliva	408.730.7637
RZ	Rosemarie Zulueta	408.730.7437
RK	Ryan Kuchenig	408.730.7431
SB	Surachita Bose	408.730.7443
SL	Steve Lynch	408.730.2723
SM	Shaunn Mendrin	408.730.7429

	PERMIT TYPE
UP	Use Permit
SDP	Special Development Permit
PM	Parcel Map (4 or fewer lots)
VAR	Variance
TM	Tentative Map (5 or more lots)

# COMMERCIAL

Status	Filing Date	Project No.	Address / Planner	Applicant	Common Name/Description
Pending	6/11/09	2009-0460 *	1217 Wildwood Ave. UP (SM)	Executive Garden Hotel (408) 406-3400	<i>Extended Stay Hotel:</i> Two new hotel buildings, including 213-unit hotel and a 152-unit extended stay hotel.
Approved	12/7/07	2007-1293	301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court	Palo Alto Medical Foundation (650) 867-3757	<i>Palo Alto Medical Foundation:</i> 120,000 s.f. medical clinic, a two level parking garage, and a storage building. Approved 6/09
Approved	8/27/08	2008-0936	1356 S. Mary Ave. UP (NC)	Bergman Companies (408) 346-9108	<i>FRESH &amp; EASY:</i> Reuse of an existing 22,540 sq. ft. retail space for a grocery store in a C1 Zoning District. Approved 2/09.
Approved	03/21/07	2007-0306	1010 Sunnyvale Saratoga Rd. SDP (RK)	Daniel Taylor (408) 827-7499	<i>RITE AID:</i> 14,673 sq. ft. drug store/pharmacy with drive-thru in a C-1/PD Zoning District. Approved 1/09.
Approved	4/24/08	2008-0457*	150 E El Camino Real SDP (NC)	Johnson Lyman Architects (925) 930-9039	<i>SAFEWAY:</i> New retail development including a new grocery store and additional retail buildings, for a total of 110,025 sq. ft. in a C-2/ECR Zoning District. Approved 8/08.
Approved	4/24/08	2008-0456	112 E El Camino Real SDP (NC)	Johnson Lyman Architects (925) 930-9039	New retail buildings, for a total of 18,339 sq. ft. in a C-2/ECR Zoning District. Approved 8/08.
Completed	05/14/07	2007-0527	130 S. Sunnyvale Av. SDP (SB)	Dr. Gary Gold (408) 736-3802	New 4,250 sq. ft. office and retail building in a DSP-3 Zoning District. Approved 7/07. Completed 12/08.
Completed	09/06/06	2006-0915 *	782 E. El Camino Real SDP PM (RK)	San Mateo CPP Investors, LLC (650) 344-1500	<i>WALGREENS/ PANDA EXPRESS:</i> New retail development consisting of two buildings with a total of 20,570 sq. ft. in a C-2 Zoning District. Approved 12/06. Completed 11/08.
Completed	09/26/07	2007-1044	811 Kifer Rd. UP (NC)	John Longinetti (510) 524-2929	New 2,040 sq. ft. fast food restaurant (Taco Bell) in an M-S Zoning District. Approved 11/07. Completed 9/08.

# PUBLIC FACILITIES/OTHER

Status	Filing Date	Project No.	Address/Planner	Applicant	Common Name/Description
Under	12/7/07	2007-1290	477 N. Mathilda Ave	Trinity Church of	Architectural modifications to an industrial building for

# COMMERCIAL

Construction				Sunnyvale	an approved church use. Approved 1/08.
Under Construction	09/09/04	2004-0734	1030 Astoria Dr. UP (GC)	Starkweather Bondy (510) 540-6594	<i>HEBREW DAY SCHOOL</i> : An expanded library and computer lab, addition to the existing administrative building, and to construct a new sanctuary. Approved 8/05 (one-year permit renewal approved 8/07).

# MIXED USE

Status	Filing Date	Project No.	Address / Planner	Applicant	Common Name/Description
Pending	04/9/08	2008-0399*	401 Town & Country SDP (SB)	Downtown Sunnyvale North LLC (408) 218-1858	<b>TOWN AND COUNTRY:</b> 264 residential homes and 35,000 square feet of retail and commercial uses within two buildings in Blocks A and B of the 'Town and Country' project area.
Approved	11/21/08	2008-1245	660 S Fair Oaks Ave RZ SDP (GC)	Mid Peninsula Housing Coalition (650) 356-2928	New mixed use development with 124 senior housing units and parking structure. Approved 3/09.
Approved	07/07/06	2006-0712*	1287 Lawrence Station Rd. SDP (GC)	Trumarck Companies (925) 648-8300	<b>TRUMARK:</b> New mixed use development with 348 residential units and 16,000 sq. ft. of commercial/retail space in an M-S Zoning District (new Mixed Use zoning district proposed). Approved 11/08.
Approved	04/27/07	2007-0462*	615 Tasman Dr. SDP PM (GC)	Essex Property Trust (650) 849-1600	New mixed use development with 290 condo/apartment units and 51,308 sq. ft. of commercial space in a C-2/PD Zoning District. Approved 2/08.
Approved	02/08/07	2007-0145	1050 Helen Av. SDP TM (SB)	FMA Development LLC (408) 448-9246	5-story mixed use project, consisting of 40 residential units with underground parking and 8,900 sq. ft. of retail in a C-2/ECR Zoning District. Approved 11/07.
Approved	11/18/04	2004-0910	1250 Lakeside Dr. EIR GPA PM SDP (SL)	Rob Steinberg (408) 817-3191	<b>LAKESIDE:</b> 263 hotel units and 250 condominium flats with structured parking in a Site Specific Plan. Approved 9/05.
Under Construction	01/08/07	2007-0030*	2502 Town Center Ln. SDP (SL)	Fourth Quarter Properties (770) 801-6512	<b>TOWN CENTER MALL:</b> Proposed 292 residential units, 16-screen movie theater, and 275,000 sq. ft. of office space and 1,000,000 sq ft of total retail in DSP Block 18 Zoning District. Approved 2/07.

# INDUSTRIAL

Status	Filing Date	Project No.	Address / Planner	Applicant	Common Name/Description
Approved	04/10/08	2008-0407*	384 Santa Trinita Ave. UP (RK)	The Martin Company (408) 519-8372	New 4 story, 99,317 square foot (50% FAR) office building in the M-S Zoning District. Approved 8/08.
Approved	4/24/08	2008-0459*	399 Java Dr. DR (NC)	TMG-Moffett LLC (310) 393-8006	New 7-story 209,500 sq. ft. (70% FAR) office building in a MP-TOD Zoning District. Approved 8/08.
Approved	1/22/02	2002-0223*	1111 Lockheed Martin Wy. SDP	Menlo Equities 650-289-1703	<i>JUNIPER NETWORKS</i> New 2.43M sq. ft. office campus with 70% FAR development in a MPTOD Zoning District. Approved 5/14/02.
Under Construction	11/30/06	2006-1191*	525 Almanor Av. MPP (NC)	Menlo Equities (650) 326-9300	A new 166,300 sq. ft. five-story R & D building in a M-S/FAR100 Zoning District. Approved 6/07.
Under Construction	7/13/08	2008-0268*	1250 Kifer Rd. UP (MH)	Dennis Kobza & Assoc. (650) 961-6103	<i>INTUITIVE SURGICAL</i> New 152,758 sq. ft. R&D office building (40% FAR) within a multi-building campus. Approved 6/08.
Under Construction	01/09/06	2006-0027*	975 Benecia Av. SDP (SL)	Hoover Associates (650) 327-7400	2 new office buildings for a total of 113,200 sq. ft. in an M-S Zoning District. Approved 9/06
Under Construction	4/21/05	2005-0340*	495 Java Dr. ER SDP (GC)	Network Appliance (408) 822-6695	<i>NETWORK APPLIANCE</i> : Master Plan for 5 new R&D buildings, 1 amenity (café & fitness) building, and 3 multi-level parking structures resulting in total l of 1,375,978 sq ft. in a MP-TOD Zoning District. Approved 6/05.
Under Construction	12/08/05	2005-1198 *	1111 Lockheed Martin Wy. SDP (GC)	Jay Paul Company (415)263-7400	<i>JAY PAUL</i> : Development of 50 acres of land with 7 buildings plus an amenity building and four parking structures for a total of 1,582,473 sq. ft. in a MP-TOD Zoning District. Approved 11/06.
Completed (Phase I)	12/21/06	2006-1265*	111 Java Dr. SDP (RK)	Exterra Realty Partners LLC (925) 227-1290	3 new office/R & D buildings totaling 387,196 sq. ft. in a MP-TOD Zoning District. Approved 3/07. Completed 1/09.
Completed	02/22/07	2007-0200*	1376 Bordeaux Dr. SDP TM (RK).	California Bavarian Corporation (650) 326-4396	2 new 3-story R & D buildings totaling 118,032 sq. ft. in a MP-I Zoning District. Approved 3/07. Completed 9/08.

# RESIDENTIAL

Status	Filing Date	Project No.	Address/Planner	Applicant	Common Name/Description
Approved	11/26/08	2008-1259	585 Old San Francisco Rd. PM SDP VAR (SL)	M Design Group (408) 431-9289	6 new townhomes in an R-3/PD Zoning District. Approved 6/09.
Approved	9/26/08	2008-1056	615 Dunholme Way RZ SDP PM (NC)	Tina Tran (408) 499-4904	1 additional detached single-family home in an R-0 Zoning District. Approved 1/09.
Approved	3/10/08	2008-0238	127 W California Ave RZ SDP TM VAR (SB)	Dale Myers Associate (650) 348-5054	REZONE FROM R-3 TO R-3/PD 5 New Townhomes in an R-3/PD Zoning District. Approved 1/09.
Approved	05/11/06	2006-0492	199 N. Sunnyvale Av. SDP PM (NC)	DZ Design Associates (408) 778-7005	3 new detached single-family homes in an R-2/PD Zoning District. Approved 9/08
Approved	04/27/07	2007-0463	408 Flora Vista Av. SDP TM (SB)	Michael Kirkish (408) 452-9300 X220	8 new detached single-family homes in an R-2 Zoning District. Approved 6/08.
Approved	08/02/07	2007-0828	394 E Evelyn Av. PM SDP (GC)	Ryan Inn LLC (408) 481-4990	47 condominium units in the DSP-4 Zoning District. Approved 10/07.
Approved	06/07/07	2007-0621	637 E. Taylor Av. SDP TM (SB)	Clarum Homes (650) 322-7069	36 townhomes in an M-S/ITR/R-3 Zoning District. Approved 8/07.
Approved	02/10/05	2005-0105	963 S. Wolfe Rd. ER RZ SDP TM (GC)	Akbar Abdollahi (408) 202-1100	6 townhomes in an R-3 Zoning District. Approved 6/07.
Approved	05/11/06	2006-0496	1170 Morse Av. ER SDP TM (GC)	Standard Pacific Homes (408) 626-6900	48 townhomes in an M-S/ITR/R-3/PD Zoning District. Approved 6/06.
Approved	06/08/06	2006-0598	920-962 E. Duane Av. SDP TM (SL)	The Riding Group (408) 994-0132	SANTA ROSALIA, GLEN VALLEY, HIGHLAND, INDIAN WELLS, SAN POSADAS, SAN RIVERA, SAN REMI, FONTANA, CRESTLINE TERRACES: 242 townhomes on an M-S/ITR/R-3/PD Zoning District. Approved 2/07.
Under Construction	06/07/07	2007-0620	805 W Fremont Av. SDP TM (RK)	Classic Communities (650) 496-4496	WILMINGTON, PISTACHIO and PUMPKIN TERRACES: 42 single family detached homes in an R-2 Zoning District. Approved 8/07.
Under Construction	10/11/07	2007-1107	189-191 S Bernardo Av. RZ SDP TM VAR (RK)	Nathan Merlin (650) 265-4132	ARROYO TERRACE: 8 townhomes in an R-3 Zoning District. Approved 1/08.
Under Construction	10/11/07	2007-1106	1202 - 1204 Cortez Dr. RZ SDP TM VAR (RK)	Timothy Proschold (650) 200-5943	BARRANCA TERRACE: 8 townhomes in an R-3 Zoning District. Approved 1/08.
Under Construction	11/03/06	2006-1111	574 Bobolink Av. PM VAR (AM)	Omid Shakeri (408) 666-6556	3 single family homes on one lot. Approved 1/07.

# RESIDENTIAL

<i>Status</i>	<i>Filing Date</i>	<i>Project No.</i>	<i>Address/Planner</i>	<i>Applicant</i>	<i>Common Name/Description</i>
Under Construction	07/19/07	2007-0768	Ontario Drive PM UP (MH)	Avi Meyers (415) 515-6644	4 townhomes in an R-3 Zoning District. Approved 1/08.
Under Construction	05/25/05	2005-0506	832 Maria Ln. RZ SDP TM (GC)	Albert Mangini II (408) 739-0250	4 townhomes in an R-3 Zoning District. Approved 1/06.
Under Construction	06/07/06	2006-0593	1244 Poplar Av. UP PM (AM)	Bradley Planning Group (408) 603-0072	3 new detached single family homes in an R-2 Zoning District. Approved 7/06.
Under Construction	06/09/06	2006-0610	1044 E. Duane Av. SDP TM (SL)	Taylor Woodrow Homes (925) 659-0101	304 residential units (68 townhomes and 236 flats) in the M-S/R-4/ITR/PD. Approved 3/07.
Under Construction	7/22/04	2004-0603	545 E. Weddell Av. SDP TM (GC)	Toll Brothers (408) 593-0086	CLASSICS AT CITY PARK: JENNA, SIRTE, SOLOMAN, SALERNO, SUEZ, KONSTANZ AND SAN JORGE TERRACES: 130 townhomes in an M-S/R-3/ITR/PD Zoning District. Approved 9/27/04.
Under Construction	07/19/06	2006-0757	102 Cumulus Av. SDP PM RZ (NC)	Fukui Construction (650) 348-5054	3 new detached single-family homes in an R-0 Zoning District. Approved 4/07.
Under Construction	10/13/05	2005-1020	108 S. Wolfe Rd. ER SDP TM (SL)	Kier & Wright Engineers & Surveyors (408) 727-6665	PEPPERMINT TREE TERRACE: 130 townhomes within an M-S/ITR/R-3/PD Zoning District. Approved 1/06.
Under Construction	6/23/05	2005-0625	1122 Morse Av. SDP TM (GC)	Tasman Morse Partners (408) 904-7530	VERONA: GLIN, GLIESSEN, PLENTY AND PARIA TERRACES: 72 townhomes in an M-S/ITR/R-3/PD Zoning District. Approved 8/22/05.
Under Construction	01/20/06	2006-0069	1168 Aster Av. SDP TM (SL)	KB Homes (510) 714-3006	TRISTANIA, VIRGINIA PINE and VALLEY OAK TERRACES: 80 condominium units in an MS/ITR/R-3/PD Zoning District. Approved 6/06.
Under Construction	02/09/06	2006-0153	1049 Kiel Ct. SDP PM (GC)	Classic Communities (650) 493-9050	SAGINAW TERRACE: 30 condominium flats and 4 townhomes in an M-S/ITR/R-3/PD Zoning District. Approved 5/06.
Completed	6/29/05	2005-0643	1047 N. Fair Oaks SDP TM (GC)	Pulte Homes (925) 249-4318	SACO TERRACE: 36 townhomes in an M-S/ITR/R-3/PD Zoning District. Approved 10/05. Completed 8/08.
Completed	11/23/05	2005-1157	1035 N. Fair Oaks Av. SDP TM (GC)	Classic Communities (650) 494-4496	JUNCTION OAKS - SCOTIA TERRACE: 30 townhomes in an MS/ITR/R-3/PD Zoning District. Approved 1/06. Completed 6/09.

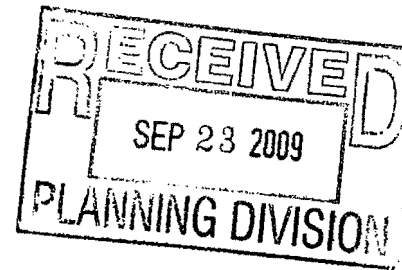




*San José Police Department*

ROBERT L. DAVIS, CHIEF OF POLICE

September 11, 2009



Mr. Kevin Riley  
Director of Planning and Inspection  
City of Santa Clara  
1500 Warburton Ave  
Santa Clara, CA 95051

Dear Mr. Riley:

At the request of Chief Lodge, I have identified locations within the City of San Jose which may be affected by traffic congestion associated to events held at the proposed 49er Stadium. This information is based on the Environmental Impact Report provided to us by your City and a site survey completed by the San Jose Police Department's Traffic Enforcement Unit. The following is a brief summary of areas that may be significantly impacted by parking issues associated to events held at the stadium:

- There is no street parking along Tasman Drive. Tasman Drive, east of the proposed stadium is comprised predominantly of Cisco System's property. Cisco would be responsible for policing and securing their parking lots. The City of Santa Clara may want to establish a contractual agreement with Cisco Systems regarding parking.
- Renaissance Drive may be seen as potential parking for those attending events at the stadium. Renaissance Drive is a residential area within in walking distance to the proposed stadium. I anticipate people utilizing the street parking in lieu of paying for stadium parking.
- Another area that may be impacted is the commercial businesses along Tasman Drive and North First Street. Attendees who wish to ride the Light Rail System may look for parking in the parking lots near each station. Tasman Drive is entirely commercial along the light rail route as is most of the North First Street.

Mr. Kevin Riley  
September 11, 2009  
Page 2

Another area of concern with regards to traffic congestion is the traffic associated to the ingress and egress of attendees. I have attached a document that identifies intersections that will be significantly impacted by traffic congestion within the City of San Jose. This document also identifies the number of police staffing that would potentially be involved in managing the traffic flow before and after weekend events as well as events held during the week.

If you have any questions or concerns, please contact Lieutenant David Honda, Traffic Enforcement Unit, at 408-277-4525 or email at him at [david.honda@sanjoseca.gov](mailto:david.honda@sanjoseca.gov).

Sincerely,

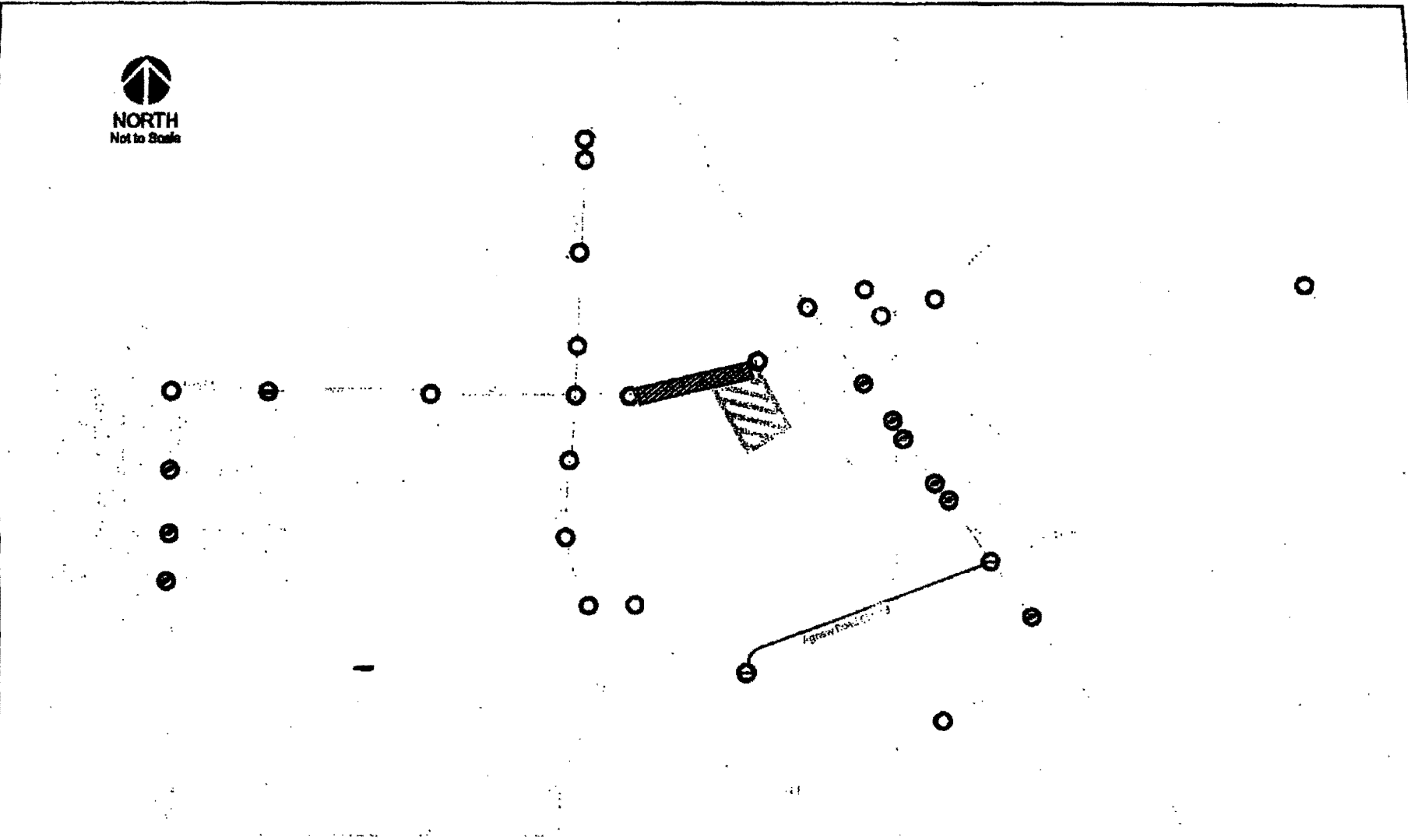
A handwritten signature in black ink, appearing to read "R. Davis", with a stylized flourish at the end.

Robert L. Davis  
Chief of Police  
San Jose Police Department

RLD:DH:dh



186



**LEGEND**

- - = Closed Road
- = Officer Control
- = Residential Intrusion Control

Source: AAA Map  
▨ = Project Site

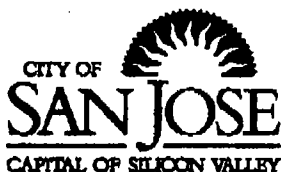
**PLANNED ROAD CLOSURES AND INTERSECTION CONTROL**

**FIGURE 61**

	<b>INTERSECTION</b>		<b># OF OFC (Weekend)</b>	<b># OF OFC (Weeknight)</b>
1	Renaissance Drive	Tasman Drive	2	2
2	Vista Montana	Tasman Drive	2	2
3	Champion Court	Tasman Drive	2	2
4	Rio Robles	Tasman Drive	2	2
5	North First Street	Tasman Drive	3	3
6	Baypointe Parkway	Tasman Drive	2	2
7	Zanker Road	Tasman Drive	2	2
8	Morgridge Way	Tasman Drive	2	2
9	Cisco Way	Tasman Drive	2	2
10	North First Street	Montague Expressway	3	3
11	Zanker Road	Montague Expressway	2	2
12	River Oaks Parkway	Montague Expressway	2	2
13	Trimble Road	Montague Expressway	2	2
14	O'Toole Avenue	Montague Expressway	2	2
15	Oakland Road/Main	Montague Expressway	2	2
16	Trade Zone Boulevard	Montague Expressway	2	2
17	North First Street(S)	SR-237	2	2
18	North First Street(N)	SR-237	2	2
19	Great America Parkway(S)	SR-237	*	*
20	Great America Parkway(N)	SR-237	*	*
21	Great America Parkway	Gold Street	*	*

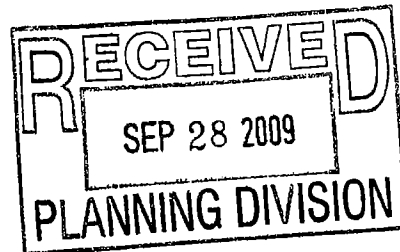
\* City of Santa Clara jurisdiction

<b>TOTAL</b>	<b>38</b>	<b>38</b>
--------------	-----------	-----------



*Department of Planning, Building and Code Enforcement*  
JOSEPH HORWEDEL, DIRECTOR

September 28, 2009



Jeff Schwilk, Associate Planner  
City of Santa Clara, Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050

**SUBJECT: COMMENTS ON DRAFT EIR FOR 49-ERS STADIUM PROJECT  
(OA09-012)**

Dear Mr. Schwilk:

The City of San Jose received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Santa Clara for the proposed 49-ers Stadium Project to be generally located on the south side of Tasman Drive, east of San Tomas Aquino Creek, and west of Centennial in the City of Santa Clara.

The City of San Jose appreciates the opportunity to review and provide comments on the Draft EIR and offers the following comments:

- Since the event traffic will significantly impact other jurisdictions, event traffic management operations need to be coordinated closely with those other jurisdictions, including the interoperability of the CCTV cameras, changeable message signs (CMS) on and off the freeways, and event management strategies, enabling multiple agencies to operate/control the cameras, and CMS signs.
- Santa Clara should coordinate with all affected agencies and should be prepared to coordinate City of San Jose traffic signal operations (ITS) efforts to help reduce the duration of traffic congestion and its resulting impact.
- We expect that, due to heavy traffic flow on Tasman Drive during exiting times from the Stadium, the following streets will be susceptible to cut-through traffic. Please review the following Segments.
  - Vista Montana, between Tasman and First Street
  - Renaissance Drive, between Tasman and Montana
- We also expect in-bound traffic flow to the Stadium to be heavy at the Lafayette and 237 off-ramp, and as a result motorists could get off Hwy 237 at First Street and then use First Street to Gold Street in Alviso. Please review cut-through traffic through Alviso area including Gold Street.

Jeff Schwilk

**RE: COMMENTS ON DRAFT EIR FOR 49-ERS STADIUM PROJECT (OA09-012)**

September 28, 2009

Page 2

- Weekday impacts are identified at intersection of Trimble & Montague Expressway on page 188 of the Draft EIR; however, no mitigation is identified in section 4.8.5 for this intersection. The EIR needs to identify the appropriate mitigation to improvement this intersection, which is a fly-over ramp identified in the County Expressway Study and North San Jose Area Development Policy. The project should provide a fair-share contribution toward the construction of this planned improvement to mitigate for the project impact.
- For impacts at the O'Toole & Montague intersection, the mitigation measure mistakenly states "the only improvement remaining for this intersection is the widening of Montague Expressway to eight lanes ... there are no other feasible improvements that can be made at the intersection." The statement in the EIR is not correct. There is a square loop interchange identified for this intersection in the County's Expressway Study as well as North San Jose Area Development Policy. Please update this EIR analysis and text. The project should provide a fair-share contribution toward the construction of this planned improvement to mitigate for the project impact.
- Pg. 208, Great America and SR 237(North) Mitigation Measure: An improvement has been identified at this ramp, associated with the nearby Legacy project, which includes realignment and extension of Great America Parkway north of SR 237, modifying the westbound SR 237 off-ramp and constructing an exclusive right-turn lane. The project should provide a fair-share contribution toward the construction of this planned improvement to mitigate for the project impact.
- We support fair-share contribution to physical improvements as stated on page 204. Multiple level-of-service impacts occur for both project and cumulative scenarios along Montague Expressway. The project should contribute fair share contributions toward mitigations identified in the NSJDP and the County's Expressway Study. A methodology for determining fair share contribution has been discussed and tentatively agreed upon between neighboring cities including Santa Clara and San Jose.
- The Draft EIR for the proposed Earthquakes Soccer Stadium located in the City of San Jose, has identified a level-of-service impact at the intersection of Coleman Avenue and Brokaw Road, a City of Santa Clara intersection. The project proposes to mitigate the impact with physical improvements. The City of San Jose has coordinated this with the City of Santa Clara and will be supportive of conditioning the soccer stadium to construct the mitigation regardless of the fact that the project proposes a 15,000 seat stadium and that this impact may only occur not more than seven times yearly.
- Revise Pg. 7 of the Draft EIR (Uses of the EIR) to identify the City of San Jose as a responsible agency, with responsibility for implementation of the traffic improvements discussed above.

Jeff Schwilk

**RE: COMMENTS ON DRAFT EIR FOR 49-ERS STADIUM PROJECT (OA09-012)**

September 28, 2009

Page 3

We look forward to reviewing the Final EIR when it becomes available. Please provide me with a hard copy and a CD version of the complete Final EIR, including all technical reports/volumes of the document. You may send the document directly to my attention. If you have questions about the traffic comments, please contact Manuel Pineda, San Jose Department of Transportation at (408) 975-3295.

Sincerely,

*Joe* *AKONE DANIELSON*  
Joseph Horwedel, Director  
Planning, Building and Code Enforcement

C: Manuel Pineda  
OA09-012 DEIR Santa Clara 49-ers Stad Pjct Ltr/JAM

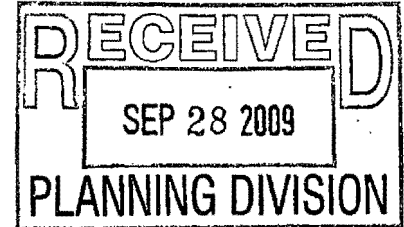


# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

28 September 2009

City of Santa Clara  
Planning Division (West Wing)  
Attention: Jeff Schwilk  
1500 Warburton Avenue  
Santa Clara, CA 95050



**Re: Draft Environmental Impact Report for the 49ers Santa Clara Stadium Project**

Dear Mr. Schwilk,

Thank you for continuing to include the City of Milpitas in the environmental review process for this exciting project. We reviewed the draft environmental impact report (DEIR) and have the following comments:

Page 209 & 298 - Calaveras Boulevard Intersections

The DEIR correctly states that developments impacting this segment of Calaveras Boulevard are required to pay the established traffic impact fee to help fund the Calaveras Boulevard Widening project. This project includes replacing the four lane bridge over the Union Pacific railroad tracks with a new six lane structure along with new bicycle and pedestrian facilities on both sides, an exclusive northbound right turn lane and an additional eastbound left turn lane at Abel Street, and operational improvements to correct horizontal alignment deficiencies from the overpass west to Abbott Avenue.

Payment of this fee would be considered adequate mitigation for the project impact at Abbott Avenue and the cumulative impact at Abel Street. Under the Milpitas traffic impact fee program, the proposed project would fall under the catch-all "Other Uses" category (i.e. constitute a land use that requires project specific nexus calculations). Therefore, the fee amount will be determined by Milpitas' City Engineer after consideration and approval of a focused nexus study supplied by the project proponent. The implementing fee resolution and the fee study have been attached for reference.

Page 209 & Page 298 - I-880 Northbound and Tasman Drive / Great Mall Parkway

The DEIR concludes that an additional second westbound left-turn lane would mitigate the project and cumulative traffic impacts to this intersection. Milpitas previously studied the additional lane for other projects within the City and found it to be infeasible for the following reasons: An additional lane would require acquisition of additional right-of-way, elimination of open spaces within the adjacent residential neighborhood, and impacts to the existing light rail crossing at this intersection. These environmental impacts of the recommended mitigation measure and their inconsistency with City General Plan open space policies and goals were not considered in the DEIR.



An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections (e.g. Tasman Drive/I-880 SB Ramps and Tasman Drive/Alder Drive). These measures will reduce impacts to the intersection, but not to a less than significant level.

Page 297 – I-880 Southbound and Tasman Drive

The DEIR concludes that an additional second eastbound right-turn lane would mitigate this cumulative impact. Milpitas previously studied the additional lane for other projects and found it to be infeasible for the following reasons: The Tasman / Great Mall Parkway overpass would require widening to accommodate the channelized eastbound right-turn movement and the elevated on-ramp would require widening to accommodate the receiving vehicles from the eastbound approach. These environmental impacts of the recommended mitigation measure were not considered in the DEIR.

An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections (e.g. Tasman Drive/I-880 NB Ramps and Tasman Drive/Alder Drive). These measures will reduce impacts to the intersection, but not to a less than significant level.

Page 297 – Alder Drive and Tasman Drive

The DEIR concludes that an additional northbound right-turn lane, a third southbound left-turn lane, and a second westbound left-turn lane would partially mitigate the cumulative impact to this intersection. The City of Milpitas has found these additional lanes infeasible due to impacts to pedestrian and bicycling crossings and impacts to the vehicle and light rail progression along Tasman Drive. These environmental impacts of the recommended mitigation measure were not considered in the DEIR.

An alternate mitigation measure would include funding the design and implementation of traffic operation improvements to help in signal coordination with adjacent intersections. These measures will reduce impacts to the intersection, but not to a less than significant level.

Montague Expressway

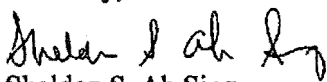
The project will have significant impacts on three Montague Expressway intersections located within Milpitas and San Jose. We expect that all the impacts be mitigated to the approval of Santa Clara County Roads & Airports Department and be consistent with the Comprehensive County Expressway Planning Study 2008 Update.

Valley Transportation Plan 2035

The EIR refers to the VTP 2030; however, the VTP 2035 has been adopted and should be incorporated by reference.

We look forward to reviewing the Final EIR when it is available. If you have any questions, feel free to contact me at (408) 586.3278.

Sincerely,



Sheldon S. Ah Sing  
Senior Planner

Attachment: Resolution 7894, Calaveras Traffic Impact Fee

**RESOLUTION NO. 7894**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
ESTABLISHING A TRAFFIC IMPACT FEE FOR PRIVATE DEVELOPMENT FOR  
THE CALAVERAS BOULEVARD WIDENING PROJECT**

**WHEREAS**, the City Council of the City of Milpitas has previously established a development impact fee program, as set forth in Chapter 4 of Title VIII of the Milpitas Municipal Code, in order to collect revenues to defray the cost of public infrastructure and improvements necessitated by new development; and

**WHEREAS**, pursuant to Chapter 4 of Title VIII of the Milpitas Municipal Code, the Council may adopt development impact fees for different areas within the City by resolutions that set forth the bases for such fees and the formulae to calculate such fees and that make the appropriate findings; and

**WHEREAS**, the City of Milpitas Calaveras Boulevard Widening Project ("Project") will widen Calaveras Boulevard from four (4) lanes to six (6) lanes between Town Center Drive and Abel Street within City limits, with pedestrian and bicycle access in each direction, and includes the reconstruction of two bridge structures over North Main Street and two bridge structures over the existing Union Pacific Railroad tracks/future BART alignment; and

**WHEREAS**, the Project is included in the Santa Clara Valley Transportation Authority 2030 Valley Transportation Plan Local Streets and County Roads Program, Santa Clara County's long-range transportation plan, is listed as the number one priority project, and has been found to be necessitated in part by future anticipated growth in the Milpitas area; and

**WHEREAS**, the City of Milpitas already collects an impact fee to defray the costs of public facilities necessitated by new developments in the Transit Area Specific Plan area, and thereby collects monies for the Project from such new Transit Area developments; and

**WHEREAS**, the City Council now wishes to require developments outside of the Transit Area Specific Plan area to pay their fair share of the Project by way of a new traffic impact fee; and

**WHEREAS**, in accordance with Government Code Section 66018, the City Council conducted an open and public meeting on the fee provided by this Resolution at its regularly-scheduled meeting held on June 16, 2009, and notice of the time and place of this meeting, including a general explanation of this Resolution, was provided as required by law; and

**WHEREAS**, the City Council has considered the Santa Clara Valley Transportation Authority 2030 Valley Transportation Plan Local Streets and County Roads Program, which included a detailed description of the Project, Project costs, and recommendations for financing mechanisms to pay for the Project, including the use of local impact fees and a 20% Caltrans Local Project Match Program funding mechanism; and

**WHEREAS**, the City Council has also considered the City of Milpitas Calaveras Boulevard Widening Project Transportation Impact Fee Study ("Nexus Study"), dated February 24, 2009, prepared by Kimley-Horn and Associates, Inc., which is attached hereto as Exhibit A; and

**WHEREAS**, based upon such documents and the submitted City staff report, the City Council finds that there is in-depth factual support for the need for a Calaveras Boulevard Widening Project Traffic Impact Fee as a means of assuring that new developments within the City that are located outside of the Transit Area Specific Plan area pay their proportionate share of the costs of the Project; and

**WHEREAS**, the Project is needed to protect the health, safety, and general welfare within the City and to promote economic well-being within the City as a whole; and

**WHEREAS**, the proposed Calaveras Boulevard Widening Project Traffic Impact Fee does not pay for existing deficiencies but, rather, ensures that future developments pay a fee that bears a reasonable relationship to

the actual cost of providing the public facility demanded by the new development on which the fee is imposed; and

**WHEREAS**, establishing fees for the purpose of obtaining funds for impact mitigation is not an essential step culminating in action which may affect the environment and is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15273 of the CEQA Guidelines, since they constitute the modification, restructuring or approval of a fee or charge needed to obtain funds for capital projects that are necessary only to maintain service within existing service areas within the City, pursuant to the findings set forth herein.

## **FINDINGS**

**NOW THEREFORE**, the City Council of the City of Milpitas makes the following findings and determinations based on the reports, testimony and other materials before it, including but not limited to the documents and information listed in the Recitals above, which are incorporated herein by reference:

- A. The purpose of the Calaveras Boulevard Widening Project Traffic Impact Fee is to finance in part the Project, as identified in the City's General Plan and the Santa Clara Valley Transportation Authority 2030 Valley Transportation Plan Local Streets and County Roads Program, Santa Clara County's long-range transportation plan.
- B. The Calaveras Boulevard Widening Project Traffic Impact Fee shall be used to offset construction-related costs for the Project in conjunction with other funding sources. Fees may be used in partnership with California Department Transportation regional grant-funding programs, including the 20% Local Project Match program.
- C. The cost estimates contained for the Project are an accurate reflection of the current construction costs for Project and the fee revenues that are expected to be generated by new developments will not exceed such developments' proportionate share of these costs.
- D. The Nexus Study and the facts and evidence presented to the City Council establish that there is a reasonable relationship between the Project and the types of developments described in the City's General Plan; there is a reasonable relationship between the need for the Project improvements to be funded by the fee and the types of development on which the fee is imposed; and there is a reasonable relationship between the amount of the fee, as set forth in this Resolution, and the costs of the Project, as they are specifically attributed to the various types of development within City boundaries and the traffic impacts that they generate.
- E. The proposed Calaveras Boulevard Widening Impact Fee is consistent with the City of Milpitas General Plan.

## **RESOLVED ACTIONS**

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby determines and resolves as follows:

1. General. This Resolution is adopted pursuant to California Government Code Section 66000 *et seq.* ("Mitigation Fee Act"), Article XI, Section 7 of the California Constitution, and the provisions of Chapter 4 of Title VIII of the Milpitas Municipal Code ("Fees for New Development"). The fee established by this Resolution shall apply only to listed types of development that are located outside of the Transit Area Specific Plan area as a condition of building permit approval to defray the cost of the Project.
2. Definitions. Land uses subject to the Calaveras Boulevard Widening Project Traffic Impact Fee are defined as follows:

- a. "Residential" means all new single and multi-family dwellings.
  - b. "Commercial" means any business engaging in the sale of merchandise and food. This category would also include those establishments providing commercial services, as defined in Milpitas Municipal Code XI-10-2.02, General Definitions. Uses in this category include but are not limited to retail stores, restaurants, banks, child-care facilities and beauty salons.
  - c. "Office" means any administrative, professional, research, medical, or similar businesses, having only limited contact with the public, provided no merchandise or services are sold on the premises except those that are incidental or accessory to the primary use. Uses in this category include but are not limited to medical clinics and offices, real estate offices, and research and development businesses.
  - d. "Other Uses" means land uses not specifically defined by this section.
3. Fee Amount. The amount of the Calaveras Boulevard Widening Project Traffic Impact Fee, based upon the technical and financial analyses conducted by City of Milpitas Staff and Kimley-Horn and Associates, shall be as follows:

Land Uses Subject to Fee	Fee Amount
Residential Development: 5+ dwelling units	Residential Development: \$235 per dwelling unit
Retail Development: 1,000 + square feet	Retail Development: \$708 per thousand square feet
Office Development: 1,000+ square feet	Office Development: \$604 per thousand square feet
Other Uses	The fee amount for uses not specifically defined in this Resolution shall be determined by the City Engineer or his or her designee. A focused nexus study may be required of the applicant to make the determination

The fee amounts listed above shall be subject to annual adjustment, as set forth in Section 10 of this Resolution, and as otherwise allowed by law. Developments below the size thresholds listed are determined to have de minimis traffic impacts on the Project area and are therefore not subject to the fee.

4. Basis for Fee. The amounts and calculation of the Calaveras Boulevard Widening Project Traffic Impact Fee are based upon the following considerations:
- a. New developments that are subject to the fee shall pay only for the construction of the Project or where there is a reasonable relationship between the facilities funded and the benefits, demands and needs generated by the new development.
  - b. Each type of new development shall contribute to the funding of the needed facilities in proportion to the need for the facilities created by that type of development.
  - c. The public facilities funded by the Calaveras Boulevard Widening Project Traffic Impact Fee and the calculations resulting in the fee amount are documented in the Nexus Study.
5. Obligations and Scope.
- a. A person who applies for a building permit to construct a structure covered by this Resolution outside of the Transit Area Specific Plan area shall pay the Calaveras Boulevard Widening Project Traffic Impact Fee prior to the issuance of the building permit, unless later payment is allowed by City ordinance, State Law or separate agreement.

- b. The Calaveras Boulevard Widening Project Traffic Impact Fee shall apply only to new structures in the covered land use categories. No Calaveras Boulevard Widening Project Traffic Impact Fee shall be charged for remodeling or for an addition to an existing building.
6. Formula for Calculating the Fee. The Calaveras Boulevard Widening Project Traffic Impact Fee, as set forth in this Resolution, is determined by a formula that takes into consideration the cost of the Project, the proportion of those costs attributable to development in the City outside of the Transit Area Specific Plan area, and each covered development's proportional share of the Project costs. The methodology for the calculation of the fee is set forth in the Nexus Study and shall be updated pursuant to this Resolution from time to time to reflect changes in construction costs, development schedules, availability of supplemental funds, and other relevant factors.
7. Use of Fee Revenue. The Calaveras Boulevard Widening Project Impact Fee shall fund only the Project.
  - a. The City shall deposit the fees collected under this Resolution in a special fund, the Calaveras Boulevard Widening Project Fee Account.
  - b. The fees and all interest earned on accrued funds shall be used only to:
    - i. Fund the costs of the Project construction-related expenses, including but not limited to project planning, environmental documentation, design, and right-of-way acquisition, or to reimburse the City for such construction-related expenses if funds were advanced by the City from other sources; and
    - ii. Reimburse the City for its administrative costs associated with administering and updating the Calaveras Boulevard Widening Project Impact Fee, not to exceed two (2.0) percent of the applicable fee amount.
8. Authority for Additional Mitigation. Fees collected pursuant to this Resolution do not replace any existing development fees or limit requirements or conditions to provide site-specific mitigation of site-specific impacts imposed upon development projects as part of the normal development review process.
9. Annual Review. Pursuant to Government Code Section 66006(b) and the provisions of Chapter 4 of Title VIII of the Milpitas Municipal Code, the City Council shall review annually a report prepared by staff documenting the amount of the Calaveras Boulevard Widening Project Traffic Impact Fee, the amount of fees collected, the amount of fee funds expended and the fund balance of the Calaveras Boulevard Widening Project Fee Account.
10. Annual Adjustments: The design, construction, and contingency costs of the designated share of the Project shall be automatically adjusted each fiscal year by the Finance Director or his or her designee using the Engineering News Record (ENR) Construction Cost Index for the San Francisco Bay Area.
11. Periodic Update. The Nexus Study shall be updated every three to five years. This update will include a thorough review of the infrastructure costs, development activity, and collection and use of fees to that date.
12. Termination of Fee. The City shall not collect the Calaveras Boulevard Widening Project Impact Fee established by this Resolution once funds sufficient to construct the Project described in the then current Nexus Study have been collected.
13. Severability. The provisions of this Resolution are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

14. Effective Date. This Resolution shall take effect 60 days after the date of its adoption, as provided by Government Code Section 66017. Prior to the expiration of 15 days from the passage thereof, this Resolution shall be posted in at least three public places in the City of Milpitas.

PASSED AND ADOPTED this 16<sup>TH</sup> day of June 2009, by the following vote:

AYES: (4) Vice Mayor McHugh, and Councilmembers Giordano, Gomez and Polanski

NOES: (0) None


ABSENT: (1) Mayor Livengood

ABSTAIN: (0) None


ATTEST:

  
\_\_\_\_\_  
Mary Lavelle, City Clerk

APPROVED:

  
\_\_\_\_\_  
Pete McHugh, Vice Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Ogaz, City Attorney

# **City of Milpitas Calaveras Boulevard Widening Project**

---

## **Transportation Impact Fee Study FINAL**

*Prepared by:*



**Kimley-Horn  
and Associates, Inc.**

February 24, 2009  
097384003

**COPYRIGHT © 2009 KIMLEY-HORN AND ASSOCIATES, INC.**

**Table of Contents**

**1.0 FEE PURPOSE..... 1**

**2.0 BACKGROUND..... 1**

**3.0 FEE CALCULATION.....2**

**4.0 CONCLUSION..... 4**

**CALAVERAS BOULEVARD WIDENING FEE ATTACHMENTS**



## **1.0 FEE PURPOSE**

This report documents the basis for the Calaveras Boulevard Widening Transportation Impact Fee (TIF) to be applied towards future development within the City of Milpitas as a fair-share contribution towards the widening of Calaveras Boulevard.

GC66000, also called the Mitigation Fee Act, requires all public agencies to satisfy the following requirements when establishing, increasing or imposing a fee as a condition of new development:

1. Identify the purpose of the fee;
2. Identify the use to which the fee will be put;
3. Determine that there is a reasonable relationship between:
  - a. The fee's use and the type of development on which the fee is to be imposed;
  - b. The need for the facility and the type of development on which the fee is to be imposed; and
  - c. The amount of the fee and the facility cost attributable to the development project.  
(Applies only upon imposition of fees.)

Identifying these requirements would establish the nexus and the proportionality requirements of the Mitigation Fee Act and other requirements of state and federal law.

## **2.0 BACKGROUND**

The Calaveras Boulevard Widening Project (Project) limits lie within the jurisdiction of the California – Department of Transportation, Caltrans, whom is ultimately responsible for the operations & maintenance of Calaveras Boulevard. The Project includes the widening of Calaveras Boulevard from 4-lanes to 6-lanes between Town Center Drive and Abel Street and includes the reconstruction of two bridge structures over N Main Street and two bridge structures over the existing Union Pacific Railroad Tracks/Future BART alignment. The estimated cost of the Project is \$55 million (2008 dollars).

The City of Milpitas is implementing the Calaveras Boulevard Widening TIF to supplement STIP funds in raising the minimum 20% Local Project Match (\$11 million) that is necessary to complete in partnership with Caltrans for regional grant-funding opportunities for the remaining 80% of the Project cost (\$44 million). In addition to the local match, the TIF fee will include professional consulting fees totaling \$50,000 to review and update two updates of the TIF fee. The City of Milpitas may also add administration costs for maintaining the program. The recently adopted City of Milpitas – Transit Area Specific Plan (TASP) includes a separate TIF program that will collect an estimated \$5.2 million toward the 20% Local Project Match. (The TASP TIF is a long-term program and full funds may not be available in the near-term.) The Redevelopment Agency is also contributing \$1.5 million from the Carlos Street Ramp Conversion project. Considering these funding sources, a balance of \$4.35 million (including the TIF update fees) is left to be collected through the Calaveras Boulevard Widening TIF.

The Calaveras Boulevard Widening TIF will be assessed based on vehicle trips generated by future growth in Milpitas during the PM peak hour that are planned to travel through the project site. PM peak hour trips are used to determine the transportation impact rather than average daily traffic because the PM peak hour volumes are the determining factor that justifies the need for additional street capacity.

### **3.0 FEE CALCULATION**

Based upon discussions with City staff, an agreed-upon seven-step process was used to calculate the Calaveras Boulevard Widening TIF. These steps are described below along background information and assumptions used. Additional details for each step are located in attachments at the end of this report.

#### **Step 1: Determine future citywide housing and employment growth for growth period.**

The period of growth in the study was between Years 2010 and 2035 to most closely match the useful life of the Project. Data from *Association of Bay Area Governments (ABAG) Projections 2007* are used as the most recent regional growth data available. The growth in households and jobs were calculated between Years 2010 and 2035, including growth through the remainder of 2009. Each household was assumed to represent one multi-family dwelling unit. The job growth was converted into total square footage using the factors determined for the Milpitas Transit Area Specific Plan (TASP), adopted by the City of Milpitas in 2008.

According to the ABAG projections, approximately 20 percent of the job growth is related to industrial use. Staff reports that there are approximately 100 acres of vacant industrial property in the City. According to City staff, this property could be developed at 0.5 FAR. There are also areas with underutilized industrial space. Considering these factors, the percentage of industrial growth was increased to 50 percent with the remainder assumed as retail development.

#### **Step 2: Subtract out growth from exempt projects.**

Some projects are exempt from the Calaveras Boulevard Widening TIF program due to previous agreements and/or separate TIF programs that already contribute toward the project. As noted previously, the TASP is already contributing towards the Project and the proposed TASP land uses were subtracted from the growth determined in Step 1. Since TASP will provide between 5,000 to 7,000 dwelling units, a midrange of 6,000 units was assumed to be developed.

Projects below a certain threshold size would not be subject to the fee. These development thresholds are included in the Conclusions of this report, and project smaller than this level are small and typically conversions or reuse of existing development. Based on the existing development composition and threshold level, these projects would have a relatively minor impact on PM traffic levels traffic over the timeframe of this analysis.

#### **Step 3: Determine number of PM peak hour trips generated by the applicable future growth.**

The development trip generation rates used for the TASP TIF were used to convert the applicable future growth into PM peak hour trips. Peak hour traffic is to determine the transportation impact from each development/land use type rather than average daily traffic because peak volumes determine the need for street and intersection capacity. The TASP TIF trip generation rates are based on *ITE Trip Generation* (8<sup>th</sup> Edition) and *SANDAG Vehicular Traffic Generation Rates* (2002).

#### **Step 4: Determine number of applicable PM peak hour trips traveling through the Project.**

Figure 1 City of Milpitas Industrial Properties shows the existing Industrial zoning and the current vacant properties. The amount of traffic assigned to the Project was estimated based upon a review of the locations of vacant and underutilized land, an estimate of trips that will travel outside of city limits, and input from city staff. Consideration was also given to trips that remain internal within city limits and are captured between the complimentary land uses (e.g. residential and employment) and do not generate new external trips through the project limits. Considering these factors, 18 percent of applicable Residential, Office and Retail trips are projected to travel through the Project.

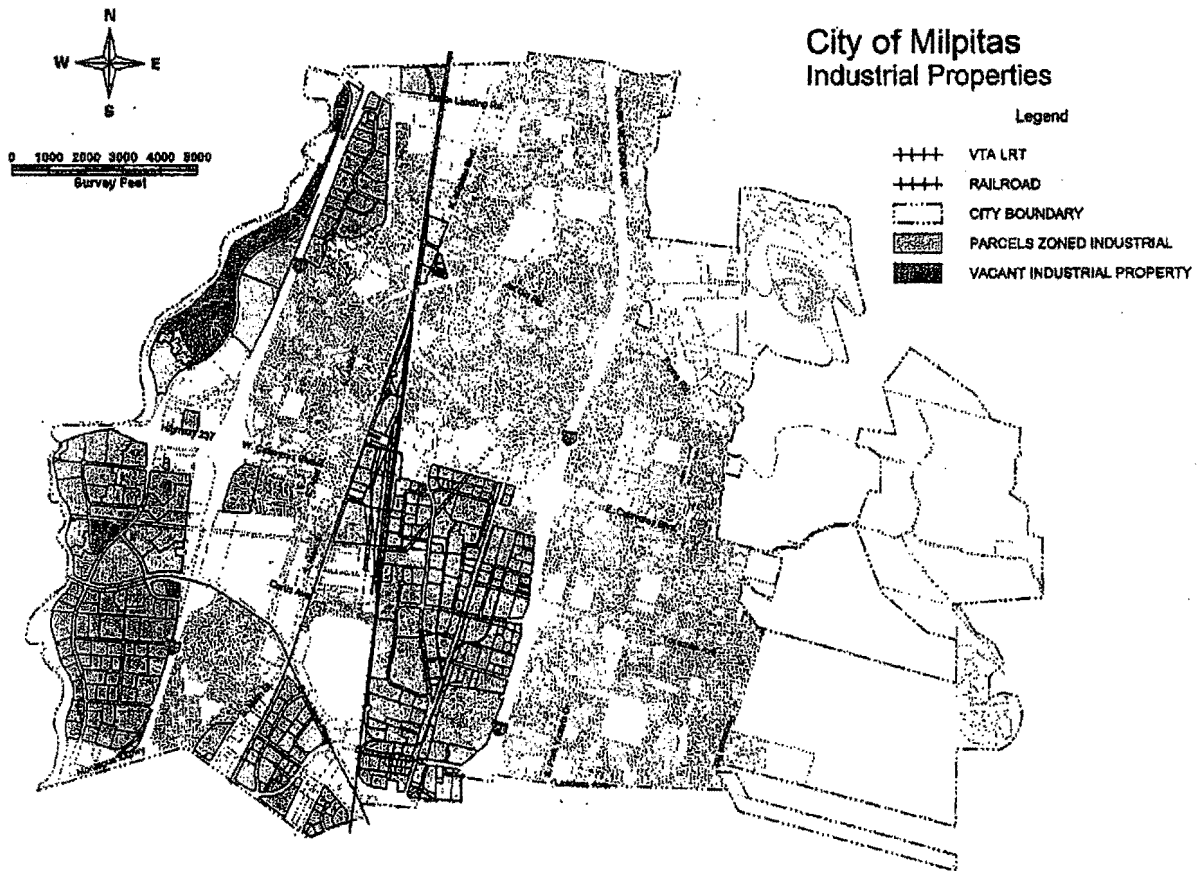


Figure 1. City of Milpitas Industrial Properties

**Step 5: Determine amount to be collected through the Calaveras Boulevard Widening TIF.**

As listed in the Background section above, a balance of \$4.35 million (including the TIF update fees) is left to be collected through the Calaveras Boulevard Widening TIF after subtracting out contributions from Caltrans, TASP, and the Redevelopment Agency. Professional consulting fees to review and update the Calaveras Boulevard Widening TIF twice were included in the amount to be collected.

**Step 6: Determine cost per PM peak hour trip.**

Step 5 divided by Step 4.

**Step 7: Convert costs per PM peak hour trip into applicable development unit.**

The balance, from Step 5, was allocated to the various land uses (residential, office, commercial) based upon the PM peak hour trip generation and converted into costs per dwelling unit or per thousand square feet.

**4.0 CONCLUSION**

**TIF Levels**

A balance of \$4.35 million is proposed to be collected through the Calaveras Boulevard Widening TIF and the resulting fees based upon projected 2007 ABAG Citywide growth are:

- Residential Development:** \$235 per dwelling unit
- Retail Development:** \$708 per thousand square feet
- Office Development:** \$604 per thousand square feet

Project costs are based on 2008 dollars and these fees are also in 2008 dollars. There was little inflation between 2008 and 2009; 2009 dollars and 2008 dollars can be considered equivalent.

**Development Thresholds**

These fees would be applied to development projects that meet the following size thresholds:

- Residential Development:** 5+ dwelling units
- Retail Development:** 1,000 + square feet
- Office Development:** 1,000+ square feet

These projects below these development thresholds have minor traffic impacts.

**Program Updates**

The Calaveras Boulevard Widening TIF is a long term program through 2035 and should be updated on a regular basis (e.g., every 3-5) year to verify development assumptions and project costs. The current estimated Project construction cost is in current (2009) dollars and should be adjusted annually based on the "Engineering News Record," Construction Cost Index (ENR Index).

**CALAVERAS BOULEVARD WIDENING FEE ATTACHMENTS**

**Calaveras Bridge Traffic Impact Fee Calculation - SUMMARY**

Step	Description	Output			
			Retail (SF)	Office (SF)	Residential (DU)
1	Determine new household and job growth (2010 - 2030) and convert to dwelling units and Square Footage				
		Total Growth (A)	3,810,152	3,810,152	8,010
2	Subtract exempt projects. Net Increase (C) = (A-B)		Retail (SF)	Office (SF)	Residential (DU)
		Exempt (B)	620,026	813,343	6,000
		Net Increase (C)	3,090,126	2,796,809	2,010
3	Convert applicable growth (Net Increase) into PM peak-hour trips		Retail	Office	Residential
			8,374	6,461	1,809
4	Assign PM peak-hour trips to Calaveras	2,996			
5	Project Costs of Calaveras (Calaveras Boulevard Widening TIF)	\$4,350,000			
6	Determine cost per PM peak-hour trip	\$1,452			
7	Convert PM peak-hour trips to Land-use equivalent		Retail (\$/1,000 SF)	Office (\$/1,000 SF)	Residential (\$/DU)
			\$708	\$604	\$235

\* All costs in 2008 dollars

**Step 1 - Determine Future Growth**

**Milpitas Population and Employment Estimates  
Projections 2007 - ABAG**

Category	2007	2005	2010	2015	2020	2025	2030	2035	2040
<b>Total</b>									
Population	62,810	64,900	69,300	74,400	79,800	85,200	90,500	95,800	38.24%
Households	17,157	17,890	19,130	20,620	21,150	23,770	25,500	27,140	41.67%
Household Income (\$)	120,000	97,700	105,500	111,600	118,100	125,000	132,300	139,500	32.23%
Total Jobs	53,900	47,650	48,900	52,890	55,960	59,190	62,560	66,070	32.40%
Industrial Jobs	30,310	25,370	25,760	26,480	27,300	28,200	29,140	30,150	17.04%
Industrial/Total Jobs	56%	53%	52%	50%	49%	48%	47%	46%	

Category	2007	2005	2010	2015	2020	2025	2030	2035	2040
<b>Industrial Jobs</b>	30,310	25,370	25,760	26,480	27,300	28,200	29,140	30,150	17.04%
Non Industrial Jobs (Retail) <sup>2</sup>	23,590	22,280	24,140	26,410	28,660	30,990	33,420	35,920	48.80%
Industrial Space 1,000 SF	9,185	7,688	7,806	8,024	8,273	8,545	8,830	9,136	17.04%
Retail Space 1,000 SF	11,795	11,140	12,070	13,205	14,330	15,495	16,710	17,960	48.80%
Total Space 1,000 SF	20,980	18,828	19,876	21,229	22,603	24,040	25,540	27,096	36.33%

**Notes:**

<sup>1</sup> Conversion obtained From Milpitas Transit Area Plan EIR

Industrial	3.3	Employees/KSF
Retail	2	Employees/KSF

<sup>2</sup> Non-industrial jobs assumed to be retail

Total ABAG Future Growth (2010 to 2035)		Percentage
Residential	8,010 DU	
Development (Total SF)	7,220,303 SF	
Jobs (Industrial SF)	1,330,303 SF	18%
Jobs (Retail SF)	5,890,000 SF	82%

Adjusted Future Growth (2010 to 2035)		Percentage
Residential	8,010 DU	
Development (Total SF) <sup>a</sup>	7,220,303 SF	
Jobs (Industrial SF)	3,610,152 SF	50%
Jobs (Retail SF)	3,610,152 SF	50%

<sup>a</sup> Industrial job percentage was adjusted to 50 percent to take into account approximately 100 acres of vacant industrial land (developed at 0.5 FAR) and redevelopment of existing underutilized industrial space.

**Step 2 - Calculation of Land Use from Exempt Projects**

Land Use				
Exempt Projects from Calaveras TIF Fee	Retail (SF)	Office (SF)	Residential (DU)	Hotel (DU)
TASP <sup>1</sup>	520,026	813,343	6,000	350
<b>Total Exempt (a)</b>	<b>520,026</b>	<b>813,343</b>	<b>6,000</b>	<b>350</b>
<b>Total Growth (2010-2035) (b)</b>	<b>3,610,152</b>	<b>3,610,152</b>	<b>8,010</b>	
<b>Net Increase (c) = (b-a)</b>	<b>3,090,126</b>	<b>2,796,809</b>	<b>2,010</b>	

**Notes:**

<sup>1</sup> TASP will provide between 5,000 to 7,000 dwelling units. A midrange of 6,000 units was assumed to be developed.



**Step 3 - Convert applicable growth (Net Increase) into PM Peak-Hour trips**

Land Use	Size (DU or 1,000 SF)	Trip Generation Rates	PM Peak-Hour Trips
Retail <sup>1</sup> (A)	3,090	2.71	8,374
Net Retail (A)			8,374
Office <sup>2</sup> (B)	2,797	2.31	6,461
Net Office (B)			6,461
Multi-Family Residential <sup>3</sup> (C)	2,010	0.9	1,809
Net Multi-Family Residential (C)			1,809
<b>Net Total (A+B+C)</b>			<b>16,644</b>

**Notes:**

\* Same as TASP TIF Program, based on ITE Trip Generation (8th Edition) and SANDAG Vehicular Traffic Generation Rates (2002)

#### Step 4 Assign PM Peak Hour Trips to Calaveras Boulevard

Percentage of trips assigned on to Calaveras Blvd	
Residential <sup>1</sup>	18%
Office & Retail <sup>2</sup>	18%

Trips assigned on to Calaveras Blvd	
Residential	326
Retail	1,507
Office	1,163
<b>Total PM Per Hour</b>	<b>2,996</b>

Notes:

<sup>1</sup> Based upon a review of available land for redevelopment, estimated amount of trips that will travel to/from city limits, and input from City Staff, approximately 18 percent of Residential, Office and Retail trips are projected to travel through the project.

**Step 5-Project Costs of Calaveras**

Construction Cost	\$55,000,000
Professional Services Fees to Update TIF <sup>1</sup>	\$50,000
<b>Total Cost</b>	<b>\$55,050,000</b>
STIP (State Transportation Improvement Fund) Match	\$44,000,000
Local Match	\$11,050,000
TASP Contribution	(\$5,200,000)
Carlo Street Ramp Contribution	(\$1,500,000)
<b>Local Match Balance for TIF</b>	<b>\$4,350,000</b>

\* All costs in 2008 dollars

**Notes:**

<sup>1</sup> Professional Consulting Service Fees estimated at \$25,000 per update. This study assumes two updates. City Administration costs not included in cost estimate

**Step 6-Determine cost per PM peak-hour trip**

Local Match Balance for TIF =	\$	4,350,000
PM peak hour trips to Project =		2,996
<b>Cost per PM peak hour trip</b>	<b>\$</b>	<b>1,452</b>

*\* All costs in 2008 dollars*

**Step 7- Convert PM peak-hour trip to Land-use equivalent**

<b>Trips</b>	<b>Added Trips</b>	<b>%</b>	<b>Cost Allocated</b>	<b>\$/DU \$/KS</b>
Residential	326	0.11	\$472,796	\$235
Retail	1,507	0.50	\$2,188,671	\$708
Office	1,163	0.39	\$1,688,534	\$604
Total	2,996		\$4,350,000	

\* All costs in 2008 dollars

† Cost Allocated = % x Improvement Cost

Improvement Costs = \$ 4,350,000



**HOGUE, FENTON  
JONES & APPEL, INC.**

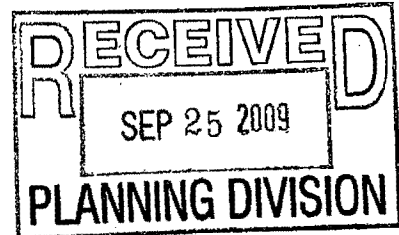
Attorneys at Law | Serving Northern California since 1952

John A. Hickey  
408.947.2414  
jah@hogefenton.com

September 25, 2009

VIA ELECTRONIC DELIVERY

City of Santa Clara, Planning Division  
Jeff Schwilk, AICP, Associate Planner  
1500 Warburton Avenue  
Santa Clara, California 95050



Re: Draft EIR for the 49ers Santa Clara Stadium Project

Dear Mr. Schwilk:

Cedar Fair, the owner and operator of the Great America theme park in Santa Clara, submits the following preliminary comments on the draft environmental impact report (Draft EIR) prepared by the City of Santa Clara for the 49ers Santa Clara stadium project.

Cedar Fair's comments on the Draft EIR are based on the limited information available to Cedar Fair at this time. On September 1, 2009, Cedar Fair submitted a request pursuant to the Public Records Act for documents and information that relate to the Draft EIR. One part of that request was for all documents the 49ers have provided to the City since January 1, 2007. On September 11, 2009, the City notified Cedar Fair that it would not provide a single page of documentation in response to this part of the request. Cedar Fair cannot comment fully on the Draft EIR without a thorough review of the requested documents and asks the City to reconsider its response. Further, Cedar Fair requests an extension of the comment period until after it has received and reviewed the requested records, as discussed below.

**Cedar Fair and Great America**

Cedar Fair owns and operates the Great America theme park pursuant to a ground lease with the City. Cedar Fair pays a minimum of \$5,300,000 in rent each year for the right to operate the theme park, for substantial control over adjacent parcels, and for protection from interfering uses on those adjacent parcels. The City signed the ground lease for the theme park in 1989 and has, over the last 20 years, collected rent approaching a total of \$100,000,000. The theme park was one of the first major redevelopment projects in the City's North Bayshore Redevelopment Area, and it has served as a major anchor for the subsequent development of the area. In addition to the rent that the City receives each year under the ground lease, the City receives substantial benefit from the increased property taxes and sales taxes every year as a result of Great America. Cedar Fair enjoys providing important cultural and economic benefits to the residents and businesses of Santa Clara and contributing to the health of the community.

### Comments on the Draft EIR

Cedar Fair has major concerns regarding the adequacy of the environmental analysis, the design of the project, and the City's entitlement process for the project:

1. The Draft EIR wrongly concludes that the project would not conflict with the Land Use Element of the City's General Plan. Land Use Policy 19 of the General Plan requires the City to develop the Bayshore North area as a long-term financial resource for the City, but the project could cause a major adverse impact on the City's financial resources by impacting attendance at Great America.

The proposed stadium is projected to produce annual income to the City of \$1,600,000, but will jeopardize rent from Great America in the amount of \$5,300,000. Interference with attendance at Great America could result in reduced property tax revenue, reduced sales tax revenue, reduced lease payments of \$5,300,000 per year, and liability of the City for Cedar Fair's financial damages.

The Draft EIR briefly considers whether the project would conflict with the Land Use Element of the General Plan, but totally fails to identify and consider the significant potential reduction in lease and tax revenue and the potential liability that could result from project. Cedar Fair outlined for the City this potential reduction of revenue and possible liability in a letter from this office to City Manager Sparacino dated September 3, 2009, which is incorporated by reference in these comments. Because of the failure to consider these financial losses, the Draft EIR wrongly concludes that the project would be consistent with the City's General Plan.

The revenue from Great America far exceeds the projected revenue from the project. The City receives a minimum of \$5,300,000 per year in lease revenue from Great America, a share of property taxes for the Great America site, and sales tax revenues. According to the projections prepared for the City by Keyser Marston Associates, Inc., the total revenue to the City's General Fund from the project would be average only about \$1.6 million per year for the first ten years of operation, and only about \$2.6 million per year over the next 30 years. Therefore, approval of the stadium could result in the City facing (a) a potential average net loss of revenue of more than \$3.5 million each year over the first ten years of the stadium and an annual loss of \$2.5 million in subsequent years and (b) potential liability for losses suffered by Cedar Fair.

The City has acknowledged that the stadium project may have an adverse impact on operations and attendance at Great America, but the Draft EIR fails to disclose this possibility and the City's possible losses and liability.

The Draft EIR should include a review of impacts of existing NFL stadiums on surrounding land uses. As one example, the Houston Texans built an NFL stadium in 2002 near an existing amusement park and that park closed three years later. Parking

rights issues involving the football team and declining attendance were significant contributing factors to the closure. The City must disclose the possibility of a similar outcome here and the Draft EIR must analyze the potential significant impacts in such a situation, especially in an area that has been designated a redevelopment area.

2. The Draft EIR wrongly concludes that the project is compatible with surrounding land uses, because the Draft EIR fails to acknowledge that the project could have a major adverse impact on operations and attendance at the Great America theme park.

As discussed above, the project could have a significant adverse impact on Great America and the City's general fund. Despite this possible impact, the Draft EIR wrongly concludes that the project would be compatible with surrounding land uses. (See Draft EIR, Impact LU-3 at page 37.) The City must revise the Draft EIR to acknowledge that the project would be incompatible with Great America, discuss this significant impact, and consider potential mitigation measures. As one example, the Draft EIR must consider mitigating the impact of the project by restricting games and other events at the stadium to dates on which Great America has chosen not to be open for business.

3. The Draft EIR incorrectly describes the stretch of San Tomas Aquino Creek adjacent to the project and wrongly concludes that the project would not have a significant adverse impact on the riparian habitat.

The 150-foot high west wall of the stadium and the two wide bridges over the creek would shade the bed and banks of the creek for a significant portion of the year and damage the value of the habitat.

The Draft EIR incorrectly describes the stretch of San Tomas Aquino Creek adjacent to the project, stating that the creek is "channelized in the project area and has little to no riparian vegetation and no trees within the creek channel or on the top of the banks." As a visit to the site demonstrates, however, the bed and banks of the creek are rock, sand, and dirt in a natural state, with levees set substantially away from the centerline of the creek. In addition, the banks of the creek contain grasses, bushes, trees, and other plant life that could provide habitat for birds, reptiles, amphibians, and other wildlife.

During a visit to the site and the adjacent section of the San Tomas Aquino Creek trail on September 11, 2009, a Cedar Fair representative observed a wide array of plants and wildlife in the creek and on its banks, including a great blue heron, an egret, ducks and other waterfowl, various species of butterfly, willows, and bulrush, all of which are evidence that the riparian corridor provides suitable habitat for birds, fish, and amphibians. In addition, a large raptor was observed perched on a pole on the project site. A video record of the site visit and the view from the trail will be submitted under separate cover.



In addition to incorrectly describing the creek, the Draft EIR fails to analyze whether the stretch of San Tomas Aquino Creek adjacent to the project contains habitat for special status species. The Draft EIR states that there is no habitat on the project site,

but the Draft EIR does not consider whether there are special status species or habitat on adjacent areas affected by the project.

As the Draft EIR acknowledges, Chinook salmon and steelhead trout spawn in other San Francisco Bay drainages in the area. Given that the stretch of the creek adjacent to the project site is of higher habitat value than the Draft EIR implies, the City must engage a qualified biologist to study the quality of the riparian habitat and survey the creek for Chinook salmon, steelhead trout and other special status species.

The Draft EIR also totally fails to acknowledge the fact that the two clear-span bridges would shade at least approximately 10,000 square feet of the riparian habitat all of the time, in addition to the shadows cast on other parts of the riparian habitat by the wall of the stadium.

In addition, the Draft EIR understates the impact of the 150-foot high by 600-foot wide west wall of the stadium. The Draft EIR acknowledges that the massive west wall would cast a shadow on the creek, but the Draft EIR concludes without analysis or substantial evidence that the substantial decrease in available direct sunlight could affect the diversity of plant life in the riparian corridor.

4. The Draft EIR wrongly concludes that the loss of more than 300 mature trees on the project site and the associated loss of bird habitat and bird species would not be a significant impact.

The Draft EIR acknowledges that the project would eliminate more than 300 mature trees on the project site and that the loss of these trees would likely reduce the number of birds and bird species in the North Santa Clara area, and would even result in microclimate changes. However, the Draft EIR, without basis, nonetheless wrongly concludes that the project would have a less-than-significant impact on biological diversity in the north Santa Clara area.

Even in the absence of an ordinance or policy for preserving trees, the loss of trees itself may be a significant impact. Where a project would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or threaten to eliminate a plant or animal community, the Draft EIR must conclude that the project would have a significant environmental impact, regardless of whether the plants or animals are separately protected by ordinance or policy.

In this case, as the Draft EIR acknowledges, the project would likely reduce the number of birds and bird species in the north Santa Clara area, which is substantial

evidence that the project would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or threaten to eliminate a plant or animal community.

5. The Draft EIR fails to identify or discuss the major visual impact that the project would have on the public trail along San Tomas Aquino Creek. The project would impose a massive wall approximately 150 feet high and 600 feet long a mere 250 feet from the public trail, completely altering the character of the view from the trail.

The Draft EIR totally fails to analyze the impact of the project on the view from the public trail along the section of San Tomas Aquino Creek west of the project. The trail is maintained by the City and is part of the City's recreational trail system.

The west wall of the project would be a massive face approximately 600 feet long and 150 feet high. The west wall would be only about 250 feet from the public trail along the east bank of the creek. The wall would eliminate any view of the hills and ridgeline to the east from that section of the trail, and it would completely alter the character of the landscape and the view from a long section of the trail from Tasman Drive south to Agnew Drive. A video showing the view from the current view of the eastern hills from the trail will be submitted under separate cover. The impact of the project on the view from the public trail would be significant and must be identified and discussed in the Draft EIR.

6. The Draft EIR fails to identify or consider potential mitigation measures that would substantially decrease the significant effects of the project on traffic, air quality, and global warming by increasing the use of public transportation.

The Draft EIR dismisses several potential mitigation measures that would lessen or avoid the project's significant impacts on traffic and air quality and concludes that the impacts are significant and unavoidable. In addition, the Draft EIR fails to consider other mitigation measures that would lessen or avoid the significant impacts by encouraging or requiring visitors to use public transportation rather than individual cars.

As one example, given that the City proposes to establish a parking district to control the use of off-site lots for stadium events, and given that the 49ers propose to allocate spaces to season ticket holders, the City could restrict the amount of parking available to some amount less than the estimated demand for approximately 19,000 parking spaces, thereby effectively requiring visitors who are not allotted a parking space to either share a car with a visitor who has an allotted space or to take public transportation. This would substantially decrease the impacts of the project on traffic and air quality.

7. The Draft EIR incorrectly describes the background traffic conditions in the vicinity of the project, and therefore substantially understates the significant impact that the project would have on traffic and air quality.

The traffic analysis in the Draft EIR understates the impacts of the project by using incorrectly low assumptions about existing traffic conditions. The City conducted traffic counts in order to characterize baseline traffic conditions on Sundays in the vicinity of the project. Unfortunately, these traffic counts understate average summer baseline traffic conditions by approximately 8% for morning hours and by approximately 9% for afternoon hours.

According to attendance figures maintained by Cedar Fair, the Sundays on which the City conducted traffic counts were days on which attendance at Cedar Fair was approximately 8%-9% below seasonal Sunday attendance, on average. As the Draft EIR acknowledges, the bulk of the traffic in the vicinity of the project on Sunday is trips to or from Cedar Fair. Therefore, by selecting days with below-average attendance, the Draft EIR systematically underestimates baseline traffic conditions. The City must revise the traffic analysis and the Draft EIR to increase background traffic assumptions in the vicinity of the project by 8%-9% to account for the new roller coaster.

In addition, Cedar Fair recently obtained conditional approval for the construction of a major new roller coaster at Great America. The Draft EIR fails to include Cedar Fair's anticipated roller coaster in its projection of background traffic conditions and instead makes a conservative projection based on factors derived from other types of land uses. (See Draft EIR at 158.) Based on Cedar Fair's experience with the impact on attendance of the installation of major attractions, the factors used by the Draft EIR to project background traffic substantially understate the likely background conditions. The City should revise its traffic analysis to include the likely increase in traffic due to the new roller coaster.

8. In addition, the Draft EIR understates the background traffic conditions by not accounting for Cedar Fair's business plan for the park. Cedar Fair's business plan for the park, consistent with the terms of Cedar Fair's lease of the park site, includes projects to improve the Park increase attendance on weekends during the fall, particularly on Sunday evenings, which is a growth opportunity for the park.

Cedar Fair anticipates a substantial increase in attendance on Sunday evenings over the next few years as Cedar Fair introduces additional events and activities. The City should revise the traffic analysis and the Draft EIR to increase background traffic assumptions in the vicinity of the project to account for Cedar Fair's plans to increase attendance on fall weekends. The Draft EIR further understates the significant impact

that the project would have on traffic conditions and air quality by overestimating the amount of parking that would be available for stadium events.

The Draft EIR makes unwarranted assumptions about the amount of parking potentially available for stadium events. First, the Draft EIR makes an unwarranted assumption about the feasibility of procuring shared parking agreements. The Draft EIR states, without supporting evidence, that "It is reasonable to assume that use of approximately 20,000 parking spaces can be secured from more than 40,000 spaces available in the project area." However, based on the custom and practice in the commercial leasing market, the assumption in the Draft EIR is not reasonable. Most of the parking lots identified in the Draft EIR as potential parking supply are controlled by both landlords and tenants. Most often, tenants have exclusive parking rights at all hours. Therefore, in order to secure parking rights on any given lot, the City and the 49ers may need to obtain the consent of the landlord and all tenants who have rights in the lot, effectively giving each tenant veto rights over the parking arrangement. Given the difficulty of procuring parking under those conditions, the Draft EIR should assume that no off-site parking is available unless the City or the 49ers can show actual agreements with the parties that control the parking rights.

Second, the Draft EIR assumes that the Permanent Parking Area for Great America is available for stadium events. Cedar Fair has exclusive use and possession of the Permanent Parking Area, and Cedar Fair intends to maintain the Permanent Parking Area for the exclusive use of Great America guests to ensure that the guests have convenient access to the park. There is no agreement in place for the use of this parking lot, so the present reality is that the potential parking supply for stadium events should be reduced by 6234 spaces.

9. The Draft EIR further understates the potentially significant impact that the project would have on traffic conditions and air quality by making unwarranted assumptions about parking demand. The Draft EIR ignores the likelihood that a substantial number of stadium visitors will drive around to search for available parking, thereby increasing the project's impacts on traffic and air quality.

The Draft EIR states that the City will establish a mechanism for annually determining the parking supply (Draft EIR at 17), but there is no mechanism or opportunity for the City to annually determine the parking demand. Without a procedure for determining parking demand, a determination of parking supply is virtually meaningless, because it provides no information about whether the supply is adequate to meet demand.

The Draft EIR suggests that the 49ers might eliminate weeknight games if they are not satisfied with the parking arrangements for the upcoming season. Based on this statement, the Draft EIR assumes that parking supply will be sufficient to meet demand.

However, the statement that the 49ers will forego weeknight games for any year in which the shared use of parking lots or the provision of adequate transit services is unattainable does not provide any assurance that there will be adequate parking for stadium events. First of all, it is unclear what the statement even means; does "Should the shared use of parking lots . . . be unattainable" mean only a situation in which there are no shared lots? Or does it mean a situation in which there is not sufficient dedicated parking to meet demand? If the stadium will not host any weekday games in years that the City and the stadium are not able to show that dedicated parking supply and transit services are adequate to meet anticipated demand during the upcoming season, then the conditions of approval for the project must clearly include such a restriction.

Second, a commitment not to host weekday games is severely insufficient, because it does not address weekend games or non-NFL events, where the parking demand could be just as high. Therefore, the terms of the project as stated in the Draft EIR do not support the Draft EIR's critical assumption that there will be sufficient parking for stadium events. The City must revise the Draft EIR to analyze the possibility that a substantial number of stadium visitors will drive around to search for available parking, thereby increasing the project's impacts on traffic and air quality.

10. The Draft EIR correctly identifies several environmentally superior alternatives to the proposed project, each of which is at least as feasible as the proposed project. The City and the 49ers should pursue these alternatives in lieu of the proposed project. CEQA prohibits the City from approving the project as proposed, given the availability of feasible and environmentally superior alternatives.

Because the proposed project would have significant environmental impacts, and because the Draft EIR identifies potentially feasible alternatives that would be environmentally superior to the proposed project, CEQA prohibits the City from approving the project as proposed. Instead, the City must either deny the proposed project or adopt one of the environmentally superior alternatives.

The Draft EIR identifies two project alternatives that are environmentally superior to the proposed project: the enclosed stadium design alternative and the Great America main lot design alternative. Each of these project alternatives would meet most of the project objectives and is potentially feasible, based on the information in the record. Both the proposed project site and the main lot alternative site are subject to the same ground lease to Cedar Fair. The use of either site—the proposed project site or the main lot design alternative site—is subject to the approval of Cedar Fair under the terms of its lease with the City. Therefore, the proposed project and the Great America main lot design alternative are equally feasible or infeasible.

11. The City has effectively precluded meaningful consideration of the analysis, mitigation measures, and project alternatives discussed in the Draft EIR by approving the Term Sheet before it certified an EIR for the project.

The adoption of the Term Sheet on June 2, 2009, was a significant step in the approval process and should not have occurred prior to completion of proper CEQA review. The City put the cart before the horse by approving the Term Sheet for the stadium project before it even released the Draft EIR for public comment. CEQA requires the City to conduct its environmental review of the project at the earliest reasonable opportunity to ensure that there is a meaningful opportunity to revise the project to reflect the results of the environmental review. By approving the Term Sheet before it certified an EIR for the project, the City violated that requirement.

### **Public Records Act Request**

Cedar Fair submitted a request for records regarding the stadium project to the City of Santa Clara on September 1, 2009. Cedar Fair asked the City to provide the documents and other written records regarding the stadium project that the City has received from the 49ers since January 1, 2007, all of which are public records which Cedar Fair and other members of the public are entitled to inspect. However, the City notified Cedar Fair on September 11, 2009, that the City has refused to provide any of these documents and information. In response to the second part of Cedar Fair's request under the Public Records Act, the City provided an incomplete list of people and agencies consulted during the preparation of the Draft EIR.<sup>1</sup> This is information that CEQA specifically requires the City to include in the Draft EIR.

The City continues to deny Cedar Fair and the public their opportunity to comment meaningfully and fully on the Draft EIR until the City provides the requested records. Cedar Fair will continue to pursue its right to obtain the public records requested from the City. Cedar Fair believes that the requested records will provide additional insight into the project, its environmental impacts, and potential mitigation measures and project alternatives.

In addition to the problems discussed in this letter, Cedar Fair has identified a number of other potential problems with the Draft EIR, the design of the project, and the City's entitlement process. However, Cedar Fair would like the opportunity to review the records that it has requested, in order to clarify the extent and nature of the problems before submitting its additional concerns. The sooner that the City provides the requested records, the sooner Cedar Fair will be in a position to provide its additional comments.

---

<sup>1</sup> The City is required to list in the Draft EIR all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the Draft EIR. The purpose of this requirement is to give the public an opportunity to see whether the City consulted with the appropriate persons and agencies that have special expertise with regard to the potential impacts of the project, or whether the City instead relied primarily on information received from the project applicant. The City did not include the required list in the Draft EIR.

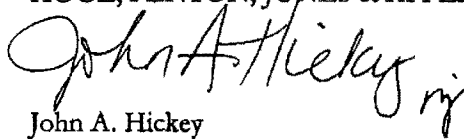
**Request for Extension of Public Review Period**

For a project of this magnitude, particularly one that will be subject to a public vote, the City should ensure that the public has an adequate opportunity to review and analyze the material presented. Given the volume of material presented in the Draft EIR—several thousand pages—and the complexity of the impacts, Cedar Fair requests that the City extend the public comment period on the Draft EIR for an additional 15 days, to October 13, in order to provide the public with adequate time to review and analyze the document.

In addition, Cedar Fair requests that the City extend the public comment period on the Draft EIR until at least 15 days after the date that the City provides Cedar Fair with all of the records it has requested, so that Cedar Fair and the public have adequate time for review. Cedar Fair remains deprived of a fair opportunity to comment on the Draft EIR until the City provides the requested records.

Very truly yours,

HOGE, FENTON, JONES & APPEL, INC.



John A. Hickey

JAH: mjb

cc: Mayor Patricia M. Mahan  
and members of the City Council  
Richard L. Kinzel  
Peter J. Cragg  
Duffield E. Milkie  
Ron Garratt  
Helene Leichter  
Karen Tiedemann  
Patty Inglis  
Harry O'Brien

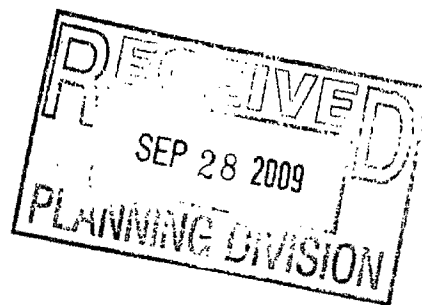
Cedar Fair  
Cedar Fair  
Cedar Fair  
City of Santa Clara  
City of Santa Clara  
Goldfarb & Lipman  
San Francisco 49ers  
Coblentz, Patch, Duffy & Bass



JOHN E. HENDRICKSON, *Chancellor*  
14000 Fruitvale Avenue  
Saratoga, CA 95070-5698  
408.741.2011 Fax: 408.867.8273  
john\_hendrickson@wvm.edu

September 25, 2009

City of Santa Clara, Planning Division  
Jeff Schwilk, AICP  
1500 Warburton Avenue  
Santa Clara, CA 95050



Re: Draft Environmental Impact Report for The 49ers Stadium Project

Dear Mr. Schwilk:

Thank you for including the West Valley-Mission Community College District in the public review process of the Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project. The District is providing the following comments for your consideration in the completion of the environmental review process.

1. **Introduction**, (Page 5): The third paragraph indicates, "off-site parking is proposed to be located in existing parking facilities throughout the industrial office area that surrounds the proposed stadium site. Rights to the parking would be subject to the regulations of a parking overlay district and parking program approved by the City and would be secured by contractual arrangements for large stadium events. Figure 5 shows the locations of the proposed parking areas."

**Comment:** Figure 5 identifies approximately 2,769 parking spaces on District-owned property that are included in the available parking inventory for future stadium events. The District welcomes the opportunity to assist the City in its creative approach to provide the parking supply necessary for stadium events. We would note that the availability of parking for these events would be subject to the changing parking needs of Mission College as it implements its Master Plan development and other District obligations, and appropriate mutual use of the college's parking lots will be addressed in contractual discussions with the City. Please see Comments 2 and 3 for additional information.

2. **Description of the Proposed Project**, (Pages 12 through 13): The DEIR includes a detailed discussion of the types, frequency, and timing of events that would occur at the proposed stadium. These include both NFL football events and non-football events that would be limited to evenings and weekends to avoid conflict with surrounding office and commercial businesses.

**Comment:** Mission College provides educational services during weekday evenings that may affect the availability of potential parking supply for the limited number of football events and non-football events that could occur during weekday evenings. The DEIR specifies that weekday NFL games "would only be scheduled if there is sufficient parking available in off-site parking lots, which is subject to the approval of businesses who control the off-site parking lots" (Page 13). Subject to the scheduling requirements of Mission College operations and special events, the parking facilities of the college may not be available for mutual use during weekday evenings. These arrangements can be part of the contractual discussions with the City.

*Board of Trustees*



3. **Land Use**, (Page 37, *Land Use Impacts*, paragraph 5): The DEIR indicates that “sources of conflict could be issues such as traffic, ingress/egress, parking availability, and pedestrian safety. Since the City of Santa Clara will own the stadium and is the underlying property owner for the adjacent facilities, the city will retain the ability to oversee event scheduling and planning. The City and the 49ers team have both stated their intentions of scheduling football games and other non-football events at times that do not conflict with the planned use of nearby facilities.”

**Comment:** The District commends the City’s commitment to minimizing the potential disruption from stadium events upon nearby residential, institutional, and commercial uses. While there exists a significant potential for project-related traffic to interfere with timely access to the Mission College campus, the limited number of weekday evening events and the development of a new in-stadium traffic control center (page 10, paragraph 4) linked to the city’s existing electronic traffic control system should minimize these potential conflicts.

4. **Land Use**, (Page 38, *Land Use Impacts*, paragraph 2): The proposed project would encourage tailgating in designated parking lots that are more than 750 feet from residential properties.

**Comment:** The District understands that it is one of the objectives of the project applicant to enhance the football event experience by accommodating tailgating activities (page 5, Project Objectives, bullet item 7). These activities are to be located at an appropriate distance from sensitive receptors such as residential uses. Land use compatibility with nearby existing uses is a concern for the College. Please see Comment X, Noise, for a recommendation that addresses this concern.

5. **Land Use**, (Page 38, *Land Use Impacts*, paragraph 4): The proposed project would displace Santa Clara Police Department training activities from an overflow parking lot for Great America Theme Park. The DEIR indicates that there are other large parking areas within the City that could be utilized.

**Comment:** The Santa Clara Police Department may wish to consider conducting its training exercises at the Mission College parking lots. The District would be open to discussions regarding the availability of the college’s parking facilities for these training exercises.

6. **Land Use**, (Page 40, *Population and Housing Impacts*, paragraph 3): The DEIR states that many part-time or seasonal jobs could be filled by students or seniors, alleviating potential population and housing impacts of the proposed project.

**Comment:** The District would initiate discussions with the City and project applicant to establish a program that would provide well-qualified part-time and seasonal workers for stadium operations. In addition to alleviating population and housing effects of the project, this program would also assist Mission College students, particularly those that are enrolled in the college’s Hospitality Management curriculum.

7. **Transportation and Circulation**, (Pages 120 to 210): The DEIR presents a comprehensive and thorough evaluation of potential traffic impacts that would result from anticipated stadium development and use. The transportation analysis concludes that the proposed project could have a significant impact on eight intersections in Santa Clara, including the Mission College Boulevard/Great America Parkway intersection, during eight events per year. This would include up to four NFL events and four non-NFL events.

In order to mitigate these impacts, a traffic control plan is proposed as part of the TMP and is designed to move vehicular traffic associated with the stadium efficiently from regional

transportation facilities to arterials and into designated parking areas. The traffic control plan identifies road closures, intersection lane configuration changes and locations that will be controlled by uniformed officers. Planned road closures and officer-controlled intersections are shown in DEIR (Figure 61). The officers will facilitate traffic flow, and minimize congestion, manage pedestrian traffic to minimize conflicts with vehicular traffic, and communicate with the stadium traffic control center to request signal timing adjustments as needed. The consulting traffic engineer believes that the congestion at the affected intersections can be adequately managed by the proposed traffic control measures.

**Comment:** The District concurs with the traffic engineers' assessment concerning the need for a comprehensive traffic control plan as part of the Transportation Management Plan. In order to minimize the overall cumulative traffic effects on the Mission College Boulevard/Great America Parkway intersection, the District will coordinate its mitigation efforts with the City as the Mission College Master Plan improvements are implemented; District sponsored mitigation measures are as defined in the FEIR for the Mission College Master Plan.

8. **Noise**, (Pages 236 and 253): Table 29 on page 236 shows noise levels considered compatible with specific land uses. The table indicates that noise levels compatible with residential uses are equivalent to compatible noise levels for educational uses. Page 253, Section 4.10.3.3, *Stadium Event Mitigation*, second bullet item, indicates that tailgating in surface parking areas within 750 feet of residences will be prohibited.

**Comment:** The District requests that the restrictions placed upon noise generating activities such as tailgating be expanded to include educational uses. Text changes for *Stadium Event Mitigation* measures would involve changing the term "~~residences~~" to "residential and educational uses." While the District will be able to control pre-game activities on District-owned parking facilities through potential contracts with the City, it would be important to control potential noise intrusion from nearby non-District parking facilities.

The District would appreciate the City's consideration of these comments in the preparation of the Final Environmental Impact Report (FEIR) and requests a copy of the FEIR for review upon completion. The District is committed to working with the City to ensure the successful implementation of its mitigation program as project planning and development progresses.

Sincerely,



John E. Hendrickson, Chancellor

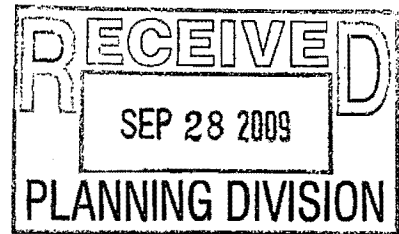
C: Mission College President Harriett Robles  
Vice Chancellor Ed Maduli  
West Valley-Mission Community College District Board of Trustees



**Abrams Associates**  
TRAFFIC ENGINEERING, INC.

September 28, 2009

Jeff Schwilk, AICP  
Associate Planner  
City of Santa Clara, Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050



**Re: Comments on the 49ers Santa Clara Stadium Project DEIR**

On behalf of Prudential Insurance Company of America, Abrams Associates have reviewed the Draft Environmental Impact Report (DEIR) and the Draft Transportation Management Plan (TMP) prepared for the 49ers Stadium Project. Our client owns and manages the office complex at 4555-59 and 4655-69 Great America Parkway (Prudential Property), which is located very near the proposed project and directly adjacent to the Great America Theme Park. The Prudential Property is well within the fifteen minute walking radius and has a total of 2,026 parking spaces in two six-story parking garages. Access to the Prudential Property is via the Great America Parkway which will be greatly affected by the proposed project and the TMP, especially during weekday events. Proper planning for access to and from the Prudential Property will be critical given its unique location and access constraints.

Prudential recognizes that the proposed Stadium Project has wide community support and is likely to bring significant benefits to the area. Prudential also believes that, with careful planning and thoughtful implementation, the significant transportation impacts of the proposed project can be mitigated effectively. However, while the DEIR and the TMP represent a good start, additional work is clearly needed in order to assure that the stadium project will not have an unnecessary negative effect on office tenants and other users that rely on the Great America Parkway for access. We are confident that with such efforts, effective solutions can be identified and implemented.

The majority of the comments in this letter are directed towards the Transportation Management Plan (TMP) and how it would affect access to the Prudential Property. The TMP must become an integral part of the DEIR and the Conditions of Approval and must specify provisions for access and parking for tenants of the Prudential Property. There are four specific issues that need to be resolved in the final TMP.

1. Tenant access both to and from the Prudential Property during events must be specifically provided for. The TMP will need to provide details on how this will be accomplished.
2. There will need to be specific plans and/or provisions for the exit of office employees from the Prudential Property before (and during) weekday events. The DEIR and TMP indicate that this will be problematic for employees not only in the hours leading up to events but also when the proposed officer-controlled traffic restrictions are

established at the intersections adjacent to the project.

3. The Prudential Property is one of those identified as potentially providing parking during large stadium events. Prudential will certainly consider such a proposal at the appropriate time. However, Prudential believes that providing event parking on weekdays would be challenging. Even on weekends it will be necessary to maintain a substantial number of parking spaces, perhaps 500 or more, for tenant use during events. We expect that other nearby office buildings may also want to retain some tenant parking during events. That means the plans for use of the Prudential Property for stadium patron use will need to address not only the needs of stadium parkers but also the concurrent use of a portion of the parking by office tenants.
4. There must be a mechanism in the DEIR or the TMP (or a condition of approval) that will specify the maximum number and type of both large and medium sized events that will be permitted. There also needs to be more details on the approval process for exceeding those maximums so that additional analysis and mitigations can be undertaken if necessary.

**The Draft Transportation Management Plan (TMP)** - The Transportation Management Plan (TMP) has been developed at a very general level. The major concern is the lack of detail in the DEIR and the TMP on the number and types of non-NFL events and the mechanisms restricting the numbers of these events, pending additional analysis. The following are our specific comments on the TMP.

*Maximum Number of Events* - The completion of the Final TMP with the specifics on the access to the Prudential Property should be a condition of approval for the project. Please clarify how this would be accomplished or if it is already considered to be part of the proposed project.

The EIR concludes that the number of weekday events do not occur “often enough” to warrant the need for the DEIR-identified traffic improvements on the Great America Parkway. While the number of weekday football games each season may be predictable, the maximum allowed number of other events that can be scheduled are not. There needs to be a stricter quantification of the maximum number and a clear definition of the approval process for expanding the approved maximum for weekday events beyond the number addressed in the DEIR. If the number of weekday events (both large and medium sized) could grow substantially then additional transportation mitigations may need to be implemented before an expanded number of weekday events is allowed.

*Exit Plan for Office Employees in the Area* - The DEIR indicates that when there are events on weekdays there will be very poor traffic operations (LOS F conditions) at numerous intersections along the Great America Parkway in the period leading up to the implementation of the special officer-controlled traffic restrictions that would apparently begin at 5:00 PM. In addition, based on the “proposed inbound lane configurations and control” shown in Figure 9 of the TMP, it appears it would be very difficult to exit the Prudential Property before events. Specific provisions and a plan for office employees to exit the area before and during events must be incorporated into the Final TMP. This may require establishing a separate set of officer

controlled restrictions in the period when most office employees would be exiting the area (approximately 2:00 to 4:00 PM). This will be required regardless of whether or not there is an agreement reached for the use of Prudential Property parking during events.

*24-hour Property Access During Events* - The Final TMP must include provisions for 24-hour access for tenants to get both to and from the Prudential Property during stadium events, both NFL and other events. Based on the current TMP it appears there could be periods where this would not be possible. This is unacceptable given the 24-hour research and development activities that take place on the Prudential Property.

*Planning for Inbound Traffic Operations During Events on Weekdays* - The DEIR and the TMP have much greater detail on outbound conditions after large events but there needs to be more analysis and planning of the inbound component prior to a game. Figure 12 details the outbound conditions, but there is no suitable or comparable inbound lane capacity plan included. Inbound conditions on weekdays should be analyzed as the worst case scenario since they overlap with the substantial volumes of commute traffic in the area.

*Non-NFL Events* - These events could theoretically be more frequent than football games but are given little attention in the DEIR or the TMP. NFL events will mostly involve repeat visitors who will learn where to park, how to take transit etc. NFL visitors will have assigned parking spaces with specific access routes laid out for each parking area. On the other hand, non-NFL events would more likely involve people with less experience and information on how to access the stadium site. These events will likely attract more motorists who have little familiarity with the area. This may actually be the worst case scenario from a traffic planning perspective. In response to this issue there needs to be a distinct traffic management plan developed for non-NFL events. The roadway closure plan, changes in lane usage, one-way streets, and assignments of police traffic control may need to be different than for football games. A detailed plan of this type should be included in the TMP, analyzed in the DEIR, and be adopted before the first such large non-NFL event takes place.

*Advance Planning* – It is important to note that the specific parking plans contemplated under the TMP should be prepared well in advance of each event. This will allow any affected property owners enough time to communicate with their tenants, and have the parking areas cleared of as many vehicles as possible prior to the event. This will also permit each property owner with an agreement for events adequate time to plan for their own contingencies.

**Parking Issues** - The proposed parking plan for game-days has been reviewed but neither the EIR nor the TMP provides sufficient details on the parking management plan for weekdays. The plan for reserved parking spaces for 49ers patrons has a number of questions, particularly with respect to the exact times that tenants of any properties that agree to provide stadium parking will be required to vacate the parking garage before football events. It is also important to note that there is no comparable plan for other events in the stadium, which may have very different parking issues, and no method of directing patrons to a particular parking location.

From the standpoint of the building managers, reaching an agreement to allow some of their parking to be used by stadium patrons could be complicated because it may be problematic for

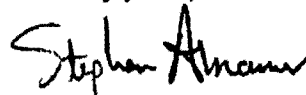
them to guarantee that any agreed spaces would be vacated at the time it would be needed. There is also the problem on game days that, even if an agreement is reached, the tenants will require that some minimum number of spaces be available to meet the needs of the unique tenants of the Prudential Property. It is currently expected that if an agreement is reached for events on weekends, the Prudential Property would still retain approximately 25% of the parking on the site for tenants (about 500 spaces). The Final TMP will need to clearly define how the various properties such as the Prudential Property are proposed to be managed, define the number of spaces that will be available, and also describe how the plan will address intermixing of stadium parking and building parking needs.

**Traffic Issues** - The Traffic Management Plan dealing with access before and after events calls for detours, one-way streets, and several street closures. The TMP does not provide sufficient details to understand the traffic impacts on Great America Parkway adjacent to the project and the DEIR indicates there will be LOS F conditions before (and possibly during) events. The TMP must specify that access will be available to the Prudential Property at all times during events at the stadium, including weekends. A clear, unobstructed route must be available for both directions of traffic for tenants. The Final TMP must be developed in sufficient detail to define the plan for access to the Prudential Property before, during, and after all events.

**Assessment of Traffic Operations after the Stadium Opens** - The DEIR analysis and TMP are based on a series of assumptions about traffic, transit use etc that might not be achieved in reality. There is no way to predict with certainty how everything will function when the stadium opens, and it may be necessary to make adjustments once the stadium operations normalize. This is a major concern for the Prudential Property because none of the identified roadway improvements/mitigations for the Great America Parkway would be implemented as part of the project. It is therefore requested that the DEIR and TMP specify that traffic conditions would be reviewed with a follow up traffic study after the first full year of stadium operations. This would be used to determine if the operations and transportation effects are consistent with the analysis in the DEIR, and if additional or different mitigations should be considered and/or required. In general, this particular follow up traffic study should focus primarily on the need for roadway improvements in addition to other operational mitigations and whether any of the previously deferred traffic mitigations have subsequently been found to be warranted or otherwise appropriate.

We appreciate the opportunity to provide these comments on the DEIR and TMP. Prudential looks forward to working with the 49ers and the City to assure that all the points noted above can be successfully addressed.

Sincerely yours,



Stephen C. Abrams  
President

Abrams Associates Traffic Engineering  
T.E. License #TR1852

From: gbell2@sonic.net [mailto:[gbell2@sonic.net](mailto:gbell2@sonic.net)]  
Sent: Sunday, August 02, 2009 1:48 PM  
To: Kimberly Green  
Subject: Proposed 49er Stadium

The following has sent a message:

Name: George Bell

Email: gbell2@sonic.net

Comments: I am a commute cyclist who uses the San Tomas Aquino bike trail near Great America and the bike lane on Tasman toward North 1st street. I use this route twice a day.

I am concerned that the proposed 49er stadium will absolutely ruin the bike lane on Tasman. How will the many cyclists who use Tasman be accommodated?

**Jeff Schwilk**

---

**From:** diane schneider [dianes\_sunshine@yahoo.com]  
**Sent:** Monday, August 03, 2009 4:39 PM  
**To:** Jeff Schwilk  
**Subject:** Stadium proposal input

☐ Dear Mr. Schwilk,

This letter is to serve as my official protest, disagreement and opposition to the new stadium proposal in the city of Santa Clara. I am a long time resident and am horrified at the prospect of having a stadium in Santa Clara!

I have chosen to live in Santa Clara for more than 30 years and am outraged the stadium is still being considered! The noise, additional light and neighborhood safety issues the stadium would bring are outrageous and I'm more than disgusted and vehemently oppose the stadium in Santa Clara.

I have very bad allergies and asthma and the additional pollution the stadium would bring according to the environmental study report is more than unacceptable!

In addition, the increase of traffic arising from holding events is unfathomable.

I feel the stadiums that the Bay Area currently supports are more than sufficient for all sports team and concert events. The Last thing we need in Santa Clara is another stadium!

Thank you,

Diane Schneider  
95050 resident  
408-857-1956



-----Original Message-----

From: jehnsh@yahoo.com [<mailto:jeahnsh@yahoo.com>]

Sent: Tuesday, August 04, 2009 11:04 PM

To: Kimberly Green

Subject: 49er DEIR

The following has sent a message:

Name: Joh Hoffman

Email: jehnsh@yahoo.com

Comments: Need to consider impact on bicycling.

-----Original Message-----

From: rssc47@yahoo.com [<mailto:rssc47@yahoo.com>]

Sent: Friday, August 07, 2009 8:36 AM

To: Kimberly Green

Subject: 49er Stadium DEIR

The following has sent a message:

Name: Ted Roush

Email: rssc47@yahoo.com

Comments: I am concerned that the DEIR for the 49er stadium plan does not appear to contain an analysis of the impact on bicycle usage in the area. This is a serious omission and flaw of the DEIR.

Can you please provide specific contacts on the Santa Clara BPAC that I can discuss this issue with?

These contacts were not easily found using the City's web-site.

Thank you

City of Santa Clara

✓ City Manager

City Clerk

12 Aug 2009

**RECEIVED RECEIVED**

AUG 13 2009

City Clerk's Office  
City of Santa Clara

AUG 13 2009

Office of the City Manager  
City of Santa Clara

Re: 49er Stadium Project D-EIR

I am reviewing the 49er Stadium D-EIR with regard to the impact on Bicycle Environment in the City & County. I find it makes reference to a document "City of Santa Clara Transportation Bicycle Network" on page 159, section 4.8.3.3.

I have asked the City Clerk's Office, the Planning Office and the Bicycle Advisory Committee Staff Representative for a copy of the reference. None of those offices could find such a document or any indication that it exists. The D-EIR itself does not show the document in the References Section 12.

I could not find any statement of where comments on the D-EIR should be delivered so I am sending this to the two most likely City offices since the City is listed as the Lead Agency.

This is the first of my comments but since it seems that an error has crept into the document, I am providing it ASAP.

Regards,

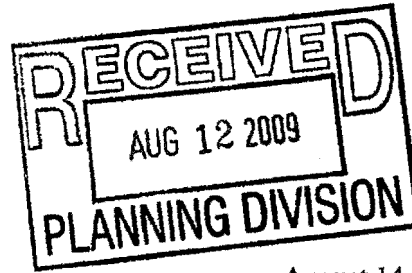
Jack Lueder

2655 Taft Ave

Santa Clara, 95051



To: City of Santa Clara  
Santa Clara City Council and Mayor  
Jeff Schwilk, planner  
1500 Warburton Avenue  
Santa Clara, Ca 95050



August 14, 2009

Ref: DEIR 49ers Santa Clara Stadium  
Project- How to greatly improve and eliminate traffic, bicycle, and safety issues

Honorable Council, Mayor and Mr Schwilk,

Thank you for the clearly stated EIR. Unfortunately, it has a critical shortcoming which, fortunately, can be rectified economically, that must be done, and would result in a world class facility that is pleasant to travel to, with environmental and traffic improvements that provide an incredible win-win for everybody.

First, the DEIR does not evaluate per MTC, VTA and city of Santa Clara General Plan requirements (1), the impact on area bike commuters and planned infrastructure, especially on Tasman. It is my estimation that Level of Service (LOS) will fall from an estimated B LOS to F LOS for all east/west commuters needlessly in the region. For many workers at the lowest wage levels, with daily bus service being severely curtailed by VTA, the bicycle is the only affordable means of flexible transportation.

Second, it ignores the available option of utilizing the very wide Hetch Hetchy Trail corridor for a wide pedestrian/bike bridge over Great America Parkway and a connecting trail from Sunnyvale to San Jose. Such a bridge, versus a grade level crossing, would eliminate the dangerous conflict between throngs of fans walking from parking across Great America Parkway and traffic rushing to make the game. The resulting smoother traffic flow on Great America would ripple through and greatly reduce regional traffic problems from the stadium. Unnecessary headaches, police costs, injuries and even needless fatalities will occur with surface crossings. all preventable by a proper bridge funneled directly into the stadium.

Completion of the Hetch Hetchy trail east to San Jose will likewise funnel foot and bicycle traffic safely, in the most direct, car-free, continuous trail route. The trail being interconnected with the other great regional trails from Sunnyvale to San Jose will provide direct regional commute and recreational opportunities in all directions. This will allow bike commuters, from the very poorest minimum wage earners, to all other health and climate concerned bike commuters, safe car-free passage; regardless of events at the 49er's Stadium and Great America. Adding the Hetch Hetchy trail as a required part of the 49er EIR is truly a win-win for all parties. I also believe this will easily win solid VTA support.

Let me add some more details on the severe impact the 49ers Stadium imposes, as proposed. Currently Tasman is the only viable east-west commuter bike route. Traffic from the anticipated 49ers and Raiders events, plus numerous concerts, will eliminate bike riding as a consistent mode of transportation. A trail will also provide the key link enabling direct bike commuting from all directions to Silicon Valley's high tech heart. Those on a lower income

may lose current employment options, not being able to commute through area as they currently do, nor likely will they be able to take employment options at the stadium or Great America. Eliminating the Hetch Hetchy trail will result in more traffic and higher CO2 at a time when mandates and needs dictate we need to go the other way. Finally, the general heavy traffic burden will make biking in the Santa Clara – Sunnyvale area extremely hazardous, (see Illustration 1, VTA bike routes) further dropping numbers of those that would bike.

The bay area Metropolitan Transportation Commission and Moffett Park Business Transportation Association among others have conducted studies and surveys supporting how severe the loss will be. By constricting infrastructure so that bikers would be forced to periodically face the dangers of heavy traffic, (in heavy traffic, drivers are more distracted by other cars and do not notice bikers) over 95% of the potential commuters would not bike, but drive instead. With the potential bike commuters between 10 to 20% of the working population, that amounts to a severe impact on traffic and CO2 emissions by not completing the Hetch Hetchy trail as part of the 49er's EIR transportation plan. In our excellent climate plus the previous experience of other US and European cities, those are realistic expectations for a decade from now with, given adequate facilities. Even with largely incomplete facilities throughout much of the region, 200,000 persons commuted by bike in the San Francisco area last May. The Hetch Hetchy trail will provide a central route between most popular destinations paralleling Tasman and safely crossing Great America Parkway. **The Hetch Hetchy trail must be completed as part of the 49ers transportation plan in the EIR.**

**To reiterate, the present DEIR pedestrian flow plan has the vast majority of foot traffic trying to cross Great America while heavy car traffic is traveling along Great America.** Routing of foot traffic down the Hetch Hetchy trail and across a bridge over Great America would expedite both pedestrian and vehicle traffic, improving flow and greatly improving safety. Cars, bikes and pedestrians could follow separated, safe routes during intense event traffic. Completion of the trail to its logical east end would even allow biking to events very easily from nearby cities, the San Jose airport and downtown hotels. This would further reduce traffic, making a more enjoyable event for those attendees, and reduce CO2 emissions. Illustration 2 (from Fig 15 of the DEIR) shows that almost all pedestrians crossing traffic can be eliminated. The trail would also enable Great America to be a bike accessible destination for youth and car-less families, something already very successfully done in other cities.

Further support can be seen in the remaining illustrations and attachments. Illustration 3 is the aerial photo from the plan, marking the approximate route of the Hetch Hetchy trail. Illustration 4 is the Santa Clara County Master Trail Plan, showing that the Hetch Hetchy trail has been considered an important element in the county plans for a very long time. The land is available, it is a needed part of the regional master plan, and it has already had implementation in Sunnyvale & Mountain View. Illustration 5, is Bikeways from City of Santa Clara General Plan. Illustration 6 is detail map courtesy of Google, showing street alignment with Hetch Hetchy in city of Santa Clara added in green. Illustration 7-10 is county assessor maps of Hetch Hetchy corridor in Santa Clara. Final attachment is good urban planning guide showing how to effectively reduce car use, out of Sacramento, titled "A Plan to Walk"

In conclusion, the time is right, the 49er's stadium needs the Hetch Hetch trail completed to fix major safety and environmental concerns, and it should be a part of the EIR. This is truly a WIN-WIN for a very low cost. If one considers the cost of injuries, deaths and resulting litigation, the improvement in traffic flow and reduction of CO2 emissions, it is certainly will provide a large cost savings. Make the Santa Clara 49er's stadium green by providing viable, interconnected, car-free trail access to the stadium from surrounding cities.

Regards

Patrick Grant,  
sunnyvale\_trails@yahoo.com,  
resident of Sunnyvale.

- (1) MTC Regional Bicycle Plan for the San Francisco Bay Area 2009 Update  
[http://www.mtc.ca.gov/planning/bicyclespedestrians/MTC\\_Regional\\_Bicycle\\_Plan\\_Update\\_FINAL.pdf](http://www.mtc.ca.gov/planning/bicyclespedestrians/MTC_Regional_Bicycle_Plan_Update_FINAL.pdf) - specifies primary standards and procedures used in evaluating projects and shows approximate map showing Hetch Hetchy as part of plan.

Specifically it and VTA calls out these two standards, both to be followed and LOS reported. NCHRP, Multimodal Level of Service, Analysis for Urban Streets: Users Guide [and software], 2008 version, National Cooperative Highway Research Program, Richard Dowling, Dowling Associates, Inc., Oakland, CA , [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_w128.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_w128.pdf) and for intersection and entrance evaluation

and

Pedestrian and Bicyclist Intersection Safety Indices, NOVEMBER 2006,  
PUBLICATION NO. FHWA-HRT-06-125  
<http://www.tfhrc.gov/safety/pedbike/pubs/06125/06125.pdf>

VTA 2006 Bicycle Plan, Chapter 5, Bicycle projects. Fig 5-3 shows Hetch Hetchy. Tier 1 project that year "River Oaks Bridge \$200,000 Construct a bicycle/pedestrian bridge over Guadalupe River at River Oaks Parkway" according to map assuming completion of Hetch Hetchy

Santa Clara General Plan, July 23, 2002, Chapter Four Transportation Element, Figure 4-F, Bikeways. Shows **Hetch Hetchy Aquaduct [an 80 foot continuous clear rightway]** as part of plan extending across Santa Clara.

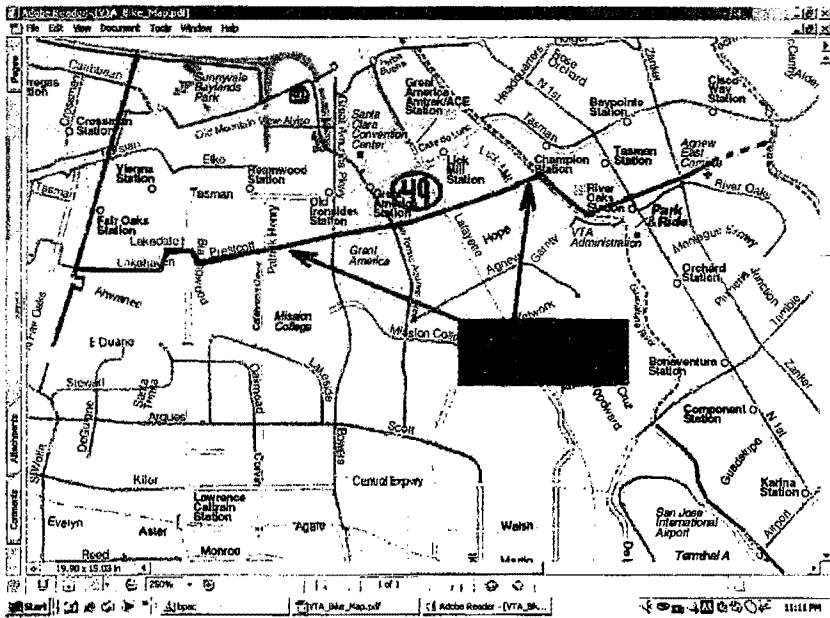
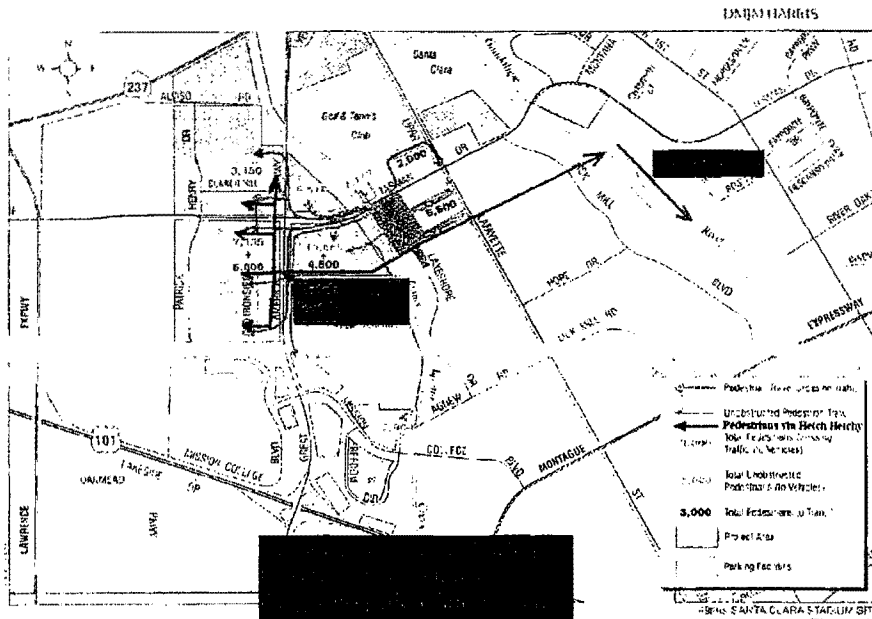
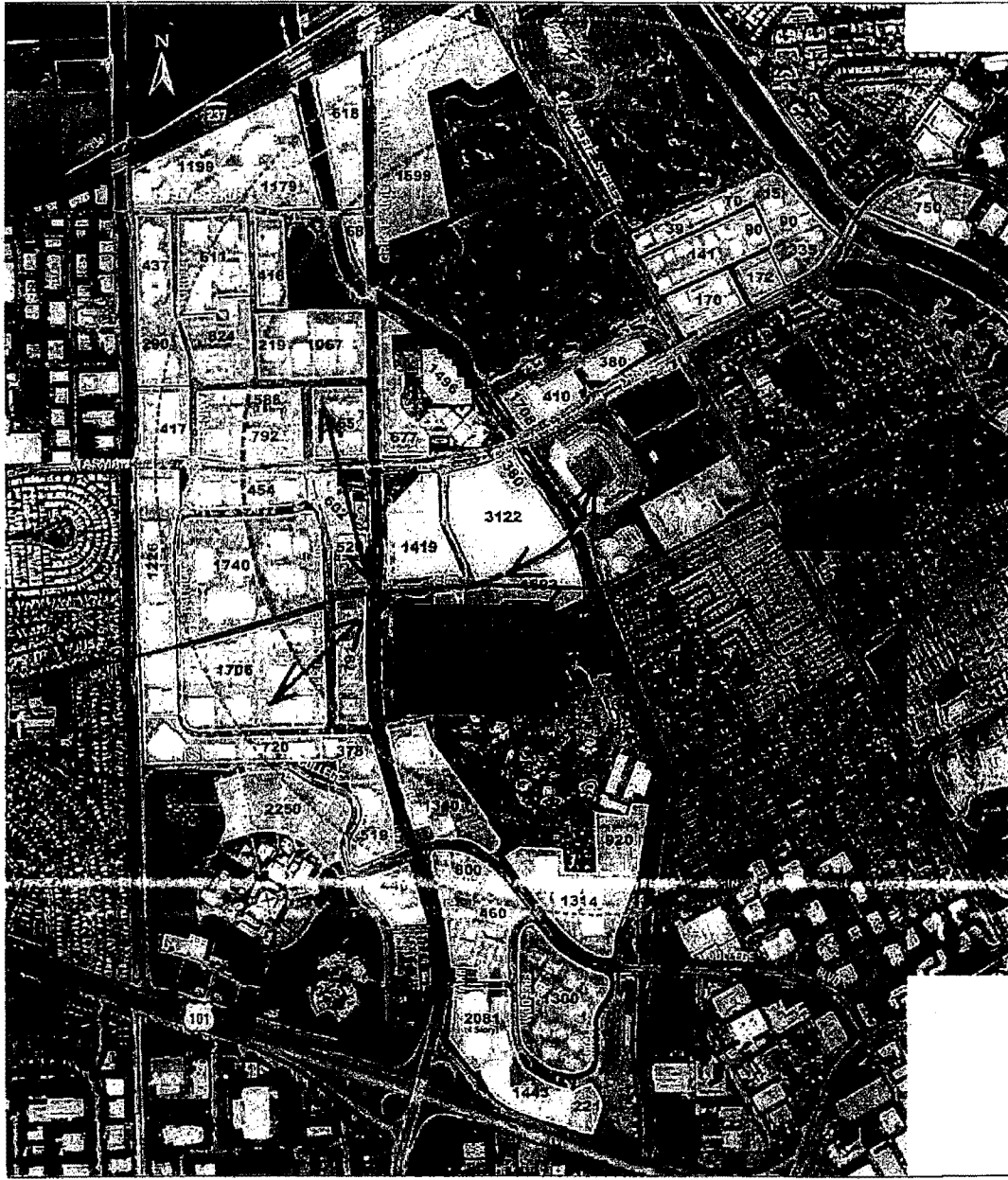


Illustration 1: Area Bike routes - Note dangerous car congestion results in a lack of usable area east west bike routes if stadium is built without the Hetch Hetchy trail completed.



PEDESTRIAN PATHS OF TRAVEL

Illustration 2: Pedestrian Plan - Solution of Crowds crossing traffic – Red is DEIR plan, Green is with Hetch Hetchy bridge and trail.



49000 SANTA CLARA STADIUM SITE

Figure 8

**PARKING SUPPLY**

- xxx Parking Supply
- 15 Minute Walking Radius
- 20 Minute Walking Radius

*Illustration 3: Site View showing Hetch Hetchy route*



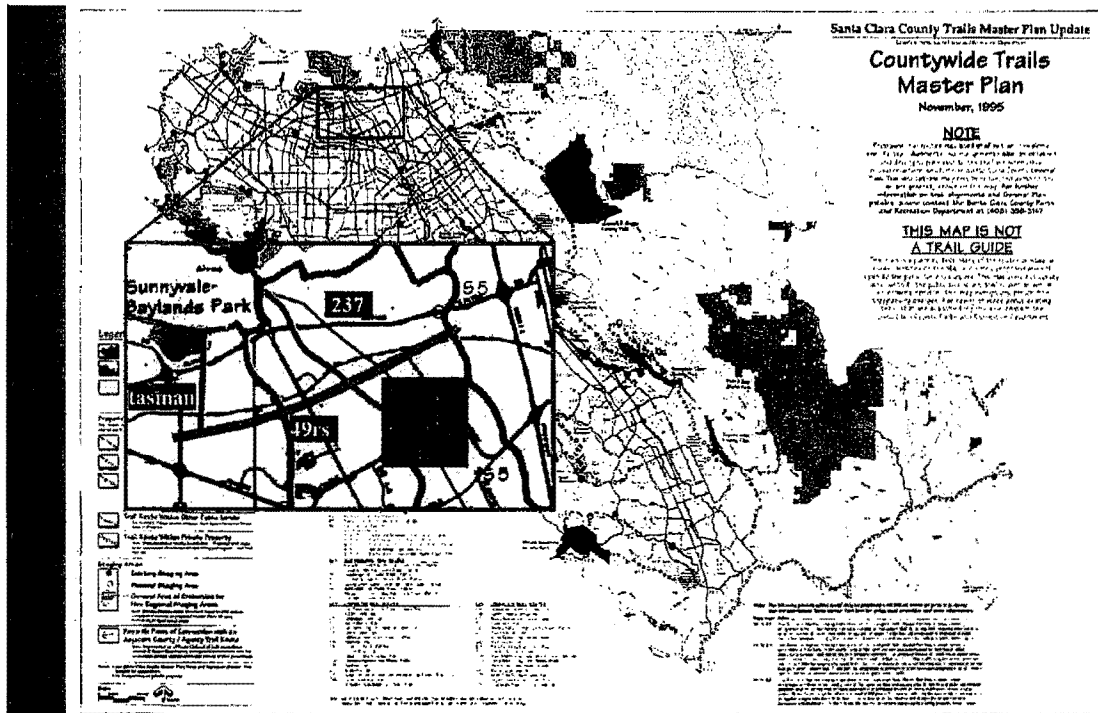


Illustration 4: Santa Clara County Trail Master Plan with Hetch Hetchy highlighted – trail has been on the books for many years

(22)

July 23, 2002

CHAPTER FOUR – TRANSPORTATION ELEMENT

Figure 4-F:

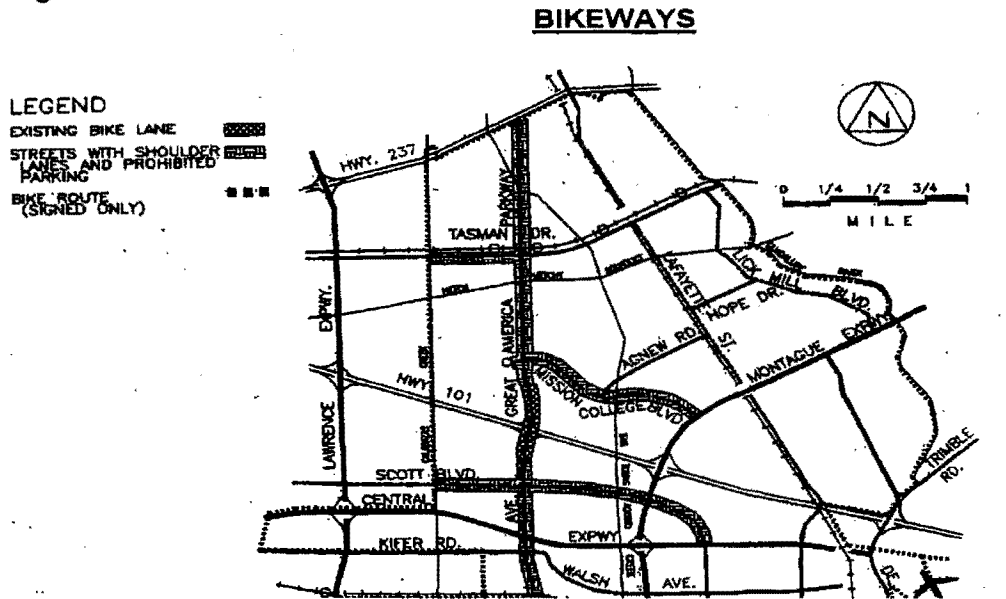
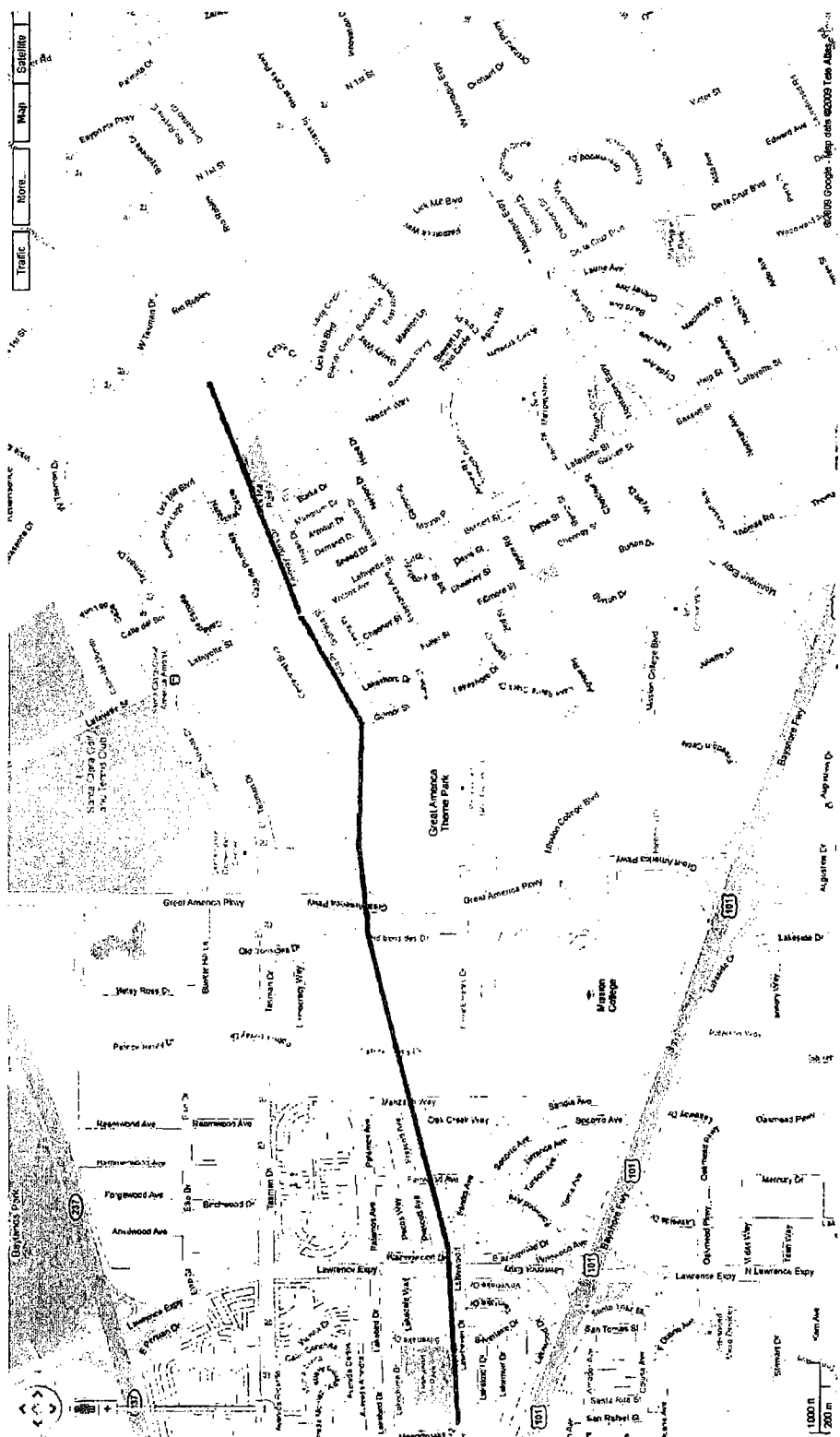


Illustration 5: Bikeways from City of Santa Clara General Plan



*Illustration 6: Hetch Hetchy route shown on Google maps- Note other north south bound trails intersect at creeks and canals. Hetch Hetchy is only east west trail corridor available central Northern Santa Clara county area. 49er Plan or alternate plan as in DEIR conflicts with this use.*

**Jeff Schwilk**

---

**From:** Edwin Maurer [EMaurer@scu.edu]  
**Sent:** Friday, September 11, 2009 1:30 PM  
**To:** Jeff Schwilk  
**Subject:** comments on stadium proposal/DEIR  
**Attachments:** sc\_49ers\_comment.pdf

Dear Jeffrey,

My prepared comments on the DEIR for the proposed stadium project are in the attached document. If you would like this in another format, or if you would like any supporting material, please do not hesitate to ask.

Sincerely,  
Ed Maurer

9/11/2009

## Jeff Schwilk

---

**From:** Diane Harrison [Diane@advantagetraavel.com]  
**Sent:** Thursday, September 10, 2009 3:55 PM  
**To:** Jeff Schwilk  
**Subject:** EIR comments from Diane Harrison, member of city bike committee

Hi Jeffrey! Yes, I was at the committee meeting where you took our comments (though I have yet to see what Marshall sent you on our behalf). I would like to re-iterate that it seems that very little thought was given to local residents who are either bicycling through the area with no intention of going to the game or who are bicycling to the game and will need to park their bicycle.

For example, I searched the transportation impact analysis document and did not find one instance of "bicycle", "cyclist", or "pedestrian".

I did find a discussion of existing facilities in the main EIR but was surprised to see that NO improvement or mitigation was planned as a result of the stadium project. It so states on page 186.

I was also surprised to find a discussion of ferry service to Hunter's Point in San Francisco. Hey, if San Francisco wants to keep their stadium, by all means let them!

Bicycle parking is mentioned, but with no details. It obviously has to be adequate for both employees and event attendees.

Pedestrian crossings of the existing bicycle path MUST be grade-separated at all points. If they are not, trail traffic will come to a standstill before and after each event. Similarly, people walking to/from their cars to the stadium along the path of the creek trail should be accommodated on the opposite side of the creek so they don't clog the bike trail.

Light rail and VTA are far inferior to BART & Muni in terms of capacity and frequency of service. Thus, automobile traffic will be worse than in SF or Oakland.

Parking is going to be a major problem no matter what. If it is free, it will encourage more automobile traffic. If it is not free (or inadequate), it will encourage people to park on neighborhood streets. I don't know the answer, but stadiums should not be located in heavily urbanized areas.

Sincerely,  
Diane Harrison, Certified Master Cruise Counselor  
Advantage Cruise & Travel CST #2015277-40  
46 Dartmouth Place  
Danville, CA 94526  
408-554-5854 - Mondays, Tuesdays, Thursdays, Fridays, Saturdays  
Fax: 408-716-2723  
diane@advantagetraavel.com  
www.advantagetraavel.com <<http://www.advantagetraavel.com/>>

September 11, 2009

City of Santa Clara  
Planning Division  
1500 Warburton Ave.,  
Santa Clara, CA 95050

Attn: Jeffrey Schwilk, Associate Planner

Re: Proposed 49ers Stadium

I have many concerns about the proposed use of city funds to support the development of a professional football stadium. In general, the use of public funds to support this private development project of a football stadium is contrary to the values and vision of the City residents, as reflected in the work being performed as part of the General Plan Update. While the DEIR notes in section 3.5 (to which my comments below pertain for the most part) that the current General Plan, dated 1992, governs current development, the stadium project will be constructed most likely after the update, and should be assessed with that in mind. The DEIR statement in section 3.5 that "The City would benefit from the revenue generated by both NFL and non-NFL events at the stadium" motivates my comments 3 and 4 below. In summary, to promote development in concert with the community needs, the City funds that would otherwise support this stadium project should be invested in other projects that would help shape a more sustainable, community-enhancing environment for ourselves and our children. My specific comments/questions are detailed below.

- 1) My first concern is in using city coffers to fund a development project that runs counter to the public values. As part of the survey conducted for the City General Plan Update, the question was posed "What do you like most about living in Santa Clara?" The most common response was that they "remarked that they liked Santa Clara's small town feel, sense of community, or good neighborhoods." Furthermore, to the question "Looking ahead, what is the one thing you think that your City government should do in the future?" the topic mentioned most frequently was the revitalization of Downtown. On question 4, regarding actions the City should take, the item "Provide more walking destinations and opportunities" was one of the top items receiving "strong support." This paints a clear picture of what is valued by City residents, and the direction we would like to see development move. Using millions in City resources to promote a huge stadium far North of the population and commercial centers, and which would sit vacant most of the time, hardly seems consistent with community values or desires. My question is, then, how is the direction of these funds to a project like the 49ers stadium seen as consistent with Community goals and values, when the funds could be spent on any of many other projects much more aligned with these?
- 2) Referring to the same survey as above, the top item receiving strong public support was that the City should take action to promote sustainability. It is difficult to envision how a 68,000 seat stadium, for which the vast majority of spectators would arrive for events in individual vehicles, would reflect the communities values of sustainability more than using the funds to accelerate

the redevelopment of a walkable downtown (a survey item receiving 50% "strong support"), more bicycle lanes and trails, improved mass transit options and so on. How does the City see the use of public money toward a football stadium the best possible use of the funds to reflect building a more sustainable community, a most deeply held value among residents?

- 3) The peer-reviewed article "The Economics of Sports Facilities and Their Communities" (J. Economic Perspectives, 2000) finds that "independent work on the economic impact of stadiums and arenas has uniformly found that there is no statistically significant positive correlation between sports facility construction and economic development" and that "[t]hese results stand in distinct contrast to the promotional studies that are typically done by consulting firms under the hire of teams or local chambers of commerce supporting facility development." If looking at stadium projects in recent years in cities with similar resources as Santa Clara, how many of these projects were built on time and within their initial budget? How many of these projects have met their initial projections on the amount of money returned to the cities that subsidized their construction? How does this bear on the projections for a successful return of City money by the project?
- 4) Extending the concerns of item 3 above, I have more concerns following the analysis in the peer-reviewed article "Professional Sports as Catalysts for Metropolitan Economic Development" (J. Urban Affairs, 1996). This article finds that there have been an unprecedented number of recent threats to cities by professional sport teams hosted by them to build new playing facilities or lose the franchise. The authors summarize their findings in this way: "To attract or retain a team, cities are offering staggering financial support and rationalize their largesse on economic grounds. Do professional sports increase income and create jobs in amounts that justify the behavior of cities? The evidence detailed in this paper fails to support such a rationale." This raises the issue of the viability of seeing positive economic results from the stadium project, but also of the vulnerability of the host city to threats by the team of moving to another host city in the future. What long-term guarantees are established to ensure this sort of threat cannot occur, and that the occupancy of the stadium will exceed the payback time scale for the investment? And again, as above, what independent economic analysis suggests that a public subsidy for a stadium in Santa Clara will fare better than the plethora of money-losing past subsidized stadium projects documented in the economics literature?

I appreciate your attention to my concerns here.

Sincerely,



Edwin Maurer  
718 Los Olivos Dr.  
Santa Clara, CA 95050

## Jeff Schwilk

---

**From:** kbrown@dreamstaterectording.com  
**Sent:** Saturday, September 12, 2009 12:23 PM  
**To:** Jeff Schwilk  
**Cc:** Carol Anne Painter; Kevin Riley  
**Subject:** 49er Stadium DEIR comments

Hi,

I am a Santa Clara homeowner and business owner, living near Tasman and Lafayette. I've been reading through this impact report and it's clear to me that this proposed stadium will produce an unacceptable, sustained nuisance on the residents living in the area, particularly with regard to noise in excess of legal limits (46 times per year, and then some), excessive traffic (17 major intersections and freeway segments impacted across Santa Clara, San Jose and Sunnyvale), transportation pollution emissions in excess of established thresholds, none of which (according to DEIR section 8.0) can be mitigated. As such, I sincerely hope and urge that this project be cancelled.

Also, conspicuously missing from the report are the long-term effects of stadiums on local property values, and blight introduced by the rowdy and often illegal behavior of sports fans; for example: drunken driving, vandalism, setting off illegal fireworks, rioting and destruction of local property, gang activity or violence between rivals (fights, beatings, stabbings, shootings) for sports and other event usages beyond football, as is planned.

To see the affect of a stadium on a neighborhood, one only needs to look at the areas around Candlestick Park, the Cow Palace and Oakland Coliseum, which are some of the worst, filthiest, poorest neighborhoods in the Bay Area, though they did not exactly begin that way. I certainly do not want my neighborhood to slide in that direction. As another point of comparison, the new, elite, high-tech area around (PacBell/SBC) AT&T Park has seen an exodus of residents due in part to the disturbances of the stadium (I had a coworker who lived there) and which had a violent event outside it's gates recently. At minimum, I believe strongly that a study of these impacts should be included in the final report.

Additional facts which are not environmental but worth considering in any decision to proceed are that the original plan materials provided by the 49ers stated that the City would invest \$160 million (20% of the cost) while the stadium would only return \$1 million annually to the City General Fund.

It would take 160 years just to break even on that investment. The entire City Council will be long dead before the stadium ever returns a value to Santa Clara. How much more foolish could a plan possibly be? The 49ers materials also state that the project would create "hundreds of 'full-time equivalent' jobs", which is a laughably perverse euphemism for a hell of a lot of low-paying part-time jobs. I have a better idea: for \$32 million (one-fifth) we could build a business center that sustains thousands (not hundreds, but thousands) of actual full-time professional jobs, attracting new corporate residents, without introducing the significant negative impacts and blight that a stadium will. But even beyond that, I can't think of any business in Santa Clara that received a \$160 million subsidy to startup. The specific dollar amount may have changed by now, but it's unconscionable that any amount of my tax money would be used this way; for a football team that doesn't represent our city. As a point of reference, the 'state of the art' PacBell Park cost \$255 million to build. How is it that the 49er Stadium would cost \$854 million, and it's not even an enclosed stadium? Are we really sure we aren't actually paying for the majority of the stadium cost?

I live near Tasman and Lafayette. I moved to Santa Clara as a first-time homebuyer for the location, proximal to all points in the south bay, and for the relatively peaceful neighborhood with families and professional residents. The last thing I want is for that balance to be further upset and my property value to severely slump year over year, all ultimately due to an aggressive, greedy sports organization building a stadium in my backyard and attracting rowdy drunk fans 46+ times a year, and an overly-optimistic city council that seems to just go along with their plan and is being suckered into paying a significant amount of the cost with my painfully hard-earned tax money. I find it hard to believe anyone on the council lives in the area being impacted. As a Santa Clara resident

who will be significantly impacted I sincerely hope and urge that this project be killed.

Thanks,  
Kevin Brown

P.S. I do find one other thing conspicuously strange. If the 49ers headquarters and stadium were located in Santa Clara, why are we not requiring them to change their name? If the purpose of moving them here is to give Santa Clara visibility, shouldn't the City Council be requiring them to change their name to the Santa Clara 49ers? I don't know of any other sports team that changed cities yet kept their original city name. When the Raiders went to L.A., they were no longer the Oakland Raiders. If we are taking on a 20% stake in their business, supplying police and emergency services, electric and water resources, etc., I think it's a reasonable demand that they properly represent the city they are residing in.

But speaking for myself, as a homeowner who lives within 1000 feet of the site, I strongly urge they go somewhere else altogether. The 49ers presence here will not provide sufficient benefits for Santa Clara to offset all the problems they will introduce. Their fans will not frequent Santa Clara businesses. Our businesses are downtown and on the El Camino, nowhere near the project site. Their fans will just clog our neighborhood streets and introduce rampant illegal behavior, which Santa Clara will have to bear the brunt of and pay for. 49er fans are not the individuals from corporations we want to attract to the convention center and hotels nearby. I believe strongly that the affect of the stadium that the City Council is hoping for is founded on some overly-optimistic and flawed assumptions.



RECEIVED

SEP 14 2009

9-14-09

BUILDING INSPECTION DIVISION  
CITY OF SANTA CLARA

Stephen Hazel  
2408 Moraine Drive  
Santa Clara, Ca. 95051  
(408) 244-8007

RECEIVED  
SEP 14 2009  
PLANNING DIVISION

City of Santa Clara, Planning Commission  
Jeff Schwilk, AICP, Associate Planner  
1500 Warburton Ave.  
Santa Clara, Ca. 95050

Re: Comments on the DEIR (49ers Stadium Project)

Dear Jeff,

The noise generated from 49<sup>ers</sup> football games and other events can only be mitigated with a facility which is enclosed (or with a retractable roof). With no on-site parking what exact (specific location) spot do the 49<sup>ers</sup> designate for their "tailgating" fans. What would prevent the thousands of cars from parking in the surrounding neighborhoods (avoiding parking fees) while the occupants made their way to the facility? Since the 49<sup>ers</sup> are seeking a parking variance, what exact parking spaces are guaranteed (in writing) to satisfy the lack of parking? (Just saying spaces have been identified does in no way ensure the proper number of spaces will materialize.)

During construction would Tasman Drive be all, partly or intermitly closed? Also, what about all of the surrounding streets? In the case of a natural disaster, i.e. an earthquake, how would 68,500 to 75,000 individuals be safely evacuated and to where? Even with the Joint Powers Authority, how can you guarantee proper security (staffing) when all surrounding agencies (Police, Public Safety) are experiencing budget cuts, layoffs and not being able to adequately patrol their own neighborhoods. What have the owners of the SF 49ers done to satisfy the owners of Great America (Cedar Fair) concerns since they are proposing a project which sits directly on their (Cedar Fair's) leased land. What guarantee can be given that this project won't negatively impact our city and bankrupt us?

Sincerely yours,

Stephen Hazel

**Jeff Schwilk**

---

**From:** wgissler@juno.com  
**Sent:** Sunday, September 13, 2009 7:58 PM  
**To:** Jeff Schwilk  
**Subject:** DEIR 49er SANTA CLARA STADIUM PROJECT

September 14, 2009

City of Santa Clara, Planning Division  
Jeff Schwilk, AICP, Associate Planner  
1500 Warburton Avenue  
Santa Clara, CA 95050

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
FOR THE 49ERS SANTA CLARA STADIUM PROJECT

(1) If the Great America Theme Park goes out of business, and the site is used for Stadium parking, tailgating and other stadium related activities, how could this help to mitigate the significant impacts related to transportation, air quality and noise? If the Theme Park was turned into a hotel, office and commercial development with large parking garages would this help to mitigate the above significant impacts?

(2) The use of nearby office parking lots may look good on paper, but I believe that there will be many problems. If it turns out that the office parking lot plan dose not work, there should be a required backup parking plan. The DEIR should discuss in greater detail the use of nearby large parking lots and a shuttle system. Large existing lots should include Mission College Campus, University of Santa Clara, San Jose Airport, proposed San Jose Soccer Stadium, sites north of 237 in Sunnyvale, Mt. View and San Jose.

(3) The DEIR should address what the City will do to prevent residential owners from turning their private properties (driveways and front yards) into charge parking spaces.

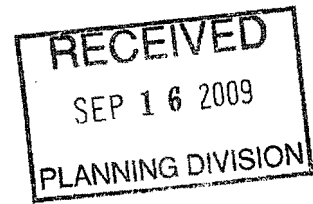
(4) Another alternate use of the proposed stadium site is to build a new International swim center on this site. The City's cost would probably be less than what the 49ers are currently asking, and the environmental impacts would be less. Please consider this as an alternate use.

William A. Gissler  
1075 Blossom Dr.  
Santa Clara, CA 95050  
(408)241-0477

City of Santa Clara, Planning Division

RE: DEIR for the 49er Stadium

September 15, 2009



After attending local community and city council meetings, we still have concerns regarding traffic control in our residential housing area around Lafayette and Calle de Primavera, elevation of the stadium, visual appearance of stadium and lighting and noise.

**Concern 1: Traffic Control** – would like to know what form of traffic control/street blockage that is planned in our neighborhood during stadium events and who will be in control of it.

**Concern 2: Elevation of stadium** – would like to see a mock elevation in the parking lot of the proposed site that would show the actual height of stadium and the lights. This will give us a visual impact from our homes.

**Concern 3: Noise** – Our concern here is how we are to live with the extra noise. We now have to deal with the airplane and train traffic noise.

At this time, we feel we are going to vote **NO** to the stadium proposal unless our concerns are satisfied. We are long time residence of Santa Clara and we don't want our quality of life to be compromised.

Deanna Brown

Mike Leonard

4938 Plaza Escuela

Santa Clara, CA 95054

**Jeff Schwilk**

**From:** Kieran Alcumbrac [Kieran.Alcumbrac@gilead.com]  
**Sent:** Wednesday, September 16, 2009 11:05 AM  
**To:** Jeff Schwilk  
**Subject:** Comments on the DEIR for the 49ers Santa Clara Stadium Project



Dear Mr. Schwilk,

After reviewing the summary of significant environmental effects that this 49er stadium project would have on the proposed project site my family vehemently opposes any such development occur at this site.

I and my neighbors strongly oppose such a project less than a mile from our homes. As an individual with asthma and someone who considers herself a strong advocate for environmental causes I can clearly see the negative aspects of this proposed project outweigh any positive outcomes.

I am very concerned about the additional toxins, the additional waste, and drain on the city resources, including but not limited to, utilities, water, sewer, maintenance, and public services, such as police resources.

This site is too close to sensitive wildlife habitat and the fragile wetlands. The proposed site is currently a parking lot, but on its borders is where the Burrowing owls live and many other endangered and threatened species. San Tomas Aquino creek, which drains directly to the San Francisco bay, borders this proposed site. **I fear run off containing contaminants would create an even larger impact on the bay that has not even been considered in the DEIR.**

I am extremely worried that the pollution generated by a 68,000+ person stadium would be detrimental to the area, negatively impact my personal quality of life, and would negatively impact the threatened wildlife.

In addition, they are not planning anywhere near enough parking spots for that many people. This proposed stadium will end up becoming a drain on the taxpayers and the residents of the city of Santa Clara. Just imagine the amount of trash generated by 68,000+ people going into our already over-burdened land fills. Remember, this stadium is going to expand to 75,000 for Super Bowls. This needs to be considered in the DEIR, not just the impacts of 68,000 people. Also, our homes are using the Hetch Hetchy reservoir water. The amount used by the stadium is going to make the water scarcer for residents who need it and mean an increase in my utility bills. Also consider the burden on the sewer system and water treatment facility that will be created by 75,000 beer guzzling sports fans. In addition, because there are a large number of people who live within a 1 mile radius of the proposed site we can expect:

- Major devalues in our Home price due to the following:
  1. Increase in vandalism, graffiti and theft (think of all the people walking through the neighbourhood to get to the events and loitering during events and after events, as we are within that 1.5 mile radius where people are willing to walk to the venue).
    - This results in increased need for resources from the city police, maintenance, and graffiti abatement departments
  2. Noise pollution (remember this just won't be used for games, but any large event, concerts, etc.. with no regard for time or date)
  3. Light pollution (all those evening events and massive stadium lighting), which will impact the wildlife in the area and the migratory birds and insects.
  4. Increase in traffic, to the point where pre-event/post-event I would have trouble even getting out of my neighbourhood. I fear getting to a hospital in an emergency pre-post event, or even the grocery store.

How will emergency vehicles reach my home in a reasonable amount of time with the massive amount of event traffic blocking all the entrances to my neighbourhood? We only have a couple streets to get in and out of our neighbourhood.

- Parking issues due to not enough spaces will mean more people circling in my neighbourhood looking for a place to park and walk. Creating even more air and noise pollution.
5. During construction - air pollution and more noise and more run-off into the bay.
  6. Increases to the electric, gas, water, sewer and garbage bills (the city will have to pass these along, as they are underestimating use during events and construction).
  7. Relocation of the substation to the vacant lot across Tasman from the proposed site where the Burrowing Owls live.
  8. This stadium will be a huge monstrosity and will negatively impact the visual appeal of the area.
    - Currently there is a nice trail to walk the dogs and bike and enjoy some quiet and solitude on the outskirts of the city near the wetlands. This is priceless!
  9. Having all those cars parked in the lot means an excess of engine fluids such as oil and anti-freeze leaking onto the ground, into the ground and draining into the creek to the bay. This has not been adequately reviewed.

And the list can go on, but these are the major points! The rest of Santa Clara (who doesn't live within the 5 mile radius of the stadium) may not realize the long term cost and impact to the city once power, gas, garbage, sewer, water, traffic, vandalism, litter, air quality, excess noise, and the need for more police and public department resources become a huge burden on its residents. I want this stopped. Why are sports more important than animal or human welfare? It doesn't seem right.

Thank you for your consideration.

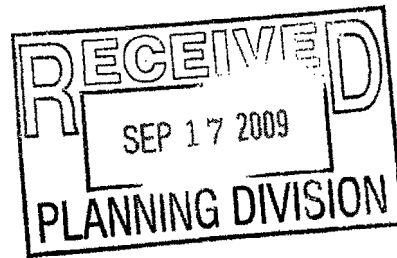
Sincerely,  
Kieran Alcumbrac

2259 Lenox Place  
Santa Clara, CA 95054

stadium

September 16, 2009

City of Santa Clara, Planning Division  
Jeff Schwilk, AICP, Associate Planner  
1500 Warburton Ave. Santa Clara CA 95050



Ref: Proposed 49ers Santa Clara Stadium Project

Dear Mr. Schwilk, et al:

As a resident living close to this stadium project, I would like to express my opinions on this matter.

To put it simply, if this were to be put to a vote, my answer would be a definite "NO", for the following reasons:

1.) The noise impact:

It is bad enough that we live close to San Jose Airport, that despite the double-paned windows on our house, there are times that you could still hear airplane noise, such as at this moment that I am writing this.

How much more when the stadium is operational? On one weekend, there seemed to be a car or motorcycle race that went on in the vicinity, perhaps from Great America, which is only a couple miles away from my house. And you definitely could hear the loud engines and cheers from the crowd. So, put yourself in the residents' shoes, can you imagine living in a neighborhood where you are constantly bombarded with noise, day in and day out, and even at night (for late football games and musical concerts)?

2.) The traffic and safety of pedestrians and children:

In our neighborhood, I see a lot of people enjoying walks including children. Opening up the streets to the general public for this stadium, would increase the frequency of cars passing in the neighborhood, and thereby, also increasing the chance of endangering pedestrians by reckless out-of-town drivers.

3.) Too much infrastructure within a concentrated area:

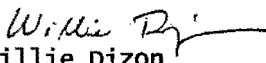
Just take a walk in our neighborhood, and you'll see some electrical sub-stations around. Putting a stadium, electrical sub-stations, a theme park, and an international airport, all within close proximity of each other, I don't think is good. A natural (such as lightning or rare weather abnormalities) or man-made calamity would pose a great impact to people and resources of the city. I hope it does not happen, and it may be absurd, but think about its possibility.

stadium

In making your decision, please consider not only the prestige and monetary benefits that the proposed Stadium may contribute to the City, but a greater weight on the opinions of the residents and constituents whose lives will be affected significantly.

Thank you for your kind attention.

Sincerely yours,

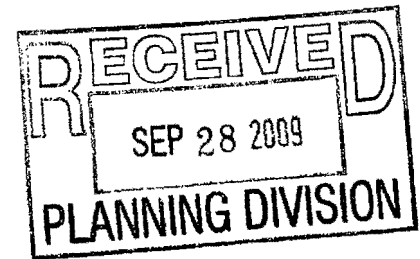
  
Willie Dizon  
2206 Lenox Pl  
Santa Clara CA 95054



To Planning Dept, City of Santa Clara

9-21-09

From **Jack Lueder**  
**2655 Taft Ave**  
**Santa Clara, 95051**



**Subject; Review of 49 er Stadium D-EIR vs Bicycling**

I consider Comments A,B,C to be serious defects in the document.

- A "You will note that the Transportation Summary makes no mention of Bicycling in either Impact or Mitigation."
- B The reference document of Section 4.8.3.3 does not appear to exist.
- C Appendix H Transportation Impact Analysis by Hexagon Transportation Consultants Inc. makes no mention of Bicycling.

Jack Lueder

from D-EIR

#### **4.8.2 Traffic and Transportation Existing Conditions**

*This chapter describes the existing physical and operational conditions for all of the major transportation facilities serving the project area, including the roadway network, transit service, and bicycle and pedestrian facilities. It includes an evaluation of existing traffic conditions at signalized intersections and freeways within and surrounding the project area.*

##### **4.8.2.2 Existing Bicycle and Pedestrian Facilities**

*There are several bike lanes and bike paths in the vicinity of the project site. Bowers Avenue has bike lanes from Mead Avenue to Great America Parkway. Great America Parkway has bike lanes from US 101 to Gold Street. Scott Boulevard has bike lanes from Central Expressway to Arques Avenue in Sunnyvale. There is a bike path adjacent to San Tomas Aquino Creek that extends from Scott Boulevard to Great America Parkway and Sunnyvale Baylands Park. A trail access point is located on Tasman Drive at the northeast of the project site. Bicycle lanes are present on Mission College Boulevard from Wyatt Drive to Great America Parkway. Bicycles are permitted on Great America Parkway, San Tomas Expressway, Montague Expressway and Central Expressway. The existing bicycle facilities within the study area are shown on Figure 32. (Portion of VTA 2008 Bike Map)*

*Tasman Drive has a continuous sidewalk on the south side of the street between North First Street and Lawrence Expressway. The north side of Tasman Drive has continuous sidewalks from North First Street to Patrick Henry Drive and intermittent sidewalks thereafter to Lawrence Expressway. Pedestrian crosswalks and signal heads with pushbutton actuators are present at all signalized intersections, including the Tasman Drive and Great America Parkway and Tasman Drive and Centennial Boulevard intersections.*

#### **J Lueder Comments:**

**For Cyclists, Tasman is a significant East-West Corridor as seen in the County-VTA Bike Plan 2020.**

**For Cyclists, the Hetch Hechy corridor is a long anticipated East-West Trail.**

**For Cyclists and pedestrians, the East Levee of the San Tomas Aquino Creek is a viable access.**

from D-EIR

#### **4.8.3 Traffic and Transportation Background Conditions**

*This section describes background traffic conditions, consistent with the adopted methodology of the CMA and the City of Santa Clara. Background conditions represent the circumstances most likely to exist when the project becomes operational (i.e., it includes traffic from development that has already received discretionary approvals and completed its own CEQA process). The traffic associated with already approved, but not yet constructed development is added to existing conditions traffic. This section also describes the planned roadway system and intersection improvements, the procedure used to determine background traffic volumes, and the resulting traffic conditions.*

#### **4.8.3.3 Background Bicycle and Pedestrian Facilities**

*There are no planned or approved improvements to bicycle or pedestrian facilities within the project area. Nor are there any bicycle facilities planned according to the City of Santa Clara Transportation Bicycle Network.*

**Comment: This document (City of Santa Clara Transportation Bicycle Network ) could not be found by the City Planners or Bicycle Coordinator.**

from D-EIR

#### **Page 10, Sec 2.1**

*During large events, including NFL games, Tasman Drive would be temporarily closed to vehicle access (with the exception of emergency vehicles) between Great America Parkway and Centennial Boulevard to accommodate crowds entering and leaving the stadium. Automobiles parking in the surface lots directly adjacent to the stadium would have access to the lots from Stars and Stripes Boulevard, immediately east of the road closure. To further facilitate pedestrian traffic, two new pedestrian bridges are proposed over San Tomas Aquino Creek. A 30-foot clear span pedestrian bridge would be built south of and immediately adjacent to the Tasman Drive bridge. A 54-foot wide clear span bridge would be built immediately adjacent to the automotive bridge that connects the Great America main parking lot to the stadium site.*

**Comment:**

**Means major impact to bicycling the Creek Trail and Tasman but ignores it. Operating time-windows are 6 or more hours. This will be a major impact. Some mitigation could be obtained using the East Levee of the San Tomas Creek and the Hetch Hetchy corridor.**

#### **Pg20 Sec 2.4**

#### **2.4 Parking Garage Component**

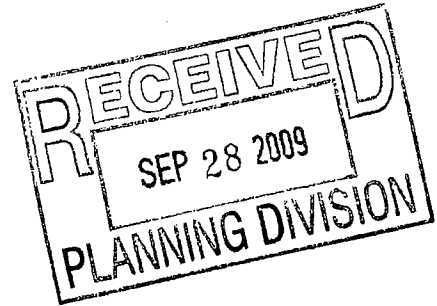
*The new six-story parking garage would be located on approximately two acres of a four-acre site directly across Tasman Drive from the proposed stadium. As stated above, the parking structure would have up to 1,708 parking stalls which would be utilized by the stadium, the convention center, and the Great America theme park<sup>14</sup>. Vehicular access will be provided directly from Tasman Drive and from Stars & Stripes Boulevard via Centennial Boulevard.*

**Comment:**

**Means significant impact to Creek trail access but ignores it. There is a Trail access ramp located at that site, it would be obliterated.**

September 25, 2009

Jeff Schwilk, AICP, Associate Planner  
City of Santa Clara Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050



Dear Mr. Schwilk,

Serious problems exist with the DEIR that analyses the environmental effects of a possible stadium in Santa Clara. The document understates traffic impacts based on an assumption that at least 25% of the fans would use public transit to reach the stadium. This figure is unrealistically high. A much more transit rich and transit receptive San Francisco has witnessed, at best to date, less than 20% of the San Francisco 49er fan base using transit in route to Candlestick Park. Also, the study is inaccurate in accessing San Francisco stadium alternatives. Among the inaccurate statements made in the document is a claim that San Francisco Prop G (June 2008) does not allow a retrofit of Candlestick Park. Prop G does not contain such language. It also claims the \$100 million that developers of Hunters Park must pay toward a new San Francisco stadium would be out of profits. In fact, the fee must be paid as a precondition for development, which is soon to begin.

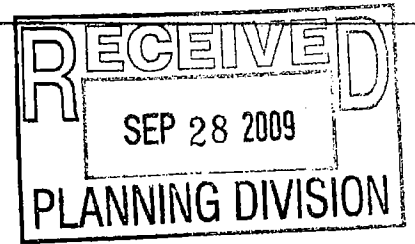
Finally, the document fails to recognize hundreds of millions of dollars in traffic and transit improvements at Candlestick and Hunters Point that have already been funded, or are being identified, from state and federal transportation funding that will greatly expedite auto, pedestrian, and transit access to those stadium sites. The details of this massive public-private mixed use- project at Candlestick and Hunters Points shall be revealed in DEIR to be published by the Planning Department of the City and County of San Francisco in October. The comment period for the Santa Clara Stadium DEIR should be extended for at least a month to allow for correction of errors mentioned in this letter, among others. If the document is certified in its current erroneous form, it would be vulnerable to appeal or legal challenge. Regrettably, over the last seven years as a member of the Planning Commission of the City and County of San Francisco, I have seen many environmental impact reports invalidated or needlessly delayed due to omissions or inaccuracies in analysis.

Sincerely,

Michael J. Antonini  
Member, Planning Commission  
City and County of San Francisco  
(415) 533-2829, [wordweaver21@aol.com](mailto:wordweaver21@aol.com)

**Jeff Schwilk**

**From:** Ed Menard [emenard@rtmicro.com]  
**Sent:** Saturday, September 26, 2009 11:42 AM  
**To:** Jeff Schwilk  
**Subject:** Comments on 49ers DEIR...



Hi,

As a homeowner and resident in the area immediately adjacent to the proposed stadium site, I have many concerns about the potential impacts to the neighborhood, and our quality of life. These range from shorter-term concerns during construction, to longer-term impacts during the lifetime of the stadium.

I am particularly struck by the seeming small portion of the report (section 7.5.4) that discusses the Great America Main Lot Design Alternative, and which concludes that this is alternative is "...environmentally superior to the propose project." I request that the city further explore this alternative, as I am concerned that impacts of the proposed project to the residents will be significant, in terms of noise, traffic, lighting, odors, etc. and this alternative proposal would seem to lessen those.

During construction, which is expected to stretch over 28 months, I am concerned about construction noise, vibration, dust/debris, etc. Having a complaint coordinator will be helpful, but please also include specific contract language with contractors / suppliers, etc that provides for fines and penalties if noise, etc exceeds acceptable conditions.

I am very concerned about traffic and being able to go to and from my home during event days. Currently the traffic in the area is already quite heavy, and this project will significantly increase traffic congestion. It seems that it would be extremely difficult if not prohibitive to travel to or from our home during event days. I am particularly concerned about traffic control, street closures and non-resident parking. The plan appears to propose parking control areas (would this be via resident permits?), and the closure of Agnew road during events. This traffic and parking control will require additional staff for enforcement, either by the city or our homeowners association. These costs should be borne by the project, not by the residents. It also makes it more difficult for residents to travel to/from their homes. What provisions will be made to ensure that residents will be able to travel freely during events? Will there be accessible traffic corridors for use by residents only?

The project will probably generate significant amounts of non-resident foot-traffic through our neighborhood, and I am concerned that this will impose additional security and cleanup (litter, graffiti) costs that will be borne by the residents. Is there a provision in the plan to mitigate (either directly or by reimbursement) these additional costs by having them paid by the stadium? I think these additional costs should be borne directly by the project. Also, will there be additional foot paths, etc along Lafayette, which would encourage foot traffic to not pass through our neighborhood, but rather around it?

Lighting and sound impacts are also significant and the report claims these are "unavoidable". I urge the city to put specific provisions into any project agreements that contains specific noise limits that would apply to events and which are enforceable by fine or other financial impact. Additionally, I think the noise from events would be much more significant than the existing air traffic noise, both in terms of its duration and frequency content. Event noise would be much more continuous and annoying. Again this would decrease the quality of life for residents. Please consider additional mitigations to control light and noise effects on nearby residents, and put a enforceable monitoring and complaint procedure in place to address these concerns.

In short, I think that this project could have a significant negative impact to the quality of life in our neighborhood, and I would like to see further mitigations and design to minimize those impacts. In the extreme case, it seems that some of the impacts from this project will cause me to be unable to travel to/from my home, and/or when I am in my home, cause me to have to close the doors and windows, turn on the air conditioner and air cleaner, and hope that the insulation and window coverings will block out most of the noise, light, etc from stadium events. This is not a pleasant thought to contemplate and not the quality of life that I have enjoyed until now. Please further mitigate these impacts to the quality of the life of nearby residents.

Sincerely,

9/28/2009

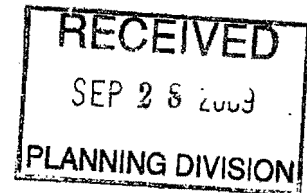
Ed Menard

2230 Duvall Ct

Santa Clara, CA 95054

September 27, 2009  
Nancy Lang  
Westwood Oaks Homeowner  
Santa Clara, CA 95051

City of Santa Clara  
Planning Division  
Mr. Jeff Schwilk, AICP,  
Associate Planner  
1500 Warburton Ave.  
Santa Clara, CA 95050



Subject: Comments on the DEIR for the 49ers Santa Clara Stadium  
Project - Stadium Traffic/Safety

Dear Sir,

On 10-25-06, Mr. Charles Seymour, a retired Santa Clara Police Lieutenant, wrote a letter of support for the proposed helipad at the new Kaiser Hospital at Lawrence Expressway and Homestead Road.

In this letter he states, "I became acutely aware of the problems with extrication of persons who were either seriously injured, who had a heart attack, or who had other serious medical emergencies while at Great America, or in the surrounding area." He further states, "This need led to the installation of a helipad at the S/E quadrant at Great America Park so that persons needing life and death treatment could be removed from the park. The immediate problem on highly compacted, high traffic days was that if a person could not be removed via helicopter to a medical facility, they were probably going to die." He continues, "This was due to the fact that an ambulance, police car, fire truck or other Emergency vehicle could not penetrate the horrific traffic that was at a stand still on all the roads surrounding the park,

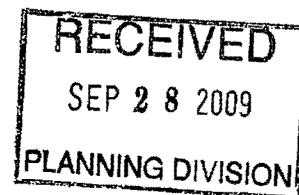
to be able to transport the patient to a medical facility for life saving measures."

These observations by now retired, Police Lieutenant, Mr. Charles Seymour were many years ago, and there was no football stadium in the area. Since then, the traffic has gotten worse, and the City wants to build a football stadium in the same area where there is "horrific traffic." The City needs to consider this information provided by a retired Santa Clara Police Lieutenant who has observed and dealt with the horrific traffic in the proposed 49er football stadium area.

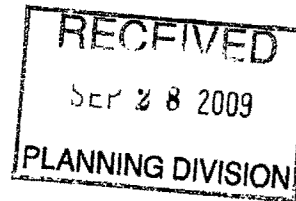
Where exactly, in Great America, is the helipad that Police Lieutenant, Mr. Charles Seymour, speaks of in his letter? I do not see it from Google's Satellite view map. How will it be used for stadium events?

Sincerely,

*Nancy Tang*  
Nancy Tang



September 27, 2009  
Nancy Lang  
Westwood Oaks Homeowner  
Santa Clara, CA 95051



City of Santa Clara  
Planning Division  
Mr. Jeff Schwilk, AICP,  
Associate Planner  
1500 Warburton Ave.  
Santa Clara, CA 95050

Subject: Comments on the DEIR for the 49ers Santa Clara Stadium  
Project - Where's the Land??

Dear Sir,

Again I ask, "where's the land?" Without the land, there is no stadium. Cedar Fair holds a long-term lease for the parking lot proposed as the stadium location, and there is no agreement with Cedar Fair to use the land for a stadium.

The following is taken from:

**Subject: Guiding Principles - Feasibility of a Proposed 49ers Stadium in the City of Santa Clara, Dated: January 2, 2007**  
**"Cedar Fair Agreement Necessary to Proceed with a Stadium Feasibility Study"**

"Prior to entering into any type of feasibility analysis/formal discussions with the 49ers, the City and Redevelopment Agency also should ensure that Cedar Fair, LP (Cedar Fair), the owner of the Theme Park, acknowledges and concurs with the study/discussions with the 49ers. Cedar Fair holds a long-term ground lease agreement with the Agency for the parking lot proposed as the stadium location." "It would be prudent for the City and the Agency to ensure that the

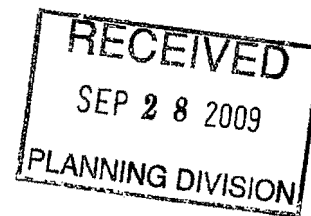


Theme Park owner does not later assert liability, among other things, from the possibility of interference with on-going business concerns. A stadium feasibility study and any required CEQA review could encompass many months and even years of effort with no certain outcome until all the public and legal processes have been completed."

Without the land, the CEQA review is meaningless, and the DEIR cannot be certified.

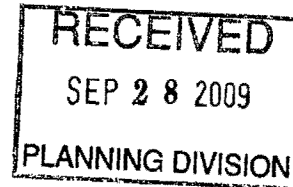
Sincerely,

*Nancy Lang*  
Nancy Lang



September 27, 2009  
Nancy Lang  
Westwood Oaks Homeowner  
Santa Clara, CA 95051

City of Santa Clara  
Planning Division  
Mr. Jeff Schwilk, AICP,  
Associate Planner  
1500 Warburton Ave.  
Santa Clara, CA 95050



Subject: Comments on the DEIR for the 49ers Santa Clara Stadium  
Project - Off-Site Parking

Dear Sir,

The DEIR states, "Much of the proposed parking is to be provided on property owned or controlled by others and used by various businesses."

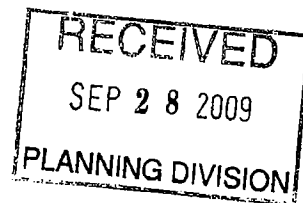
The City of Santa Clara cannot be allowed to create another situation as they did at the new Kaiser facility located at Lawrence Expressway and Homestead Road. The final EIR stated that four access points (entrance/exits) were needed to accommodate the project traffic. Forge Drive was identified as one of those access points. According to the Santa Clara County Assessor's Office, Forge Drive is not a dedicated roadway, and the City of Cupertino does not have any current plans to develop it into a roadway. The EIR for the Kaiser project was certified and the hospital was built with no viable forth access point available. Therefore, this DEIR cannot be certified until the City has signed legal contracts with the companies/land owners where the 20,000 cars will park. The City cannot be allowed to

declare, "It is reasonable to assume that use of approximately 20,000 parking spaces can be secured from more than 40,000 spaces available in the project area." Forge Dr. has never existed, and right now, neither do the 20,000 parking spaces.

This DEIR cannot be certified until the city has legal parking agreement documents to the required amount of parking that is set forth in the DEIR.

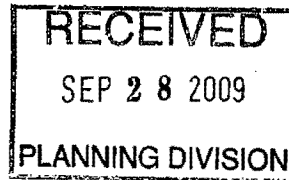
Sincerely,

*Nancy Lang*  
Nancy Lang



Stephen Hazel  
2408 Moraine Drive  
Santa Clara, Ca. 95051  
(408) 244-8007

9-28-09



City of Santa Clara, Planning Division  
Jeff Schwilk, AICP, Associate Planner  
1500 Warburton Avenue, Santa Clara, Ca. 95050

Re: Comments on DEIR for the 49ers Santa Clara  
Stadium Project

Dear Jeff,

Has a study been done concerning the impact of individuals coming from outside of the area and parking in neighborhoods and along the streets (to avoid paid parking lots) then making it to the stadium by walking, biking or using public transit? What measures could be implemented to mitigate the potential impact on the surrounding areas?

The 49ers say that Tasman Drive needs to be closed for game days due to the number of people. What about non-NFL events that could also fill the stadium i.e. concerts,

other sporting events, etc? (There will be no limit on people able to attend an event up to the capacity). There are no guarantees that events (non-NFL) will not be held Monday thru Friday and be full to capacity. How will these concerns be mitigated? Since the stadium has no on-site (required) parking and needs to enter into parking agreements with other business owners (to use their parking) What would happen if at some point the parking contracts were voided and the stadium did not have sufficient or required parking for the stadium? How would this situation be mitigated with no other foreseeable parking available?

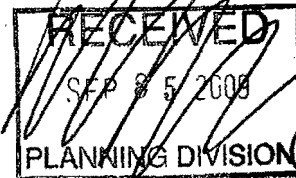
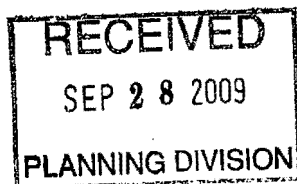
Other than saying the 49ers are negotiating with Cedar Fair, what specific compensation (dollar amount) are the 49ers willing to pay Cedar Fair for their lost revenues (i.e. closing the park, reduced attendance, employee's salary - reduced or lost, restricting easy access to the theme park)? With the Mello Roos tax being used to finance the stadium and myself being a Santa Clara resident, what if I stayed at one of these hotels? Wouldn't I be taxed under Mello Roos? Doesn't the Term Sheet, agreement or promise from the City Manager say there will be no

tax for Santa Clara residents? How can this issue be mitigated?

This facility could potentially be used 7 days a week (all hours) Will there be any restricted days or hours that this facility cannot be in use? How will this be mitigated to lessen the impact on the surrounding area?

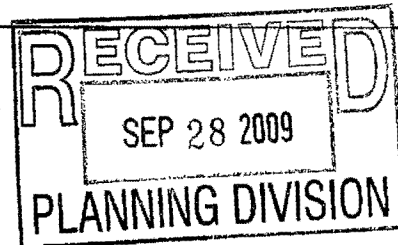
Sincerely yours,

Stephen Hazel



**Jeff Schwilk**

**From:** Erlinda Estrada [erlindae@hotmail.com]  
**Sent:** Monday, September 28, 2009 8:25 AM  
**To:** Jeff Schwilk  
**Subject:** DEIR-49ers stadium project



I have several concerns regarding the Draft Environment Impact Report for the proposed 49ers stadium.

**Transportation Impact Analysis:**

Nowhere in this section is the Santa Clara Convention Center mentioned. Certainly any event at the proposed stadium will adversely impact any conventions or trade shows at the Convention Center.

Many convention/trade show attendees drive to the Convention Center. Convention attendees often seek entertainment and food off the Convention Center premises. How attractive would such events be to promoters if they know their attendees are so grossly inconvenienced not only during game days but during other events that may be held at the stadium?

**Noise Assessment:**

The report states that the Operational Noise for stadium events would be significant and that "There are no feasible measures that would reduce noise levels generated by activities prior to, during, or after proposed events below median and background noise levels at nearby residential uses, and the impact would be unavoidable."

I would argue that this report *understates* the impact. Even now in the residential areas north of Agnew Road, there is significant noise on summer days from Great America. The wind carries voices, music, and screams from thrill-riders into the area at an annoying volume. I think it's unrealistic to think that there will be no events at the stadium while Great America is operating, so the noise levels in these neighborhoods will be even higher than suggested in the DEIR. The DEIR should have measured noise volumes during the summer, not just in December.

**Project Alternatives:**

Only two project alternatives were addressed: locating the stadium somewhere else or not building a stadium at all. This is insufficient. All along opponents to this project urged the City of Santa Clara to explore alternatives to the stadium project that would be in keeping with the idea of enhancing the entertainment area while having less adverse impacts that a stadium would entail. The City has not. So this section of the DEIR is incomplete.

Thank you,

Erlinda Anne Estrada  
P O Box 3725  
Santa Clara CA 95055  
(408) 230-0675

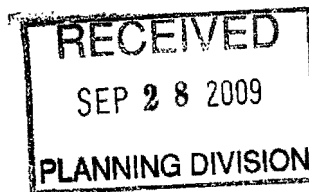
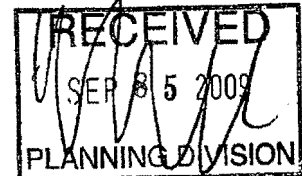
---

Insert movie times and more without leaving Hotmail®. [See how.](#)

1009 Las Palmas Drive  
Santa Clara, California 95051-5308

September 28, 2009

Mr. Jeff Schwilk, AICP, Associate Planner  
City of Santa Clara, Planning Division  
1500 Warburton Drive  
Santa Clara, CA 95050



Dear Mr. Schwilk:

I would like to comment on the Draft Environmental Impact Report for the proposed development of an NFL stadium for the San Francisco 49ers. My comments are on four areas of the report – the traffic, estimates of mass transit usage, the road closures and the parking analysis:

**1. Traffic:**

Section 4.8.5, beginning on page 203 of the Draft EIR Main Report, makes this only too clear: The Project Owners propose to degrade traffic to the two worst Levels-of-Service (LOS) on seventeen intersections north of U.S. 101.

However, the Report then states, on page 204, "*The project does not, therefore, propose to implement any of the physical improvements described below.*"

In other words: Seventeen intersections on the northern side of our city will be essentially gridlocked on NFL event days – and the only "mitigation" proposed is to drop 160 police officers into the middle of those intersections and others.



On the issue of the traffic congestion alone, the DEIR is woefully insufficient. It is ample reason to deny any permitting for this project.

## **2. Estimates of Mass Transit Usage:**

In the original EIR Scoping sessions of September 2<sup>nd</sup>, 2008, several speakers, myself included, stated our well-founded skepticism over the rosy projections of mass transit usage in the area of the proposed stadium. Specifically, the initial estimates of 25% usage of light rail, local and charter buses in Santa Clara for NFL games were simply improbable.

In this Draft EIR, on pp. 175-176, this figure is now stated to be 26%. Since the time of the Scoping Sessions, however, more information has come to light which again contradicts this mass-transit figure:

This writer was made aware of discussions between the Project Owners and transit authorities in San Francisco. In those meetings, those authorities were told that a 20-25% mass-transit utilization at any Hunters Point stadium location was – somehow – a gross overestimate.

**In other words: The “one-quarter” figure, unacceptable to the Project Owners in reference to the Hunters Point development, is now somehow considered to be perfectly reasonable for a stadium site in Santa Clara.**

Based on the many millions of dollars for traffic infrastructure which will no doubt be expended by San Franciscans to make a Hunters Point site freely accessible: Underestimating mass-transit utilization at Hunters Point and overestimating it for Santa Clara simply paints far too optimistic a picture for the flawed proposal here.

For comparison, transit modes for Candlestick Park were surveyed for single NFL events in the years 2002-5 and 2007, with data compiled by SamTrans, the San Francisco Muni Railway, our own VTA and Golden Gate Transit. They arrived at an average mass-transit utilization figure of only 18.5%. The notion that we would exceed that here – and by an additional 7.5% - should be immediately suspect.

In fact, it's quite plausible that the most minor of variances in the mass-transit usage figures will have a severe impact on the already congested traffic acknowledged in Section 4.8.4.3 of the Draft EIR.

### **3. Closure of Tasman Drive: Checkpoints, Tasman & Lafayette:**

In this region, our cities spent many millions of dollars and waited well over a decade to finally see the completion of a Tasman Drive which truly links Sunnyvale and Milpitas. High-technology businesses, creating high-quality employment and generating significant tax receipts have greatly benefited from this thoroughfare. Tasman Drive allows easy access for technology workers, as well as ease of access to transportation modes into and out of the "237 Triangle."

In fact, a case could be made that this infrastructure alone has increased productivity of the employers in this north side business area, and to the benefit of us all.

**However, the Project Owners actually propose to CLOSE Tasman Drive on NFL event days.** This simply defies any reasonable logic, after what we've gone through to get Tasman done at last.

In addition, Santa Clarans with Zip Codes of 95054 will be severely impacted by not only the closure of Tasman Drive, but particularly by that of Agnew Road, and as well as by the seven checkpoints proposed for Lafayette Street. A rather startling graphic which proves how serious this really is may be found on page 186 of the Report, as "Figure 61."

What is particularly troubling about these closures is the fact that the Project Owners – as well as stadium proponents in general – have assured Santa Clarans that the proposed site at Tasman and Great America is somehow 'stadium-ready'.

**The closure of Tasman Drive on NFL event days provides ample proof that, in fact, serious capacity problems with the site exist and that they remain unaddressed. By no means is the site 'stadium ready'.**

#### **4. Parking:**

There can be no doubt that the problem of parking some 20,000 vehicles on private land is a major undertaking, and one certainly deserving of treatment in this Draft EIR Report. Some additional figures may provide some insight into exactly why this environmental impact will be as severe as it is:

Note that the Project Owners are proposing to locate a stadium with approximately a 14-acre footprint on a 17-acre site. The complete lack of any ancillary development, as well as the utterly insufficient Project parking nearby, should give us all considerable pause.

Contrast the 17-acre Santa Clara site with the current 84 acres at Candlestick Park and with the well-over-600 acres at Hunters Point – and one can see immediately why the proposed “private-parking” plan is completely insufficient to the siting of a 68,500-seat stadium in Santa Clara.

One interesting line on page 178 of the Draft EIR reads, *“Although the Traffic Management Plan assumes that the office parking lots to be used by the stadium will be vacated prior to 3:00 pm on a weekday game day,…”*

...In fact, it would be astonishing if technology business managers and executives, who are relying on their workers being present for a full work day, would ever agree to lose the latter part of any work day, merely so that they can accommodate 49ers fans on Mondays. As many of these businesses operate well outside of the “nine-to-five” workday, requiring their workers to compete with football fans for parking spaces in their own lots is simply absurd.

The insufficiency of the stadium site itself is the immediate reason for the insufficiency of the parking plan. However, nowhere in this Draft EIR are those considerations even addressed.

#### **Conclusions**

To sum up: Among the considerations of congested traffic, inflated mass-transit usage numbers, disruptive closures of major roads, and a

completely insufficient plan to park some 20,000 automobiles, the Draft EIR gives us Santa Clarans no reason to proceed. In fact, it's a clear statement of exactly why the permitting of this project should be denied at once.

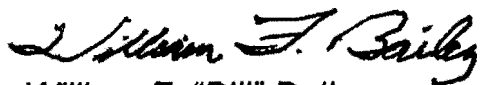
It is unfortunate that we would arrive at this stage, only to find that an NFL stadium at Tasman and Great America Parkway would cause the problems that it will – **and that the Project Owners continue to demand that Santa Clarans pay a public subsidy of \$114,000,000 for such a substandard development.**

I urge the Planning Commission to halt the permitting of this Project at once. For the money we're expected to pay for it, it will clearly do more harm than good.

I sincerely appreciate the opportunity to add comments to the DEIR process for a stadium project, and I would like to respectfully request that this letter be included in its public record.

If there any questions about this letter or its contents, please do contact me at any time.

Sincerely,



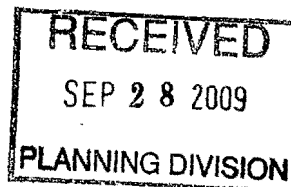
William F. "Bill" Bailey  
Treasurer, Santa Clara Plays Fair

[williamfbailey@yahoo.com](mailto:williamfbailey@yahoo.com)  
1(877)703-4300

Home Address:  
1009 Las Palmas Drive  
Santa Clara, California 95051-5308

1(408)249-3140

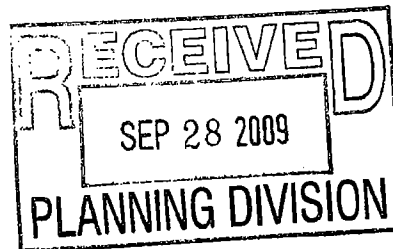
WFB/



**Jeff Schwilk**

---

**From:** Carole Foster [cfoster@valleywater.org]  
**Sent:** Monday, September 28, 2009 3:34 PM  
**To:** Jeff Schwilk  
**Subject:** Public Comment on 49ers Stadium DEIR



September 28, 2009

City of Santa Clara, Planning Division,

This letter is in response to the Draft Environmental Impact Report for the 49ers Santa Clara Stadium Project. The report claims there will be a less than significant impact to the immediately adjacent San Tomas Aquino Creek or San Francisco Bay from increased pollution runoff or trash. Proposed post-construction BMP's include sweeping, maintaining vegetative swales, litter control, stenciling storm water catch basins to discourage illegal dumping, and installing trash racks. However, I don't believe this DEIR is taking into account the trash that will be discarded 1) on surface streets as people are driving to the stadium including over the Tasman Drive bridge crossing the creek and 2) by people walking over the creek on the two newly proposed pedestrian bridges.

A pilot study done in San Mateo County to identify trash sources found littering at parks and dumping from bridges were the most likely sources of trash to the creek at the study site ("Pilot Study to Identify Trash Sources and Management Measures" [http://www.flowstobay.org/documents/community/watershed/studies/gateway\\_park\\_trash\\_pilot\\_study\\_2005\\_report.pdf](http://www.flowstobay.org/documents/community/watershed/studies/gateway_park_trash_pilot_study_2005_report.pdf)).

How will littering directly into the creek be prevented and how will impacts to the creek be assessed after stadium events? Firstly, the pedestrian bridges should be enclosed by fencing with small enough mesh to discourage all trash from being discarded over the bridge, including cigarette butts. Secondly, trash receptacles should be installed at both ends of each pedestrian bridge and positive signage should be posted encouraging people to use the receptacles in order to keep the creek clean for fish and wildlife. Thirdly, monitoring of the stream at the pedestrian bridges and the Tasman Drive bridge crossing using the Regional Water Quality Control Board's or the Santa Clara Valley Urban Runoff Program's 'Urban Rapid Trash Assessment' protocols should be done both the day before and the day after events to document trash accumulation information. This should be done several times before and after different event types. If trash is increased after an event, pre-determined mitigation measures should be implemented.

Thank you for your consideration,

Carole Foster  
3600 Benton Street #30  
Santa Clara, CA 95051  
408-674-6135  
cfoster@valleywater.org

9/28/2009

**Jeff Schwilk**

---

**From:** Wordweaver21@aol.com  
**Sent:** Monday, September 28, 2009 2:40 PM  
**To:** Jeff Schwilk  
**Subject:** ADDITIONAL COMMENTS ON SANTA CLARA STADIUM DEIR

Mr. Schwilk:

Trust you received my written comments on Saturday, September 26 regarding shortcomings of the Santa Clara stadium DEIR. You should receive hard copy of these comments today in the mail. Over the weekend, I noticed that the stadium comparisons you are using to assess impacts are (1) for sports other than football (2) of smaller capacities (3) were never built- ie Manhattan Jets stadium. (4) in urban, not suburban settings; all of which( the urban settings)have plentiful public transit. Finally, I noted that you propose closing a major street, Tasman Dr., on game days-an impact that cannot be mitigated.

Thank you for your attention to these matters. Hope you will choose to extend the comment period.

Michael J. Antonini  
Member, Planning Commission  
City and County of San Francisco



## Interoffice Memorandum

**Date:** September 10, 2009

**To:** Kevin Riley, Director of Planning and Inspection

**From:** Rajeev Batra, Director of Public Works / City Engineer

**Subject:** Comments on 49er's Stadium Draft EIR by BAC

---

At the August 26<sup>th</sup> Bicycle Advisory Committee (BAC) committee meeting, members discussed potential impacts that the proposed 49er's Stadium could have on adjacent bicycle facilities and areas of concern that they wished to express during the Draft Environmental Impact Report (DEIR) comment phase of this development. The members of the BAC feel that these concerns need to be addressed in the EIR.

The adjacent San Tomas Aquino-Saratoga Creek Trail was the main focus for the committee members. Due to its proximity to the proposed 49er's Stadium, members felt that Stadium users would greatly impact the trail as they made their way to and from the Stadium. Four locations along the Creek Trail would experience the most impact; the at-grade intersection of the trail with the Southern Bridge over the creek located southwest of the proposed Stadium, the at-grade intersection of the trail with the proposed pedestrian bridge located immediately south of Tasman Drive, the pedestrian bridge located adjacent to the Golf & Tennis club, as well as the Creek Trail leading from that bridge south to Tasman Drive.

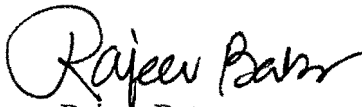
The BAC feels that there would be potential impact to existing Creek Trail users during the pre-event and post-event periods. This includes introduction of delays, congestion, and access problems for existing Creek Trail users who cross the Southern Bridge at grade. The BAC feels that the project should include constructing a grade separated bypass for Creek Trail users to remove this conflict. The BAC questioned the need for the additional pedestrian bridge adjacent to Tasman Drive which may impact the existing at-grade trail access at that location. The BAC also inquired whether or not the Traffic Management Plan (TMP) addresses bicyclists use of Tasman Drive during the road closure of Tasman Drive on game days. The BAC noted that the TMP does not discuss how bicyclists on Tasman Drive either going to the Stadium or through the area will be able to accomplish their goal.

The BAC proposes that the Project should open up and improve access on the east side of the San Tomas Aquino-Saratoga Creek levee for pedestrian use between the pedestrian bridge north of Tasman Drive and the Hetch Hetchy right of way. This would provide an alternate route for Stadium users who park at the proposed parking structure on the north side of Tasman Drive to make their way to the Stadium without impacting the existing Creek Trail users on the west side of the levee.

Comments on 49er's Stadium Draft EIR by BAC  
September 8, 2009  
Page 2

The BAC has concerns about the possible impact weekday evening football games might have on access to the Great America ACE Train Station for bicycle commuters. This concern pertains to access from the Creek Trail as well as Tasman Drive and Stars & Stripes Drive. These evening events also pose a potential conflict with the present City practice of the Creek Trail being open for use only from dawn to dusk, especially since the Creek Trail is not lighted. The BAC was also concerned with the potential increase of litter on Creek Trail from Stadium users.

As part of the proposed Stadium, the BAC would like to see a possible bike corral, staffed bike valet, and/or dedicated on site parking for bicyclists. The BAC feels that the project should also mitigate the congestion, delay and access impacts to bicyclists by opening up access for bicyclist/pedestrians along the Hetch Hetchy corridor from San Tomas Aquino-Saratoga Creek Trail to Lafayette Street.



Rajeev Batra  
Director of Public Works / City Engineer

cc: Will Kennedy, Councilmember, BAC Chairperson  
Jennifer Sparacino, City Manager  
BAC members  
Dennis Ng, Traffic Engineer  
Jeff Schwilk, Associate Planner