

ADDENDUM
TO THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE

49ers SANTA CLARA
STADIUM PROJECT

City of Santa Clara

August 2010

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I. PURPOSE OF ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

In December 2009, the City of Santa Clara certified the Final Environmental Impact Report (FEIR) for the 49ers Santa Clara Stadium project. The FEIR analyzed the development of a new 68,500 seat open-air stadium¹ and a new shared parking structure in the City of Santa Clara.

Since certification of the FEIR changes have been made to the project, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the modified project (see Section II, *Description of the Proposed Changes to the Project*).

Section 15162 of the CEQA Guidelines states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

¹ The stadium will be designed to expand to approximately 75,000 seats for special events.

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

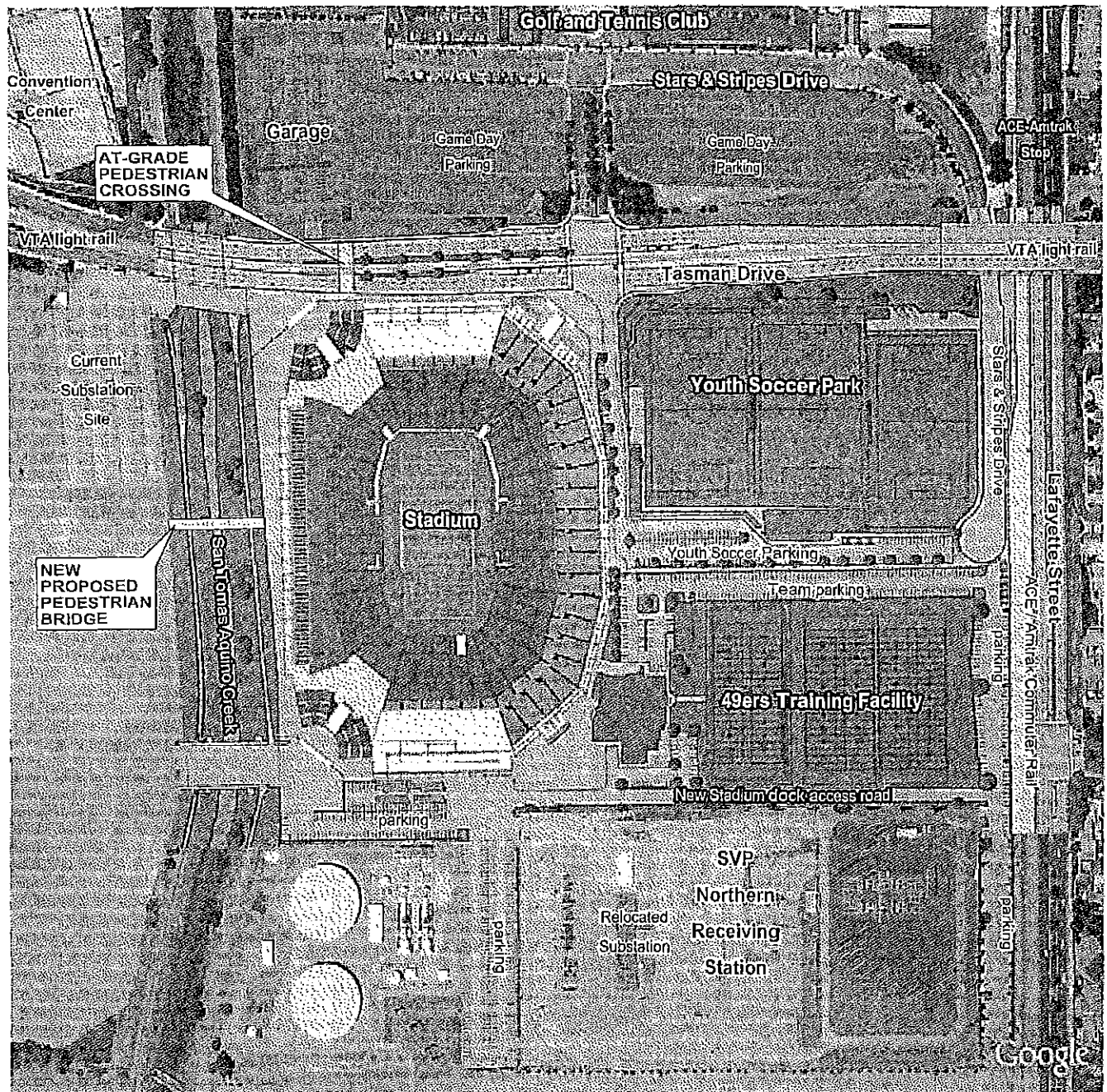
Section 15164 of the CEQA Guidelines state that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent EIR have occurred.

II. DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

The project proponent proposes the following changes to the approved project:

1. The addition of a third pedestrian bridge between the two pedestrian bridges proposed as part of the original project
2. Modification of the originally proposed mitigation to include a thermal water storage tank to supplement the proposed geothermal heat pump system.
3. The installation of a pedestrian walkway across the Valley Transportation Authority (VTA) Light Rail Transit (LRT) tracks for use during large stadium events and an associated safety gate and fencing around the affected tracks and Great America LRT station.
4. A text amendment to the project description for the inclusion of a Development Agreement.
5. Increasing the total number of parking stalls in the proposed parking structure to 1,825, a net increase of 117 parking spaces. The increase in parking stalls will be through reconfiguration of the parking layout on each floor, not by increasing the size of the garage structure.

Figure 1 below shows the proposed location of the third pedestrian bridge and the pedestrian walkway across the VTA LRT tracks.



REVISED SITE PLAN

FIGURE 1

ENVIRONMENTAL IMPACTS OF PROPOSED CHANGES TO THE PROJECT

The discussion below describes the incremental changes in environmental impacts of the modified project compared to the impacts of the previously approved project analyzed in the *49ers Santa Clara Stadium FEIR*. Changed environmental impacts from the modified project include the following: energy, transportation and circulation, vegetation and wildlife, air quality, greenhouse gas emissions, visual and aesthetics, hydrology and water quality, and noise. No notable changes in other subject areas (i.e., land use, geology and soils, hazardous materials, cultural resources, and utilities and service systems) would result from the changes in the project. No changes have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FEIR.

The proposed text amendment to Section 1.4, *Uses of the EIR*, to add Santa Clara City Council approval of a Development Agreement would have no discernable impact on any of the resource areas because it will not result in a physical change on the site. As a result, this element of the modified project will not result in an impact and will not be addressed further in this report.

A. *Energy*

The previously certified FEIR estimated that the approved project would consume approximately 19.7 million kilowatt hours of electricity and 9.6 million cubic feet of natural gas annually. An energy impact is considered significant if the project would 1) result in the wasteful use of fuel or energy, 2) cause a substantial increase in demand upon energy resources in relation to project supplies, or 3) create longer overall distances between jobs and housing. The previously approved project would comply with existing state, federal, and local regulations regarding energy efficiency of buildings, appliances, lighting, etc., and the project would not, therefore, result in the wasteful use of fuel or energy. Although the previously approved project would use only a small percentage of the total energy consumed in Santa Clara it would still be a substantial increase in demand upon energy resources in relation to projected supplies, which was found to be a significant impact. The project was approved to include mitigation measures to reduce its energy consumption impacts to a less than significant level, identified in the FEIR as including (but not limited to) green roofs, a photovoltaic system, and geothermal heat pumps.

A geothermal heat pump is a central heating/cooling system that pumps heat to or from the ground. It uses the earth as a heat source in the winter and a heat sink in the summer. Based on the availability of land on the project site to install a geothermal heat pump system, the project site would support a maximum 79.5 ton system. A 79.5 ton system would cover approximately 54 percent of the total heating/cooling demand for the stadium. This system would reduce the total energy usage on-site by 246 megawatt hours (MWh) per year and reduce CO₂ emissions by 47 tons per year.

The current project proposes to install a 40 ton geothermal heat pump system and to supplement the geothermal system with an 8,000 gallon thermal storage tank. An analysis prepared by *Flack & Kurtz Engineers* (July 2010), concluded that a combined 40 ton geothermal heat pump system and an 8,000 gallon thermal storage tank would generate the same amount of heating and cooling capacity as the 79.5 ton geothermal only system that

could be maximized on-site under the mitigation measures contemplated in the EIR. The reduction in energy usage and reduction in CO₂ emissions of the modified combined system would be equivalent to the maximized 79.5 ton geothermal only system.

The proposed changes to the energy reduction mitigation will not result in a net increase in energy usage or CO₂ emissions. The modified project will not have any new energy impacts or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

B. Transportation and Circulation

The proposed project identified a Transportation Management and Operations Plan (TMOP) as mitigation for impacts related to substantial increases in automobile and pedestrian traffic during large stadium events. One of the anticipated pedestrian safety measures was some permanent fencing along the Tasman rail line to prevent pedestrians from crossing the tracks in locations other than designed crossing points. No specific fencing design was proposed at that time. The modified project proposes permanent fencing around the Great America LRT station and portions of the LRT tracks, and a pedestrian gate across the tracks for use during high-volume egress from the stadium after large events.

The proposed mid-block pedestrian crossing would be located approximately 500 feet west of Centennial Boulevard and would be controlled with fencing and gates to prohibit pedestrians from crossing the tracks when trains are moving. During football games and other large events, Tasman Drive would be closed to non-emergency vehicles from the Tasman driveway entrance to the Great American parking lot to Centennial Boulevard. As a result, pedestrians will be free to move about in the roadway, but restricted from the track area by the fencing.

The use of a pedestrian gate that explicitly allows pedestrians to cross the tracks will somewhat restrict when the trains can leave and enter the Great America station. During large stadium events, however, the trains will not be on a standard service schedule but will operate on a modified event schedule. It is anticipated that the close proximity of the pedestrian crossing to the Centennial Boulevard crosswalk will facilitate coordinated and controlled pedestrian and train movement in this reach. Therefore, the event day schedule developed by the interagency working group envisioned in the TMOP can be planned to accommodate the occasional delays caused by pedestrian traffic and use of the pedestrian gate will not affect the ability of VTA to provide sufficient rail service to all customers during large stadium events.

The reconfiguration of the proposed parking garage would result in a net increase of 117 parking spaces throughout the six-floor structure. The addition of 117 parking spaces to the parking structure (located in Sub-Area A as defined in the Final EIR) will not significantly alter the distribution of automobiles entering/leaving the project area on event days and will not substantially increase the number of pedestrians crossing Tasman Drive and the Light Rail line. No changes will be required to the TMOP to accommodate the additional stadium patrons in the parking garage.

The fencing and pedestrian gate would be designed in accordance with Santa Clara Valley Transportation Authority (VTA) requirements and would be subject to safety review and

approval from VTA and the California Public Utilities Commission (CPUC). Construction of fencing and a pedestrian gate, in accordance with VTA and CPUC standards, and increasing the number of parking spaces in the parking garage would not result in new transportation impacts or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

C. *Vegetation and Wildlife*

The original project proposed two new clear-span pedestrian bridges over San Tomas Aquino Creek. The previously certified FEIR found that there are few wildlife species and minimal habitat values remaining within the creek channel, and no known special status species occur within the creek itself. The newly proposed third pedestrian bridge would also be a clear-span bridge and would be located between the two approved bridges. The third bridge, as well as the original two bridges, will be designed to meet the applicable Federal Emergency Management Agency (FEMA) design standards and will comply with all Santa Clara Valley Water District (SCVWD) policies and permits.

The third bridge will add more shade to the creek channel, but the three bridges will be spaced far enough apart so as not to preclude sunlight from reaching the ground and water surface during some portion of the day. Limited shading of this creek channel is not considered an adverse condition. Because the creek channel will not be permanently shaded, the addition of a third pedestrian bridge will have a less than significant impact on the current biological function of the creek.

The certified FEIR concluded that the clear span design would not damage the existing habitat or increase turbidity within the creek channel, resulting in a less than significant impact. The addition of a third clear span pedestrian bridge would not result in new impacts to biological resources or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

D. *Air Quality*

The previously certified FEIR identified significant temporary impacts associated with construction activities such as demolition, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed soils. The modified project would intensify construction on-site with the construction of a third pedestrian bridge and installation of fencing and a pedestrian gate at the Great America LRT station. Air quality impacts from construction/demolition would be mitigated to a less than significant level through standard dust control measures listed in the certified FEIR for the previously approved project.

As discussed in Section A – *Energy* above, the modified project proposes to replace the proposed 79.5 ton geothermal heat pump system with a 40 ton geothermal heat pump system and an 8,000 gallon thermal storage tank. An analysis prepared by *Flack & Kurtz Engineers* (July 2010), concluded that a 40 ton geothermal heat pump system and an 8,000 gallon thermal storage tank would result in the same energy savings and reduction in CO₂ emissions as the originally proposed system. Because there will be no net increase in energy usage or CO₂ emissions resulting from the proposed energy modifications, there will be no net increase in local or regional air pollutants compared to the approved project.

The mitigation measures listed in the previously certified FEIR to reduce temporary construction related air quality impacts will apply to the modified project. The proposed changes will not result in new impacts to air quality or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

E. Greenhouse Gas Emissions

As discussed in Section A – *Energy* above, the modified project proposes to replace the 79.5 ton geothermal heat pump system with a 40 ton geothermal heat pump system and an 8,000 gallon thermal storage tank. An analysis prepared by *Flack & Kurtz Engineers* (July 2010), concluded that a 40 ton geothermal heat pump system and an 8,000 gallon thermal storage tank would result in the same energy savings and reduction in CO₂ emissions as the originally proposed system. Because there will be no net increase in energy usage or CO₂ emissions resulting from the energy system modifications, there will be no net increase in greenhouse gas emissions compared to the approved project. The modified project will not have any new greenhouse gas emissions impacts or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

F. Visual and Aesthetics

The project site is not located within a scenic view shed or along a scenic highway and there are no designated scenic resources within the project area. The proposed changes to the project would include construction of a third clear-span pedestrian bridge over the San Tomas Aquino Creek, fencing around the Great America LRT station, and installation of an 8,000 gallon thermal storage tank on-site. The addition of a third pedestrian bridge and fencing around the LRT station will further alter the visual character of the project area, but will not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area. The proposed thermal storage tank will be located inside the stadium in the southeast corner of the building and will not be visible from anywhere outside the stadium.²

The modifications would result in incremental changes to the appearance of the proposed project, particularly the fencing along the Light Rail line and the additional bridge. The changes are all consistent with other improvements included in the project and would not result in a substantive change to the visual character of the proposed project itself or to the area, compared to the previously approved project. The proposed modifications would not result in new impacts to aesthetic or visual resources or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

G. Hydrology and Water Quality

The previously certified FEIR found that construction activities on the project site would result in temporary significant impacts to water quality. In order to reduce and avoid impacts related to water quality the project proponents would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI). Additionally, the project would have to comply with the conditions of the National Pollution Discharge Elimination System (NPDES) Permit. Best Management Practices (BMPs) established by the Regional

² Personal Communication – John Wasson, Project Executive, 49er Stadium LLC, July 14, 2010.

Water Quality Control Board (RWQCB) were included to control erosion and the discharge of stormwater pollutants.

The modified project would intensify construction on-site with the construction of a third pedestrian bridge and installation of fencing and a pedestrian gate at the Great America LRT station. Impacts from construction would be mitigated to a less than significant level through the same measures listed in the certified FEIR for the previously approved project. The construction of a third bridge will not increase the turbidity or pollutant load within the creek compared to construction of the two approved bridges with implementation of the previously approved mitigation measures.

The same mitigation measures listed in the previously certified FEIR to reduce impacts related to water quality to a less than significant level will apply to the modified project. Therefore, the proposed changes will not result in new construction impacts related to water quality or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

H. Noise

The previously certified FEIR found that construction of the project over a 28-month period could result in impacts to nearby noise-sensitive receptors including residences, office buildings, and visitors to the Golf and Tennis Club and Great America Theme Park.

The modified project would intensify construction on-site with the construction of a third pedestrian bridge and installation of fencing and a pedestrian gate at the Great America LRT station. There might be an incremental increase in construction time, particularly within the creek right-of-way. Nevertheless, temporary impacts from construction would be mitigated to a less than significant level through the standard noise control measures listed in the certified FEIR for the previously approved project.

Other than temporary construction noise, the modified project will generate the same noise conditions identified in the previously certified FEIR. The same mitigation measures listed in the previously certified FEIR will apply to the modified project. Therefore, the proposed changes will not result in new impacts related to construction noise or impacts of greater severity than those previously identified in the certified *49ers Santa Clara Stadium FEIR*.

Conclusion

The proposed project modifications would not result in any new significant impacts or in any increase in the severity of previously identified impacts due to changes in the proposed project.

IV. FINDINGS

Based on the above analysis and discussion, no new significant impact or impacts of greater severity would result from the modified project. No changes in circumstances in the project area would result in new significant environmental impacts. Therefore, no further evaluation is required, and no Supplemental or Subsequent EIR is needed pursuant to State CEQA

Guidelines Section 15162. An Addendum to the FEIR is therefore appropriate, pursuant to Section 15164.

Pursuant to CEQA Guidelines 15164, this addendum will not be circulated for public review, but will be included in the public record file for the project at Santa Clara City Hall.

EXHIBIT "Dev Plans"

DEVELOPMENT PLANS EXCERPT