FIRST AMENDMENT TO SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
(RESPONSE TO COMMENTS)

BASEBALL STADIUM IN THE DIRIDON/ARENA AREA (MODIFIED PROJECT) SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2005112126

PROJECT #PP05-214

City of San José

May 2010

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PROJECT #PP05-214

Submitted to the:

City of San José Planning Division
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May 2010

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I. INTRODUCTION

A. PURPOSE OF THE FIRST AMENDMENT

This document has been prepared in the form of an amendment to the Draft Supplemental Environmental Impact Report (Draft SEIR) prepared for the Baseball Stadium in the Diridon/Arena Area project (proposed project). The Draft SEIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This First Amendment provides responses to comments on the Draft SEIR and makes revisions to the Draft SEIR, as necessary, in response to these comments or to clarify any errors, omissions, or misinterpretations of material in the Draft SEIR. This document, together with the Draft SEIR, constitutes the Final SEIR for the proposed project.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR.

The Draft SEIR for the proposed project was made available for public review on February 12, 2010, and distributed to local and State responsible and trustee agencies. The public was notified of the availability of the Draft SEIR through an advertisement in the *San Jose Mercury News* and through an announcement posted on the City of San Jose website. The Draft SEIR was posted electronically on the City's website and a hard copy was available for public review at the City of San Jose Planning Department and at the Dr. Martin Luther King, Jr. Library of the San Jose Library system.

The CEQA-mandated 45-day public comment ended on March 29, 2010. The Diridon Area Good Neighbor Committee provided comments on the Draft SEIR at their February 17, 2010 meeting. The City also conducted one community review session during the comment period on March 18, 2010. The public had the opportunity to submit written comments at the meeting. The City received a total of 8 comment letters from State, regional and local agencies during this period. No federal comment letters were received. Twenty-eight comment letters were received from community organizations and individuals. Two comment cards were submitted at the community review session.

The Final SEIR will be presented to the Planning Commission at a public hearing on May 19, 2010 during which the Commission may certify the Final SEIR as a full disclosure of the potential environmental effects of the proposed modified project. The City Council will consider and make written findings for the Final SEIR taken together with the original, final Baseball Stadium EIR, previously certified in 2007, when it considers whether or not to approve a ballpark project. The City Council would also adopt the Mitigation Monitoring and Reporting Program (MMRP) for the modified ballpark project, which is provided in Chapter V of this First Amendment to SEIR. The MMRP has been formulated based upon the findings of the final 2007 Baseball Stadium EIR, the Draft SEIR, and this First Amendment to SEIR for the proposed Baseball Stadium in the Diridon/Arena Area –

modified project. All mitigation measures from the 2007 Baseball Stadium EIR are included in the MMRP, with the exception of the mitigation measures for Transportation, Circulation and Parking. As a result of the supplemental analysis in the Draft SEIR, the Transportation, Circulation and Parking mitigation measures from the 2007 Baseball Stadium EIR have been replaced with those recommended in the Draft SEIR. In addition, three mitigation measures have been modified (CULT-3, NOISE-2, and NOISE-3) and one new mitigation measure has been added (GCC-1). Full environmental review for a modified ballpark project, as described in the Final SEIR, consists of the original 2007 Baseball Stadium EIR, as revised by the Final SEIR. Except as modified by the discussion, disclosures, analyses and mitigation measures described in the Final SEIR, the environmental review and the mitigation measures set forth in the final 2007 Baseball Stadium EIR pertain and apply to a modified ballpark project as described in the Final SEIR.

C. DOCUMENT ORGANIZATION

This First Amendment consists of the following chapters:

- *Chapter I: Introduction*. This chapter discusses the purpose and organization of this First Amendment.
- *Chapter II*: *List of Commenting Agencies and Individuals*. This chapter contains a list of all agencies, organizations, and persons who submitted written comments on the Draft SEIR during the public review period.
- *Chapter III*: *Comments and Responses*. This chapter contains reproductions of all comment letters received on the Draft SEIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the preceding comments.
- *Chapter IV*: *Draft EIR Text Revisions*. Corrections to the Draft SEIR necessary in light of the comments received and responses provided, or necessary to clarify any errors, omissions, or misinterpretation, are contained in this chapter. Text in <u>underline</u> represents language that has been added to the SEIR; text with ~~strikeout~~ has been deleted from the SEIR. Revisions to figures are also provided, where appropriate. As mentioned previously, this document is an amendment to the Draft SEIR; the Final SEIR consists of this amendment and the February 2010 Draft SEIR.
- *Chapter V: Mitigation and Monitoring Program.* This chapter contains a table outlining the process for implementing and monitoring mitigation measures identified in the SEIR. The table describes the timing, responsible implementation and review parties, and the criteria for determining mitigation measure implementation.

II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

This chapter lists each letter received during the public review period and describes the organization of the letters and comments that are included in Chapter III of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each letter received on the Draft SEIR. The written comments are grouped by the affiliation of the commentor, as follows: State agencies (A); local and regional agencies (B); organizations, including verbal comments made at the Diridon Area Good Neighbor Committee meeting held on February 17, 2010 (C); and individuals and comment cards submitted at the public meeting (D).

The comment letters are numbered consecutively following the A, B, C, and D designation. The letters are annotated in the margin according to the following code:

State Agencies:	A1-#
Local and Regional Agencies:	B1-#
Organizations:	C1-#
Individuals:	D1-#

The number following the letter refers to the letter number and the number following the hyphen refers to the comment number within that letter.

B. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following written comment letters were submitted to the City during the public review period.

Comment Letter	Comment Received From	Date of Letter
A. State Agencies		
A1	State Clearinghouse	March 30, 2010
B. Local and Regional Agencies		
B1	California High-Speed Rail Authority Dan Leavitt, Deputy Executive Director	March 29, 2010
B2	Caltrain, Peninsula Corridor Joint Powers Board Capital Project and Environmental Planning Hilda Lafebre, Manager	March 29, 2010
B3	Santa Clara County Parks and Recreation Department Antoinette Romeo, Park Planner III	March 26, 2010

Comment Letter	Comment Received From	Date of Letter
B4	Santa Clara County Roads and Airports Department Land Development William Yeung	April 2, 2010
B5	Santa Clara Valley Transportation Authority Chris Augenstein, Deputy Director, Planning	March 29, 2010
B6	Santa Clara Valley Transportation Authority Roy Molseed, Senior Environmental Planner	March 18 & 22, 2010
B7	Santa Clara Valley Water District Community Projects Review Unit Kathrin Turner, Assistant Engineer II	March 29, 2010
C. Organizations		
C1	Burbank/Del Monte NAC Randi Kinman	March 18, 2010
C2	Fiesta Lanes Action Group D6 Neighborhood Planning & Land Use Terri Balandra, Co-Chair	February 17, 2010
C3	Diridon Area Good Neighbor Committee Meeting Meeting Notes, Various Committee Members	February 17, 2010
C4	Greater Gardner NAC Harvey Darnell, Chair	March 29, 2010
C5	Pacific Gas & Electric Land Rights Protection, Southern Area Alfred Poon	March 23, 2010
C6	San Jose Arena Management, LLC R. Clark Morrison, Cox, Castle and Nicholson, LLP	March 12, 2010
C7	San Jose Arena Management, LLC R. Clark Morrison, Cox, Castle and Nicholson, LLP	March 29, 2010
C8	Pitco Foods Reza Neghabat	March 18, 2010
C9	San Jose Downtown Association Henry Cord, Representative Diridon Area Good Neighbor Committee	March 24, 2010
C10	Save Our Trails Shirley Nakamiyo, Committee Member	March 18, 2010
C11	Shasta/Hanchett Park Neighborhood Association Helen Chapman, President of Board of Directors	March 29, 2010
C12	Stand for San José Todd Smith, Pillsbury, Winthrop, Shaw, Pittman, LLP	March 29, 2010
C13	Willow Glen Neighborhood Association Richard Zappelli, Chair, WGNA P&LU Committee	March 29, 2010
D. Individuals and Comment Meeting		
D1	Alikat.2@juno.com (Alison England)	February 17, 2010
D2	Lawrence Ames	March 28, 2010
D3	Lawrence Ames	March 29, 2010

Comment Letter	Comment Received From	Date of Letter
D4	Greg Azevedo	March 20, 2010
D5	Linda Black	March 19, 2010
D6	Carole Campbell	March 15, 2010
D7	Helen Chapman	March 28, 2010
D8	Martin Delson	March 18, 2010
D9	Jean Dresden	March 29, 2010
D10	Bob Gray	February 12, 2010
D11	Joseph Hernandez	February 13, 2010
D12	Jonathon Martinez	March 29, 2010
D13	Michelle McSorhy	March 18, 2010
D14	Paul Metz	March 20, 2010
D15	Scott Soper and Teresa O'Kane	February 25, 2010
D16	Edward F. Terhaar	February 25, 2010
D17	Eloy Wouters	March 28, 2010
D18	Public Comment Meeting	March 18, 2010

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III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft SEIR are provided in this chapter. All letters received during the public review period on the Draft SEIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State agencies (A); local and regional agencies (B); organizations, including verbal comments made at the Diridon Area Good Neighbor Committee meeting held on February 17, 2010 (C); and individuals and comment cards submitted at the public meeting (D).

Many of the comments received on the Draft SEIR involve variations of several key issues. In order to consolidate responses to questions and comments related to these topics, and to address concerns comprehensively, several Master Responses have been prepared. Master Responses are included below and referenced within the responses to comments as appropriate. The specific comments that are being addressed are cross-referenced at the beginning of each Master Response.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #1
(Responding to Comments B5-19; C7-4, -6, -7, -9, -10, -23, -30, -32, -33, -61; C11-4, -6, -13, -25; C12-16, -17; D13-2.)

Study Time Periods

Several commenters request the analysis of time periods outside of the weekday peak hours that the City of San José uses to determine whether a project impact on the Level of Service at intersections or on freeway segments is significant under CEQA.

Peak Hour Time Periods

Impacts to the freeway system were analyzed in accordance with the Santa Clara County CMP, which procedures are used by all Santa Clara County cities to evaluate freeway traffic impacts. Like the City of San Jose Transportation LOS Policy, the CMP policy focuses on the weekday AM and PM commute hours. The policy does not apply to the 6:00-7:00 p.m. time period. The Santa Clara Valley Transportation Authority (VTA) CMP guidelines encourage member agencies, such as the City of San Jose, to study other time periods if appropriate. However, impacts are identified only during the AM and PM peak periods (7:00-9:00 a.m., 4:00-6:00 p.m.). Focusing on the 5:00-6:00 p.m. peak hour as the typically most congested period for traffic during weekdays, the traffic study showed significant project impacts to several freeway segments.

The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation Level of Service (LOS) Policy and the Santa Clara County Congestion Management Program (CMP). It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. Any intersections that are shown to be deficient during this peak hour

could result in a significant project impact, according to San José's Transportation LOS Policy. Several comments request analysis of other time periods: one hour before a game starts (6:00-7:00 p.m. weekdays), before and after a weekday afternoon game, and Saturday. The weekday 6:00-7:00 p.m. time period is analyzed in the traffic study, which is Appendix C of the Draft SEIR. For informational purposes, a supplemental analysis has been prepared of the time periods before and after a weekday afternoon game, and this analysis is described below. A Saturday analysis was not prepared because Saturday traffic volume is so low in downtown San José that the ballpark traffic could not lead to LOS deficiencies. Also, the City's LOS Policy does not apply to weekends because traffic patterns are unpredictable and variable, unlike regular weekday commute traffic patterns, and traffic volumes are lower overall.

Some of the comments noted that the weekday 6:00-7:00 p.m. time period was analyzed in the traffic study but that no conclusions were drawn relative to significant impacts under CEQA. That is because the City of San Jose Transportation LOS Policy, as articulated in the General Plan and supporting technical documents and in conformance with the Santa Clara County CMP, applies only to the weekday AM and PM peak hours, which are defined as occurring between 7:00-9:00 a.m. and 4:00-6:00 p.m. It is during these time periods that typical worst-case traffic conditions occur, and so these time periods are consistently used in the City pursuant to City Policy to analyze traffic impacts. It may be possible to find specific locations around the City where other time periods are more congested, such as on Saturdays around certain shopping malls during certain times of the year, but overall citywide, the defined AM and PM peak hour commute periods are busiest and most congested. Therefore, the City's Transportation LOS Policy has been applied city-wide over the last 30 years only to these peak hour time periods to guide traffic analyses in a consistent manner across all projects. Some comments allege that the 2007 EIR applied the LOS Policy differently and identified significant impacts in the 6:00-7:00 p.m. time period. These comments are incorrect (see page 128 of the 2007 EIR).

Downtown LOS Exemption

The Draft SEIR includes analysis of the potential impacts to Downtown signalized intersections. However the San José 2020 General Plan recognizes "the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the dense, urban center for financial, business, institutional, and cultural activities, development within the Downtown Core Boundary is exempted from traffic mitigation requirements under the City's Transportation LOS Policy. Intersections within and on the boundary of this area are also exempt from this" LOS Policy.

All Downtown San José intersections are exempt from the City's Transportation LOS Policy for purposes of requiring mitigation. As a point of information, the Downtown Strategy 2000 Plan EIR identified significant and unavoidable LOS deficiencies at the following nearby intersections: SR 87/Julian, Bird/San Carlos, Autumn/Santa Clara, Bird/Auzerais, I-280 (N)/Bird, Delmas/Park. The Downtown Core Area was expanded as part of the Downtown Strategy 2000 project and these intersections were added as new intersections to the list of signalized intersections subject to the Downtown LOS exemption. These significant and unavoidable impacts were subject to a statement of overriding considerations by the City Council at that time in accordance with the General Plan Policy that exempts downtown intersections from mitigation that would otherwise required by the City's Transportation LOS Policy.

6:00-7:00 P.M. Informational Analysis

Although not required by City of San Jose policies, the traffic study in the Draft SEIR included a 6:00-7:00 p.m. analysis scenario for informational purposes only. The traffic study in the Draft SEIR identifies three intersections that could have operational problems during the weekday 6:00-7:00 p.m. time period for the single-event scenario with the ballpark. A fourth intersection could have operational problems during the weekday 6:00-7:00 p.m. time period under the simultaneous event scenario. The four intersections are:

- Autumn/W. San Fernando
- Delmas/Park
- Autumn/Park
- Delma/W. San Fernando (under the simultaneous event scenario)

While operational problems at these intersections are not considered CEQA impacts that must be mitigated under the City of San José's LOS Policy, improvements are identified in the traffic study (see page 32 of the traffic study in Appendix C of the Draft SEIR). These improvements could be physical or operational, and they could be part of the project approval or included in the Transportation and Parking Management Plan (TPMP) that would be prepared for a ballpark project.

In the cumulative traffic analysis for the ballpark, during the 6:00-7:00 p.m. time period with simultaneous events, there were four additional intersections that would have operational problems:

- SR 87/Julian
- Autumn/Santa Clara
- Bird/San Carlos
- Montgomery/Santa Clara

Each of these intersections also was identified as deficient previously in the Downtown Strategy Plan 2000 EIR, on which the ballpark cumulative analysis is based, and either improvements were identified (such as added turn lanes) or statements of overriding considerations were adopted in recognition of the operational deficiencies at these intersections that would occur under the build-out of the Downtown Strategy Plan 2000.

Weekday Game

Although not required to analyze traffic generated as a part of a weekday day game, an informational analysis was prepared of the traffic impact of a weekday afternoon game. The analysis includes the time period from one hour before a game until one hour after a game. The City as project proponent has indicated that weekday games would start around noon. Both the 11:00 a.m. to noon hour and the 3:00-4:00 p.m. weekday hour fall outside of the City's LOS Policy. However, assuming a worst-case scenario of a possible, but infrequent, 1:00 p.m. game start time, the time period after a game would fall within the 4:00-6:00 p.m. weekday peak hour that is the subject of the City's LOS Policy. It is important to note that weekday afternoon games would occur infrequently. Based on data from other major league baseball teams, the number of afternoon weekday games would be between 4 and 11

games per year. As shown in the attached memorandum report,[1] there would be no intersection deficiencies as a result of ballpark traffic either before or after a weekday afternoon game. See Attachment 1 to this First Amendment to SEIR.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #2
(Responding to Comments B2-3; C7-4, -6, -7, -11, -23, -27, -30. -31, -36, -37; C11-2, -3, -7, -8, -9, -10, -25, -35; C12-18.)

Simultaneous Events and Other Uses of Ballpark

Several commenters ask for traffic analysis of various events at the HP Pavilion or other venues that might occur at the same time as a baseball game. Some commenters ask about the impact on traffic of other uses of the ballpark.

Other Uses of Ballpark

The traffic section of the Draft SEIR is based on sell-out events at the ballpark, so there is no need to analyze events that would generate the use of fewer seats at the ballpark, such as concerts. Events held at the ballpark other than baseball games, such as concerts, will result in no worse traffic impacts than a sold-out baseball game. Additionally, based upon usual concert start times at other nearby or similar venues (such as the HP Pavilion or Shoreline Amphitheatre in Mountain View), concerts typically begin at 7:30 or 8:00 p.m., when traffic coming to and from the concert would fall outside of the PM peak hours for traffic analysis. It is also noteworthy that while use of the ballpark for concerts might occur, there has been an overall industry-wide decline in large concert ticket sales over the last several years and the outlook may continue to decline.[2]

Simultaneous Events

The traffic study also includes a scenario that analyzes simultaneous sell-out events at the ballpark and the HP Pavilion for the 6:00-7:00 p.m. time period, even though this convergence of events would be infrequent, and even when they occur, the likelihood of sell-out events at one or both venues is even less likely. During the approximately 26-week, 2009 baseball season, for example, the A's played 11 weekday evening games on days when there were also events scheduled at the HP Pavilion. Attendance at the 11 HP Pavilion events ranged from approximately 2,100 to 17,400 patrons for these events, with an average attendance of 9,000 and a median attendance of 8,100 (that is, half of the events had more attendees and half had fewer attendees). The traffic and parking analysis prepared for the Draft SEIR is clearly providing a worst-case assessment of traffic and parking conditions by evaluating simultaneous, sell-out events at the HP Pavilion and proposed ballpark. In any case, this information is provided for informational purposes, since the traffic being reviewed and analyzed falls outside of the PM peak hours consistently analyzed under City's LOS Policy. The traffic study identified four intersections (Autumn Street/San Fernando Street, Delmas Avenue/Park

[1] Hexagon Transportation Consultants, Inc., 2010. Additional Day Game Traffic Impact Analysis for the Proposed San Jose Baseball Stadium, April 15.

[2] George Varga, 2005. San Diego Tribune, Concert Industry is Facing a 'Huge Crisis' – The Graying of America, http://legacy.signonsandiego.com/uniontrib/20051211/news_1a11varga.html.

Avenue, Autumn Street/Park Avenue and Delmas Avenue/San Fernando Street) that might have operational problems during the weekday 6:00-7:00 p.m. time period with sold-out events at both the ballpark and HP Pavilion. These events could be games, concerts, or any other use. The traffic study identifies physical or operational changes that could be implemented at those four intersections to accommodate the estimated temporary traffic flows generated during those infrequent occurrences.

Some comments ask for an analysis of concurrent events that would include a soccer game at the proposed new soccer stadium on Coleman Avenue. Soccer games, according to the environmental impact report prepared for the soccer stadium, would begin no earlier than 7:00 p.m. The traffic study for the Draft SEIR makes the following statement about overlapping events at the soccer stadium:

> "The potential soccer stadium would add traffic to only 2 of the 24 ballpark study intersections during the 6:00-7:00 p.m. time period. The soccer stadium would add less than 10 trips per movement at both those intersections. These minimal amounts of additional vehicular trips at these two intersections do not translate into any change in the cumulative traffic analysis set forth in this study."

Some comments point out that the downtown usually has other events happening at night that would overlap with baseball games. This is true because the downtown is home to various theaters and clubs. The parking and traffic demand of these events are included in the background traffic counts and parking numbers because such events occur on a daily basis and were included in the traffic and parking counts completed for the ballpark traffic study. Similarly, parking counts in the Downtown show around 25 percent occupancy at night without an event at the HP Pavilion. The fact that the parking and traffic numbers are not zero indicates the ambient level of activity in downtown San Jose in the late afternoon and early evening. Therefore, the usual nightlife events within the Downtown have been included and considered as a part of the Draft SEIR traffic analyses.

Some comments name potential larger events that might occur at the same time as a baseball game, such as Downtown festivals. The City of San José has done an extensive inventory of Downtown events in order to identify potential conflicts. Most events attracted fewer than 5,000 people, occurred outside of baseball season, or occurred on weekends. Most events occur on weekends when there is very little ambient traffic and there is adequate parking capacity. Examples of small events are Music in the Park (4,000 attendance) or the Amgen Tour of California (3,000 attendance). Examples of events outside of baseball season are Christmas in the Park and the San Jose Holiday Parade. An example of a weekend event is the Rock-n-Roll Half Marathon. See Table 1 for a summary of Downtown special events and festivals with a reported average daily attendance of more than 2,500 persons that occurred during the 2009 baseball season.

There are one or two festivals that draw large peak attendance numbers of up to 35,000 people per day and occur during baseball season, such as the AT&T San José Jazz Festival and the San Jose America Festival (4th of July), the largest downtown festival (which has been cancelled over the last two years). These events span several hours, tend to occur on weekends, and draw people throughout an entire day, without a concentration of persons arriving at the event at any one time. These events are unique and have special sets of circumstances. For example, during the 4th of July Festival the VTA arranges a special transit schedule with additional and more frequent Light Rail trains. It would be highly speculative to estimate their impact on traffic or parking since arrival times, vehicle occupancy, and length of stay are unknown. While the exit time is more predictable for this particular

event – around 9:30 p.m. when the fireworks display has concluded – it falls outside of the PM peak hour at a time when traffic levels are generally very low. Given the lack of data and the fact that large festivals occur infrequently and irregularly (possibly twice per year, at most, when they are not cancelled) and occur over a large span of time with irregular traffic patterns, an analysis of the traffic conditions presented by these infrequent events in the Draft SEIR would not produce reliable data upon which conclusions could be drawn. In addition, this entire analysis relates to weekend events that are not required to be analyzed under City's LOS Policy.

Table 1: Weekday Evening Special Events in Downtown San José during the 2009 Baseball Season

Event	Location	Weekday(s) Held	Average Daily Attendance
Music in the Park	Cesar Chavez Park	Thursdays (June 4 – August 27)	4,000
AT&T San José Jazz Festival	Downtown	Friday (August 7)	34,334
San José International Mariachi Festival	Cesar Chavez Park	Wednesday, Thursday, Friday (September 23 – 25)	5,000
Sharks Rally	Autumn Street	Thursday (October 8)	4,000
Left Coast Live Music Festival	First Street between San Fernando and Williams Street	Monday through Friday (May 11 – 15)	4,000

Source: City of San José, 2010.
Note: The Amgen Tour of California occurred in February 2009, outside of the baseball season, but will occur in May in 2010. It attracted approximately 3,000 spectators and participants.

The weekday peak hour traffic conditions analyzed in the Draft SEIR are a representation of the normal traffic conditions that occur throughout the year. Analysis of isolated infrequent and temporary traffic conditions is not required under the City's Transportation LOS Policy and is not typically completed because it represents an unusual, brief condition. Necessary improvements identified as part of the weekday transportation LOS analyses would be beneficial to roadway conditions year-round and also would serve to improve traffic conditions during the infrequent, atypical event (or multiple events) that can generate unusual amounts of traffic for a short period of time. One example of this would be an analysis of traffic conditions at Westfield Valley Fair Shopping Center or Santana Row during the week preceding the Christmas Holiday. Another example would be the possibility noted in some of the comment letters of a large weekday evening or weekend event Downtown, together with a simultaneous hockey and baseball game. Analysis of such atypical, temporary traffic conditions and resulting conclusions would misleadingly suggest that costly, permanent transportation system improvements should be constructed to accommodate the occasional, inconvenient and unusual traffic capacity that may occur for a very short time period. To construct a transportation system to accommodate the infrequent, unusual event would result in much wasted capacity for a majority of the time and a huge expenditure of public dollars for improvements that would be unnecessary the other 99 percent of the time or undesirable.

The traffic analysis performed in the Draft SEIR of weekday peak hour traffic conditions, which is the typical analysis consistently performed pursuant to the City's transportation LOS Policy, is a

representation of the normal traffic conditions that occur throughout the year. Therefore, necessary improvements identified as part of the weekday transportation LOS analyses would be beneficial to roadway conditions year round and also will serve to improve traffic conditions during the infrequent, atypical event (or multiple events) that can generate unusual amounts of traffic for a short period of time.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #3
(Responding to Comments C7-4, -6, -7, -10, -34.)

Narrowing Park Avenue

Several commenters ask about the traffic impact of narrowing Park Avenue.

The proposed modification to Park Avenue has been under consideration by the City for a number of years. As part of the City's vision for Park Avenue, the City has long anticipated that the roadway would ultimately be a two-lane facility, which requires a General Plan Land Use/Transportation Diagram change. The section of Park Avenue west of Sunol Street already includes General Plan designations of both two and four lanes. However due to the adjacent land uses, including single-family housing fronting on to Park Avenue, staff has determined that a future four-lane widening is not feasible and would not meet the City's multimodal transportation goals. This is the case with or without the ballpark. The section between Montgomery Street and Delmas Avenue has a completed two-lane plan-line and is included for consideration in the General Plan 2040 Update process as a two-lane roadway. This SEIR includes the anticipated narrowing of Park Avenue from four lanes to two lanes between Josefa and McEvoy streets and a narrowing Bird Avenue from six lanes to four lanes to accommodate the signal transition in the vicinity of the ballpark.

The Draft SEIR traffic study includes an analysis of the narrowing of these street segments both in the near term and with cumulative build-out of the General Plan and Downtown Strategy 2000 Plan. For the near-term scenario (existing plus ballpark), the intersection of Park Avenue & Autumn Street/Bird Avenue would operate at LOS F in the 6:00-7:00 p.m. (outside of the peak PM) time period whether Park Avenue were two lanes or four lanes. The Level of Service could be improved to LOS D with the provision of wider crosswalks and temporary left-turn restrictions, with either two lanes or four lanes on Park Avenue.

Under the cumulative scenario, the narrowing of these Park Avenue and Bird Avenue street segments was shown to result in LOS F operation during the 5:00-6:00 p.m. period. The cumulative analysis was done both with the City of San Jose CUBE model, which is run for General Plan amendments, and a hand traffic assignment at the intersections of Park & Autumn/Bird and San Carlos & Bird. The traffic impact of narrowing these segments of Park Avenue and Bird Avenue is identified as significant and unavoidable. A statement of overriding considerations explaining how or why the benefits of a ballpark project would outweigh these impacts would be necessary if a ballpark project is approved.

While reducing the width of Park Avenue and Bird Avenue would reduce traffic capacity at the particular spot of the narrowing, it is important to remember that the City of San Jose has either approved or is planning various other changes in the Diridon Station area that would add substantial

capacity to the overall transportation system. These improvements include the extension of Autumn Street to Coleman Avenue, interchange improvements at SR 87/Julian, the extension of BART to Diridon Station, bike lanes and sidewalk improvements on Bird Avenue, and various improvements to the trail system.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #4
(Responding to Comments B5-15; C3-11, -13; C6-4; C7-4, -6, -7, -15, -16, -17, -19, -23, -24, -44, -45, -46, -47, -48, -49, -50, -51, -59; C11-4, -5, -35, -46, -47.)

Parking

Several commenters question the assumptions used with regard to the number and availability of parking spaces in downtown San José to serve the ballpark and other facilities. Commenters also ask about the cumulative effect of BART and HSR facilities on the supply and availability of parking.

The Draft SEIR demonstrates that adequate parking supply exists in downtown San Jose to serve the ballpark and all other existing uses, including the HP Pavilion. Comments were raised about how much of the downtown parking supply really is vacant, how many private spaces could be made available, whether 100 percent occupancy could be assumed, the impact of a weekday game, and the impact of BART and High-Speed Rail. In general, one of the benefits of the downtown location for the ballpark is that it can take advantage of thousands of parking spaces that go largely unused at night and on weekends. As described in the Draft SEIR, there are almost 29,000 parking spaces in downtown San Jose.

The Draft SEIR uses an average occupancy figure of only 2.3 persons per car to calculate that a 36,000 seat ballpark would require 13,779 spaces. Major league baseball recommends the use of an auto occupancy figure of 2.8 persons per car, which would yield a parking demand of 11,442 spaces. Add in a simultaneous sold-out event at the HP Pavilion and the parking demand would be about 19,000 spaces – still well below the number of spaces available in downtown San Jose. Also, this demand is calculated assuming modest parking costs and minimal transit usage. If parking charges were to increase, transit usage and carpooling would increase with a corresponding further decrease in parking demand.

The comment letter from Silicon Valley Sports and Entertainment points out that there could be competition for nearby parking spaces on days with simultaneous events. This is a parking management issue and not environmental issue. The parking analysis in the Draft SEIR is based on the assumption that parking spaces in the Downtown near the HP Pavilion would be made available for Pavilion staff and customers, as contemplated in the agreement between the Pavilion and the City of San Jose. The Draft SEIR provides two examples of a program to accommodate those HP Pavilion spaces: (1) Pavilion staff and customers could be given parking passes along with their tickets, and those passes would be required to access the nearby parking facilities, or (2) parking patrons could be required to show a ticket to the HP Pavilion or staff pass in order to be admitted to the reserved parking lots and garages. These are two examples; other mechanisms could be devised to achieve the same goal. The details of such a program would be determined if and when the management of those facilities agreed to such an arrangement. Pavilion parking lots and garages would be clearly marked to avoid ballpark customers trying to use them. Upon opening of the ballpark a period of adjustment

is anticipated, during which time motorists may take additional time to locate where they can park. Experience with the HP Pavilion, for which the City has been managing traffic and parking since the facility opened in 1993, indicates that this period of adjustment is resolved over time and that the TPMP would help in this regard. A similar adjustment period occurs with each new facility and event.

The number of vacant spaces available downtown at night was determined based on parking counts at City-owned and private garages on a non-event evening in 2005. At the time of the count, the City-owned garages were 50 percent full and the private garages were 5 percent full; based on these values an ambient average occupancy of 25 percent was used in both the 2007 EIR and the Draft SEIR. Based on this rate, the amount of available parking within ¾ mile of the ballpark (13,847 spaces plus 150 on-site spaces for a total of 13,997 spaces) was shown to meet or exceed the projected demand for a ballpark (see Table IV.A-12 on page 64 of the Draft SEIR). Demand for parking during simultaneous events would exceed the supply of spaces located within ¾ mile of the ballpark, but over 10,000 additional spaces are available within downtown San José outside of the ¾-mile radius, which is more than adequate to meet the approximately 19,000-space demand of simultaneous events (see page 64 of the Draft SEIR).

Some comments question the survey data since it is from 2005. Since 2005, the City has begun to charge a fee to park at night in City garages. It is reasonable to assume that demand for paid parking would be less than demand for free parking and, in fact, based on data from City garages for the second quarter of the 2009/2010 fiscal year, the City's garages are now about 31 percent full during the evenings.[3] Therefore, the use of 2005 survey data represents a conservative approach, in that the parking occupancy is lower today even if it is assumed that office occupancy levels and patronage at downtown entertainment and retails venues remain at 2005 levels despite a more current, depressed economic climate.

Some garages are more than ¾ mile from the ballpark. This is about a 20 minute walk. Some comments questioned whether sports fans would be willing to walk that far. To the extent that fans were not willing to walk that far, the outcome would be that demand for closer parking would increase and prices would increase for nearby parking, which in turn would increase the likelihood of more private parking being provided, transit usage and carpooling. In either case, the impacts of the ballpark would be less than are described in the Draft SEIR.

Some comments note that many private garages in downtown San Jose currently are not open at night or on weekends. This is true because there is insufficient demand for them to be open. The city-owned garages provide thousands of parking spaces nights and weekends, which are more than sufficient to meet demand. The private garages open when the demand justifies the fixed costs of operation. For example, many private garages open for downtown festivals and events, depending on the location of the garage and the event. When the private garage operators foresee demand sufficient to generate a profit, they open to the public. In downtown San Jose, the demand and potential revenues significantly impact the decisions to open parking facilities for public parking where they might otherwise be closed. A perfect example would be the Grand Prix auto race, where two facilities (10 Almaden & 160 W. Santa Clara) typically do not open on weekends for public parking, but did for those events based on the projected demand. Redevelopment Agency staff routinely meets and

[3] City of San José, 2010. CSJ Parking Services and Redevelopment Agency, Average Peak Occupancy Report, 2nd Quarter, fiscal year 2009-2010.

converses with the current operators of these facilities and they have confirmed that if demand warranted, they would not only market and provide public parking during events, but might explore stack parking cars to expand capacity.

To respond to comments on the Draft SEIR, additional traffic and parking analysis was completed for a weekday afternoon baseball game, although the hours involved in these analyses generally fall outside of the City's LOS Policy. City of San Jose staff conducted surveys of several downtown parking lots and garages to determine occupancy and vacant spaces on a weekday afternoon. Attachment 1 to this First Amendment to SEIR fully describes the results of the analysis. In summary, it was determined that sufficient parking vacancy exists within the Downtown parking lots to accommodate a weekday baseball game.

Some comments question the lack of a cumulative parking analysis. It would be inappropriate to speculate on the provision of parking supply in downtown San Jose for the future, other than to state that the parking supply probably will increase as new buildings are built. Buildings have been built on sites formerly used as surface parking lots, and this activity certainly will continue. However, in almost all cases, parking garages were built in conjunction with the new office buildings such that the parking supply upon completion was substantially greater than before.

Some comments request an analysis of parking in conjunction with BART and High-Speed Rail (HSR). Both proposed transit systems would have stations adjacent to the Diridon Station. No parking scheme for BART has been finalized. Options are to build a new parking garage near the proposed BART station or to add a deck to the HP Pavilion parking lot. In either case, the parking could be shared with the ballpark because BART parking demand typically occurs on weekdays during the day. If HP Pavilion were to refuse to share that parking and instead use it only for HP Pavilion patrons, it would still reduce the need for HP Pavilion patrons to use other, off-site parking within the Downtown and so additional parking in the Downtown would become available. If BART is built with parking, the impact would be two fold. First, the parking supply would increase by as much as 1,200 spaces, and second, the access to BART would provide much greater opportunity for fans to use mass transit, both reducing the traffic and parking demands discussed in the Draft SEIR. For example, in Oakland, approximately 25 percent of the A's fans arrive by BART for their games.

The plans for HSR parking are pure speculation at this point. HSR originally published a parking demand of 7,200 to 9,800 spaces at the San José Station in the Bay Area to Central Valley HST Final Program EIR/EIS (page 3.1-9). A recent Station Area Parking Guidelines Technical Memorandum (March 2010) published by HSR substantially changes the parking numbers to an anticipated cumulative average daily parking demand of 3,800 spaces by the year 2035. However, the report says these spaces could be located up to 3 miles from the station, which would be well outside of downtown San Jose. It is apparent (given the existing fluctuations in parking estimates from 9,000 down to 3,800) that parking numbers for HSR are still subject to substantial variation at this point. Therefore, statements about the parking demand or supply for HSR would be inappropriately speculative.

One comment on parking cites recommendations that parking occupancy not plan to exceed 85-90 percent of capacity (Comment C7-44). This recommendation is incorrectly cited in that it is not intended to apply to special events. The reason for the recommendation to consider 85-90 percent occupancy "full" is to make it easy for motorists to find vacant spaces. This applies to shopping

centers and other retail situations under everyday conditions where customer convenience is an important consideration. The brief period of time that might be spent locating a parking space may be a bit inconvenient, but there is no evidence that this brief activity would result in an environmental impact, let alone a significant environmental impact. At a special event, where parking operators are charging for parking, they typically add staff to assist and direct motorists to find available spaces. It is in their financial interest to ensure that every space is utilized. Operators will not stop selling tickets when a garage or lot is 85 percent or 90 percent full; they will continue to sell tickets until every space is filled.

Finally, recent amendments to the CEQA Checklist reinforce the perspective on parking contained in the Draft SEIR. Effective March 18, 2010, the California Natural Resources Agency ("CNRA") deleted text in the CEQA Checklist of environmental impacts that had asked if a project would result in inadequate parking capacity. The Final Statement of Reasons for Regulatory Action (Dec. 2009) explains that the reason for this deletion is recognition of the fact that there is no requirement for an EIR to identify measures to provide additional parking spaces if there is an anticipated shortfall in parking because the social inconvenience of searching for scarce parking spaces is not necessarily an environmental impact. Although CNRA recognized that scarce parking in some scenarios could lead to environmental impacts, such as traffic or air quality impacts, there is no evidence that this would be the case with the ballpark project because of the adequate parking supply in the area of the ballpark, coupled with measures in a TPMP that will assist persons in locating that supply. Additionally, as noted in the Master Response #4 for Parking, parking demand may be less than analyzed in the Draft SEIR in the long run due to the fact that the ballpark is located near the Diridon Station area, especially if a BART station (with or without a parking garage) is constructed.

CNRA also noted in the Final Statement that the relationship between parking and air quality impacts is unclear. While some might speculate that a scarcity of parking would lead to idling or cruising that results in increased carbon dioxide emissions, studies cited in the Final Statement suggest just the opposite: (i) that cruising behavior results not from the number of parking spaces available, but from the price of those parking spaces, and (ii) that providing parking actually increases greenhouse gas emissions by inducing a demand for those spaces; reducing parking availability can be a method of reducing greenhouse gas emissions.

These changes to delete inadequate parking from the CEQA Checklist were adopted and became effective during the drafting of the Draft SEIR and the rationales underlying these recent CEQA changes have been reflected in the updated analysis of parking contained in the Draft SEIR

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #5

(Responding to Comments C7-4, -6, -7, -12, -23, -27, -39; C9-9; C11-12, -17.)

Traffic and Parking Management Plan (TPMP)

Some commenters question the idea of using the forthcoming TPMP as mitigation for project impacts.

It is important to note that the Draft SEIR does not suggest the TPMP as mitigation for impacts. The City of San Jose prepares a TPMP for all major events and facilities that require special operations of the transportation system. The HP Pavilion has had a TPMP since its original opening in 1993. HP

Pavilion operators acknowledge that the TPMP has worked successfully over the years. The TPMP has been modified over the years as conditions have warranted. The TPMP establishes procedures used to manage traffic and parking, such as closing streets, prohibiting turn movements, police control of intersections, pedestrian channelization, and many other details. The goal of the TPMP is to move traffic and pedestrians safely and efficiently and to keep impacts out of residential neighborhoods. The HP Pavilion TPMP has been successful to the point that the City now receives very few complaints (one or two per year) regarding traffic related to HP Pavilion events or about access to the HP Pavilion on game days or for other events

MASTER RESPONSE CUMULATIVE IMPACTS #6
(Responding to Comments B5-13, C6-2, -3; C7-19, -26, -57, -58, -59, -60; C12-21.)

Several commenters state that the SEIR was inadequate because it omitted analysis of cumulative parking, transit and pedestrian impacts and understated cumulative transportation impacts associated with the probable High-Speed Rail (HSR), BART extension and Diridon Station Area Plan projects.

The cumulative impact analysis in the SEIR is adequate and recirculation is not required. The public was afforded the opportunity to comment on the best information available that was released for public review. The certified 2007 EIR analyzed cumulative impacts by topic and concluded the ballpark project would result in six cumulatively considerable and significant impacts (see page 315 of the 2007 EIR). In all other environmental topical areas, the project's contribution would be reduced or eliminated by project mitigation measures to the point that the project would not contribute considerably to any other significant cumulative impacts.

The Initial Study prepared for the modified project concluded that the list of projects under cumulative conditions should be expanded and updated due to new projects which would now be considered reasonably foreseeable, including the BART to San José Extension and the CA High-Speed Rail Program. The Draft SEIR updates the list of cumulative projects and analyzes the modified project's contribution to the environmental topic areas and potentially significant cumulative impacts. Under the cumulative scenario, the narrowing of the Park Avenue and Bird Avenue street segments was shown to result in LOS F operation during the 5:00-6:00 p.m. time period. The Draft SEIR concludes the increase in project generated traffic would have a cumulatively considerable transportation impact on the traffic of certain freeway segments in the City.

All projects cited in the various comments have been included in the Cumulative Scenario. The comments have not identified any projects which are not included in the cumulative analysis. The analysis does account for the BART project quantitatively. It accounts for the HSR and Diridon Station Area Plan qualitatively. It is neither practical nor reasonable to expect the quantitative cumulative analysis to include projects for which no such stable quantitative information is available or was uncertain at the time of Draft SEIR circulation.

Cumulative Parking

A discussion and response to cumulative parking is included in Master Response Transportation, Circulation and Parking #4, Parking. The modified project results in less parking demand due to the

reduction in the ballpark's seating capacity by 9,000 to 13,000 seats from the 2006 Stadium Proposal. It is important to note that the General Plan Amendments identified in the list of cumulative projects are not project specific and do not provide any specific information about parking required or provided. The approved or constructed private development projects are each required to provide parking in accordance with adopted City requirements for the approved land use. The parking provided by private development projects is independent of the parking demand and supply for the proposed ballpark. The project descriptions and accompanying parking data for the HSR and Diridon Station Area Plans are not yet stable so that any "cumulative" parking analysis would be speculative.

Cumulative Transit

The transit conditions under the cumulative scenario are described beginning on page 102 of the Draft SEIR. Under the cumulative condition, the ballpark would be served by multiple public transit systems, including Caltrain, light rail, buses, and, in the future, High-Speed Rail (HSR) and BART. There is no evidence that under the cumulative condition there would be a significant impact on transit since two of the cumulative projects (HSR and BART) would actually increase transit service to the project area. The project would also not interfere with the development of these future transit systems, which have footprints distinct from the ballpark with the exception of a potential parking structure site that has been identified by both BART and the ballpark. The dual use of this site would not be a significant impact (and may be a beneficial outcome) because weekday evening or weekend games would require parking at a time when BART commuter patrons are vacating the facility or when the facility is likely to be underutilized by BART patrons. In addition, the higher density development envisioned by the City for the Downtown area would encourage patrons that live nearby to consider and choose between several potential options for traveling to the ballpark (e.g., on foot or via either light rail or bus). With multiple transit options available, patrons would be expected to shift between various transit modes, thus avoiding burdening any one system. It is also noteworthy, that the ballpark in Oakland has for many years been successfully served by buses and BART. A future ballpark in San José that would be served by Caltrain, light rail and HSR as well as by buses and BART would not be expected to have a cumulatively considerable significant impact on transit systems.

Cumulative Pedestrian

The 2007 EIR concludes there is not a significant pedestrian impact for either the project or cumulative case. There continues to be no significant cumulative pedestrian impact with the modified project because the number of ballpark seats is reduced. The pedestrian facilities are adequate, but the pedestrian street crossing "operations" would be modified with the TPMP as appropriate and necessary for a specific ballpark project design.

Under the cumulative condition, which includes additional housing in the project area and more transit options, pedestrians would potentially be traveling to the ballpark from more diverse locations than under the project condition, which would have a higher proportion of patrons arriving by car and result in a preponderance of patrons traveling between parking facilities and the ballpark. Thus, the cumulative condition would likely see a more dispersed pedestrian pattern than the near-term condition. The dispersed pedestrian movements would have the same or lesser impact than the more intense movements under the project-level scenario (i.e., such as patrons crossing Santa Clara Street). As pedestrian facilities are adequate at the project-level (e.g., sidewalks are adequately wide and

crossings are signalized on Santa Clara Street) they would also be adequate under the cumulative scenario.

An analysis of sold-out ballpark events on the adequacy of pedestrian facilities was undertaken in the 2007 EIR for the 2006 Stadium Proposal, which had a proposed seating capacity of 45,000 (see page 131 of the 2007 EIR). The results of that sidewalk analysis identified no significant impacts, but recommended that several improvements be made as part of the TPMP to improve pedestrian flows. The modified project results in fewer pedestrians due to the reduction in the ballpark's seating capacity by 9,000 to 13,000 seats from the 2006 Stadium Proposal. The reduction in patrons traveling to the ballpark on foot under the modified project would reduce the cumulative pedestrian contribution as compared to the 2006 Stadium Proposal. As the 2006 Stadium Proposal would not have a significant impact on pedestrians or pedestrian facilities, there would be an even lesser impact of the modified project.

BART to San José Extension

The quantitative cumulative transportation analysis includes the BART project. The traffic data were developed by Hexagon Transportation Consultants. Trips associated with the planned extension of the BART were included under cumulative conditions analysis in the traffic report. The modified project results in a reduced contribution to overall transportation impacts due to 9,000 to 13,000 fewer seats in the ballpark.

High-Speed Rail

The HSR project does not yet have a stable project description and associated project level environmental impact analysis. A qualitative cumulative transportation analysis with the HSR project is the best that can be considered without being speculative. The Draft SEIR incorporated the best available information about HSR at the time of Draft SEIR circulation. The ballpark Draft SEIR was in circulation before the release of the revised HSR Program EIR, which is not specific with regards to parking, etc. A "reasonable forecast" including HSR is not possible at this time because the instability of the HSR project description renders any transportation or parking analysis to be speculative for purposes of the ballpark transportation and parking analysis. For instance, the HSR parking demand at Diridon Station has been revised downward from the Final PEIR estimate of 7,200-9,800 spaces to approximately 3,800 in a recent Technical Memorandum.

At the time of the HSR project level CEQA analysis, the HSR project will be required to consider the ballpark if the ballpark has been approved. It is not the responsibility of the ballpark SEIR to conduct LOS transportation analysis for the HSR project or make assumptions about HSR supplanting air travel.

The HSR project is not included in the traffic report or the GHG emissions analysis, since the necessary environmental studies for the HSR project are only in the preliminary stages of preparation. The HSR project will be required to analyze its own potential environmental impacts at a project and cumulative level.

Diridon Station Area Plan

The development of the Diridon Station Area Plan project description is in its early stages. Three project alternatives have been identified but the selection of a preferred scenario is not expected until June 2010 at the earliest. Therefore, the ballpark SEIR cannot quantitatively consider the Diridon Station Area Plan, even though it is reasonably foreseeable as a concept, because that project description is speculative and subject to change. The environmental analysis of the Diridon Station Area Plan, which has not yet been prepared, will be responsible to appropriately consider the ballpark project in its analysis. Sufficient project information for the Diridon Station Area Plan is not available for consideration in the parking analysis of the ballpark.

MASTER RESPONSE TRANSPORTATION, CIRCULATION AND PARKING #7

(Responding to Comments C3-22; C7-4, -6, -7, -30, -32; C12-19.)

Trip Distribution

Several commenters request additional description of the transportation model used to predict the trip distribution pattern for an A's ballpark in San Jose.

Some comments request additional description of the transportation and circulation model used to predict the geographic trip distribution pattern for an A's ballpark in San Jose. At the time of preparation of the 2007 EIR no specific team had been identified to occupy the ballpark. Therefore, ticket sales for the San Jose Sharks were analyzed as a way of understanding the origins of patrons attending games for a professional sports franchise located in San José. One would reasonably expect a similar traffic distribution for a major-league baseball team. In the case of the Draft SEIR, the A's have been specifically identified as the team that would occupy the ballpark. Therefore, a mathematical transportation model was developed based on A's ticket sales to predict the geographic origins of trips that would go to an A's ballpark in downtown San Jose.

It is important to recognize that the current A's fan base distribution would change if the ballpark were moved to San Jose. San Jose is about 50 miles south of Oakland. Therefore, some current fans would find the new location too far, and would quit going to games, and new fans would be added in the South Bay who currently do not travel to A's games today because Oakland is distant. The transportation consultant (Hexagon Transportation Consultants) needed a way to systematically predict the geographic shift in fan base. Therefore, an explanatory transportation model was developed based on current A's ticket sales. The model considers population, income, and distance from the ballpark to predict game attendance. The model was calibrated to the existing A's tickets sales. That is, the model was used to predict the existing distribution of ticket sales and was then adjusted so that the model predictions matched actual sales within a reasonable level of precision.

The traffic model equations used to determine the Draft SEIR trip distribution can be summarized as follows:

> The number of trips to the ballpark from a given city is a function of the distance, the number of households, and the average household income. The closer the city, the greater the population, and the greater the household income, the greater the number of expected trips from

that city would be. The equations also include a constant to account for “fan loyalty.” For San Francisco and San Mateo Counties, as well as for Palo Alto, the expected number of trips is factored by 0.367. This accounts for the fact that under existing conditions, even though fans in San Francisco are close to Oakland, they tend not to go to A’s games. For the Tri-Valley area and Concord and Walnut Creek, there is an A’s bias factor of 1.826. This means that despite their distance from Oakland, the fans tend to come in great numbers. For the rest of the Bay Area, a "neutral" bias factor of 1.0 was used, because there does not appear to be any special bias for or against the A's, other than what might be expected given population, distance, and income.

These equations were run for a ballpark located in downtown San Jose to predict attendance from each Bay Area city. The results lead to the trip distribution pattern shown in the Draft SEIR traffic study (Figure IV.A-5 in the Draft SEIR and Figure 4 on page 18 of the traffic study in Appendix C of the Draft SEIR). The figure also compares the distribution pattern derived from the equation to the Sharks distribution pattern used in the 2007 EIR. The two independently derived traffic pattern outputs for the A’s fans and the previously calculated projections for the Sharks fans match almost exactly. The only appreciable difference is to/from the east on I-280/I-680, where the Sharks data indicated slightly higher trip generation. Because greater use of I-280/I-680 would lead to greater impacts, the Sharks distribution was deemed more conservative and was used again for this Draft SEIR.

A. STATE AGENCIES

Letter
A1

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

March 30, 2010

RECEIVED
APR 05 2010
CITY OF
PLANNING DEPT

Darryl Boyd
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: Ballpark Study in the Diridon/Arena Area
SCH#: 2005112126

Dear Darryl Boyd:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 29, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter
A1
cont.

Document Details Report
State Clearinghouse Data Base

SCH# 2005112126
Project Title Ballpark Study in the Diridon/Arena Area
Lead Agency San Jose, City of

Type EIR Draft EIR

Description A major league baseball stadium with a seating capacity of up to 36,000 would be constructed on the project site under the modified project proposal. A detailed plan for the modified project has not yet been prepared but the modified stadium would have a similar configuration and orientation to that proposed in 2006. The stadium would be located on the same site as proposed in 2006 or, as an option, may be shifted approximately 100 feet to the south. Repositioning the stadium to the south would require that Park Avenue be narrowed from 4 lanes to two between Autumn Street and the railroad tracks but would avoid the need to reconfigure a Pacific, Gas and Electric (PG&E) substation located on the northwest corner of the proposed stadium site.

Lead Agency Contact

Name Darryl Boyd
Agency City of San Jose
Phone 408-535-7898 **Fax**
email
Address 200 East Santa Clara Street
City San Jose **State** CA **Zip** 95113-1905

Project Location

County Santa Clara
City San Jose
Region
Lat / Long
Cross Streets West San Fernando, Park Avenue, Autumn Street
Parcel No. Multiple
Township **Range** **Section** **Base**

Proximity to:

Highways 82, 87, 280, 880
Airports NYM-SJ Int'l
Railways UPRR
Waterways Los Gatos Creek, Guadalupe River
Schools Luther Burbank
Land Use Land Use: Industrial, Manufacturing, Commercial, Transportation facilities. Zoning: Light Industrial, General Commercial. General Plan: General Commercial, Transit-Oriented Mixed Use.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 02/11/2010 **Start of Review** 02/11/2010 **End of Review** 03/29/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

COMMENTOR A1
State Clearinghouse
March 30, 2010

A1-1: This comment states that the City complied with State Clearinghouse requirements for Draft EIRs, pursuant to CEQA. No additional response is required.

B. LOCAL AND REGIONAL AGENCIES

Letter
B1

FLYCALIFORNIA
Without ever leaving the ground.

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

March 29, 2010

City of San Jose
Attn: Darryl D. Boyd
Planning Division
City Hall, 200 East Santa Clara Street, Third Floor
San Jose, CA 95113-1905

RE: Draft Supplemental EIR for the Baseball Stadium in the Diridon/Arena Area
File No.: PP05-214

Dear Mr. Boyd:

The California High-Speed Rail Authority is preparing an Environmental Impact Reports/ Environmental Impact Statements for high-speed train (HST) service in California, with portions of the state-wide system operating on the Peninsula between San Francisco and San Jose and from San Jose to Merced. As part of this on-going effort, we have recently reviewed the Notice of Preparation, dated November 17, 2009, for the Draft Supplemental EIR for the Baseball Stadium in the Diridon/Arena area. We have also reviewed the Final EIR, dated February 2007, and respectfully request you consider the following comments on the two documents. 1

The California High Speed Rail Authority (Authority) has a long standing relationship with the City of San Jose and has worked collaboratively with the city over the years to identify how best to plan and integrate the HST station in the Diridon station area. The Authority sees the presence of a new Baseball Stadium in the vicinity of the station as a potential benefit to ridership and revenue generation for the HST system. Below are two specific observations about the project that we would like to share with you on the proposed Baseball Stadium:

- Parking –There are a variety of new and existing parking demands in the Diridon station area. A new Baseball Stadium, the HST service, BART and new residential development, will all add to the current demand of the existing Diridon station, the HP Pavilion and other existing uses. It will be critical to collaborate on a parking strategy that meets the needs of all the new and existing activities in the Diridon area. The Authority looks forward to working with the City of San Jose on developing a coordinated parking plan for the Diridon area that balances the parking demand with the needs of the community in both the immediate and the long term. 2
- Land Use and Station Area Planning –As mentioned above, the Authority sees the Baseball Stadium as a potential benefit to ridership and revenue to the HST system. The Authority looks forward to collaborating with the city on the Diridon station area land use planning efforts to create a vibrant place to work, live and visit with unparalleled accessibility both locally and regionally. 3

925 L Street, Suite 1425 · Sacramento, CA 95814 · 916.324.1541 · fax 916.322.0827
www.cahighspeedrail.ca.gov

Letter
B1
cont.

We appreciate having the opportunity to provide you with these comments. Should you have any questions or wish additional information, please contact Bryan Porter of our staff at (916) 384-9522. Thank you for your assistance.

4

Sincerely,

Dan Leavitt
Deputy Executive Director

COMMENTOR B1
California High-Speed Rail Authority
Dan Leavitt, Deputy Executive Director
March 30, 2010

B1-1: This comment, which indicates that the proposed project would likely benefit ridership and revenue on a future High-Speed Rail system, is noted.

B1-2: This comment, which states that the California High-Speed Rail Authority plans to work with the City to develop a parking strategy in the Diridon area, is noted. Please refer to pages 66 and 67 of the Draft SEIR for a discussion of the Traffic and Parking Management Plan (TPMP) that would be implemented as part of the project. One of the key objectives of the TPMP is to balance the parking needs of the community with new land uses, including the proposed project.

B1-3: This comment, which states that the California High-Speed Rail Authority plans to collaborate with the City on land use planning efforts in the Diridon area, is noted. The Diridon Station Area Planning effort is currently underway.

B1-4: This final comment concludes the letter and provides contact information. No additional response is required.

Letter
B2

March 29, 2010

Darryl Boyd
Principal Planner
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Baseball Stadium in the Diridon/Arena Area (Modified Project)
Supplemental Environmental Impact Report (SEIR)

Dear Mr. Boyd:

Thank you for the opportunity to review the SEIR for the Baseball Stadium in the Diridon/ Arena Area (Modified Project). The Peninsula Corridor Joint Powers Board (PCJPB) is primarily concerned with the impact of the stadium project on historic Diridon station in downtown San Jose. **1**

The Diridon station serves as a major hub for multiple transit service providers including Caltrain, Capitol Corridor, Altamont Commuter Express (ACE), and Santa Clara Valley Transportation Authority light rail and bus service. It is also projected to serve major capital expansion due to increased transit service by Caltrain, the BART extension to San Jose, future ACE and Capital Corridor service needs, and the future California High Speed Train Project (HST). The station is listed in the National Register of Historic Places as well as the statewide database as a historic landmark. This designation poses a major constraint on expansion of the station building itself. The stadium project proposes to build on the only feasible developable parcel adjacent to historic Diridon Station. The PCJPB strongly urges the project to coordinate its efforts with the major transit investment projects proposed to happen at the Diridon Station area, including BART, Caltrain and HST, so that it does not preclude needed development and expansion of the station area for these significant transit investments. **2**

Of additional note, the SEIR also highlights possible impacts due to simultaneous events at both the proposed baseball stadium and the HP Pavilion/Arena. The SEIR should identify mitigation measures to ensure simultaneous events do not overload the available transit capacity nor interfere with operations along the railroad right-of-way, including freight. **3**

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 650.508.6269

Letter
B2
cont.

4

On a minor note, please update page 37 of your document to indicate that Diridon Station also serves Capitol Corridor commuter rail service.

Please contact me at (650) 622-7842 or lafebreh@samtrans.com should you have any questions.

Sincerely,

Hilda Lafebre, DBIA
Manager, Capital Project and Environmental Planning

Cc: Marian Lee, Planning and Development
Brian Fitzpatrick, Real Estate
Marisa Espinosa, Planning and Research
Bob Doty, Peninsula Rail Program

COMMENTOR B2
Caltrain, Peninsula Corridor Joint Powers Board
Capital Project and environmental Planning
Hilda Lafebre, Manager
March 29, 2010

B2-1: This comment, which introduces the subsequent comments, is noted.

B2-2: This comment indicates that Diridon Station is a major transit hub and that expansion of the station is hindered by a lack of available real estate and the historic character of the station itself. The comment requests that the City coordinate development of the proposed project with the major transit projects planned for the area so that Diridon Station can accommodate future transit investments. This comment, which does not pertain to the adequacy of the Draft SEIR, is noted and will be considered by the City. The Diridon Station Area Planning effort is currently underway.

B2-3: This comment requests that mitigation measures be identified to ensure that simultaneous events at the proposed ballpark and HP Pavilion do not adversely affect available transit capacity or the railroad right-of-way. The project does not require the use of railroad right-of-way and would not interfere with railroad facilities. The Draft SEIR included an evaluation of impacts on transit capacity and because all impacts would be less than significant, no mitigation is required. Also, it is noteworthy that the ballpark in Oakland has for many years been successfully served by buses and BART. A future ballpark in San José, which would be served by Caltrain, VTA light rail and buses as well as by HSR and BART, would not have a significant impact on transit systems. A project that would be served by multiple transit systems initially (Caltrain, VTA light rail and buses) and more in the future (HSR and BART) would not overload any one transit system even during simultaneous events. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark, and Master Response Cumulative Impacts #6. No mitigation measures are required.

B2-4: Page 37 of the Draft SEIR is modified as follows:

> **Rail Service.** Diridon Station is served by Caltrain, ACE, Capitol Corridor, and AMTRAK trains. The ACE service presently does not run at night, so it would not be an option for most ball games. Amtrak operates seven days a week until midnight, usually on 2-hour headways. Capitol Corridor trains operate seven days a week, with varying headways. Caltrain operates seven days a week until midnight, usually on 5- to 25-minute headways on weekdays and on 1-hour headways on the weekend.

Letter
B3

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org

March 26, 2010

Darryl Boyd, Principal Planner
Department of Planning, Building, and Code Enforcement
Planning Division
200 East Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113-1905

Subject: Draft Supplemental Environmental Impact Report (SEIR) for a Baseball Stadium in the Diridon/ Arena area (PP05-214) (SCH #2005112126)

Dear Mr. Boyd:

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of a Draft Supplemental Environmental Impact Report (Draft SEIR) for a new baseball stadium in the Diridon/ Arena area in San Jose. The County Parks Department has reviewed the Draft SEIR and the 2007 Final Environmental Impact Report (FEIR) and submits the following comments. The County Parks Department's comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

Santa Clara County Countywide Trails Master Plan Update

The Draft SEIR should acknowledge the policies and guidelines of the *Santa Clara County Countywide Trails Master Plan Update ("Countywide Trails Master Plan Update")*, an element of the Parks and Recreation Section of the County General Plan adopted by the County of Santa Clara Board of Supervisors November 14, 1995, as this was not included in the *Regional Plans and Policies,* or *Consistency with Plans and Policies* sections of the FEIR. **1**

The Draft SEIR should include a discussion related to the *Countywide Trails Master Plan Update* given the proximity of two trail routes, *Guadalupe Sub-regional Trail (Route S3)*, and *Los Gatos Creek Sub-regional Trail* (Route S4), which are adjacent to or within the vicinity of the project site. These regional trail routes provide both local and regional recreation opportunities and offer opportunities for non-motorized transportation to surrounding neighborhoods, nearby parks such as the Arena Green and Confluence Park, trails and open space. **2**

Letter
B3
cont.

The FEIR (*Local Plans and Policies*; *Land Use - Existing Settings Los Gatos Creek Trail Master Plan*) indicates that development of Reach 5 of Los Gatos Creek Trail between Auzerais Avenue and West Santa Clara Street would enhance recreational uses in the riparian area and is independent of the stadium project. However, the FEIR also indicates that a portion of Reach 5 of the Los Gatos Creek trail would be located within the stadium project area and describes this trail segment as being located within the riparian setback area resulting from the project's proposed realignment of S Autumn Street. The Draft SEIR should clarify whether development of the portion of Los Gatos Creek Trail within the stadium project area is dependent on the implementation of the project as the realignment of S Autumn Street. Related improvements to the riparian area appear to be contingent on the implementation of the project.

County Parks Department is supportive of the development of Reach 5 of Los Gatos Creek Trail, particularly the segment within the project area, as it would provide trail connections between existing segments of Los Gatos Creek Trail, the proposed baseball stadium, HP Pavilion, nearby parks such as the Arena Green - Confluence Park, and other regional trails such as the Guadalupe Trail. This would also provide future trail users the opportunity to utilize alternative modes of transportation to get to and from events held at the stadium or surrounding areas and to reduce the number of potential vehicles on nearby streets resulting from the project. Using alternative modes of transportation would also help in reducing greenhouse gas emissions. We also encourage discussions with the developer, the Public Works Department, and the Parks and Recreation Department, about the possibility of providing a trail access point as part of the proposed project.

3

Transportation, Circulation and Parking

The Draft SEIR indicates that there is potential for events or festivals to be held at the Arena Green and other public places, including the stadium plaza area, concurrent with baseball and/or HP Pavilion events as part of the Downtown 2000 Strategy Plan's goal to host multiple events and festivals in the downtown area. Although the SEIR discusses potential impacts to public transit including existing bicycle routes which would result from the increased activities in the Diridon area, the SEIR should evaluate and address how potential traffic and circulation conflicts may impact the existing and planned regional trail routes such as segments of Los Gatos Creek Trail and Guadalupe Sub-regional Trail which are adjacent to or in the vicinity of the project site.

4

Thank you for the opportunity to comment on the Draft SEIR for a new baseball stadium in the Diridon/ Arena area in the City of San Jose. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2235 or via email at Antoinette.Romeo@prk.sccgov.org.

Sincerely,

Antoinette Romer

Antoinette Romeo
Park Planner III

cc: Jane Mark, Senior Planner
Julie Mark, Deputy Director
Yves Zsutty, City of San Jose Trails Program Manager
David Mitchell, City of San Jose PRNS, Planning Manager

COMMENTOR B3
Santa Clara County Parks and Recreation Department
Antoinette Romeo, Park Planner III
March 26, 2010

B3-1: This comment requests inclusion in the Draft SEIR of an analysis of the project's consistency with the Santa Clara County Countywide Trails Master Plan Update. The policy analysis in the SEIR is restricted to policies that are directly applicable to the project and project site. The Los Gatos Creek Trail within the vicinity of the project site is within the jurisdiction of the City of San José, which is why there is no reference or discussion of the County's Trail Master Plan Update in the 2007 EIR. The 2007 EIR includes a discussion of the Los Gatos Creek Trail Master Plan, which is within the vicinity of the modified project. The City develops its trail master plans in consideration of the County's Trails Master Plan. Therefore, a broad-based discussion of the County's Trail Master Plan Update is not included in the SEIR.

B3-2: This comment requests a discussion of the Guadalupe Sub-regional Trail and the Los Gatos Sub-regional trail. Please refer to Response B3-1 regarding the Los Gatos Creek Trail. The Guadalupe Creek Trail is discussed on page 104 of the 2007 EIR. Please refer to page 131 of the 2007 EIR for a general discussion of the project's anticipated less-than-significant effects on multi-use trails in the vicinity of the project site.

B3-3: This comment requests additional information regarding whether the realignment of S. Autumn Street is necessary for the development of Reach 5 of the Los Gatos Creek Trail. The realignment of S. Autumn Street is a project independent of the ballpark project and Reach 5 of the Los Gatos Creek Trail would be developed independent of the S. Autumn Street realignment project. The realignment of Autumn Street is an essential component of the Downtown Strategy Plan and is necessary for the build-out of Downtown. The realignment will proceed regardless of whether or not the ballpark is approved. The S. Autumn Street realignment project has its own CEQA clearance and is underway. The modified project analyzed in the Draft SEIR eliminates the development of the Fire Training Facility and accordingly any direct effects on the Los Gatos Creek Trail Reach 5 alignment. The City Council approved a Master Plan for Reach 5 in June 2008. Further consideration of trails will be included in the project review of a specific ballpark design proposal.

B3-4: This comment requests an analysis of the effects of traffic generated by multiple activities in the Downtown area on planned regional trail facilities, including circulation concerns associated with these facilities. Although the Los Gatos Creek trail and the Guadalupe Sub-regional trail are located nearby, they would not be adjacent to the proposed ballpark. As shown in Figure III-2, realigned Autumn Street would separate the proposed ballpark from the planned Los Gatos Creek trail north of Park Avenue. Similar to the existing condition, 5½-foot-wide sidewalks would be provided on both sides of Autumn Street diverting pedestrian traffic before the Los Gatos Creek trail (see Table V.C-13, Sidewalk Pedestrian Flows, on page 135 of the 2007 EIR). According to the 2008 Los Gatos Trail Reach 5 Master Plan the proposed trail would cross several streets at grade north and south of the ballpark, including Park Avenue, W. San Carlos Street and W. Santa Clara Street. All of the proposed crossings are signalized intersections, which would provide safe passage for trail users.

The planned trail route includes bicycle lanes on Autumn and Montgomery Streets north of the proposed ballpark, which would separate bicyclists from cars traveling to and from the Montgomery/Autumn Street parking structure, should this parking option be selected. The bike lanes on Montgomery Street are planned for relocation onto or adjacent to Autumn Street when it is realigned. Based on the proposed Master Plan information the proposed ballpark would not create a significant impact for trail users in this area. In addition, development of the TPMP will include consideration of the trail connections to streets and sidewalks.

Letter
B4

From: Bill Yeung [mailto:Bill.Yeung@rda.sccgov.org]
Sent: Friday, April 02, 2010 1:37 PM
To: Boyd, Darryl
Subject: File No. PP05-214, Notice of Availability of SEIR for the Baseball Stadium in the Diridon/Arena Area

Darryl:

The review of the NOA of a DSEIR of the subject project is complete and we have no further comments.
Thank you for giving the opportunity to reviw the subject document. If you have any questions, please contact me at (408) 621-4565

1

William Yeung, P.E.
Count of Santa Clara
Roads and Airports Department
Land Development
101 Skyport Drive
San Jose, CA 95110

COMMENTOR B4
Santa Clara County Roads and Airports Department
Land Development
William Yeung
April 2, 2010

B4-1: This comment, which states that the Draft SEIR is complete, is noted.

Letter
B5

SANTA CLARA
Valley Transportation Authority

March 29, 2010

City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113

Attention: Darryl Boyd, Principal Planner

Subject: City File No. PP05-214 / Baseball Stadium in the Diridon/Arena Area

Dear Mr. Boyd:

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Supplemental EIR (SEIR) and Supplemental Transportation Impact Analysis (TIA) for a baseball stadium on a site generally bounded by Autumn Street, Bird Avenue, Los Gatos Creek, and Julian Street.

From a transportation planning perspective we believe that the proposed baseball stadium project offers an excellent opportunity to build on and make use of the existing transit and roadway network in the Diridon Station area. VTA supports policies and projects that target growth around the established transportation cores, corridors, and station areas in Santa Clara County. This site is designated as a Regional Core in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. **1**

This project offers unique opportunities to move away from an auto-dependent model and to shift new trips to transit, shared-ride, walk, and bike modes. These modes are a particularly viable alternative for special events such as the games and other events that would be held in the proposed stadium. We are pleased to see that the project relies mainly on existing parking resources in the surrounding area, and we believe that the 'no parking structure option' could have benefits in terms of encouraging the use of alternative modes to the stadium. **2**

We have a number of detailed comments on these documents, which are included in the attached memorandum. However, in light of the above vision, I would like to highlight here the key themes from our review.

- The vehicular and pedestrian traffic generated by the proposed stadium has the potential to impact nearby bus and shuttle operations at the Diridon Transit Center and on Santa Clara, Montgomery and Autumn Streets. In our January 8, 2010 letter on the NOP for this SEIR, we requested that the SEIR analyze this issue, and consider measures to mitigate any operational impacts that are identified. Based on our review of the Draft SEIR, it appears that such an analysis was not included, but rather deferred to the Traffic and Parking **3**

Letter
B5
cont.

Management Plan (TPMP) that would be prepared prior to project implementation. We believe that an analysis of the operational impacts of stadium-generated vehicular and pedestrian traffic on bus and shuttle operations is necessary in the Draft SEIR, and request that the SEIR be amended to include such an analysis. **3 cont.**

- The SEIR does not address the impact of stadium-generated transit usage on VTA light rail system operations and capacity. Since this is primarily an operational consideration, it could potentially be addressed in the TPMP. However, it is important to note that game day transit operations may require a resource allocation beyond the normal levels. 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. **4**
- The Draft SEIR and TIA note that the project will result a number of Significant Unavoidable transportation impacts on freeway segments. We note that mitigation measures in the Draft SEIR include a list of TDM measures that will be implemented with the project. VTA requests that the City include specific, binding TDM requirements and a reporting program in the Conditions of Approval or Development Agreement for the project. **5**

VTA looks forward to a strong and effective partnership with the City of San José in the advancement of the proposed stadium project. We would be happy to meet with you to discuss our comments on the SEIR and TIA or the scope of the upcoming TPMP. If you have any questions, please call me at (408) 321-7093 or Robert Swierk of my staff at (408) 321-5949.

Sincerely,

K. Augenstein for

Chris Augenstein, AICP
Deputy Director, Planning

cc: Ebrahim Sohrabi, City of San José Development Services
Robert Swierk, Senior Transportation Planner, VTA
Roy Molseed, Senior Environmental Planner, VTA

SJ0550

Letter
B5
cont.

MEMORANDUM

TO: Darryl Boyd, Principal Planner
City of San José Department of Planning, Building & Code Enforcement

FROM: Robert Swierk, AICP
VTA CMA Planning Department

DATE: March 29, 2010

SUBJECT: VTA Comments on Draft SEIR and TIA for a Baseball Stadium in the Diridon/Arena Area

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft Supplemental EIR (SEIR) and Supplemental Transportation Impact Analysis (TIA) for a baseball stadium on a site generally bounded by Autumn Street, Bird Avenue, Los Gatos Creek, and Julian Street. The following is a summary of our comments on the DSEIR and TIA for this project.

Transit Operations & Impacts

Bus and Shuttle Operations

The vehicular and pedestrian traffic generated by the proposed stadium has the potential to impact nearby bus and shuttle operations at the Diridon Transit Center and on Santa Clara, Montgomery and Autumn Streets. As noted on page 60 of the Draft SEIR, "on days with only baseball games and full utilization of the HP Pavilion parking structure, as many as 6,320 ballpark pedestrians… could cross Santa Clara Street." In our January 8, 2010 letter on the NOP for this SEIR, we requested that the SEIR analyze this issue, and consider measures to mitigate operational impacts that are identified. Such an analysis is necessary in this SEIR because of two changes in conditions compared to the 2006 EIR: (1) the addition of a parking structure option at the HP Pavilion, north of Santa Clara Street, and (2) projected increases in bus traffic along Santa Clara Street due both to the introduction of Bus Rapid Transit (BRT) service and the Silicon Valley Rapid Transit (SVRT) Berryessa Extension Project (BEP) Alternative. Based on our review of the Draft SEIR, it appears that such an analysis was not included, but rather deferred to the Traffic and Parking Management Plan (TPMP) that would be prepared prior to project implementation.

6

The description of the TPMP in the Draft SEIR (pp. 66-67) states that the "purpose of the TPMP would be to provide for efficient ingress and egress of vehicles, pedestrians, and transit services to and from the ballpark, Arena, and identified parking facilities…". Based on the description, it appears that the TPMP would include operational measures such as traffic and pedestrian control, motorist information, road closures, and intersection lane configuration changes, to achieve the above-stated purpose. However, it is possible that operational changes alone would be insufficient to address the potential impacts of stadium-generated vehicular and pedestrian traffic on bus and shuttle operations. It may be necessary, for instance, to establish a grade-separated pedestrian crossing of Santa Clara Street, if dedicated or shared parking for the stadium is assumed adjacent to HP Pavilion.

Therefore, VTA requests that the SEIR be amended to address the operational impacts of stadium-generated vehicular and pedestrian traffic on bus and shuttle operations. The Transportation section of the SEIR should analyze projected pedestrian flows to and from the potential HP Pavilion parking structure at a similar level of detail to the pedestrian analysis in the 2006 EIR. This analysis should consider both the single-event and simultaneous-event scenarios. The analysis in the SEIR should take into account the following changes in transit plans since the 2006 EIR: 6 cont. 7

- Santa Clara-Alum Rock (SCAR) BRT project: The SCAR BRT project is projected to be in operation by 2014 and will include a new operating plan that would have up to 10 buses running in the peak hour in each direction on Santa Clara Street near HP Pavilion, between BRT and local service.
- SVRT Berryessa Extension Project (BEP) Alternative: The 2-station BEP Alternative includes high-frequency BART Express feeder bus service from the planned Berryessa Station with connections to Diridon Transit Center and limited service to the Santa Clara Caltrain Station. The BEP Alternative bus operating plan assumes 19 buses per peak hour in each direction in 2018 and 29 buses per peak hour in each direction in 2030 accessing the Diridon Transit Center via Santa Clara Street. The SEIR should address the impacts that stadium-generated pedestrians may have on BART Express bus service to the Diridon Transit Center. 8

This analysis should assess the adequacy of the current transportation network in accommodating stadium-generated vehicular and pedestrian traffic while preserving bus and shuttle operations. If impacts are identified, the SEIR should identify potential mitigation measures, such as operational measures (to be more fully addressed in the TPMP) or physical improvements such as a grade-separated pedestrian crossing on Santa Clara Street. Please note that the Silicon Valley Rapid Transit (SVRT) project does not currently assume SVRT parking adjacent to HP Pavilion, and therefore no longer includes a pedestrian overcrossing of Santa Clara Street. 9

Circulation on Montgomery and Autumn Streets

VTA and Highway 17 Express buses are currently routed on Montgomery Street, south of San Fernando Street. The Draft SEIR proposes a closure of Montgomery Street south of San Fernando Street and conversion of Autumn Street from an existing northbound one-way facility to a two-way facility. VTA requests the SEIR address the bus, bicycle, pedestrian, and vehicular circulation and operational impacts of these roadway changes. 10

Light Rail Operations and Capacity

The SEIR does not address the impact of stadium-generated transit usage on VTA light rail system operations and capacity. For San Jose Sharks games at HP Pavilion, VTA currently runs a modified schedule including a special post-game train to carry loads south to Winchester Station. Given that the proposed baseball stadium would have roughly twice the capacity as the Pavilion, twice as many games per season, and games at different times of the day and week, modified light rail schedules would likely be needed for baseball games, which might involve running extra trains or adding cars to trains. Since this is primarily an operational consideration, it could potentially be addressed in the TPMP. However, it is important to note that game day transit operations may require a resource allocation beyond the normal levels, potentially 11

involving additional vehicles, operators, transit field supervisors, security personnel, customer service ambassadors, fare inspectors, and maintenance staff. 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. **11 cont.**

Light Rail Crossings

The Draft SEIR does not address the impact of the stadium project on light rail crossings and infrastructure. Certain transportation improvements being contemplated, including conversion of Autumn Street to a two-way facility and sidewalk modifications, require modifications to existing light rail crossings. Such modifications will need to be approved by VTA and the California Public Utilities Commission. Early coordination and reviews of the designs are recommended. **12**

Traffic management strategies currently in place after events at the HP Pavilion include having Delmas north of San Fernando operate as a one-way southbound roadway. The existing light rail crossing of Delmas is designed for the conventional two-way operation. Modifications to the crossing need to be made if this unconventional practice is to continue or be increased as a part of the baseball stadium project.

Relationship to Diridon Station Area Plan and High-Speed Rail Project

Given the ongoing planning work associated with the Diridon Station Area Plan and the project level EIS/EIR for the California High-Speed Rail Project, coordination between the stadium planning & environmental analysis and these other efforts will be important. VTA encourages the City to consider the larger context of the Diridon Station Area Plan when conducting the parking analysis for the stadium, and to consider how the potential vertical alignment options for the High-Speed Rail Project could affect the stadium project. **13**

Relationship to Silicon Valley Rapid Transit (SVRT) - BART Silicon Valley Project

Transportation Analysis Assumptions and Scenarios

VTA notes that the Draft SEIR (p. 33) states that the planned extension of BART to San Jose was included in the analysis of Cumulative Conditions. It is our understanding that this analysis assumed the full 6-station Silicon Valley Rapid Transit Project (SVRTP) Alternative. The SEIR should be revised to make this clear, and to note that the operational implications of the 2-station Berryessa Extension Project (BEP) Alternative (which is projected to open in 2018) are not analyzed in the Draft SEIR but will need to be addressed in the TPMP. **14**

Automobile Parking Options

The SEIR (p. 18) notes that the Montgomery/Autumn Street parking structure site is proposed as a possible location for a parking structure for the planned Diridon/Arena BART station. VTA encourages the City to explore shared parking options due to the cumulative effects of all projects planned for the Diridon Station area. **15**

Conformance with Congestion Management Program (CMP)

Transportation Impacts - TDM Measures and Other Transportation Improvements
The Draft SEIR and TIA note that the project will result a number of Significant Unavoidable transportation impacts on freeway segments. In this case, according to the requirements of the county Congestion Management Program, the Lead Agency or the applicant must implement actions from the Immediate Action List in the *Transportation Impact Analysis Guidelines* as part of the project approval. We note that Mitigation Measures TRANS-1 and GCC-1 of the Draft SEIR include a list of TDM measures that will be implemented with the project. VTA requests that the City include specific, binding TDM requirements and a reporting program in the Conditions of Approval or Development Agreement for the project. In addition, VTA requests that the City consider requiring the project to make a fair-share contribution to improvements to the nearby light rail system, implementation of Bus Rapid Transit (BRT), or construction of the creek trail system, which could help reduce some of the transportation impacts of the project. **16**

Freeway Analysis
VTA recommends including an analysis of freeway segments on US 101 where the number of new trips added by the project is more than one percent of the freeway capacity. Figure 4 of the TIA (Regional Trip Distribution Comparison) shows 10% of the traffic on SR 87 north of I-880. Some of these patrons may be originating from the Peninsula via US 101 to SR 87. The TIA should include a determination (using Table B-1 in Appendix B of the VTA CMP TIA Guidelines) showing whether such an analysis is necessary for the relevant segments of US 101, and a freeway analysis (using Table B-2) for any segments meeting the one percent threshold. **17**

CMP Intersections
The TIA Trip Distribution figure (Figure 4) shows over 1,000 trips on I-880 at SR 87. A high percentage of these trips could be exiting at Coleman Avenue to Autumn Street to use the planned Autumn Street extension as it is a more direct route. VTA recommends including in the TIA an explanation of how the re-assignment of traffic due to the Autumn Street extension was calculated. In addition, VTA recommends that the SEIR address the pedestrian, bicycle and vehicular circulation of the Autumn St/ Santa Clara Street intersection, which is a CMP intersection, given the projected distribution. **18**

Roadway Analysis Period
The freeway analysis for the proposed stadium in the Supplemental TIA was performed between 5 pm and 6 pm. Page 33 of the TIA report states that the overall traffic and worst case scenario on the freeway system is greatest before 6 pm. As most of the evening games are scheduled to start at 7:30 pm, VTA recommends including data or further explanation demonstrating whether the freeway system's regular peak hour matches the baseball game traffic peak hour. **19**

Freeway Segment Levels of Service
There are certain freeways segments in Table 1 of the supplemental TIA report where the LOS does not match the data in the 2008 CMP Monitoring and Conformance report. VTA recommends that the TIA data be verified to match the CMP reported LOS. **20**

COMMENTOR B5
Santa Clara Valley Transportation Authority
Chris Augenstein, Deputy Director, Planning
March 29, 2010

B5-1: This comment, which states that the proposed project would capitalize on the existing transportation system and promote VTA's CDT Program Cores, Corridors and Station Areas framework, is noted. No additional response is required.

B5-2: This comment, which states that the proposed project could help shift new trips to alternative transportation, is noted. This comment also expresses support for the no parking structure option. As discussed in Chapter III, Project Description, of the Draft SEIR, under the no parking structure option vehicles generated by the project would be accommodated by the approximately 18,520 parking spaces currently located within ¾ mile of the ballpark site to the north and east. The support for this option will be considered by the City prior to making a decision on the project.

B5-3: This comment requests an analysis of potential project impacts on bus and shuttle service at the Diridon Station and along Santa Clara, Montgomery, and Autumn streets. Bus and shuttle routes around the Diridon station currently utilize Cahill Street, San Fernando Street, and Montgomery Street/Autumn Street, which is a one-way couplet. Cahill Street and San Fernando Street would be unaffected by the proposed project. Buses and shuttles could continue to use those streets as they do now. The ballpark site would close a portion of Montgomery Street and convert Autumn Street into a two-way street. Therefore, bus routes that currently use Montgomery Street would use Autumn Street instead. All turning movements would be allowed at all intersections, so access to the Diridon Station would not be affected. Please also refer to Response B5-6 regarding potential effects to transit service along Santa Clara Street.

B5-4: This comment requests an analysis of project-related demand for VTA service. The impact of the ballpark on light rail ridership was discussed in the 2007 EIR. Since the 2007 EIR concluded there would be no significant impact on the light rail system, the analysis was not updated even though the current ballpark seating capacity is reduced from the 2006 Stadium Proposal. The 2007 EIR made the following statement about transit impacts (p. 128): "Using a sold-out attendance figure of 43,860 for the stadium, which includes staff, yields an estimate of 1,140 persons arriving by Caltrain and 833 persons arriving by LRT….. Each LRT train can accommodate about 300 passengers, and there would be 8 trains arriving in the one hour before a game (counting both directions). Therefore, there should be no problem accommodating the projected ridership."

B5-5: This comment requests that binding TDM measures be made a condition of project approval or be incorporated into the Development Agreement for the project. Binding TDM measures will be specified and required as a condition of the subsequent development permits for ballpark project design. The City of San Jose identified the TDM measures listed in Mitigation Measure TRANS-1 as examples of the types of the conditions of approval for the ballpark, if the project is approved.

B5-6: This comment requests an analysis of the potential impacts of the project on bus and shuttle operations at the Diridon Station and along Santa Clara, Montgomery, and Autumn Streets, particularly effects associated with the operation of a parking structure at the HP Pavilion and projected

increases in bus traffic along Santa Clara Street. As described in the traffic study included as Appendix C of the Draft SEIR, utilization of the HP Pavilion site for ballpark parking would result in about 6,320 pedestrians crossing Santa Clara Street before a game. Assuming 59 percent arriving in one hour (arrival pattern assumed in the traffic study, based on Sharks and MLB data) yields an estimate of 3,729 that would cross the street in the busiest one hour. The peak-hour cycle length for the signals along Santa Clara Street is 120 seconds. Therefore, the signals cycle 30 times per hour. Thus, 124 persons would cross Santa Clara Street each cycle. There are five signalized crosswalks on Santa Clara Street in front of the HP Pavilion, one at Cahill and two each at Montgomery and Autumn. Each crosswalk would need to accommodate 25 pedestrians per signal cycle. This number easily could be accommodated given the crosswalk widths and the pedestrian greentimes. Therefore, ballpark parking on the HP Pavilion site would not have any effect on traffic operations on Santa Clara Street. Please also refer to Response B5-3 regarding potential impacts to transit service along Montgomery and Autumn streets.

B5-7: This comment requests an analysis of pedestrian flows to and from the potential HP Pavilion parking structure under single- and multiple-event scenarios. Please see Response B5-6 for a pedestrian crossing analysis for the single-event scenario. For the simultaneous event scenario, the effect of pedestrians crossing Santa Clara Street would be the same as occurs today for Sharks games. The spaces in the HP Pavilion parking structure probably would be reserved for Sharks fans. If some ballpark patrons parked there and needed to cross the street, they would cross at the same time as fans going to the HP Pavilion that cross Santa Clara Street today.

B5-8: This comment requests that the traffic/transit analysis in the Draft SEIR take into account the SCAR BRT Project and the SVRT BEP Alternative. The traffic signals on Santa Clara Street are timed such that heavy bus traffic could be accommodated. As noted in Response B5-6, the signals on Santa Clara Street go through 30 cycles per hour during the peak hours. This comment suggests there could be up to 39 buses per hour in each direction on Santa Clara. This is between one and two buses per cycle, which easily could be accommodated on Santa Clara Street. Please refer to Response B5-6 regarding the anticipated less-than-significant effects of pedestrian crossings of Santa Clara Street on traffic flow (including transit operations).

B5-9: This comment requests consideration of whether the existing transportation network has sufficient capacity to accommodate project-generated traffic without adversely affecting bus and shuttle services. The comment also indicates that the SVRT project does not include a pedestrian bridge over Santa Clara Street. Please refer to Response B5-6 regarding the project's effects on bus and shuttle service. As noted in that response, a pedestrian overpass on Santa Clara Street would not be required based on existing pedestrian crosswalks and signals along Santa Clara Street.

B5-10: This comment requests an evaluation of the effects of the closure of Montgomery Street south of San Fernando Street and the conversion of Autumn Street to a two-way facility on bus, bicycle, pedestrian, and vehicular circulation. The completion of the extension of Autumn Street is assumed in the baseline of the Draft SEIR. It is a reasonably foreseeable independent project which has project level CEQA clearance and is partially funded. See Response to Comment C11-21 for additional discussion of Autumn Street. The Draft SEIR analyzes the closure of Montgomery Street and the conversion of Autumn Street to two-way traffic. Traffic currently using Montgomery Street, including buses and bicycles, would be routed to Autumn Street. The intersections along Autumn Street were analyzed in the Draft SEIR. The intersections of Autumn/Park and Autumn/San Fernando could operate worse than LOS D on game days in the 6:00-7:00 p.m. time period, due to pedestrian

crossing volume. The Draft SEIR recommends that the crosswalks be widened. The intersection of Autumn/Santa Clara is shown to operate at LOS E in the cumulative scenario, with build-out of the Strategy 2000 Downtown Plan. The Draft SEIR recommends that the City consider building two northbound left turn lanes. Please also refer to Response B5-6.

B5-11: This comment suggests that the proposed project could require additional VTA light rail capacity. The Draft SEIR makes the assumption of fairly minimal light rail ridership, as described in Response B5-4. This level of ridership is based on surveys of Sharks games. If light rail ridership associated with the project exceeds expectations, the City of San Jose or the ballpark team operators would work with VTA to provide increased light rail service. Various funding options would be explored. The City acknowledges that the project may require increased funding of transit services, and such funding would be considered as part of the TPMP.

B5-12: This comment notes that the project could affect light rail crossings and infrastructure. The City of San Jose would work with the VTA and Public Utilities Commission to design and implement the necessary light rail track crossing modifications if the ballpark were approved. Note that the elimination of Montgomery Street and the conversion of Autumn Street to two-way operation are part of the Strategy 2000 Downtown Plan, with or without the ballpark, and have environmental clearance. The ballpark TPMP, which hasn't yet been developed, would describe the details of traffic control on individual streets before and after games. The City would coordinate closely with VTA on roadway changes in the vicinity of the project site.

B5-13: This comment, which encourages the City to coordinate planning of the proposed project with other ongoing planning efforts, including the High-Speed Rail Project, is noted. Please see Master Response Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan.

B5-14: This comment requests that the Draft SEIR be revised to indicate that the cumulative analysis is based on the assumption that the planned extension of BART would involve the six-station SVRTP Alternative and to indicate that the cumulative analysis does not take into account the two-station BEP Alternative. These alternatives are discussed on pages 102 and 105 of the Draft SEIR, and are considered in the cumulative analysis. Therefore, modification of the Draft SEIR is not required. BART would generate additional traffic in the area due to riders using the planned park-and-ride facilities. In the case where BART is extended only to the Berryessa station, the impact in the Diridon area would be less than anticipated.

B5-15: This comment, which encourages the City to explore shared parking options at the potential Montgomery/Autumn Street parking structure, is noted. The City of San Jose would pursue shared parking options with potential BART facilities if the ballpark were to be approved. BART parking usage is mostly on weekdays during the day, whereas the ballpark usage would be primarily at night and on weekends. Therefore, shared usage of parking facilities would benefit both BART and the ballpark. Please see also Master Response Transportation, Circulation and Parking #4, Parking, regarding the potential for shared parking with BART.

B5-16: This comment requests that binding TDM measures be made a condition of project approval or be incorporated into a development agreement for the project, and that the project sponsor make a fair-share contribution to improve transit and/or pedestrian access in the area. Please see Response B5-5 regarding the City's commitment to TDM measures. The City will consider potential contribu-

tions to transit services and/or new pedestrian infrastructure as part of the TPMP and TDM Plan for the project.

B5-17: This comment suggests that an analysis be undertaken of the project's use of capacity along segments of US 101. Since the average vehicle occupancy for a baseball game is more than two persons per vehicle, most traffic on the freeways associated with the project would be using the HOV lanes. The HOV lanes on US 101 north of SR 87 are operating at LOS D and with increasing distance from the ballpark the traffic assignment to particular transportation system segments also diminishes. Therefore, the project would not have a significant impact at this distance or further away. The traffic analysis includes 30 freeway segments and stretches approximately four miles in each direction. Beyond this distance, project traffic analysis becomes too speculative to report with sufficient accuracy.

B5-18: This comment asks how traffic was reassigned to assume the Autumn Street connection to Coleman Avenue and suggests the traffic analysis address pedestrian, bicycle, and vehicle circulation at the intersection of Autumn Street and Santa Clara Street. The reassignment was done using the City of San Jose's travel forecasting model. While the traffic reassignment is complicated, the interested reader can see the actual reassignment traffic numbers by comparing the existing to background scenarios in the traffic study provided in Appendix C of the Draft SEIR. In general, traffic volumes would be reduced on routes parallel to Autumn Street, which include Stockton Avenue, The Alameda, SR 87, Market Street, and North First Street. The Draft SEIR includes a thorough analysis of vehicular conditions at the Santa Clara Street/Autumn Street intersection. Bicycles would be unaffected by the proposed road changes except that Autumn Street would become a two-way street. The proposed roadway width is adequate to serve bicycles. Pedestrians would not be affected as all sidewalks and crosswalks would remain in place.

B5-19: This comment requests clarification as to the relationship between the freeway peak hour and the project peak hour. A freeway analysis of the 6:00-7:00 p.m. time period was not completed because neither the CMP nor the City of San Jose LOS Transportation Policy apply to time periods outside the weekday commute period of 4:00-6:00 p.m. Nevertheless, for informational purposes some rough calculations of freeway traffic volume can be done using available data. According to traffic counts obtained by Hexagon Transportation Consultants, the volume on the freeways from 6:00-7:00 p.m. is approximately 80 percent of the volume from 5:00-6:00 p.m. If one accounts for the lower traffic volumes for 6:00-7:00 p.m. most freeway segments would have much less combined traffic. It can be concluded that overall the freeway system would operate with higher volume from 5:00-6:00 p.m. than 6:00-7:00 p.m. Please see also Master Response Transportation, Circulation and Parking #1, Study Time Periods.

B5-20: This comment requests that the LOS data reported in the TIA be examined to determine whether they match the data in the 2008 CMP Monitoring and Conformance Report, published by VTA. A comparison was made between the numbers in the freeway analysis table in the traffic study (Table 2 on page 6 of Appendix C of the Draft SEIR) and the numbers in the 2008 CMP Monitoring Report, published by VTA. Three discrepancies were found. Table 2 is revised as shown on the following page. None of the discrepancies have any effect on the analysis or conclusions of the traffic study.

Table 2 (REVISED)

Existing Freeway Levels of Service

Freeway	hide Segment	Direction	Peak Hour	Mixed-Flow Lanes Ave. Speed/a/	# of Lanes	Volume/a/	Density	LOS	HOV Lane Traffic Volume Ave. Speed/a/	# of Lanes	Volume/a/	Density	LOS
SR 87	Capitol Expressway to Curtner Avenue	NB	5-6PM	65	2	3,900	30.0	D	70	1	630	9.0	A
SR 87	Curtner Avenue to Almaden Road	NB	5-6PM	66	2	3,670	28.0	D	70	1	910	13.0	B
SR 87	Almaden Road to Alma Avenue	NB	5-6PM	52	2	4,370	42.0	D	70	1	840	12.0	B
SR 87	Alma Avenue to I-280	NB	5-6PM	66	2	3,670	28.0	D	70	1	700	10.0	A
SR 87	I-280 to Julian Street	NB	5-6PM	67	2	2,130	16.0	B	70	1	350	5.0	A
SR 87	Julian Street to Coleman Street	NB	5-6PM	66	2	2,910	22.0	C	70	1	140	2.0	A
SR 87	Coleman Street to Taylor Street	NB	5-6PM	67	2	1,870	14.1	B	70	1	630	9.0	A
SR 87	Taylor Street to Skyport Drive	NB	5-6PM	67	2	2,000	15.0	B	70	1	210	3.0	A
SR 87	Skyport Drive to US 101	NB	5-6PM	66	2	2,510	19.0	C	70	1	280	4.0	A
I-280	Saratoga Avenue to Winchester Boulevard	EB	5-6PM	36	3	6,050	56.0	E	70	1	2,450	35.0	D
I-280	Winchester Boulevard to I-880	EB	5-6PM	15	3	4,280	95.1	F	70	1	2,240	32.0	D
I-280	I-880 to Meridian Avenue	EB	5-6PM	22	4	5,220	79.0	F	40	1	2,240	56.0	E
I-280	Meridian Avenue to Bird Avenue	EB	5-6PM	24	4	7,200	75.0	F	N/A	0	N/A		
I-280	Bird Avenue to SR 87	EB	5-6PM	24	4	7,200	75.0	F	N/A	0	N/A		
I-280	SR 87 to 10th Street	EB	5-6PM	20	4	6,640	83.0	F	N/A	0	N/A		
I-280	10th Street to McLaughlin Avenue	EB	5-6PM	57	4	8,900	39.0	D	N/A	0	N/A		
I-280	McLaughlin Avenue to US 101	EB	5-6PM	66	4	7,340	28.0	D	N/A	0	N/A		
I-680	US 101 to King Road	NB	5-6PM	66	4	6,080	23.0	C	N/A	0	N/A		
I-680	King Road to Capitol Expressway	NB	5-6PM	66	4	7,340	28.0	D	N/A	0	N/A		
I-680	Capitol Expressway to Alum Rock Avenue	NB	5-6PM	66	4	6,080	23.0	C	N/A	0	N/A		
I-680	Alum Rock Avenue to McKee Road	NB	5-6PM	66	4	6,080	23.0	C	N/A	0	N/A		
I-880	I-280 to Stevens Creek Boulevard	NB	5-6PM	66	3	4,560	23.0	C	N/A	0	N/A		
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	5-6PM	66	3	5,310	27.0	D	N/A	0	N/A		
I-880	North Bascom Avenue to The Alameda	NB	5-6PM	65	3	5,660	29.0	D	N/A	0	N/A		
I-880	The Alameda to Coleman Avenue	NB	5-6PM	64	3	6,340	33.0	D	N/A	0	N/A		
I-880	Coleman Avenue to SR 87	NB	5-6PM	55	3	6,600	40.0	D	N/A	0	N/A		
I-880	SR 87 to North 1st Street	NB	5-6PM	63	3	6,430	34.0	D	N/A	0	N/A		
I-880	North 1st Street to US 101	NB	5-6PM	58	3	6,620	38.0	D	N/A	0	N/A		
I-880	US 101 to East Brokaw Road	NB	5-6PM	64	3	6,340	33.0	D	N/A	0	N/A		
I-880	East Brokaw Road to Montague Expressway	NB	5-6PM	66	3	4,760	24.0	C	N/A	0	N/A		
I-880	Montague Expressway to East Brokaw Road	SB	5-6PM	19	3	4,910	86.1	F	N/A	0	N/A		
I-880	East Brokaw Road to US 101	SB	5-6PM	14	3	4,200	100.0	F	N/A	0	N/A		
I-880	US 101 to North 1st Street	SB	5-6PM	12	3	3,820	106.1	F	N/A	0	N/A		
I-880	North 1st Street to SR 87	SB	5-6PM	23	3	5,320	77.1	F	N/A	0	N/A		
I-880	SR 87 to Coleman Avenue	SB	5-6PM	23	3	5,320	77.1	F	N/A	0	N/A		
I-880	Coleman Avenue to The Alameda	SB	5-6PM	23	3	5,320	77.1	F	N/A	0	N/A		
I-880	The Alameda to North Bascom Avenue	SB	5-6PM	32	3	5,960	62.1	F	N/A	0	N/A		
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	5-6PM	46	3	6,490	47.0	E	N/A	0	N/A		
I-880	Stevens Creek Boulevard to I-280	SB	5-6PM	66	3	5,150	26.0	D	N/A	0	N/A		
I-680	McKee Road to Alum Rock Avenue	SB	5-6PM	31	4	7,820	63.1	F	N/A	0	N/A		
I-680	Alum Rock Avenue to Capitol Expressway	SB	5-6PM	66	4	6,870	26.0	D	N/A	0	N/A		
I-680	Capitol Expressway to King Road	SB	5-6PM	66	4	6,680	23.0	C	N/A	0	N/A		
I-680	King Road to US 101	SB	5-6PM	66	4	5,280	20.0	C	N/A	0	N/A		
I-280	US 101 to McLaughlin Avenue	WB	5-6PM	66	4	7,080	27.0	D	N/A	0	N/A		
I-280	McLaughlin Avenue to 10th Street	WB	5-6PM	66	4	7,340	28.0	D	N/A	0	N/A		
I-280	10th Street to SR 87	WB	5-6PM	65	4	7,540	29.0	D	N/A	0	N/A		
I-280	SR 87 to Bird Avenue	WB	5-6PM	19	4	6,390	84.1	F	N/A	0	N/A		
I-280	Bird Avenue to Meridian Avenue	WB	5-6PM	43	4	8,430	49.0	E	N/A	0	N/A		
I-280	Meridian Avenue to I-880	WB	5-6PM	62	4	7,380	35.0	D	70	1	1,120	16.0	B
I-280	I-880 to Winchester Boulevard	WB	5-6PM	64	3	6,340	33.0	D	70	1	630	9.0	A
I-280	Winchester Boulevard to Saratoga Avenue	WB	5-6PM	59	3	6,550	37.0	D	70	1	840	12.0	B
SR 87	US 101 to Skyport Drive	SB	5-6PM	8	2	1,990	124.4	F	70	1	1,540	22.0	C
SR 87	Skyport Drive to Taylor Street	SB	5-6PM	18	2	3,210	89.2	F	70	1	840	12.0	B
SR 87	Taylor Street to Coleman Avenue	SB	5-6PM	14	2	2,830	101.1	F	70	1	1,680	24.0	C
SR 87	Coleman Avenue to Julian Street	SB	5-6PM	32	2	3,910	61.1	F	70	1	1,470	21.0	C
SR 87	Julian Street to I-280	SB	5-6PM	21	2	3,360	80.0	F	70	1	910	13.0	B
SR 87	I-280 to Alma Avenue	SB	5-6PM	15	2	2,850	95.0	F	70	1	1,820	26.0	C
SR 87	Alma Avenue to Almaden Road	SB	5-6PM	18	2	3,140	87.2	F	70	1	2,520	36.0	D
SR 87	Almaden Road to Curtner Avenue	SB	5-6PM	24	2	3,560	74.2	F	70	1	1,820	26.0	C
SR 87	Curtner Avenue to Capitol Expressway	SB	5-6PM	43	2	4,220	49.1	E	70	1	1,400	20.0	C

/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.

- Indicates revised density based upon 2008 CMP data. Reported densities are based on denisty calculation formula

Letter
B6

Boyd, Darryl

From: Molseed, Roy [Roy.Molseed@VTA.ORG]
Sent: Monday, March 22, 2010 5:11 PM
To: Boyd, Darryl
Cc: Pineda, Manuel; Ganji, Shanthi; Swierk, Robert
Subject: RE: Diridon station Area Baseball Stadium

Darryl,

Thanks for the response.

We had one additional request. In the TIA, it mentions that the technical appendices are available upon request. Can we get a copy of that information? In particular, our CMA staff are looking for info on traffic volume increases (background and project conditions) and trip distribution, especially for Autumn and US 101. Thanks. 1

Roy

From: Boyd, Darryl [mailto:Darryl.Boyd@sanjoseca.gov]
Sent: Monday, March 22, 2010 3:36 PM
To: Molseed, Roy
Cc: Pineda, Manuel
Subject: RE: Diridon station Area Baseball Stadium

Hi Roy, I am told the BART data was obtained from the latest San Jose BART station TIA, which is dated Dec. 23, 2008. The data used is the full SVRTP 6-station alternative. Thanks

Darryl D. Boyd, *Certified Green Building Professional*
Principal Planner
Planning Division, City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905
darryl.boyd@sanjoseca.gov
(vm) (408) 535-7898

From: Molseed, Roy [mailto:Roy.Molseed@VTA.ORG]
Sent: Thursday, March 18, 2010 1:50 PM
To: Boyd, Darryl
Cc: Ganji, Shanthi; Swierk, Robert; Delong, Marc
Subject: Diridon station Area Baseball Stadium

Hi Darryl,

We are reviewing the Supplemental Draft EIR for the Diridon Area Baseball Stadium and wanted to check with you on a couple of questions:

- In the cumulative analysis section, it is mentioned that BART was assumed. Do you know if this refers to 2

Letter
B6
cont.

the Berryessa Extension Project Alternative or the full 6 Station Alternative?

- Also, it is mentioned that a quantitative analysis was done for the BART extension. Do you know what the source of the data for this analysis was? **3**

Thanks.

Roy Molseed
Senior Environmental Planner
VTA
(408) 321-5784
Roy.molsed@vta.org

COMMENTOR B6
Santa Clara Valley Transportation Authority
Roy Molseed, Senior Environmental Planner
March 18 & 22, 2010

B6-1: The requested technical appendices for the Traffic Impact Analysis (TIA) were provided to the commenter on March 24, 2010.

B6-2: This comment requests clarification on which BART extension alternative was assumed in the cumulative analysis in the Draft SEIR. Please refer to Response B5-14. This information was communicated to the commenter on March 22, 2010.

B6-3: This comment requests the source of the BART-related data used in the cumulative analysis in the Draft SEIR. The BART data were obtained from the latest San Jose BART station TIA, which is dated December 23, 2008. This information was communicated to the commenter on March 22, 2010.

Letter
B7

Santa Clara Valley Water District

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 30932
Los Gatos Creek

March 29, 2010

Mr. Darryl Boyd
Planning Division
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Subject: Draft Supplemental Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area – Project File No. PP05-214

Dear Mr. Boyd:

Santa Clara Valley Water District (District) staff has reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the Baseball Stadium in the Diridon/Arena Area, received February 16, 2010.

Based on our review of the above document, we have the following comments:

1. Page 21 of Appendix B states that the City of San Jose will apply for a permit for work within 50 feet from Los Gatos Creek top of bank. On October 24, 2006l, the District's Ordinance 83-2, which required a permit for work within 50 feet of the top of the creek bank, was repealed and replaced with the Water Resources Protection Ordinance. The new ordinance requires that any work on District right of way (fee title or easement) or work that crosses our facilities is subject to review and issuance of a District permit prior to construction. **1**

2. Page 38 of Appendix B states that the modified project could still cause a localized reduction in water pressure. Installation of a new well was proposed as a mitigation measure. Construction of a new well will require a permit from the District's Well and Water Production Unit per District Ordinance 90-1. In addition, if the well is located within District right-of-way, a permit is also required from the District's Community Projects Review Unit under the District's Water Resources Protection Ordinance. **2**

Thank you for the opportunity to provide comments on the DSEIR. Please provide a copy of the Final EIR for our files and copies of the stadium plans for our review when they become

Letter
B7
cont.

available. Please reference District File No. 30392 on any future correspondence. If you have any questions or comments, please contact me at (408) 265-2607, extension 2586.

Sincerely,

Kathrin A. Turner
Assistant Engineer II
Community Projects Review Unit

cc: S. Tippets, C. Elias, M. Silva, B. Ahmadi, J. Crowley, H. Barrientos, C. Haggerty, K. Turner, File

30932_52812kt03-29

COMMENTOR B7
Santa Clara Valley Water District
Community Projects Review Unit
Kathrin Turner, Assistant Engineer II
March 29, 2010

B7-1: The comment, which provides information about the Water Resources Protection Ordinance, is noted. The City of San Jose would apply for a Santa Clara Valley Water District permit for construction within the District right-of-way, per the Water Resources Protection Ordinance. See also Response to B5-18 on page 77 of the 2007 First Amendment to EIR. The text on page 21 of Appendix B is revised as follows to clarify the updated permit requirement:

> The stadium would be in the same location and would have a similar configuration and orientation to that of the 2006 Stadium Proposal. As such, construction activities for the stadium site adjacent to the Los Gatos Creek riparian corridor would have the same potential effect to disturb nesting Cooper's hawks and other raptors under the modified project as under the 2006 Stadium Proposal. Implementation of Mitigation Measure BIO-2, which is described on page 187 of the EIR, would reduce this impact to a less-than-significant level. The proposed 50-foot setback for roadways and structures from the top of bank of Los Gatos Creek would apply to the modified project as it would to the 2006 Stadium Proposal. The City would apply for a permit from the Santa Clara Valley Water District for any work ~~within 50 feet of Los Gatos Creek top of bank~~ on District right-of-way (fee title or easement) or work that crosses the District's facilities, in accordance with the Water Resources Protection Ordinance. No new significant impact or greater impact to wildlife or sensitive habitat would occur at the stadium site.

B7-2: The comment, which provides information about the permitting requirements for new wells, is noted. Mitigation Measure UTIL-1 on page 292 of the 2007 EIR notes two options for the City to address reduction in water pressure for surrounding land uses, one of which, the installation of a new well, is the option preferred by the San José Water Company. See Response to B5-15 on page 77 of the 2007 First Amendment to EIR. The City would apply for a permit from the Santa Clara Valley Water District's Well and Water Production Unit per District Ordinance 90-1 for the installation of a new well. The City would submit a formal request to the District's Community Projects Review Unit should the City propose to locate the well in District right-of-way.

C. ORGANIZATIONS

Letter
C1

Baseball Stadium in the Diridon/Arena Area Supplemental Environmental Impact Report

Public Comment Meeting
Council Chambers, 6:30 p.m.
March 18, 2010

PUBLIC MEETING COMMENT CARD

Please Print Legibly

Date: 3-18-10

Name: RANDI KINMAN

Title:

Organization or business (if applicable): BURBANK | DEL MONTE NAC

Address: 801 Richmond Ave

City, State, Zip: San Jose CA 95128

COMMENTS ON THE DSEIR ARE DUE BY MARCH 29, 2010. This is your chance to comment on the project's environmental impact analysis. Your input is greatly appreciated. Please write legibly.

(1) Please pull comments from Diridon Good Neighbor Committee (ie parking options) so all info is available and to show any discrepancies in SEIR w/other planning processes. There were specific mentions at last night's meeting regarding noise evaluation

1

(2) If there is an increase in traffic back ups as stated (on Hwy 87, W. San Carlos, etc) how are we measuring potential increase of pollutants generated?

2

Please leave your comments in the designated comment box or mail to:

- Darryl Boyd, Principal Planner, Department of Planning, Building & Code Enforcement, 200 East Santa Clara Street, San José, CA 95113-1905

The Draft SEIR is available on the Planning Division's web site at http://www.sanjose.ca.gov/planning/eir/eir.asp

COMMENTOR C1
Burbank/Del Monte NAC
Randi Kinman
March 18, 2010

C1-1: Responses to comments made at the February 17, 2010 Diridon Area Good Neighbor Committee (GNC) Meeting are provided in Responses to Comments C3-1 through C3-31. The ballpark "project" was discussed at the March 17, 2010 GNC meeting in the context of the Diridon Station Area Planning effort. The comments were not specifically directed at the Draft SEIR and are not considered CEQA comments.

C1-2: This comment requests additional information about pollutants generated by traffic congestion. The process used to evaluate the potential air emissions of the modified project are described on pages 17 and 18 of the Initial Study (Appendix B of the Draft SEIR). The modified project, like the 2006 Stadium Proposal, would increase traffic on project area streets and freeways as described in Section IV.A of the Draft SEIR and Section V.C of the 2007 EIR. However, the modified project would generate approximately 19 to 28 percent fewer trips than the 2006 Stadium Proposal. Therefore traffic volumes would be smaller and the potential for "back-ups" on streets and freeways would be less under the modified project than under the 2006 Stadium Proposal. As result, the modified project would generate fewer vehicle air emissions than identified in the 2007 EIR.

Letter
C2

Ballpark SEIR Comments – Terri Balandra, Feb 17, Wed, 2010, Good Neighbor Committee

First I'd like to thank the Mayor for completing the much needed Supplemental EIR. 1

How is this Diridon/Ballpark Committee going to address this Supplemental EIR? 2

Will they be coming up with a collective list of comments – or commenting individually?

When the baseball games run long, or there are fireworks over the stadium, how will this affect airline cargo traffic that may have to be rerouted (or postponed or forfeited)? 3

Will this mean new air routes & noise over established neighborhoods? – or, perhaps a later airport curfew - to accommodate the postponed air cargo traffic, so the airport won't lose any revenue? Has this been factored into the Cumulative Noise Impacts?

One Engine Inoperative (OEI) seems to be "on hold", according to a recent comment by Bill Sherry. I have concerns over OEI, and how those guidelines "fit in" the Diridon area "mix". 4

I have concerns over the "cumulative noise and vibration" impacts from the Baseball arena AND the HSR together, as we haven't received any data from HSR in regards to the noise factor – whether above or below ground. I find it amazing that the High Speed Rail Authority expects to decide on two alternative studies, when we don't have any current noise & vibration data, at all. I find it amazing that all the expected data from the new Spanish HSR, isn't expected until sometime AFTER the two alternative studies are chosen. 5

Where is the money coming from for all the infrastructure repairs, like the reconfiguration for the PG & E station, and the rest of the property purchases? ... And how will all this complex, high-level planning occur - with a skeleton crew at our Planning Department with a scant budget? 6

How will a reduced City Staff seek and solicit new businesses to fill the surrounding Diridon area in order to provide the critical tax base - to fund the ballpark infrastructure improvements? What is our Economic Development Department doing to solicit future business? Do they have funding for this? 7

In regards to all the significant unavoidable impacts with traffic and air pollution related to the ballpark: This impact will be difficult to measure in many different neighborhoods, in various areas & cities - like Campbell, that's close to a light rail stop and has very little parking for its own residents. There could be even less parking in residential areas due to baseball fans parking their car close to a bus stop, or in a light rail station in a different City – or in any part of San Jose, so they can get on public transportation to get to the Diridon area. Except for local residents leaving directly from their home by foot, bike, or public transit, most fans will be taking a car to get to some other form of public transit – so will be driving to the ballpark. What Department will be studying the Cumulative effects on satellite parking impacts in different city & regional areas that have limited parking near public transit for its own resident commuters? 8

Terri Balandra, Co-Chair Fiesta Lanes Action Group, D6 Neighborhood Planning & Land Use

COMMENTOR C2
Fiesta Lanes Action Group
D6 Neighborhood Planning & Land Use
Terri Balandra, Co-Chair
February 17, 2010

C2-1: The comment regarding the preparation and completion of the Draft SEIR is noted.

C2-2: The Diridon Good Neighborhood Committee held a meeting to discuss the Draft SEIR on February 17, 2010. At that time, City staff and the Draft SEIR Environmental Consultant provided information about the content of the Draft SEIR and answered questions regarding how the Draft SEIR was prepared and what environmental impacts were identified in the Draft SEIR (see Comment Letter C3). On March 18, 2010, another public meeting on the content of the Draft SEIR was held at San Jose City Hall in the Council Chambers. Members of the Good Neighborhood Committee attended that meeting and asked questions about the Draft SEIR regarding noise, traffic, air quality, and other issues. Various Committee members or members of the public have also submitted written comments about the SEIR (see comment letters from Lawrence Ames (Comment Letters D2 and D3), Terri Balandra (C2), Harvey Darnell (C4), Randi Kinman (C1), Eloy Wouters (D17), and Richard Zappelli (C13).

On March 17, 2010, the Good Neighbor Committee met to discuss their recommendations for improvements to the Diridon Area. Called the "Framework for Implementation," this document provides recommendations for the ballpark project and its impact on the area.

C2-3: This comment requests additional information about the impacts of the project on flight operations, including potential changes to existing air cargo and other operations due to special events at the ballpark that extend late into the evening (such as fireworks).The impact that fireworks displays could have on the safe operation of San José International Airport is described in Section V.A of the certified 2007 EIR. The modified project proposes no change to the fireworks component of the project. As noted on page 45 of the Initial Study in Appendix B of the Draft SEIR, Implementation of Mitigation Measure LU-1 would reduce the impact of fireworks displays to a less-than-significant level (see page 85 of the 2007 EIR).

The Federal Aviation Administration (FAA) may require a temporary flight restriction (TFR) for certain events held at the ballpark; however, general flight patterns are expected to remain the same (see page 133 of the 2007 First Amendment to EIR and page 84 of the 2007 EIR). Alternative flight paths would be within the envelope currently used by aircraft arriving and departing from the airport. Nevertheless, airplane noise would be one of the potential noise sources contributing to the significant and unavoidable cumulative operational noise impact identified in both the 2007 EIR and the Draft SEIR.

The economic effects of rerouting or delaying flights are not within the scope of the CEQA analysis.

C2-4: The comment, which expresses concern about One Engine Inoperable (OEI) procedures, is noted. OEI procedures and how they apply to the project area are discussed on page 46 of the Initial Study (Appendix B of the Draft SEIR).

C2-5: The commenter expresses concern that noise and vibration data are not available for the proposed High-Speed Rail (HSR) system, for use in the Draft SEIR cumulative analysis. Although detailed noise and vibration data for the proposed HSR system are not available, the HSR system was considered and evaluated qualitatively in the cumulative noise analysis, which found that cumulative impacts would be significant and unavoidable (see page 110 of the Draft SEIR). The HSR project is subject to CEQA and will be required to analyze potential noise and vibration impacts at a project and cumulative level.

C2-6: This comment requests additional information about the funding sources for proposed infrastructure changes in the vicinity of the project site, and the logistics of undertaking these projects in the context of current City staffing levels. If the PG&E substation were needed for the ballpark, funds would have to be identified in either the Redevelopment Agency Capital budget or some other source to purchase the site. Staffing for this effort would be through the Redevelopment Agency. It should be noted that at the present time staff from the Redevelopment Agency do not believe that it is necessary to acquire or relocate any portion of the existing PG&E substation to develop the proposed ballpark. The vast majority of public infrastructure improvements surrounding the ballpark, including the realignment of Autumn Street, upgrades to sidewalks, and other street work would all be necessary for the Diridon area as a part of the planned growth in the Downtown regardless of whether a ballpark is built. The Autumn Street project was specifically identified in the Downtown Strategy Plan 2000 EIR as a required component for the future growth of the Downtown.

C2-7: Please refer to Response C2-6 regarding the need for infrastructure improvements, regardless of development of the proposed project.

C2-8: This comment suggests that significant air quality and traffic impacts would be difficult to monitor at the residential neighborhood level. Based on the analysis in the Draft SEIR, the City does not believe that the project would adversely affect residential neighborhoods in the vicinity of the project site, due to the City's excellent transit infrastructure and provisions that would be made (such as the TPMP) to direct project-related traffic away from residential neighborhoods. Parking facilities located at transit hubs in other locations and cities that were built and maintained by transit agencies were designed to accommodate and encourage use of mass transit. If these facilities were highly used by ballpark patrons as intended, it would signal an active and successful transit system being used as planned. As for other parking facilities, including surface parking, parking garages and street parking surrounding these mass transit facilities, there is no evidence that past use during other major events in the downtown severely impacted these facilities. This included such major events as the Grand Prix auto race and the Americas Festival (both now discontinued) that drew crowds vastly exceeding the capacity of the ballpark. Although the City would continue to monitor traffic and parking conditions in the vicinity of the ballpark after project build-out, additional evaluation of satellite parking supply and demand is not necessary to ascertain the cumulative impacts of the project.

Letter
C3

DRAFT
Diridon Station Area Good Neighbor Committee – Ballpark DSEIR Comments
17 February 2010

Many of the questions and comments made at the GNC meeting on the Draft Supplemental EIR are reflected in the subsequent written comments submitted by various individuals or neighborhood association representatives, including but not limited to, Eloy Wouters, Randi Kinman, Marc Morris, Harvey Darnell, Richard Zappelli, Terri Balandra and Lawrence Ames. There were more questions regarding the technical assumptions or methodology of the DSEIR than actual comments because the GNC meeting occurred soon after the 45-day public comment period commenced. **1**

NOISE

Request to review and consider previous comments submitted on the 2007 EIR regarding the potential effect of the construction of approved new high-rise buildings (e.g. SJ Water Comp. site) and potential noise impacts. **2**

There were several technical questions regarding the specifics of the assumptions and parameters used by the newer sound modeling, measurements and existing ambient noise levels, peak events, "Shoreline" effect, and atmospheric conditions. **3**

What are the potential cumulative noise and vibration impacts when High Speed Rail (HSR) is included? **4**

Avoid unintended consequences (not limited to noise but generally for all ballpark design and operations). **5**

PARKING

Avoid parking and traffic intrusion into the adjacent residential neighborhoods. **6**

Questions and concerns about the assumed walking distance from parking sites and what should be used. **7**

Provide bicycle parking and storage on-site at stadium. **8**

Provide more park and ride lots/spaces along the LRT lines, especially in Almaden Valley. **9**

Provide "satellite" parking. **10**

Questions about the City's ability to require that private parking be made available for ball games. **11**

DRAFT
Diridon Station Area Good Neighbor Committee – Ballpark DSEIR Comments
17 February 2010

Avoid building the parking structure(s) near the residential neighborhoods.	**12**
Questions about how parking demand will be accommodated for day games.	**13**
Provide clarification on parking supply relationship between ballpark stadium, Sharks, Diridon Station, BART, and HSR	**14**
What is the basis for assuming that 25% of parking is not availability at 7:00 p.m.	**15**
How will City ensure the timing of parking availability consistently to coincide with timing of demand for ball games.	**16**
Does CSJ control the Arena parking lot?	**17**
What is the likely effect of the Sharks patrons having first dibs on parking available during simultaneous events.	**18**
Establish and provide permit parking for a one mile radius around the ballpark.	**19**
Does parking supply account for "leased spaces"?	**20**

TRANSPORTATION

Why was traffic not recounted rather than rely on previous data?	**21**
The traffic distribution should show more people coming from north of San Jose down the East Bay.	**22**
Provide clarification for the reasoning behind the 5:00-6:00 peak hour versus 6:00-7:00 analysis.	**23**
Why won't people leave the freeways and use surface streets through the neighborhoods?	**24**
Make it convenient to use LRT and other mass transit.	**25**
What fraction of current A's fans use BART?	**26**

DRAFT
Diridon Station Area Good Neighbor Committee – Ballpark DSEIR Comments
17 February 2010

MISCELLANEOUS

Encourage a stadium design that encourages walking.	**27**
Concern about fireworks in the SJC flight path approach and potential impacts to residential neighborhoods due to the change in flight paths during ball games.	**28**
Provide ground level retail in the stadium.	**29**
Show proposed location of High Speed Rail on exhibits.	**30**
Get Los Gatos Creek out of the existing pipe and restore to natural riparian corridor as part of the Autumn Street realignment.	**31**

COMMENTOR C3
Diridon Area Good Neighbor Committee Meeting
Meeting Notes, Various Committee Members
February 17, 2010

C3-1: This introductory comment summarizes comments and questions made at the meeting. Detailed comments are addressed in the subsequent responses.

C3-2: This comment requests consideration of comments submitted on the 2007 EIR regarding the impact of the project on planned residential uses in the vicinity of the project site. As shown in Table V-1, List of Cumulative Projects (Updated), on page 103 of the Draft SEIR, the cumulative analysis takes into account the effects of the project on planned residential uses in the vicinity of the project site, including the San José Water Company site project (City Rezoning File No. PDC02-046), which would involve the development of a mixed-use retail and residential center. Please refer to pages 72 through 78 of the Draft SEIR for a discussion of potential impacts associated with operation of the proposed ballpark on adjacent residential uses. This analysis would also apply to new residential uses planned for the vicinity of the project site, including the project on the San Jose Water Company site.

C3-3: This comment references questions about the model used to identify project-related noise impacts in the Draft SEIR. Please refer to pages 72 through 75 of the Draft SEIR for a discussion of the methods underlying the use of SoundPLAN Version 7, the software that was used to calculate noise levels to which the community surrounding the project site would be exposed. Please refer to page 71 for a description of existing ambient noise levels in the vicinity of the project site. Refer to pages 166 and 167 of the 2007 EIR for a discussion of peak noise during concert events (which would be anticipated to represent peak noise levels during operation of the project). As described on page 72 of the Draft SEIR, "[n]eutral atmospheric conditions were assumed for the modeling."

Topographic features of the Shoreline Amphitheater in Mountain View present problems related to noise specific to that site and amphitheater design. The proposed ballpark is not an amphitheater. Concerts at the proposed downtown ballpark would be differentiated from other outdoor music venues in that the ballpark would provide a barrier behind the audience that would reduce the speaker volume needed to achieve the same sound effect when compared to a completely open outdoor environment such as the Shoreline Amphitheater. Please see Response to Comment D6-9 in the 2007 First Amendment to EIR for additional discussion of the Shoreline Amphitheater.

C3-4: As noted on page 105 of the Draft SEIR, because the California High-Speed Rail Authority is early in the design process for the State-wide high-speed rail (HSR) line, HSR is considered only at a qualitative level in the Draft SEIR. Once design details of HSR are identified, the Authority would be responsible for identifying the noise-related impacts of various HSR alternatives, including cumulative noise impacts on other land uses (such as the proposed project) along the preferred HSR alignment.

C3-5: This comment, which pertains to the merits of the project and not the adequacy of the Draft SEIR, is noted and will be considered by decisionmakers. No additional response is required.

C3-6: This comment states that parking intrusion should be avoided. As discussed on page 66 of the Draft SEIR, "[i]t is not the intent of the City to rely on any on-street parking, especially west of Bird Avenue, to serve the ballpark. To prevent parking in the neighborhoods, the City may need to implement time limit or permit parking as noted in the certified 2007 EIR. Nevertheless, patrons new to the area might think that there is parking available west of Bird Avenue and drive through the neighborhoods looking for parking. Therefore, initially the City could place temporary barricades at neighborhood street entrances and signs directing vehicles to parking garages to control parking and traffic in this area. Once ballpark patrons learn that parking is not available west of Bird Avenue, it may be possible to dispense with the barricades. However, it still would be necessary to continue parking enforcement to ensure that the permits and time limits are being observed." The Traffic and Parking Management Plan (TPMP) discussed in Section IV.A of the Draft SEIR is intended to protect the parking supply in residential neighborhoods (and direct ballpark visitors to public and private lots).

C3-7: This comment expresses concern about the assumptions used in the Draft SEIR regarding an acceptable travel distance for pedestrians walking between the project site and parking areas. As discussed on pages 63 and 64 of the Draft SEIR, the parking analysis is based on the assumption that ¾ mile is a reasonable distance for most fans to walk between a parking area and the ballpark. As noted on page 64, the ¾-mile parameter "is not an absolute distance beyond which baseball patrons would refuse to walk, nor is the need for some small percentage of baseball fans (as discussed under the Simultaneous-Events Scenario) to potentially walk beyond ¾ miles between available parking and the ballpark evidence of a substantive parking shortfall." Plentiful parking is available in the vicinity of the project site and spots much closer than ¾ mile would be available to patrons who desire short walks to the ballpark.

C3-8: Mitigation Measure TRANS-1 would require the implementation of a Transportation Demand Management (TDM) Program that may include the provision of bike parking on the site (in addition to other methods of reducing single-occupancy vehicle trips and encouraging use of alternative transportation).

C3-9: The City will consider this comment, which does not pertain to the merits of the project or the adequacy of the Draft SEIR, in long-range planning undertaken for the LRT system. As a general response, the City seeks to balance parking demand at LRT stations with sound land use strategies that encourage LRT riders to walk, bike, and/or take other forms of transit to light rail connections

C3-10: The modified project includes three parking options: a 1,200-space Montgomery/Autumn Street parking structure, a 1,300-space HP Pavilion parking structure, and a "no parking structure" option. The 1,300-space HP Pavilion structure most resembles "satellite" parking as described in this comment. The City will consider all these options prior to deciding whether to approve the project.

C3-11: This comment questions whether the City could feasibly require private parking lots to remain open during events at the project site. As part of the proposed project, the City would not require private parking facilities to remain open during special events at the proposed ballpark. However, the City believes it could reasonably be expected that sufficient private parking would be made available to paying customers, such that parking demand for special events would be satisfied by the parking supply within ¾ mile of the project site. Because parking on special event days will demand a premium, it is likely that the operators of private parking lots would open their facilities on special event days. Please refer to Master Response Transportation, Circulation and Parking #4,

Parking, for additional detail regarding how the City's private parking supply would likely be used during special events at the project site.

C3-12: This comment, which pertains to the merits of the project, will be considered by the City in its evaluation of the parking options for the project.

C3-13: This comment requests additional information about how parking would be accommodated during day games. To respond to comments on the Draft SEIR, traffic and parking analysis was completed for a weekday afternoon baseball game. City of San Jose staff conducted surveys of several downtown parking lots and garages to determine occupancy and vacant spaces on a weekday afternoon. Attachment 1 of this First Amendment to SEIR is a memo describing the results of the weekday traffic and parking analysis. As noted in the attached memo, it was determined that sufficient parking vacancy exists to accommodate a day game. Please see also Master Response Transportation, Circulation and Parking #4, Parking.

C3-14: This comment requests additional information about the relationship between the parking supplies associated with existing and planned uses in the vicinity of the project site. The parking analysis undertaken as part of the Draft SEIR is based on reasonable expectations regarding the parking supply and demand in the vicinity of the project site. Please refer to pages 64 through 66 of the Draft SEIR for a discussion of parking supply and demand associated with simultaneous events at the HP Pavilion and proposed ballpark (e.g., a situation under which the Sharks would play concurrent with an event at the ballpark). The evaluation of the existing parking supply in the vicinity of the project site takes into account existing demand for parking associated with the Diridon Station. As discussed in Chapter V, CEQA-Required Assessment Conclusions, the cumulative effects of the BART extension to Silicon Valley and the development of HSR (including the effects of these projects on parking supply and demand) are evaluated only at a qualitative level in the Draft SEIR because these projects are early in their stages of development. Identifying and disclosing the impacts of these projects on parking supply (to the extent that physical environmental impacts would result) would be the responsibility of the sponsors of these projects, pursuant to CEQA.

C3-15: As discussed on page 63 of the Draft SEIR, the assumptions regarding parking availability used in the Draft SEIR are based on the parking counts collected by Hexagon Transportation Consultants and the City in the fall of 2005.

C3-16: As discussed on pages 66 and 67 of the Draft SEIR, regardless of the time of day of events at the project site, the City would implement a comprehensive TPMP to ensure that the parking supply around the project site is adequately utilized.

C3-17: The City of San Jose owns the HP Pavilion and associated parking lot (although the site is managed by San José Arena Management, LLC). Traffic and parking management during events at the HP Pavilion are subject to the HP Pavilion Traffic and Parking Management Plan (TPMP).

C3-18: Please refer to pages 64 through 66 of the Draft SEIR for a discussion of parking supply and demand associated with simultaneous events at the HP Pavilion and proposed ballpark (e.g., a situation under which the Sharks would play concurrent with an event at the ballpark).

C3-19: As noted in the 2007 EIR, the City will consider the implementation of time limit or permit parking in the vicinity of the project site. Such parking management plans would be implemented after evaluating parking demand associated with events at the project site, and in conjunction with the residents and businesses that would be affected by such parking restrictions.

C3-20: This comment requests clarification of whether the parking analysis takes into account "leased spaces." The parking analysis in the Draft SEIR is based on empirical data collected on actual parking supply and demand in the City and thus takes into account potential constraints in parking supply associated with leased parking spaces that are reserved for specific parties or building tenants. Even taking into account leased parking spaces, the project (combined with other special events in the area) would not result in a substantial parking shortage, such that other adverse effects would result.

C3-21: This comment requests clarification on the traffic data collected as part of the Draft SEIR. As discussed on pages 37 and 38 of the Draft SEIR, new manual turning-movement counts were conducted in May 2009 at all study intersections on a night with no event at the HP Pavilion. All study intersections were counted in November 2005 on nights with and without events at the HP Pavilion as part of the 2006 traffic analysis. At the time of the update of the traffic analysis, the NHL hockey season had ended. The November 2005 counts were utilized to develop the updated existing volumes for the simultaneous-event scenario. The differences between the November 2005 hockey and no-hockey counts were applied to the new May 2009 no-hockey counts to represent the updated existing volumes with hockey.

C3-22: This comment questions the assumptions underlying the anticipated distribution of project-related traffic. Please see Master Response Transportation, Circulation and Parking #7, Trip Distribution.

C3-23: This comment requests clarification of the reasoning for using the 5:00-6:00 p.m. hour rather than the 6:00-7:00 hour. As discussed on page 56 of the Draft SEIR, the period of analysis for the traffic study is the peak hour from 5:00 p.m. to 6:00 p.m. when overall traffic levels are highest, consistent with the protocol outlined in The City of San José Transportation Policy (CSJTP). The Draft SEIR also provides an analysis of the "Project Peak Hour (6:00 – 7:00 p.m.)" scenario for informational purposes.

C3-24: This comment asks why people wouldn't leave freeways and use surface streets through neighborhoods. Based on surveys and traffic counts conducted during a Sharks game, drivers typically do not cut through neighborhoods using surface streets but predominantly use freeways and arterials to access the downtown area and its parking. Further studies of traffic in areas to the west, north and south have shown no significant level of service impact due to Sharks games. These trip distribution patterns are expected to be representative of the proposed project because attendees would be arriving from similar origins.

C3-25: The TPMP and TDM Program required for the project would encourage patrons of the proposed ballpark to use transit and other alternatives to single-occupancy vehicles.

C3-26: Approximately 25 percent of the A's fans arrive by BART for their games.

C3-27: This comment requests that the ballpark design encourage walking. Pedestrian access would be promoted as part of the TPMP prepared for the project, including through the modification of pedestrian crossing signals to allow for high-volume crossings to and from the ballpark. Design modifications to the ballpark and surrounding open areas will also be considered by the City.

C3-28: This comment expresses concern about potential changes to flight paths that could result from events at the project site. The FAA may require a temporary flight restriction (TFR) for certain events held at the ballpark; however, general flight patterns are expected to remain the same after project implementation.

C3-29: This comment, which requests that the ballpark include ground level retail, will be considered by the City as the conceptual design for the project is refined. The current modified project would include retail uses, a portion of which would likely be situated on the street level.

C3-30: The location of the High-Speed Rail line is shown on Figure V-1 on page 104 of the Draft SEIR.

C3-31: This comment requests that Los Gatos Creek (which currently is routed through an underground pipe) be uncovered and restored with riparian vegetation. Although the uncovering (daylighting) of Los Gatos Creek is not proposed as part of the project, daylighting and restoration of the creek will be considered by the City as part of City-wide creek restoration efforts.

Letter
C4

Boyd, Darryl

From: Harvey Darnell [harveydarnell@yahoo.com]
Sent: Monday, March 29, 2010 4:59 PM
To: Boyd, Darryl
Subject: Baseball Revised EIR Comments

Darryl,

This is to make official the comments I made at the Good Neighbor Committee.

1. Regarding Noise, I hope you do a study of Noise with the tall Building(s) on the Water Company site which have already gotten entitlements. I am concerned about noise being reflected back onto the neighborhoods. 1

2. The original EIR showed a walking circle for parking that stopped at 280 and did not show any possibility of Parking in the Greater Gardner Area even though it was in walking distance by radius. Please make sure that that is considered and that we will request permit parking at no or lost cost to the neighborhood as a possible mitigation for those effects. 2

3. Again under historic I wish to be certain that the Stephen's Meat Pig is considered a historic resource and will be retained on the site as an Iconic Sign of years past. 3

Thank you for your help and for all you do.

Harvey Darnell
Chair Greater Gardner NAC

COMMENTOR C4
Greater Gardner NAC
Harvey Darnell, Chair
March 29, 2010

C4-1: This comment requests an evaluation of the impact of the project (in conjunction with planned high-rise residential uses) on noise levels. As shown in Table V-1, List of Cumulative Projects (Updated), on page 103 of the Draft SEIR, the cumulative analysis takes into account the effects of the project on planned residential uses in the vicinity of the project site, including the San José Water Company site project (City Rezoning File No. PDC02-046), which would involve the development of a mixed-use retail and residential center. Please refer to pages 72 through 78 of the Draft SEIR for a discussion of potential impacts associated with operation of the proposed ballpark on adjacent residential uses. This analysis would also apply to new residential uses planned for the vicinity of the project site, including on the San Jose Water Company site. Depending on the orientation and surface material used for the new high-rise San Jose Water Company site project, there may be some reflected sound from this new building to areas east or south of the building. However, due to distance attenuation and the angle of the reflected sound, the effect of the building reflection would be negligible. It takes a doubling of the sound energy received to add 3 dBA to a receptor location. A 3 dBA increase in noise is the minimum change that can be perceived by the human ear. The reflected sound, if any, would be a small portion (less than 20 percent) of the direct sound, adding less than 1 dBA to the noise level at the affected receptor location. The area to the west of the new building would no have any significant sound reflection and would be masked by vehicular traffic on the freeway.

C4-2: This comment requests consideration of parking impacts in the Greater Gardner neighborhood. The impact on neighborhood parking, including in the Greater Gardner neighborhood, would be less for the modified project as compared to the 2006 Stadium Proposal because the ballpark would have a smaller seating capacity and would therefore result in fewer fans driving to games. As noted in Master Response Transportation, Circulation and Parking #5, Neighborhood Traffic and Parking on page 14 of the 2007 First Amendment to EIR, the City is prepared to enforce existing parking regulations and to implement permit parking or other parking impacts controls through coordination with neighborhood residents and businesses. Residents of areas that currently have permit parking through the City may call for enforcement against violations. Residents who do not currently have permit parking instituted in their neighborhoods may work with the City to obtain this program. See also Response to D6-3 on page 169 of the 2007 First Amendment to EIR.

C4-3: The impact of the project on the Stephen's Meat Pig Sign would be the same for the modified project as for the 2006 Stadium Proposal. See Master Response Cultural Resources #1, Stephen's Meat Sign on page 16 of the 2007 First Amendment to EIR.

Letter
C5

Land Services, 111 Almaden Blvd., Rm. 814, San Jose, CA 95115

March 23, 2010

City of San Jose
Department of Planning, Building and Code Enforcement.
200 E Santa Clara St., Tower 3rd Floor
San Jose, CA 95113
Attn: Darryl Boyd
Email: Darryl.Boyd © @sanjoseca.gov

RE: Review of Notice of Availability of a Draft Supplemental Environmental Impact Report (SEIR)
For: The Baseball Stadium Project
Dated February 2010
Loc: bounded by Autumn St., Bird Ave. and Los Gatos Creek to the east & south- San Jose
City's Ref: PP05-214
State Clearinghouse # : 2005112126
PG&E File : SJ 315 (Land)

Dear Sir / Madam,

Thank you for this opportunity to comment on this NOA of the Draft Supplemental Environmental Impact Report (SEIR) for the above Project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. 1

Electric Transmission Facilities

There is a 115 KV tower line running north to south- through the project area westerly of Montgomery St.

PG&E Substation

An existing PG&E substation located adjacent to the railroad tracks northwest on the project site.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible. **2**

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules. **3**

We would also like to note that continued development consistent with the City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines. **4**

It is recommended that environmental documents for proposed development projects include adequate evaluation of cumulative impacts of utility systems, the utility facilities necessary to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

Letter
C5
cont.

We encourage the City to include information about the issue of electric and magnetic fields (EMF) in the SEIR. It is PG&E's policy to share information and educate people about the issue of EMF.

EMFs are invisible fields of force created by electric voltage (electric fields) and by electric current (magnetic fields). Wherever there is a flow of electricity, both electric and magnetic fields are created; in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. PG&E relies on organizations and health agencies such as the California Department of Health Services, U.S. Environmental Protection Agency and the Electric Power Research Institute to review research on EMF and provide a foundation for developing policies. **5**

Because there is concern about the possible health effects of exposure to EMF, we support and fund medical, scientific, and industry research on EMF. It is PG&E policy to consider EMF in the design, planning and construction of new and upgraded facilities.

PG&E remains committed to working with the City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops. **6**

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC. **7**

Should you require any additional information or have any questions, please call me at (408) 282-7544.

Sincerely,

Alfred Poon
Land Rights Protection
Southern Area

COMMENTOR C5
Pacific Gas & Electric
Land Rights Protection, Southern Area
Alfred Poon
March 23, 2010

C5-1: The comment, which indicates that the City should coordinate with PG&E to avoid affecting utility infrastructure near the project site, is noted. It should be noted that as part of the currently proposed project, the existing PG&E substation may be reconfigured. No additional response is required.

C5-2: This comment, which states that the project sponsor would be responsible for the costs associated with relocation of PG&E facilities (and encourages early coordination with PG&E), is noted. No additional response is required.

C5-3: This comment, which notes that certain modifications to electric transmission and substation facilities may require formal approval from the California Public Utilities Commission, is noted. No additional response is required.

C5-4: This comment states that build-out of the proposed project "will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services." Implementation of Mitigation Measure GCC-1 (please refer to pages 93 and 94 of the Draft SEIR) would ensure that the project's electricity and natural gas demands are substantially reduced compared to other existing projects. This mitigation measure would ensure that project-specific energy demand is not substantial such that a significant environmental impact to energy supply or distribution systems would result. In addition, this mitigation measure would ensure that the project does not make a significant cumulative contribution to energy-related impacts. Other significant development projects in San Jose and surrounding communities would be expected to undergo a similar environmental review process as the proposed project; similar energy-reducing mitigation measures would be required of these projects, as warranted, to reduce cumulative impacts to energy supply and infrastructure to a less-than-significant level.

C5-5: This comment encourages the City to include information about electric and magnetic fields (EMFs) in the Draft SEIR. No detailed discussion of EMFs is included in the Draft SEIR because EMF-related hazards are not expected to be significant as part of the project because use of the site would be intermittent, and the site would not contain a long-term residential population. However, the information about EMFs provided by PG&E in Comment A2-4 is hereby incorporated into the public record of the Draft SEIR.

C5-6: As requested, the City will provide relevant project information to PG&E when it becomes available.

C5-7: This comment, which references PG&E's need to balance its responsibility to supply energy with its responsibility to work with local governments, is noted. Additional coordination between PG&E and the City will be necessary during the project review of a specific ballpark project design. No additional response is required.

Letter
C6

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R. Clark Morrison
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March 12, 2010

File No. 60516

VIA E-MAIL AND U.S. MAIL

Mr. Darryl Boyd, Principal Planner
Department of Planning,
Building & Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Baseball Stadium SEIR Comment Period Extension

Dear Mr. Boyd:

On behalf of our client, San Jose Arena Management LLC ("Arena Management"), we are writing to request an extension of the public comment period for the draft *Baseball Stadium In The Diridon/Arena Area (Modified Project) Supplemental Environmental Impact Report* (the "SEIR"). The basis for this request is the SEIR's failure to analyze, or provide adequate information concerning, cumulative transportation impacts related to the Baseball Stadium project (the "Project"), including cumulative transportation impacts associated with the probable High-speed Rail ("HSR") project currently being studied for the Diridon planning area. As discussed below, the SEIR omits critical transportation and parking data that is reasonably available to the City and must be released for meaningful public review, a circumstance that requires extension of the SEIR comment period. 1

As required by the California Environmental Quality Act ("CEQA"), the SEIR must discuss cumulative impacts when they are significant and the Project's incremental contribution is "cumulatively considerable." 14 Cal. Code Regs. § 15130(a). The Project's incremental contribution is cumulatively considerable if the incremental effects of the Project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." 14 Cal. Code Regs. § 15065(a)(3). The SEIR's analysis of cumulative impacts must consider *all* possible sources of related impacts. 14 Cal. Code Regs. § 15130(a)(1); *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 907.

The SEIR Denies the Public an Opportunity to Comment Because It Omits Any Analysis of Cumulative Parking, Transit and Pedestrian Impacts. 2

The cumulative impact analysis in the SEIR is fundamentally and basically inadequate, because it fails to include *any* analysis of the Project's contribution to potentially

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significant *cumulative* impacts related to parking, transit and pedestrian access (only cumulative traffic impacts are addressed). Notably, Arena Management's NOP comment letter expressly requested that these cumulative impacts be analyzed, and the SEIR itself identifies these impacts as potential areas of public controversy. *See* SEIR at p. 6. It is axiomatic that the public cannot meaningfully evaluate and comment on the SEIR's cumulative impact analysis when it completely omits any discussion of controversial cumulative impacts related to parking, transit and pedestrian access. This analysis must be made available, and an adequate timeframe provided, for public review and comment. The lack of an adequate opportunity for public review could trigger a requirement for recirculation of the SEIR. *See* CEQA Guideline 15088.5(a)(4).

2 cont.

The SEIR Denies the Public an Opportunity to Comment Because It Omits Any Analysis of Cumulative Transportation Impacts Associated with the Probable HSR Project.

In July, 2008, the California High-Speed Rail Authority certified the *Final Bay Area to Central Valley High-speed Train Program EIR* ("Final PEIR"). On August 8, 2008, litigation was filed challenging the adequacy of the Final PEIR, and the court ultimately concluded that the Final PEIR failed to comply with CEQA on grounds unrelated to transportation impacts. The Authority has recently published a Revised PEIR that addresses the issues raised in the court's decision but otherwise does not disturb the Final PEIR, including its transportation impact analysis. *Id.* The Revised PEIR is open for public comment until April 26, 2010.

The SEIR improperly asserts that it need not consider the HSR project in the cumulative transportation analysis because "detailed information regarding HSR station and parking facilities locations necessary to complete a quantitative analysis of the HSR project under cumulative conditions is not available at this time." *See* SEIR at p. 112. The principle that EIRs can and should make reasonable forecasts is well established in the case law. CEQA Guideline 15144 establishes that "[d]rafting an EIR or negative declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, *an agency must use its best efforts to find out and disclose all that it reasonably can*" (emphasis added). *See San Francisco Ecology Center v. City & County of San Francisco* (1975) 48 Cal.App.3d 584, 595. CEQA does not permit a lead agency to ignore the potential impacts of a probable future project when conducting its cumulative analysis. Here, the City must use *best efforts* to locate and disclose all pertinent information about the HSR project's potential transportation impacts in the cumulative transportation impacts analysis of the SEIR.

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The SEIR omits any analysis of cumulative transportation impacts associated with the planned HSR project. The HSR project is identified on SEIR Table V-1 as a probable future project with related cumulative impacts. Moreover, the SEIR acknowledges that a programmatic EIR for the HSR system has been prepared and that a project-level EIR for the northern California HSR segment is currently being drafted. Nevertheless, the SEIR's discussion of cumulative transportation impacts expressly omits the HSR project's related impacts on the basis that the HSR environmental review process is ongoing and detailed information about cumulative conditions is purportedly unavailable. This assertion, however, is a legally insufficient basis to forego such critical analysis.

The CEQA guidelines provide that "[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence" and "should be guided by the standards of practicality and reasonableness." 14 CCR § 15130(b). Reviewing courts have determined that it is reasonable and practical to include as "probable future projects" any related projects where the applicant has devoted substantial time and resources to prepare for regulatory review, generally indicated by the commencement of environmental review. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74 -75 ("*San Franciscans*") (invalidating cumulative analysis for failing to include related projects for which an EIR had been required on the basis that a significant investment of time, money and technical planning have necessarily occurred before a project is even submitted for initial CEQA review); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 869 ("*Eel River*") (invalidating cumulative analysis for failing to consider a probable future project because the Federal Energy Regulatory Commission had initiated its environmental review pursuant to the National Environmental Policy Act); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127-1128 ("*County of Madera*") ("any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for review."). **3 cont.**

Here, the SEIR acknowledges that the entire HSR system has undergone an initial round of programmatic CEQA review and that project-level CEQA analysis of the HSR project facilities proposed for the Diridon planning area is ongoing. Since the HSR project is currently subject to CEQA review, per *San Franciscans*, *Eel River* and *County of Madera*, the HSR project clearly qualifies as a probable future project the impacts of which must be considered in the SEIR's cumulative impact analysis. The SEIR's discussion of cumulative transportation impacts cannot ignore the HSR project simply because it is currently undergoing CEQA review. The omission of *any* analysis of the HSR project in the cumulative transportation impacts analysis in the SEIR renders the SEIR so fundamentally and basically inadequate that meaningful public review and comment is precluded. This analysis must be made available, and an adequate timeframe provided, for public review and comment. The lack of an adequate opportunity for public review could trigger a requirement for recirculation of the SEIR. *See* CEQA Guideline 15088.5(a)(4).

The SEIR Denies the Public an Opportunity to Comment Because It Omits Important Parking Information Contained in the Publically-Available HSR EIR, As Well As Additional HSR Parking Information That the City Has Not Released for Public Review.

The Final PEIR indicates that the proposed San Jose Diridon HSR station would have over five million annual passenger boardings for the preferred Pacheco Pass alternatives (three million for the Altamont Pass alternatives) and would increase parking demand between 7,200 to 9,800 spaces for the preferred Pacheco Pass alternatives (6,500 to 8,800 spaces for the Altamont Pass alternatives). (Final PEIR at pp 3.1-31 to 32; Final PEIR Ridership and Revenue Forecasts Final Report at p. 2-10.) Appendix 2F to the Final PEIR indicates that there are only 595 spaces available for all-day parking in surface lots adjacent to the station and that the Authority proposes to add 1,432 spaces in a five-level structure. (Final PEIR page 2-F-32). This data suggests that up to 8,400 parking spaces will be impacted in the surrounding neighborhood, a number that would outstrip the **4**

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cont.

available off-site parking spaces identified in the SEIR when added to the baseball stadium's projected demand for either the 32,000 or 36,000 seat scenarios. None of this data, however, is discussed in the SEIR.

Moreover, based on email communications between Arena Management's traffic engineers and City staff, we understand that additional HSR ridership and parking information has been developed for the project-level EIR currently being prepared for northern California segment of the HSR project. Like the parking data contained in the Final PEIR, however, this new ridership and parking data is omitted from the SEIR and has not been released for public review. Without this critical information being reflected in the SEIR, the public is denied a meaningful opportunity to comment on the full extent of the Project's potential environmental impacts. This analysis must be made available, and an adequate timeframe provided, for public review and comment. The lack of an adequate opportunity for public review could trigger a requirement for recirculation of the SEIR. *See* CEQA Guideline 15088.5(a)(4).

4 cont.

In light of the foregoing, Arena Management requests that the City (i) provide it with all updated parking and ridership information related to the HSR project, as well as an analysis of the project's contribution to cumulative transportation impacts that take HSR into account, and (ii) extend the public comment period on the SEIR to the date that is forty-five days after Arena Management's receipt of such information, in order to permit sufficient time for adequate review and comment.

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Thank you for your consideration of this request.

Sincerely,

R. Clark Morrison

RCM/HDL

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COMMENTOR C6
San Jose Arena Management, LLC
Cox, Castle and Nicholson, LLP
R. Clark Morrison
March 29, 2010

C6-1: The commenter requests an extension of the public comment period for the Draft SEIR, claiming that the cumulative transportation analysis is inadequate. The City of San José replied to the commenter in a letter dated March 29, 2010 with regard to the commenter's request for an extension. The request was denied. Please see Responses to Comments C6-2 through C6-4 for a discussion of the cumulative transportation impacts associated with the probable High-Speed Rail (HSR) project and a response to the claim that critical transportation and parking data were omitted from the Draft SEIR.

C6-2: This comment suggests that the Draft SEIR is inadequate and may require recirculation because it excludes an analysis of cumulative impacts on parking, transit and pedestrian access. The City disagrees with this comment because the 2007 EIR and Draft SEIR include the cumulative impact analysis. As discussed in Master Response Cumulative Impacts #6, HSR, BART and Diridon Area Plan, the impact in the cumulative condition on parking, transit and pedestrian access would not be significant; the project would not have a cumulatively considerable impact on these facilities or their patrons. Recirculation of the Draft SEIR is not required because the public has not been deprived of an opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (since no such effect would occur). This comment provides no information as to why or how the 2007 EIR analysis is deficient. Also see Master Response Transportation, Circulation and Parking #4, Parking, and Response to Comment C7-44 for discussion of parking as a CEQA issue.

C6-3: This comment asserts that the Draft SEIR does not take into account cumulative transportation impacts associated with the proposed HSR project, and that the cumulative analysis should consider the transportation analysis in the Final Bay Area to Central Valley High-Speed Train Program EIR. The Draft SEIR does take into account cumulative transportation impacts associated with the proposed HSR project. The ballpark Draft SEIR was in circulation before the release of the revised HSR Program EIR, which is not specific with regards to parking, etc. Because the HSR project does not yet have a stable project description and associated project-level environmental impact analysis a qualitative cumulative transportation analysis with the HSR project is the best that can be considered without being speculative. Please see also Master Response Cumulative Impacts #6, HSR, BART and Diridon Area Plan.

C6-4: This comment asserts that the Draft SEIR does not include an evaluation of the increase in parking demand associated with implementation of the preferred HSR alternative. A "reasonable forecast" of parking including HSR is not possible at this time because the instability of the HSR project description renders any parking analysis to be speculative for purposes of the ballpark parking analysis. For instance, the HSR parking demand at Diridon Station has been revised downward from

the Final PEIR estimate of 7,200-9,800 spaces to approximately 3,800 in a recent Technical Memorandum. Please see also Master Response Transportation, Circulation and Parking #4, Parking.

C6-5: This concluding paragraph again requests an extension of the public comment period, which the City has denied as explained in Response to Comment C6-1. Please see Responses to Comments C6-2 through C6-4 for a discussion of the cumulative transportation impacts and the provision of updated parking and ridership information related to the HSR project.

Letter
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March 29, 2010 File No. 60516

VIA E-MAIL, FACSIMILE AND HAND DELIVERY

Mr. Darryl Boyd
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113

Re: Comments on Draft Supplemental Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area

Dear Mr. Boyd:

On behalf of Silicon Valley Sports and Entertainment, a California limited liability company (together with its affiliate, San Jose Arena Management, LLC, collectively referred to herein as "Silicon Valley Sports"), the manager of the HP Pavilion, we submit the following comments with respect to the Draft Supplemental Environmental Impact Report ("DSEIR") for the Baseball Stadium ("Baseball Stadium") in the Diridon/Arena Area. Please note that the traffic engineering and other technical analysis contained herein was prepared by Wenck Associates, Inc. ("Wenck"), a nationally recognized expert in the transportation field.[1] 1

HP Pavilion hosts an average of 170 events each year, welcoming some 1.5 million patrons. Silicon Valley Sports is firmly committed to providing a first class experience to HP Pavilion patrons, whether for professional ice hockey or other entertainment events, as well as to implementing measures to protect our neighbors from intrusion into their neighborhoods. The patrons and neighbors of HP Pavilion expect and deserve that the City of San Jose (the "City") and the San Jose Redevelopment Agency (the "Agency") will not approve projects that will undermine their experiences, and instead will fully analyze, identify, and mitigate the impacts of new development Downtown. (The City and the Agency sometimes are referred to collectively herein as "San Jose" for convenience.) 2

Being an integral component of the Downtown experience, HP Pavilion provides significant economic benefits to San Jose. Silicon Valley Sports and San Jose have successfully invested in and implemented a variety of programs, including the HP Pavilion Transportation and Parking Management Plan ("HP Pavilion TPMP"), to provide efficient and convenient access and 3

[1] James Benshoof, the leader of the Wenck team, is a Registered Professional Traffic Engineer in California and has over 20 years of experience performing traffic engineering work in the City of San Jose.

parking for HP Pavilion, minimize traffic congestion on surrounding roadways, and minimize traffic and parking intrusion into surrounding neighborhoods. Continuing this success will be an ongoing challenge that will require the cooperation of future Downtown projects, such as the Baseball Stadium, the planned High Speed Rail project (the "HSR Project"), the Silicon Valley Rapid Transit Corridor BART project (the "BART Project") and future land uses proposed in the Diridon Station Area Plan (the "Diridon Plan"). Among other things, Silicon Valley Sports expects that San Jose will require the Baseball Stadium to implement an effective Transportation and Parking Management Plan ("Stadium TPMP") that complements the HP Pavilion TPMP, and to provide sufficient transportation infrastructure to support the efficacy of that plan. Without an effective Stadium TPMP and transportation improvements, the Baseball Stadium will erode the effectiveness of the HP Pavilion TPMP and aggravate neighborhood impacts.

3 cont.

As described in the DSEIR, San Jose plans to locate a major traffic generating use that demands almost 14,000 parking spaces in an already congested area, and to require *no* physical roadway improvements and potentially *no* new parking spaces. Instead, San Jose intends to resolve the myriad transportation problems caused by the Baseball Stadium with a TPMP "that *may* identify *non-physical* improvements to serve stadium traffic" (emphasis added), but San Jose has not defined performance standards or specific requirements for the TPMP, has not circulated it for public review, and has not even identified any binding mechanism to require its implementation. As described below, the DSEIR must be revised to fully disclose the significant transportation impacts of the Baseball Stadium and to identify feasible means to avoid or mitigate those impacts. The revised DSEIR must be recirculated so that decision-makers, the public and Silicon Valley Sports are afforded a meaningful opportunity to understand and comment on the impacts of the Baseball Stadium.

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SUMMARY

As indicated in our December 17, 2009, comment letter on the Notice of Preparation ("NOP") of the DSEIR, Silicon Valley Sports is extremely concerned about the potentially significant, adverse transportation impacts of the Baseball Stadium on the surrounding transportation network and on HP Pavilion. Silicon Valley Sports requested a full analysis of these impacts, and feasible measures to avoid or mitigate them, in the DSEIR.

5

In order to comply with the California Environmental Quality Act ("CEQA"), the DSEIR must provide a good faith, reasoned analysis of the Baseball Stadium proposal, including identifying the significant, adverse transportation impacts of the Baseball Stadium and the measures required to avoid or mitigate those impacts. The DSEIR must do the following: clearly describe the project, consider all relevant data, analyze the full range of potential impacts, support its analysis with substantial evidence, and present that evidence in an accurate and transparent manner. The analysis must be both robust and accessible, so that decision-makers and the public are provided a meaningful opportunity to understand and comment on the impacts of the Baseball Stadium and the feasible means to avoid or mitigate those impacts. **As detailed herein, had the DSEIR complied with these CEQA requirements, it would have disclosed that the Baseball Stadium will cause significant traffic impacts (including severe congestion at intersections in the vicinity of the**

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Baseball Stadium), significant parking impacts (including demand in excess of supply during simultaneous events and an even greater shortfall under cumulative conditions), significant impacts to pedestrian safety and emergency vehicle access (including unsafe pedestrian/traffic interaction and potentially inadequate emergency response times), and significant cumulative transportation impacts.

6 cont.

Instead of providing the good faith analysis requested in our NOP comments and required by CEQA, the DSEIR appears to engage in a result-oriented approach, designing its assumptions, methodologies and analysis in a way that avoids the identification of significant impacts, thereby avoiding the need for costly mitigation measures such as actual physical transportation network improvements or parking structures. This manipulation of data and analysis to mislead readers and conceal impacts is evident throughout the document. For example, as detailed herein, the DSEIR: chooses a traffic scenario for analysis that is not representative of the highest traffic volumes and therefore understates traffic impacts; artificially constrains the significance criteria for traffic and parking impacts to preclude the identification of *any* impacts to roadways; understates the frequency and severity of traffic impacts by omitting any quantification of various traffic sources; assumes without supporting evidence the effective implementation of various measures to avoid traffic and parking impacts; makes numerous technically unsupported assumptions regarding parking supply in order to create an appearance that supply will exceed demand; excludes probable projects from the cumulative analysis and completely omits any analysis of cumulative parking, safety and transit impacts; and omits any analysis of construction traffic impacts. As a result of these and other manipulated assumptions, methodologies and analyses, the DSEIR conceals the true transportation impacts of the Baseball Stadium, and fails to identify feasible measures to avoid or mitigate those impacts.

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Specifically, as detailed in the DSEIR comments set forth below,

The DSEIR includes so many project variants and analysis scenarios that it is impossible for the reader to have a meaningful understanding of the impacts of the Baseball Stadium. (See Part I)

8

The DSEIR conceals the actual traffic impacts of the Baseball Stadium by artificially constraining its analysis to the 5:00 to 6:00 PM, single event scenario, even though overall (*i.e.*, with the Baseball Stadium) traffic volumes are higher in the 6:00 to 7:00 PM and simultaneous event scenarios. Accepted traffic engineering practice requires analysis of the highest overall volumes. (*See* Part II.A)

9

The DSEIR uses illusory traffic level of service ("LOS") significance criteria and, as a result, fails to disclose the significant traffic impacts of the Baseball Stadium. The DSEIR further fails to disclose the significant traffic impacts of the proposed narrowing of Park Avenue, which will negatively affect access to HP Pavilion even without an event at the Baseball Stadium. (*See* Part II.B)

10

The DSEIR understates the frequency and severity of traffic impacts during simultaneous events by omitting any quantification of foreseeable secondary events at HP Pavilion and the

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Baseball Stadium and foreseeable simultaneous events at other Downtown venues such as the Arena Green. (*See* Part II.C) **11 cont.**

The DSEIR assumes that traffic impacts will be avoided by future implementation of a Stadium TPMP and future extension of Autumn Street, but includes no mechanism to ensure that these measures are effectively and timely implemented. (*See* Part II.D) **12**

The DSEIR understates traffic impacts by failing to analyze the intersection of The Alameda and Race Street. (*See* Part II.E) **13**

The DSEIR understates traffic impacts by omitting any analysis of construction traffic impacts. (*See* Part II.F) **14**

The DSEIR inexplicably redefines the parking significance criterion of "inadequate parking" used in the 2006 EIR to mean that parking impacts are significant only if other Downtown businesses are rendered "non-viable," a standard that has no technical or evidentiary basis. (*See* Part III.A) **15**

The DSEIR overstates the available parking supply by making numerous unsupported technical assumptions, such as excessive walking distances, inclusion of spaces that are not in fact available, and failure to account for inefficiencies that reduce effective supply by 10 to 15 percent. (*See* Part III.B) **16**

The DSEIR omits any analysis of parking impacts during weekday games, when parking use by the Downtown employee base reduces available Downtown parking supply to a much lower level than the 75 percent availability assumed in the DSEIR for evening games. (*See* Part III.C) **17**

The DSEIR concludes without analysis that traffic congestion will not result in significant pedestrian safety impacts, and fails to even address the impact of traffic congestion on emergency vehicle response times. (*See* Part IV) **18**

The DSEIR understates cumulative traffic impacts by failing to include probable future projects such as the HSR Project, and omits *any* analysis of cumulative parking, safety and transit impacts. (*See* Parts III.D and V). **19**

As a result of the often misleading or absent assumptions and analysis contained in the DSEIR, decision-makers, the public and Silicon Valley Sports all are denied a meaningful opportunity to understand and comment on the true impacts of the Baseball Stadium and feasible means of avoiding or mitigating those impacts. **Ultimately, Downtown will suffer significant adverse transportation impacts, and no one will benefit from the concealment of those impacts in the DSEIR.** **20**

In order to comply with CEQA, at a minimum, the DSEIR must be revised as follows to correct the foregoing deficiencies, and must be recirculated for public review: **21**

- The DSEIR must be revised to provide a stable, finite and accurate project description, with analysis that clearly demarcates what variables are assumed. In order to do so, the DSEIR must clearly describe the difference in impacts and mitigation measures for each project permutation possible among the 12 project variants and four analysis scenarios. **22**

- The DSEIR traffic analysis must be revised to identify significant LOS impacts at Downtown and Congestion Management Program ("CMP") intersections in accordance with both the City's and the CMP Guidelines' LOS thresholds; disclose significant traffic impacts during the 6:00 to 7:00 PM hour; disclose significant traffic impacts during simultaneous events (including secondary events); quantify traffic resulting from patrons searching for parking; provide substantial evidence that measures assumed to avoid impacts, such as the Stadium TPMP and the Autumn Street extension, will be effective; analyze impacts at the intersection of The Alameda and Race Street; and analyze construction traffic impacts. **23**

- The DSEIR parking analysis must be revised to set forth a threshold of significance that conforms with professional standards; revise the unsupported technical parking assumptions to be accurate and consistent with industry practice; and include cumulative parking analysis. **24**

- The DSEIR must be revised to include an analysis, in accordance with accepted traffic engineering standards, of the impacts of traffic congestion on pedestrian safety and delay and emergency vehicle access. **25**

- The DSEIR cumulative transportation analysis must be revised to disclose significant LOS impacts under cumulative conditions; account for all probable future projects likely to contribute to significant cumulative transportation impacts, including the HSR Project, the BART Project and the Diridon Plan; and analyze the contribution of the Baseball Stadium to significant cumulative impacts related to parking, transit, emergency access and pedestrian safety. **26**

- For each significant impact identified by the revised analysis, the DSEIR must identify feasible measures to avoid or mitigate such impact. These measures should include, without limitation, a prohibition of events (baseball or secondary events) at the Baseball Stadium simultaneous with hockey games, to the extent feasible[2]; a comprehensive, effective and enforceable Stadium TPMP that establishes performance standards or specific measures that must be implemented; and physical improvements to the transportation network where necessary to mitigate impacts or ensure effective implementation of the TPMPs. **27**

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[2] Notably, the San Jose Ballpark Supplemental Traffic Impact Analysis, February 10, 2010 ("TIA") suggests that "the following actions will be undertaken as part of the TPMP to minimize the effects of increased traffic and pedestrian demand on transportation facilities and surrounding neighborhoods" during simultaneous events: "minimize same day event occurrence"; "staggered start/end times for events"; and "monthly coordination with event venues." The DSEIR, however, does not mention these measures and it is unclear if the City intends to require them.

COMMENTS ON DSEIR

Identification of the significant environmental effects of a proposed project is one of the primary purposes of CEQA and is necessary to implement CEQA's stated public policy that an agency should not approve a project if there are feasible mitigation measures or project alternatives available to reduce or avoid significant environmental impacts. Pub. Res. Code §§ 21002, 21002.1(a). An EIR must include a sufficient degree of analysis to provide decision-makers with the information needed to make an intelligent judgment concerning a project's environmental impacts. CEQA Guidelines § 15151; *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 256. 28

While Silicon Valley Sports is cognizant of the importance of the Baseball Stadium to San Jose, San Jose must comply with CEQA. Silicon Valley Sports submits the following comments on the DSEIR, and hereby requests that the DSEIR be revised to address the inadequacies detailed herein, and recirculated for meaningful public comment. The revised DSEIR must adequately identity the significant transportation impacts of the Baseball Stadium and identify feasible measures to avoid or mitigate those impacts.

I. The DSEIR Fails to Provide an Accurate and Stable Project Description, as Required by CEQA, Because It Includes Too Many Project Variants and Analysis Scenarios.

One of the most fundamental requirements of CEQA is that an EIR contain a clear project description that enables informative, meaningful analysis of project impacts. Case law articulates that "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655. "Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." *Id.* 29

The DSEIR fails to provide an accurate, stable and finite project description. **The number of project variants and analysis scenarios makes it impossible for any reader to understand the true impacts of the Baseball Stadium.** The project description includes two seating capacity variants, three parking variants, and two Park Avenue variants (narrowed and un-narrowed), for a total of 12 possible project permutations. The transportation analysis then describes two event scenarios (single and simultaneous) and two peak hour scenarios (5:00 to 6:00 PM and 6:00 to 7:00 PM), for a total of four possible analysis permutations. Taken together, that results in **48 possible permutations** and the DSEIR does not clearly demarcate which variables are assumed in each discussion. The result is an "enigmatic and unstable project description" that precludes meaningful analysis of the impacts of the Baseball Stadium.

The DSEIR should be revised to provide an accurate, stable and finite project

description, with analysis that clearly demarcates what variables are assumed. To the extent that the impacts of certain permutations are bracketed by the discussion of other permutations, the DSEIR should clearly explain the basis for such conclusion. Anything less "draws a red herring across the path of public input," depriving decision-makers, the public and Silicon Valley Sports of a meaningful opportunity to "balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives."

29 cont.

II. **The DSEIR Understates Traffic Impacts (and Fails to Identify Traffic Mitigation) Because It Uses an Analysis Scenario That Is Not Representative of Maximum Overall Traffic Volumes, Uses Illusory Significance Criteria, Relies on Unsupported Assumptions Regarding Measures to Avoid Impacts, Omits Analysis of Critical Intersection, and Omits Any Analysis of Construction Impacts.**

Due to its proximity to the Baseball Stadium, HP Pavilion relies on the same basic street network for ingress and egress. As a result, unmitigated traffic congestion on the street network surrounding the Baseball Stadium will adversely affect ingress and egress to and from HP Pavilion. The DSEIR must identify these significant impacts, as well as feasible means to mitigate them, and if mitigation is not feasible, must disclose that these impacts are significant and unavoidable.

As described below, the DSEIR understates traffic impacts because it analyzes only the 5:00 to 6:00 PM single event scenario even though traffic volumes will be higher during the 6:00 to 7:00 PM and simultaneous event scenarios (Part II.A); uses illusory significance criteria (Part II.B); understates the impacts of simultaneous events by omitting foreseeable project trips (Part II.C); relies on unsupported assumptions regarding measures to avoid or mitigate traffic impacts (Part II.D); fails to analyze impacts at The Alameda and Race Street (Part II.E); and omits any analysis of construction traffic impacts (Part II.F).

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A. The DSEIR conceals traffic impacts by limiting its analysis to the 5:00 to 6:00 PM, single event scenario, thereby understating overall traffic volumes.

The DSEIR conceals traffic impacts by limiting its analysis of traffic impacts to the 5:00 to 6:00 pm, single event scenario, when in fact greater impacts would occur during the 6:00 to 7:00 PM single and simultaneous event scenarios. Unlike the 2006 Draft EIR and 2007 Final EIR for the Baseball Stadium (the "2006 EIR"), the DSEIR asserts that the 6:00 to 7:00 PM single and simultaneous event scenarios presented in the TIA are discussed for "informational" purposes only, and "are not required to be analyzed under the [City Transportation Policy] and would not result in impacts that require mitigation in the SEIR." DSEIR, p. 56. This artificial constraint on the analysis of traffic impacts, inexplicably introduced in the DSEIR, misleads the public by concealing impacts that would occur during the true peak scenarios.

1. *The DSEIR limits its analysis to the 5:00 to 6:00 PM time period even though traffic volumes with the Baseball Stadium are higher during the 6:00 to 7:00 PM time period.*

The 2006 EIR analyzed traffic impacts during *both* the 5:00 to 6:00 PM time period and the 6:00 to 7:00 PM time period, acknowledging that "the *overall* intersection volume with the project is expected to be greatest during the hour immediately proceeding a week night game (between 6:00 and 7:00 PM)." DSEIR, P. 96 (emphasis added). The DSEIR acknowledges that "the 6:00-7:00 PM time period would experience the greatest impact from stadium traffic." DSEIR, p. 56. As indicated in the TIA, 59 percent of Baseball Stadium project traffic would occur in the 6:00 to 7:00 PM time period. TIA, pgs. 20, 23, Tables 6 and 7. Nevertheless, the DSEIR constrains its assessment of significant traffic impacts to the 5:00 to 6:00 PM time period, on the basis that this time period is the "peak travel hour" as defined by the City Transportation Policy. *Id.* This constraint appears to be based on the unsupported premise that the hour with the highest level of background traffic is the hour of highest impact. This premise, however, is contrary to established transportation policy and the data contained in the TIA.

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The DSEIR's suggestion that the City Transportation Policy dictates use of a 5:00 to 6:00 PM peak period is inaccurate. In fact, the City Transportation Policy defines the term "peak hour" by reference to the one hour of the day (AM or PM) "having the highest number of trips." In the case of a project, such as the Baseball Stadium, that generates a disproportionately large number of trips outside of the peak hour for background traffic, it is possible that the "peak hour" for overall (*i.e.*, "with project") conditions may be the peak hour for project traffic, not the peak hour for background traffic. Consistent with this possibility, the Santa Clara Valley Transportation Authority ("VTA") CMP specifically recommends that additional hours be analyzed when appropriate.[3]

As summarized in Table II.1 (prepared by Wenck), the data in the TIA disclose that, for many intersections, the overall number of trips for the single event scenario actually is higher during the 6:00 to 7:00 PM hour than during the 5:00 to 6:00 PM hour.

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[3] The CMP states: "The TIA Report must document the project's trip generation for both the AM and PM peak periods to justify the peak period(s) analyzed in the TIA. The Lead Agency may require that additional periods be analyzed, if this is deemed appropriate. For example, the Lead Agency could require analysis of midday peak hour or weekend peak hours. Based on engineering, judgment, additional analysis of midday or weekend peak periods may be required."

Table II.1
Total Volume Entering Intersections, 5:00 to 6:00 PM versus 6:00 to 7:00 PM

Intersection	Volume 5-6 pm with 36k stadium, single event	Volume 6-7 pm with 36k stadium, single event
NB SR 87 Ramps and Julian Street	3817	2980
NB SR 87 Ramp and Santa Clara Street	3361	4107
Bird Avenue and SB I-280 Ramps	3992	3807
Autumn Street and Santa Clara Street	3341	3672
Woz Way and NB SR 87	1032	1008
Autumn Street and San Fernando Street	2402	2627
Woz Way and Auzerais Avenue	990	976
Delmas Avenue and Park Avenue	2405	2107
Montgomery Street and Park Avenue	3079	3118
Woz Way and Park Avenue	2174	1983
Woz Way and San Carlos Street	2056	1978
Montgomery Street and Santa Clara Street	2394	2905
Montgomery St and San Fernando Street	523	515
Lincoln Avenue and San Carlos Street	2559	2104

Notes:
1) Table depicts volumes for scenario with 1,200-space parking structure; results are the same for scenario with 1,300 spaces on HP Pavilion site; one more intersection has greater volume from 6-7 p.m. under scenario with no parking structure.
2) Shaded cells indicate intersections for which volume is greater from 6-7 p.m. than 5-6 p.m. For two of the five highlighted intersections, the volume from 6-7 p.m. is more than 20% greater than from 5-6 p.m.

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The suggestion in the DSEIR that traffic congestion occurring in the 6:00 to 7:00 PM timeframe by definition cannot be significant (because it occurs outside of the peak hour for background traffic) lacks any rational foundation. It is not reasonable to suggest that impacts occurring from maximum overall traffic volumes *cannot* be significant.

The failure of the DSEIR to analyze traffic impacts during the hour of maximum overall traffic volumes is not excused simply because the data showing volumes during the 6:00 to 7:00 PM time period are included in the TIA and summarized in the DSEIR for "informational" purposes. Case law establishes that a city cannot rely on technical appendices to satisfy its obligation under CEQA to provide a good faith reasoned analysis of the full scope of impacts. As stated by the Supreme Court in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, "information scattered here and there in an EIR appendices or a report buried in an appendix cannot substitute for a good faith reasoned analysis." (2007) 40 Cal.4th 412, 442 (internal citations omitted) ("*Vineyard*"); *see also, San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 659; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.

2. *The DSEIR limits its analysis to the single event scenario even though traffic volumes with the Baseball Stadium are higher in the simultaneous event scenario.*

The 2006 EIR analyzed traffic impacts during *both* the single event and the simultaneous event scenario. In contrast, the DSEIR asserts that that the simultaneous event scenario is "not required to be analyzed under the [City Transportation Policy] and would not result in impacts that require mitigation in the SEIR." DSEIR, p. 56.

The DSEIR's suggestion that the City Transportation Policy excuses analysis of the simultaneous event scenario is misleading. In fact, the City Transportation Policy is silent with respect to single versus simultaneous events.

As summarized in Table II.2 (prepared by Wenck), the data in the TIA disclose that, for all but one intersection, the overall number of trips for the simultaneous event scenario is greater than the single event scenario.

Table II.2
Total Volume Entering Intersections, Single versus Simultaneous Event Scenario

Intersection	6-7 pm with 36k stadium, single event	6-7 pm with 36k stadium, simultaneous events
NB SR 87 Ramps and Julian Street	2980	4267
NB SR 87 Ramp and Santa Clara Street	4107	4455
Bird Avenue and SB I-280 Ramps	3807	4220
Autumn Street and Santa Clara Street	3672	3640
Woz Way and NB SR 87	1008	1133
Autumn Street and San Fernando Street	2627	2676
Woz Way and Auzerais Avenue	976	1325
Delmas Avenue and Park Avenue	2107	2527
Montgomery Street and Park Avenue	3118	3311
Woz Way and Park Avenue	1983	2430
Woz Way and San Carlos Street	1978	2152
Montgomery Street and Santa Clara Street	2905	3960
Montgomery St and San Fernando Street	515	697
Lincoln Avenue and San Carlos Street	2104	2576

Notes:
1) Table depicts volumes for scenario with 36,000 seats and 1,200-space parking structure; though the volume numbers change with the other two parking alternatives, a similar relationship exists between volumes under the single and simultaneous event conditions.
2) With 32,000 seats, the volume numbers are lower, but a similar relationship exists between volumes under the single and simultaneous event conditions.
3) Under the simultaneous event condition, volumes account for assumption in DSEIR that 65 to 90 percent of Baseball Stadium trips that would use northbound Bird Avenue and Autumn Street under the single event scenario would divert to other routes. No substantial evidence is provided to support that assumption. The volumes at the following intersections would be much higher with simultaneous events if such a high portion of baseball trips do not divert to other routes: Bird Avenue/SB I-280 ramps, Autumn Street/Santa Clara Street, Autumn Street/San Fernando Street, and Montgomery Street/Park Avenue.

The suggestion in the DSEIR that traffic congestion occurring during simultaneous events cannot be significant lacks any rational foundation. It is not reasonable to suggest that impacts occurring from maximum overall volumes *cannot* be significant. As noted above, this deficiency is not excused simply because the data showing the LOS impacts of the Baseball Stadium in the simultaneous event scenario are included in the TIA and summarized in the DSEIR for "informational" purposes.

In summary, by artificially constraining its analysis to the 5:00 to 6:00 PM, single event scenario, the DSEIR fails to identify, and assess feasible means to avoid or mitigate, impacts that occur when the highest overall volumes occur (*i.e.*, the 6:00 to 7:00 PM and simultaneous event scenarios). This change in approach between the 2006 EIR and the DSEIR is unsupported by the technical data and appears to have no purpose other than to conceal the true impacts of the Baseball Stadium (which are addressed in Part II.C.3 below) and avoid the requirement to avoid or mitigate those impacts. The DSEIR must be revised to include an analysis of traffic impacts during the 6:00 to 7:00 PM and simultaneous event scenarios, and to identify feasible measures to avoid or mitigate those impacts.

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B. The DSEIR uses illusory significance criteria and, as a result, fails to disclose the significant traffic impacts of the Baseball Stadium or identify mitigation.

In order to assess the significance of impacts, the CEQA Guidelines recommend that lead agencies adopt significance criteria. While the DSEIR includes two traffic significance criteria, further review reveals that both of these criteria are illusory because the DSEIR does not in fact apply them to assess impacts in each of the traffic analysis scenarios.

Consistent with CEQA's guidance, the DSEIR identifies two significance criteria for traffic impacts (referred to respectively herein as the "City LOS Threshold" and the "CMP LOS Threshold"):

(1) **City of San Jose Definition of Significant Intersection Impacts.** The Baseball Stadium is said to create a significant impact on traffic at a study intersection in the City of San Jose if for either peak hour:

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- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under project conditions, *or*

- The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more sections and the demand-to-capacity ratio (v/c) to increase by .01 or more.

(2) **CMP Definition of Significant Intersection Impacts.** A CMP Intersection is out of conformance with the acceptable LOS standard when the level of service falls below LOS E. For intersections determined to have been at LOS F under existing and background conditions, a project is said to impact the intersection if both:

- The addition of the project traffic increases the average control delay for critical movements by four or more sections, *and*

- Project traffic increases the critical v/c value by 0.01 or more.

32 cont.

DSEIR, pp. 39, 45. As detailed below, however, **the inclusion of these significance criteria in the DSEIR is misleading because the DSEIR fails to apply them to Downtown or CMP intersections in all of the analysis scenarios.**

1. *The DSEIR does not identify any traffic impacts to Downtown or CMP intersections, because it fails to apply its stated traffic significance criteria in all of the analysis scenarios.*

The 2006 EIR applied the City LOS Threshold and the CMP LOS Threshold to traffic volumes in all three analysis scenarios identified in the 2006 EIR: the 5:00 to 6:00 PM single event scenario; the 6:00 to 7:00 PM single event scenario, and the 6:00 to 7:00 PM simultaneous event scenario. The 2006 EIR identified significant traffic impacts where the thresholds were exceeded and identified feasible mitigation for those impacts. In contrast, the DSEIR fails to apply the City LOS Threshold in *any* of the analysis scenarios, and as a result does not identify any traffic impacts to Downtown intersections, or measures to avoid or mitigate those impacts. In addition, the DSEIR makes a number of unsupported assumptions without which there also likely would be impacts to additional Downtown intersections under the City LOS Threshold, as well as to CMP intersections under the CMP LOS Threshold.

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Wenck applied the significance criteria to traffic volumes occurring during each of the three traffic scenarios and identified numerous, undisclosed traffic impacts from the Baseball Stadium. During the 6:00 to 7:00 PM, single event scenario, data in the TIA reveals that impacts occur at three local intersections under the City LOS Threshold, as indicated in Table II.3.

Table II.3
Local LOS Impacts
6:00 to 7:00 PM, Single-Event Scenario

Intersection	Background LOS and Average Vehicle Delay (sec.)	LOS and Delay with 32,000 Seats (delay range is for different parking scenarios)	LOS and Delay with 36,000 Seats (delay range is for different parking scenarios)
S. Autumn St./W. San Fernando St.	B (11.0)	F (135.2 – 160.0)	F (148.3 – 174.7)
Delmas Ave./Park Ave.	C (25.8)	F (157.4 – 184.2)	F (187.9 – 217.2)
S. Autumn St./Park Ave.	C (34.6)	F (143.8 – 178.6)	F (145.3 – 179.6)

Notes:
(1) Results are from Tables 10 and 11 in TIA.
(2) The results presented in Tables 10 and 11 are premised on multiple assumptions, which include:
(a) Peak hour factor of 1.0.
(b) Optimizing green times differently for each intersection and each scenario for volumes and roadway geometrics, without regard to uniformity of green times for major movements.
(c) Expectation that widened crosswalks will solve LOS and delay problems, without analyzing impacts on pedestrian capacity and safety.
(3) Assumption (2)(a) above is not consistent with the existing peak hour factor of about 0.80 during the hour of 6-7 p.m. at the Park Avenue and San Carlos Street intersections on Autumn Street/Bird Avenue. Assumption (2)(b) above is inconsistent with the need to provide progressive flow for major traffic movements. No substantial evidence is provided to justify above assumption (2)(c).
(4) If different assumptions were applied, it is likely that more intersections would exceed the City LOS Threshold, and it also is likely that one or more CMP intersections would exceed the CMP LOS Threshold, particularly the Bird Ave./W. San Carlos St. intersection.

33 cont.

During the simultaneous event scenario, data in the TIA reveals that impacts occur at four local intersections under the City LOS Threshold, as indicated in Table II.4.

Table II.4
Local LOS Impacts
Simultaneous Event Scenario

Intersection	Background LOS and Average Vehicle Delay (sec.)	LOS and Delay with 32,000 Seats (delay range is for different parking scenarios) w/ No Improvements	LOS and Delay with 36,000 Seats (delay range is for different parking scenarios) w/ No Improvements
S. Autumn St./W. San Fernando St.	B (11.8)	F (218.3 – 251.9)	F (235.9 – 270.9)
Delmas Ave./Park Ave.	C (26.7)	F (293.0 – 330.7)	F (333.7 – 373.8)
S. Autumn St./Park Ave.	C (34.5)	F (506.1 – 626.8)	F (511.3 – 631.1)
Delmas Ave./W. San Fernando St.	C (22.9)	E (69.1 – 71.3)	E (68.4 – 70.5)

Notes:
1) Results are from Tables 12 and 13 in TIA.
2) The results presented in Tables 12 and 13 reflecting LOS with TIA recommended improvements are premised on multiple assumptions, which include:
(a) Peak hour factor of 1.0.
(b) Optimizing green times differently for each intersection and each scenario for volumes and roadway geometrics, without regard to uniformity of green times for major movements
(c) Expectation that widened crosswalks will solve LOS and delay problems, without analyzing impacts on pedestrian capacity and safety.
(d) Expectation, depending on parking scenario, that 65 to 90 percent of the baseball trips using northbound Bird Ave. and Autumn St. under single event condition would divert to other routes.
3) Assumption (2)(a) above is not consistent with the existing peak hour factor of about 0.80 during the hour of 6-7 p.m. at the Park Avenue and San Carlos Street intersections on Autumn Street/Bird Avenue. Assumption (2)(b) above is inconsistent with the need to provide progressive flow for major traffic movements. No substantial evidence is provided to justify above assumptions (2)(c) or (2)(d).
4) If different assumptions were applied, it is likely that more intersections would exceed the City's LOS threshold, and it also is likely that one or more CMP intersections would exceed the CMP threshold, particularly the Bird Ave./W. San Carlos St. intersection.

Although the TIA purports that these intersections might be restored to LOS D through "potential improvements" (a conclusion that is not based on any substantial evidence), the DSEIR fails to identify *any* of these significant traffic impacts or to identify the proposed improvements as mitigation measures. Instead, the TIA merely suggests that "these improvements will be reevaluated with the completion of the Traffic and Parking Management Plan (TPMP) that *may* identify *non-physical* improvements to serve stadium traffic as part of the traffic control plan.[4] TIA at pgs. 32-33.

With respect to the City LOS Threshold, the 2006 EIR applied this significance criterion to all three analysis scenarios, notwithstanding its acknowledgment that intersections located in the Downtown Core Area are exempt from the City's General Plan LOS threshold pursuant to the City of San Jose Transportation Policy (City Council Policy 5-3) (the "City

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[4] As addressed in Part II.D.1 below, absent a requirement that the Stadium TPMP include these measures and evidence to support the assumed effectiveness of the Stadium TPMP, the Stadium TPMP is an illusory solution.

Transportation Policy"). In contrast, **the DSEIR does not apply the City LOS Threshold to Downtown intersections under *any* scenario, instead arguing that, because the City Transportation Policy exempts Downtown intersections from LOS standards and from mitigation, this criterion does not apply.**

Only one of two results is possible: either (a) the City LOS Threshold is not in fact a significance criterion for Downtown intersections, in which case there is no significance criterion at all for Downtown intersections, so of course there can be no impact, and the DSEIR has misled the public by including an inapplicable significance criterion as a means to essentially define away the possibility of an impact; or (b) the City LOS Threshold is in fact a significance criterion for CEQA purposes (notwithstanding the exemption for planning purposes), in which case the DSEIR fails to disclose significant impacts at Downtown intersections where project traffic triggers the City LOS Threshold, and to identify feasible means to avoid or mitigate those impacts.

With respect to the CMP LOS Threshold, the DEIR does not apply this significance criterion in the 6:00 to 7:00 PM or simultaneous event scenarios. The data in the TIA does not disclose any significant impacts to CMP intersections pursuant to the CMP LOS Thresholds in these scenarios. This result, however, is based on a variety of assumptions that are not supported by substantial evidence. For example, the TIA (i) assumes a peak hour factor of 1.0, (ii) optimizes green times differently for each intersection and each scenario for volumes and roadway geometrics, without regard to uniformity of green times for major movements, (iii) assumes that widened crosswalks will solve LOS and delay problems, without analyzing impacts on pedestrian capacity and safety, and (iv) assumes, depending on parking scenario, that 65 to 90 percent of the baseball trips using northbound Bird Avenue and Autumn Street under the simultaneous event condition would divert to other routes. If reasonable assumptions were applied, it is likely that traffic LOS would exceed the CMP LOS Threshold at one or more intersections, particularly with respect to the intersection at Bird Avenue and West San Carlos Street.

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In summary, **by concluding that there is no significant impact to Downtown intersections despite data in the TIA demonstrating that LOS with the Baseball Stadium will trigger the City LOS Threshold (and that, with corrected assumptions, the Baseball Stadium likely would trigger the CMP LOS Threshold), the DSEIR is misleading and inadequate.** As noted above, this deficiency is not excused simply because the data showing the LOS impacts of the Baseball Stadium are included in the appendices to the TIA and summarized for "informational" purposes in the DSEIR. The DSEIR's inclusion of illusory significance criteria that it fails to apply not only violates the City's duty to undertake a good faith reasoned analysis, but it also deprives decision-makers, the public and Silicon Valley Sports of a meaningful opportunity to evaluate and comment on the significant impacts of the Baseball Stadium. The DSEIR must be revised to apply both the City LOS Threshold and the CMP LOS Threshold to all three analysis scenarios, to

identify significant traffic impacts where Baseball Stadium traffic exceeds those thresholds, and to identify feasible means to avoid or mitigate those impacts.[5]

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2. *The DSEIR understates traffic impacts by failing to disclose the LOS impacts of the proposed narrowing of Park Avenue.*

The TIA includes an evaluation of the proposed narrowing of Park Avenue between McEvoy Street to Josefa Street, and Autumn Street/Bird Avenue from north of Park Avenue through San Carlos Street. As shown in Figure 6 of the TIA, the narrowing would eliminate two lanes in each direction on Park Avenue and Autumn Street through the intersection of these streets and would eliminate one through lane in each direction on Bird Avenue at San Carlos Street. According to analysis by Wenck, the narrowing at the Autumn Street and Park Avenue intersection would reduce the capacity of this intersection by approximately 40 percent. **This reduced capacity will significantly and adversely impact access to HP Pavilion even when *no* events are occurring at the Baseball Stadium.** The DSEIR acknowledges that the narrowing would have a significant unavoidable impact on congestion through regional screenlines and roadways. DSEIR, p. 69. The DSEIR, however, fails to identify the significant LOS impacts associated with this proposed narrowing, instead misleadingly suggesting that the narrowing "would have little or no effect on the intersection level of service". *Id.* As indicated in Table II.5 below (prepared by Wenck), the data in the TIA in fact reveal that the narrowing would cause significant impacts (based on the City LOS Threshold) at the intersection of Autumn Street and Park Avenue.

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[5] If mitigation is infeasible, for example because of mitigation exemption in the City Transportation Policy, the DSEIR must disclose the basis for this determination and the impacts must be indentified as significant and unavoidable. *See* CEQA Guidelines §§ 15126.2(b), 15126.4(a)(5).

Table II.5
Significant LOS Impacts from Park Avenue and Autumn Street Narrowing

Scenario	LOS and Average Vehicle Delay (sec.) without Narrowing	LOS and Average Vehicle Delay (sec.) with Narrowing	Negative Impacts Caused by Narrowing of Intersection
36,000 seats, 6-7 p.m., single event	F (179.6)	F (400.6)	LOS F without narrowing becomes much worse with narrowing due to 123% increase in delay.
36,000 seats, 6-7 p.m., simultaneous events	F (631.1)	F (1036.3)	LOS F without narrowing becomes much worse with narrowing due to 64% increase in delay.
Note: Table depicts results for scenario with 1,200-space parking structure; for the other parking scenarios, the LOS results are the same, and the delay values are very similar			

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Moreover, with the narrowing, the overall delays are greatly increased over the non-narrowed scenario. These delays will significantly and adversely impact access to HP Pavilion. The DSEIR does not address any of these impacts, nor does it describe any measures to avoid or mitigate these impacts. As a result, decision-makers, the public and Silicon Valley Sports are denied a meaningful opportunity to review and comment on the full scope of traffic impacts of the Baseball Stadium.

C. <u>The DSEIR understates the frequency and severity of traffic impacts during simultaneous events by omitting foreseeable project trips.</u>

The DSEIR understates the frequency and severity of traffic impacts during simultaneous events by failing to quantify traffic resulting from patrons searching for parking (Part II.C.1) and failing to disclose the frequency and severity of simultaneous secondary events (Part II.C.2). If these foreseeable project trips were included, project traffic volumes would increase, resulting in even greater LOS impacts than identified in Part II.B above.

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1. *The DSEIR understates the severity of traffic impacts during simultaneous events by failing to quantify traffic resulting from patrons searching for parking.*

The DSEIR acknowledges that, as a result of a shortage of proximate parking in the simultaneous events scenario (*see* Part III below), "fans seeking parking would drive throughout Downtown seeking the closest available parking, which would cause some additional congestion on

those Downtown streets and intersections used to access parking garages." *See* DSEIR, p. 65. Nonetheless, neither the DSEIR nor the TIA make any attempt to quantify the number of cars that will be circling Downtown streets looking for parking, nor do they attempt to quantify the LOS impact of this additional congestion.[6] Because of this omission, project traffic volumes, and as a result traffic impacts, are understated. **35 cont.**

2. *The DSEIR understates the frequency and severity of traffic impacts during simultaneous events by failing to disclose and quantify traffic from foreseeable simultaneous events.*

a. The DSEIR does not assess impacts from simultaneous secondary events.

The DSEIR misleads the public by understating the frequency of simultaneous events because it does not address the possibility of secondary events other than baseball and hockey (*e.g.*, concerts, etc.) at HP Pavilion and the Baseball Stadium. The DSEIR acknowledges that, due to the overlap in baseball and hockey seasons, the Baseball Stadium project "could result in approximately an 8-week period of some potential simultaneous events at the HP Pavilion and the proposed ballpark." DSEIR, p. 31. This statement is misleading because it is common practice for stadia to host secondary events outside of the season of their home sports team(s). It is foreseeable that such events will occur at HP Pavilion simultaneous with either baseball or secondary events at the Baseball Stadium, and conversely that such events will occur at the Baseball Stadium simultaneous with either hockey or secondary events at HP Pavilion. In fact, on average, there are approximately 19 events (hockey and secondary events) at HP Pavilion during the Major League Baseball season. Likewise, the Baseball Stadium is likely to host secondary events during the National Hockey League Season. Moreover, both venues could host secondary events simultaneously at any time of year. The DSEIR fails to account for these foreseeable simultaneous secondary events. Thus, even the "informational" simultaneous event data presented in the DSEIR understates the frequency of the occurrence of the traffic impacts of the simultaneous event scenario. **36**

b. The DSEIR does not assess impacts from simultaneous events at other Downtown venues.

The DSEIR does not quantify traffic associated with reasonably foreseeable events at other Downtown venues, such as the Arena Green, occurring simultaneously with events at HP Pavilion and the Baseball Stadium.[7] The DSEIR omits this analysis despite the fact that the San Jose Downtown Strategy 2000 Final EIR and the TIA both state that "*it is a desired outcome* … for the **37**

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[6] Instead, the DSEIR assumes that this additional congestion "will be addressed through 'dynamic wayfinding' (currently in operation) to direct fans to available parking and through [a] Traffic Parking Management Plan (TPMP)." *DSEIR*, p. 65. Yet the DSEIR does not provide any substantial evidence that these measures will be effective to mitigate the impact of patrons circling looking for parking. See Part II.D.1 below.

[7] In 2010, more than 30 large events are scheduled to occur during the Major League Baseball season at Arena Green. See www.grpg.org/Calendar.shtml

Downtown to host multiple events, festivals, and cultural activities, *some of which will occur concurrently with baseball and/or Pavilion events.*" TIA, p. 13 (emphasis added). As a result the DSEIR fails to, disclose, or address feasible means to avoid or mitigate, significant transportation impacts from this foreseeable simultaneous event scenario. 37 cont.

In summary, **the "informational" discussion of simultaneous events in the DSEIR and TIA understates the frequency and severity of traffic impacts during simultaneous events by omitting: quantification of trips generated by patrons searching for parking, disclosure of the number of simultaneous secondary events at HP Pavilion and the Baseball Stadium; and disclosure and quantification of foreseeable events at other Downtown venues.** These omissions mislead decision-makers and the public, denying them a reasonable opportunity to comment on the true impacts of the Baseball Stadium and feasible measures to avoid or mitigate those impacts. The DSEIR must be revised to identify and quantify trips generated by patrons searching for parking, the number of simultaneous secondary events at HP Pavilion and the Baseball Stadium, and disclosure and quantification of foreseeable events at other Downtown venues. The DSEIR must identify impacts resulting when these additional trips are included in the simultaneous event traffic analysis scenario and feasible measures to avoid or mitigate such impacts. 38

D. The DSEIR identifies measures to avoid impacts that are not supported by substantial evidence.

The DSEIR assumes that a future Stadium TPMP (Part II.D) and a future extension of Autumn Street (Part II.D.2) will reduce project traffic impacts. These assumptions are not supported by substantial evidence. Either the City must impose enforceable conditions to ensure that these measures are effectively implemented, or the City must revise the DSEIR to remove these unsupported assumptions.

1. *The DSEIR's reliance on a future Stadium TPMP to reduce impacts is not supported by substantial evidence.* 39

The DSEIR frequently relies on the proposed Stadium TPMP to conclude that the Baseball Stadium will not have significant impacts. The Stadium TPMP, or similar forms of traffic management, are proposed by the DSEIR in order to (i) meet the City's contractual obligations to HP Pavilion regarding parking, (ii) manage traffic from events at other Downtown venues, (iii) manage the flow of circulating drivers searching for parking, and (iv) "improve operational deficiencies" without the need for physical improvements to intersections with LOS failures. In every instance, however, the DSEIR provides no substantial evidence demonstrating that the Stadium TPMP actually will minimize impacts to acceptable levels.

First, TPMPs only work if there is adequate underlying transportation infrastructure (*e.g.,* roadways, intersections, parking lots, etc.) to accommodate anticipated traffic. TPMPs build off of this infrastructure foundation, managing it to its most efficient and effective potential. TPMPs are not a substitute for physical improvements that are required to maintain adequate, safe and effective transportation facilities. TMPMs cannot be assumed to be effective absent adequate

underlying infrastructure. The DSEIR fails to provide any substantial evidence that adequate infrastructure is in place to ensure that the Stadium TPMP will be effective when needed.

Second, the DSEIR does not identify the required elements of the Stadium TPMP or establish any performance standards that the Stadium TPMP will be required to achieve. This approach amounts to impermissible deferral of mitigation, in violation of CEQA. *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889, 915 ("Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.") Absent a description of the required elements or performance standards for the TPMP, it is impossible to assess or measure the likely effectiveness of the TPMP.

The DSEIR does list a number of program components that "may" be included in the Stadium TPMP.[8] Inexplicably, however, the TIA specifies that the Stadium TPMP only "*may* identify *non-physical* improvements to service stadium traffic," again evidencing the City's goal of avoiding costly physical improvements. TIA, p. 32 (emphasis added). Instead, the "improvement measures" that "may" be included in the Stadium TPMP consist solely of non-physical improvements such as signal timing modifications, turn restrictions and signage. It is unlikely that these minimal (albeit inexpensive) measures could mitigate the impacts of trips generated by the stadium. During the arrival peak hour, the TIA indicates the volume of trips to the stadium would be 7,416 vehicles with 32,000 seats and 8,271 vehicles with 3,600 seats. These trips would be added to an already congested roadway network, and the DSEIR provides no substantial evidence that the referenced non-physical improvements would resolve the negative impacts.

Third, the DSEIR does not account for the potential environmental impacts associated with the potential "improvement measures" as required by CEQA. CEQA Guidelines § 15126.4(a)(1)(D). For example, the DSEIR explains that in order to reduce Baseball Stadium traffic impacts during simultaneous events, the Stadium TPMP may include "[l]ane configuration adjustments and turn restrictions" at Downtown intersections, as well as the placement of "temporary barricades at neighborhood street entrances" to prevent parking intrusion into adjacent neighborhoods. Yet there is no substantial evidence in the record demonstrating that these program components of the Stadium TPMP were ever factored into the traffic analysis.

The DSEIR understates traffic and parking impacts by asserting that the Stadium TPMP will address a variety of traffic and parking problems, without ensuring that adequate underlying infrastructure is in place to support the TPMP, without specifying the required elements of, or performance standards for, the Stadium TPMP, and without analyzing the impacts of the "improvement measures" identified for possible inclusion in the Stadium TPMP.

39 cont.

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[8] The TIA provides greater detail on the components of the TPMP that would be required to achieve the "mitigated intersection levels of service" described in the TIA. TIA, p.68. As noted in Part II above, however, the DSEIR does not identify any LOS impacts and therefore does not impose any "mitigation" for LOS impacts. As a result, it is unclear whether the City intends to require the Stadium TPMP to include these components.

As a result, decision-makers, the public and Silicon Valley Sports are denied a meaningful opportunity to review and comment on the effectiveness of the Stadium TPMP. 39 cont.

2. *The DSEIR's reliance on the future extension of Autumn Street to accommodate traffic is not supported by substantial evidence.*

The TIA assumes, as part of background conditions, that the extension of Autumn Street to Coleman Avenue, north of HP Pavilion, is completed. TIA, p. 3. This assumption is not supported by substantial evidence, given that the extension has not been fully funded, nor has the City acquired the necessary right-of-way. Moreover, the DSEIR includes no assurances that this assumed improvement will be funded and constructed prior to operation of the Baseball Stadium. If the DSEIR is going to assume timely completion of this key improvement, the DSEIR must be revised to include commitments to ensure that the full Autumn Street extension will be completed prior to opening of the Baseball Stadium. Alternatively, the DSEIR must be revised to include analysis of traffic conditions without this improvement. 40

In summary, the DSEIR understates the traffic impacts of the Baseball Stadium by using an analysis scenario that is not representative of maximum overall traffic volumes, using illusory significance criteria and relying on unsupported assumptions regarding measures to avoid transportation impacts. These errors and omissions evidence the result-oriented approach of the DSEIR, designed to avoid the identification of significant impacts and the resultant obligation to mitigate. In doing so, the DSEIR denies decision-makers, the public and Silicon Valley Sports a reasonable opportunity to review and comment on the true traffic impacts of the Baseball Stadium. 41

E. <u>The DSEIR understates impacts by failing to analyze project impacts at the intersection of The Alameda and Race Street</u>.

The DSEIR recognizes that the Baseball Stadium has the potential to significantly affect Meridian Avenue and The Alameda. Figure IV.A-1 in the DSEIR indicates that the intersections studied for potential impacts include: The Alameda and Hedding Street; The Alameda and West Taylor Street; Meridian Avenue and San Carlos Street; and San Carlos Street and Lincoln Avenue. The intersection of The Alameda and Race Street, however, was not included in the study intersections. This intersection has significant potential to be impacted by the Baseball Stadium. 42 First, during simultaneous events, a substantial portion of motorists traveling to HP Pavilion from the north on I-280 may use Meridian Avenue, San Carlos Street, Race Street and The Alameda in order to avoid congestion on Bird Avenue and Autumn Street. Second, the intersection of The Alameda and Race Street has high traffic volumes and awkward geometry, with Martin Avenue also being part of the intersection. According to 2005 traffic volumes published by the City, the volume on The Alameda at Race Street is higher than at either Hedding Street or West Taylor Street, both of which were included as study intersections. By failing to address potential impacts of the Baseball Stadium at the intersection of The Alameda and Race Street, the DSEIR denies decision-makers, the public and Silicon Valley Sports a reasonable opportunity to review and comment on the true traffic impacts of the Baseball Stadium.

F. The DSEIR understates traffic impacts by failing to analyze impacts related to site demolition and Stadium construction.

The DSEIR understates the potentially significant transportation effects of the Baseball Stadium, because it omits any analysis of foreseeable traffic impacts that will occur during the demolition and construction phases of the Baseball Stadium. For example, based on the project description, it is likely that Montgomery Street would have to be closed south of San Fernando Street early during the construction process. Unless the proposed Autumn Street extension is completed north to at least Santa Clara Street by that time, significant traffic impacts most certainly would arise. The DSEIR should be revised to disclose traffic counts generated by demolition and construction crews and equipment/material deliveries and include a description of the likely location of equipment staging areas, construction site access points, anticipated road closures that may occur when the site is being cleared and developed, traffic diversions that will result, and construction phasing plans. The traffic analysis should also examine congestion likely to occur at local intersections during this critical phase of development and include measures to minimize such impacts, such as commitments to complete Autumn Street improvements prior to closure of Montgomery Street. Without such analysis, the decision-makers and the public cannot evaluate the full extent of Baseball Stadium impacts, and are thus denied a meaningful opportunity to review and comment.

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III. **The DSEIR Understates Parking Impacts Because It Overstates Parking Supply (Based on Unsupported Assumptions) and Omits Any Analysis of Cumulative Parking Impacts.**

Due to its proximity to the Baseball Stadium, HP Pavilion relies on the same parking facilities that the DSEIR identifies for the Baseball Stadium. As a result, parking demand in excess of available supply in the parking facilities surrounding the Baseball Stadium will adversely affect HP Pavilion. The DSEIR must identify these significant impacts, as well as feasible means to avoid or mitigate them, and if mitigation is not feasible, must disclose that these impacts are significant and unavoidable.

A. The DSEIR's "non-viability" significance criterion for parking impacts has no technical or evidentiary basis and conceals significant parking impacts.

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The DSEIR uses an artificially constrained significance criterion for parking to conceal the true parking impacts of the Baseball Stadium. Traffic engineers rely on standards published by professional organizations (such as the Institute of Traffic Engineers and Urban Land Institute) to assess the adequacy of parking supply for a project. Typically, these standards are based upon actual parking surveys for various land uses, and consider impacts to be significant when parking demand for a project exceeds the "effective parking supply." As further addressed in Part III.B, the effective parking supply generally is considered to be 85 to 90 percent of the total parking space inventory. Consistent with this typical engineering practice, the City's General Plan provides that "[a]dequate off-street parking should be required in conjunction with all future developments," and the City's parking ordinance indicates that its purpose is to "[p]romote adequate off-street

parking … to meet the needs generated by a specific use."[9] City General Plan, p. 99; City Municipal Code §20.90.010.

The 2006 EIR stated that the Baseball Stadium would have a significant impact if it would result in inadequate parking capacity. This standard, if properly applied, would be consistent with standard practice. Without explanation, however, the DSEIR curtails this significance criterion to situations in which the Baseball Stadium would result in inadequate parking capacity "for existing land uses," thereby inexplicably omitting the entire issue of adequacy of parking for the Baseball Stadium itself, despite the express language of the parking ordinance regarding parking adequate "to meet the needs generated by a specific use." Then the DSEIR *further* curtails this significance criterion in the analysis text. While "acknowledg[ing] that business owners might think that there is a real problem if there were a serious financial impact to their business ... due to increased competition for parking," the DSEIR text redefines "inadequate parking" to mean "that the baseball stadium would consume such a disproportionate share of the available Downtown parking inventory that existing uses (including the HP Pavilion) that rely on parking *become non-viable.*" DSEIR, p. 62 (emphasis added). That is, although the DSEIR significance parking criterion is triggered if there is inadequate parking to serve surrounding uses, **the DSEIR actually considers parking impacts significant only if a business *would fail* because of those impacts.**

44 cont.

The City's reliance on a "non-viability" criterion to measure the significance of parking impacts cannot be justified legally or technically, and lacks any evidentiary support. The DSEIR does not cite to *any* professional traffic engineering guidance suggesting that economic non-viability is an appropriate measure of an adequate parking supply. Indeed, we are not aware of any other instance in which the City has used this criterion, including in the 2006 EIR. Instead, it appears that the DSEIR may have curtailed this criterion in response to comments received on the 2006 EIR and the NOP in order to minimize the significance of the parking impacts of the Baseball Stadium, rather than showing a parking shortage and requiring the construction of new parking as mitigation (*see* Part III. B below). As a result, the DSEIR fails to disclose the true scope of the impact of the Baseball Stadium on Downtown parking or to identify feasible means to avoid or mitigate that impact. As such, decision-makers, the public and Silicon Valley Sports are denied a meaningful opportunity to review and comment.

B. <u>The DSEIR conceals parking impacts by overstating parking supply, based on numerous unsupported technical assumptions.</u>

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The DSEIR relies upon unsupported assumptions to reach its conclusion that parking impacts will not be significant because sufficient parking spaces are available within Downtown to accommodate simultaneous events. These assumptions stretch typical traffic

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[9] Per the City's Downtown Zoning Regulations, minimum parking requirements may be *reduced only* up to 15% where the reduced number of spaces "will be adequate to meet the parking demand generated by the project," provided such reduction "will not adversely affect surrounding projects," or, alternatively, *increased* when the "number of parking spaces allowed is inadequate to meet the parking requirements of the individual buildings and uses." City Municipal Code §§20.70.330; 20.70.340.

engineering assumptions and lack evidentiary support. Following is an overview of the unsupported technical parking assumptions contained in the DSEIR. 45 cont.

1. *The ¾ mile radius for parking supply is not supported by substantial evidence, resulting in overstated parking supply.*

The assumption in the DSEIR that Baseball Stadium patrons will walk more than ¾ mile from off-site parking garages is not supported by substantial evidence. Rather, it appears to be a result-oriented assumption, designed to achieve an outcome of parking supply in excess of demand.

The ¾ mile assumption conflicts with established professional standards. For example, the Federal Highway Administration's ("FHA") *Managing Travel for Planned Special Events Handbook* (September 2003) states (at page 5-27):

> Identification of off-site parking areas depends on walking distance to the event venue. For example, a 15 minute walking time threshold allows consideration of off-street parking areas within 3,600 feet of an event venue, assuming a pedestrian walking speed of 4 feet per second. Parking areas located further from the venue would require continuous shuttle service.

In other words, the FHA establishes a maximum walking distance of 3,600 feet, which is 2/3 mile. 46

Furthermore, the ¾ mile assumption conflicts with the experience of other baseball stadia around the country. For example, while the DSEIR asserts that patrons of AT&T Park walk more than a mile from BART, all of the parking facilities located on the AT&T Park website are located less than ¾ mile from the stadium. Similarly, in addition to the 11,000 spaces within a few blocks designated for PETCO Park patrons in San Diego, the three off-site parking facilities identified on the PETCO Park website all are located within 2/3 mile of the stadium. For Progressive Field, home of the Cleveland Indians, the www.baseballstadiums.us website states that the available spaces within a 15 minute walk (which is about 2/3 mile) are sufficient to accommodate a sell-out baseball game. Moreover, the Environmental Impact Statement prepared for Target Field, the new home of the Minnesota Twins, used a ½ mile radius as the threshold for determining whether that project will provide adequate parking.

Finally, the ¾ mile assumption conflicts with the ½ mile standard the City uses in the HP Pavilion TPMP. In fact, HP Pavilion would be subject to severe parking impacts during simultaneous events because most of the parking spaces within ½ mile of the Baseball Stadium are also the most critical spaces for HP Pavilion. As shown in Table III.1 below, all of the 3,326 parking spaces within 1/3 mile of the Baseball Stadium are either HP Pavilion on-site spaces, spaces that the City has reserved for HP Pavilion use (under Highway 87 at Santa Clara Street) or spaces within 1/3 mile of HP Pavilion that are required in order for the City to meet its commitments under the HP Pavilion Agreement. Of the 9,729 spaces available within ½ mile of the Baseball Stadium, 5,774 (59 percent) are either HP Pavilion on-site spaces, spaces that the City has reserved for HP Pavilion use,

or spaces within ½ mile of HP Pavilion that are required in order for the City to meet its commitments under the HP Pavilion Agreement.

Table III.1
Existing Parking Facilities as Presented in DSEIR

Parking Facility Number	Facility Name	Total Parking Supply in DSEIR	Parking Spaces Allocated to HP Pavilion (i.e. on-site, committed for employees, or within 1/3 mile of HP)	Unallocated Spaces Available for Stadium
Off-Street Parking Facilities Within 1/3 Mile Radius of Baseball Stadium				
18	Arena Lot D	228	228 (on-site)	0
19	San José Water Lot (west)	280	228 (within 1/3 mile)	0
20	San José Water Lot (east)	575	575 (within 1/3 mile)	0
21	Santa Clara/87	232	Inventory in DSEIR is wrong; facility has a total of 270 spaces, of which 155 are allocated to HP Pavilion employees; remaining 115 are within 1/3 mile	0
42	Park Center Plaza III	1,320	1,320 (within 1/3 mile)	0
47	Cahill Lot 4	149	149 (within 1/3 mile)	0
49	Cahill Lot 1	180	180 (within 1/3 mile)	0
50	Cahill Lot 2	162	162 (within 1/3 mile)	0
51	Cahill Lot 3	90	90 (within 1/3 mile)	0
56	Palermo Lot	26	26(within 1/3 mile)	0
57	Power Play Hockey Lot	14	14(within 1/3 mile)	0
59	CCW Properties	70	70 (within 1/3 mile)	0
Subtotals within 1/3 mile of stadium		3,326	3,326 (100%)	0 (0%)
Off-Street Parking Facilities Within 1/3 to 1/2 Mile Radius of Baseball Stadium				
4	Ernst & Young Garage	400	0	400
10	Comerica - 333 W. Santa Clara	736	736 (within 1/3 mile)	0
14	Auzerais Lot	71	0	71
25	10 Almaden	700	0	700 (if owner commits to allowing parking by baseball customers)
32	Park Center Plaza I	267	0	267
33	Adobe	1,104	220 (within 1/3 mile)	884
34	Riverpark	1,413	0	1,413
44	Arena Lots A, B and C	1,447	1,447 (on-site)	
45	Crowne Plaza Garage	184	0	184
48	Almaden/Woz Lot	36	0	36
55	Milligan Lot	45	45 (within 1/3 mile)	0
Subtotals within 1/3 to ½ mile of stadium		6,403	2,448 (38%)	3,955 (62%)
Cumulative totals within 1/2 mile of Baseball Stadium		9,729	5,774 (59%)	3,955 (41%)

Note: Parking facilities and spaces in each are the same as in the DSEIR, except that when the ½ mile ring splits a parking facility, the number of spaces within ½ mile is proportionate to the portion of the facility within ½ mile.

The DSEIR attempts to address this problem by suggesting that spaces critical to HP Pavilion will be kept available to HP Pavilion patrons during simultaneous events by mechanisms

46 cont.

such supplying special parking passes with HP Pavilion tickets or having HP Pavilion patrons display tickets to parking garage operators. The DSEIR does not explain how the City will require private parking operators to implement these measures, turning away other paying patrons, including Baseball Stadium patrons, to instead accommodate only HP Pavilion patrons. Moreover, the DSEIR traffic analysis does not account for the added congestion that would inevitably be caused as Baseball Stadium patrons approach and then are turned away from these supposedly reserved HP Pavilion garages.

46 cont.

Notwithstanding evidence to the contrary, the DSEIR assumes that Baseball Stadium patrons will be willing to walk up to 30 minutes from off-street parking before shuttle service might be required, but fails to cite any substantial evidence to support this conclusion. Further, the DSEIR makes no assurance that shuttle service will be provided. The unsupported DSEIR assumptions regarding parking radius result in an overstatement of parking supply. The result is that the DSEIR fails to disclose the parking shortage that the Baseball Stadium will cause during simultaneous events.

2. *The DSEIR overstates parking supply by counting spaces that are not in fact available.*

The DSEIR is misleading regarding parking supply because it counts spaces that are not in fact available. Table IV.A-4 of the DSEIR identifies a greater number of available parking spaces in two parking structures than are included in the HP Pavilion TPMP, and identifies three parking facilities (10 Almaden, 160 W. Santa Clara, and 90 S. Market) that are not included in the HP Pavilion TPMP at all because the owners of these facilities have not made their spaces available to HP Pavilion patrons. Table III.2 shows the parking supply discrepancy between the DSEIR and the HP Pavilion TPMP at these five facilities.

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Table III.2
Parking Discrepancy Between DSEIR and HP Pavilion TPMP

Parking Facility as Identified in DSEIR Table IV.A-4	Number of Parking Spaces Shown in Table IV.A-4	Number of Parking Spaces Shown in 2008 HP Pavilion TPMP	Parking Space Discrepancy between DSEIR and HP Pavilion TPMP
10. Comerica -333 W. Santa Clara	736	540	196
34. Riverpark	1,413	1,078	335
25. 10 Almaden	700	0	700
27. 160 W. Santa Clara	461	0	461
29. 90 S. Market	95	0	95
Total Discrepancy between DSEIR and HP Pavilion TPMP			1,787

Based on these figures, the DSEIR overstates parking supply by 1,787 spaces as a result of including spaces that cannot reasonably be assumed to be available for simultaneous events. 47 cont.

3. *The DSEIR overstates the parking supply by failing to acknowledge that actual parking capacity is only 85 to 90 percent of the available inventory.*

The DSEIR overstates the parking supply by overstating the actual parking occupancy that can be achieved in parking structures. The DSEIR assumes that the functional capacity of the parking facilities identified in the DSEIR is 100 percent of the total parking space inventory. Traffic engineering practice and published guidelines, however, dictate that actual parking supply not be used to evaluate parking impacts, because 100 percent occupancy "rarely occurs because of delays involved in motorists entering or leaving parking spaces or cruising in search of vacant spaces." *See Parking Garage Planning and Operation*, Eno Foundation for Transportation, Inc., 1978, p. 25. Instead, traffic engineering practice dictates use of the "effective parking supply," a parking occupancy figure that accounts for such operational inefficiencies. *See id.* As stated in the American Planning Association's 2006 *Planning and Urban Design Standards*, "[e]ffective parking supply is the number of occupied spaces at optimum operating efficiency. A parking facility will be perceived as full at somewhat less than its actual capacity, generally in the range of 85 to 95 percent." Per the Highway Research Board's *Parking Principles* (1971), "[b]y normal standards, when 85 to 90 percent of the spaces available to the general public are occupied, the system is considered to be used to capacity."[10] Based on the discrepancy between actual and effective parking supply, the DSEIR overstates parking supply by 5 to 15 percent. 48

4. *The conclusion of the DSEIR that parking supply exceeds Baseball Stadium parking demand is not supported by substantial evidence.*

The suggestion in the DSEIR that parking supply exceeds parking demand is unsupported and misleading. The DSEIR asserts that the parking demand of 13,929 spaces for a 36,000 seat stadium is less than the available supply of 13,997 spaces. The supply number is calculated as follows: 18,463 spaces within a ¾ mile radius of the Baseball Stadium times 75 percent (to account for 25 percent occupancy by other users) plus 150 spaces on the Baseball Stadium site. Table III.3 below (prepared by Wenck) demonstrates that if *any* one of the unsupported assumptions used in the DSEIR are corrected, a parking deficiency will be shown. 49

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[10] See also, *Parking Garage Planning and Operation*, Eno Foundation for Transportation, Inc., 1978, p. 25 ("Effective supply usually is considered to be 85 percent of off-street spaces and 90 percent of curb spaces."); *Planning and Urban Design Standards*, American Planning Association, 2006 ("[I]t is appropriate to have a small cushion of spaces over the expected peak accumulation of vehicles. The cushion reduces the need to search the entire system for the last few parking spaces, and reduces patron frustration."); *Parking*, Eno Foundation for Transportation, Inc., 1990 ("Peak variations in usage and delays inherent in entering and leaving [parking] facilities ... reduce the efficiency of space usage. For these reasons, the maximum effecting CBD parking supply is about 85 to 90 percent of the total.")

Table III.3
Parking Space Deficiency for a 36,000-Seat Stadium

PARKING ADEQUACY SCENARIO	PARKING DEMAND	AVAILABLE PARKING SPACES	PARKING SPACE DEFICIENCY
½ mile, spaces per HP Pavilion TPMP, 90% occupancy	13,929	5,886	8,043
½ mile, all spaces per SEIR, 90% occupancy	13,929	6,717	7,212
½ mile, all spaces per SEIR, 100% occupancy	13,929	7,447	6,482
2/3 mile, all spaces per SEIR, 90% occupancy	13,929	10,876	3,053
2/3 mile, all spaces per SEIR, 100% occupancy	13,929	12,068	1,861

49 cont.

In fact, in order to support the conclusion of adequate supply to meet demand, Wenck concludes that all of the following conditions would have to occur: (i) acceptable walking distance would have to be extended from the accepted ½ mile standard to 2/3 mile; (ii) the City would need to secure the availability of the three parking structures that have not been available in the past; and (iii) parking demand would have to be reduced by 22 percent (requiring a doubling of transit usage and an over 20 percent increase in average car occupancy). The DSEIR presents no substantial evidence to support the assumption that *any* of these conditions would in fact occur. As a result, the conclusion that parking supply would be adequate to meet demand is not supported by substantial evidence. The DSEIR must be revised to disclose the parking shortfall caused by the Baseball Stadium.

C. The DSEIR fails to include any analysis of parking impacts during weekday games.

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The DSEIR does not include *any* analysis of parking impacts during weekday games. The DSEIR explains that traffic volumes would be higher before evening games than before weekday games, and therefore does not analyze traffic before weekday games. DSEIR, p. 32. This explanation, however, does not excuse the failure to analyze the adequacy of parking for weekday games. Unlike traffic volumes, parking occupancy will be higher during the day, when Downtown workers occupy many of the available Downtown spaces. As a result, the DSEIR assumption that 75 percent of parking spaces will be available for Baseball Stadium patrons is not true for weekday games. The DSEIR must be revised to include an analysis of the adequacy of parking for weekday baseball games.

D. The DSEIR fails to include *any* cumulative parking analysis.

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The cumulative impact analysis in the DSEIR is fundamentally and basically inadequate, because it fails to include *any* analysis of the contribution of the Baseball Stadium to potentially significant cumulative parking impacts. Notably, our NOP comment letter expressly

requested that cumulative parking impacts be analyzed, and the DSEIR itself identifies these impacts as potential areas of public controversy. DSEIR, p. 6. Table III.4 below (prepared by Wenck) demonstrates that a parking deficiency of approximately 3,600 to 11,700 spaces with addition of parking demand solely from the BART and HSR Projects (using the drastically reduced parking demand figures recently released for the HSR Project (*see* Part V.A below)), without even taking into account other probable cumulative parking demand resulting from implementation of the Downtown San Jose/Strategy 2000 Plan and the Diridon Plan.

Table III.4
Parking Space Deficiency When Accounting For Baseball, BART Project and HSR Project

Parking Adequacy Scenario	Parking Demand For Baseball Stadium	Parking Demand For BART Project	Parking Demand For HSR Project	Total Parking Demand For Baseball Stadium, BART Project and HSR Project	Available Parking Spaces	Parking Space Deficiency
½ mile, spaces per HP Pavilion TPMP, 90% occupancy	13,929 (i)	1,499 (ii)	2,204 (iii)	17,632	5,886 (iv)	11,746
½ mile, all spaces per SEIR, 90% occupancy	13,929	1,499	2,204	17,632	6,717 (v)	10,915
½ mile, all spaces per SEIR, 100% occupancy	13,929	1,499	2,204	17,632	7,447 (vi)	10,185
2/3 mile, all spaces per SEIR, 90% occupancy	13,929	1,499	2,204	17,632	10,876 (vii)	6,756
2/3 mile, all spaces per SEIR, 100% occupancy	13,929	1,499	2,204	17,632	12,068 (viii)	5,564
¾ mile, all spaces per SEIR, 100% occupancy	13,929	1,499	2,204	17,632	13,997 (ix)	3,635

Notes:
(i) Presented in Table IV.A-12 in Draft SEIR
(ii) Parking demand for 2030 from Draft EIS for BART project, March 2009 (2,585) multiplied by 0.58, which is portion of spaces occupied at 6:30 p.m. based on survey of Cahill Lots
(iii) Parking demand for 2035 from Station Area Parking Guidance Technical Memorandum, March 10, 2010 (3,800) multiplied by 0.58, which is portion of spaces occupied at 6:30 p.m. based on survey of Cahill Lots
(iv) [(8,498 spaces within ½ mile of stadium with adjustments in HP Pavilion TPMP x 0.75 portion of total spaces not occupied) x 0.90 maximum occupancy factor] + 150 spaces on stadium site
(v) [(9,729 spaces within ½ mile of stadium per DSEIR x 0.75 portion of total spaces not occupied) x 0.90 maximum occupancy factor] + 150 spaces on stadium site
(vi) (9,729 spaces within ½ mile of stadium per DSEIR x 0.75 portion of total spaces not occupied) + 150 spaces on stadium site
(vii) [(15,891 spaces within 2/3 mile of stadium per DSEIR x 0.75 portion of total spaces not occupied) x 0.90 maximum occupancy factor] + 150 spaces on stadium site
(viii) (15,891 spaces within 2/3 mile of stadium per DSEIR x 0.75 portion of total spaces not occupied) + 150 spaces on stadium site
(ix) (18,463 spaces within ¾ mile of stadium per DSEIR x 0.75 portion of total spaces not occupied) + 150 spaces on stadium site

The public cannot meaningfully evaluate and comment on the DSEIR's cumulative impact analysis when it completely omits any discussion of controversial cumulative impacts related to parking. The DSEIR must be revised to include cumulative parking analysis.

51 cont.

In summary, the DSEIR understates the parking impacts of the Baseball Stadium by applying a technically unsupported significance criterion for parking impacts, by making unsupported assumptions and judgments regarding issues such as the parking radius and the number of parking spaces actually available, and by omitting analysis of daytime parking impacts or cumulative parking impacts. **These errors and omissions evidence the result-oriented approach of the DSEIR, which appears designed to avoid the identification of significant parking impacts and the resultant obligation to mitigate by, for example, constructing additional parking.** In doing so, the DSEIR denies decision-makers, the public and Silicon Valley Sports a meaningful opportunity to review and comment on the true parking impacts of the Baseball Stadium. 52

IV. The DSEIR Fails to Identify or Mitigate Significant Safety Impacts Resulting from Traffic Congestion.

The DSEIR indicates that a significant impact will result if the project "[s]ubstantially increase[s] hazards to a design feature or incompatible use" or will "result in inadequate emergency access." DSEIR, pp. 45-46. Notwithstanding the inclusion of this criterion, the DSEIR fails to address significant impacts on pedestrian safety and emergency access resulting from traffic congestion caused by the Baseball Stadium. 53

A. The DSEIR fails to identify or mitigate significant pedestrian safety impacts resulting from traffic congestion.

The DSEIR fails to identify significant pedestrian safety impacts resulting from the traffic congestion caused by the Baseball Stadium. The DSEIR provides pedestrian analysis only for one of the two off-site parking scenarios, and does not provide any update to the pedestrian analysis presented in the 2006 EIR for the Baseball Stadium itself. The DSEIR endeavors to explain this omission on the grounds that the reduced stadium size would reduce demand for pedestrian facilities, but the same pedestrian improvements would still be necessary. This explanation lacks merit.

First, in addition to the project change of reduced seating, new information and changed circumstances exist that also would affect pedestrian safety, and therefore must be addressed in the DSEIR. CEQA Guidelines § 15162. For example, the DSEIR should assess the effect on the 2006 EIR pedestrian analysis of the updated traffic counts, changes in the Approved Trip Inventory and changes in probable future projects included in the cumulative scenario in the DSEIR. 54

Second, the DSEIR does not in fact identify any *required* pedestrian improvements. The TIA identifies "improvement measures" that may be considered in the Stadium TPMP, but are not required to be included in the Stadium TPMP nor identified as mitigation. Moreover, no updated analysis has been completed to determine whether these improvement measures (which in some cases eliminate a pedestrian scramble phase and instead simply propose widening crosswalks) would provide sufficient capacity for safe pedestrian movements. The DSEIR should be revised to include pedestrian analysis consistent with the guidance provided in Chapter 18 of the Highway Capacity Manual 2000, as specified under Section 6.2.5 in the VTA CMP Transportation Impact Analysis Guidelines dated March 2009 ("VTA TIA Guidelines"). In addition, the impacts of these

improvement measures (for example, the impact of prohibiting left turns on all approaches of the Autumn Street/Park Avenue intersection) have not been analyzed.

Third, the conclusion of the DSEIR that the signalized intersections of Santa Clara Street with Cahill Street and Montgomery Street, and Autumn Street can accommodate the projected 6.320 pedestrians crossing Santa Clara Street is not supported by substantial evidence.

54 cont.

Fourth, the DSEIR does not include *any* analysis of cumulative pedestrian safety impacts.

To ensure that the public is fully informed about the potential pedestrian safety and impacts associated with the Baseball Stadium, the DSEIR must be revised to examine the full potential of the Baseball Stadium to impact pedestrian safety and identify feasible measures to avoid or mitigate such impacts.

B. The DSEIR fails to identify or mitigate significant impacts to emergency access resulting from traffic congestion.

Although the DSEIR discloses that several Downtown intersections will operate at *worse* than LOS D under project and cumulative conditions, and despite its recognition that the anticipated close-in parking shortage will result in drivers circling around Downtown looking for available parking spaces, the DSEIR fails to examine the impact of this traffic congestion on emergency vehicle response times under either project or cumulative conditions. As a result, **there is no way to evaluate the degree to which the Baseball Stadium may hinder the ability of emergency vehicles to navigate the Downtown area before and after baseball games as they attempt to respond to emergencies that may occur in adjacent neighborhoods.** The DSEIR must be revised to include an analysis of the impact of the Baseball Stadium on emergency vehicle response times and feasible measures to avoid or mitigate such impacts.

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In summary, the DSEIR fails to disclose the safety impacts of the Baseball Stadium by failing to update the pedestrian safety analysis of the Baseball Stadium contained in the 2006 EIR, making unsupported assumptions regarding the effectiveness of the Stadium TPMP, making unsupported assumptions regarding the adequacy of provisions for pedestrians crossing Santa Clara Street, and omitting analysis of emergency access impacts or cumulative safety impacts. In doing so, the DSEIR denies decision-makers, the public and Silicon Valley Sports a meaningful opportunity to review and comment on the true safety impacts of the Baseball Stadium.

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V. **The DSEIR Cumulative Transportation Analysis Is Inadequate Because It Fails to Include Probable Future Projects in the Cumulative Scenario, Omits Any Analysis of Cumulative Parking, Safety and Transit Impacts, and Does Not Disclose Cumulative LOS Impacts.**

A. The DSEIR cumulative transportation analysis fails to address probable future projects, including the HSR Project, the BART Project and the Diridon Plan.

The DSEIR must discuss cumulative impacts if they are significant and the incremental contribution of the Baseball Stadium is "cumulatively considerable." 14 Cal. Code Regs. § 15130(a). The incremental contribution of the Baseball Stadium is cumulatively considerable if the incremental effects of the Baseball Stadium are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." 14 Cal. Code Regs. § 15065(a)(3). The analysis of cumulative impacts in the DSEIR must consider *all* possible sources of related impacts. 14 Cal. Code Regs. § 15130(a)(1); *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 907. As currently drafted, however, the cumulative impact analysis of the DSEIR does *not* account for all related impacts associated with the HSR Project, the BART Project, and the Diridon Plan. Moreover, the cumulative analysis omits any discussion of cumulative parking, transit service and safety impacts. Without such information, the cumulative impact analysis of the DSEIR cannot adequately inform the public about the full extent of the contribution of the Baseball Stadium to potentially significant cumulative transportation impacts.

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1. *The cumulative transportation analysis omits the HSR Project, despite acknowledging that it is a foreseeable project.*

In July 2008, the California High-Speed Rail Authority certified the *Final Bay Area to Central Valley High-speed Train Program EIR* ("HSR Final PEIR"). On August 8, 2008, litigation was filed challenging the adequacy of the HSR Final PEIR, and the court ultimately concluded that the HSR Final PEIR failed to comply with CEQA on grounds unrelated to transportation impacts. The High Speed Rail Authority recently has published a Revised HSR PEIR that addresses the issues raised in the court's decision but otherwise does not disturb the HSR Final PEIR, including its transportation impact analysis. *Id.* The Revised HSR PEIR is open for public comment until April 26, 2010.

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The DSEIR improperly asserts that it need not consider the HSR Project in the cumulative transportation analysis because "detailed information regarding HSR station and parking facilities locations necessary to complete a quantitative analysis of the HSR Project under cumulative conditions is not available at this time." *See* DSEIR at pp. 111-112. The principle that EIRs can and should make reasonable forecasts is well established in the case law. CEQA Guidelines section 15144 establishes that "[d]rafting an EIR or negative declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, *an agency must use its best efforts to find out and disclose all that it reasonably can*" (emphasis added). *See San Francisco Ecology Center v. City & County of San Francisco* (1975) 48 Cal.App.3d 584, 595. CEQA does not permit a lead agency to ignore the potential impacts of a probable future project when conducting its cumulative

analysis. Here, the City must use *best efforts* to locate and disclose all pertinent information about the HSR Project's potential transportation impacts in the cumulative transportation impacts analysis of the DSEIR.

The DSEIR omits *any* analysis of cumulative transportation impacts associated with the planned HSR Project. The HSR Project is identified on DSEIR Table V-1 as a probable future project with related cumulative impacts. Moreover, the DSEIR acknowledges that a programmatic EIR for the HSR system has been prepared and that a project-level EIR for the northern California HSR segment is currently being drafted. Nevertheless, the discussion of cumulative transportation impacts in the DSEIR expressly omits the related impacts of the HSR Project on the basis that the HSR environmental review process is ongoing and detailed information about cumulative conditions is purportedly unavailable. This assertion, however, is a legally insufficient basis to forego such critical analysis.

The CEQA Guidelines provide that "[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence" and "should be guided by the standards of practicality and reasonableness." CEQA Guidelines § 15130(b). Reviewing courts have determined that it is reasonable and practical to include as "probable future projects" any related projects where the applicant has devoted substantial time and resources to prepare for regulatory review, generally indicated by the commencement of environmental review. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74 -75 ("*San Franciscans*") (invalidating cumulative analysis for failing to include related projects for which an EIR had been required on the basis that a significant investment of time, money and technical planning have necessarily occurred before a project is even submitted for initial CEQA review); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 869 ("*Eel River*") (invalidating cumulative analysis for failing to consider a probable future project because the Federal Energy Regulatory Commission had initiated its environmental review pursuant to the National Environmental Policy Act); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127-1128 ("*County of Madera*") ("any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for review.").

Here, the DSEIR acknowledges that the entire HSR system has undergone an initial round of programmatic CEQA review and that project-level CEQA analysis of the HSR Project facilities proposed for the Diridon planning area is ongoing. Since the HSR Project is currently subject to CEQA review, per *San Franciscans*, *Eel River* and *County of Madera*, the HSR Project clearly qualifies as a probable future project the impacts of which must be considered in the cumulative transportation impact analysis of the DSEIR. The DSEIR cannot ignore the HSR Project simply because it is currently undergoing CEQA review. The omission of *any* analysis of the HSR Project in the cumulative transportation impacts analysis in the DSEIR renders the DSEIR so fundamentally and basically inadequate that meaningful public review and comment is precluded. The DSEIR must be revised to include this analysis and recirculated for public review.

58 cont.

The HSR Final PEIR indicates that the proposed San Jose Diridon HSR station would have over five million annual passenger boardings for the preferred Pacheco Pass alternatives (three million for the Altamont Pass alternatives) and would increase parking demand at the Diridon Station between 7,200 and 9,800 spaces for the preferred Pacheco Pass alternatives (6,500 to 8,800 spaces for the Altamont Pass alternatives). (HSR Final PEIR at pp 3.1-31 to 32; Final HSR PEIR Ridership and Revenue Forecasts Final Report at p. 2-10.)[11] Appendix 2-F to the HSR Final PEIR indicates that there are only 595 spaces available for all-day parking in surface lots adjacent to the station and that the High Speed Rail Authority proposes to add 1,432 spaces in a five-level structure. (HSR Final PEIR page 2-F-32). **These data suggest that up to 8,400 parking spaces will be impacted in the surrounding neighborhood, a number that would outstrip the available off-site parking spaces identified in the DSEIR when added to the projected Baseball Stadium demand for either the 32,000 or 36,000 seat scenarios.** None of these data, however, are discussed in the DSEIR.

The DSEIR cumulative transportation analysis also omits HSR-related auto trips from the cumulative traffic analysis. Using the data set forth in Tables A-1, A-2 and A-3 of the HSR Technical Memorandum, it is possible to calculate the number of daily trips likely to be generated by the HSR Station. These trips are summarized in Table V.1 below.

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Table V.1
HSR Station Trip Generation

TYPE OF VEHICLE TRIP	DAILY TRIPS ARRIVING AT STATION	DAILY TRIPS DEPARTING STATION	DAILY TRIP ENDS
Auto drop-off	1,200	1,200	2,400
Auto pick-up	1,200	1,200	2,400
Autos arriving and departing for parking	1,400	1,400	2,800
Rental cars brought back and departing	600	600	1,200
Taxis drop-off	600	600	1,200
Taxis pick-up	600	600	1 ,200
Totals	5,600	5,600	11,200

Note: This table is based on data presented in Table A-1 in Station Area Parking Guidance Memorandum, which was published by the

[11] The recently released California High-Speed Rail Train Project Technical Memorandum Station Area Parking Guidance, dated March 10, 2010 (the "HSR Technical Memorandum"), states that the total daily parking demand for the Diridon HSR station is expected to be 3,400 spaces in 2025, 3,600 spaces in 2030, and 3,800 spaces in 2035. These numbers represent a dramatic reduction in the figures described in the HSR Final PEIR. The HSR Technical Memorandum does not explain the basis for the reduction, other than to suggest that if there is inadequate parking, riders will get dropped off instead of driving themselves. As noted in Part III.D above, however, even using these lower numbers, a parking shortfall still would occur.

California High Speed Rail Authority on March 10, 2010. All vehicle trips are accounted for, except for regional transit buses that would stop at the station.

The DSEIR must be revised to include these trips in the cumulative traffic analysis.

2. *The cumulative parking analysis must include BART Project parking demand because, as the DSEIR acknowledges, it is a foreseeable project.*

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As noted in Part III.D above, the DSEIR must be revised to include cumulative parking analysis. The DSEIR acknowledges that the BART Project is a "reasonably foreseeable" project that must be included in the cumulative analysis and that "detailed information regarding BART's effects on traffic is now available." *See* DSEIR, pp. 102, 111. The Silicon Valley Rapid Transit Corridor DEIR dated March 2009 states that expected BART Project parking demand for the Diridon Station is 1,610 parking spaces upon opening and for 2,585 parking spaces by 2030. This **BART Project parking demand must be factored into the cumulative parking impact analysis.**

3. *The cumulative parking analysis must include Diridon Plan in the cumulative transportation analysis because, as the DEIR acknowledges, it is a foreseeable project.*

The DSEIR acknowledges that the Diridon Plan is a "reasonably foreseeable" project that must be included in the cumulative analysis. DSEIR, p. 102 and Table V-1. Later, however, the DSEIR asserts that '[g]iven where the Diridon Station Area Plan planning effort is in its process, it can only be discussed at a *qualitative* level in this cumulative analysis." DSEIR, p. 106 (emphasis in original). The cumulative transportation discussion of the DSEIR does not provide even such qualitative analysis. The TIA indicates that the cumulative analysis was based on building out the *Strategy 2000* plan, with no mention of the Diridon Plan. TIA, p. 41.

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The City is contractually obligated to prepare an environmental impact report to evaluate the environmental effects of the proposed Diridon Plan as a condition of the funding agreement between the City and the Metropolitan Transportation Commission that was approved in May 2009. In addition, the City currently is undertaking extensive community outreach and planning activities related to its ongoing preparation of the Diridon Plan. These actions represent a **sufficient commitment of resources to make the Diridon Plan a probable future project that must be included in the DSEIR cumulative transportation analysis.**

As noted in Part III.D above, the DSEIR must be revised to include cumulative parking analysis. The Final Draft of the Diridon/Arena Strategic Development Plan, dated April 2003, indicates that the Diridon Plan will require 15,000 parking spaces. This **Diridon Plan parking demand must be included in the DSEIR cumulative parking analysis.**

B. <u>The DSEIR fails to identify and mitigate significant cumulative traffic LOS impacts.</u>

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The DSEIR fails to disclose the cumulatively considerable contribution of the Baseball Stadium to significant cumulative traffic LOS impacts, despite the acknowledgement in the TIA that, depending on the parking variant, in the 6:00 to 7:00 PM hour, "the addition of project traffic at each of the [four or five] intersections would contribute to a cumulatively significant impact". TIA, p. 42. As in the project analysis, the cumulative analysis in the DSEIR fails to apply the City LOS Threshold or the CMP LOS Threshold, and as a result does not identify *any* cumulative traffic LOS impacts, or measures to avoid or mitigate such impacts.

61 cont.

The DSEIR must assess whether the Baseball Stadium contributes considerably to a significant cumulative traffic impact. With respect to significant traffic impacts, Wenck applied the first prong[12] of the City LOS Threshold and the CMP LOS Threshold to 6:00 to 7:00 PM, simultaneous event, cumulative scenario and identified numerous significant cumulative impacts. Significant cumulative impacts would occur at five intersections under the City LOS Threshold, as indicated in Table V.2 below (prepared by Wenck) and at two intersections under the CMP LOS Threshold, as indicated in Table V.3 below (prepared by Wenck).

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[12] The DSEIR, does not provide clear data regarding the increase in critical movement delay and v/c ratio between background and cumulative conditions, relevant to the application of the second prong of each the City LOS Threshold and the CMP LOS Threshold. These second prongs appear inapplicable, however, because the TIA does not identify any intersections that operate at LOS E or F under background conditions.

Table V.2
Significant Cumulative LOS Impacts under 1st Prong of City LOS Threshold

Intersection	Background LOS	Scenario	Cumulative LOS
NB SR 87 Ramps and W. Julian St.	D	32,000 seats; all parking scenarios	E
		36,000 seats; 1,200 space parking structure and 1,300 spaces on HP Pavilion site	E
		36,000 seats; no parking structure	F
S. Autumn St. and Santa Clara St.	D	32,000 and 36,000 seats; 1,200 space parking structure and 1,300 parking spaces on HP Pavilion site	E
Bird Ave. and San Carlos St.	D	32,000 seats; 1,200 space parking structure and no parking structure	E
		36,000 seats; all parking scenarios	E
Delmas Ave. and Park Ave.	C	32,000 seats; all parking scenarios	E
		36,000 seats; all parking scenarios	F
Montgomery St. and Santa Clara St.	C	32,000 seats; 1,200 space parking structure and no parking structure	E
		32,000 seats; 1,300 parking spaces on HP Pavilion site	F
		36,000 seats; 1,200 space parking structure	E
		36,000 seats; 1,300 parking spaces on HP Pavilion site and no parking structure	F

Table V.3
Significant Cumulative LOS Impacts under 1st Prong of CMP LOS Threshold

Intersection	Background LOS	Scenario	Cumulative LOS
NB SR 87 Ramps and W. Julian St.	D	6:00-7:00 PM, 36,000 seats; no parking structure	F
Montgomery St. and Santa Clara St.	C	6:00-7:00 PM, 32,000 seats, 1,300 parking spaces on HP Pavilion site	F
		6:00-7:00 PM, 36,000 seats, 1,300 parking spaces on HP Pavilion site and no parking structure	F
Note: The intersections and scenarios in this Table V.3 are included in Table V.2, because they also exceed the City LOS Threshold.			

The DSEIR acknowledges that these intersections would operate at an LOS worse than D (a reference to the City LOS Threshold) and experience "significant cumulative impacts." DSEIR, pg.

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cont.

112. The DSEIR does not apply the CMP LOS Threshold to these intersections at all. In addition, the DSEIR does *not* acknowledge that, with the Park Avenue narrowing, the intersection of Park Avenue and Autumn Street would decline from LOS D to LOS F in the 36,000 seat, 5:00 to 6:00 PM cumulative scenario, with delay increasing by 285 percent.

Moreover, the DSEIR does not assess whether the Baseball Stadium would contribute considerably to these significant cumulative impacts, instead again dismissing these impacts as acceptable under the City Transportation Policy. *Id.* The TIA, although acknowledging that "the addition of project traffic would contribute to a cumulatively significant impact",[13] again cites the LOS exemption in the City Transportation Policy. TIA, pp. 42, 47. The summary of cumulative impacts in the DSEIR does not identify significant cumulative intersection impacts. DSEIR, p. 116. As a result, the DSEIR does not identify feasible means to avoid or mitigate these cumulative impacts. (Instead, the DSEIR merely summarizes the mitigation measures identified in the Strategy 2000 study to address these "intersection LOS shortcomings" but does not suggest that these measures be implemented.)

61 cont.

In summary, the DSEIR understates the significant cumulative transportation impacts to which the Baseball Stadium contributes considerably by omitting any cumulative parking, traffic safety and transit analysis; by excluding probable future projects such as the HSR Project, the BART Project (parking) and the Diridon Plan; and by not disclosing significant cumulative traffic LOS impacts. In doing so, the DSEIR denies decision-makers, the public and Silicon Valley Sports a reasonable opportunity to review and comment on cumulative transportation impacts and feasible means to avoid or mitigate those impacts.

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Based on the foregoing inadequacies, the DSEIR must be revised and recirculated to provide decision-makers, the public and Silicon Valley Sports a meaningful opportunity to comment. Pursuant to CEQA Guidelines Section 15088.5, the City is required to recirculate the DSEIR when significant new information is added to the DSEIR after public notice is given of the availability of the DSEIR for public review but before certification. Per CEQA Guidelines Section 15088.5(a)(1-4), "significant new information" requiring recirculation includes, but is not limited to, the following:

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- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; or
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; or

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[13] The DSEIR does not provide clear data regarding the contribution of the Baseball Stadium to cumulative LOS conditions.

- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or

- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

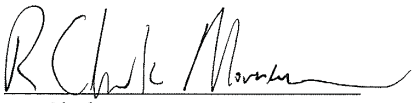
As described above, the DSEIR fails to identify new and substantially more severe transportation impacts or feasible means to avoid or mitigate those impacts, and, due to an unstable project description and numerous errors and other issues, is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded in this case. **Specifically, the DSEIR must be revised to disclose the significant transportation impacts of the Baseball Stadium, indentify feasible measures to avoid or mitigate those impacts, and correct errors and omissions identified herein, and be recirculated for public comment, so that decision-makers, the public and Silicon Valley Sports are afforded a meaningful opportunity to comment.**

63 cont.

On behalf of Silicon Valley Sports, we appreciate the opportunity to comment on the DSEIR and look forward to reviewing a revised and recirculated DSEIR that adequately addresses the issues identified herein. In the meantime, please note that Silicon Valley Sports reserves its right to submit additional comments as additional relevant information becomes available.

Respectfully submitted,

COX, CASTLE & NICHOLSON, LLP

By 
R. Clark Morrison

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cc: Mr. Jim Goddard, Executive Vice President and General Manager, Silicon Valley Sports and Entertainment
Don Gralnek, Esq., Executive Vice President and General Counsel, Silicon Valley Sports and Entertainment
Mr. Greg Jamison, President and Chief Executive Officer, Silicon Valley Sports and Entertainment

COMMENTOR C7
San Jose Arena Management, LLC
Cox, Castle and Nicholson, LLP
R. Clark Morrison
March 12, 2010

C7-1: This introductory paragraph identifies the firm that prepared the traffic engineering and other technical analyses contained in the comment letter and the organization (Silicon Valley Sports and Entertainment and its affiliate San José Arena Management, collectively referred to as Silicon Valley Sports) on whose behalf the author is writing. No response is necessary.

C7-2: The commenter affirms the commitment of Silicon Valley Sports to its patrons and neighbors and expresses the expectation that the City of San José will not approve projects that would undermine their experiences and that the City will fully analyze, identify and mitigate impacts of new development Downtown. As the owner of the Arena, the City of San José shares Silicon Valley Sports' concern for the patrons and neighbors of the HP Pavilion. The City of San José analyzes, identifies and mitigates impacts in the environmental documents that it prepares for Downtown development projects, such as the proposed ballpark, weighing the impacts from the development projects against their potential benefits prior to making a decision on project approval.

C7-3: The comment notes the success of the HP Pavilion Transportation and Parking Management Plan (TPMP) and suggests that its continuing effectiveness will be a challenge as land use changes in the project area. The comment expresses the expectation that a ballpark TPMP will be developed to complement the HP Pavilion TPMP. The City of San José prepares a TPMP for all major events and facilities that require special operations of the transportation system. A TPMP will be prepared for the ballpark, should the project be approved.

C7-4: The paragraph provides a summary of the comments that follow. It notes that the TPMP does not include specific performance standards or other specific requirements, has not been circulated for public review, and has not identified any binding mechanism to require its implementation. These would be requirements if the TPMP were mitigation for a significant impacts identified in the Draft SEIR. However, the Draft SEIR does not suggest the TPMP as mitigation for significant impacts. Please see also Master Response Transportation, Circulation and Parking #5, TPMP in this document.

The comment asks that the Draft SEIR be recirculated. None of the comments received in response to the Draft SEIR disclose any new significant information that would require recirculation of the SEIR. The Draft SEIR fully discloses the significant transportation impacts of the project in accordance with the City's Transportation LOS Policy and mitigation is recommended (see Section IV.A, Transportation, Circulation and Parking of the Draft SEIR). No new significant or substantially more severe environmental impacts have been identified in the comments received on the Draft SEIR that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified which are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the City as the applicant has declined to implement. Please see

Recirculation Master Response #1, Recirculation of the Draft EIR on page 7 of the 2007 First Amendment to EIR for additional discussion of the conditions warranting the recirculation of an EIR. These conditions have not occurred.

Please see Responses to Comments C7-30 through C7-61 that follow and Master Response Transportation, Circulation and Parking #1, Study Time Periods; Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark; Master Response Transportation, Circulation and Parking #3, Narrowing Park Avenue; Master Response Transportation, Circulation and Parking #4, Parking; Master Response Transportation, Circulation and Parking #5, Traffic and Parking Management Plan (TPMP); and Master Response Transportation, Circulation and Parking #7, Trip Distribution.

C7-5: The comment regarding Silicon Valley Sports' submission of a letter in response to the notice of preparation and the letter's content is noted; the comment letter is provided in Appendix A of the Draft SEIR. The impacts of the project on the transportation system are analyzed in Section IV.A, Transportation, Circulation and Parking and Section V, CEQA-Required Assessment Conclusions of the Draft SEIR and feasible measures to avoid or mitigate significant impacts are recommended.

C7-6: This paragraph identifies some of the required elements of an EIR and previews the more detailed comments that follow. The comment posits that if CEQA requirements had been followed the Draft SEIR would have disclosed significant traffic impacts, significant parking impacts, significant impacts to pedestrian safety and emergency vehicle access, and significant cumulative impacts. All of these issues are analyzed in Section IV.A, Transportation, Circulation and Parking and Section V.D, Cumulative Impacts of the Draft SEIR and feasible measures to avoid or mitigate impacts are recommended or additional information is provided to clarify or amplify the evaluation of impacts contained in the Draft SEIR as explained in responses to comments provided below. Please see Master Response Transportation, Circulation and Parking #1, #2, #3, #4, #5 and #7 and Responses to Comments C7-8 through C7-61 that follow.

C7-7: The comment claims that the analysis in the Draft SEIR is designed to avoid the identification of significant impacts and avoid mitigation measures; it claims that data are manipulated to mislead readers and conceal impacts. The comment identifies a number of issues which it notes are detailed in the comment letter. Each specific comment is addressed in a subsequent response. No significant impacts have been concealed and/or manipulated for any reason, including to mislead readers or to avoid mitigation measures in the Draft SEIR (refer to Table II-1 that begins on page 8 of the Draft SEIR for the list of impacts and mitigation measures). Please see Master Response Transportation, Circulation and Parking #1, #2, #3, #4, #5 and #7 and Responses to Comments C7-8 through C7-61 that follow.

C7-8: This comment suggests that the Draft SEIR evaluates so many scenarios and project variants that meaningful public review is precluded. The two seating capacity variants, the parking variants, and the Park Avenue width variants represent several variations in project design for the purposes of analysis. They are clearly described, and the City disagrees with the allegation that such presentation precludes meaningful public review of the project. The project description has not changed since the publication of the Notice of Preparation (NOP) on November 17, 2009. Please see Response to Comment C7-29.

C7-9: This comment suggests that the transportation analysis in the Draft SEIR "conceals" the potential impacts of the project by constraining the analysis of traffic congestion to 5:00-6:00 p.m. (with a single event being held in the area), instead of when project-related traffic volumes would be higher. The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation Level of Service (LOS) Policy and the Santa Clara County Congestion Management Program (CMP). It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. Any intersections that are shown to be deficient during this peak hour could result in a significant project impact, according to San José's Transportation LOS Policy. The weekday 6:00-7:00 p.m. time period is analyzed in the traffic study, which is Appendix C of the Draft SEIR. For informational purposes, a supplemental analysis has been prepared of the time periods before and after a weekday afternoon game, and this analysis is described below. A Saturday analysis was not prepared because Saturday traffic volume is so low in downtown San José that the ballpark traffic could not lead to LOS deficiencies. Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods.

C7-10: This comment suggests that the Draft SEIR uses "illusory" LOS significance criteria and fails to adequately evaluate potential impacts associated with the narrowing of Park Avenue. The LOS significance criteria described in the Draft SEIR are applied according to City of San Jose and CMP policies. These criteria apply to the weekday peak hour, which is defined as occurring sometime between 4:00-6:00 p.m. The Draft SEIR traffic study included an analysis of the narrowing of Park Avenue both in the near term and with cumulative build-out of the General Plan and Downtown Strategy 2000 Plan. Please see Master Response Transportation, Circulation, and Parking #1, Study Time Periods, Master Response Transportation, Circulation and Parking #3, Narrowing Park Avenue and Response to Comment C7-32.

C7-11: This comment suggests that the Draft SEIR underestimates potential traffic impacts by ignoring the effects of simultaneous events at the project site and HP Pavilion with events at other locations in downtown San Jose. The Draft SEIR does not ignore the effects of simultaneous events at the project site and HP Pavilion. The traffic study also includes a scenario that analyzes simultaneous sell-out events at the ballpark and the HP Pavilion for the 6:00-7:00 p.m. time period, even though this convergence of events would be infrequent, and even when they occur, the likelihood of sell-out events at one or both venues is even less likely. In addition, the City of San José has done an extensive inventory of Downtown events in order to identify potential conflicts. Most events attract fewer than 5,000 people, occur outside of baseball season, or occur on weekends. Most events occur on weekends when there is very little ambient traffic and there is adequate parking capacity. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C7-12: This comment suggests the analysis in the Draft SEIR considers that traffic impacts would be avoided through implementation of a TPMP and the extension of Autumn Street, but that no mechanism is established to ensure implementation of these measures. Neither the TPMP nor the extension of Autumn Street are "mitigation measures" as defined by CEQA and are thus exempt from associated monitoring requirements. Please see Response to Comment C7-40 and Master Response Transportation, Circulation and Parking #5, TPMP.

C7-13: The comment claims that the Draft SEIR understates traffic impacts by failing to analyze the intersection of The Alameda and Race Street. The intersection of The Alameda & Race Street was

analyzed in the 2007 EIR in the response to comments. Based on a 2006 traffic count, the intersection was found to operate at LOS C and would operate at LOS D with the ballpark. Based on a 2008 traffic count, the level of service still is C, the same as in 2006. The 2007 EIR was based on a seating capacity of 45,000. The current ballpark proposal is for up to 36,000 seats. Since the 2006 Stadium Proposal was not found to have an impact at the intersection of The Alameda & Race Street, and the current ballpark proposal is smaller, it can be concluded that the modified project would not have a significant impact at The Alameda & Race Street. Please see also Response to Comment C7-42.

C7-14: This comment states that the Draft SEIR does not include an evaluation of construction-period traffic impacts. The traffic impacts of construction of the ballpark would be much less than the impacts of the ballpark in operation. While construction might involve several hundred workers on site, the ballpark in operation would serve several thousand fans. Specific construction operations requirements, such as construction hours and truck haul routes, will be prescribed and included as conditions of subsequent discretionary development permits. Please see Response to Comment C7-43.

C7-15: This comment suggests that the City's criterion of significance for parking impacts is unsubstantiated. The Draft SEIR explains that in order for a scarcity of parking to rise to the level of creating a physical environmental impact, the ballpark parking demand would have to consume such a disproportionate share of available Downtown parking inventory that existing uses that rely on that parking become non-viable. This perspective is consistent with recent amendments to the CEQA Checklist with regard to parking. Please see Response to Comment C7-44 and Master Response Transportation, Circulation and Parking #4, Parking.

C7-16: This comment questions the assumptions used to identify the supply of parking in the vicinity of the project site. The assumptions with regard to the distances patrons would walk from parking structures to the ballpark and the numbers of spaces available in various parking structures are supported by data and information available to the City. The purported parking inefficiencies identified in the comment are applicable to retail and commercial developments but not to a sports facility. Please see Master Response Transportation, Circulation and Parking #4, Parking and Response to Comment C7-48.

C7-17: This comment states that the Draft SEIR does not contain an analysis of the expected downtown parking supply during weekday games. For informational purposes, a supplemental analysis has been prepared of the time periods before and after a weekday afternoon game, and this analysis is described in Master Response Transportation, Circulation and Parking #4, Parking. There would be no intersection deficiencies as a result of ballpark traffic either before or after a weekday afternoon game. See Attachment 1 to this First Amendment to SEIR.

C7-18: This comment references a purported link between traffic congestion and pedestrian safety and claims that the Draft SEIR does not evaluate the effects of project-related traffic congestion on emergency response times. There is no direct correlation between increased traffic congestion and decreased pedestrian safety. Some aspects of congestion (more vehicles) might decrease pedestrian safety, whereas other aspects (slower speeds) might increase pedestrian safety. Considering pedestrian safety to the proposed ballpark, all streets have sidewalks and all busy intersections have traffic signals with pedestrian signal heads and crosswalks. In addition as part of the TPMP, police

officers would assist pedestrians at the busiest intersections, just like they do today in front of the HP Pavilion. Please see also Responses to Comments C7-53, C7-54 and C7-55.

The addition of ballpark traffic would have little effect on emergency vehicle response times. As noted on page 56 of the Draft SEIR, the contribution of the ballpark would be low relative to the background commute traffic volumes (compare traffic volumes in Table 4, existing conditions, and Tables 14 through 19, project conditions, of the traffic study in Appendix C of the Draft SEIR, for example). On freeways, where segments are already operating at low levels of service during the 5:00-6:00 p.m. time period, emergency vehicles would use the shoulders if traffic is moving slowly, so their movements would be independent of the incremental decrease in traffic flows on the heavily congested segments. On city streets, emergency vehicles can use sirens to clear a path, and most downtown signals have preemption so that emergency vehicles can trigger a green light whenever they come through.

C7-19: This comment suggests that the Draft SEIR underestimates potential cumulative traffic volumes by excluding potential future projects in the vicinity of the site, and that cumulative effects related to parking, safety, and transit are not addressed. Please see Responses to Comments C7-51, Master Response Transportation, Circulation and Parking #4, Parking, and Master Response Transportation, Circulation and Parking #6, HSR, BART and Diridon Area Plan. The comment does not provide any additional projects that should be included in the cumulative analysis.

C7-20: This paragraph restates the claim made in comment C7-7 and elsewhere that the assumptions and analysis in the Draft SEIR are misleading or absent and that this denies users of the document the opportunity to understand and comment on the impact of the ballpark and feasible means of avoiding or mitigating those impacts. The analysis and assumptions upon which the Draft SEIR is based are provided in the document, its appendices and the City's administrative record. While no specific assumptions or analyses are identified in this comment, the perceived deficiencies identified by the commenter in the preceding comments C7-8 through C7-19 and elsewhere are each addressed in this First Amendment to SEIR when specific information is provided. No significant impacts have been concealed in the Draft SEIR.

C7-21: This paragraph introduces a list of bulleted revisions (comments C7-22 through C7-27) that the commenter indicates must be made to the Draft SEIR to correct its perceived deficiencies and that after revision the document must be recirculated. Refer to Responses to Comments C7-22 through C7-27 for specific responses to each issue. As stated in Response to Comment C7-4, none of the comments received in response to the Draft SEIR disclose any new significant information that would require recirculation of the EIR. Please see Response to Comment C7-4 and Recirculation Master Response #1, Recirculation of the Draft EIR on page 7 of the 2007 First Amendment to EIR for additional discussion of the conditions warranting the recirculation of an EIR. These conditions have not occurred.

C7-22: This comment suggests that the Draft SEIR should provide "a stable, finite and accurate project description" and additional information about the impacts and mitigation measures of various project variants and scenarios. The two seating capacity variants, the parking variants, and the Park Avenue width variants represent several variations in project design for the purposes of analysis. They are clearly described, and the City disagrees with the characterization that the project description is not stable, finite and accurate. The project description has not changed since the

publication of the Notice of Preparation (NOP) on November 17, 2009. In all cases, the Draft SEIR sets forth the outcome that could derive from the worst case combination of the project variants of the project description. In no case would one of the project variants lead to adverse environmental impacts that are greater in number or more severe than those set forth in the Draft SEIR. Please see Response to Comment C7-29.

C7-23: This comment suggests that the Draft SEIR must disclose impacts in several different issue areas. These areas are listed below, followed by references to which responses to comments address the issues raised:

- LOS, in accordance with applicable LOS criteria (see Master Response Transportation, Circulation and Parking #1, Study Time Periods);
- The 6:00 to 7:00 p.m. time frame (see Master Response Transportation, Circulation and Parking #1, Study Time Periods);
- Simultaneous events (see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark);
- Parking supply shortfall (see Master Response Transportation, Circulation and Parking #4, Parking);
- Insufficiency of mitigation measures (see Master Response Transportation, Circulation and Parking #5, TPMP);
- Congestion at The Alameda and Rose Street (see Response C7-13); and the project construction period (see Response to Comment C7-43).

C7-24: This comment requests that the analysis of parking impacts be revised to reflect different criteria of significance and to include an analysis of cumulative impacts. The Draft SEIR explains that in order for a scarcity of parking to rise to the level of creating a physical environmental impact, the ballpark parking demand would have to consume such a disproportionate share of available Downtown parking inventory that existing uses that rely on that parking become non-viable. This perspective is consistent with recent amendments to the CEQA Checklist with regard to parking. Please see Master Response Transportation, Circulation and Parking #4, Parking.

C7-25: This comment requests an analysis of the project's potential effects on pedestrian delay due to traffic congestion and emergency response access. There is no direct correlation between increased traffic congestion and decreased pedestrian safety. Some aspects of congestion (more vehicles) might decrease pedestrian safety, whereas other aspects (slower speeds) might increase pedestrian safety. The addition of ballpark traffic would have little effect on emergency vehicle response times. Please see Response to Comment C7-18 for additional discussion.

C7-26: This comment suggests that the cumulative analysis in the Draft SEIR does not adequately include planned projects in the area likely to contribute to transportation impacts and all relevant components of the transportation system. The cumulative impact analysis in the Draft SEIR is adequate. It includes foreseeable future projects including the extension of BART and the High-Speed Rail system. Please see Master Response Cumulative Impacts #6, HSR, BART and Diridon Area Plan.

C7-27: This comment requests that specific mitigation measures be added to the Draft SEIR. The suggested measures (i.e., prohibition of simultaneous events, development of a TPMP or unspecified physical improvements) are not warranted because they would not reduce or avoid a significant impact identified in the Draft SEIR. Specific physical and operational improvements are identified in the 2007 EIR (see page 9) and Draft SEIR (see page 8) that address significant impacts of the proposed project, although some impacts remain significant and unavoidable after mitigation. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark and Master Response Transportation, Circulation and Parking #5, TPMP.

C7-28: This paragraph introduces the comments that follow in the remainder of the comment letter. Detailed comments are addressed in the subsequent responses.

C7-29: This comment suggests that the Project Description in the Draft SEIR is not "accurate, stable and finite." While the City would agree that the revisions to the proposed project include a number of variables, those variables are neither "enigmatic" nor "unstable". Comment C7-29 itself does a straightforward job of describing the various ways in which the Draft SEIR attempts to provide information about the worst case outcome that could develop out of the modified project. The two seating capacity variants, the parking variants, and the Park Avenue width variants represent several variations in project design for the purposes of analysis. They are clearly described, and the City disagrees with the allegation that such presentation "precludes meaningful analysis" of the impacts of the project. As for the stability of the project description, it has not changed since the publication of the Notice of Preparation (NOP) on November 17, 2009.

When compared to the 2006 Stadium Proposal, the modified project is smaller (by at least 9,000 seats), shorter in height, subject to minor roadway adjustments, and absent the commercial component south of Park Avenue. All of these revisions would tend to reduce project effects from those initially identified.

In all cases, the Draft SEIR sets forth the outcome that could derive from the worst case combination of these variants of the project description. In no case would one of the "12 possible permutations" of the project description lead to adverse environmental impacts that are greater in number or more severe than those set forth in the Draft SEIR.

Furthermore, the City believes that it is not the intent of CEQA and would not be meaningful to mechanistically set forth – in tables, text or figures – the various combinations of environmental impacts, which have all been analyzed in the Draft SEIR, of the "48 possible permutations" that would derive from combining all of the project description considerations for all of the event scenarios (single and simultaneous), and for the two requested time periods (5:00-6:00 p.m. and 6:00-7:00 p.m.). The information provided in the Draft SEIR allows the reader to see clearly that impacts (including Significant and Unavoidable Impacts) would be created in terms of certain topical areas and to see that no such impacts would be created in other topical areas. The City believes that, having presented the worst case outcomes, attempting to report on all of the various permutations would be "splitting hairs" and not helpful to decision making, especially since some of the additional analyses were completed at the request of commenters, are provided for information only, and are not actually required for an environmental impact analysis under City's traffic policies. The City should not be faulted for taking seriously the comments provided on its environmental document and undertaking additional significant analyses to respond to those comments, though not legally required, just

because it makes the environmental document more lengthy and descriptive of the additional scenarios posed by commenters.

C7-30: This comment suggests that potential traffic-related effects of the project are not adequately identified for several reasons including:

- The analysis of only the 5:00-6:00 time period for a single event (see Master Response Transportation, Circulation and Parking #1, Study Time Periods);
- Use of "illusory" significance criteria (see Response to Comment C7-32);
- Understatement of the impacts of simultaneous events by omitting foreseeable project trips (see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark);
- Unsupported assumptions regarding measure to avoid or mitigate traffic impacts (see Response to Comment C7-39 and Master Response Transportation, Circulation and Parking #5, TPMP);
- Failure to analyze impacts at The Alameda and Race Street (see Responses to Comments C7-13 and C7-42);
- Omission of any analysis of construction traffic impacts (see Response to Comment C7-43)

This comment and two that follow (C7-31 and C7-33) present tables of data (Tables II.1 through II.4) that the comments indicate were obtained from the traffic study (included as Appendix C of the Draft SEIR). Footnote 1 in Table II.3, for example, indicates that the data are from "Tables 10 and 11 in the TIA." These presentations of data in the comments show the traffic volumes generated by the project and/or simultaneous events and the LOS effects on intersections of these volumes during the 6:00-7:00 p.m. time period as compared to the 5:00-6:00 p.m. peak hour time period. As discussed in the Draft SEIR and in this First Amendment to SEIR, although not required by City of San José policies, the traffic study in the Draft SEIR included a 6:00-7:00 p.m. analysis scenario for informational purposes. The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation LOS Policy and the Santa Clara County Congestion Management Program (CMP). It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. See Master Response Transportation, Circulation and Parking #1, Study Time Periods, and Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark for additional discussions of this issue.

C7-31: This comment claims that the analysis in the Draft SEIR is "artificially constrained" to a single-event scenario. The analysis in the Draft SEIR is not artificially constrained. The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation LOS Policy and the Santa Clara County CMP. It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. Although not required by City of San José policies, the traffic study in the Draft SEIR included a 6:00-7:00 p.m. analysis scenario for informational purposes. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C7-32: This comment suggests that the analysis in the Draft SEIR is based on "illusory" criteria of significance. The significance criteria described in the Draft SEIR, and listed in this comment, are applied according to City of San Jose and CMP policies. These criteria apply to the weekday peak

hour, which is defined as occurring between 4:00-6:00 p.m. See Master Response Transportation, Circulation and Parking #1, Study Time Periods for more details.

C7-33: This comment suggests that the Draft SEIR fails to fully identify the potential impacts of the project on traffic congestion because the City's criteria of significance are not applied to all analysis scenarios. The Draft SEIR does not fail to identify potential impacts of the project on traffic congestion because of improper application of the criteria of signficance. The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation LOS Policy and the Santa Clara County Congestion Management Program (CMP). It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods.

C7-34: This comment suggests that the Draft SEIR does not include an adequate analysis of the impacts associated with the narrowing of Park Avenue. The Draft SEIR traffic study includes an analysis of the narrowing of Park Avenue both in the near term and with cumulative build-out of the General Plan and Downtown Strategy 2000 Plan. Please see Master Response Transportation, Circulation and Parking #3, Narrowing Park Avenue.

C7-35: The statement from the Draft SEIR that this comment is addressing – that fans might create extra traffic by circling looking for parking – is taken out of context. The context for the statement is to highlight the need for dynamic wayfinding and the development of a TPMP. The Draft SEIR does not suggest that searching for parking would be a project impact and that the TPMP would be mitigation. The dynamic wayfinding system and the TPMP would be part of project approval. In fact, the dynamic wayfinding system, signs directing fans to available parking, already is in place and operates during HP Pavilion events. The same system, with some additional sign locations, would operate for baseball games.

C7-36: This comment suggests that the Draft SEIR underestimates the frequency of situations in which simultaneous events occur at the proposed ballpark and HP Pavilion. A relative change in the frequency of such events from levels projected in the Draft SEIR would not change the conclusion of the impact analysis (which is based on the potential to exceed established congestion thresholds). Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C7-37: This comment suggests that the Draft SEIR does not include an analysis of the effects associated with simultaneous activities at the proposed ballpark, HP Pavilion, and other downtown venues. The Draft SEIR includes an analysis of the effects of simultaneous events at the project site and HP Pavilion. The traffic study includes a scenario that analyzes simultaneous sell-out events at the ballpark and the HP Pavilion, even though this convergence of events would be infrequent, and even when they occur, the likelihood of sell-out events at one or both venues is even less likely. In addition, the City of San José has done an extensive inventory of Downtown events in order to identify potential conflicts at other downtown venues. Most events attract fewer than 5,000 people, occur outside of baseball season, or occur on weekends. Most events occur on weekends when there is very little ambient traffic and there is adequate parking capacity. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark and Response to Comment C7-11.

C7-38: This paragraph summarizes the comments made in the preceding paragraphs of Section II.C with regard to simultaneous events at the ballpark, HP Pavilion and other venues in Downtown San Jose. These comments are addressed in Responses to Comments C7-35 through C7-37 and Master Responses referenced therein.

C7-39: This comment suggests that the TPMP discussed in the Draft SEIR is intended to reduce the significant effects of the project and, therefore, constitutes a mitigation measure. The comment makes the additional claim that if the TPMP is indeed a mitigation measure, its feasibility and efficacy are not supported by substantial evidence. The TPMP is not a mitigation measure intended to reduce or avoid significant impacts identified in the SEIR. The City of San José prepares a TPMP for all major events and facilities that require special operations of the transportation system. Please see Master Response Transportation, Circulation and Parking #5, TPMP.

C7-40: This comment questions the assumptions in the Draft SEIR regarding the extension of Autumn Street. The realignment of Autumn Street has environmental clearance, was approved by the City Council and is correctly shown on the San José 2020 General Plan Land Use/Transportation Diagram. The extension of Autumn Street is partially funded, and the City is actively seeking additional funds to complete the funding package and begin construction. Certain sections of the extension currently are in the design phase. Ballpark approval would be contingent upon the assured completion of the extension. Additional environmental review would be required if the City were to plan to open the ballpark prior to completion of the Autumn Street extension. Please also see Response to Comment C11-21.

C7-41: This paragraph summarizes the comments made in the preceding paragraphs of Section II.D with regard to traffic analysis scenarios evaluated in the Draft SEIR. These comments are addressed in Responses to Comments C7-3 and C7-40 and Master Responses referenced therein.

C7-42: This comments questions why the intersection of The Alameda and Race Street was excluded from the analysis of potentially affected intersections in the Draft SEIR. The statement in this comment that fans coming from I-280 might use Meridian Avenue, San Carlos Street, Race Street, and The Alameda is incorrect, although some fans from I-880 might use The Alameda. Most fans would not be driving to the site of the ballpark but would be driving to the location of parking. Only about 15 percent of the total parking supply is located near Bird Avenue. See Response to Comment C7-13 for an analysis of the intersection of The Alameda & Race Street.

C7-43: This comment suggests that the Draft SEIR neglects to evaluate the effects on the transportation system of demolition and construction activities associated with the project. The traffic impacts of construction of the ballpark would be much less than the impacts of the ballpark in operation. While construction might involve several hundred workers on site, the ballpark in operation would serve several thousand fans. Regarding parking, there are ample parking lots nearby that are underutilized and that could be leased for construction worker parking. Truck access to the site would not be reliant on the Autumn Street extension. Trucks could access the site from I-280 using Bird Avenue. Specific construction operations requirements, such as construction hours and truck haul routes, will be prescribed and included as conditions of subsequent discretionary development permits.

C7-44: As previously noted in Master Response Transportation, Circulation and Parking #4, Parking, more than sufficient parking for ballpark events, as well ballpark events combined with other Downtown events, exists in the Downtown. A TPMP, including wayfinding signage to available parking spaces within Downtown parking facilities, will facilitate the ability to locate those available parking spaces. The brief period of time that might be spent locating a parking space may be a bit inconvenient, but there is no evidence that this brief activity would result in an environmental impact, let alone a significant environmental impact. The Draft SEIR explains that in order for a scarcity of parking to rise to the level of creating a physical environmental impact, the ballpark parking demand would have to consume such a disproportionate share of available Downtown parking inventory that existing uses that rely on that parking become non-viable.

Recent amendments to the CEQA Checklist reinforce this perspective on parking contained in the Draft SEIR. Effective March 18, 2010, the California Natural Resources Agency ("CNRA") deleted text in the CEQA Checklist of environmental impacts that had asked if a project would result in inadequate parking capacity. The Final Statement of Reasons for Regulatory Action (Dec. 2009) explains that the reason for this deletion is recognition of the fact that there is no requirement for an EIR to identify measures to provide additional parking spaces if there is an anticipated shortfall in parking because the social inconvenience of searching for scarce parking spaces is not necessarily an environmental impact. Although CNRA recognized that scarce parking in some scenarios could lead to environmental impacts, such as traffic or air quality impacts, there is no evidence that this would be the case with the ballpark project because of the adequate parking supply in the area of the ballpark, coupled with measures in a TPMP that will assist persons in locating that supply. Additionally, as noted in the Master Response #4 for Parking, parking demand may be less than analyzed in the Draft SEIR in the long run due to the fact that the ballpark is located near the Diridon Station area, especially if a BART station (with or without a parking garage) is constructed.

CNRA also noted in the Final Statement that the relationship between parking and air quality impacts is unclear. While some might speculate that a scarcity of parking would lead to idling or cruising that results in increased carbon dioxide emissions, studies cited in the Final Statement suggest just the opposite: (i) that cruising behavior results not from the number of parking spaces available, but from the price of those parking spaces, and (ii) that providing parking actually increases greenhouse gas emissions by inducing a demand for those spaces; reducing parking availability can be a method of reducing greenhouse gas emissions.

These changes to delete inadequate parking from the CEQA Checklist were adopted and became effective during the drafting of the Draft SEIR and the rationales underlying these recent CEQA changes have been reflected in the updated analysis of parking contained in the Draft SEIR

Please see Master Response Transportation, Circulation and Parking #4, Parking.

C7-45: This comment claims that the assumptions underlying the analysis in the Draft EIR of the existing parking supply are unsupported and introduces the specific comments with regard to this claim that follow. Please see Master Response Transportation, Circulation and Parking #4, Parking and Responses to Comments C7-46 through C7-49.

C7-46: This comment questions the reasonable travel radius assumed in identifying the supply of parking around the project site. The assumptions with regard to the distances patrons would walk

from parking structures to the ballpark and the numbers of spaces available in various parking structures are supported by data and information available to the City. Some garages are more than ¾ mile from the ballpark. This is about a 20 minute walk. To the extent that fans were not willing to walk that far, the outcome would be that demand for closer parking would increase and prices would increase for nearby parking, which in turn would increase the likelihood of more private parking being provided, transit usage and carpooling. In either case, the impacts of the ballpark would be less than are described in the Draft SEIR. Please see Master Response Transportation, Circulation and Parking #4, Parking and Response to Comment C7-16.

C7-47: This comment suggests there are discrepancies between the parking supply identified in the Draft SEIR and the parking supply identified as part of the HP Pavilion TPMP. For the Comerica and Riverpark facilities the Draft SEIR lists the total spaces per facility while the HP Pavilion TPMP lists the spaces available at 6:30 PM. The 10 Almaden, 160 E. Santa Clara, and 90 S. Market facilities are currently not open during HP Pavilion events and not included in the HP Pavilion TPMP. Currently the demand is not sufficient for these private garage operators to open during HP Pavilion events; however, garages do open when the demand justifies the fixed costs of operation as many of them do today for downtown festivals and events. Please see Master Response Transportation, Circulation and Parking #4, Parking.

C7-48: This comment suggests that the parking inventory analysis in the Draft SEIR does not account for operational inefficiencies. The 85-90 percent cited in the comment is applicable to land uses such as shopping centers and is not applicable to a sports facility such as a ballpark. Please see Master Response Transportation, Circulation and Parking #4, Parking.

C7-49: This comment claims that the Draft SEIR lacks substantial evidence to support the finding that adequate parking is available in the vicinity of the project site. Adequate parking is available in the project vicinity for the reasons provided on pages 61 through 67 of the Draft SEIR. A parking shortage in and of itself is not considered a significant physical environmental impact as defined by CEQA. Please see Master Response Transportation, Circulation and Parking #4, Parking and Responses C7-45 through C7-48.

C7-50: This comment claims that the Draft SEIR fails to evaluate the parking supply that would be available prior to weekday games. Additional traffic and parking analysis was completed for a weekday afternoon baseball game, although the hours involved in these analyses generally fall outside of the City's LOS Policy. City of San Jose staff conducted surveys of several downtown parking lots and garages to determine occupancy and vacant spaces on a weekday afternoon. Attachment 1 to this First Amendment to SEIR fully describes the results of the analysis. In summary, it was determined that sufficient parking vacancy exists within the Downtown parking lots to accommodate a weekday baseball game. Please see Master Response Transportation, Circulation and Parking #4, Parking.

C7-51: This comment suggests that the analysis in the Draft SEIR underestimates the parking shortage in the vicinity of the project site that could result from implementation of planned projects. Planned projects were accounted for in the Draft SEIR analysis. Parking for the Diridon BART station has not been determined by that project's sponsor, although various options have been explored. It is most likely that BART parking would be shared with the ballpark because BART would need the parking primarily during the day on weekdays. BART parking would be available for

the ballpark, or HP Pavilion, at night and on weekends. High-Speed rail parking has not yet been defined in sufficient detail to allow any meaningful analysis. Please see also Master Response Transportation, Circulation and Parking #4, Parking.

C7-52: This paragraph summarizes the comments made in the preceding paragraphs of Section III with regard to parking impacts of the proposed project. The specific comments are addressed in Responses to Comments C7-44 and C7-51 and Master Responses referenced therein.

C7-53: This comment claims that the Draft SEIR fails to address potential impacts to emergency access and pedestrian safety associated with traffic congestion. For a general response, please refer to C7-18. Detailed responses to this claim are made in subsequent responses.

C7-54: This comment states that the Draft SEIR fails to identify impacts to pedestrian access and associated mitigation measures. The 2007 EIR analyzed a larger ballpark proposal. Other than the smaller seating capacity of the modified project, which actually reduces the vehicular and pedestrian volumes, there aren't any changed circumstances that would alter the conclusions the 2007 EIR or require further analysis. The City manages many events during the course of a year in Downtown, including events at HP Pavilion, and no sidewalk or intersection capacity deficiencies have been observed or reported. The SEIR includes possible TPMP improvements that could be incorporated as part of a project TPMP however, the final improvements would not be determined until project approval. This is the same successful approach that was implemented as part of the HP Pavilion project.

C7-55: This comment states that the Draft SEIR fails to identify impacts to emergency response services and associated mitigation measures. Environmental evaluation of the 2006 Stadium Proposal included discussions with local emergency service providers and resulted in the conclusion that no significant adverse impacts would result. As noted in Response to Comment C7-29, the modified project is smaller (by at least 9,000 seats), subject to minor roadway improvements, and absent the commercial component south of Park Avenue. There is no reason to suspect that the modified project would lead to adverse effects where the 2006 Stadium Proposal did not.

C7-56: This paragraph summarizes the comments made in the preceding paragraphs of Section IV with regard to the pedestrian and emergency access impacts of the proposed project. Detailed comments are addressed in Responses to Comments C7-3 through C7-55.

C7-57: This comment states that the transportation analysis in the Draft SEIR is inadequate because it does not consider the cumulative impacts of future projects planned in the area. Planned future projects were accounted for in the Draft SEIR analysis as identified in Section V.D, Cumulative Impacts, of the Draft SEIR. Please see Master Response Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan and Response to Comment C7-19.

C7-58: This comment suggests that the transportation analysis in the Draft SEIR is inadequate because it does not include a quantitative analysis of impacts generated by the proposed HSR project in conjunction with the proposed project. The impacts of HSR parking are addressed qualitatively in the cumulative analysis of the Draft SEIR; parking for the HSR project has not yet been defined in sufficient detail to allow meaningful quantitative analysis. Please see Master Response

Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan.

C7-59: This comment suggests that the parking analysis in the Draft SEIR is inadequate because it does not take into account changes in parking supply and demand associated with the planned BART project. BART is included in the cumulative analysis. No parking scheme for BART has been finalized. Options are to build a new parking garage near the proposed BART station or to add a deck to the HP Pavilion parking lot. In either case, the parking could be shared with the ballpark because BART parking demand typically occurs on weekdays during the day. If HP Pavilion were to refuse to share that parking and instead use it only for HP Pavilion patrons, it would still reduce the need for HP Pavilion patrons to use other, off-site parking within the Downtown and so additional parking in the Downtown would become available. If BART is built with parking, the impact would be two fold. First, the parking supply would increase by as much as 1,200 spaces, and second, the access to BART would provide much greater opportunity for fans to use mass transit, both reducing the traffic and parking demands discussed in the Draft SEIR. Please see Master Response Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan and Master Response Transportation, Circulation and Parking #4, Parking.

C7-60: This comment suggests that the Diridon Plan is not included in the cumulative analysis in the Draft SEIR of potential transportation and parking impacts. The development of the Diridon Station Area Plan project description is in its early stages. Therefore, the ballpark SEIR cannot quantitatively consider the Diridon Station Area Plan, even though it is reasonably foreseeable as a concept, because that project description is speculative and subject to change. Sufficient project information for the Diridon Station Area Plan is not available for consideration in the parking analysis of the ballpark. Please see Master Response Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan.

C7-61: This comment suggests that the Draft SEIR fails to disclose the project's significant contribution to cumulative LOS impacts in the 6:00-7:00 time period and associated mitigation measures. The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation Level of Service (LOS) Policy and the Santa Clara County Congestion Management Program (CMP). It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods and Response to Comment C7-27.

C7-62: This paragraph summarizes the comments made in the preceding paragraphs of Section V with regard to the cumulative transportation impacts of the proposed project. Detailed comments are addressed in Responses to Comments C7-3 through C7-55.

C7-63: The concluding section of the comment letter reiterates the author's claims that the Draft SEIR must be revised to disclose significant transportation impacts of the proposed project, identify feasible measures to avoid or mitigate those impacts, and correct errors and omissions identified in the comment letter and that the Draft SEIR must be recirculated. The City disagrees with the author's conclusions for the reasons provided in the preceding responses to comments. The Draft SEIR analyzes the transportation effects of the proposed project in accordance with City and CMP policies and procedures, disclosing significant impacts where they are predicted to occur. Feasible mitigation measures are recommended; where mitigation is not feasible the impacts are identified as significant

and unavoidable. Because none of the circumstances noted in the letter's concluding paragraphs that require recirculation of the Draft SEIR under CEQA have occurred, the Draft SEIR does not require recirculation prior to consideration by the Planning Commission, or City Council on appeal, for certification.

Letter
C8

March 18, 2010

Joseph Horwede, Director
Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd floor
San Jose, CA 95113

Re: Project File No: PP05-214

Dear Mr. Horwede,

Our company, Pitco Foods, rents a large facility bounded, roughly, by Cinnabar on the south, the Caltrain tracks on the west and CEMOF drive on the east. The principal method of ingress for the many trucks that service our facility daily is via northbound Autumn Street. This requires traversing a set of railroad tracts that are near and roughly parallel to Cinnabar.

We have learned that some years ago, without notice to our company, our landlord or any of the surrounding property owners or lessors that the city of San Jose agreed to decommission and close the railroad crossing over which our delivery trucks must travel on their inbound deliveries and pick ups. 1

In connection with the amended EIR related to the proposed Baseball stadium, we once again advise that the city has failed to take into account the environmental impact on the areas adjacent to and effected by the opening of "new" Autumn Street and the closure of "Old" Autumn at the rail road crossing.

The plan currently proposed by the City (to permit the commissioning of the crossing guard at new Autumn) has significant negative environmental effects on the area bounded by Julian, Montgomery Cinnabar and Old Autumn.

This includes, but is not limited to the following:

1. Significant and unacceptable levels of traffic on Montgomery, as it will be forced to accept 100% of the traffic that now uses old Autumn. 2
2. The loss of significant amounts of parking in the area, which suffers from grossly insufficient parking for current uses. 3
3. Truck turns designed to require big rigs to cross the center line at CEMOF/Cinnabar and Cinnabar/Montgomery. This is an invitation to a head on collision. 4

I am attaching a letter prepared on our behalf which further details the issues that will exist if the revised EIR is approved. 5

We ask that the revised EIR be found inadequate for its failure to address these problems.

Very truly yours,

Reza Neghabat
Pitco Foods

PITCO Foods, 567 Cinnabar Street, San Jose, CA 95110 Tel: 408.727.4826, Fax: 408.282.9711, www.pitcofoods.com

Letter
C8
cont.

EST. 1929
MILLER MORTON CAILLAT & NEVIS, LLP
ATTORNEYS AT LAW

June 25, 2009

Via Hand Delivery and Certified Mail

Mr. James R. Helmer
Director of Transportation
City of San Jose
200 E. Santa Clara Street, 8th Floor
San Jose, CA 95113

Mr. Joseph Horwedel
Director of Planning
City of San Jose
200 East Santa Clara Street, 8th Floor
San Jose, CA 95113

Mr. Renée Cordero
Department of Transportation
City of San Jose
200 E. Santa Clara Street, 8th Floor
San Jose, CA 95113

Mr. Manuel Pineda
Department of Transportation
City of San Jose
200 E. Santa Clara Street, 8th Floor
San Jose, CA 95113

Re: Project: Street Closure of Autumn Street

Gentlemen:

BACKGROUND

This firm represents Pacific Groservice which does business as Pitco Foods ("Pitco"). Pitco is a locally founded company, established in San Jose more than thirty years ago. It has now grown to a statewide presence, serving more than 9,000 customers. As more fully discussed below, Pitco provides food and other products to markets, restaurants, delis and grocery stores.

On June 18, 2009 Pitco received notice for the first time, from any source, formal or informal, that the City of San Jose was contemplating the closure of Autumn Street. This closure would choke off large truck and automobile access to Pitco's San Jose headquarters in such a manner as to threaten the ongoing viability of its operations. Because Pitco's management views this matter as directly bearing on its very ability to continue operations, it wishes to alert the City to the fact that if the proposed plan is implemented it will have no option but to utilize all of its financial assets and other capabilities to protect access to its San Jose facility. While Pitco certainly does not wish to become embroiled in lengthy and expensive litigation and will work diligently to find an alternative, if the City proceeds as planned, it will have no other option.

6

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Letter
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cont.

Pitco is a tenant at 567 Cinnabar Street (the "Cinnabar Facility") which will be gravely impacted by the referenced project. Pitco operates a 150,000 square foot food warehouse and distribution facility at the Cinnabar Facility which also engages in sales directly to customers/members.

RECENT NOTIFICATION

Pitco recently received written notice informing it that the City of San Jose is planning a street closure adjacent to its Cinnabar Facility which will have a dire effect on Pitco's business. The purpose of this letter is to explain the ramifications of the proposed closure of Autumn Street and to advise the City of the legal counter-measures that Pitco will be forced to employ to protect vehicular access to the Cinnabar Facility. Pitco views this issue as controlling the very survival of its business.

PROPOSED ACTION

The Cinnabar Facility has warehousing and sales areas for food and other consumables. The Cinnabar Facility is serviced by five loading docks which abut the now abandoned Lenzen Avenue. Trucks up to 72 feet in length make their way from West Julian Street to the Cinnabar Facility by making a right turn from Julian on to Autumn Street and then a left turn from Autumn Street on to Cinnabar. Departing traffic follows the same route in reverse.

6 cont.

The City now proposes to close Autumn Street before its intersection with Cinnabar Street, thereby destroying Pitco's access to its Cinnabar Facility. In addition, the proposed closure of Autumn will deny the Cal-Train Maintenance Yard ingress and egress.

The City apparently proposes to provide access to Cinnabar Street exclusively through the only remaining north-south route in the area: Montgomery Street.

For the reasons set forth more fully bellow, this approach, if it were feasible at all, would create profound problems with access, parking, and traffic safety for Pitco as well as The Cal -Train facility and all of the properties abutting Montgomery Street.

NATURE OF PITCO

Pitco is an important corporate citizen, both in its own locale and for the City of San Jose in general. It operates a membership-based discount food warehouse. It also provides logistics and distribution services for food and other consumer products. The Cinnabar Facility is in operation around the clock.

Letter
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cont.

Pitco's customers are typically convenience stores, restaurants, small and medium size food resellers, and affiliated companies.

Four Hundred Million Dollars ($400,000,000.00) per year in merchandise flows into and out of the Cinnabar Facility. This economic activity creates significant tax revenues for the City, the County, and the State.

Pitco employs almost 200 individuals at the Cinnabar Facility, with an annual payroll of approximately $7 million.

6 cont.

The Cinnabar location is supplied by large trucks, up to 72 feet in length. These are operated by third parties and Pitco has limited control over the timing of the arrival and departure of this truck traffic.

Pitco also maintains and utilizes a fleet of its own trucks to distribute product from the warehouse to its customers' locations, as well as its own warehouse locations across the state.

It bears noting that the Cinnabar Facility is the distribution hub for three other large Pitco facilities located around the State. Any disruption or delay of product shipments from the Cinnabar Facility would have an immediate and devastating impact on the remainder of Pitco's operations, statewide.

CUSTOMER TRAFFIC

Pitco directly serves 350 customers per day on average. Each of those customers relies on Pitco to maintain an inventory and supply their needs.

These customers create 350 inbound trips (each trip a "traffic event") and a corresponding 350 outbound trips per day, for a total of 700 traffic events daily.

7

It should be noted that these customers are "bulk buyers" and generally arrive in trucks, panel trucks or vans to transport their purchases.

EMPLOYEE TRAFFIC

As mentioned, the facility employs almost 200 individuals. Each of these employees must arrive at and depart from work each day, creating an additional 400 daily traffic events.

Letter
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cont.

THIRD-PARTY SUPPLIERS

On average, each day, 40 or more large trucks bring cargo to the Cinnabar Facility. These trucks range from a minimum of 40 feet up to 72 feet in length and are difficult to navigate in cramped confines or in areas with a limited turning radius.

These trucks create an average of 80 traffic events daily.

DISTRIBUTION TRUCKS

Pitco owns and maintains its own fleet of trucks that deliver product directly to customers and to its other statewide facilities. These trucks also range up to 72 feet in length.

Approximately 35 such trucks are dispatched and return each day, creating another 70 traffic events involving large trucks.

7 cont.

SALES REPRESENTATIVES

Each day, Pitco is visited by an average of 15 salespersons, representing various vendors who are attempting to service Pitco as an existing account or to make new sales.

These vendors thus create an additional 30 traffic events per day.

TOTAL TRAFFIC

The current Autumn Street/Cinnabar Street connection currently services as many as Thirteen hundred (1,300) traffic events per day.

Apparently, the City now proposes to provide ingress to and egress from Cinnabar exclusively through Montgomery Street, which would remain as the one and only other north-south bound street in the area if Autumn is closed

OPERATIONAL IMPOSSIBILITY.

For the reasons set forth below, we do not believe that it is physically possible to accommodate this traffic on Montgomery.

8

Montgomery Street is a narrow, residential street. The current parking configurations on Montgomery Street and Cinnabar Street absolutely preclude the ability of large trucks to make the turn on to or off of Montgomery from Julian, and likewise preclude trucks from turning left or right onto Cinnabar from Montgomery.

Letter
C8
cont.

Even removal of all on-street parking on Montgomery and Cinnabar does not safely confer enough turning radius for the large delivery trucks that serve the Cinnabar Facility.

Moreover, Montgomery Street currently services another commercial enterprise: T&S Produce. Delivery trucks to T&S customarily double-park and/or block Montgomery Street.

Montgomery Street is simply insufficient to handle the simultaneous arrival and departure of Pitco customers, supply trucks, delivery trucks, and employees while serving the needs of the property owners adjoining Montgomery.

The likely daily disruptions at the Julian/Montgomery and Cinnabar/Montgomery intersections which would be caused by trucks inevitably attempting to simultaneously arrive and depart guarantees not only gridlock on Cinnabar and Montgomery, but also traffic disruption backing up onto West Julian Street. If traffic is blocked on West Julian because of blockage of Montgomery or simultaneous big rig turns on to and off of Julian, the flow of traffic on Julian will stop. Of course West Julian is an entrance to and exit from Highway 87 and is a major east-west access to downtown. Thus, the plan to provide easier access to the HP pavilion and other facilities being considered would backfire and make access more difficult.

8 cont.

Of course, all of these problems will be compounded when the traffic from the Cal-Train Maintenance Yard, including its employees, fuel trucks, and supply trucks are added into this traffic bottleneck.

The City may be able to hypothetically address the problem of insufficient turning radius by removing parking on Autumn and Montgomery. The City may even be able to demonstrate that the funneling of all the Autumn traffic onto Montgomery meets maximum capacity restrictions. The problem is that the confluence of these two issues means that the inherent problem of mixing Pitco's logistic traffic and customer traffic simultaneously on Montgomery will not be solved by either remedy, independently or together.

CONCLUSION

Under no conceivable circumstances can Montgomery Street safely and efficiently handle the magnified traffic flow that will inevitably result from the closure of Autumn Street.

9

Letter
C8
cont.

Removing some or all of the parking from both sides of Montgomery and Cinnabar is no solution at all to this problem. Not considering the parking problem that would result, there simply is not enough room on Cinnabar or Montgomery to accommodate the turning requirements of the type of vehicular traffic that would be forced on to Montgomery.

This closure is viewed by the management of Pitco as nothing less than a cataclysm that will destroy its business not only in San Jose, but also across the State, due to the hub function which the Cinnabar Facility serves.

Pitco's management, engineers, and legal counsel plan on attending the hearing now set for July 1, 2009. We look forward to exploring options to keep the Autumn/Cinnabar intersection open.

9 cont.

I have been asked to relay to you that because Pitco's survival is dependent upon it, if we cannot reach an agreement under which Autumn is kept open, Pitco will have no option but to seek an injunction and/or writ of mandate to prevent this ill-conceived closure. We trust that that will not be necessary and will work with you to prevent that.

Make no mistake however; closure of Autumn is simply not a viable option for Pitco and it has committed all of its focus and assets to preservation of workable access via Autumn.

Very truly yours,

MILLER, MORTON, CAILLAT & NEVIS, LLP

By:
JOSEPH A. SCANLAN, JR.

JAS/wc
cc: Client
Sam Liccardo, City Council-District 3

COMMENTOR C8
Pitco Foods
Reza Neghabat
March 18, 2010

C8-1 through C8-9: *All of the comments included in the March 18, 2010 letter and the attached letter dated June25, 2009 are directed at the Autumn Street re-alignment and closure of "Old" Autumn Street. The commenter is clearly opposed to the closure of Old Autumn Street based on the claim that the closure will negatively affect access to their business site.*

A detailed response to each of the comments is not required as the realignment of Autumn Street and closure of Old Autumn Street is an independent project that will occur with or without the proposed ballpark project. The Coleman Avenue/Autumn Street Improvement Project (PP06-166) has CEQA clearance under a Final Integrated Focused EIR certified by the Planning Commission January 30, 2008. The project is currently moving forward with partial funding already identified. Information about this project has been previously conveyed to the property owner in correspondence from the City which is available in the public record.

The objective of the Autumn Street realignment and widening project is to provide additional roadway capacity in the Coleman-Autumn corridor in order to adequately accommodate projected traffic demand resulting from additional development and intensification. The proposed improvements are a key component of the *Downtown San José Strategy 2000 Plan*, a long-term plan for development in the greater downtown area which is independent of the ballpark. The Downtown Strategy was approved by the San José City Council in June 2005.

Autumn Street, between Park Avenue and Santa Clara Street will be converted from 1-way to 2-way traffic and will be widened to include two lanes in each direction. Most of the widening will occur along the east side of Autumn Street. Between Santa Clara Street and Saint John Street, Autumn Street will be widened to allow for up to four lanes of traffic during peak events at the adjacent HP Pavilion. During normal operations, the roadway will be striped for one lane in each direction and on-street parking will be permitted. Between Park Avenue and Santa Clara Street, Montgomery Street will become a minor 2-way street with a cul-de-sac constructed at the southerly end.

Letter
C9

SAN JOSE DOWNTOWN ASSOCIATION

28 N. FIRST STREET
SUITE 1000
SAN JOSE, CA 95113
TEL: 408-279-1775
FAX: 408-279-1904
WWW.SJDOWNTOWN.COM

March 24, 2010

Darryl Boyd, Principal Planner
Department of Planning, Building & Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

RE: Draft Supplemental Environmental Impact Report File No. PP05-214

Dear Darryl:

The San Jose Downtown Association has taken the opportunity to review the referenced EIR document and submits the following comments and observations:

PARKING FACILITIES

There are three options presented for parking facilities: 1,200 space structure at Montgomery/Autumn; 1,300 space structure at HP Pavilon; and, a "no parking structure: option" utilizing existing public/private facilities. 1

The Association favors the "no parking structure" option, which utilizes the abundance of existing (and future) public and private parking facilities in the greater Downtown Area for the following reasons:

- The Arena parking plan has proven successful, and can be expanded to accommodate a baseball stadium operation with the substantial inventory of parking spaces available in the Downtown Core. Fans and businesses are better served by shopping and dining options; and the walk to the games and events at the stadium become part of the experience. 2

- Reinforces the vitality of the existing and expanding commercial and entertainment districts in the Downtown Core.

- The "no parking structure" option avoids substantial project and environmental costs, while encouraging use of public transit.

- The Montgomery/Autumn site would be preserved for private development opportunities.
- Mitigates impact on primarily residential neighborhoods west of the stadium by directing a majority of traffic into the Downtown Core.
- The "no parking structure" option, in our opinion, is the best of the three presented in the EIR to accommodate the development of smaller parking structures in the vicinity of the stadium that could serve existing and shared uses.

2 cont.

If a 1,200 or 1,300 space parking structure were concluded as necessary for the project, consideration should be given to locating the structure on the "Greyhound Site" at San Fernando Street and Almaden Avenue. This site is the top priority in the Downtown Parking Management Plan for the City of San Jose's next public parking facility serving Downtown. A potential public parking facility in this location would be within a very reasonable walking distance to the sports venues in the Diridon area.

3

PUBLIC SERVICES

The Association and downtown property owners, in a private-public partnership with the City, has established a "clean, safe and beautiful" program for the Downtown area through a Property Business Improvement District (PBID). The PBID provides enhanced cleaning, safety ambassador and image enhancement services.

Public comments regarding a Ballpark have included concerns about maintenance. Incorporation of an expanded PBID program, also known as Groundwerx, for the Diridon and surrounding areas has been suggested. The Association, with the cooperation of the City, is open to the logical expansion of Groundwerx to serve the greater Diridon area.

4

INFRASTRUCTURE

The main pedestrian connections between downtown and the ballpark will be along San Fernando Street, Park Avenue, and Santa Clara Street. Each of these streets passes under Highway 87. Substantial improvements to lighting, sidewalks, landscaping and street furniture, particularly under the freeway and especially on San Fernando and Park Avenue, are needed. Special attention and design will be essential at the San Fernando bridge over Los Gatos Creek and the on/off ramps for Hwy 87 on Park Avenue. VTA facilities in this area, including the maze of lights and crossing obstructions at the intersection of Delmas and San Fernando need to be better designed and more efficient.

5

The project will encompass a section of the Los Gatos Creek within its footprint. The creek must be considered an asset and incorporated into the project design from the beginning. Wherever possible, sections of the creek trail should be developed in order to expedite completion of the entire reach from the ballpark to the confluence with Guadalupe River.

6

Building heights in the project area should be allowed to the FAA maximum.

7

Letter
C9
cont.

Special consideration should be given to the architecture of the stadium, as these facilities become civic icons for the communities they serve. Quality and durability of materials, context with surrounding uses (residential, HP Pavilion, creek, etc.) and excellence in architectural design are expected from a project of this magnitude and importance. 8

TRAFFIC and PARKING MANAGEMENT PLAN (TPMP)

Most all parties involved with the Arena operations have attested to the success of the TPMP that was initiated and implemented for the Arena. Expansion of the TPMP to incorporate the Ballpark is imperative. Additionally, oversight will be critical to the success of the Ballpark, as it has been to the Arena, to assure that plans and mitigation set forth for the Ballpark are implemented. Consequently, the San Jose Arena Authority's role, or similar oversight entity, should be expanded for the Ballpark. This will be especially important for coordination between HP Pavilion and Ballpark events when both venues are busy at same time.

A critical element in the TPMP will be the traffic control plan to facilitate ingress and egress with emphasis on motorist information, the decentralized parking plan, neighborhood protection and to promote transit use. Either the expansion of the existing DASH shuttle service or a separate sports venue shuttle service should be considered in the TPMP. 9

With the continued collaboration and creativity of all parties, an expanded TPMP and oversight authority will assure that the concerns of surrounding residents and businesses are addressed, while providing visitors and fans a rewarding experience when attending events in the Diridon Station area.

Thank you for consideration of our comments.

Sincerely,

Henry Cord
San Jose Downtown Association representative
Diridon Station Area Good Neighbor Committee

cc:
Mayor Chuck Reed and San Jose City Councilmembers
Joe Horwedel
Scott Knies
SJDA Board of Directors

COMMENTOR C9
San Jose Downtown Association
Diridon Area Good Neighbor Committee
Henry Cord, Representative
March 24, 2010

C9-1: This comment, which summarizes the three parking options discussed in Chapter III, Project Description, of the Draft SEIR, is noted.

C9-2: This comment, which expresses support for the no parking structure option and does not pertain to the adequacy of the Draft SEIR, is noted. This comment will be considered by the City prior to making a decision on project approval.

C9-3: This comment suggests that – if the parking structure option were to be selected for the project – the structure should be located at the intersection of San Fernando Street and Almaden Avenue. This comment, which pertains to the merits of the project and not the adequacy of the Draft SEIR is noted, and will be considered by the City.

C9-4: This comment, which expresses support for an expanded Business Improvement District (BID) encompassing the project site, is noted. The City will consider this suggestion. No additional response is required.

C9-5: The improvements to pedestrian routes described in this comment will be considered by the City as part of general multi-modal improvements to the area. Please refer to page 60 of the Draft SEIR for a discussion of the ability of existing crosswalks along Santa Clara Street to handle the increased volume of pedestrians generated by the project. No additional response is required.

C9-6: The improvements to Los Gatos Creek described in this comment will be considered by the City as part of efforts to restore and improve creeks in the City. No additional response is required.

C9-7: This comment, which pertains to maximum building heights and not the adequacy of the Draft SEIR, is noted. Building height, massing, and architecture will be among the issues considered by the City prior to making a decision on the project.

C9-8: Please see Response to Comment C9-7.

C9-9: This comment suggests refinements to the Traffic and Parking Management Plan (TPMP) that would be implemented as part of the proposed project. These refinements, which may increase the effectiveness of the TPMP, are noted and will be considered by the City when a detailed TPMP is developed. Please also see Master Response Transportation, Circulation and Parking #5, TPMP.

Letter
C10

Boyd, Darryl

From: Shirley Nakamiyo [shirleynakamiyo@sbcglobal.net]
Sent: Thursday, March 18, 2010 8:57 PM
To: Boyd, Darryl
Subject: request from Save Our Trails

We are requesting that the trail route be reviewed from south of the ballpark to include the trail extension from the nearest points of the Los Gatos Creek Trail (Lonus Ave) to the ballpark as repeatedly promised to the public by the San Jose Redevelopment Agency and City of San Jose representatives. **1**

We also request that the trail route from north of the ballpark include a trail extension from the Guadalupe River Trail at it's confluence point. This trail will provide mitigation measures for traffic impacts, park impacts, pollution impacts and an alternative for the amount of vehicular parking proposed. **2**

Thanks for your cooperation and understanding in this manner!

Shirley Nakamiyo [committee member for Save Our Trails]

COMMENTOR C10
Save Our Trails
Shirley Nakamiyo, Committee Member
March 18, 2010

C10-1: The comment is a request for review of the Los Gatos Trail route in the vicinity of the proposed project and a potential connection to the ballpark. The development of trail projects is independent of the ballpark. However, the suggested review of various trail alignments and connection to the ballpark will be considered during the project review of a specific ballpark design. The modified project analyzed in the Draft SEIR eliminates the development of the Fire Training Facility and accordingly any direct effects on the Los Gatos Creek Trail Reach 5 alignment. The City Council approved a Master Plan for Reach 5 in June 2008.

C10-2: The comment is requesting a Guadalupe River Trail extension be provided by the project as a mitigation measure for traffic, park and pollution impacts. The modified project would not result in local traffic or parks impacts that require mitigation. The traffic analysis prepared for the Draft SEIR assumes over 3 percent of the ballpark trips would be pedestrians or bicycles, which includes trail usage. Further consideration of the project's connection to trails will be included in the project review of a specific ballpark design proposal. The City will consider these suggestions for trail linkages as part of City-wide trail development efforts and as part of the Transportation Demand Management (TDM) Program required as part of Mitigation Measure TRANS-1.

Letter
C11

Shasta/Hanchett Park Neighborhood Association

P.O. Box 28634 ▪ San José, CA 95159 ▪ info@shpna.org ▪ www.shpna.org

May 29, 2010

City of San Jose
Department of Planning, Building and Code Enforcement
Attention: Darryl Boyd, Principal Planner
200 East Santa Clara Street
San José CA 95113-1905
Darryl.Boyd@sanjoseca.gov

Dear Mr.Boyd,

Attached are comments and questions on the Supplemental EIR for the proposed baseball stadium near Diridon Station, from the Shasta/Hanchett Park Neighborhood Association.

We look forward to the written responses from the City to these comments. Because this is an important and complex project, we hope the City will consider our (and others) comments carefully, and give the community sufficient time – 3 weeks should be the minimum - to review the written responses when they are published, before proceeding formally to approve the S-EIR. Given the anticipated length of the comments and responses, the City should allow more than the minimum time required by CEQA. **1**

Thank you.

The Shasta/Hanchett Park Neighborhood Association, Board of Directors

Helen Chapman

Helen Chapman, President

Shasta/Hanchett Park Neighborhood Association

General Comments

1. The Supplemental EIR does not analyze several significant scenarios. Without including these scenarios, the S-EIR does not give an accurate or complete picture of the conditions and impacts that can reasonably be expected as a result of the proposed baseball stadium.

    a. Concurrent downtown festival and baseball game.
    Per the S-EIR: "It is a desired outcome, addressed in the 2005 Downtown Strategy 2000 Final EIR, for the Downtown to host multiple events, festivals, and cultural activities, some of which will occur concurrently with baseball and/or HP Pavilion events, reflecting a Downtown that is a major entertainment destination." **2**

    Both festival events and baseball games are frequently scheduled for Thursday evenings, Friday evenings, and on weekends during the summer season - baseball has home games almost every second weekend. So it is predictable that this concurrent event scenario will happen with some frequency. But the S-EIR does not address it. How often will this happen? What is the expected size of festival events? What is the combined impact on parking and traffic?

    b. Three event scenario: baseball, HP Pavilion event, and downtown festival event.
    Friday night is a popular night for events at HP Pavilion, so it is likely that three event situations will occur. What is the impact? **3**

    c. Week day baseball game.
    The A's have about a dozen home, weekday afternoon games in this season's schedule. This schedule is unlikely to change, so this is again a predictable, regular event that should be analyzed. Even if attendance is unlikely to be sellouts (an assertion that needs supporting evidence, including the likely attendance during the first few 'honeymoon' years of stadium operation.), the S-EIR should analyze the impacts of various probable attendance levels (20,000 fans? 25,000 fans? 30,000 fans? It won't be 0 fans, which is the de facto assumption made by ignoring this scenario). Note that this scenario has the potential to result in serious traffic and parking problems throughout downtown San Jose during the working day, affecting business operations, so it deserves to be seriously considered. **4**

    What is the current week day ambient parking utilization in downtown San Jose? If it's only 50%, then there would be about 14,450 spaces available, with only about 9,250 within ¾ mile of the stadium. A baseball crowd of 21,000 would stress this supply. If the ambient occupancy is 60%, there would be 11,548 spaces available in all downtown, with 7,385 **5**

with ¾ mile of the stadium. A stadium crowd of just 17,000 would exhaust this supply. **5 cont.**

Also, a baseball game starting at 12:30 or 1:00 PM has the potential to last 3 hours or longer. After fans take 30 to 60 minutes to exit the stadium and walk back to their cars, they will contribute to the 4:30 to 5:30 PM peak rush hour on local streets and freeways. The S-EIR should analyze this impact. **6**

d. Concurrent week day baseball game and HP Pavilion event.
Day events at the HP Pavilion now periodically create difficult conditions around the Diridon Station area, resulting in traffic advisories to avoid the area. What would be the result if a baseball game is scheduled at the same time? Can this potential conflict be avoided? How? What would happen to the parking supply? **7**

e. Concurrent soccer game/event and baseball game.
The soccer and baseball seasons have substantial overlap, so it is probable that games will happen on the same day with some frequency. The soccer stadium operators are planning on holding other events at this site, as well, most likely during the summer. What is the impact of these concurrent events? There is obvious potential for substantial impacts on I-880 traffic, at least. The S-EIR should analyze this scenario. **8**

f. Possible 4 event scenario (baseball, hockey/concert, soccer/event, downtown festival/Arena Green event)?
Without closely coordinated scheduling, this is a real possibility on a weekend. What would happen? **9**

These scenarios are not hypothetical worst case situations, but are predictable, frequently re-occurring events every year. It is not enough to just say that these scenarios are not required by CEQA, without, at a minimum, explaining the justification/rationale for ignoring them. Better yet, they should be analyzed, and the impacts/mitigations declared. **10**

The S-EIR does say: "The operations of multiple concurrent Downtown events would be coordinated by the City and the event operators through the Traffic, Parking, and Management Plan process, as has successfully occurred in the past." But if the solution is to avoid concurrent events, the S-EIR should explain the scheduling mechanism for avoidance. Who will coordinate the scheduling among the various parties involved, including professional baseball, hockey, and soccer, the Arena Authority, and festival organizers? Who has the authority to resolve and enforce scheduling conflicts? Will downtown festival scheduling have to accept the lowest priority? **11**

If the solution is to solve all problems with a super-SMTP process, we need to know the nature and scale of the anticipated problems – i.e. we need an analysis **12**

of these concurrent scenarios – before it is credible that an SMTP process is the solution. See point 3 below for more comments on SMTP. **12 cont.**

2. EIR uses inconsistent time periods for various aspects of the scenarios; result is that EIR does not give an accurate or credible picture of real conditions for any given scenario and time period.
    a. The time distribution given for parking indicates 29% of drivers will arrive in the 5 to 6 PM time period, and 59% in the 6 – 7 PM time period.
    b. Traffic for local streets is analyzed for both the 5 – 6 and 6 – 7 PM time periods. **13**
    c. Freeway traffic is analyzed only for the 5- 6 Pm time period.
    d. Pedestrian flow is only vaguely described as spread over a two-hour period based upon the arrival of fans
    e. Parking availability is based on a survey taken at 7PM

3. Both the original EIR and the S-EIR answer many traffic and parking concerns with the assertion that they will be resolved through a Traffic, Parking, and Management Program (TPMP). This response is inadequate. It is not supported by any evidence, and is contradicted by real world experience: **14**
    a. The problem created by baseball is much larger than the current situation with an event at HP Pavilion. A baseball stadium alone will have double the number of fans attending a game. With concurrent baseball and HP Pavilion events, there will be three times as many attendees. It is not reasonable to simply accept on faith that the current TPMP procedures will address this problem. **15**
    b. Even now, single events at HP pavilion cause serious disruptions in the transportation network. For example, in Feb. 2010 alone:
        i. A Traffic Alert issued for an event at HP pavilion said "Use an alternate driving route. Avoid using Highway 87, Santa Clara, Julian, Autumn, Montgomery streets and the general HP Pavilion area.". How often might this advice be issued with a baseball stadium? Avoiding the area is not an answer for people who live and work near-by. **16**
        ii. Santa Clara St. was blocked for 1 to 2 hours in front of HP pavilion, creating lengthy traffic backup and delay to and from downtown San Jose. Again, should we expect this for every baseball game? Just for every day game?

    The S-EIR must be much more explicit in explaining how these issues can be and would be satisfactorily addressed by a TPMP. Is there a comparable example of a city where this has been done? How geographically widespread does the TPMP need to be? How many police officers would be required to implement a TPMP? How is the balance struck between the needs of the fans and the needs of local residents and businesses? **17**

4. The S-EIR should address the status of the fire engine company of Station 30 at 454 Auzerais Avenue. According to the Initial Study, Appendix B p.55, section 4.13.1, this company has been named in the "2009-2010 San Jose Proposed Operating Budget Summary" as a candidate for elimination. The combination of the identified decline in the LOS at major intersections caused by the proposed stadium and the extra emergency needs of the stadium will make this fire company critical in the event of a major disaster at the Baseball Stadium. Since the City still faces similar or greater projected budget deficits, this company needs to be identified as a crucial resource. Closing this fire station while still going forward with the Baseball Stadium project would severely impact the public safety of the surrounding areas. **18**

5. Again in the Initial Study, Appendix B p.55, section 4.13.1, does not mention Cahill Park in the list of neighboring parks at ¼ mile distance. What are the potential impacts on Cahill Park from baseball fans? What are potential impacts on nearby residents? Is this a likely area for tailgating before and after games? Will there be noise issues? Trash issues? Will extra police patrols be required? **19**

Traffic Comments

1. The S-EIR does not have any analysis of Coleman intersections. This analysis should be added. Traffic from I-880 on Coleman would be significant – the freeway segment numbers for I-880 indicate that almost 250 vehicles will exit onto Coleman in the 5 to 6 PM time period (by extension, this would be nearly 500 in the 6 – 7 PM time period). There are a couple of questions related to this subject. **20**
    a. Does the City have the funding and commitment to complete the Autumn St. extension before the potential stadium opening? **21**
    b. What is the potential economic impact on the shopping center at Taylor and Coleman? **22**
        i. From traffic congestion, discouraging shoppers going to this area
        ii. The shopping center is within the projected 1 mile walking distance to the baseball stadium. Will baseball fans fill up the parking lot? How will baseball fans be discouraged from parking here?

2. Freeway analysis only covers 5 to 6 PM; it does not cover 6 to 7 PM "although project traffic is expected to peak after 6:00 p.m". In fact, the S-EIR predicts that twice as many vehicles (59%) will arrive at parking lots in the 6 – 7 PM period than in the 5 – 6 PM period (29%). A rough calculation, assuming that the background traffic in the 6 – 7 PM period is 70% of the 5 - 6 PM period, shows that freeway traffic after 6PM will be nearly as heavy as the earlier period, as a result of the baseball stadium. **23**

    Ignoring the 6 – 7 PM period misses the cumulative impact of freeway congestion. The duration of the freeway congestion is a significant feature of the conditions created by a baseball stadium. It will cause people to permanently change travel routes and avoid travel through or near downtown San Jose, distorting job and housing choices, and changing economic behavior. If the S-EIR does not include this time period, it is not a complete and accurate representation of the conditions created by the stadium. **24**

    Ignoring the 6 – 7 PM period also means that the S-EIR can ignore the impact of the concurrent event scenario (HP Pavilion event plus baseball game), on the premise that "the same freeway impacts would be experienced with or without a concurrent Sharks game at the HP Pavilion. This is true because a Sharks hockey game does not add much traffic to the freeways between 5:00 p.m. and 6:00 p.m. (the games start at 7:30 p.m.)." It is possible that this scenario and time period is the worst case for at least some freeway segments. The S-EIR needs to include an analysis of it. **25**

3. The drop-off traffic assumption of 0.6% seems very low. What is the evidence from comparable situations that this is correct? A Sharks game is not an **26**

appropriate example, because the HP pavilion has guaranteed close-by parking (almost all within ½ mile). A large portion of baseball parking will be much further away, encouraging drivers to drop-off passengers at the stadium to save them the long trek from parking.

26 cont.

4. Soccer stadium traffic is not included in the study. It should be.
The S-EIR says: "The potential soccer stadium project that is to be considered at some point in the future is not specifically included in this cumulative traffic analysis. . . . The potential soccer stadium would add traffic to only 2 of the 24 ballpark study intersections during the 6:00-7:00 PM time period. The soccer stadium would add less than 10 trips per movement at both those intersections." But what about traffic on I-880? What about the Coleman/I-880 interchange?

27

5. The S-EIR forecasts heavy freeway congestion and delays for an extended period of time (1 – 2 hours). At same time, it predicts relatively low delays on local streets. It is completely foreseeable in these conditions that drivers will exit the congested freeways to use the non-congested local streets to get to the stadium and associated parking. These routes on local streets are also relatively easily predicted. But the S-EIR expects that no one will do this. This does not pass the common sense test. Probably this is the result of relying on an inflexible software program to model the traffic, but in this situation the model is clearly inadequate and does not represent the real world.

   Consider one example: the exit on I-280 at Meridian, and the Meridian/San Carlos intersection. The freeway traffic counts for I-280 EB show 950+ project trips on the I-880 to Meridian segment, and the exact same number for the Meridian to Bird segment (these numbers would be doubled for the 6 to 7 PM time period). Both these segments, and the ones behind them and ahead of them, will be operating at LOS F. So in the S-EIR model world, not one single driver, having already been in several miles of LOS F congestion (by definition: 'Vehicular flow breakdowns occur. Large queues form behind breakdown points'; or by experience: very slow stop and go freeway traffic), and knowing that more miles of the same congestion is ahead of him on I-280 and SR-87, would take a freely flowing exit, and marginally congested local streets, to his destination. Simple software models may behave this way; in the real world, people adapt intelligently to the situation. And in this situation, it is predictable that a substantial number of drivers will take the exit onto Meridian, and continue to the Meridian/San Carlos intersection, which is the first clear opportunity to continue in an eastward direction. Over time, as drivers learn alternate routes, they will do this until all routes reach equal levels of congestion. What will the impact be on the Meridian/San Carlos intersection (which is a protected intersection)? What will the impact be on other local intersections downstream from here?

   28

   This is a single example. Similar behavior can be anticipated at other freeway exits. Until the S-EIR analysis includes this behavior, it does not present an

accurate picture of the conditions that can reasonably be expected from the baseball stadium project. 28 cont.

6. The S-EIR does not suggest any impact fees that the baseball stadium project should pay as a result of significant and unavoidable impacts. Why not? It seems that the project is forgiven any impact fees because the impacts are so large that they can't be mitigated. Does that make sense? Other projects have been required to implement actions in accordance with the CMP TIA Guidelines "Immediate Actions". Don't we need the money? 29

7. The modeling of the A's fan's origin used in the S-EIR to quantify traffic patterns (draft S-EIR, Appendix C, page 17) is questionable. It is based on credit card receipts from an A's game, but:

    a. the fan distribution from this data is different than the 2008 Sorenson Survey. The S-EIR needs to explain the difference. 30
    b. how is the substantial 20% of credit card sales to outside greater Bay Area and outside California handled (this could severely skew the outcome of the model)?
    c. in the model used by the traffic consultants (Hexagon), the R^2 values of the underlying model fits to the data used are extremely poor (0.2 to 0.6 range), which is also indicative of rhw large amount of scatter in the data (see email to the City of Fremont, reproduced in Appendix C of the City of Fremont Conceptual Approach of December 2009, http://www.fremont.gov/DocumentView.aspx?DID=2952). Statistically, an analysis based on this model, therefore does not warrant the level of accuracy at the half percent level as implied on Figure 4 of Appendix C (or draft S-EIR Fig IV-A-5). Rather, a confidence interval of +/- 10% is more appropriate. This in turn would cause all the traffic analysis modeling in the draft S-EIR to be inadequate. 31
    d. another example of the questionability of the traffic analysis model can be seen by looking at a different study, which uses the same model with the same credit card data as input. This study was performed by the same Hexagon consultants, for the City of Fremont for a Baseball Stadium location just 15 miles north of the San Jose site, on I-880 (http://www.fremont.gov/DocumentView.aspx?DID=2952). Here the results are that 51 % arrives from the North, whereas in the draft S-EIR (Fig IV-A-5) only 25% (red) come from the East Bay (Contra Costa and Alameda Counties) on I-680 and I-880 combined. It is highly questionable that a small 15 miles shift in stadium location would create such a large shift in fan allegiances, especially given that the largest scatter in the underlying data is in the 15-35 miles distance range. Perhaps the pattern will be correct in 50 years, but on a shorter time scale this model seems overly simplistic. 32

Shasta/Hanchett Park Neighborhood Association

Pedestrian Flow: Comments

1. With the relocation/removal of the parking structure in the original EIR, the S-EIR should revise the pedestrian traffic flow analysis. A large number of pedestrians – more than 2,500 – will be coming from a different direction than previously analyzed. **33**

2. Similarly, page 60 in the S-EIR calculates the number of pedestrians crossing Santa Clara St., and says "Pedestrian crossing of Santa Clara Street would be spread over a two-hour period based upon the arrival of fans". This ignores the traffic distribution time pattern, with the bulk of fans arriving in the one hour 6 – 7 PM time period. Why isn't there an analysis of pedestrian flow for this situation at the level done in the original EIR? **34**

Parking Comments

1. The parking demand given in the S-EIR for the concurrent event scenario (baseball game and HP Pavilion event) is wrong.

   The study repeats the error made in the original EIR: only the number required contractually for an HP Pavilion event (6,650 spaces) is included. The correct parking demand for an HP Pavilion event is 7,515 spaces for a concert (19,100 attendees * 90.5% auto share / 2.3 occupants per vehicle) and 6,885 spaces for a hockey game (17,500 attendees).

   The correct total parking demand for this concurrent event scenario is 21,444 for a 36K capacity baseball stadium (considerably more than "about 19,000 spaces" as given in the S-EIR).

2. The calculation of available parking spaces in downtown San Jose is at best a very generous approximation, based on loose arithmetic and a questionable survey. The City should do better.

   The S-EIR assumes an average ambient parking occupancy of 25% for parking spaces downtown. This assumption is based on occupancy counts of downtown garages taken in the Fall of 2005. These counts, taken at 7PM, found 50% occupancy rates at public garages and 5% at private garages. From these numbers, the S-EIR derives its 25% assumption. But even if these survey numbers are valid, a more accurate calculation (50% * total spaces in public lots + 5% * total spaces in private lots) gives an occupancy rate of 30.4%. That reduces the count of available spaces to 20,068 (70% of 28,869).

   Further, a survey taken at 7PM, and now almost 5 years old, is not appropriate. Evening baseball games start at 7 PM, and the vast majority of baseball fans will arrive and park well in advance of the game start, particularly when faced with a 20 to 30 minute walk to the stadium. 6 PM is a much better time to measure the ambient parking occupancy. It is probable that more downtown workers will still be using parking spaces, especially in private lots, at this earlier time.

   Downtown parking – for all of downtown San Jose – will be a critical and borderline resource, affecting both the stadium, the Diridon transit center, and the existing venues and businesses in San Jose, so it is important to make these numbers as accurate as possible.

3. These corrected numbers for parking demand (21,444) and parking availability (20,068) show that the S-EIR makes an unjustified assertion by saying "demand could essentially be met within downtown San Jose". Instead, the entire downtown parking resource will be stressed beyond its capacity, with bad consequences for other downtown venues and businesses.

35

4. Another key assumption in the S-EIR is that all parking lots identified will be 100% utilized and available to the public.

   This assumption is contrary to the commonly used traffic engineering practice of applying an 'effective supply' factor to realistically reflect spaces lost to construction, improperly parked cars, the difficulty of drivers finding the last available space, etc. This factor is usually 85% or 90%.

   The S-EIR also assumes that all the identified parking lot operators will open their lots to the public permanently, even though they have declined to do so up to now for HP Pavilion events. What evidence does the city have that they will change their mind?

   The S-EIR provides no justification, evidence, or example that 100% effectiveness can be consistently achieved over a long period of years, especially when dealing with a large number of independently operated and geographically widely dispersed lots as would be the situation in San Jose. Is there a comparable example where this has been done?

   Applying a 90% effective supply rate to the downtown parking reduces the available parking supply to 18,061. This is well short of the demand for 21,444 spaces for a concurrent event situation.

35 cont.

5. To quote from the S-EIR:
   "Per City of San Jose guidelines, the baseball stadium would have a significant impact on parking facilities if it would result in inadequate parking capacity for existing land uses or cause parking intrusion into existing residential neighborhoods."
   The realistic numbers given above show that this criterion will be met - there will be a shortage of parking throughout downtown San Jose for all uses.

   The S-EIR should identify a significant impact because of this parking shortage.

6. At a finer scale, the S-EIR fails to identify the negative impact a baseball stadium will have on existing downtown venues in the general vicinity of the stadium. The S-EIR looks at parking impacts only over the entire downtown; it ignores the importance of proximity effect. Venues such as The Center for Performing Arts, San Jose Civic, the Convention Center, and the Montgomery Theater are located within 2/3 mile of the stadium site, as are almost all of the parking lots now serving them. Baseball games start at 7 PM; events at these venues typically start at 7:30 or 8 PM. Baseball fans, even in a single game scenario, will fill up the near-by lots before theater patrons (for example) arrive. Perhaps baseball fans will walk ¾ mile or more – though this is arguable – but theater patrons will not, especially when they've established their habits and expectations of parking nearby, and can go to venues outside San Jose. Either they will stop coming, and/or these venues will be forced to accommodate themselves to the baseball

schedule, cutting back on available programs and dates. These venues are struggling already, and may not survive this additional stress. This problem will be magnified by the freeway congestion and delays created by the baseball stadium.

Quoting from the S-EIR:
"from an environmental impacts analysis standpoint, inadequate parking means that the baseball stadium would consume such a disproportionate share of the available Downtown parking inventory that existing uses (including the HP Pavilion) that rely upon that parking become non-viable";
and
"Inadequate parking can reduce the viability of land uses by making it difficult for building occupants or customers/clients to park within a reasonable distance of their intended destination, thereby reducing the relative convenience and attractiveness of accessing the building. This can manifest in reduced rents or revenues, occupancy by less economically vital land uses, and in the worst case, business closure and ongoing difficulty to tenant buildings, which over time can, in the extreme, lead to the physical deterioration of vacant buildings, resulting in blight, an acknowledged environmental effect."
The baseball stadium has the strong possibility of causing this impact; the S-EIR should address this issue. This is not a hypothetical or unknown impact; the 'Neighborhood Economic Impact Report' commissioned by the San Jose Redevelopment Agency in 2007 (written by Bay Area Economics) gave examples of other cities where existing businesses/districts were adversely impacted by a new stadium..

35 cont.

7. Similarly, parking by baseball fans will compete with parking for the future BART and HSR stations in the immediate vicinity of the stadium. Both transit users and employees at the station would be negatively impacted.

8. The S-EIR says, in the current event scenario: " . . . some ballpark patrons would experience walk times of 20 to 30 minutes, which is typical of that experienced by San Francisco Giants fans walking approximately one mile".
This means any residential area within a 1 mile radius of the stadium site needs permit parking, and the cost of permit parking should be borne by the team owners. The S-EIR should identify the areas/neighborhoods affected.

36

Shasta/Hanchett Park Neighborhood Association

Noise Comments

We commend the City of San Jose for updating the noise analysis to address issues raised by the community with regards to the noise study in the certified EIR. But some issues and questions remain:

1. The new model identified noise levels up to FIVE times higher than the previous report. This is equivalent to building five stadiums side by side instead of just one. However, the significant impacts listed as NOISE-2 and NOISE-3 only state impacts on "adjacent residential uses", without quantifying "adjacent": We request that you provide an estimate using Figures 4 and 5 of Appendix D on how many residences and what block-radius can be reasonably foreseen as to be affected above the levels set by EPA/State/City (see F-EIR Section E-1-b on page 157), and add that to the Executive Summary and Table II-1. **37**

2. Other noise sources for the Diridon station area (airplanes and HSR) were not included. However, it is the cumulative noise that will cause a home to be within the 60 dB contour that requires mitigation. This is a clear oversight, especially since the software used was originally created to generate "the world's largest noise map, the comprehensive noise mapping of the railroads in Germany", so it has the capability of incorporating other noise sources into its model. Also train and jet noise will interfere with PA announcements. This was not addressed. **38**

3. Appendix D simply states that for a rock concert as opposed to a ballgame "the character of the sound would, of course, be completely different". The S-EIR should provide an Octave Band Analysis to address low frequencies. The S-EIR is remiss by not doing an Octave Band Analysis for concert noise. This can be gleaned from the modeling already performed. A thorough analysis of the impact of music concerts, particularly rock concerts, should include an Octave Band Analysis, which looks at the entire spectrum of sound and the contribution of each frequency. A 9-octave band study should be sufficient; there would be 1 page of data provided for each band, similar to the single page provided for the single dBA now in the EIR. Lower frequency bands will be significantly farther out than the single contour now displayed in the EIR. **39**

4. What is the model for the Sky Wave? **40**

5. What is the model for the Ground Wave? **41**

6. Was the Ground Wave the only wave modeled for the EIR? **42**

Shasta/Hanchett Park Neighborhood Association

Global Climate Change Comments

The discussion on the calculation of GHG emissions from transportation on page 91 is too brief to be able to judge whether the following factors have been included in the model: **43**

1. Has the impact of cars idling in traffic jams caused by the stadium project (as opposed to going the speed limit) been taken into account for the quoted "EMFAC 2007 emission factors"? **44**

2. Was the difference in emissions included from the background traffic going at the speed limit that is now being ground to a halt due to the extra traffic from the project? **45**

3. Has the localized air quality / GHG emissions been considered due to the creation of air pollution hotspots of circling cars looking for parking in neighborhoods even though they have permit parking? **46**

4. Impacts of circling cars to find the last spots in the lots since it is claimed to manage to have implausible 100% occupancy (no cars parked over the line ?)? **47**

5. Even though the location is quoted as "transit rich", has it been taken into account that BART and HSR are not going to be built until long after the Stadium is in operation? **48**

6. Has the same number of patrons using public transit being assumed in the traffic study (4.5%, Appendix C Table 5) as in the model for the GHG emissions? **49**

7. Hexagon uses 10% for the number of patrons using BART for a Fremont stadium site. Since this number twice as high, would not be the *Global* climate be better served with a stadium in Fremont or even Oakland? **50**

Shasta/Hanchett Park Neighborhood Association

Comments: Land Use, Population and Housing

The S-EIR contains little to no analysis of the impact of the baseball stadium on land use and planning, or on population and housing. This is a significant shortcoming in the EIR. **51**

Locating a baseball stadium at the proposed project site is an extremely important land use and planning decision, perhaps one of the most important decisions that San Jose will make in its recent history. The project site is a large part of the developable land next to Diridon station. The S-EIR says:
"Already a major transit hub, Diridon Station may become one of the busiest multimodal stations in California and the western region of the United States with the proposed BART extension to Silicon Valley and the proposed HSR project to San Francisco and Los Angeles." **52**

Other cities in California and the world (San Francisco, Anaheim, France, Great Britain, Spain, Japan, among many) have recognized the potential created by a major High Speed Rail station and transportation hub, and have used the station as the center and catalyst of large scale residential and commercial development. The S-EIR ignores this potential opportunity, saying only "a Baseball Stadium in the Diridon/Arena Area Project would allow for the redevelopment and intensification of land uses in an area that is underutilized."

There are many foreseeable impacts on land use and planning from a baseball stadium at the proposed site next to Diridon Station. The S-EIR needs to address these potential impacts, including:

1. Impact of traffic and parking issues on the HSR station:
   HSR is expected to supplant air travel for much of business travel within California. But the proposed baseball stadium will make travel to/from the station area very difficult precisely at the peak business travel time in the evening. This could nullify the potential convenience of HSR travel over air travel and reduce the success and benefit of the HSR station in San Jose. **53**

2. 'Loss of habitat' for high density residential and commercial development at Diridon will shift impact elsewhere – for example, to the Mid-Town area. The General Plan 2040 process currently underway in San Jose anticipates significant population and job growth in San Jose during the lifetime of the proposed baseball stadium, with a large share of that growth slated for an enlarged downtown area. That growth has to go somewhere. The S-EIR should recognize that potential impact. **54**

3. Similarly, the relocation of residential and commercial development from an area immediately adjacent to the Diridon transit hub (a location unique in San Jose) will indirectly increase the greenhouse gas and climate change impact from the baseball stadium project. People living and working further from the transit hub will use transit less, and drive more. **55**

4. The failure to capture the opportunity for higher value development next to the Diridon station transit hub (following the example set by other cities) will reduce the medium and long term tax base of the city. The almost universal model for MLB stadiums is that the stadium effectively pays either no or greatly reduced property taxes (because the stadium ends up being 'owned' by the municipality). **56**

5. The failure to use the value of the land already owned by the city adjacent to the Diridon station transit hub to finance/leverage a better station design, better track layout/routes (e.g. underground), or an iconic station area design, will reduce the benefits potentially coming from the station. The examples of other cities indicate that the value of land adjacent to major transit hubs is greatly increased. In a relatively short period of time, it is likely that San Jose could realize a significant profit on the land it already owns, collect increased taxes, and use that money to further enhance the station area. **57**

Note: stadium lifetime is 30+ years; the current economic conditions and downtown office occupancy rates are irrelevant, unless the S-EIR is predicting that depressed conditions will last that long. **58**

Letter
C11
cont.

From: Marc Morris [mailto:marc1163@sbcglobal.net]
Sent: Monday, March 29, 2010 3:24 PM
To: Boyd, Darryl
Cc: Andrea Shukis; 'Dan Chapman'; Deborah Arant; Eloy Wouters; Helen Chapman; Jon Schuppert; Jonathan M. Martinez; Bird, Lorie; Ruth Cavagnaro
Subject: Comments on the Baseball S-EIR

May 29, 2010

City of San Jose
Department of Planning, Building and Code Enforcement
Attention: Darryl Boyd, Principal Planner
200 East Santa Clara Street
San José CA 95113-1905
Darryl.Boyd@sanjoseca.gov

Dear Mr.Boyd,

Attached are comments and questions on the Supplemental EIR for the proposed baseball stadium near Diridon Station, from the Shasta/Hanchett Park Neighborhood Association.

We look forward to the written responses from the City to these comments. Because this is an important and complex project, we hope the City will consider our (and others) comments carefully, and give the community sufficient time – 3 weeks should be the minimum - to review the written responses when they are published, before proceeding formally to approve the S-EIR. Given the anticipated length of the comments and responses, the City should allow more than the minimum time required by CEQA.

59

Thank you.

The Shasta/Hanchett Park Neighborhood Association, Board of Directors

COMMENTOR C11
Shasta/Hanchett Park Neighborhood Association
Helen Chapman, President of Board of Directors
March 29, 2010

C11-1: The cover letter introduces the subsequent comments. The City will consider the association's comments carefully and provide the time for public and agency review as required under CEQA.

C11-2: This comment states that the transportation analysis in the Draft SEIR does not evaluate certain project and multiple-event activity scenarios, including a concurrent event at the ballpark and Downtown. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C11-3: This comment states that the transportation analysis does not evaluate a "three-event scenario," such as concurrent events at the proposed ballpark, HP Pavilion, and downtown. A "three event scenario" would occur rarely and is not representative of the reasonable worst case scenarios that are required to be analyzed under CEQA. Please see also Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C11-4: This comment states that the transportation analysis does not evaluate weekday baseball games, and that such games have the potential to result in "serious traffic and parking problems throughout downtown San Jose." Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods and Master Response Transportation, Circulation and Parking #4, Parking. The analysis of a weekday game scenario indicates that such a scenario would not result in intersection deficiencies. In addition, an adequate parking supply exists within Downtown parking areas to accommodate demand for parking generated by a weekday game.

C11-5: This comment questions some of the assumptions underlying the parking analysis in the Draft SEIR. Please see Master Response Transportation, Circulation and Parking #4, Parking regarding the reasonableness of the assumptions used in conducting the parking analysis.

C11-6: This comment suggests that a weekday game starting in the afternoon could extend into the peak PM commute period, thus worsening afternoon-evening commutes. Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods, which indicates that the traffic generated by weekday games would not substantially adversely affect intersection LOS either before or after games

C11-7: This comment requests additional information about the potential traffic and parking impacts that would result from concurrent afternoon events at the proposed ballpark and HP Pavilion. Such events would be infrequent and would not be representative of the reasonable worst case scenario that is required to be analyzed under CEQA. Please also see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C11-8: This comment requests information about the potential traffic impacts associated with a concurrent soccer game and baseball game. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C11-9: This comment requests an analysis of the potential traffic impacts associated with four simultaneous events. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark. Such multiple event scenarios would be very infrequent and would not be representative of the reasonable worst case scenario that is required to be analyzed under CEQA.

C11-10: This comment claims that multiple-event scenarios are not "hypothetical worst case situations, but are predictable, frequently re-occurring events every year." The City disagrees with this claim, as discussed in Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C11-11: This comment requests additional information about how the scheduling of events in Downtown San Jose (including potential scheduling conflicts) would be coordinated. Scheduling and coordination of Downtown events with ballpark events would be handled through the City in much the same way as it is currently coordinated for HP Pavilion events, which has been successful.

C11-12: This comment suggests that additional analysis of multiple event scenarios must be conducted before a conclusion can be made that a TPMP would adequately address all potential transportation impacts. As discussed in Master Response Transportation, Circulation and Parking #5, TPMP, a TPMP is not required to mitigate the transportation impacts of the project.

C11-13: This comment suggests that the analysis in the Draft SEIR "uses inconsistent time periods for various aspects of the scenarios." Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods, for a detailed discussion of the various time periods evaluated. The time periods identified for detailed analysis are intended to capture the significant effects of the project and to conform with City protocol regarding the evaluation of transportation impacts.

C11-14: This comment claims that the SEIR asserts that the TPMP would function as mitigation for the significant effects of the project, and that this assertion is not supported by evidence. Neither the 2007 EIR nor the Draft SEIR invoke the TPMP as mitigation for impacts under CEQA. That being said the TPMP for the ballpark would be a valuable tool to ensure the safe and efficient flow of pedestrians and vehicles. The traffic study describes various measures that would be included in the TPMP. The HP Pavilion has had a TPMP since its original approval, and the TPMP has worked to alleviate almost all traffic and parking concerns. Were the ballpark to be approved, a TPMP would be developed prior to construction, and the TPMP would be available for public review and comment.

C11-15: This comment suggests that the TPMP used for events at the HP Pavilion would be used for events at the proposed ballpark, and that the HP Pavilion TPMP would not be adequate to address traffic impacts associated with the ballpark. The existing TPMP for the Pavilion would not be used for the ballpark, other than as a template. The ballpark, because of its size and location, would need a TPMP tailored to its size and operations.

C11-16: This comment cites specific periods of traffic congestion associated with events at the HP Pavilion, and suggests that similar events would occur during events at the proposed ballpark. The City currently provides this advisory once or twice per year for rare daytime events that usually coincide with the AM morning commute that might be unexpected to drivers such as motivational speaker events or the NCAA Basketball Tournament (which occurs every three to four years). Based on the City's experience as part of the HP Pavilion TPMP, daytime baseball events would be incorporated and managed as 'anticipated' events that would occur approximately ten times per year so they would not require a similar advisory.

C11-17: This comment states that the TPMP, including its expected efficacy, should be described in more detail in the Draft SEIR. Please see Master Response Transportation, Circulation and Parking #5, TPMP.

C11-18: This comment requests additional information about the status of fire fighting service around the project site. As discussed in Section IV.N, Public Services and Facilities of the 2007 EIR, the impacts of the project on the San Jose Fire Department (SJFD) would be reduced to a less-than-significant level via several measures, including: review and approval of preliminary building plans by the SJFD; design of the project and associated transportation facilities to accommodate emergency access vehicles and equipment; and preparation of an emergency preparedness plan. The impacts of the modified project, which due to its smaller seating capacity than the 2006 Stadium Proposal is expected to have a lesser impact on public services and facilities, are discussed on page 55 of the Initial Study in Appendix B of the Draft SEIR. The proposed project would generate tax revenue for the City that would pay for the continued operation of public services, such as the SJFD. In addition, these services go through an annual budgeting process during which citywide priorities are established and service levels monitored, allowing for adjustment where needed. Therefore, the potential closure of a fire engine company would not be expected to substantially affect the public safety of areas surrounding the project site.

C11-19: This comment requests information about the potential impacts of the project on Cahill Park. A significant impact of the project on Cahill Park would involve degradation of the park such that new facilities would need to be constructed (which would themselves result in physical environmental impacts). Therefore, the issues listed by the commenter, including elevated noise levels around game times, waste generation, or the need for additional police presence would not be considered a significant environmental impact of the project on Cahill Park or other park facilities.

C11-20: To respond to this comment, a traffic analysis was completed of possible impacts to Coleman Avenue. The attached technical memorandum,[4] which describes the analysis and results, indicates that the impact to Coleman Avenue would be less than significant. See Attachment 2 of this First Amendment of SEIR.

C11-21: This comment requests information about the status of funding for the Autumn Street extension. The completion of the extension of Autumn Street is assumed in the baseline of the Draft SEIR. It is a reasonably foreseeable independent project which has project level CEQA clearance and is partially funded. Program level environmental clearance was provided for the Autumn Street

[4] Hexagon Transportation Consultants, Inc., 2010. *Additional Intersection Impact Analysis for the Proposed San Jose Baseball Stadium,* April 13.

extension at a conceptual level by the San José Downtown Strategy Plan 2000 Program Final Environmental Impact Report (FEIR). Project level environmental clearance for the Autumn Street extension (File No. PP06-166) was provided by a Final Integrated Focused EIR which was certified on January 30, 2008.

The base line provision came from the Downtown Strategy Plan 2007 FEIR, which identified the extension of Autumn Street between Coleman and Park Avenues as an improvement necessary to mitigate the new levels of development identified in the Downtown Strategy 2000 Plan. This transportation mitigation, as well as other transportation mitigation measures, would be triggered when new downtown development was approved by the City. In this case, triggered would mean constructing those improvements after each phase of development is built. The Program FEIR identified four phases of development. Phase 1 was at 25% of development, Phase 2, at 50%, Phase 3 at 75% and Phase 4 at 100%. For the ballpark, completion of the ballpark project would trigger the Autumn Street extension, which is Phase 1 mitigation for the Strategy 2000.

Recognizing that such an extensive road project would take many years to complete, over five years ago, the Redevelopment Agency and City of San Jose began working on the development of the Autumn Street extension. Since that time, a significant portion of either construction or planning for future construction has been completed and budgeted. Specifically, Autumn Street between Coleman and the Union Pacific Railroad (UPRR) tracks was completed in 2006. The roadway at-grade crossing was approved by the Public Utilities Commission in 2005 and more than 75% of that at grade crossing is complete.

In April 2010, the Redevelopment Agency Board approved purchase agreements for the land acquisition necessary for the Segment One (1) construction of the roadway between the UPRR tracks and Julian Street. The Board has also adopted a Capital Improvement Project budget which provides funding for the complete construction of this segment. Finally, preliminary engineering drawings have been completed for the remaining segments between Julian Street and Park Avenue. If Major League Baseball approves a territorial change that allows the A's to construct a ballpark facility in San Jose and a ballpark project is ultimately approved, completion of the construction of the Autumn Street extension would occur prior to operation of a ballpark project. Additional environmental review would be required if the City were to plan to open the ballpark prior to completion of the Autumn Street extension. Please also see Response to Comment C7-40.

C11-22: This comment requests information about the effects of the project on the economic viability of a local shopping center. According to *CEQA Guidelines* section 15064(e), economic effects should not be treated as a significant effect of a project unless these effects would result in a physical change in the environment. For instance, if a project results in adverse effects to a business district such that physical deterioration of that business district results, that deterioration could be considered a physical environmental impact. The commenter offers no evidence to suggest that the traffic congestion caused by the project would discourage shoppers from patronizing the shopping center located at Coleman Avenue and West Taylor Street such that physical deterioration of the shopping center would result. Based on the distance of the shopping center from the project site (approximately 1 mile north of the site), and the finding that the project would not significantly affect the level of service of any study intersections, it is not expected that project-related congestion would have a significant effect on the economic viability of the shopping center. The project could generate additional business at the shopping center and may have an incremental positive effect on local

businesses, including those in the shopping center. The operator of the shopping center would be responsible for enforcing parking restrictions, however, based on the distance of the shopping center to the project site, it is not expected that the use of the shopping center for ballpark parking would be a significant problem.

C11-23: This comment requests an analysis of potential impacts to freeway traffic volumes during the 6:00 to 7:00 p.m. period. Please see Response to Comment B5-19.

C11-24: This comment claims that the analysis in the Draft SEIR, by neglecting the 6:00 to 7:00 p.m. period, "misses the cumulative impact of freeway congestion." Traffic conditions on the freeways during the 6:00-7:00 p.m. time period generally would be better than the 5:00-6:00 p.m. time period. See Response to Comment B5-19.

C11-25: This comment claims that the Draft SEIR ignores or underestimates effects associated with simultaneous events at the proposed ballpark and HP Pavilion because the 6:00 p.m. to 7:00 p.m. time period is not evaluated. Assuming simultaneous sold-out events at both the ballpark and HP Pavilion would lead to the 6:00-7:00 p.m. traffic volume exceeding the 5:00-6:00 p.m. on some freeway segments. However, on the overall freeway system in the vicinity of downtown San Jose, the 5:00-6:00 p.m. time period still would be busier. See also Response to Comment B5-19; Master Response Transportation, Circulation and Parking #1, Study Time Periods; and Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C11-26: This comment questions the assumption regarding drop-off traffic that was used in the Draft SEIR traffic analysis. As discussed in the Draft SEIR the travel characteristics such as modal split including drop off, are estimated based on actual data and survey of fans attending a weeknight Sharks game at the HP Pavilion. This is the best available information due to the proximity of the HP Pavilion and proposed ballpark and their similar parking strategies.

C11-27: This comment suggests that traffic generated by the soccer game is not incorporated into the traffic analysis in the Draft SEIR. The ballpark would have a significant traffic impact on I-880. This would be true with or without a simultaneous soccer game. The San Jose Earthquakes play very few home games on weeknights (less than one per month). Simultaneous games (i.e., concurrent games at the ballpark and soccer ballpark) would be rare. Weekend games would not be a problem because of overall low ambient traffic volumes.

C11-28: This comment suggests that drivers would be likely to rely on local streets to reach the proposed ballpark. However, it is highly unlikely that baseball fans would achieve travel time savings by using Meridian Avenue or most other local streets. Because of all the signals, average speeds on city streets rarely exceed 25 mph, congested streets achieve 10-15 mph. Most congested freeways achieve about 25 mph on average, with some as low as 20 mph. Also, much ballpark traffic would use the HOV lanes on the freeways, which tend to operate faster than the mixed-flow lanes. Staying on the freeway almost always results in the shortest travel times

C11-29: This comment suggests that the project sponsor should contribute fees to mitigate the potential impacts of the proposed project on the transportation system. Transportation impact fee programs would be identified as mitigation measures if they exist and are necessary. The project does not result in potentially significant transportation impacts to local streets so no transportation

mitigation measures are required. With regard to potentially significant transportation impacts to freeway segments, there are no existing impact fee programs, which can be used as a mitigation measure. It is CEQA policy that public agencies should not approve projects as proposed, if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen the significant environmental effects of such projects.

C11-30: This comment references a discrepancy between two data sets concerning the trip distribution of ballpark attendees. The comment refers to the "Sorenson Survey" but the commenter has subsequently indicated that the correct reference should have been to the Scarborough Survey. The data in the Scarborough Survey are consistent with the ticket sales data from 2007 that were used to build the traffic model. The question is not where the *existing* fans come from but how the *future* fan base would change if the A's moved to San Jose. The model analysis conducted by the traffic consultant indicates that the ballpark location has a big influence on whether or not fans would attend the games. In areas close to the ballpark, more fans tend to attend the games than in areas far from the ballpark. The traffic analysis considered the possible shift in fan base and selected a trip distribution that represents a worst-case scenario. Please see Master Response Transportation, Circulation and Parking #7, Trip Distribution.

C11-31: This comment questions the usefulness of the traffic distribution model, based on the associated coefficient of determination. The model being referenced in this comment is only used to predict the direction from which baseball fans would approach the downtown San Jose area, not the magnitude of traffic. Therefore, any errors in one direction would be made up for by traffic in another direction. Also, the traffic study looked at two separate data sources to determine the trip pattern: Oakland A's ticket sales and San Jose Sharks ticket sales. Both data sources yielded similar traffic patterns (see Figure IV.A-5 in the Draft SEIR).

C11-32: This comment incorrectly interprets the traffic pattern shown by the City of Fremont in their draft ballpark report. Traffic shown southbound on I-880 would come from the north, west, and east combined. The traffic distribution model is much more complicated than can be gleaned by comparing two figures. See also Master Response Transportation, Circulation and Parking #7, Trip Distribution.

C11-33: This comment suggests that pedestrian travel patterns would change due to the parking configuration of the modified project. Removal of the nearby parking structure from the plan would tend to increase pedestrians from other parking areas. However, this effect would be more than offset by the reduced seating capacity of up to 36,000 versus 45,000 before. Therefore, the pedestrian flow analysis from the 2007 EIR is still valid.

C11-34: This comment suggests that a more detailed analysis of pedestrian flow is required to better ascertain the distribution of pedestrians before and after ballpark events, and associated impacts. As discussed in Response to Comment B5-6, the analysis of pedestrian crossings takes into account the projected peak hour of pedestrian flow. The existing pedestrian infrastructure along Santa Clara Street would adequately accommodate peak pedestrian movements.

C11-35: This comment questions various assumptions underlying the analysis of parking demand expected to be generated by the proposed project in conjunction with other activities in Downtown San Jose. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous

Events and Other Uses of Ballpark and Master Response Transportation, Circulation and Parking #4, Parking.

C11-36: This comment requests identification of the neighborhoods for which imposition of a parking permit program may be necessary. It also states that the team owners should be financially responsible for the permit parking program. A map of the candidate neighborhoods for parking permit programs is included in the 2007 First Amendment to EIR. Identification of the party responsible for the financial support of the permit parking program is not a CEQA issue.

C11-37: As discussed on page 75 of the Draft SEIR, the model used to estimate noise associated with ballpark events (SoundPLAN) predicts noise levels about 3 to 5 dBA higher than the previous analysis for baseball games and 5 to 7 dBA higher for concerts. Because the dB scale is logarithmic, two noise sources do not combine in a simple additive fashion, but do so logarithmically. Each 10 dBA increase in sound level is perceived as approximately a doubling of loudness. Quantifying the number of residences affected by elevated noise levels is not necessary at this stage of project development to identify the impacts of the project or appropriate mitigation measures. Therefore, additional information about the number of affected residents need not be added to the Draft SEIR. The City will implement Mitigation Measure NOISE-2, as revised in the Draft SEIR, which requires that a detailed acoustic study be conducted once the ballpark design is available to confirm the predictions of the long-term noise levels at noise sensitive uses within the 60dBA Leq contour line shown on Figure IV.B-2 in the Draft SEIR.

C11-38: This comment claims that the noise analysis in the Draft SEIR excludes certain existing and planned noise sources in the Diridon Station area. Noise from airplanes and the proposed HSR system was considered in the Draft SEIR, although only at qualitative level for the HSR, for which detailed project-level information is not yet available (see page 110 of the Draft SEIR). Airplane and HSR noise are potential noise sources contributing to the significant and unavoidable cumulative operational noise impact identified in both the 2007 EIR and the Draft SEIR. Airplane and HSR noise would be intermittent as planes and trains arrive and depart. While these intermittent external noise sources may interfere or occasionally make it difficult to understand the ballpark's public address system, this would not be a significant environmental impact. Messages over the public address system of substantial importance, such as for public safety, would be repeated once the external noise source had passed.

C11-39: This comment states that an octave band analysis is necessary to ascertain the impacts on noise levels associated with concerts at the ballpark. An octave band analysis is not necessary to identify the impacts of music concerts held at the proposed ballpark on ambient noise levels (or appropriate mitigation measures) because understanding "the entire spectrum of sound" associated with concerts is not necessary to determine that certain events at the ballpark would result in significant impacts. As discussed on pages 72 through 76 of the Draft SEIR, elevated noise levels associated with on-site music concerts would be significant and unavoidable regardless of the relative difference in frequencies of sound generated by music compared to baseball games. Therefore, an octave band analysis of the project is not required in light of *CEQA Guidelines* section 15151, which states that "[a]n evaluation of the environmental effects of a proposed project need not be exhaustive."

C11-40: This comment requests additional information about the noise model used as part of the noise analysis in the Draft SEIR. The commenter's reference to sky waves appears to be a reference to the issue of sound propagation through open air. Typically, sound propagation through open air will be attenuated by geometrical divergence, air absorption, ground absorption, and others like reflection, foliage, and building blockage. The propagation of sound through the atmosphere is included in the model. See also Response to Comment C5-25 in the 2007 First Amendment to EIR.

C11-41: This comment requests additional information about the noise model used as part of the noise analysis in the Draft SEIR. The commenter's reference to ground waves appears to be a reference to the issue of sound propagations through open air with ground absorption/reflection. The ground absorption/reflection of sound is included in the model. See also Response to Comment C5-45 in the 2007 First Amendment to EIR.

C11-42: This comment requests additional information about the noise model used as part of the noise analysis in the Draft SEIR. The methodology for the noise analysis is described in Appendix D of the Draft SEIR. The model takes into account sound wave transmission paths that affect sound propagation including absorption by the ground and air.

C11-43: Detailed responses are provided to each of the Global Climate Change comments below. The impact of the proposed project on Global Climate Change was found to be significant and unavoidable; therefore, minor updates to the modeling that would increase or decrease greenhouse gas (GHG) emissions would not change the finding in the Draft SEIR.

C11-44: The comment asks whether the impact of cars idling in traffic jams was taken into account for the EMFAC 2007 emission factors. The EMission FACtors (EMFAC) model that was used in the analysis was developed by the California Air Resources Board (ARB) to calculate emission rates from on-road motor vehicles that operate on highways, freeways, and local roads in California. The ARB uses a number of factors, including the numbers of vehicles, lengths of trips, and speed of travel to determine these factors. The ARB's standard emission factors were used in the model. While the impact of "cars idling in traffic jams" is not specifically accounted for in the model that was used to perform the GHG emissions analysis, the incremental increase in the emission of GHGs that might occur as a result of traffic congestion, would not change the significance finding of the SEIR, which is that the impact would be significant (see page 10 of the Draft SEIR). Mitigation measures to reduce the potential impact are recommended but after mitigation the impact would remain significant and unavoidable. Accounting for cars idling in traffic jams in the EMFAC (EMissions FACtor) model would not change this outcome.

C11-45: This comment requests additional detail about the GHG emissions associated with expected future traffic conditions. Please see Response to Comment C11-44.

C11-46: This comment suggests that the project would result in a parking shortage that would have the secondary effect of creating air pollution hotspots as drivers search for parking. Based on the parking analysis in the Draft SEIR, such a parking shortage is not expected. Please also refer to Master Response Transportation, Circulation and Parking #4, Parking. GHG emissions are not a "localized" concern, but rather an issue that has an effect at the global level. Therefore, a "hotspot" analysis of these emissions is not necessary. Potential carbon monoxide (CO) emissions, which are analyzed as a hotspot pollutant issue, were evaluated for the modified project in the Initial Study. The

air quality effects of the modified project are discussed beginning on page 17 of the Initial Study contained in Appendix B of the Draft SEIR.

C11-47: The impact of "circling cars" or “cars parked over the line” for the GHG emissions analysis are not regularly occurring and predictable events so as to lend itself to meaningful specific modeling. Please see Responses to Comments C11-44 and C11-46 for a discussion of the emission factors used in the GHG emissions model. Please also refer to Master Response Transportation, Circulation and Parking #4, Parking for a discussion of the basis for assuming 100 percent occupancy of parking spaces.

C11-48: This comment requests additional information about assumptions made in regard to transit access and availability around the project site. The traffic data were developed by Hexagon Transportation Consultants. Trips associated with the planned extension of the BART were included under cumulative conditions analysis in the traffic report, but were not included in the trip generation estimates used in the GHG analysis. The HSR project is not included in the traffic report or the GHG emissions analysis, since the necessary environmental studies for the HSR project are only in the preliminary stages of preparation. The HSR project will be required to analyze its own potential environmental impacts at a project and cumulative level.

C11-49: Public transit use assumed in the GHG emissions analysis is consistent with the estimates in the traffic study.

C11-50: Transit use is only one factor in determining the GHG emissions of a proposed project. In order to compare the emissions of a proposed project at multiple sites, an analysis of GHG emissions (using consistent assumptions and methodology) would need to be performed.

C11-51: This comment claims that the Draft SEIR “contains little to no analysis of the impact of the ballpark on land use and planning, or on population and housing.” As noted on page 1 of the Draft SEIR, a “SEIR need contain only the information necessary to make the previous EIR adequate for the project as revised.” The land use, planning, population, and housing analysis is contained in Chapter IV (Consistency with Plans and Policies), Section V.A (Land Use) and Section V.B (Population and Housing) of the certified 2007 EIR. These issues are also addressed in the Initial Study contained in Appendix B of the Draft SEIR, which notes that the conclusions of the analysis of these topics in the 2007 EIR would be unchanged as a result of modifications to the project.

C11-52: This comment, which pertains to the merits of the project and not the adequacy of the Draft SEIR, is noted and will be considered by the City. As a general response, the City does not believe that the proposed project would preclude the development of “large scale residential and commercial development” around Diridon Station. The proposed project is intended to follow the model of an urban ballpark that has been successful in other cities (such as San Francisco, San Diego and Seattle) and that contributes to the viability and growth of surrounding commercial and residential uses.

C11-53: As discussed in Section IV.A of the Draft SEIR, the proposed project would not have a significant impact on the operation of any study intersections, including those in the vicinity of the Diridon Station (where the HSR station would likely be located). Therefore, the City does not believe that traffic generated by the proposed project would “nullify the potential convenience of HSR travel

over air travel and reduce the success and benefit of the HSR station in San Jose." The HSR Authority also supports this conclusion. According to a letter submitted on March 29, 2010 by the HSR Authority on the Draft SEIR (see Letter B1), "The Authority sees the presence of a new Baseball Stadium in the vicinity of the station as a potential benefit to ridership and revenue generation for the new HST [high-speed train] system."

C11-54: This comment suggests that the proposed project would adversely affect the future development of high-density residential and commercial uses in the Downtown area. The current San José 2020 General Plan is designed to provide flexibility in accommodating the significant amount of growth and development envisioned city-wide. The mixed-use development potential of the project site is a relatively modest amount, perhaps yielding up to one million square feet of commercial space and a few hundred dwelling units. The potential development planned for the Greater Downtown Area in the Downtown Strategy Plan 2000 is up to 10 million square feet of office space, up to 10,000 dwelling units and over one million square feet of retail space. Because numerous sites are available for redevelopment in and around Downtown San Jose, development of the proposed project would not compromise plans for future redevelopment activities in the area.

C11-55: This comment suggests that the proposed project would reduce the potential for transit-oriented uses to be developed near the Diridon Station, resulting in adverse impacts on air quality and global climate change. Please refer to Response C11-54. There are numerous redevelopment opportunities outside the project site but in close proximity to the Diridon Station. Therefore, even taking into account the proposed project, numerous opportunities remain to develop transit-oriented land uses in the vicinity of Diridon Station. The City believes the proposed urban ballpark would encourage the development of such uses and would not result in secondary adverse global climate change effects due to lost transit-oriented development opportunities. Recognizing this opportunity, the City is currently in the process of developing the project description for the Diridon Station Area Master Plan.

C11-56: The comment notes the potential lost opportunity for the City's tax base if the ballpark project goes forward and precludes other types of development. This is not a CEQA or environmental issue. However, for informational purposes, the proposed project will not be a major source of property tax revenue if the land is publicly owned by the City of San José. The ballpark project could increase tax revenues associated with adjacent properties if local property values rise. As analyzed in the Ballpark Economic Impact Analysis (posted on the RDA web site), it is expected to generate other income for the City, including sales tax revenue. As noted in Responses C11-54 and C11-55, the project is not expected to reduce redevelopment opportunities in and around Downtown San Jose (and could enhance such opportunities), and therefore, is not expected to result in a medium- or long-term reduction in municipal tax revenues.

C11-57: This comment pertains to the merits of the project and not the adequacy of the Draft SEIR. Please refer to Response to Comment C11-53 regarding the positive effects on HSR revenue expected by the HSR Authority. Also refer to Responses to Comments C11-55 and C11-56 regarding the potential for redevelopment in the vicinity of Diridon Station.

C11-58: This comment is noted. The City confirms that plans to develop the proposed project are based on a long-term economic view and not an expectation that current economic conditions will continue indefinitely.

C11-59: This comment is a transmittal attached to Letter C11. Please see Response to Comment C11-1.

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March 29, 2010

Darryl Boyd, Principal Planner
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200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Baseball Stadium In The Diridon/Arena Area (Modified Project)
Supplemental Environmental Impact Report
State Clearinghouse No. 2005112126; Project No. PP05-214

Dear Mr. Boyd:

This firm represents Stand For San Jose, a coalition of entities and individuals including citizens of San Jose and the San Jose Giants. Stand For San Jose's members are vitally concerned with the City's future, and seek to ensure that issues critical to taxpayers, jobs, local businesses and neighborhoods are put first as the City evaluates proposed development projects that have the potential to significantly reshape the City's way of life. Stand For San Jose supports a vigorous public planning and environmental review process to make certain that the City's citizens and decision makers have all of the information necessary to make informed decisions. 1

This letter provides Stand For San Jose's comments on the Initial Study ("IS") and draft Supplemental Environmental Impact Report ("SEIR") prepared for the "Baseball Stadium in the Diridon/Arena Area (Modified Project)" ("Modified Project"), which the City is preparing in its effort to bring the Oakland Athletics ("the A's") to San Jose.[1] The primary purpose of the draft SEIR is to provide the City Council with the information necessary to decide whether to place a measure on the

[1] The City certified an EIR for the project in February 2007 ("2007 EIR"). *See* Planning Commission Resolution 07-009. The draft SEIR refers to the project analyzed in the 2007 EIR as the "2006 Stadium Proposal," and for convenience this letter does as well.

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cont.

ballot seeking the electorate's permission to use public resources to support development of a baseball stadium for the A's ("Stadium"). In this respect, the draft SEIR serves two important functions. First, the SEIR must be legally sufficient to support any action taken by the City Council. Second, the SEIR must adequately disclose the potential environmental effects of the Modified Project so that the City's electorate can make an informed decision regarding whether to commit scarce public resources to what is essentially a private enterprise.

1 cont.

For numerous reasons described below, we believe the draft SEIR is inadequate and does not comply with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines.[2] Accordingly, the draft SEIR must be revised and recirculated to ensure that the City's decision makers and the public have a sufficient understanding of the environmental impacts of the Modified Project, both individually and cumulatively when considered together with other planned development in the Diridon/Arena Area of San Jose.

2

A. <u>The IS and Draft SEIR Are So Fundamentally Inadequate As to Preclude Meaningful Comment.</u>

Following certification of the 2007 EIR, the City did not proceed to approve the 2006 Stadium Proposal or take any other action in reliance on that document. Rather, the City shelved the 2007 EIR when it appeared the A's might relocate to Fremont, CA. The City has now "dusted off" the three year old EIR and prepared a draft SEIR of very limited scope to analyze the environmental effects of the Modified Project as compared to the 2006 Stadium Proposal. However, the propriety of relying on the 2006 Stadium Proposal and 2007 EIR as the basis for restricting the draft SEIR to analysis of a few issues is questionable since the City never approved the 2006 Stadium Proposal.

3

As discussed in Stand for San Jose's December 16, 2009 letter commenting on the appropriate scope of the SEIR, since there is no actual approved project against which to compare the changes being proposed by the City, the appropriate "environmental baseline" is the actual physical conditions on the ground in 2010 and not the 2006 Stadium Proposal (which was never more than a gleam in the City's eye). CEQA Guidelines § 15125(a). The draft SEIR should therefore have updated the

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[2] Pub. Res. Code § 21,000 et. seq. CEQA is implemented through the State CEQA Guidelines ("Guidelines") found at 14 Cal. Code Regs. § 15,000 et seq.

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environmental baseline for all environmental impact areas and analyzed the potential effects of the Modified Project against that updated baseline.

Instead, the City elected to prepare the IS, which purports to "screen out" most impact areas from further analysis based on the incremental changes between the 2006 Stadium Proposal and the Modified Project. Only three impact areas – transportation, noise, and global climate change – have been carried forward to the draft SEIR for further analysis and public review. As discussed below, however, the City uses the IS for contradictory purposes. On the one hand, the IS purports to support the City's conclusion that the Modified Project does not have any potentially significant impacts in any areas other than the three studied in the draft SEIR. On the other hand, the IS actually identifies new impacts and proposed new mitigation measures in some impact areas, e.g., cultural resources, and identifies new impacts without mitigation measures in other areas, e.g., hazardous materials. The analysis of these new impacts and mitigation measures *should have been carried forward* to the draft SEIR. The City's "two-step" process frustrates the public's ability to review and comment on the draft SEIR, and results in a document which is fundamentally insufficient for informing the decision makers and public of the environmental effects of the Modified Project. The City must revise and recirculate the draft SEIR (see § D, *infra*) so that the disclosure and analysis of all the potentially significant environmental effects from the Modified Project are contained in one complete and legally adequate CEQA document.

3 cont.

Moreover, it is not clear whether the City properly decided to prepare a supplemental EIR pursuant to CEQA § 21166 rather than revising and recirculating the entire 2007 EIR pursuant to CEQA § 21092.1. As noted by a leading CEQA treatise, citing *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1129 ("*Laurel Heights II*"), "*Laurel Heights II* confirms that certain principles articulated in the earlier case law apply only *after* formal approval of an initial project." Remy, Thomas et al., "Guide to CEQA" (11th ed.), p. 668 (emphasis in original). As Remy, Thomas et al. explain:

> Although the Supreme Court identified "certification" as the event that must occur before section 21166 comes into play, the court at the same time cross-referenced [CEQA] section 21167.2, which provides that, if not lawsuit is filed after project approval, an EIR "shall be conclusively presumed to comply with CEQA, "unless the provisions of section 21166 are applicable. *Laurel Heights II, supra,* 6 Cal.4th at p. 1130 (citing Pub. Resources Code, § 21167.2). Since lawsuits are filed after project approval, rather than simply after EIR certification, the court apparently meant to

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> make project approval, rather than mere EIR certification, the determining fact as to whether section 21166 applies. *See* Pub. Resources Code, § 21167, subd. (c).

Id. Since the City never approved the 2006 Stadium Proposal or any other project based on the 2007 EIR, it appears the City may have been required to recirculate the entire document. In any event, the comments on the 2007 EIR remain at issue, and are incorporated herein by this reference, since CEQA permits, and requires consideration of, comments made "prior to the close of the public hearing *on the project* before issuance of the notice of determination." CEQA § 21177(a). **3 cont.**

B. The Draft SEIR's Project Description is Inadequate and Fails to Inform the Public of the True Scope of the Modified Project.

An EIR must contain a general description of the project's technical, economic, and engineering characteristics, and a statement of the objectives sought by the proposed project. CEQA Guidelines §15124(b), (c); *see Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20. An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR. The project must be described accurately to allow reviewers and decision makers to balance the project's benefits against its environmental costs, to consider mitigation measures, and to assess the advantages of the no-project and other alternatives. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193. Here, the project description fails to accurately and consistently describe the project in at least two important ways.[3] **4**

First, the project description fails to disclose that, under the optional expansion of the Stadium footprint by 100 feet to the south, the Modified Project would also require that Bird Avenue be narrowed between San Carlos Street and Park Avenue, thereby reducing the number of travel lanes form three to two in each direction for that roadway segment. *See* Draft SEIR, p. 68, which discusses Bird Avenue only in the context of the traffic analysis. The failure to include this component in the project description itself, however, makes it impossible for the public to know whether the **5**

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[3] The draft SEIR's project description describes modifications to 2006 Stadium Proposal, including: (1) reduction in maximum seating capacity from 45,000 to between 32,000 and 36,000 seats; (2) elimination of the proposed parking structure south of Park Avenue and consideration of three parking alternatives; and (3) an option to enlarge the Stadium footprint 100 feet to the south, resulting in the narrowing of Park Avenue from four to two lanes. Draft SEIS, pp. 17-23.

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draft SEIR analyzed the impacts from this component of the Modified Project. It does not appear that the Bird Avenue narrowing was considered for example, in the Noise section, or in the cumulative impacts analysis. Equally important, since the Bird Avenue narrowing was not included in the project description in the IS, the City apparently failed to consider impacts from this part of the Modified Project when it concluded that no impact areas besides transportation, noise, and climate change needed to be considered in the SEIR.

5 cont.

Second, the project description is also inadequate because it fails to disclose and include as part of the Modified Project the significant land use policy changes that would need to be implemented in order to support development of the Stadium. As indicated, pursuant to the 2007 EIR, the 2006 Stadium Proposal is inconsistent with the City's General Plan, the Diridon/Arena Strategic Development Plan, the Midtown Specific Plan, and Burbank/Del Monte and Delmas Park Neighborhood Plans, or at the very least specific policies within those plans governing development in the Diridon/Arena Area. While the IS indicates that the Modified Project eliminates some of the inconsistencies, it does not conclude that all such inconsistencies will be eliminated. As such, the plans would still have to be amended prior to approval of the Modified Project, as concluded in the 2007 EIR. *See* 2007 EIR, p. 50-59.

For example, under the Modified Project's option to expand the Stadium footprint to include part of Park Avenue, the draft SEIR acknowledges that a "General Plan Transportation Diagram Amendment" would be necessary and would "result in significant long-term transportation impacts upon build out of the current San Jose 2020 General Plan." Draft SEIR, p. 69. However, the project description makes no mention of the fact that a General Plan amendment is necessary in order for the footprint expansion option to proceed.

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If the Modified Project cannot move forward without amendments to these City plans, then amendment of those plans is necessarily a component of the Project and must be included in the project description. *See e.g., Orinda Ass'n v. Board of Supervisors* (1986) 186 Cal.App.3d 1145, 1171 (lead agency may not split project components as to avoid environmental review of the entire project). As the California Supreme Court held in *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, a project description must include all relevant parts of the project, including reasonable foreseeable future activities that are a component of the project approval. The draft SEIR admits that amendments to various City land

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cont.

use plans would be necessary for the Modified Project to proceed. Those land use plan amendments are thus a reasonably foreseeable consequence, and indeed are a condition precedent to, the Modified Project. The necessary land use plan amendments must therefore be included in the draft SEIR's project description.[4]

Absent such full disclosure in the draft SEIR, a member of the public reviewing the SEIR is not reasonably informed that the Stadium will require significant changes to land use plans and policies in order to be consistent with a revised City vision for the Diridon/Arena area. Such a failure to disclose is particularly problematic given that the City will be asking the City's electorate to approve a measure which is to be placed on the ballot in reliance on the SEIR. If the SEIR fails to adequately describe the actions necessary to implement the Modified Project, then any decision made in reliance on the SEIR is suspect and potentially void.

6 cont.

C. The Draft SEIR's Analysis of Potential Environmental Effects is Insufficient.

The IS prepared by the City purports to eliminate the need for further analysis of most of the identified impact areas, relying primarily on the conclusions in the 2007 EIR and alleged narrow effects resulting from the Modified Project. As described below, however, the IS made several fundamental errors, and certain impact areas which were eliminated from further review should have been analyzed in the draft SEIR. Further, the analysis in the draft SEIR is itself flawed. For convenience, we have organized our comments by impact area, regardless of whether the area was addressed in the IS or draft SEIR.

7

1. Aesthetics.

The IS determined that the Modified Project will have the same impact on aesthetics as did the 2006 Stadium Proposal. However, the analysis of this issue is cursory at best. The Modified Project's impacts on aesthetics should have been analyzed in the draft SEIR.

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The Modified Project eliminates the proposed parking structure south of Park Avenue and instead proposes three new options: a Montgomery/Autumn Street parking

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[4] As discussed in § C.4, *infra*, the City's decision to defer analysis of the environmental effects of amending these plans until *after* the potential ballot measure is also improper, separate from the failure to include the necessary plan amendments in the project description.

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cont.

structure ("Montgomery/Autumn Structure"); an HP Pavilion Parking Structure ("HP Parking Structure"); and a no parking structure scenario ("No Parking Option").[5] According to the IS, the Montgomery/Autumn Structure "would have a smaller footprint but be taller than the parking structure for the 2006 Stadium Proposal – providing eight levels of parking rather than four to six." IS, p. 13. The HP Parking Structure "would be a two-level structure or a four-to-six level structure ...." *Id.* Both structures would be located north of the Stadium site, whereas the parking included in the 2006 Stadium Proposal was south of the Stadium site.

Despite this change in location, the IS makes no effort to describe whether the Montgomery/Autumn Structure or the HP Parking Structure would affect different visual receptors by moving the structure to a new location. In addition, as to the Montgomery/Autumn Structure, which would be a new, eight-story building, the IS merely notes that the structure would be taller than the parking structure in the original EIR. But such a comparison is irrelevant to the Montgomery/Autumn Structure's visual prominence in the physical setting where it is proposed to be located. While the addition of two-to-four new stories to the parking structure proposed to be located south of Park Avenue might not make a significant difference to the visual impacts analyzed in the 2007 EIR, locating a brand new eight-story structure in a different area entirely very well might. As the IS notes, the Montgomery/Autumn Structure will be "several stories taller than surrounding buildings." IS, p. 13. The draft SEIR should have analyzed the potential impacts of this structure on the existing visual character or quality of the surroundings.

8 cont.

The IS's treatment of the potential visual effects of the HP Parking Structure is similarly cursory and inadequate. The IS provides that the HP Parking Structure would be lower than the existing visually prominent HP Pavilion. However, SEIR Fig. III-4 shows that the four-to-six story structure would cover an extensive area which, for the southern option, would be considerably larger than that of the HP Pavilion. Nevertheless, the IS fails to analyze the visual change that will result from construction of this significant structure, especially as compared to the baseline condition, a surface parking lot. Absent such analysis, there is no support for the IS's conclusion that the HP Parking Structure will have no significant visual impact, and therefore the Modified Project's potential impacts on aesthetics should have been analyzed in the draft SEIR.

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[5] Since the no parking structure option would obviously result in no aesthetic or visual impacts, it is not discussed further in this section.

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cont.

2. Cultural Resources.

The IS acknowledges that the Modified Project could impact three archeological deposits near HP Pavilion if the HP Parking Structure is constructed, and adds a new mitigation measure for that impact. While adding mitigation measures to the IS might be appropriate if the City was proceeding with a mitigated negative declaration, here the City has elected to proceed to prepare an SEIR. Burying this newly identified impact and mitigation measure in the IS, rather than analyzing it in the draft SEIR, is not permitted. CEQA § 21094(c). Both the new impact and new mitigation measure should have been included in the draft SEIR to allow informed consideration by the public and decision makers.

The need for public scrutiny of the new impact and mitigation measure seems particularly important in this context since the newly proposed mitigation measure (CULT-3b) will provide the archeological resources disturbed by construction of the HP Parking Structure less protection than the cultural resources addressed in the 2007 EIR. Measure CULT-3 from the 2007 EIR provides:

> "If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeological monitor can review the finds and make recommendations. . . It is recommended that such deposits be avoided by project activities ...
> Archaeological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible archaeological material and to protect the resource while it is being evaluated ... If the deposits are eligible [for the California Register of Historical Resources] they will need to be avoided or adverse effects must be mitigated." 2007 EIR, p. 245.

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By contrast, new Measure CULT-3b in the IS requires an archaeological monitor to conduct pre-project test excavations, which may be observed by a Native American monitor if prehistoric archaeological resources are "suspected." However, unlike Measure CULT 3, CULT-3b does not call for any monitoring after the test excavation, by either an archaeologist or a Native American monitor, and does not give the monitor authority to stop project construction until any resources uncovered during the work are assessed. Instead, if resources are uncovered, they can be capped, excavated for data recovery, or merely documented and destroyed, with the choice left to the discretion of the City. The IS fails to provide any rationale for this discrepancy, or explain why resources found at the HP Parking Structure site should be treated differently than resources found at other sites.

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cont.

Moreover, the IS notes that, in the absence of further information, these archaeological resources "may qualify as historical or unique archaeological resources under CEQA." CEQA § 21083.2 provides: "If the lead agency determines that the project may have a significant effect on unique archaeological resources, the *environmental impact report* shall address the issue of those resources" (emphasis added). A negative declaration can be used for a project with non-unique archeological resources. *Id.* Accordingly, a new impact and new mitigation measure to address archaeological resources that the IS admits may qualify as "unique" must be addressed in the body of the draft SEIR, and not in the IS. CEQA does not permit impacts on potentially unique archeological resources to be "scoped out" of an EIR by including the new impact and mitigation measure in the IS, as the City is attempting to do here.

Finally, the IS relies upon environmental documents for the proposed Bay Area Rapid Transit ("BART") extension to Santa Clara[6] as the sources of information for the archaeological resources which will be potentially impacted by construction of the Modified Project may potentially qualify as "unique." VTA's 2007 SEIR, p. 80, states that the City of San Jose section of the BART project contains 83 archaeological sites and that "whether these locations and resources contain deposits that qualify as important or unique under the standards of CEQA cannot be determined until test excavations are conducted." Based on further investigation, VTA's 2009 Draft EIS states that: "The City of San Jose is the most archaeologically-sensitive section" of the SVRTC project and notes archival records of more than 160 sites.

9 cont.

The IS and the draft SEIR acknowledge that the SVRTC project is a "cumulative project" that must be included in a quantitative analysis of cumulative traffic impacts. However, the draft SEIR disregards the cumulative impacts that the Modified Project and the SVRTC project – as well as other projects in this archaeologically sensitive area – would have on other resource areas such as archaeological resources. This analysis must be completed in the SEIR. Moreover, the potentially significant cumulative impact on archaeological resources requires a Mandatory Finding of Significance in the IS (*see* IS, p. 63) and, therefore, discussion in the draft SEIR.

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[6] The BART extension, formally known as the Silicon Valley Rapid Transit Corridor ("SVRTC") project, is being sponsored and implemented by the Santa Clara Valley Transportation Authority ("VTA"), which has certified a supplemental environmental impact report for the SVRTC project ("2007 SEIR") and is in the process of preparing an environmental impact statement ("2009 Draft EIS") pursuant to the National Environmental Policy Act.

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cont.

3. Hazards and Hazardous Materials.

The IS acknowledges that the proposed site for the HP Parking Structure is a contaminated site which has undergone cleanup under regulatory agency oversight, with serious contamination allowed to remain in place underneath a cap, and a deed restriction requiring approval of the Department of Toxic Substances Control for any future excavation. IS, p. 56. The Modified Project's proposal to disturb a contaminated site under regulatory control should have been analyzed in the draft SEIR rather than the IS so that the public has the opportunity to comment on both the public health impacts associated with disturbing a known contaminated site, as well as the propriety of the HP Parking Structure option when compared to the other parking alternatives. **10**

Moreover, the IS notes that regulatory oversight and approval of a construction plan, and a possible new deed restriction, are not included in the existing mitigation measures in the 2007 EIR. Nevertheless, the IS relies on such oversight and a new deed restriction if necessary, as the basis to conclude that construction of the HP Parking Structure on the contaminated site will not result in new significant impacts from the Modified Project. Since the IS relies upon these proposed actions to avoid impacts, these actions should be formally incorporated into Mitigation Measure HAZ-1b and disclosed in the body of the SEIR.

4. Land Use and Planning.

a. The draft SEIR fails to analyze the potential effects of amendments to various City land use plans which the City acknowledges must be amended in order for the Modified Project to proceed.

CEQA requires that an agency consider whether a proposed project will "conflict with applicable land use plans, policies, or regulations adopted by agencies with jurisdiction over the project (including, but not limited to, the general plan, specific plans or zoning ordinance), adopted for the purpose of avoiding or mitigating an environmental effect." The 2007 EIR acknowledges that the proposed Stadium is inconsistent with General Plan land use designation for the Stadium site, as well as the Diridon/Arena Strategic Development Plan, the Midtown Specific Plan, and Burbank/Del Monte and Delmas Park Neighborhood Plans. Nevertheless, the 2007 EIR erroneously declined to analyze the environmental effects of such land use policy conflicts, instead concluding that such analysis will be undertaken when a specific stadium proposal is before the City. However, such an analysis cannot be deferred. **11**

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The IS reiterates this rationale while focusing on the changes from the 2006 Stadium Proposal caused by the Modified Project. Because the Modified Project eliminates the proposed parking structure south of Park Avenue on land previously designated for a public park (assuming relocation of the existing fire training facility), the IS concludes that the Modified Project is "generally more consistent" with applicable local plans and policies. However, the Modified Project does not eliminate, and the IS does not analyze, the acknowledged inconsistency between the proposed Stadium and the General Plan land use designation for the Stadium site, as well as the Diridon/Arena Strategic Development Plan, the Midtown Specific Plan, and Burbank/Del Monte and Delmas Park Neighborhood Plans and other plans.

Based on conflicting statements in the 2007 EIR and the IS, it is entirely unclear when and if the City intends to analyze the environmental effects of the identified land use inconsistencies. The 2007 EIR repeatedly provides that the "environmental impacts associated with such future Amendments [to land use plans], if initiated and moved forward for consideration by the City Council of the City of San Jose, would be reviewed by, *and appropriate environmental clearance would be processed for consideration by*, the recommending and decision-making bodies ..." *See e.g.*, 2007 EIR, p. 55. On the other hand, the IS provides that "it is the intent of the City to use this SEIR to provide environmental clearance for future General Plan amendments at the appropriate time to reflect the ballpark use." IS, p. 42. On its face, the intent to rely on the SEIR for this purpose means that significant land use impacts deferred from consideration in the 2007 EIR must be analyzed in the SEIR. Moreover, neither proposed solution is legally adequate.

11 cont.

The City's proposal to defer environmental analysis of certain impacts until after the electorate's consideration of the potential ballot measure is legally incorrect. As emphasized by the California Supreme Court in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, environmental review must occur as early in the project planning process as possible in order to avoid an EIR becoming a "post hoc rationalization" for a project to which the public agency has already committed. The City's proposal to defer environmental analysis of certain impacts of the Project until after the potential ballot measure clearly violates *Save Tara*, first, because the very action of seeking approval of the Project from the electorate evidences an early commitment to the Project by the City, and second, because the outcome of the ballot measure itself would give the Project such momentum that later CEQA review of the necessary land use plan amendments would be a "post hoc rationalization." *See* Guidelines § 15352(a). The City has a duty to analyze and disclose all of the potential environmental effects of the Project *before* seeking approval from the electorate. *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 187. Otherwise, the electorate would be making an ill-informed decision and the

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necessary further environmental review would be consumed by "bureaucratic and financial momentum," rendering further analysis "practically moot." *Save Tara*, 45 Cal.4th at 130, n. 9.[7]

The City's attempt to defer the analysis of the environmental impacts from such land use policy amendments is all the more puzzling considering the City did just such an analysis for the Modified Project's option to extend the Stadium footprint into Park Avenue, which requires a General Plan Amendment. Draft SEIR, p. 69. There is no rational reason to analyze the potential environmental effects of one land use plan amendment while simply ignoring the specific scope and effects of other such amendments.

On the other hand, the City's proposal to "use this SEIR to provide environmental clearance for future General Plan amendments at the appropriate time to reflect the ballpark use" is unsupportable because the City has not actually analyzed the environmental effects of any of the identified land use inconsistencies in the 2007 EIR, the IS, or the draft SEIR, with the exception of the General Plan Amendment necessitated by the optional Stadium footprint expansion. The City cannot purport to rely on an EIR for environmental clearance of an action the potential impacts from which the City specifically declined to consider. This inconsistency underlies the fallacy of the City's land use analysis: having originally (though improperly) decided that it could defer analysis of the land use conflict to some future point in time, the City cannot attempt an 180-degree turn and claim the SEIR is sufficient to support future amendments to the identified land use policies, without having performed the requisite analysis.

11 cont.

The fundamental purpose of an EIR is to inform public agency decision makers and the public of the potentially significant environmental effects of a project and to identify ways to minimize or avoid those effects. CEQA Guidelines § 15121(a); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 86. In order to meet this requirement, the City must analyze the environmental effects of the land use plan

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[7] The City's attempt to segment analysis of the environmental impacts from the various City plan amendments is also a clear violation of the CEQA doctrine of "piecemealing." *See* Guidelines §§ 15063(a)(1), 15126.2(d); *see also Bozung v. Local Agency Formation Comm'n.* (1975) 13 Cal.3d 263, 284. As provided in *Bozung*, CEQA prohibits segmenting of projects so that "environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences."

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amendments that will be necessary to support development of the proposed Stadium and, as stated in § B, *supra*, those land use plan amendments must be identified as part of the Modified Project.

b. The draft SEIR fails to identify the General Plan land use designation or zoning for the HP Parking Structure site.

The IS goes to great lengths to explain the land use designations for the Montgomery/Autumn Structure site, including disclosure of the "planning and policy implications" of locating a parking structure at Montgomery/Autumn. However, the IS does not disclose the General Plan designation or zoning for the HP Parking Structure site, stating only that "the HP Pavilion parking structure site is currently used for parking and the use would not change should the project's parking structure be built on that site." IS, p. 42. The inconsistency between the extensive discussion of one parking structure option and the very brief statement on the other underscores the inadequacy of the latter. The mere fact that parking is an existing use is insufficient to address the compatibility of the proposed structure with land use plans and zoning. For example, there is no evidence that a parking structure as opposed to surface parking is permitted under current zoning. More generally, this limited statement does not disclose any planning and policy implications of locating a parking structure at the HP Parking Structure site, whether or what types of permits will be needed, or the various restrictions on use of parking at the HP Parking Structure site that result from the City's commitment to provide the San Jose Sharks 6,650 spaces within 1/3-mile of HP Pavilion. These issues must be disclosed and analyzed in the draft SEIR.

11 cont.

c. The IS's analysis of urban decay that might result from relocation of the A's from Oakland is too narrow and must be revised and recirculated.

Based on a scoping comment, the IS undertook an analysis of the potential for the A's relocation from Oakland to cause urban blight in the area around the Oakland Coliseum. The IS concluded that, *on a city-wide basis*, baseball patrons represent less than 1% of retail and restaurant sales in Oakland, a level so small that its would not cause any such establishments to cease operations. However, based on the A's own previous analysis of the economic benefits to be derived from the A's prior proposal for relocation to Fremont, the A's accounted for $19 million spent on goods and services in Alameda County (*see* Exhibit A, p. III-7), an additional $1.25 million spent in Alameda County from players' salaries (*Id.*, p. III-9); as well as 207 employees from within Alameda County (*Id.*, p. III-7 and III-8) and the payroll of parking attendants for the games, totaling 59 employees and $109,600 per game (*Id.*, p. III-9). Thus, the IS decision to limit its analysis to retail and restaurant sales in

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Oakland seems far too narrow, as well as inconsistent with the previous public position of the A's themselves concerning the economic benefits derived by Alameda County from the A's presence there. Thus, the urban decay analysis must be revised and recirculated to reflect this more detailed information and potentially greater impact. **12 cont.**

d. The IS's analysis of the Modified Project's impacts on airport-related safety should have been included in the draft SEIR, and is improperly circumscribed.

The proposed project site is located approximately 8,500 feet southwest of Norman Y. Mineta San Jose International Airport (the "Airport") and is in direct alignment with the end of the Airport's two commercial runways (12L/30R, and 12R/30L) and its primary general aviation runway (11/29). As such, the project site is directly beneath approach and departure paths of aircraft that use the Airport, which could have serious implications for airport operations and airline safety procedures. In particular, the Modified Project exceeds the Federal Aviation Administration ("FAA") threshold height regulations that are established to ensure safety of air navigation and efficient utilization of navigable airspace, and also encroaches on the One Engine Inoperative ("OEI") emergency procedures of several airlines. **13**

The IS discloses the Modified Project's potential conflicts with these regulations. However, the analysis of these conflicts should have been carried forward and undertaken in the draft SEIR, rather than just noted in the IS, in order to provide the public the opportunity to comment on these issues in a more informed manner. Equally important, the draft SEIR should have analyzed the public safety impacts associated with locating a baseball stadium designed to seat 32,000-to-36,000 people and which conflicts with multiple FAA regulations in the vicinity of a major international airport.

5. Noise.

The City identified noise as one of the three impact areas requiring further analysis in the draft SEIR. The Modified Project proposes demolition or relocation of seven additional buildings beyond those considered in the 2007 EIR. However, the draft SEIR fails to analyze noise associated with such demolition or the construction and operation of either the Montgomery/Autumn Structure or the HP Parking Structure. Rather, the draft SEIR noise analysis only addresses game and concert noise from the Modified Project. The draft SEIR must identify all receptors in the vicinity of the two proposed parking structures and analyze the impacts of construction of the proposed facilities on those receptors. The draft SEIR must also analyze noise from operation of the new parking facilities compared to noise **14**

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generated by current operations at the Montgomery/Autumn Structure and HP Parking Structure sites. 14

Further, in the air quality analysis, the IS acknowledges that "a few sensitive receptors," including a residence immediately north of the proposed Montgomery/Autumn Structure site, would be located closer to components of the Modified Project, and that realignment of South Autumn Street would bring "a few residents closer to the construction area." IS, p. 18. However, while the IS considered whether those closer residents would be exposed to increased construction dust and equipment emissions, it does not contain the same analysis for construction noise. IS, p. 19. This issue must be addressed and, if it demonstrates a potentially significant impact, analyzed in the SEIR. 15

6. Transportation.

The City also identified Transportation, Circulation and Parking as one of the three impact areas requiring further analysis in the draft SEIR. Despite having updated the analysis, the Transportation section of the draft SEIR still contains several fundamental flaws.

a. The draft SEIR understates or fails to analyze the Modified Project's potentially significant impacts on intersection and freeway levels of service.

The draft SEIR analyzes the impact from the Modified Project's traffic on local intersection and freeway segment levels of service and expanded the number of freeway segments analyzed as compared to 2007 EIR. However, relying on the City's Transportation Policy, the draft SEIR limits the impact analysis from the Modified Project's traffic to the 5:00 to 6:00 pm "peak travel period." *See* Draft SEIR, p. 56. The draft SEIR undertakes this narrow analysis despite acknowledging that "the period of highest trips for the proposed stadium project" will be between 6:00 and 7:00 pm, and traffic from the Modified Project during that time period will have a significant impact on several intersections. *Id.* In other words, the draft SEIR concludes that, despite the fact that the highest levels of traffic from the Modified Project will be from 6:00 to 7:00 pm, and that such traffic levels will cause significant impacts to local intersections, the draft SEIR need not identify those impacts as significant or attempt to mitigate those impacts because the Transportation Policy allows such impacts to be disregarded. CEQA does not permit such an approach. 16

In *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland et al.* (2001) 91 Cal.App.4th 1344 ("*Berkeley Keep Jets*"), the Port of Oakland used an established threshold of significance for noise exposure to 17

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"automatically exclude[] 'all residential uses within the 65 CNEL contour *regardless of the change in noise* due to the'" proposed project. *Berkeley Keep Jets*, 91 Cal.App.4th at 1381 (emphasis in original). The court rejected such a rigid approach. Based on evidence in the record supporting a conclusion that the change in noise levels, even if below the threshold of significance, would have an adverse effect on area residents, the Port was required to perform an analysis of actual impacts from the project.

This same reasoning applies here. The draft SEIR's rationale for not analyzing traffic impacts which occur during the 6:00 to 7:00 pm period is that the City's Transportation Policy defines the peak travel period to be the hour between 5:00 to 6:00 pm. In other words, the draft SEIR automatically excludes any impacts to local intersections that occur outside of the 5:00 to 6:00 pm time period regardless of actual impacts to local intersections identified in the draft SEIR itself. But the primary purpose of CEQA analysis is to identify "*any* substantial adverse changes in physical conditions." CEQA §§ 21060.5, 21100(d). An impact is considered significant for purposes of CEQA if it will effect a "substantial, or potentially substantial, adverse change in the environment." CEQA § 21068; CEQA Guidelines § 15002.

17 cont.

The draft SEIR specifically acknowledges that the Modified Project's peak hour traffic would occur between 6:00 and 7:00 pm, and that such traffic would cause "operational deficiencies" at the intersection of Autumn Street and San Fernando Street, Delmas Avenue and Park Avenue, and Autumn Street and Park Avenue. *See* Draft SEIR, p. 56. Further, the draft SEIR acknowledges that when simultaneous events occur at the proposed Stadium and HP Pavilion, the intersection of Delmas Avenue and San Fernando Street would also be impacted. Yet, the draft SEIR presents these facts as "Informational Only" and declines to identify the impacts to the specified intersection as "significant" or to propose any mitigation. In other words, the draft SEIR acknowledges that the Modified Project will impact and degrade levels of service at four local intersections, but declines to mitigate these impacts.

The draft SEIR similarly limits its analysis of the Modified Project's impacts on freeway segments to the 5:00 to 6:00 pm time period. Unlike the intersection level of service analysis, however, where the draft SEIR at least acknowledged the existence of impacts from the Modified Project during the 6:00 to 7:00 pm time period, the draft SEIR fails to even provide data for or analyze the Modified Project's impacts to freeway segment operations during the 6:00 to 7:00 pm time period despite the express acknowledgment that this time period is when the Modified Project will contribute the highest level of additional vehicle trips to the freeway. Draft SEIR, pp. 56, 59. *Berkeley Keep Jets* specifically rejected such a rigid reliance on established

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thresholds of significance where the EIR "contained no quantitative discussion" of the potential impact. 91 Cal.App.4th at 1381.

The draft SEIR's attempt to limit the analysis of traffic impacts to the 5:00 to 6:00 pm time period is not permitted by CEQA and results in the potential traffic impacts from the Modified Project being arbitrarily understated. As such, the draft SEIR must be revised and recirculated to correct this analysis by: (1) providing actual analysis of the Modified Project's impacts to freeway segment levels of service during the 6:00 to 7:00 pm time period; (2) assessing whether the Modified Project causes the substantial degradation of any of the freeway segments' levels of service; (3) identifying any significant impacts caused by the Modified Project at both the freeway segments and local intersections, including the four already acknowledged impacts at local intersections; and (4) mitigating those identified impacts to the extent feasible.

17 cont.

b. <u>The draft SEIR fails to adequately describe the methodology used to analyze traffic impacts from the Modified Project.</u>

An EIR must explain the analytical route taken or methodology used to reach the conclusions therein, and such methodology must be supported by substantial evidence. *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 404 (an EIR must set forth bases for findings; bare conclusions without explanation of its factual and analytical basis are insufficient). In several instances, the draft SEIR fails to adequately explain or support the methodology used for assessing the traffic impacts from the Modified Project.

First, the draft SEIR identifies a "simultaneous event scenario" which considers the traffic levels that would occur in the event of concurrent events at both the proposed Stadium and the HP Pavilion, e.g., an A's game and a Sharks' game were scheduled for the same weekday evening. But the simultaneous event scenario fails to take into account traffic that would result from downtown festivals or other cultural events, despite acknowledging that the 2005 Downtown Strategy specifically promotes an increased number of such events. It would not be difficult for the City to ascertain whether any past such events, e.g., the Cinco de Mayo or Grand Prix events, have occurred on days when both the Sharks and A's have had overlapping home games. Failure to do so is inadequate under CEQA.

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The draft SEIR appears to rely on the 2005 Downtown Strategy 2000 Final EIR to conclude that, since the traffic impacts from the 2005 Downtown Strategy, including promotion of an increase in downtown social events, were considered, no further analysis is necessary. However, the 2005 Downtown Strategy 2000 Final EIR makes no reference to a proposed baseball stadium being located in the Diridon/Arena Area,

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and certainly did not analyze the traffic from such a stadium in conjunction with the traffic from HP Pavilion and downtown festivals. Thus, the analysis in the 2005 Downtown Strategy 2000 Final EIR is irrelevant to the draft SEIR's formulation and analysis of the simultaneous event scenario. Further, to the extent the draft SEIR is relying on the 2005 Downtown Strategy 2000 Final EIR to demonstrate that an increase in downtown events is consistent with the City's vision for a vibrant downtown core, that analysis is more appropriately located in the Land Use section and does not excuse the City from undertaking a quantitative analysis of the traffic impacts associated with simultaneous events in the downtown area.

18 cont.

In addition, the draft SEIR's description of the methodology used for analyzing trip distribution from A's fans traveling from Alameda and Contra Costa Counties to watch games at a downtown San Jose Stadium is inadequate. The obligation to undertake such analysis comes from the 2007 EIR. In "Master Response Transportation, Circulation and Parking # 4 I-880," the City concluded it was not necessary to analyze the potential impacts on I-880 from A's fans travelling south from Alameda County to attend A's games at the Stadium. *See* First Amendment to Environmental Impact Report (Responses to Comments), p. 13. According to the 2007 EIR, however, "[i]f and when the City decides to pursue a ballpark at the subject site and a potential team is identified, the City will consider whether the assumptions made in this EIR remain valid or whether supplemental analysis is needed." As part of its analysis of the Modified Project, the City now acknowledges that the A's are in fact the team being targeted for occupancy of the proposed Stadium.

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Despite acknowledging the need to analyze these traffic related impacts, the draft SEIR gives this issue short shrift. The draft SEIR concludes that "results of the supplemental traffic model forecast runs based upon A's fans base information resulted in a trip distribution on regional facilities (freeways) that was similar to that which was utilized in the original 2006 Sharks fan-derived traffic analysis ..." Draft SEIR, p. 48. On its face, it seems counterintuitive that the trip distribution would not differ substantially given the very different distribution for the fan bases for the A's and the Sharks. This result calls out for analysis and detailed explanation. However, no such explanation is provided and the "supplemental traffic model" is not described in either the draft SEIR or in the Traffic Impact Analysis ("TIA") attached as Appendix C to the draft SEIR. Both of these documents describe the model as "objective [and] reproducible" based on "a logically sound set of assumptions", but nowhere does the City actually describe the methodology in any detail, or provide the data or assumptions input into the methodology. This is inadequate for purposes of CEQA. *See Citizens of Goletta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. The draft SEIR must be revised to provide the data and describe the methodology used to analyze trip distribution from A's fans from Alameda and Contra Costa Counties attending A's games in San Jose.

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c. The draft SEIR fails to adequately analyze impacts associated with relocating the proposed parking from south of Park Avenue to different locations.

As discussed above, the draft SEIR identified three potential locations for the relocated parking – the Montgomery/Autumn Structure, the HP Parking Structure and the No Parking Option. However, the analysis of the viability of these two structures is misleading because it fails to analyze the feasibility of each location as compared against the other. Specifically, while the SEIR acknowledges that the Montgomery/Autumn Structure is also being proposed to support a parking structure for the SVRTC project, it fails to analyze the potential conflict between these two uses, and in particular how this conflict bears on the feasibility of the Montgomery/Autumn Structure as a viable parking option.

This issue is particularly important given that both structures cannot use the same site. If, due to the SVRTC project, the HP Parking Structure option is chosen for the Modified Project, as discussed above, the HP Parking Structure has significant environmental issues related to archaeological resources, hazardous waste contamination, and undisclosed land use consistency concerns. Conversely, if, due to the Modified Project, the SVRTC project chooses another location for its parking structure, any impacts attributable to the new parking location are also cumulative impacts of the Modified Project together with the SVRTC project. The implications of this conflict and any resulting cumulative impacts should have been disclosed in the draft SEIR.

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Further, concerning pedestrian safety, while the IS notes that the new parking structure sites are one or two blocks further away from the stadium than the parking structure in the 2007 EIR, its dismisses this as an insignificant change. IS, p. 59. However, as a result of this change, all the fans who drive to games and park in the structure must walk to the stadium. The draft SEIR does describe the up to 6,320 ballpark-bound pedestrians who would cross Santa Clara Street en route from the HP Parking Structure, but dismisses this concern because pedestrian crossings would be spread over a two-hour period as fans arrive before the start of game. Draft SEIR, p. 60. This discussion ignores any pedestrian-related impacts from people crossing the street from the Montgomery/Autumn Structure, and somewhat inexplicably ignores the fact that, at the end of the game, the same 6,320 pedestrians will cross the same streets to return to their cars over a much more concentrated period of time. The draft SEIR fails to adequately address the consequences of this concentrated stream of pedestrians or propose mitigation measures such as walk routes, signage and traffic control options. Moreover, the draft SEIR contains no discussion at all of the distribution of pedestrians, routes to the Stadium, and safety issues

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cont.

associated with the No Parking Option. Failure to consider these issues in more depth is inadequate under CEQA. **20 cont.**

7. Cumulative Impacts.

In response to several scoping comments, the draft SEIR has expanded its analysis and included the SVRTC project and the California High Speed Rail ("HSR") project as cumulative projects. However, while the draft SEIR undertakes a quantitative analysis for the SVRTC project, in particular related to traffic impacts, it concludes it can only undertake a qualitative analysis of the HSR project. The purported rationale for the limited qualitative analysis is that the HSR program EIR for the Northern California segment, which includes the connection to Diridon Station, was decertified in response to an adverse trial court ruling. The draft SEIR claims that quantitative information related to the HSR project's impacts in the Diridon Station area will not be available until the Northern California program EIR is recirculated.

However, this reasoning provides no support for the decision to not undertake a quantitative analysis for the HSR project's impacts in the Diridon Station area. The *Atherton v. California High Speed Rail Authority* decision, setting aside the final Northern California HSR program EIR, was based on two grounds: failure to revise and recirculate the HSR program EIR after Union Pacific Railroad ("UPRR") informed the HSR Authority that UPRR would not share the identified right-of-way for the preferred alignment, and for lack of substantial evidence supporting the claim that vibration impacts could be successfully mitigated to less than significant. Neither of these issues had any bearing on the validity of the quantitative traffic analysis contained in the HSR program EIR. In fact, the HSR program EIR includes a thorough and fully quantitative analysis of traffic levels and impacts caused by the HSR project in the Diridon Station area, a copy of which is attached hereto as Exhibit B. The draft SEIR could and should have relied on this quantitative information to perform its cumulative impacts analysis. This data is no different than data presented in a draft environmental document for a project, on which the City would be justified in relying. **21**

Even assuming arguendo that performing a qualitative analysis of the HSR project's impacts on the Diridon Station area is adequate despite the existence of reliable and verifiable quantitative data, the SEIR does not actually undertake the qualitative analysis it claims. After the initial mention of the HSR project on pages 105-106, the draft SEIR is completely silent on the qualitative effects of the HSR project thereafter (Draft SEIR, pp. 111-116). The draft SEIR must undertake an analysis of the cumulative effects of the HSR project.

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cont.

Further, the cumulative impacts section identifies the Ohlone Mixed-Use Development as a new cumulative project that was not previously identified in the 2007 EIR. Draft SEIR, p. 103, table V-1. However, the draft SEIR fails to describe this project in the same way it does the other newly identified cumulative projects (Draft SEIR, pp. 102-106), and does not make any effort to quantify the traffic trips or other cumulative impacts that might result from this project when analyzed in conjunction with the Modified Project, the SVRTC project, and the HSR project. The cumulative impacts analysis must be redone to take into account the Ohlone Mixed-Use Development project, and the draft SEIR must be revised and recirculated to permit the public to review and comment in this analysis.

Finally, in addition to the identified cumulative projects in the draft SEIR (p. 103), the City is currently processing applications for several other development projects in the vicinity of the Diridon Station area, all of which were filed after the 2007 EIR was certified. These projects include: a proposed 18,000-seat soccer stadium; a mixed-use project combining 600 residential units and 30,000 square feet of commercial space located on the site of the Japantown Corporation Yard; two other mixed-use projects (one with 825 residential units and 50,000 square feet of commercial space, the other with 218 units and 22,600 square feet) just south of the Project site near West San Carlos Street; and an urban public market on the east side of Highway 87. All of these projects are as close or closer to the Stadium site than the cumulative projects studied in the 2007 EIR, yet the draft EIR provides no explanation as to why these projects have not been considered. The SEIR must analyze the cumulative impacts from these projects, in combination with the Stadium, on all impact areas, including specifically parking demand, intersection and freeway on- and off-ramp levels of service, and freeway operations.

21 cont.

D. The Draft EIR Must Be Revised and Recirculated.

CEQA Guidelines § 15088.5 requires an EIR to be recirculated if "significant new information" is added to a draft EIR that shows:

> (1) a new significant environmental impact not previously identified would occur;
>
> (2) an identified impact would be substantially more severe;
>
> (3) a considerably different feasible alternative or mitigation measure that would avoid or substantially lessen impacts has been identified but the project proponent has declined to adopt it; or

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cont.

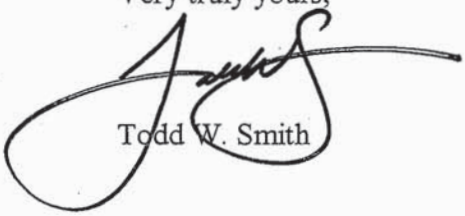
(4) the draft EIR is so fundamentally and basically inadequate and conclusory in nature as to preclude meaningful comment.

Here, the City must recirculate the draft SEIR because the draft SEIR fails to analyze the impacts associated with land use plan amendments, fails to adequately identify impacts to intersection and freeway segment levels of service between 6:00 and 7:00 pm, fails to adequately disclose the full scope of the Modified Project, including the Modified Project's impacts in the areas of cultural resources and hazardous materials, and fails to adequately identify and analyze cumulative impacts from other projects planned for the project area. Recirculation is necessary in order for the decision makers and the public to be able to make an informed decision related to the proposed Baseball Stadium.

22 cont.

Thanks you for your consideration of these comments.

Very truly yours,



Todd W. Smith

COMMENTOR C12
Stand For San Jose
Pillsbury, Winthrop, Shaw, Pittman, LLP
Todd Smith
March 29, 2010

C12-1: The introductory paragraphs identify the organization (Stand for San José) for which the comment letter was prepared and states the organization's support for the public planning and environmental review process. It notes the purpose of the Draft SEIR to inform the City Council in support of their actions with regard to the project and to disclose the environmental effects of the modified project. The comment is noted; no response is necessary because no environmental issue is raised.

C12-2: The comment states that for the reasons provided in the comment letter, the Draft SEIR is inadequate and does not comply with CEQA and that therefore the Draft SEIR must be revised and recirculated. The City disagrees. In accordance with CEQA, the City prepared and certified an environmental impact report prepared for the 2006 Stadium Proposal in February 2007; it has subsequently prepared this Draft SEIR to address changes to the project and new information that has become available since the 2007 EIR was certified. The impacts of the modified project, including cumulative impacts, have been disclosed and feasible mitigation measures to avoid or mitigate significant impacts are recommended. This information will be considered by the City prior to making a decision on approval of the project.

The comment asks that the Draft SEIR be recirculated. None of the comments received in response to the Draft SEIR disclose any new significant information that would require recirculation of the EIR. No new significant or substantially more severe environmental impacts have been identified that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified which are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the City as the applicant has declined to implement.

C12-3: This comment suggests that the Draft SEIR is so inadequate that meaningful public comment is precluded. The comment also questions the appropriateness of preparing an SEIR since the 2006 Stadium Proposal was never approved. It also alleges that the appropriate environmental baseline analyzed should be 2010 conditions and not the 2006 Stadium Proposal. Lastly, the comment questions whether the City was required to recirculate the entire 2007 EIR document since the original project was never approved.

Meaningful public comment on both the original EIR and the SEIR was garnered pursuant to the Notice of Preparation, Public Scoping meetings, circulation of the draft documents, and a public hearing for the certification of the 2007 EIR, all of which were done in compliance with CEQA and the CEQA Guidelines. In addition, community input was taken at various noticed public meetings including the Diridon Station Area Plan Good Neighborhood Committee.

Preparation of a Supplemental EIR for use in conjunction with the Final EIR certified for the 2006 Stadium Proposal is proper. CEQA Guidelines Section 15063(b)(C) expressly authorizes a lead agency to determine through the Initial Study process, which effects, if any, should be further analyzed. Furthermore, neither Public Resources Code Section 21166 nor CEQA Guidelines Section 15163 requires that a prior project be approved as a condition for preparing a supplement to the EIR that was prepared for the prior project. The City properly determined that the criteria for preparing a supplemental EIR were satisfied. (Public Resources Code Section 21166; CEQA Guidelines Section 15163) CEQA Guidelines Section 15163(d) specifically provides that "a supplement to an EIR may be circulated by itself without recirculating the previous draft or Final EIR." The "recirculation" requirement only applies prior to an EIR being certified and thus does not apply because the 2007 EIR was certified. Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.

An Initial Study was prepared for the modified project to assess changed circumstances from the 2007 EIR and to determine if the environmental baseline should be updated. Based on the conclusions of the Initial Study, the SEIR does in fact update the environmental baseline for analysis as appropriate. The updated transportation and circulation analysis is the best example of this.

C12-4: This comment, which claims that the project description is inadequate, introduces the specific comments made about the adequacy of the project description in Comments C12-5 and C12-6. Please refer to the responses associated with those comments.

C12-5: This comment states that the project description in the Draft SEIR fails to disclose the need to narrow Bird Avenue between San Carlos Street and Park Avenue. The intersection analysis for the narrowing of Park Avenue included the conceptual transition design of Bird Avenue from six to four lanes and the results are identified in the Draft SEIR. Transition designs for roadways are typical and the final design would be completed as part of the project. Also the transition narrowing of Bird Avenue would not require additional right of way. A four-lane transition would be accommodated within the right of way required for a six-lane roadway.

C12-6: This comment suggests that the Draft SEIR does not disclose land use policy changes that would be required to implement the proposed project. The public was fully informed by the project description in the Draft SEIR because there are no significant land use policy changes required for the project to move forward, other than a change to the San José 2020 General Land Use/Transportation Diagram for narrowing Park Avenue. The comment is incorrect that the Draft SEIR states that "amendments to various City land use plans would be necessary for the modified project to proceed". The response to comment C12-11 provides a restatement of the land use policy information contained in the Initial Study. No significant land use policy or plan changes are required for the project so the project description in the Draft SEIR is complete.

C12-7: This general comment introduces specific points made about the adequacy of the Draft SEIR in Comments C12-8 through C12-21. Please refer to the responses associated with those comments.

C12-8: This comment suggests that the analysis of the potential aesthetic impacts of the project is "cursory at best." The Draft SEIR does not contain a detailed analysis of the aesthetic impacts of the project because these impacts were adequately covered in the 2007 EIR, and no new mitigation measures (or project alternatives) would be needed to reduce the changes in aesthetic impacts that would result from the modified project. The 2010 Initial Study included as Appendix B adequately

discusses the less-than-significant impacts to visual resources that would result from the modifications to the project. As discussed in Section V.K, Visual and Aesthetic Resources, of the 2007 EIR, and the Aesthetics section of the 2010 Initial Study prepared for the modified project, the site does not contain any scenic views, and the project itself would generally enhance the visual integrity of the area. Although the potential Montgomery/Autumn parking structure would be taller than the previously-proposed parking structure, the taller structure would not result in new or more severe impacts to scenic views because such views do not exist on the site. Similarly, reconfiguring parking on the site would not result in new visual impacts because dramatic (and generally beneficial) changes to the visual character of the site were already anticipated as part of the earlier project. The reconfiguration of certain parking uses would change the distribution of these effects throughout the site, but not the overall impact on visual resources.

C12-9: The claim is made in this comment that the addition of new text to Mitigation CULT-3 (in the 2007 EIR) should be properly made in the Draft SEIR itself and not in the attached Initial Study. While the discussion of the effect of the modified project on cultural resources is included in the Initial Study, the revision to mitigation measure CULT-3 is provided in Table II-1 on page 12 of the Draft SEIR, which identifies the source of the change as the Initial Study contained in Appendix B of the Draft SEIR. The impact, "the project area may contain buried archaeological resources" is the same for the modified project as it was for the 2006 Stadium Proposal, albeit there is a different project footprint. This information is fully disclosed and adequately evaluated in the Initial Study. The location of the analysis is clearly identified in the Draft SEIR on page 12.

The comment also suggests that the addition to Mitigation Measure CULT-3 would provide "less protection" than the earlier mitigation measure. In fact, Mitigation Measure CULT-3b is additive in that it would *supplement* the protections described in Mitigation Measure CULT-3 in the 2007 EIR. The earlier protection measures would remain and would apply to the entire site. Mitigation Measure CULT-3, as supplemented, would ensure the protection of existing identified resources, as warranted. Mitigation Measure CULT-3b supplements, and does not supplant, Mitigation Measure CULT-3 in the 2007 EIR.

The commenter's claim regarding CEQA section 21083.2 is moot, because the potential for unique archaeological resources to occur on the site was discussed in Section V.J, Cultural and Paleontological Resources, of the 2007 EIR, which is part of the EIR for the proposed project. Potential impacts to unique archaeological resources were identified as part of Impact CULT-3 in the 2007 EIR and have been updated in the 2010 Initial Study. The refinements to Mitigation Measure CULT-3 made in the 2010 Initial Study do not constitute significant changes to the earlier analysis.

Because the City as project sponsor would be required to adhere to the requirements of Mitigation Measure CULT-3 (as supplemented by the 2010 Initial Study), the proposed project would not ultimately result in significant adverse effects to archaeological resources. Therefore, the project would not result in a cumulatively considerable impact to archaeological resources. Please refer to page 108 of the Draft SEIR for a reference to this finding.

C12-10: This comment makes the claim that the presence of a "contaminated site under regulatory control" in and of itself would require analysis in the body of the Draft SEIR rather than the attached Initial Study. However, this claim is not supported by the *CEQA Guidelines* regarding preparation of a Supplemental EIR and the use of Initial Studies in scoping out from detailed analysis certain

environmental topics. *CEQA Guidelines* section 15163 requires a Supplemental EIR to "contain only the information necessary to make the previous EIR adequate for the project as revised": namely, new information pertaining to new or more severe environmental impacts. The additional information about historic contamination on the HP Pavilion site does not pertain to new impacts and does not require new mitigation measures or alternatives that would not be adopted by the City as project sponsor. Therefore, this discussion is appropriately located in the Initial Study and not the body of the Draft SEIR. Use of the Initial Study to "scope out" from detailed analysis certain environmental topics is an approach supported by *CEQA Guidelines* section 15006 to reduce paperwork and redundant analysis, and is the approach utilized in preparing the Draft SEIR.

The potential impact of the modified project, namely that development of the project could expose construction workers and/or the public to hazardous materials from contaminants in soil and groundwater during and following construction activities is the same as Impact HAZ-1 in the 2007 EIR. As noted on page 36 of the Initial Study, implementation of Mitigation Measure HAZ-1 as recommended in the 2007 EIR and enforcement of regulatory and deed restriction requirements as required by the site's existing deed restriction would ensure that potential impacts would be less than significant. No additional mitigation is required.

In addition, the claim in the comment that the inclusion of information about site contamination in the Initial Study (as opposed to the body of the Draft SEIR) has precluded public comment is refuted by the comment itself, which raises issues about this very issue. The analysis in the Draft SEIR, including all attachments, is fair game for public comment, and it appears that the commenter has taken that into account in making comments on the adequacy of the Draft SEIR.

C12-11: This comment claims that the Draft SEIR does not adequately evaluate the impacts of the project on various land use planning documents. However, the Draft SEIR does analyze the potential effects of amendments to various City land use plans and concludes that no such amendments are required. It is not correct that the City has acknowledged the need for any such amendments in order for the ballpark project to proceed. This response will demonstrate why there are no "significant land use policy changes that would need to be implemented in order to support development of the ballpark." This response will also clarify the hierarchy and relationship between the various applicable "plan" and policy documents and the proposed project's consistency with each of them.

Neither the 2007 EIR nor the Initial Study conclude that the proposed ballpark is in conflict with any applicable land use plans, policies, or regulations adopted by agencies with jurisdiction over the project. The 2007 EIR clearly states that the proposed project is consistent with the San José 2020 General Major Strategies and Goals and Policies and to the Downtown Strategy 2000. With regard to the Midtown Specific Plan and Diridon/Arena Area Station Development Plan, the 2007 EIR states that the ballpark is not "specifically included." It does not conclude it is inconsistent with either of these documents. Similarly for the Strong Neighborhood (SNI) Plans, the 2007 EIR states that they do not "contemplate or envision a ballpark".

The various Local Plans and Policies identified and analyzed in the 2007 EIR are not equal in stature or relevance to the proposed project. For example, there is no requirement for the ballpark to be consistent with or identified in the SNI Plans. Many documents prepared by the City are called or referred to as "plans." As discussed in the Initial Study there is an inherent hierarchy between the various applicable land use "plans" and policy documents. However, not all "plans" are authoritative

or operative for purposes of determining the proposed project's consistency with land use policy for CEQA purposes. Some land use related documents are called "plans" but are of a more strategic nature or a community vision and not a prescriptive policy document equal to the General Plan or a Specific Plan.

San José 2020 General Plan

No General Plan Text Amendments or Land Use/Transportation Diagram (LU/T) changes are required for the approval, construction or operation of the proposed ballpark. The premiere over-arching land use policy document is the San José 2020 General Plan. All other land use plans and related policies nest within or underneath it. The San José 2020 General Plan is an integrated policy document that consists of major strategies, goals, policies and the land use/transportation diagram. For purposes of the General Plan, the proposed ballpark would be considered a quasi-public use because it will be privately constructed and operated but built on public land. As described below the determination of General Plan conformance in the case of the ballpark as a public/quasi-public use is based on overall consistency with the General Plan in a holistic way, as opposed to simple consistency with the LU/T Diagram designation of the project site.

The General Plan requires that only existing Public/Quasi-public uses and ownerships and future Public/Quasi-public uses for which substantial planning has been completed are designated as such on the LU/T Diagram. The General Plan allows the establishment of new Public/Quasi-public uses in accordance with the General Plan Discretionary Alternate Use Policies. The Discretionary Alternate Use Policies state that sites without the P/QP designation may be developed for P/QP use on the basis of a determination of conformance with the applicable General Plan goals and policies and a demonstrated need for the P/QP facility being proposed. General Plan and Midtown Specific Plan conformance is not based in this case on the land use designation applicable to the project site.

General Plan Major Strategies

As outlined in the 2007 EIR, the proposed ballpark is consistent with each of the seven major strategies. The San José 2020 General Plan identifies seven interrelated and mutually supportive major strategies as the principal goals and fundamental policy framework for planning San José. The major strategies are economic development, growth management, downtown revitalization, urban conservation/preservation, the greenline (urban growth boundary), housing and sustainable city. The most directly relevant major strategies are economic development, sustainable city and downtown revitalization.

General Plan Goals & Policies

The proposed ballpark is consistent with the goals and policies of the General Plan. The San José 2020 General Plan includes an extensive list of goals and policies that are the interrelated and supportive elements for achieving the seven major strategies. They include city concept; community development; housing; services and facilities; aesthetic, cultural and recreational resources; natural resources; and hazards. The most directly relevant goals and policies are those concerned with city concept, particularly community identity, and community development, particularly economic development.

General Plan Land Use/Transportation Diagram Designations

No changes to the LU/T Diagram are required for the approval, construction or operation of the ballpark, except for reducing the planned width of Park Avenue. The San José 2020 General Plan Land Use/Transportation Diagram identifies the preferred land uses for all property within the City's Sphere of Influence. The Diagram also illustrates the relationship between land uses and the transportation network for the year 2020. The General Plan recognizes the Diridon/Arena area as a transit hub and encourages pedestrian-oriented activity and a mix of land uses. The proposed ballpark is consistent with the Land Use/Transportation Diagram as explained below.

Downtown Core Area

The LU/T Diagram includes the designation of various Special Strategy Areas. The Downtown Core Area, which includes the project site, is a Special Strategy Area. The proposed project is within the Downtown Core Area as designated on the San José 2020 General Plan Land Use/Transportation Diagram. The boundary of the Downtown Core Area was expanded in 2005 to include the area encompassing the project site. The current Downtown Core Area is larger than that identified in the *San José Downtown Strategy Plan 2000*. This Special Strategy Area is in direct support of the Downtown Revitalization Major Strategy.

As concluded in the 2007 EIR the proposed ballpark is consistent with and supports the Downtown Strategy Plan. The Downtown Strategy Plan focuses on the core of the central business district and only tangentially addresses the project site and vicinity. It articulates and illustrates the vision for downtown and describes the fundamental principles of urban design needed to move towards that vision. The Downtown Strategy Plan is not an authoritative land use plan per se like the LU/T Diagram. The proposed ballpark is consistent with the guiding principles of the DSP. Amendment of the DSP is not required for approval, construction and operation of the ballpark.

The proposed ballpark is not inconsistent with the vision of the *Diridon/Arena Area Strategic Development Plan*. The *Diridon/Arena Area Strategic Development Plan* provides a greater layer of detail to the Strategy 2000 plan for the Diridon/Arena vicinity. It provides strategies for the creation of an integrated transportation hub and new public amenities and encourages transit ridership and pedestrian activity. It also includes strategies for the provision of an appropriate level of parking and protection of adjacent neighborhoods from any negative impacts associated with the new activities. Although a ballpark is not specifically included in this Plan, an amendment of this Plan is not required for the approval, construction and operation of the ballpark because as a strategic plan it is not an authoritative land use policy document.

Midtown Planned Community

As was the case with the HP Pavilion, an amendment of the Plan is not required for the approval, construction and operation of the ballpark. The City at its discretion may amend the General Plan and Specific Plan at some future date if the ballpark is approved and constructed. As noted in the 2007 EIR, the ballpark is not specifically included in the Midtown Specific Plan, however the project is consistent with the General Plan and Specific Plan for the reasons outlined below.

The LU/T Diagram identifies some specific areas as a Planned Community. The uses allowed within this designation encompass a full range of land uses considered compatible and appropriate within a specified project area. The Planned Community designation is intended for areas exhibiting a large mixture of primary land uses. The proposed project site is within the Midtown Planned Community. Development within specific land use designations is required to conform to the normal guidelines for those designations unless special qualifications are outlined in the specific land use plan, which is the Midtown Specific Plan for the project site. The MPC is based on the Midtown Specific Plan which is a separate document.

The MT Planned Community and Specific Plan designate the project site for Transit-oriented Mixed Uses. The Midtown Mixed-Use designation allows for single use or mixed use development. A ballpark is not a specifically enumerated use in the Midtown Specific Plan Mixed-Use designation. The Midtown Specific Plan states that additional public/quasi-public uses are allowed throughout the Plan area in accordance with other General Plan policies.

Strong Neighborhoods Initiative "Plans"

Amendment of the SNI Plans is not required for the approval, construction or operation of the ballpark. Ballpark consistency with the SNI Plans is not required as SNI Plans are neighborhood improvement strategies and are not authoritative land use policy documents with which the ballpark must be consistent. As noted in the 2007 EIR, the SNI Plans did not contemplate or envision a ballpark. On April 21, 2009 the City Council approved amendments to the SNI plan in which the Redevelopment Agency is "authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities, including, …sports facilities."

C12-12: This comment appears to suggest that the finding in the 2010 Initial Study that the proposed project would not result in urban decay is based solely on the fact that "baseball patrons represent less than 1% of retail and restaurant sales in Oakland." However, the urban decay analysis in the Initial Study is a summarized version of a detailed urban decay report prepared by Keyser Marston Associates in February 2010 (see Attachment B to the 2010 Initial Study), which examined a variety of data to conclude the project would not result in urban decay, including the strength of the local retail base and spending patterns at the Coliseum in Oakland. According to the Keyser Marston report, the total share of retail and restaurant sales by baseball patrons is only one of several reasons that the project is not expected to result in urban decay. Other reasons include:

- There are few businesses proximate to the Coliseum that are notable beneficiaries of spending by baseball patrons, and virtually none have positioned themselves to serve A's patrons;
- Vehicular and pedestrian circulation patterns are inconsistent with patronage of local businesses by attendees of events at the Coliseum; and
- The commercial base in retail nodes near the Coliseum is strong: developed space is almost entirely occupied by active uses, with little vacancy; therefore, even in the highly unlikely event that space were vacated, there are strong prospects that such space would be successfully re-tenanted near-term.

The Keyser Marston report focuses on the retail/restaurant sector because that sector is the one with the greatest potential to be adversely affected by a new ballpark. Industrial, office, and other uses are unlikely to suffer adverse affects as a result of the business generated by the proposed ballpark.

C12-13: This comment makes the claim that potential conflicts with FAA height restrictions and the OEI emergency procedures of private airlines merit analysis in the body of the SEIR rather than the attached Initial Study. However, as discussed in Response C12-10, this claim is not supported by the *CEQA Guidelines* regarding preparation of a Supplemental EIR and the use of Initial Studies in scoping out from detailed analysis certain environmental topics. *CEQA Guidelines* section 15163 requires a Supplemental EIR to "contain only the information necessary to make the previous EIR adequate for the project as revised": namely, new information pertaining to new or more severe impacts. The information in the Initial Study about potential conflicts with FAA height restrictions and the OEI emergency procedures of private airlines does not pertain to new impacts and does not require new mitigation measures or alternatives that would not be adopted by the City as project sponsor. Therefore, this discussion is appropriately located in the Initial Study and not the body of the Draft SEIR. Use of the Initial Study to "scope out" from detailed analysis certain environmental topics is an approach supported by *CEQA Guidelines* section 15006 to reduce paperwork and redundant analysis, and is the approach utilized in preparing the Draft SEIR.

In addition, the relative placement of information about FAA policies and OEI emergency procedures in the Initial Study (instead of the body of the Draft SEIR) does not preclude "more informed" public comment. The Draft SEIR and Initial Study (and all other attachments and appendices) are fully open to public review and comment.

C12-14: This comment claims the Draft SEIR does not evaluate the effects on the noise environment of building demolition associated with construction of the Montgomery/Autumn Street parking structure and HP Pavilion parking structure. As discussed on page 52 of the 2010 Initial Study (included as a Appendix B to the Draft SEIR), construction noise impacts for the potential new parking structures would be the same as impacts associated with the 2007 project, and previously-identified measures to reduce these impacts would be adequate to reduce construction-period impacts associated with the modified project (even though the location of certain construction activities would change). Therefore, no new construction-period impacts were identified that would need to be included in the Draft SEIR, per the *CEQA Guidelines* on preparation of a Supplemental EIR. The potential effects of the modified project on roadway noise (including noise associated with operation of the parking structures) are discussed on pages 51 and 52 of the 2010 Initial Study. This analysis was based on an identification of sensitive receptors in the vicinity of the potential parking garages. New noise monitoring was not required at the parking structure sites because the noise analysis undertaken as part of the 2007 EIR adequately ascertained noise levels in the vicinity of the project site, including the sites of the proposed parking garages. Per the discussion in the 2010 Initial Study, the new parking structures would not result in new noise impacts beyond those already identified as part of Impact NOISE-1, and no new mitigation would be required.

C12-15: This comment claims that the Draft SEIR does not adequately evaluate the effects of construction noise on sensitive receptors in close proximity to the project site. Please refer to Response to Comment C12-14.

C12-16: This comment claims that the Draft SEIR does not evaluate traffic generated by the proposed project during the 6:00-7:00 p.m. peak period. The impacts of the project during the 6:00-7:00 p.m. time period are described and evaluated in the Draft SEIR for informational purposes. Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods.

C12-17: This comment claims that the Draft SEIR is not consistent with applicable case law because it does not evaluate potential traffic impacts during the 6:00-7:00 p.m. peak hour. The Draft SEIR transportation analysis was prepared in accordance with the City's Transportation Level of Service (LOS) Policy and the Santa Clara County Congestion Management Program (CMP). It analyzes the weekday 5:00-6:00 p.m. peak hour, which is the typical peak hour that is analyzed in traffic studies in San José. Please see Master Response Transportation, Circulation and Parking #1, Study Time Periods.

C12-18: This comment states that the Draft SEIR does not adequately describe the methods used to evaluate the effects of the project on the transportation system, particularly in regard to simultaneous events at the proposed ballpark and other local venues. Please see Master Response Transportation, Circulation and Parking #2, Simultaneous Events and Other Uses of Ballpark.

C12-19: This comment claims that the description in the Draft SEIR of the methods used to identify the expected trip distribution of the project is inadequate. The trip distribution model considers population, income, and distance from the ballpark to predict game attendance and the trip distribution. Two independently derived traffic pattern outputs for A's fans were derived by the transportation consultant and the one that generated the greatest impacts is used in the traffic analysis. Please see Master Response Transportation, Circulation and Parking #7, Trip Distribution for additional explanation of how the model was developed.

C12-20: This comment indicates that the Draft SEIR is inadequate because it "fails to analyze the feasibility of each [parking structure] location as compared against the other." It is unclear where in CEQA or the *CEQA Guidelines* such a feasibility analysis is required, and the City is unaware of such a requirement. The purpose of the Draft SEIR is to identify the potential impacts of the modified project, not to determine the relative feasibility of various project components. Consistent with that required purpose, all components of the project were assumed to be feasible and their associated environmental impacts were disclosed. It is difficult to see how the analysis of the parking options is misleading in light of the fact that the Draft SEIR is clear in stating that only one of the parking options would be selected as part of the project (see page 18). Feasibility considerations are not critical to understanding that only one of the parking options would be ultimately selected.

The claim that environmental effects associated with development of a parking structure on a different site by SVRTC would be a secondary impact of the proposed project is also rejected by the City. The impacts of projects must be analyzed based on reasonably foreseeable conditions, not on (in this case) potential environmental impacts resulting from development of a parking structure on a to-be-identified site. Such impacts would be speculative, and of the type for which CEQA does not require analysis.

The comment that pedestrian safety issues associated with fan travel to and from one of the two potential parking garages north of the site are dismissed as insignificant simply because "pedestrian crossings would be spread over a two-hour period" is also incorrect. The finding that pedestrian

safety would be less than significant is primarily based on the finding that the three signalized intersections with crosswalks along Santa Clara Street at Cahill, Montgomery, and Autumn streets can adequately accommodate the pedestrian crossings that would be generated by events at the project site. Please refer to page 60 of the Draft SEIR.

Per *CEQA Guidelines* section 15151, "[a]n evaluation of the environmental effects of a proposed project need not be exhaustive," but adequate to allow for full disclosure of environmental impacts. A detailed analysis of pedestrian travel, routes to the project site, traffic signal options, and other factors related to pedestrian access was not necessary to identify the impacts to pedestrian facilities associated with the modified project, and therefore was not included in the Draft SEIR.

C12-21: This comment suggests that the cumulative analysis in the Draft SEIR is faulty because the analysis is undertaken at a qualitative level for certain projects, and some projects are not described in great detail. The level of analysis is adequate and appropriate based on the information available for the projects identified under the cumulative condition. The HSR project, for example, does not yet have a stable project description and associated project level environmental impact analysis. A qualitative cumulative transportation analysis with the HSR project is the best that can be considered without being speculative. Please see Master Response Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan.

C12-22: This comment requests recirculation of the Draft SEIR. None of the conditions that would require the recirculation under CEQA as described in the comment have occurred. Please refer to Response to Comment C12-9 (cultural resources), C12-10 (hazardous materials), C12-11 (land use amendments), Master Response Transportation, Circulation and Parking #1, Study Time Periods (study of 6:00-7:00 time period) and Master Response Transportation, Circulation and Parking #6, Cumulative Impacts, HSR, BART and Diridon Area Plan. No changes to the Draft SEIR, including the introduction of significant new information, have been made as a result of responding to the comments in Letter C12. Therefore, recirculation of the Draft SEIR is not warranted.

Letter
C13

To: Darryl Boyd, Principal Planner
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, Ca. 95113 -1905

From: Richard Zappelli
Willow Glen Neighborhood Association
Chair, WGNA P&LU Committee

Re: Baseball Stadium In The Diridon/Arena Area (Modified Project) Supplemental Environmental Impact Report State Clearinghouse 3 2005112126
Project #PP05 - 214 February 2010 - City of San Jose

Re: Page 6,7 Significant, Significant Unavoidable and Cumulative Impacts, "State Route 87 would experience significant impact from project traffic along four of the analyzed segments"

Dear Mr. Boyd,

Thank you for the opportunity to respond on the S EIR for the proposed Baseball Stadium in the Diridon Area. I am a member of the Diridon Good Neighbor Committee representing the Willow Glen - Palm Haven areas of San Jose. As a member of the committee since it was seated I want to thank you and Kip Harkness for the quality presentations put before the stake holders the Committee. As a supporter of the ball park and other Diridon area developments, I have a serious concern about minor arterioles in Willow Glen: Lincoln Avenue, Coe Avenue, and Bird Avenue. Lincoln Avenue, a minor arterial is also our "Main Street" where locals enjoy a sense of place, where they can walk, shop, visit friends and fellow neighbors or spend time dining and relaxing on the “The Avenue”. **1**

My concern comes not only from the new traffic the ball park will generate, but moreover, the "cumulative impact" of many developments in downtown San Jose that will create "heavy north - south" grid lock on SR-87 and the Almaden Expressway. Lincoln Avenue by choice becomes the alternate for both SR-87 and the Almaden Expressway, a commuter lane, witch motorist in a hurry use to get to their destination. Our "Main Street" (“The Avenue”) becomes a drive through, not a destination. This will have a negative effect on our "quality of life" and a negative impact on retail sales in downtown Willow Glen. **2**

The S EIR does not address the cumulative effect on Lincoln Avenue. We would like to request a traffic study be done on all segments of Lincoln Avenue and intersecting connectors: Coe Avenue, Bird Avenue, Parkmore (near I-280), and Curtner Avenue. The intersection of Curtner Avenue at SR-87 near Almaden Expressway is already heavily congested in normal commute times without a ballpark, High Speed Rail station, BART station and other downtown destinations and high density development.

Listing the cumulative traffic concerns:

The S-EIR does not address the SR-87 interchange with Almaden Expressway and Curtner Avenue., and all the cumulative problems that force traffic off SR-87 and The Almaden Expressway and onto Lincoln Avenue, as an alternate route favored by motorist wishing to avoid the gridlock on SR-87 and the Almaden Expressway. **3**

1) The ballpark will cause increased traffic northbound on SR-87 and the Almaden Expressway from fans in route to the stadium from Morgan Hill, San Martin, Gilroy and in south San Jose from Almaden Valley, Blossom Valley and Santa Teresa areas. Cumulative traffic from these areas, caused by residents in route to the stadium has not been studied. **4**

2) Increased traffic northbound on Lincoln Avenue through Willow Glen Residential areas and through the Willow Glen Downtown Business District will have a negative impact on the Quality of Life of our neighborhood, and a negative impact with "through commute type traffic" on businesses in our downtown area. **5**

3) The attractiveness of commute traffic in route to the ballpark as a cut-through from Lincoln Ave., to Coe Ave., to Bird/Autumn Parkway will have a negative impactt in Willow Glen. Also traffic on Lincoln Avenue as a cut through past Coe Ave. north on Lincoln Avenue to Park Avenue. **6**

Letter
C13
cont.

4) Ballpark traffic from I-280 exiting the interstate at Race Street to Parkmore to Lincoln Avenue, north to the stadium will have a cumulative negative effect on Lincoln Avenue to Park Ave, or San Carlos Blvd. **7**

5) All of the above mention traffic concerns apply to southbound and other traffic after each Ballpark event. **8**

The S-EIR does not measure the cumulative effect caused by the already increased traffic at Curtner Ave, the Almaden Expressway caused by the new "Plant Shopping Center and high density developments on Communications Hill like Tuscany Village. Nor does the report address increased traffic from the south county cities of Gilroy, San Martin, Morgan hill that will now be closer to major league baseball and special events at the new stadium. The south - west San Jose areas of Almaden Valley, Blossom Valley. and Santa Teresa/Bernel areas are well developed with young families with little league fans that will frequent the stadium. **9**

We would like to have a traffic study of the impacts of these areas on SR 87, Almaden Expressway and the overall cumulative effect on Lincoln Avenue. **10**

Willow glen is within 1/2 half mile of the ballpark and has two trails that service and connect the Ballpark with Willow Glen, "The Los Gatos Creek Trail, and the Guadalupe River Bike Trail. These two trails can provide a transportation corridor where local residents can walk to the stadium. Lighting should be provided on these trails, directed away from the two trails so stadium goers can safely walk home from stadium activities. **11**

Lincoln Avenue is planned for north - south bike lanes, both in the Willow Glen Area of Lincoln Ave. from Husted Ave to Interstate 280 and from Interstate 280 in the Burbank Del Monte NAC to Park Avenue. This provides an alternate form of transportation to and from the stadium, while cutting back on the need for increased parking lots close to the stadium. **12**

Tamien Station needs a larger parking lot. Tamien is serviced by the Light Rail, Cal Train, bus and the Guadalupe River Bike Lane. An enlarged Tamien Station parking lot, can provide satellite parking where stadium goers can take the light rail or various modes of public transportation, walk or bike the Guadalupe River Bike trail to the Ball park as Tamien is 5/10th of a mile from the ball park. **13**

Willow Glen residents would like to see these issues addressed in the S - EIR. **14**

Respectfully,

//Richard Zappelli//

Willow Glen / Palm Haven Good Neighbor Committee Member

cc: Kip Harkness SJ - RDA

COMMENTOR C13
Willow Glen Neighborhood Association
WGNA P&LU Committee
Richard Zappelli, Chair
March 29, 2010

C13-1: The introductory paragraph identifies the author of the comments and thanks City staff for providing quality presentations to the Good Neighbor Committee. The comment is noted.

C13-2: This comment requests additional information about the potential cumulative impacts of the project on congestion on the Almaden Expressway and SR 87, and the potential diversion of traffic onto Lincoln Avenue. The ballpark would not have a noticeable effect on Almaden Expressway or SR 87 in the northbound direction before a game. Therefore, no effect would be expected on Lincoln Avenue. After a game, the ambient traffic levels are so low that the traffic easily could be accommodated without using Lincoln Avenue.

C13-3: This comment suggests that the Draft SEIR does not adequately address congestion at the SR 87 interchanges with Almaden Expressway and Curtner Avenue. Ballpark traffic would be traveling in the off-peak direction so would not experience any congestion at SR 87/Curtner or SR 87/Almaden Expressway.

C13-4: This comment suggests that potential impacts to SR 87 are not adequately evaluated in the Draft SEIR. SR 87 was included in the traffic study. The segment from Capitol Expressway to Julian Street is operating well within capacity northbound from 5:00-6:00 p.m. It would continue to do so with the ballpark. Almaden Expressway was not included in the traffic study, but based on observation, it operates well in the northbound direction from 5:00-6:00 p.m.

C13-5: This comment suggests that the project would generate traffic on Lincoln Avenue such that the quality of life of residents in the area and business viability would be compromised. The ballpark is not expected to increase through traffic on Lincoln Avenue through downtown Willow Glen. Lincoln Avenue would serve local traffic.

C13-6: This comment suggests that cut-through traffic would adversely affect the Willow Glen neighborhood. Any traffic on Bird Avenue or Lincoln Avenue going to a ballgame would be traffic from the Willow Glen neighborhood. Thus, it would not be considered cut-through traffic.

C13-7: This comment suggests that cut-through traffic would adversely affect the Willow Glen neighborhood. Traffic from eastbound I-280 going to a baseball game would be expected to exit at Bird Avenue or Almaden/Vine. Traffic Westbound on I-280 would exit at 7th Street or Bird Avenue. Traffic using I-280 also could use SR 87 northbound and exit at Santa Clara Street or Julian Street. Only local traffic is expected to use Race Street.

C13-8: This comment introduces the following several comments, which pertain to southbound traffic generated after events at the proposed ballpark. When baseball games are over, either at night

or on weekends, the ambient traffic levels are expected be sufficiently low that traffic easily could be accommodated.

C13-9: This comment claims that the Draft SEIR does not adequately address cumulative traffic associated with new development in the area or from demand for ballpark games associated with residents of cities to the south of San Jose. The traffic study includes all existing traffic, for example from completed portions of The Plant and Communications Hill. The cumulative analysis includes all planned development, such as build-out of The Plant and Communications Hill. The traffic study estimates that about 25 percent of fans would come from the south, including south San Jose, Morgan Hill, and Gilroy.

C13-10: This comment requests additional analysis of cumulative traffic on SR 87, Almaden Expressway, and Lincoln Avenue. See Responses to Comments C13-4 and C13-5.

C13-11: This comment suggests that existing trails be improved to enhance pedestrian and bike access to the ballpark. The improvements to existing pedestrian trails described in the comment will be considered by the City as part of general multi-modal improvements to the area.

C13-12: This comment, which indicates that planned bike lanes along Lincoln Avenue will enhance bike access to the proposed ballpark and potentially reduce the need for new parking, is noted. The City of San Jose is committed to developing better bike facilities, and to linking these facilities to the proposed ballpark, where feasible. Although not required as mitigation, the City will consider providing secure bike parking such that existing and planned trails in the area can be used by ballpark patrons.

C13-13: This comment suggests that the parking around Tamien Station should be expanded, and that the parking area could serve as satellite parking for the proposed ballpark. Although Tamien Station was not included in the parking study conducted as part of the Draft SEIR (because the station is 1.4 miles away from the project site), the City will consider its use as a satellite parking area.

C13-14: This concluding comment is noted.

D. INDIVIDUALS

Letter
D1

Boyd, Darryl

From: alikat.2@juno.com
Sent: Wednesday, February 17, 2010 11:48 AM
To: Boyd, Darryl
Subject: Comments concerning proposed ball park

I live near the Bird Ave/280 intersection. I have a 100 year old home which I have been carefully restoring for several years. I also spear-headed a movement to get conservation-like status for my neighborhood to protect the other old homes from incorrect alterations. Under no circumstances would I support installation of "sound mitigation" to local homes to compensate for ball park noise. Those mitigation elements belong on the venue itself. In this case the ball park should be enclosed. (Put a lid on it!) Plenty of crazy-loud events take place at the Arena and there is no noise impact on the surrounding area. That is the only acceptable answer for this project as well; especially given the additional issue of light-pollution. 1

I dislike this project for a number of other reasons, so I sincerely consider enclosing the park to be a compromise. Destroying the architectural integrity of outlying housing, especially when it is an element that people care about deeply is not an answer.

COMMENTOR D1
Alikat.2@juno.com
(Alison England)
February 17, 2010

D1-1: This comment objects to Mitigation Measure NOISE-2b (see page 76 of the Draft SEIR), which includes a variety of measures to reduce noise generated in the proposed ballpark, including adjusting speakers within the ballpark to avoid noise spillover. As noted in the mitigation measure, sound insulation features such as double-pane windows and air conditioners would be installed only with the consent of the property owner. Therefore, the commenter could refuse such features for reasons of maintaining historic architectural integrity or other reasons. There is no requirement under CEQA that mitigation be limited to the project site itself. Therefore, Mitigation Measure NOISE-2b is a reasonable measure and no modifications to the measure are required to the Draft SEIR.

The commenter suggests an alternative to the project – an enclosed ballpark. An enclosed ballpark would not meet at least two of the objectives as set forth on page 35 of the 2007 EIR and has been rejected by the City. An enclosed ballpark does not meet the project objectives of constructing an open-air downtown ballpark which can take advantage of the local climate and weather, as well as the views of the Downtown San José skyline and the sense of Silicon Valley between the Santa Cruz and Diablo Mountain Ranges. Furthermore, an enclosed ballpark design is not an energy efficient building as documented for the same consideration with the recent Airport West Soccer Stadium project. An enclosed ballpark would consume substantially more energy for indoor climate control.

As noted in Chapter V, CEQA-Required Assessment Conclusions, additional lighting associated with the project would be considered a significant unavoidable environmental impact, and the City will consider this impact in the context of potential project benefits when it decides whether to approve the project. Note that the modified project would reduce the amount of light spilling into surrounding neighborhood as compared to the 2006 Stadium Proposal because of the modified project's reduced height and because lighting would be integrated into the roof of the ballpark (see page 14 of the Initial Study in Appendix B of the Draft SEIR).

Letter
D2

1218 Willow St.
San Jose, CA 95125
March 28, 2010

Darryl Boyd, Principal Planner
City of San Jose, Dept. of Planning, Building & Code Enforcement
200 East Santa Clara St.
San Jose, CA 95113
fax 408/292-6055

re: San Jose Ballpark SEIR, Project PP05-214

Dear Mr. Boyd,

After looking through the San Jose Ballpark SEIR, I have a couple of thoughts, comments, and questions.

The Stadium project is being planned for a complex region of central San Jose that is also the focus of a planned BART extension and for a station for the planned High Speed Rail (HSR). Because of this nexus of transportation, including the existing VTA Light Rail and CalTrain/ACE/Capitol Corridor Train, the area will become a premier transportation hub. Because of all of this planned and existing transit, as well as this planned stadium and the impacts of a growing downtown, the City is working with the surrounding community on a Diridon Station Area Plan. **1**

I feel it is ideal for a stadium to be adjacent to a major transportation node, so that event participants can leave their cars behind, and the stadium doesn't need to be surrounded by a sea of parking lots. I do wonder, however, whether a stadium is the highest and best use of this site adjacent the premier transit node, and I hope that, if it is built, it will complement and support the area throughout the year, and not just on event days. Specifically, I hope the stadium would have ground-level retail that is accessible to all, event-goers and the general public alike, which would support the area's vibrancy.

I am pleased to see the revised stadium plans (Fig. III-2) deleted the area south of Park Avenue. This will allow it to continue to be considered for the long-planned park node along the Los Gatos Creek. **2**

I am pleased to see that much of the parking is planned to be constructed upon the existing Arena parking lots. I hope that the stadium plan includes a grade-separated crossing of Santa Clara Street to encourage safe and convenient access. **3**

One point of concern I would like to raise: the stadium plans a parking structure on the lot between Montgomery and Autumn, north of the VTA line (Fig. III-3). At the Diridon Station Area Plan meetings, as well as at the General Plan Update Task Force ("Envision 2040"), the task force members and public have been discussing how to make the city more "walkable", and especially how to tie this major transit node in with downtown, and to San Jose State University beyond. Of specific interest is the possibility of making a pedestrian mall from the Diridon Station, starting at its entrance plaza, following the light-rail line eastward to San Fernando, and then possibly having that be a bike/pedestrian mall into downtown. I hope that the Montgomery/Autumn parking structure can be planned to accommodate and promote such plans with an appropriate setback from the rail line and with appropriate street-level facilities (shops, sidewalk cafes, etc.). **4**

The SEIR and Fig. III−5 address a realignment of Montgomery/Autumn and a narrowing of Park Avenue. I would like to see the Los Gatos Creek restored to an open channel as part of this process, and to free it from the pipe that now carries the water beneath the intersection. Make the channel-way wide enough, and the roadways high enough over the channel, that the Los Gatos Creek Trail can cross grade-separatedly beneath the roadways. (Note: I served on the 1985 Los Gatos Creek Trail Master Plan Taskforce and later on the SCVWD Environmental Advisory Committee, and I have always been saddened by what was done to the Los Gatos Creek decades before in this region.)

The Los Gatos Creek Trail would provide an excellent means of access to the stadium. While folks may only be willing to walk a half-mile or so to find a parking spot, they will walk a longer distance along a creek trail, and will bicycle in from even further distances. A good, safe, convenient trail would allow access from the new high-density housing along Auzerais and also much of Willow Glen. Combine that with the connecting Three Creeks Trail that's planned for the WG Spur rail corridor and the served area increases to include the Alma / Washington / Guadalupe areas as well. The trail needs to be designed well: **5**

- Of sufficient width to accommodate the stressing traffic. Much of the existing trail is 12' wide, but I feel it might need to be wider (16 - 20') here.
- It needs to be grade-separated, especially near the high-traffic areas adjacent to the stadium. It would be great if the Park/Montgomery intersection could be reconstructed to accommodate the trail; otherwise, a bike/ped bridge over the roadway may be needed.
- The riparian habitat of the Los Gatos has to be preserved/restored/enhanced. This is a natural stream, despite what has been done to it over the years, and salmon and steelhead trout migrate past this area to spawn upstream of here.

Letter
D2
cont.

- Public safety is critical for a successful trail. This includes avoiding blind-spots and hairpin turns: please involve some bicyclists in the design process.
- As the trail can serve as transit after evening games, lighting is an issue. I believe it is quite feasible to design lighting (e.g., LED along a fence-line) that illuminate the pathway and yet do not disturb the nearby riparian habitat.

5 cont.

I hope that, if the stadium is built, that it will become a welcome and integral part of this vibrant region of San Jose. **6**

Lawrence L. Ames

cc: Envision 2040 Task Force
District 6 Neighborhood Leaders Group (SJ-D6NLG)
Save Our Trails

COMMENTOR D2
Lawrence Ames
March 28, 2010

D2-1: The comment, which suggests that the proposed project be designed to encourage sustained use and activity, pertains to the merits of the project and not the adequacy of the analysis in the Draft SEIR. This comment will be considered by the City prior to making a decision on the project.

D2-2: The comment, which expresses approval of the City's decision to remove the commercial area south of Park Avenue from the project, is noted. No additional response is required.

D2-3: The suggestion to include a grade-separated crossing of Santa Clara Street is noted, and will be considered by the City as part of general multi-modal improvements to the area.

D2-4: If the Montgomery/Autumn Street parking structure is selected as a project component, it would be designed to support pedestrian improvements in the area, including a plaza extending from the Diridon Station.

D2-5: Improvements to Los Gatos Creek and associated trail facilities described in this comment will be considered by the City as part of efforts to restore and improve creeks in the City, and to enhance pedestrian and bike access. The trail design suggestions discussed in the comment will be considered by the City as part of City-wide trail planning efforts.

D2-6: The concluding comment, which pertains to the merits of the project, is noted.

Letter
D3

Dennis Brown

From: Boyd, Darryl [Darryl.Boyd@sanjoseca.gov]
Sent: Monday, March 29, 2010 4:08 PM
To: Korabiak, Dennis; Dennis Brown; Gurza, Renee; Pineda, Manuel; Faber, Andy L
Subject: FW: comments to the San Jose Ballpark SEIR, Project PP05-214

Darryl D. Boyd, *Certified Green Building Professional*
Principal Planner
Planning Division, City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905
darryl.boyd@sanjoseca.gov
(vm) (408) 535-7898

From: Ames, Lawrence [mailto:lawrence.ames@lmco.com]
Sent: Monday, March 29, 2010 4:07 PM
To: Boyd, Darryl
Cc: 'lames@aol.com'
Subject: comments to the San Jose Ballpark SEIR, Project PP05-214

Hi, Darryl,

I faxed in some comments this morning in response to the Stadium SEIR. In case there were any problems with the fax, here's the same letter in electronic form.

Please let me know if you have any questions.

Thanks!

~Larry
408/742-1798

****

1218 Willow St.
San Jose, CA 95125
March 28, 2010

Darryl Boyd, Principal Planner
City of San Jose, Dept. of Planning, Building & Code Enforcement
200 East Santa Clara St.
San Jose, CA 95113
fax 408/292-6055

re: San Jose Ballpark SEIR, Project PP05-214

Dear Mr. Boyd,

After looking through the San Jose Ballpark SEIR, I have a couple of thoughts, comments, and questions.

The Stadium project is being planned for a complex region of central San Jose that is also the focus of a planned BART extension and for a station for the planned High Speed Rail (HSR). Because of this nexus of transportation, including the existing VTA Light Rail and CalTrain/ACE/Capitol Corridor Train, the area will become a premier transportation hub. Because of all of this planned and existing transit, as well as this planned stadium and the impacts of a growing downtown, the City is working with the surrounding community on a Diridon Station Area Plan.

I feel it is ideal for a stadium to be adjacent to a major transportation node, so that event participants can leave their cars behind, and the stadium doesn't need to be surrounded by a sea of parking lots. I do wonder, however, whether a stadium is the highest and best use of this site adjacent the premier transit node, and I hope that, if it is built, it will complement and support the area throughout the year, and not just on event days. Specifically, I hope the stadium would have ground-level retail that is accessible to all, event-goers and the general public alike, which would support the area's vibrancy. 1

I am pleased to see the revised stadium plans (Fig. III-2) deleted the area south of Park Avenue. This will allow it to continue to be considered for the long-planned park node along the Los Gatos Creek. 2

I am pleased to see that much of the parking is planned to be constructed upon the existing Arena parking lots. I hope that the stadium plan includes a grade-separated crossing of Santa Clara Street to encourage safe and convenient access. 3

One point of concern I would like to raise: the stadium plans a parking structure on the lot between Montgomery and Autumn, north of the VTA line (Fig. III-3). At the Diridon Station Area Plan meetings, as well as at the General Plan Update Task Force ("Envision 2040"), the task force members and public have been discussing how to make the city more "walkable", and especially how to tie this major transit node in with downtown, and to San Jose State University beyond. Of specific interest is the possibility of making a pedestrian mall from the Diridon Station, starting at its entrance plaza, following the light-rail line eastward to San Fernando, and then possibly having that be a bike/pedestrian mall into downtown. I hope that the Montgomery/Autumn parking structure can be planned to accommodate and promote such plans with an appropriate setback from the rail line and with appropriate street-level facilities (shops, sidewalk cafes, etc.). 4

The SEIR and Fig. III−5 address a realignment of Montgomery/Autumn and a narrowing of Park Avenue. I would like to see the Los Gatos Creek restored to an open channel as part of this process, and to free it from the pipe that now carries the water beneath the intersection. Make the channel-way wide enough, and the roadways high enough over the channel, that the Los Gatos Creek Trail can cross grade-separatedly beneath the roadways. (Note: I served on the 1985 Los Gatos Creek Trail Master Plan Taskforce and later on the SCVWD Environmental Advisory Committee, and I have always been saddened by what was done to the Los Gatos Creek decades before in this region.)

The Los Gatos Creek Trail would provide an excellent means of access to the stadium. While folks may only be willing to walk a half-mile or so to find a parking spot, they will walk a longer distance along a creek trail, and will bicycle in from even further distances. A good, safe, convenient trail would allow access from the new high-density housing along Auzerais and also much of Willow Glen. Combine that with the connecting Three Creeks Trail that's planned for the WG Spur rail corridor and the served area increases to include the Alma / Washington / Guadalupe areas as well. The trail needs to be designed well: 5

- Of sufficient width to accommodate the stressing traffic. Much of the existing trail is 12' wide, but I feel it might need to be wider (16 - 20') here.
- It needs to be grade-separated, especially near the high-traffic areas adjacent to the stadium. It would be great if the Park/Montgomery intersection could be reconstructed to accommodate the trail; otherwise, a bike/ped bridge over the roadway may be needed.
- The riparian habitat of the Los Gatos has to be preserved/restored/enhanced. This is a natural stream, despite what has been done to it over the years, and salmon and steelhead trout migrate past this area to spawn upstream of here.
- Public safety is critical for a successful trail. This includes avoiding blind-spots and hairpin turns: please

involve some bicyclists in the design process.

- As the trail can serve as transit after evening games, lighting is an issue. I believe it is quite feasible to design lighting (e.g., LED along a fence-line) that illuminate the pathway and yet do not disturb the nearby riparian habitat.

5 cont.

I hope that, if the stadium is built, that it will become a welcome and integral part of this vibrant region of San Jose.

6

Lawrence L. Ames

cc: Envision 2040 Task Force
District 6 Neighborhood Leaders Group (SJ-D6NLG)
Save Our Trails

COMMENTOR D3
Lawrence Ames
March 29, 2010

D3-1: This letter is a forwarded version of Letter D2. Please refer to Responses D2-1 through D2-6.

Letter
D4

Boyd, Darryl

From: G Azevedo [azevedogg@sbcglobal.net]
Sent: Saturday, March 20, 2010 12:48 PM
To: Boyd, Darryl
Subject: San Jose \ Three Creeks Trail

Date: Saturday, March 20, 2010

From: Azevedo, Greg, Kathryn, Gabrielle
Kobara Lane, San Jose CA

I've followed the efforts of some to create a new trail corridor across part of San Jose and fully support it, and, any like trails.

The popularity for decades of the Los Gatos Creek Trail is the best example of why more trails are needed whenever easily possible. Ease is a factor, but, it is all but impossible to do an alternative spots.

Trails are like roadways, need to be connected and more of them is usually a good thing. 1

I once attended a SJ City led session trying to get bike lanes along Leigh near Curtner & Hamilton. Hard to believe the petty views of those impacted and the bowing by political officials to it. I felt that since so many felt the parking on the street was theirs', they should pay for it since the rest of us can't use it as a bike lane and might as well be compensated.

Anyway, more trails are better and once done will be supported and used by many for decades.

Greg

COMMENTOR D4
Greg Azevedo
March 20, 2010

D4-1: This general comment supporting trail development in the City is noted and will be considered by the City as part of efforts to enhance multi-modal access throughout the City.

Letter
D5

Boyd, Darryl

From: Linda Black [blacksheep100@hotmail.com]
Sent: Friday, March 19, 2010 12:16 PM
To: Boyd, Darryl
Subject: Three Creeks Trail and Ballpark

Dear Mr. Boyd:

We are requesting that the trail route be reviewed from south of the ballpark to include the trail extension from the nearest points of the Los Gatos Creek Trail (Lonus Ave) to the ballpark- as repeatedly promised to the public by the San Jose Redevelopment Agency and City of San Jose representatives. 1

We also request that the trail route from north of the ballpark include a trail extension from the Guadalupe River Trail at it's confluence point.
This trail will provide mitigation measures for traffic impacts, park impacts, pollution impacts and an alternative for the amount of vehicular parking proposed. 2

Sincerely,

The Blacks

417 Belmont Ave.

San Jose, CA 95125

COMMENTOR D5
Linda Black
March 19, 2010

D5-1: Please see Response to Comment C10-1

D5-2: Please see Response to Comment C10-2.

Letter
D6

March 15, 2010

Mr. Darryl Boyd

We the neighbors in the St Leo's Garden Alameda neighborhood are whole heartily against having a huge open air baseball stadium 3 to 10 blocks from where we live! Many of us are old timers & can't handle all the noise, heavy traffic & pollution a stadium of that size will bring.

If you get the Oakland A's to San Jose at least make a stadium at the San Jose Fair grounds where there is much more open acerage & no buildings to buy + tear down like Sunlite Bakery & Channel 11 historic land marks which aren't supposed to be removed from their sites!

It would also be where there aren't houses & condos already present just a commercial & light industrial zone that would be the least amount of impact that Mayor Reed wants!

Neighborhoods have their rights against having excessive noise, traffic, parking problems & more green gas emissions & we want ours!

A enormous open air stadium in our wonderful historic neighborhood would be a total abomination to have close by!! It would destroy our peaceful quality of life & would be a tremendous crime of disturbing our peace & normal living! Enough is enough & its a total no from 5 neighborhoods - St Leo's, Garden Alameda, Willow Glen, Burbank & well fight back with lawsuits against the City & Mr. Wolfe!

We are all very upset & angry just thinking about this possible Purdon Ball Park!! Would any of the City officials want to live 1 to 10 blocks away?

PS It can't happen here!

Yours truly,
Carole Campbell
PS 155 Cleaves Ave
San Jose, Calif 95126

1

2

3

4

5

COMMENTOR D6
Carole Campbell
March 15, 2010

D6-1: The comment, which pertains to the merits of the project and not the adequacy of the Draft SEIR, is noted. The City will consider this comment when it makes a decision on project approval.

D6-2: This comment suggests the project should be constructed at the Santa Clara County Fairgrounds. Please refer to page 121 of the Draft SEIR for a discussion of alternate locations to the project site that have been considered but ultimately rejected. These locations were rejected for failing to meet basic project objectives, or other fatal flaws. Constructing the project at the Santa Clara County Fairgrounds would be infeasible and was rejected for reasons similar to the other alternative locations. The Fairgrounds site does not meet most of the project objectives, particularly for integration and support of the Downtown because it is not in or near Downtown, not near transit, and not pedestrian-oriented. In addition, the site is owned by Santa Clara County and they have plans to develop the site.

D6-3: This comment references the removal of historic structures from the project site, which would occur as part of the project. The removal of the Sunlite Bakery and KNTV structures from the site would be considered significant unavoidable impacts of the project (see page 246 of the 2007 EIR). The City will weigh these impacts against the potential benefits of the project prior to making a decision on project approval.

D6-4: This comment suggests that residential uses are not compatible with a ballpark. The City does not consider the location of residential uses in close proximity to the project site to be detrimental to the development of a ballpark. Indeed, the City desires the proposed project to follow the model of urban ballparks in many other cities (including San Francisco, Chicago, and Denver) that are located in close proximity to, and benefit from, neighborhoods with a mixture of land uses (including residential uses).

D6-5: This comment about the potential impacts of the project on the surrounding neighborhood, pertains to the merits of the project and not the adequacy of the Draft SEIR, and will be considered by the City prior to making a decision on the project.

Letter
D7

From: Helen Chapman [4chapmanfam@sbcglobal.net]
Sent: Monday, March 29, 2010 12:08 AM
To: Boyd, Darryl
Cc: Harkness, Kip; Wilcox, Leland; Weerakoon, Ru
Subject: Comments regarding Draft SEIR for Baseball Stadium in Diridon/Arena Area

Darryl Boyd, Principal Planner, PBCE
200 East Santa Clara St
San Jose, CA 95113-1905

March 28, 2010

Dear Mr. Boyd,

Thank you for the opportunity to comment on the SEIR for the potential Baseball Stadium in the Diridon Area. I am a member of the Diridon Good Neighbor Committee representing the Shasta Hanchett Park Neighborhood Association. As a member of the committee I have participated in many conversations over the last six months primarily to examine and define priorities and potential policies in our advisory role to City Council regarding the potential development of Major League Baseball in the Diridon Area. I would like to request that the comments, questions, and concerns that were raised by members of the Committee, as well as the general public, be part of the Comments to this draft Supplemental EIR so that they can be treated similar to comments at any other public meeting on an Environmental Impact Report. **1**

As has been suggested in several meetings of this Committee, it would be a good idea to add to the list of impacts and mitigation measures in Table II-1, especially under "Noise" and "Transportation, Circulation, and Parking", a general mitigation measure, namely to instate a permanent "Good Neighbor Committee" as an oversight body to work with various interests (transportation, residents, businesses, HP Pavilion) in the Diridon Station area to certain that uses of the Stadium both during construction and operation will mitigate impacts to existing neighboring land uses. **2**

Our neighborhood has already created the framework for a successful long term "Good Neighbor Committee" with the established CEMOF committee. This committee is a combination of 3 government officials and 4 neighborhood reps who are appointed by their respective associations to hammer out a group of shared objectives for construction and long term operations of the facility. At first, they met frequently to go over problems, now, they usually met quarterly. A recent example The CEMOF Oversight Committee helped in resolving the recent Caltrain horn tests timing. **3**

Letter
D7
cont.

Planning of the Diridon Station Area is currently underway. Every attempt should be made to close the loop of communication between the two very important projects and all comments should be cross referenced between all active participants, staff, and consulting team to capture the amount of information received. I find that after attending both planning meetings many of the comments received are mirrored in terms of scope, vision and direction for implementation by the public. **4**

It it my hope that great care and diligence be given to this very important project to create the best development possible. **5**

Best regards,

Helen Chapman
1556 Hester Av
San Jose, CA 95126

COMMENTOR D7
Helen Chapman
March 28, 2010

D7-1: This introductory comment is noted. All written comments submitted on the Draft SEIR during the Draft SEIR public review period are contained in this First Amendment to SEIR and considered part of the Final SEIR. Comments made by committee members at the February 17, 2010 Diridon Area Good Neighbor Committee Meeting are addressed in Responses to Comments C3-1 through C3-31. See also Response to Comment C2-2. The ballpark "project" was discussed at the March 17, 2010 GNC meeting in the context of the Diridon Station Area Planning effort. The comments were not specifically directed at the Draft SEIR and are not considered CEQA comments.

D7-2: This comment suggests the establishment of an oversight committee to ensure the effective implementation of mitigation measures identified in the Draft SEIR. The City supports the Diridon Station Area Good Neighbor Committee in providing a forum for addressing the problems and opportunities associated with area redevelopment efforts. However, designating the Committee as an oversight body to ensure the satisfactory implementation of mitigation measures is not necessary. Per the requirements of CEQA, the City has identified certain City departments that would be responsible for ensuring the implementation and ongoing monitoring of the mitigation measures identified in the Draft SEIR. Establishing a citizen's group or another entity to monitor mitigation measures would be redundant and would not increase the effectiveness of the project's mitigation measures, or otherwise ensure their implementation.

D7-3: This comment references the Centralized Equipment Maintenance and Operation Facility (CEMOF) committee as a potential template for a committee to oversee project mitigation measures. The City continues to support the activities of the Diridon Station Area Good Neighbor Committee and will seeks its assistance in addressing the problems and opportunities associated with area development efforts. Please see to Response to Comment D7-2.

D7-4: This comment, which pertains to the planning process for the Diridon Station Area, is noted. The City will continue to coordinate the Diridon Station Area planning efforts with other ongoing planning efforts, including those of the proposed ballpark.

D7-5: This concluding comment is noted.

Letter
D8

Mr. Darryl Boyd,
Planning Division
City of San Jose
Darryl.Boyd@sanjoseca.gov

March 18, 2010

Dear Mr. Boyd:

I would like to make the following two comments regarding the Supplemental EIR for a Baseball Stadium in the Diridon/Arena Area (PROJECT #PP05-214).

(1) Section c - (2) on page 34 addresses the "Existing Bicycle Facilities", as does the accompanying map (Figure IV.A-2) on page 35. However the city of San Jose has approved plans for a significant expansion of the trail network in the Diridon/Arena Area beyond what is shown under "existing" facilities. These plans include:

- The extension of the Los Gatos Creek Trail from its current northern terminus at San Carlos to go past the proposed Stadium to a junction with the Guadalupe River Trail at a point just north of Santa Clara Street.
- A Bike Lane (Class II Bikeway) along Park Avenue past its current western terminus at Race Street to go past the proposed Stadium location all the way into downtown.
- A Bike Lane along the whole length of San Carlos Avenue through the study area.
- A Bike Lane along Auzerais Avenue from Meridian Avenue past the study area into downtown.
- A Bike Lane along the whole length of Lincoln Avenue to its northern terminus at Park Avenue.
- A Bike Route (Class III Bikeway) along Bird Avenue / Montgomery Avenue / Autumn Street past the study area.

These plans have been approved by the San Jose City Council and are documented on the San Jose Bike Plan 2020, and are accessible on the web site of the Department of Transportation at http://www.sanjoseca.gov/transportation/bikeped/bikeped_update.asp

It is imperative that the S-IER consider the bicycle facilities that will be present at the time that the stadium is constructed, as well as those that are planned, in order to ensure that the stadium does not negatively impact these facilities. It would be a serious error and very poor planning indeed to proceed considering just the facilities that happen to exist at the present time.

1

(2) With respect specifically to the Los Gatos Creek Trail, it is significant that the current plans call for the trail to be aligned along the sidewalk of South Montgomery Street and Park Avenue at the point where the creek travels in a culvert under the intersection of Montgomery and Park Avenue. A map of the proposed alignment can be found at the following web address:
http://www.sjparks.org/Trails/LosGatos/LGCplan30x42_12.18.07indd_3.pdf

2

Letter
D8
cont.

This intersection will be very heavily impacted, both by pedestrians and by vehicular traffic, at the start and the end of games in the Stadium. This traffic will very negatively impact the use of the Los Gatos Creek Trail as a through corridor. (For example, its use connecting residences in Willow Glen to businesses along First Street in North Central San Jose, or to the shopping center at Coleman and Autumn.) As a mitigation measure, construction of the Stadium should be required to include the construction of an elevated walkway and bikeway to safely cross Montgomery Street and Park Avenue free of the hazard and congestion of stadium-bound traffic.

2 cont.

Examples of such elevated trail crossings abound locally; for example:

- The Stevens Creek Trail crossing of Central Expressway in Mountain View.
- The Stevens Creek Trail crossing of Moffett Blvd., also in Mountain View.
- The Iron Horse Trail crossing of Ygnacio Valley Road in Walnut Creek.

Construction of a stadium in the Diridon/Area area will present congestion problems for the Los Gatos Creek Trail that necessitate such a mitigation measure here as well.

3

Submitted by

Martin Delson
633 Palm Haven Avenue
San Jose, CA 95125

COMMENTOR D8
Martin Delson
March 18, 2010

D8-1: This comment requests that the ballpark planning efforts be coordinated with planned bike facility projects. None of the planned bicycle facilities listed in this comment would be compromised by implementation of the proposed project. The City will ensure that the refined design for the proposed ballpark is consistent with planned area-wide improvements to bike infrastructure.

D8-2: The Los Gatos Creek trail, which the commenter claims would be affected by project-generated traffic, is a project that is independent of the proposed project. As shown in Figure III-2, realigned Autumn Street would separate the proposed ballpark from the planned Los Gatos Creek trail north of Park Avenue. Similar to the existing condition, 5½-foot-wide sidewalks would be provided on both sides of Autumn Street diverting pedestrian traffic before the Los Gatos Creek trail (see Table V.C-13, Sidewalk Pedestrian Flows, on page 135 of the 2007 EIR). According to the 2008 Los Gatos Trail Reach 5 Master Plan the proposed trail would cross several streets at grade north and south of the ballpark, including Park Avenue at Montgomery Street. Because the crossing is currently envisioned to occur at grade and because an elevated walkway is not necessary to ensure safe crossing at this signalized intersection and the project would not create a significant environmental impact on the trail at this location. However, the City will consider the commenter's suggestion of providing a walkway and bikeway for the convenience of trail users during the design process for the trail. See also Response to Comment B3-4.

D8-3: This comment requests the incorporation into the Draft SEIR of a mitigation measure to address trail congestion. It is one of the City's goals to expand and encourage the use of trails as a source of recreation and alternative transportation. The temporary "congestion" of the trail by people going to and from the proposed ballpark for ballgames and other events is not viewed as a problem by the City and would not constitute a significant environmental effect because the activity constitutes the envisioned use of the trails for their planned and intended purposes. The trail as proposed within the Downtown core would not be expected to deteriorate due to the periodic increased use and, in fact, its proximity to the proposed ballpark would likely increase the awareness of the importance of the trail system to San José, potentially leading to further support for the system. Therefore, a mitigation measure to reduce impacts associated with future periods of congestion on a planned trail would not be required.

Letter
D9

Boyd, Darryl

From: jeanann2@aol.com
Sent: Monday, March 29, 2010 1:40 PM
To: Boyd, Darryl
Subject: Ballpark SEIR Comments

Hello Darry,

As I read through the supplemental EIR and reflected on recent events with the soccer EIR, I am wondering whether there are appropriate additional mitigations for significant impacts: **1**

1) Noise: Implementation of a curfew for concert events of 11:30 pm to correspond to the airport and soccer stadium curfews.

2) Noise: Implementation of a sounding monitoring system that gives real-time feedback to the speaker output controls. This sound monitoring would be locating at residential boundaries and limit noise to 75 dBa (the maximum predicted at Lakehouse District). This would prevent an individual concernt promoter from "cranking it up"--where they know that they'll be out of town when residents complain to the city. **2**

3) Noise: relaxation of some Historic District requirements so that Lakehouse District residents may install additional sound buffering on external walls or windows.

4) Noise: Limit the number of double-headers per season.

5) Noise: Cancel fireworks after any baseball game that goes past 11:30 pm curfew.

6) Noise: Limit blimps to electric engines and determine flight path that minimizes travel over residences.

7) Traffic: Provide funding for baseball specials of LRT on all lines which depart immediately after the end of the game whenever games finish after regular end of service of LRT.

8) Traffic: Provide carpool and transit users special "coupons" as incentives. This would be similar to those Transit Passes required of housing projects for their density bonuses and parking reductions. The coupons might be for transit, reduced parking fees, or baseball ticket discounts. **3**

9) Traffic: Provide security protocol for late night walking to remote parking lots.

10) Traffic: Provide valet parking for bicycles.

Letter
D9
cont.

11) Construction Impacts: The devil is in the details. Create a permanent collaborative community/government/business committee that will draft a set of shared objectives (similar to CEMOF's Oversight
Committee) which are more specific than those in the EIR. **4**

12) Cumulative Impacts Noise: Monitor loudest activities and measure at various points to validate sound model. Adjust location of speakers and volume so that cumulative impacts that do not exceed 75 dBa for any peak event in residential yards. **5**

13) Ongoing impacts: Create a Good Neighbor Committee structure to allow for ongoing monitoring and feedback to all stakeholders on impacts of various large projects in the Diridon Station Area. **6**

Thank-you for this opportunity to comment.

Sincerely,

Jean Dresden
1276 Blewett
San Jose, CA 9125

COMMENTOR D9
Jean Dresden
March 29, 2010

D9-1: This comment, which introduces the subsequent comments, is noted.

D9-2: The comment identifying potential measures to mitigate significant noise effects of the project are noted, including curfews at 11:30 for events and fireworks, real-time sound monitoring, allowing installation of noise attenuating features in a Historic District, limiting the number of double-headers, and restricting the flight paths of blimps. Mitigation Measure NOISE-2 recommends that attenuation measures at the ballpark shall include, *but not be limited to* [emphasis added], distributed speakers for the public address system and limitations placed on sound levels associated with various activities. The commenter's recommendations are incorporated into the record for the City's consideration; however, these measures would not reduce the impact to less than significant and the impact would remain significant and unavoidable.

D9-3: As discussed on pages 66 and 67 of the Draft SEIR, a TPMP would be prepared for the project to manage traffic and parking, and encourage the use of public transit. Mitigation Measure TRANS-1 would require the preparation and implementation of a TDM Plan to reduce the number of single-occupancy vehicle trips generated by the project. The City agrees that the measures listed in this comment have the potential to reduce private vehicle trips associated with the project and will consider incorporating them into the TMPM and/or TDM Plan when those plans are developed.

D9-4: This comment requests oversight by a committee to draft mitigation measures for construction impacts. Please see Response to Comment D7-2.

D9-5: The commenter requests that loudest activities be monitored and measured to validate the sound model. The loudest events at the ballpark would be infrequent concerts that could occur once or twice per year. Mitigation Measure NOISE-3 in the Draft SEIR limits the maximum noise level during concerts to 95 dB at the score board approximately 100 feet from the stage in the ballpark. The noise model results provided in the Draft SEIR were generated under the assumption that this mitigation measure would be in place for purposes of illustrating the potential noise impact for a concert event. The noise level analysis and threshold for cumulative noise analysis is 76 dBA L_{dn} for exterior levels, not 75 dBA for any peak event. Although the actual ballpark design would affect the ultimate project noise contours, the Draft SEIR notes that even with the implementation of the noise mitigation measures the impact remains significant and unavoidable.

D9-6: This comment requests the establishment of a committee to oversee implementation of the mitigation measures identified in the Draft SEIR and to coordinate with the City on the planning of large development projects in the area. Please see Response to Comment D7-2.

Letter
D10

Boyd, Darryl

From: Bob Gray [bgrayebay@gmail.com]
Sent: Friday, February 12, 2010 9:19 AM
To: Boyd, Darryl
Cc: Warrior, Nikhil
Subject: Fwd: Ballpark Supplemental Environmental Impact Report

Hello Darryl!

We live in the Cahill Park Townhome Community adjacent to the proposed Ballpark site. We own our unit and have a vested interest in the development of the Downtown area.

We are completely **IN SUPPORT OF** the proposed A's Stadium as proposed. **1**

We are 3 adults who are anxious to vote **YES** on the Stadium initiative when it is presented. I have read the EIR summary and inserted it below with comments. We may not be in attendance at the GNC meeting, but our interest in the success of the project is extremely high.

Given the existing public transportation infrastructure, we have very little concern about vehicular traffic concerns (**especially if the City and Transportation Officials provide a discounted "season-pass" for A's and Sharks games riders**). When it comes to new consumers and commerce in the SJ Downtown area, the more the merrier! **2**

My **high-lighted** comments are inserted below:

Baseball Stadium in the Diridon/Arena Area (File # PP05-214) New

In February 2007, the City certified an EIR for the Baseball Stadium in the Diridon/Arena Area Project (2006 Stadium Proposal). However, due to an error in the traffic data that were used in the previous traffic study for the 2006 Stadium Proposal the City has determined that it is necessary to update the traffic analysis for the modified project using corrected traffic data to disclose a new significant impact to freeways. The 2006 Stadium Proposal included a maximum seating capacity of 45,000 and a maximum height of 165 feet, with scoreboards up to approximately 200 feet and lights approximately 235 feet above finished grade. In early 2009, the City began exploring the development of a modified stadium project. Key components of the modified project proposal that differ from the 2006 Stadium Proposal include: a smaller maximum seating capacity of 36,000 (good idea); relocation of the parking structure; an option to reposition the stadium to the south; and the realignment of South Autumn Street and South Montgomery Street near their intersection with Park Avenue (work seems to be already in-progress on Street alignment? good idea). **3**

A detailed plan for the modified project has not yet been prepared but the modified stadium would have a similar configuration and orientation to that proposed in 2006. The stadium would be located on the same site as proposed in 2006 or, as an option, may be shifted approximately 100 feet to the south. Repositioning the stadium to the south would require that Park Avenue be narrowed from four lanes to two between Autumn Street and the railroad tracks (might be a problem if the Alameda Business District decides to narrow the Alameda to 2 lanes to accomodate pedestrian and bicycle traffic) but would avoid the need to reconfigure a Pacific, Gas and Electric (PG&E) substation located on the northwest corner of the proposed **4**

Letter
D10
cont.

stadium site (the Substation really is an eyesore, but relocating it should not be considered if the expense impacts the success of Stadium construction). 4 cont.

Parking for the modified project would be provided in either existing parking lots or structures in the downtown San Jose area or within a new parking structure to be constructed at one of the locations shown in Figure 1 of the NOP (new parking structures will be a good thing even for Sharks games - not to mention that it will provide a new revenue stream for the city). The area south of Park Avenue that was proposed as the site of a parking structure in the 2006 Stadium Proposal would not be developed under the modified project. This area would remain a Fire Training Facility. By not developing this site as a parking structure, its future development as a park as envisioned in the Midtown Specific Plan would not be precluded (park would be great once the City can afford the staff for upkeep). Existing structures on the stadium and parking structure sites would be demolished or relocated. 5

Thanks!

Robert Gray
113 Laurel Grove Ln
San Jose, CA 95126
email: bgrayebay@gmail.com

---------- Forwarded message ----------
From: **Diridon Information** <diridoninfo@sanjoseca.gov>
Date: Fri, Feb 12, 2010 at 7:12 AM
Subject: Ballpark Supplemental Environmental Impact Report
To: bgrayebay@gmail.com

Having trouble viewing this email? Click here

Diridon Station Area
Good Neighbor Committee

Ballpark Supplemental Environmental Impact Report

Update # 16 - February 12, 2010

In This Update
Ballpark SEIR
Next Good Neighbor Committee Meeting
Other Diridon Resources
Our Website
Diridon Station Area/Ballpark

Greetings!

In this update you will find information on the next meeting of the Good Neighbor Committee this Wednesday, February 17, 2010, where the primary topic will be the newly released Supplemental Environmental Impact Report for the potential Ballpark in the Diridon Station Area.

Ballpark DRAFT Supplemental Environmental Impact Report (SEIR)

Questions or Comments?

Please contact

Kip Harkness
(408) 535-8501

or

Lee Wilcox
(408) 535-8172

At the next meeting of the Good Neighbor Committee, LSA associates will present a brief primer on the Environmental Impact Report (EIR) process under the California Environmental Quality Act(CEQA) and will provide an overview of the newly issues DRAFT Supplemental Environmental Impact Report. The Good Neighbor Committee will have the opportunity to ask questions of LSA associates and City and Redevelopment Agency staff and discuss the report as a Committee.

The entire text of the DRAFT Supplemental Environmental Impact Report is available by following the link below:

http://www.sanjoseca.gov/planning/eir/EIR.asp

Join our email list.

All questions, concerns, comments, and inquiries related to the Ballpark DRAFT SEIR should be addressed to:

Darryl Boyd, Planning Division
Darryl.Boyd@sanjoseca.gov
(408) 535-7898

Printed copies of the report will be available at the meeting for members of the Good Neighbor Committee.

Good Neighbor Committee Meeting #9
Wednesday, February 17, 2010
6:00 - 8:30 p.m
City Hall Council Wing,
Rooms W-118, 119, 120
200 East Santa Clara Street
San Jose

Agenda

- Ballpark DRAFT Supplemental Environmental Impact Report

Other Diridon Resources

A group of stakeholders has put up a Facebook page called "DIRIDON GOOD NEIGHBORS COMMITTEE - The Stakeholders Site!" The site is an open to all, and you do not need to be a

Letter
D10
cont.

member of Facebook to view the site (though you do need to join Facebook to use all the features of this page). The site can be accessed at:

http://www.facebook.com/group.php?gid=124828870933&ref=ts

This site has been built and maintained by members of the community and does not represent either the official position of the Good Neighbor Committee or the City and Redevelopment Agency of San Jose.

San Jose Redevelopment Agency | 200 East Santa Clara Street, 14th Floor | San Jose | CA | 95113

COMMENTOR D10
Bob Gray
March 12, 2010

D10-1: The comment, which indicates support for the project, is noted.

D10-2: The comment, which states that the commenter has "very little concern about vehicular traffic concerns" associated with the project, is noted.

D10-3: The comment, which indicates support for certain components of the proposed project (smaller seating capacity and the realignments of South Autumn Street and South Montgomery Street), is noted.

D10-4: The comments about the potential narrowing of Park Avenue and relocation of the PG&E substation pertain to the merits of the project (and not the adequacy of the Draft SEIR) and will be considered by the City prior to making a decision on the project.

D10-5: The comment, which supports the development of a parking garage on the site, is noted and will be considered by the City prior to making a decision on the project.

Letter
D11

Boyd, Darryl

From: Joseph [jomokidz03@yahoo.com]
Sent: Saturday, February 13, 2010 6:07 PM
To: Boyd, Darryl
Subject: project file no:pp05-214

Hello my name is Joseph hernandez of San jose.I am writing this email to inform you and the great city of San jose that this would be great for the people of San jose.I understand that there are alot of red tape to get around.Bringing baseball to San jose would bring jobs and open doors to a brighter city as a whole.Finally I thank the city for allowing us to be known as a major league city thank you! 1

"Herndog24".

COMMENTOR D11
Joseph Hernandez
March 13, 2010

D11-1: The comment, which expresses support for the proposed project, is noted.

Letter
D12

Boyd, Darryl

From: Jonathan.M.Martinez@wellsfargo.com
Sent: Monday, March 29, 2010 5:08 PM
To: 4chapmanfam@sbcglobal.net
Cc: andreashukis@yahoo.com; dchapman59@gmail.com; debarant@gmail.com; eloy.wouters@sbcglobal.net; jonathan.schuppert@gmail.com; Bird, Lorie; ruth.cavagnaro@gmail.com; Boyd, Darryl; Harkness, Kip
Subject: RE: Comments on the Baseball S-EIR

Helen,

The comments and questions from SHPNA on the S-EIR are right on the money. I could not help but reflect on the last SHPNA meeting and the Good Neighborhood Meeting (2 Great Ideas). 1
Do we (SHPNA) also provide solutions to the challenges? We had some great ideas at the Good Neighborhood Meeting. We had some concerns at the last SHPNA meeting that "Decision Makers" are not paying attention or even listening to the ideas coming out of the Good Neighborhood Committee. Ultra Pods along San Carlos from downtown to the Ballpark to Santana Row/Valley Fair. Perhaps utilize the parking garage at SJO with the very same Ultra Pod that Hans Larson is envisioning from the airport to the Diridon station. Randi's idea of satellite parking at the VTA stations (perhaps parking garages may make sense at specific stations). There were ideas of shuttles tossed in the mix that make rounds around the downtown area at the edge of the 1 mile radius (4th street garage, or Coleman Market) How do we get the ideas through? Empirically, the letter drafted by Marc is so very accurate. Music in the Park, Baseball, Arena Football (yes, it is coming back), and of course people like me who drive to work in downtown. This could be a nightmare if we do not find solutions to these questions and concerns about parking and traffic flow. 2

~jonathan

Jonathan Martinez, ***AVP***
Business Sales Consultant
Wells Fargo Merchant Services
Phone: 408-813-6600 Fax 866-598-5214
jonathan.m.martinez@wellsfargo.com

From: Marc Morris [mailto:marc1163@sbcglobal.net]
Sent: Monday, March 29, 2010 3:24 PM
To: Darryl.Boyd@sanjoseca.gov
Cc: Andrea Shukis; 'Dan Chapman'; Deborah Arant; Eloy Wouters; Helen Chapman; Jon Schuppert; Martinez, Jonathan M.; Lorie Bird; Ruth Cavagnaro
Subject: Comments on the Baseball S-EIR

May 29, 2010

City of San Jose

3/29/2010

COMMENTOR D12
Jonathon Martinez
March 29, 2010

D12-1: Comments from various neighborhood organizations, including Shasta/Hanchett Park Neighborhood Association (S/HNPA), have been taken into account throughout the project review process, and will continue to be considered as the project design is refined. See also Comment Letter C11 from the S/HPNA.

D12-2: This comment summarizes ideas, originally raised at the Shasta/Hanchett Park Neighborhood Association, for reducing traffic generated by the project. Ideas for a shuttle and other methods of reducing vehicle trips and managing parking will be considered as part of the Traffic and Parking Management Plan (TPMP) that would be implemented as part of the project.

Letter
D13

Baseball Stadium in the Diridon/Arena Area
Supplemental Environmental Impact Report

Public Comment Meeting
Council Chambers, 6:30 p.m.
March 18, 2010

PUBLIC MEETING COMMENT CARD

Please Print Legibly

Date: 3/18/2010

Michelle McSorley
Name

Title

Organization or business (if applicable)

465 N. 4th Street
Address

San Jose CA 95112
City, State, Zip

COMMENTS ON THE DSEIR ARE DUE BY MARCH 29, 2010. This is your chance to comment on the project's environmental impact analysis. Your input is greatly appreciated. Please write legibly.

~~The EIR~~
~~Why it was~~

I am concerned that the EIR Does not address the impacts of additional noise and the mitigation measures from additional traffic and the any potential re-routing of airport traffic as the result of no-fly zones with respect to ~~the~~ open stadiums since the park is intended to be in the flight path. 1 2 3

See page 78 of the areas 4

Please leave your comments in the designated comment box or mail to:

- Darryl Boyd, Principal Planner, Department of Planning, Building & Code Enforcement, 200 East Santa Clara Street, San José, CA 95113-1905

The Draft SEIR is available on the Planning Division's web site at http://www.sanjose.ca.gov/planning/eir/eir.asp

COMMENTOR D13
Michelle McSorhy
March 18, 2010

D13-1: The noise impacts of the proposed project are addressed in Section V.E of the 2007 EIR and in Section IV.B and on pages 51 and 52 of the Initial Study in Appendix B of the Draft SEIR.

D13-2: The traffic impacts of the modified project are addressed in Section IV.A of the Draft SEIR. Mitigation measures are proposed in the Draft SEIR to avoid or reduce the significant impacts of the modified project, but in cases where mitigation is not feasible or would not reduce the impact to a level that is less than significant, the impact is identified as significant and unavoidable. See also Master Response Transportation, Circulation and Parking #1, Study Time Periods.

D13-3: The potential implications of the proposed ballpark and airport operations, including the rerouting of airplanes, are discussed on pages 45-47 of the Initial Study contained in Appendix B of the Draft SEIR.

D13-4: No specific issue is identified in this comment, which references page 78 of the Draft SEIR; this page contains Figure IV.B-3, which is the noise exposure map for a concert. Because this comment does not relate to the adequacy of the SEIR, no further response is necessary.

Letter
D14

Boyd, Darryl

From: Paul Metz [pcmetz@yahoo.com]
Sent: Saturday, March 20, 2010 10:51 AM
To: Boyd, Darryl
Subject: Three Creeks Trail and the proposed ballpark

Please connect the Three Creeks Trail to the Los Gatos Creek Trail. 1

Please also connect the Three Creeks Trail to the Guadalupe River Trail at Confluence POint. 2

Thank you,
Paul Metz
San Jose

COMMENTOR D14
Paul Metz
March 20, 2010

D14-1: The comment requests that the Three Creeks Trail connect to the Los Gatos Creek Trail and to the Guadalupe River Trail at Confluence Point. The development of the trail projects is independent of the ballpark. The City will consider these suggestions for trail linkages as part of City-wide trail development efforts. See also Responses to Comments C10-1 and C10-2.

Letter
D15

Boyd, Darryl

From: Scott Soper and Teresa O'Kane [fosterkane@hotmail.com]
Sent: Thursday, February 25, 2010 12:01 PM
To: Boyd, Darryl
Subject: Ball park Eir

I have been looking at the Draft supplemental EIR looking for the impacts due to delays at the intersections forcing drivers onto alternate routes on neighborhood streets. I am particularly concerned about traffic from from Hedding and the Alameda through the College Park Neighborhood to access Stockton Ave. **1**

Was this measured?

Also, I did not see the Alameda beautification project on the list of projects. My understanding is that it may narrow the Alameda to two lanes. Considering that the City has spent a substantial sum to plan the project and is moving forward to change the Alameda from a State Highway to a City street to facilitate the project I am sure it should be considered. **2**

Scott Soper
E-mail fosterkane@hotmail.com

COMMENTOR D15
Scott Soper and Teresa O'Kane
February 25, 2010

D15-1: This comment expresses concern about future with-project traffic levels at the intersection of Hedding Street and The Alameda. Levels of service on Hedding Street and The Alameda are expected to be within the acceptable range. Therefore, there would not be an incentive for fans to use neighborhood streets. It is important to note that fans would be driving to parking facilities and not to the actual ballpark site. Most parking facilities are located east of SR 87.

D15-2: This comment asks whether planned changes to The Alameda were accounted for in the Draft SEIR traffic analysis. The Alameda project proposal, which includes measures to beautify the street, will be going to the City Council in May. Per the Alameda report the possible narrowing of The Alameda will require a Traffic Impact Analysis and possibly an EIR. That analysis, once funding is identified, will be required to include all existing and background traffic including the ballpark.

Letter
D16

From: Edward Terhaar [mailto:eterhaar@wenck.com]
Sent: Thursday, February 25, 2010 11:54 AM
To: Boyd, Darryl
Subject: Request for Technical Appendices for Ballpark Traffic Impact Report

Darryl,

As a follow-up to my voicemail message, I am requesting the technical appendices referenced at the back of the Traffic Impact Analysis for the San Jose Ballpark dated February 10, 2010. Please indicate the best way for me to obtain the appendices in a timely manner. Thanks for your help. **1**

Ed

Edward F. Terhaar, P.E.
Wenck Associates, Inc.
1800 Pioneer Creek Center
Maple Plain, MN 55359
eterhaar@wenck.com
763-479-5102
www.wenck.com

COMMENTOR D16
Edward F. Terhaar
February 25, 2010

D16-1: This comment requests copies of the technical appendices for the Traffic Impact Analysis, which were sent via e-mail to the commenter on February 26.

Letter
D17

From: Eloy Wouters [eloy.wouters@sbcglobal.net]
Sent: Sunday, March 28, 2010 11:41 PM
To: Boyd, Darryl
Cc: Oliverio, Pierluigi; Harkness, Kip
Subject: commentsDraft S-EIR Baseball stadium

/via email/

Re: Comments on Supplemental Environmental Impact Report for a Baseball Stadium in the Diridon/Arena Area.
CC: Councilmember Oliverio
CC: Mr. Harkness, RDA

San Jose, March 28th 2010

Dear Mr. Boyd,

I am a member of the Diridon Station Area Good Neighbor Committee that was instated to examine impacts of developments in the vicinity of the Diridon Station such as this proposed Baseball Stadium as described in the draft Supplemental Environmental Impact Report.

I look forward to your response on my Comments to the draft S-EIR:

(1) I already stated some of my concerns during a Committee meeting open to the public at City Hall on February 17, 2010. I would like to request that the comments, questions, and concerns that were raised by members of the Committee, as well as the general public, be part of the Comments to this draft Supplemental EIR so that they can be treated similar to comments at any other public meeting on an Environmental Impact Report. **1**

(2) Moreover, this February 17, 2010 meeting of the Committee was held just 72 hours after publication of the Draft S-EIR. While that time period may suffice the requirements of the ordinances of the City of San Jose, I would like to request that for documents of this size (thickness well over 1-1/2" single spaced) the ordinance be adapted to allow for a longer time period. A limit of 100 pages would be in order for the short 72 hour requirement. Even though the meeting might have been intended as informational to the Committee, still there was enough time allowed on the agenda for questions and comments, and a great many members had questions pertaining to the adequacy of the analysis set forth in the draft S-EIR. **2**

(3) As has been suggested in several meetings of this Committee, it would be a good idea to add to the list of impacts and mitigation measures in Table II-1, especially under "Noise" and "Transportation, Circulation, and Parking", a **general mitigation measure**, namely **to instate a permanent "Good Neighbor Committee" as an oversight body** to work with various interests (transportation, residents, businesses, HP Pavilion) in the Diridon Station area to ascertain that uses of the Stadium both during construction and operation phases will mitigate impacts to existing neighboring land uses. **3**

(4) For the record, I would also like to repeat my comment in the Scoping phase of this S-EIR, that the aerial photograph (Fig. III-2) be updated. This figure was copied from the certified EIR and dates back to February 2006. Although the Cahill Park high density housing development and adjacent park are sketched in, this out of date picture may very well give the impression that adjacent land is underutilized or vacant. The same outdated figure was shown at the above referenced Good Neighbor Committee meeting and the Public Meeting at City Hall of March 18, 2010. **4**

3/29/2010

Letter
D17
cont.

Having such an outdated graphic would violate at least the spirit of the California Environmental Quality Act of the use of an Environmental Impact Report in order to able to assess the impact of a project on its surrounding environment. **4 cont.**

(5) I would also like to comment that even though I and others brought up during scoping the issue of dirigibles (Goodyear blimp a.o.) in the airspace surrounding the Baseball Stadium, this impact has not been addressed in the Supplemental EIR. I wish to point out that this is an impact that is **new** and therefore not treated in the certified EIR. Currently this dirigible has to my knowledge been in the area only once, during the entire weekend of the 2007 NCAA basketball playoffs. Moreover, it is common to have dirigibles in the area of MLB stadiums around the country, especially during all-star games and playoffs. Therefore I would like to see this listed as an impact under NOISE (and other nuisances) with as mitigation the use of an electric rather than a gasoline powered motor. **5**

(6) There is a factual error in the report in the number of impacted freeway segments on I-280: the executive summary and the summary impacts table (p. 8) lists five, whereas the consultant's report states six (Appendix C p. 48). **6**

(7) "Provide incentives for carpoolers (4+ per vehicle)" (TRANS-1) is **not an acceptable** mitigation measure. I have never heard of such a high threshold of occupants per car; even on the severely congested San Francisco-Oakland Bay Bridge the number is 3+. Can Hexagon provide an example where this has worked ? Please note that since the number of occupants per car used for parking and traffic impact assessments is already larger than two **on average**, this might also be practically impossible.

(8) Moreover, to be consistent, this means that on average, **every** car to the baseball stadium will qualify to use the carpool lane (2+) on the surrounding freeways. The impact of this was not studied in the S-EIR: a **Global Climate Change impact** of non-Stadium patrons that will have no further incentive to use carpooling because the carpool lane will become congested c.q. gridlocked. This needs to be studied. **7**

(9) To have this incentive work it should be listed in TRANS-1 as "raise the minimum number of occupants in the carpool lanes on surrounding freeways from 2 to 3 or even 4"
Therefore the mitigation measure would also have to be applied to the background conditions to be useful which is outside the scope of an EIR.

Thank you for being able to participate in the Environmental Impact Review process.

Sincerely,

Dr. Eloy R. Wouters
109 South Morrison Avenue
San Jose, CA 95126

COMMENTOR D17
Eloy Wouters
March 28, 2010

D17-1: This introductory comment is noted. All written comments submitted on the Draft SEIR during the Draft SEIR public review period are contained in this First Amendment to SEIR and considered part of the Final SEIR. Responses to comments made at the February 17, 2010 Diridon Area Good Neighbor Committee Meeting are provided in Responses to Comments C3-1 through C3-31.

D17-2: This comment requests that the City provide extended review periods for large environmental review documents. The public review period for the Draft SEIR extended for a total of 45 days. Comments about the adequacy of the Draft SEIR were accepted for this entire period.

D17-3: This comment requests the establishment of an oversight committee to ensure implementation of the mitigation measures in the Draft SEIR. Please see to Response to Comment D7-2.

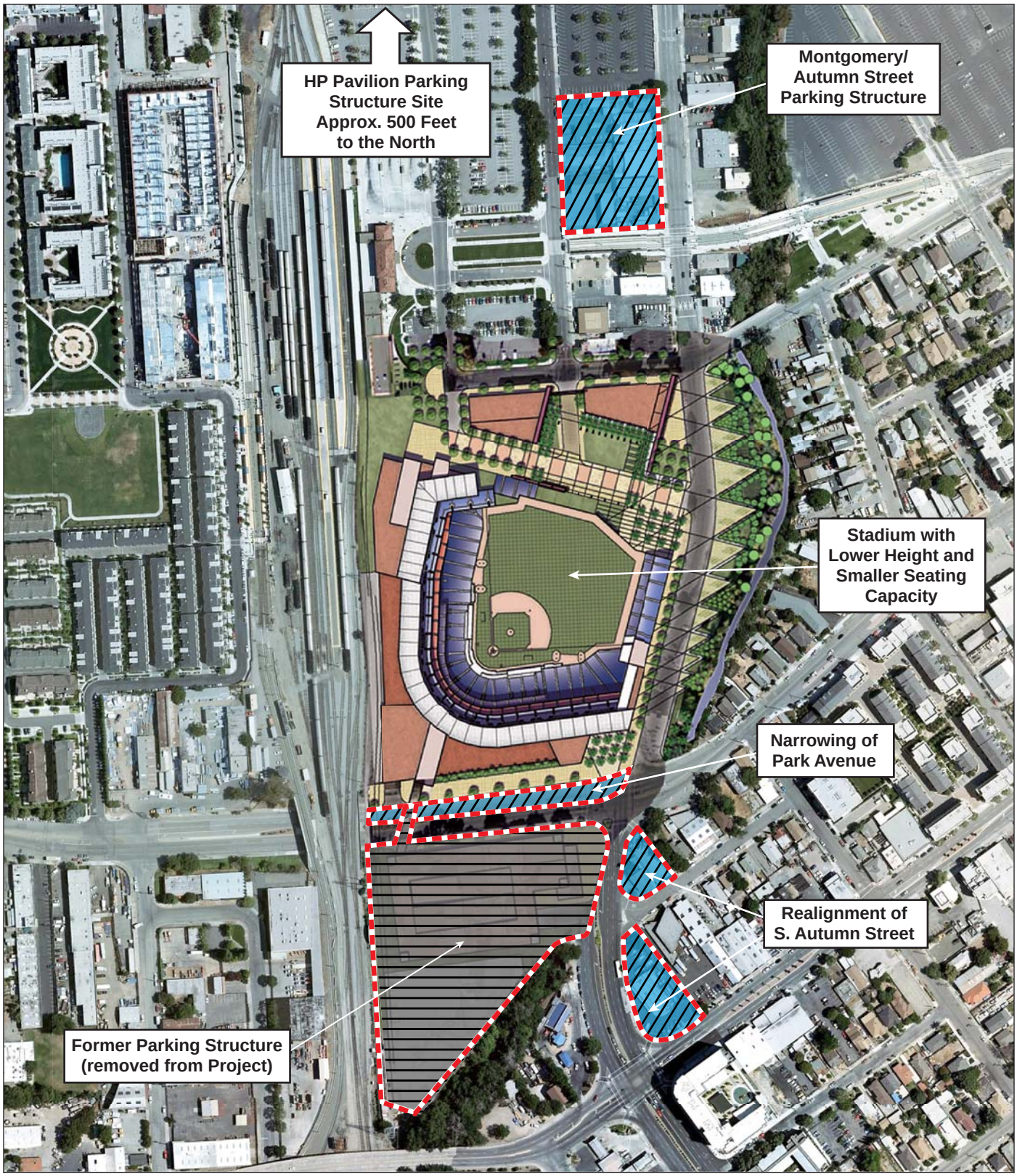
D17-4: The underlying aerial photograph for Figure III-2 has been updated and the revised figure is provided following the responses to this comment letter. The updated figure will be included in the Final SEIR.

D17-5: This comment requests that impacts associated with blimps and other dirigibles be addressed in the Draft SEIR. Based on FAA regulations, which limit the operation of blimps and all other aircraft within the airspace of the San José airport, the physical characteristics of blimps (which do not usually contain motors that produce significant noise levels), and the expected infrequency of blimp operations (most likely during playoffs or World Series games) around the project site, blimps and dirigibles would not be a significant contributor to the local ambient noise environment. Therefore, mitigation measures restricting their use are not warranted.

D17-6: This comment pertains to a potential discrepancy in the traffic data used in the Draft SEIR. Please refer to page 115 of the Draft SEIR. The freeway segment listed on page 48 of Appendix C that is not listed as adversely affected in Chapter II of the Draft SEIR (I-280 Eastbound between Saratoga Avenue and Winchester Boulevard) because it would be adversely affected only under cumulative conditions, and not project conditions. Therefore, it is appropriately listed on page 115 of the Draft SEIR, under the cumulative impact discussion.

D17-7: Providing incentives for carpoolers is just one potential measure that could be incorporated into the TDM Plan required as part of Mitigation Measure TRANS-1. This measure could be removed and replaced with other measures if it is determined to be infeasible or ineffective. In addition, four persons per vehicle is only an example of the qualifying thresholds that could be imposed on carpoolers (others are three or two persons per vehicle) in return for incentives. Such a threshold could be used regardless of the assumptions used regarding occupants per vehicle in the traffic analysis. In addition, it should be noted that most TDM measures would likely be in the form of incentives (e.g., transit subsidies, preferential parking for cyclists), and the City would be highly

unlikely to impose a requirement that all attendees traveling to the ballpark by motor vehicle use a carpool. Because a requirement that all motor vehicles accessing the proposed ballpark be carpools is not anticipated an evaluation of a large increase in use of the carpool lane is not warranted. Regardless, any increase in carpooling that would result from the project would benefit overall traffic flow and represent a net reduction in roadway impacts.



LSA

FIGURE III-2

SITES ADDED AS PART OF THE MODIFIED PROJECT

SITE DELETED AS PART OF THE MODIFIED PROJECT

EXISTING OR RECONFIGURED PG&E SUBSTATION

N

0 150 300

FEET

Baseball Stadium in the Diridon/Arena Area Supplemental EIR

Conceptual Site Plan

SOURCE: CITY OF SAN JOSE, REDEVELOPMENT AGENCY, 2006; GOOGLE EARTH, JUNE 2007; LSA ASSOCIATES, INC., 2010.

I:/SJO0901 Ballpark Addendum/figures/Supplemental EIR/Fig_III2.ai (3/15/10)

Letter
D18

Public Comment Meeting – Ballpark DSEIR Comments
18 March 2010

The City of San José provided an opportunity for the public to comment on the Draft SEIR at a meeting held in the City Council Chambers at City Hall from 6:30 to 8:00 p.m. on March 18, 2010. The City accepted written and verbal comments on the Draft SEIR at the meeting. Two written comments were received and are included as Comments C1 and D13 elsewhere in this document. The City's record of the verbal comments made at the meeting is provided below.

What standards were used for the noise analysis? Were standards applied for intermittent noise or noise averaged over time, such as daily averages? **1**

Could the City approve a project that can not be mitigated? Can language be added to address these situations? **2**

Traffic impacts on SR 87 and I-280 would cause noise impacts. Air traffic noise should be studied, too. **3**

Is the presence of blimps/dirigibles, and their noise, discussed in the Draft SEIR? What is their effect on air traffic? **4**

How will comments from the Good Neighbor Committee be recorded/reported and addressed in Draft SEIR? **5**

Figure III-2 of the Draft SEIR should be updated to show recent development in the area surrounding the project site. **6**

How are the Oakland A's involved in the current ballpark environmental review process? **7**

What are the "intractable impacts" of the project? **8**

COMMENTOR D18
Public Comment Meeting-Verbal Comments
March 18, 2010

D18-1: The comment asks which standards were used for the noise analysis and whether the standards were for intermittent noise or noise averaged over time, such as daily averages? The Draft SEIR considers both types of noise standards, depending upon the type of noise that is being evaluated. The standards used in the Draft SEIR are the same as those applied in the 2007 EIR (and other City environmental documents) as noted on page 71 of the Draft SEIR. Please see Section V.E, Noise of the 2007 EIR for a discussion of noise standards and their applicability.

D18-2: The comment asks if the City could approve a project that can not be mitigated? The City will consider the impacts of the project, including those that have been found to be significant and unavoidable (i.e., can not be mitigated,) when deciding whether to approve the project. The City would issue a statement of overriding considerations if it decided to approve a project that would include significant and unavoidable environmental impacts.

D18-3: The comment states that traffic impacts on SR 87 and I-280 would cause noise impacts and that noise from air traffic should be studied, too. Both sources of noise are evaluated in the Draft SEIR. Noise from traffic on freeways is a significant and unavoidable effect of the modified project as noted in Section V.E of the 2007 EIR. Airplane noise would be one of the potential noise sources contributing to the significant and unavoidable cumulative operational noise impact identified in both the 2007 EIR and the Draft SEIR. See also Response to Comment C2-3.

D18-4: The comment asks if the presence of blimps/dirigibles, and their noise, is discussed in the Draft SEIR. It also asks what their effect on air traffic would be. FAA regulations limit the operation of blimps and all other aircraft within the airspace of the San José airport and they would not be permitted to operate in a manner that would impair air traffic. Noise from blimps or dirigibles is not identified as a significant source of noise in the Draft SEIR because the physical characteristics of blimps, which do not usually contain motors that produce significant noise levels, and the expected infrequency of blimp operations (most likely during playoffs or World Series games) around the project site, would not be a significant contributor to the local ambient noise environment.

D18-5: The comment asks how comments from the Good Neighbor Committee will be recorded/reported and addressed in Draft SEIR. Responses to comments made at the February 17, 2010 meeting of the Good Neighbor Committee are included in this document. Please see Responses to Comments C3-1 through C3-31.

D18-6: The comment requests that Figure III-2 of the Draft SEIR be updated to show recent development in the area surrounding the project site. The underlying aerial photograph for Figure III-2 has been updated and will be included in the Final SEIR. Please see Response to Comment D17-4.

D18-7: The comment asks how the Oakland A's are involved in the current ballpark environmental review process. The Oakland A's have not been involved in the ballpark environmental review process.

D18-8: The comment asks that the "intractable impacts" of the project be identified. The comment appears to refer to impacts that have been identified as significant and unavoidable. Significant and unavoidable impacts are identified on page 100 in Section V.C of the Draft SEIR.

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IV. DRAFT SEIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft SEIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft SEIR, in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or greater severity than those set forth in the Draft SEIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft SEIR is shown in ~~strikeout~~. Pages numbers correspond to the page numbers of the Draft SEIR.

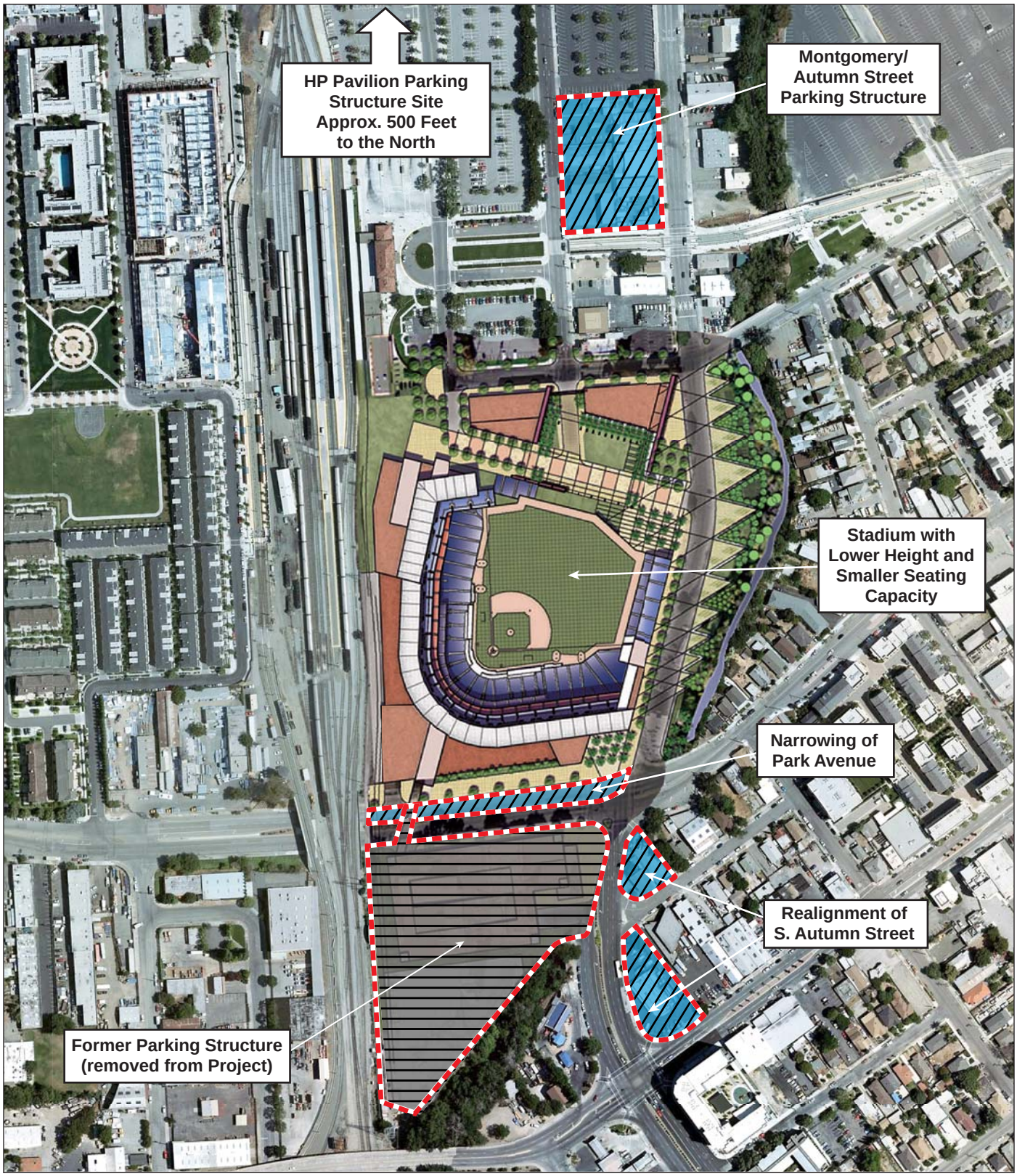
These revisions to the Draft SEIR derive from two sources: (1) comments raised in one or more of the comment letters received by the City of San Jose on the Draft SEIR; and (2) staff-initiated changes that correct minor inaccuracies or typographical errors found in the Draft SEIR subsequent to its publication and circulation.

In no case do these revisions result in a greater number of impacts, or impacts of a greater severity than those set forth in the Draft SEIR.

The paragraph that begins on the bottom of Page 3 is revised as follows:

The City Council will hold a public hearing to consider certification of the SEIR, in the event of an appeal. If the Council upholds the Planning Commission decision and certifies the SEIR as complete and in compliance with CEQA, the Council can then consider approval of actions for a stadium project as described in the Baseball Stadium in the Diridon/Arena Area EIR, as revised by this SEIR. It is anticipated that the City Council will place a ballot measure before the San José electorate regarding the use of public funds to facilitate and allow the project ~~for construction of a stadium~~. Pursuant to provisions of the San José Municipal Code, the City may utilize tax dollars to participate in the building of the stadium only after obtaining a majority vote of the electorate approving that expenditure.

The underlying aerial photograph for Figure III-2 on page 15 of the Draft SEIR has been updated and the revised figure is provided on the following page.



LSA

FIGURE III-2

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Conceptual Site Plan

SOURCE: CITY OF SAN JOSE, REDEVELOPMENT AGENCY, 2006; GOOGLE EARTH, JUNE 2007; LSA ASSOCIATES, INC., 2010.

I:/SJO0901 Ballpark Addendum/figures/Supplemental EIR/Fig_III2.ai (3/15/10)

The fourth paragraph of Page 68 is revised as follows:

The narrowing of Park Avenue would occur between McEvoy Street and Josefa Street, and reduce the travel lanes in each direction from two lanes to one lane. The narrowing of Park Avenue would reduce the through lanes along Park Avenue at its intersection with Bird Avenue and Autumn Street. Bike lanes are planned along Park Avenue along the section to be narrowed, but the potential narrowing would not prohibit the implementation of the planned bike lanes. Bird Avenue would transition to four lanes at Park Avenue to align with the 4 lane reconfiguration of Autumn Street. That transition would include restriping, signal modification and curb changes as necessary to safely improve both vehicle and pedestrian movement through the intersection. ~~Bird Avenue would also be narrowed between San Carlos Street and Park Avenue and reduce travel lanes in each direction from three to two lanes for that specific street segment. The narrowing of Bird Avenue would result in the reduction of through lanes along Bird Avenue/Autumn Street at its intersections with San Carlos Street and Park Avenue.~~ The resulting lane configurations and results of the intersection level of service analysis are provided in Appendix C. The City of San José also completed a General Plan Amendment (GPA) analysis for the proposed narrowing of Park Avenue. That analysis is also included in Appendix C. The GPA analysis and the effects on traffic of narrowing Park Avenue are summarized below.

The text on page 21 of Appendix B is revised as follows to clarify the updated permit requirement:

> The stadium would be in the same location and would have a similar configuration and orientation to that of the 2006 Stadium Proposal. As such, construction activities for the stadium site adjacent to the Los Gatos Creek riparian corridor would have the same potential effect to disturb nesting Cooper's hawks and other raptors under the modified project as under the 2006 Stadium Proposal. Implementation of Mitigation Measure BIO-2, which is described on page 187 of the EIR, would reduce this impact to a less-than-significant level. The proposed 50-foot setback for roadways and structures from the top of bank of Los Gatos Creek would apply to the modified project as it would to the 2006 Stadium Proposal. The City would apply for a permit from the Santa Clara Valley Water District for any work ~~within 50 feet of Los Gatos Creek top of bank~~ on District right-of-way (fee title or easement) or work that crosses the District's facilities, in accordance with the Water Resources Protection Ordinance. No new significant impact or greater impact to wildlife or sensitive habitat would occur at the stadium site.

Table 2 on page 6 of Appendix C of the Draft SEIR is revised as shown on the following page. None of the discrepancies have any effect on the analysis or conclusions of the traffic study.

Table 2 (REVISED)

Existing Freeway Levels of Service

Freeway	hide Segment	Direction	Peak Hour	Mixed-Flow Lanes Ave. Speed/a/	# of Lanes	Volume/a/	Density	LOS	HOV Lane Traffic Volume Ave. Speed/a/	# of Lanes	Volume/a/	Density	LOS
SR 87	Capitol Expressway to Curtner Avenue	NB	5-6PM	65	2	3,900	30.0	D	70	1	630	9.0	A
SR 87	Curtner Avenue to Almaden Road	NB	5-6PM	66	2	3,670	28.0	D	70	1	910	13.0	B
SR 87	Almaden Road to Alma Avenue	NB	5-6PM	52	2	4,370	42.0	D	70	1	840	12.0	B
SR 87	Alma Avenue to I-280	NB	5-6PM	66	2	3,670	28.0	D	70	1	700	10.0	A
SR 87	I-280 to Julian Street	NB	5-6PM	67	2	2,130	16.0	B	70	1	350	5.0	A
SR 87	Julian Street to Coleman Street	NB	5-6PM	66	2	2,910	22.0	C	70	1	140	2.0	A
SR 87	Coleman Street to Taylor Street	NB	5-6PM	67	2	1,870	14.1	B	70	1	630	9.0	A
SR 87	Taylor Street to Skyport Drive	NB	5-6PM	67	2	2,000	15.0	B	70	1	210	3.0	A
SR 87	Skyport Drive to US 101	NB	5-6PM	66	2	2,510	19.0	C	70	1	280	4.0	A
I-280	Saratoga Avenue to Winchester Boulevard	EB	5-6PM	36	3	6,050	56.0	E	70	1	2,450	35.0	D
I-280	Winchester Boulevard to I-880	EB	5-6PM	15	3	4,280	95.1	F	70	1	2,240	32.0	D
I-280	I-880 to Meridian Avenue	EB	5-6PM	22	4	5,220	79.0	F	40	1	2,240	56.0	E
I-280	Meridian Avenue to Bird Avenue	EB	5-6PM	24	4	7,200	75.0	F	N/A	0	N/A		
I-280	Bird Avenue to SR 87	EB	5-6PM	24	4	7,200	75.0	F	N/A	0	N/A		
I-280	SR 87 to 10th Street	EB	5-6PM	20	4	6,640	83.0	F	N/A	0	N/A		
I-280	10th Street to McLaughlin Avenue	EB	5-6PM	57	4	8,900	39.0	D	N/A	0	N/A		
I-280	McLaughlin Avenue to US 101	EB	5-6PM	66	4	7,340	28.0	D	N/A	0	N/A		
I-680	US 101 to King Road	NB	5-6PM	66	4	6,080	23.0	C	N/A	0	N/A		
I-680	King Road to Capitol Expressway	NB	5-6PM	66	4	7,340	28.0	D	N/A	0	N/A		
I-680	Capitol Expressway to Alum Rock Avenue	NB	5-6PM	66	4	6,080	23.0	C	N/A	0	N/A		
I-680	Alum Rock Avenue to McKee Road	NB	5-6PM	66	4	6,080	23.0	C	N/A	0	N/A		
I-880	I-280 to Stevens Creek Boulevard	NB	5-6PM	66	3	4,560	23.0	C	N/A	0	N/A		
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	5-6PM	66	3	5,310	27.0	D	N/A	0	N/A		
I-880	North Bascom Avenue to The Alameda	NB	5-6PM	65	3	5,660	29.0	D	N/A	0	N/A		
I-880	The Alameda to Coleman Avenue	NB	5-6PM	64	3	6,340	33.0	D	N/A	0	N/A		
I-880	Coleman Avenue to SR 87	NB	5-6PM	55	3	6,600	40.0	D	N/A	0	N/A		
I-880	SR 87 to North 1st Street	NB	5-6PM	63	3	6,430	34.0	D	N/A	0	N/A		
I-880	North 1st Street to US 101	NB	5-6PM	58	3	6,620	38.0	D	N/A	0	N/A		
I-880	US 101 to East Brokaw Road	NB	5-6PM	64	3	6,340	33.0	D	N/A	0	N/A		
I-880	East Brokaw Road to Montague Expressway	NB	5-6PM	66	3	4,760	24.0	C	N/A	0	N/A		
I-880	Montague Expressway to East Brokaw Road	SB	5-6PM	19	3	4,910	86.1	F	N/A	0	N/A		
I-880	East Brokaw Road to US 101	SB	5-6PM	14	3	4,200	100.0	F	N/A	0	N/A		
I-880	US 101 to North 1st Street	SB	5-6PM	12	3	3,820	106.1	F	N/A	0	N/A		
I-880	North 1st Street to SR 87	SB	5-6PM	23	3	5,320	77.1	F	N/A	0	N/A		
I-880	SR 87 to Coleman Avenue	SB	5-6PM	23	3	5,320	77.1	F	N/A	0	N/A		
I-880	Coleman Avenue to The Alameda	SB	5-6PM	23	3	5,320	77.1	F	N/A	0	N/A		
I-880	The Alameda to North Bascom Avenue	SB	5-6PM	32	3	5,960	62.1	F	N/A	0	N/A		
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	5-6PM	46	3	6,490	47.0	E	N/A	0	N/A		
I-880	Stevens Creek Boulevard to I-280	SB	5-6PM	66	3	5,150	26.0	D	N/A	0	N/A		
I-680	McKee Road to Alum Rock Avenue	SB	5-6PM	31	4	7,820	63.1	F	N/A	0	N/A		
I-680	Alum Rock Avenue to Capitol Expressway	SB	5-6PM	66	4	6,870	26.0	D	N/A	0	N/A		
I-680	Capitol Expressway to King Road	SB	5-6PM	66	4	6,680	23.0	C	N/A	0	N/A		
I-680	King Road to US 101	SB	5-6PM	66	4	5,280	20.0	C	N/A	0	N/A		
I-280	US 101 to McLaughlin Avenue	WB	5-6PM	66	4	7,080	27.0	D	N/A	0	N/A		
I-280	McLaughlin Avenue to 10th Street	WB	5-6PM	66	4	7,340	28.0	D	N/A	0	N/A		
I-280	10th Street to SR 87	WB	5-6PM	65	4	7,540	29.0	D	N/A	0	N/A		
I-280	SR 87 to Bird Avenue	WB	5-6PM	19	4	6,390	84.1	F	N/A	0	N/A		
I-280	Bird Avenue to Meridian Avenue	WB	5-6PM	43	4	8,430	49.0	E	N/A	0	N/A		
I-280	Meridian Avenue to I-880	WB	5-6PM	62	4	7,380	35.0	D	70	1	1,120	16.0	B
I-280	I-880 to Winchester Boulevard	WB	5-6PM	64	3	6,340	33.0	D	70	1	630	9.0	A
I-280	Winchester Boulevard to Saratoga Avenue	WB	5-6PM	59	3	6,550	37.0	D	70	1	840	12.0	B
SR 87	US 101 to Skyport Drive	SB	5-6PM	8	2	1,990	124.4	F	70	1	1,540	22.0	C
SR 87	Skyport Drive to Taylor Street	SB	5-6PM	18	2	3,210	89.2	F	70	1	840	12.0	B
SR 87	Taylor Street to Coleman Avenue	SB	5-6PM	14	2	2,830	101.1	F	70	1	1,680	24.0	C
SR 87	Coleman Avenue to Julian Street	SB	5-6PM	32	2	3,910	61.1	F	70	1	1,470	21.0	C
SR 87	Julian Street to I-280	SB	5-6PM	21	2	3,360	80.0	F	70	1	910	13.0	B
SR 87	I-280 to Alma Avenue	SB	5-6PM	15	2	2,850	95.0	F	70	1	1,820	26.0	C
SR 87	Alma Avenue to Almaden Road	SB	5-6PM	18	2	3,140	87.2	F	70	1	2,520	36.0	D
SR 87	Almaden Road to Curtner Avenue	SB	5-6PM	24	2	3,560	74.2	F	70	1	1,820	26.0	C
SR 87	Curtner Avenue to Capitol Expressway	SB	5-6PM	43	2	4,220	49.1	E	70	1	1,400	20.0	C

/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.

- Indicates revised density based upon 2008 CMP data. Reported densities are based on denisty calculation formula

V. MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the 2007 EIR and the February 2010 Draft Supplemental EIR (Draft SEIR) and the May 2010 First Amendment thereto for the proposed Baseball Stadium in the Diridon/Arena Area project. All mitigation measures from the 2007 EIR are included in this MMRP, with the exception of the mitigation measures for Transportation, Circulation and Parking. As a result of the analysis in the Draft SEIR, the Transportation, Circulation and Parking mitigation measures from the 2007 EIR have been replaced with those recommended in the Draft SEIR. In addition, three mitigation measures have been modified (CULT-3, NOISE-2, and NOISE-3) and one new mitigation measure has been added (GCC-1).

This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The MMRP lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. These requirements are provided only for mitigation measures that would avoid or reduce significant impacts of the proposed project.

Table V-1 presents the mitigation measures identified for the proposed project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, TRANS-1 is the first mitigation measure identified in the Transportation, Circulation, and Parking analysis.

The first and second columns of Table V-1 provide the significant impacts and corresponding mitigation measure(s), as identified in Chapter V of the Draft EIR and Chapter IV of the Draft SEIR for the proposed project. Those impacts and mitigation measures identified in the Draft SEIR are appended to the end of the list of measures for each topical issue. The third column, "Implementation Responsibility," identifies the party(ies) responsible for carrying out the required action(s) and approximate time period over which the action will be implemented. The fourth column, "Oversight Responsibility," identifies the party(ies) ultimately responsible for ensuring that the mitigation measure is implemented and outlines the steps for monitoring the action identified in the mitigation measure and the approximate timeframe for the oversight agency to ensure implementation of the migration measure.

Table V-1: Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
A. LAND USE			
LU-1: Fireworks displays occurring during stadium events could present a hazard to the safe operation of the San Jose International Airport.	LU-1: In addition to obtaining the required City permit, fireworks sponsors shall coordinate events in advance with airport staff, the air traffic control tower, and the FAA (if requested by the FAA) to ensure that the activity (timing, height, and materials) does not pose a hazard to the safe operation of the San Jose International Airport.	Prior to fireworks events, fireworks sponsors shall be responsible for coordinating such events with airport staff, air traffic control tower and the FAA.	The Director of Planning, Building and Code Enforcement[1] (PBCE) shall verify that airport staff, air traffic control tower and the FAA have been notified and confirm that the events do not pose a hazard to the airport prior to issuance of a fireworks event permit.
B. POPULATION, EMPLOYMENT AND HOUSING			
There are no significant population, employment and housing impacts.			
C. TRANSPORTATION, CIRCULATION AND PARKING			
Based on the analysis conducted in the Draft SEIR there would be no significant traffic impacts on study intersections for the modified project. Therefore Mitigation Measures TRANS-1 and -2, as identified in the 2007 FEIR, are no longer applicable and are not included in the MMRP for the modified project. Impact TRANS-3 and its corresponding mitigation measure from the 2007 FEIR are superseded by Impact TRANS-1 and its corresponding mitigation measure in the Draft SEIR. The mitigation measures included below are from the Draft SEIR.			
TRANS-1 from Draft SEIR: State Route 87 would experience a significant impact from project traffic along four of the analyzed segments; I-280 would experience a significant impact from project traffic along five of the analyzed segments; I-680 would experience a significant impact from project traffic along one of the analyzed segments; and I-880 would experience a significant impact from project traffic along five of the analyzed segments.	TRANS-1 from Draft SEIR (Supersedes Mitigation Measure TRANS-3 from the 2007 FEIR): To lessen the impacts to the identified freeway segments, Transportation Demand Management (TDM) measures will be implemented to lessen the impacts to the identified freeway segments, although the measures would not reduce the impact to a less than significant level. Potential TDM measures include the following: • Provide incentives for carpoolers (e.g., four or more people per vehicle) such as preferential parking.	The City shall require that the project sponsor develop a TDM plan prior to beginning operations and be responsible for implementing the measures during operations.	The Director of PBCE shall ensure the TDM plan has been developed prior to the start of operations. The Director of PBCE shall periodically monitor operations so as to ensure that all measures are properly followed.

[1] Wherever the Director of Planning, Building and Code Enforcement (PBCE) is charged with oversight responsibility, an officially-designated representative of the Director could fulfill this role.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
TRANS-1 *continued*	• Charge for parking or increase set parking rates if already charging for parking. • Provide on-site ticket sales for transit services (e.g., bus, LRT, Caltrain, etc.). • Make information readily available regarding ridesharing/carpooling programs and transit services, and designate an on-site TDM coordinator to assist with this task. • Develop a stadium employee trip reduction program that includes the following elements for employees: shuttle service to transit, subsidized transit passes and Eco-passes, cash-out program for non-drivers, carpooling/ridesharing program, bike lockers, and on-site showers. Even with implementation of this measure, the impact would remain significant and unavoidable.		
TRANS-2 from Draft SEIR: The project option that would narrow Park Avenue from four to two lanes involves a General Plan Transportation Diagram Amendment that would result in significant long-term transportation impacts upon build out of the current San Jose 2020 General Plan.	TRANS-2 from Draft SEIR: There is no feasible mitigation available to reduce this impact given that the transportation model assumes that all planned roadways and other planned transportation improvements have been built to their maximum capacity, therefore the impact is significant and unavoidable.	N/A (This mitigation measure is not considered feasible)	N/A
D. AIR QUALITY			
AIR-1: Construction period activities could generate significant dust, exhaust, and organic emissions.	AIR-1: Implementation of the following steps would reduce the construction period air quality impacts to a less-than-significant level. (a) The following multi-part mitigation shall be incorporated into the construction plans and implemented for the proposed project. The City shall review the construction plans to ensure these measures have been incorporated:	The City shall require that the project sponsor and construction contractor develop a construction work plan and be responsible for implementing the control measures throughout the construction period.	The Director of PBCE shall ensure the control measures are included in construction work plans prior to the start of demolition, site preparation, or grading activities. The Director of PBCE shall periodically monitor the site so as to ensure that all control measures are properly followed during the construction period.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-1 *continued*	• Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; • Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; • Sweep streets daily, or more often if necessary (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 (previously graded areas inactive for ten days or more); • Enclose, cover, water at least twice daily, or apply not-toxic soil binders to exposed stockpiles (dirt, sand, etc,) to prevent visible dust from leaving the site; • Limit traffic speed on unpaved roads to 15 mph;		

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-1 *continued*	• Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible; • Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; • Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas; • Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph; and • Limit the area subject to excavation grading, and other construction activity at any one time. (b) Any temporary haul roads to soils stockpiles areas used during construction of projects shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant. (c) Water sprays shall be utilized to control dust when material is being added or removed from soils stockpiles. If a soils stockpile is undisturbed for more than one week, it shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation. (d) All neighboring properties located within 1,000 feet of property lines of a construction site shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number		

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-1 *continued*	of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request. (e) In order to address particulate emissions from diesel-powered equipment and vehicles, the following measures shall be implemented: (i) properly maintain vehicle and equipment engines; (ii) minimize the idling time of diesel powered construction equipment; (iii) consider requiring construction equipment that is fueled by alternative energy sources; and (iv) consider requiring add-on control devices such as particulate traps.		
AIR-2: Regional emissions of criteria air pollutants from new development would exceed BAAQMD thresholds.	AIR-2: The *BAAQMD CEQA Guidelines* document identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the Downtown Stadium project: • Maximize the use of existing transit facilities and incorporate additional facilities (e.g., bus bulbs/turnouts, benches, shelters) into the project's design. • Provide bicycle lanes and/or paths, connected to community-wide network. • Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network. • Provide secure and conveniently located bicycle storage. • Implement feasible transportation demand management (TDM) measures including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.	The City shall require the project sponsor to include as many of the measures listed in Mitigation Measure AIR-2 in order to reduce vehicle trip generation and associated emissions from the project.	The Director of the PBCE shall review project plans to ensure the inclusion of feasible and effective measures listed in Mitigation Measure AIR-2.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
AIR-2 *continued*	The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. A reduction of this magnitude would provide a reduction in emissions, however project emissions would still exceed the significance threshold. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impact by an additional 75 percent to a less-than-significant level. Therefore, the project's regional air quality impacts would remain significant and unavoidable.		
AIR-3: Fireworks displays may cause spikes in air pollution.	AIR-3: The City shall require that the point of launch and the fallout area for fireworks be located so as to ensure the safety of the public from the discharge of pyrotechnic devices, exposure to toxic air pollutants or any other hazard from fireworks displays.	Prior to fireworks events that would cause spikes in air pollution, fireworks sponsors shall provide the City with fireworks event plans for safety review.	The Director of PBCE shall ensure that fireworks events are located and directed skyward so as to prevent the creation of hazardous conditions prior to issuance of a fireworks event permit.
E NOISE			
NOISE-1: Increases in traffic noise to surrounding roadways would be significant.	NOISE-1: With affected property owner's consent, prior to opening day of the stadium, measures taken to reduce significant noise impacts associated with increased traffic for residences located along W. San Fernando Street from Autumn Street to Delmas Avenue or Autumn Street from W. San Fernando Street to W. Santa Clara Street may include, but are not limited to installation of dual-pane windows, mechanical air conditioning and improved ceiling and wall insulation.	Prior to project operation, the project sponsor shall install the appropriate noise-reduction improvements to participating residences.	The Director of the PBCE shall ensure that the appropriate noise reduction improvements are installed prior to project operation.
NOISE-2: Baseball game events could result in noise impacts on adjacent residential uses.	NOISE-2a: The stadium public address system shall be comprised of a distributed speaker system on-site, which would locate speakers around each section of the park to minimize the need for extra-loud and high-mounted units.	The project sponsor shall ensure that the appropriate public address system is incorporated into the project design.	The Director of PBCE shall review project plans to ensure that the appropriate public address system is incorporated into the project design, prior to the issuance of a building permit.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
NOISE-2 *continued*	NOISE-2b (as modified in the Draft SEIR): After the ballpark design is finalized and prior to the first ballpark event, a detailed acoustic study shall be conducted by the City of San José to confirm the predictions of the long-term noise levels at noise sensitive uses within the 60 dBA L_{eq} contour line shown in Figure IV.B-2 of the ballpark, which have been made in this SEIR. The study shall be used to determine noise attenuation measures to achieve a 45 dBA L_{eq} interior noise level at nearby residences located within the 60 dBA L_{eq} contour line. Attenuation measures at the stadium shall include, but not be limited to, distributed speakers for the public address system and limitations placed on sound levels associated with various activities. Measures taken with affected property owner's consent, at receptor locations may include, but are not limited to installation of dual-pane windows, mechanical air conditioning, sound walls and improved ceiling and wall insulation. Necessary remedial measures shall be implemented, or otherwise assured to be implemented within one year to the satisfaction of the City Manager. Implementation of mitigation measures NOISE-1a and NOISE-1b would reduce impacts associated with baseball games. However, impacts would remain significant and unavoidable.	Prior to project operation, the City shall require a detailed acoustical study to determine the appropriate noise attenuation measures that would be needed to reach the established performance standards. Necessary remedial measures shall be implemented or assured by the City within one year of project operation.	The Director of PBCE shall verify completion of the acoustical study prior to project operation. The City Manager shall verify that the necessary remedial measures are implemented or otherwise assured within one year of project operation.
NOISE-3: Proposed on-site concert events could result in noise impacts on adjacent residential uses.	NOISE-3 (as modified in the Draft SEIR): A maximum sound level of 95 dB L_{eq} shall be maintained at the sound board for concerts. Implementation of the multipart mitigation measures~~s~~ NOISE-2 would reduce impacts from concert noise. However, noise impacts would remain significant and unavoidable.	Concert event operators shall not exceed the maximum sound level of 95 dB L_{eq} during concert events.	The Director of PBCE shall ensure that concert event operators do not exceed the maximum sound level of 95 dB L_{eq} during concert events by periodically monitoring actual sound levels at concerts.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
NOISE-4: Explosions associated with fireworks displays at the proposed project would create significant peak noise impacts.	NOISE-4: Implementation Mitigation Measure NOISE-2b would reduce impacts from firework displays for residences located adjacent to the proposed stadium. Implementation of the Mitigation Measure NOISE-2b would help to minimize this impact but not reduce it to a less-than-significant level.	The City shall ensure that necessary noise attenuation measures are implemented or assured within one year of project operation.	The Director of the PBCE and the City Manager shall ensure that necessary noise attenuation measures are implemented or assured within one year of project operation.
NOISE-5: Construction period activities could create significant short-term noise impacts.	NOISE-5a: The following measures shall be implemented during construction of the proposed project: • All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. • City will develop a Construction Impact Mitigation Plan with input from neighbors to determine a construction activity schedule including construction days and hours of construction. • Unnecessary idling of internal combustion engines will be prohibited. • All stationary noise generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing residences.	The City shall require that a Construction Impact Mitigation Plan be developed to determine the construction activity schedule prior to commencement of construction activities at the site. The construction contractor shall implement Mitigation Measure NOISE-5a, and shall adhere to the hours and days of construction in the Construction Impact Mitigation Plan throughout the construction period.	The Director of PBCE shall ensure that the noise reduction and control measures listed in Mitigation Measure NOISE-5a are incorporated into the construction work plan prior to permit issuance.
	NOISE-5b: In the event that pile-driving and/or other extreme noise generating construction vehicles or equipment are required, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any pile-driving or extreme noise generating activities: • Implement "quiet" pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions; • Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;	If pile driving or other extreme noise-generating machinery will be used on the site, the project sponsor shall retain a qualified acoustical consultant to develop site-specific noise attenuation measures. The construction contractor shall implement these measures prior to initiating pile driving activities (or other extreme noise-generating activities).	The Director of the PBCE shall ensure that, if pile driving or other extreme noise-generating machinery would be used on the site, site-specific noise attenuation measures are developed. The Director of PBCE shall ensure that the noise attenuation measures are incorporated into the construction work plan prior to permit issuance.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
NOISE-5 *continued*	• Evaluate the feasibility of noise control at the receptor(s) by temporarily improving the noise reduction capability of those buildings; and • Monitor the effectiveness of noise attenuation measures by taking noise measurements once the measures are in place. • Residents within 1,000 feet of the pile-driving activity will be notified of the schedule for their use while they are in use. Portable acoustical barriers will be installed around pile driving equipment. • A name, address, and phone number of a contact person will be posted on the site to handle noise complaints. Implementing the basic measures required by Mitigation Measure NOISE-5a would reduce potential impacts from construction activities. In addition, Mitigation Measure NOISE-5b will further reduce the potential impacts from pile driving activities and other extreme noise generating construction activities in the vicinity of the construction site. However, even with the implementation of these mitigation measures, noise associated with the construction of the proposed project would be considered significant and unavoidable.		
F. BIOLOGICAL RESOURCES			
BIO-1: Construction of the proposed project would result in the removal of 45 ordinance-size trees.	BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose Landscape and Irrigation Guidelines and City of San Jose Planning Department specifications. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). Trees planted within the	The City shall require the tree replacement ratio for the loss of ordinance size trees within the project area.	The Director of PBCE shall ensure that the City of San Jose landscaping guidelines and City of San Jose Department specifications concerning landscaping and tree replacement are adhered to prior to the issuance of permits.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
BIO-1 *continued*	riparian corridor shall be native trees grown from Los Gatos Creek watershed stock. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area.		
BIO-2: Construction activities adjacent to the Los Gatos Creek riparian corridor may disturb nesting Cooper's hawks and other raptors.	BIO-2: Surveys to determine the presence of active raptor nests on or adjacent to (i.e., along Los Gatos Creek) to the construction area shall be conducted by a qualified biologist no more than 30 days prior to the initiation of construction-related activities, including removal of existing vegetation or facilities. If raptors are observed nesting on or near the site, exclusion zones will be established around all active nests. The size of the exclusion zone will be determined based on consultation with the CDFG, which typically requires a zone of 100 to 300 feet around the nest. No activity will be allowed inside the exclusion zone until a qualified biologist has determined that the young have successfully fledged from the nest or that the nest is no longer active.	No more than 30 days prior to initiation of construction activities on or adjacent to the site, a qualified biologist hired by the project sponsor shall undertake pre-construction surveys for active raptor nests. If active raptor nests are identified, the construction contractor, in consultation with the CDFG, shall create exclusion zones around all nests.	The Director of PBCE shall ensure that pre-construction nesting surveys are conducted no more than 30 days prior to initiation of construction activities, and if bird nests are identified, the appropriate exclusion zones around nests are created. This action shall occur prior to issuance of demolition permits.
G. GEOLOGY, SOILS AND SEISMICITY			
GEO-1: Seismically-induced ground shaking at the project could result in damage to life and/or property.	GEO-1: Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code (Seismic Zone 4). The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:	The project sponsor shall retain a certified geologist to prepare and submit a design-level geotechnical investigation, as described in Mitigation Measure GEO-1.	The Director of PBCE shall ensure that a design-level geotechnical investigation is submitted to the City of San Jose Public Works Department prior to project approval.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
GEO-1 *continued*	• Analysis presented in the geotechnical report shall conform with the California Division of Mines and Geology recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California*. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed.		
GEO-2: Structures or property at the project could be adversely affected by expansive soils or by settlement of project site soils.	GEO-2: In locations underlain by expansive soils and/or non-engineered fill, the designers of stadium foundation and other improvements (including the electrical substation, sidewalks, roads, and underground utilities) shall consider these conditions. The design-level geotechnical investigation to be prepared by a licensed professional and approved by the City of San Jose Public Works Department (required in Mitigation Measure GEO-1), shall include measures to minimize potential damage related to expansive soils and non-uniformly compacted fill. Mitigation options may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlement. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed to reduce impacts associated with shrink-swell soils to a less-than-significant level.	The design-level geotechnical investigation (required as part of Mitigation Measure GEO-1) shall consider underlying expansive soils and/or non-engineered fill conditions and include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized.	The Director of PBCE shall ensure that the design-level geotechnical investigation considers underlying expensive soils and/or non-engineered fill conditions and includes measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized prior to project approval.
GEO-3: Differential settlement at the project site could result in damage to project buildings and other improvements.	GEO-3: Prior to issuance of a grading permit, a site-specific grading plan shall be prepared by a licensed professional and submitted to the City of San Jose Public Works Department (see Mitigation Measure GEO-1). The plan shall include specific recommendations for mitigating potential settlement associated with fill placement and areas of different fill thickness.	The project sponsor shall retain a licensed professional to prepare and submit a site-specific grading plan, as described in Mitigation Measure GEO-3.	The Director of PBCE shall ensure that a site-specific grading plan is submitted to the City of San Jose Public Works Department prior to project approval.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
GEO-4: Liquefaction at the project site could result in damage to buildings and other improvements.	GEO-4: Project design shall be in accordance with the recommendations contained in a site-specific geotechnical report prepared by a licensed professional and reviewed and approved by City of San Jose Public Works Department. (see Mitigation Measure GEO-1). The San Jose Public Works Department shall approve all final design and engineering plans. Project design and construction shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4), applicable local codes, and the generally-accepted standard of geotechnical practice for seismic design in Northern California. The design-level geotechnical investigation shall include measures to minimize that potential damage related to liquefaction.	The design-level geotechnical investigation (prepared as part of Mitigation Measure GEO-1) shall include measures to minimize potential damage related to liquefaction.	The Director of PBCE shall ensure that the design-level geotechnical investigation includes measures to minimize potential damage related to liquefaction prior to project approval. All final design and engineering plans shall be reviewed and approved by the Public Works Department prior to issuance of permits.
H. HYDROLOGY AND WATER QUALITY			
HYD-1: Alteration of the local drainage patterns could potentially result in exceedance of the capacity of downstream stormwater conveyance structures, resulting in localized flooding.	HYD-1: As a condition of approval of the final grading and drainage plans for the project, it shall be demonstrated through detailed hydraulic analysis that implementation of the proposed drainage plans would include drainage components that are designed in compliance with City of San Jose standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of San Jose Department of Public Works. Any improvements deemed necessary by the City shall be made a part of the conditions of approval. Implementation of this mitigation measure would reduce potential impacts associated with increased peak runoff volumes to a less-than-significant level.	The project sponsor shall retain a qualified professional to conduct a detailed hydraulic analysis and incorporate appropriate drainage components into project design.	The Director of PBCE shall verify completion of the hydraulic analysis and ensure that grading and drainage plans comply with Public Works Department recommendations and City standards prior to final grading and drainage plan approval.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2: Construction activities and post-construction site uses could result in degradation of water quality in the receiving waters by reducing the quality of storm-water runoff.	HYD-2a: **Construction-Period Impact Mitigation.** The project proponent shall comply with the City of San Jose's Post-Construction Urban Runoff Management Policy (Policy Number 6-29), which requires: *... all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy also establishes specified design standards for Post-Construction TCMs for Major Projects and minimum Post-Construction BMPs for all Land Uses of Concern, including Expansion Projects. This Policy further establishes the criteria for determining the situations in which it is impracticable to comply with the Major Project design standards, including the criteria for evaluating the equivalency of Alternative Compliance Measure(s)* In addition, the project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.	The project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes specific and detailed Best Management Practices (BMPs). The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor.	The Director of PBCE shall ensure that project proponents have prepared and implemented a SWPPP prior to issuance of permits. The Director of PBCE shall ensure a monitoring program is implemented by the construction site supervisor during project construction activities.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2 *continued*	An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.		

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2 *continued*	HYD-2b: **Operation-Period Impact Mitigation.** The design-level storm water control plan shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plan would result in treatment of the appropriate percentage of the runoff from the site (in compliance with the County NPDES permit). The amount of runoff that is typically required to be treated is about 85 percent of the total average annual runoff from the site. The qualified professionals (a professional engineer with experience in the design of stormwater BMPs that is acceptable to the City) preparing the design-level storm water control plan shall consider additional measures designed to mitigate water quality degradation of runoff from all portions of the completed development. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. The City shall ensure that the project design includes features and operational BMPs to reduce potential impacts to surface water quality associated with operation of the project to the maximum extent practicable. These features shall be included in the storm water control plan and final development drawings. The final design team for the development project shall review and incorporate as many concepts as practicable from Start at the Source, Design Guidance Manual for Stormwater Quality Protection and the California Stormwater Quality Association's Stormwater Best Management Practice Handbook, Development and Redevelopment The final design team should also consider installing "end-of-pipe" treatment systems, including, but not limited to, baffle boxes, catch basins, and hydrodynamic vortex-type separators. Any use of end-of-pipe treatment systems must be accompanied by a viable maintenance program. Specifically:	The project sponsor shall retain a qualified professional to prepare a design-level storm water control plan which includes features and operational BMPs to reduce potential operational impacts to surface water quality.	The Director of PBCE shall ensure that the storm water control plan and final development drawings include features and operational BMPs to reduce potential operational impacts to surface water quality prior to approval of the grading plan. The Department of Public Works shall review and approve the SWPPP and drainage plan prior to approval of the grading plan.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HYD-2 *continued*	• Drainage from the stadium playing surface and seating areas should be treated prior to discharge to Los Gatos Creek. • The enclosed parking areas shall not be drained to the stormwater conveyance system. The garages should be dry-swept or, if washdown water is used the effluent should be discharged to the sanitary sewer system under permit from the San Jose/Santa Clara Water Pollution Control Plant. The City of San Jose Department of Public Works shall review and approve the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent stormwater treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.		
HYD-3: Dewatering may contain contaminants and if not properly managed could cause impacts to construction workers and the environment.	HYD-3: The SWPPP shall include provisions for the proper management of construction-period dewatering activities. At minimum, all dewatering shall be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary to ensure that only clear water is discharged to the storm or sanitary sewer system, as appropriate. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project proponent shall acquire the appropriate permit(s) prior to discharge of the dewatering effluent. Discharge of the dewatering effluent would require a permit from the RWQCB (for discharge to the storm sewer system) and/or the San Jose/Santa Clara Water Pollution Control Plant (for discharge to the sanitary sewer system). Proper implementation of the mitigation measure described above would reduce this impact to a less-than-significant level.	The project sponsor shall ensure that the SWPPP includes provisions for the proper management of construction-period dewatering activities, as outlined in Mitigation Measure HYD-3, and shall obtain the appropriate permits prior to discharge of any dewatering effluent.	The Director of PBCE shall verify that the SWPPP includes provisions for the proper management of construction-period dewatering activities, as outlined in Mitigation Measure HYD-3. The Director of PBCE shall also ensure that the appropriate permits are obtained prior to discharge of any dewatering effluent.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
I. HAZARD AND HAZARDOUS MATERIALS			
HAZ-1: Development of the project could expose construction workers and/or the public to hazardous materials from contaminants in soil and groundwater during and following construction activities.	HAZ-1a: As a condition of approval for any permit for demolition, grading, or construction at any parcel at the project site, a Phase I Environmental Site Assessment shall be conducted by a qualified professional (e.g., a California-registered environmental assessor) to identify current or historical land uses that have or may have included the storage or generation of hazardous materials and the potential for releases of hazardous materials to have occurred that might impact the site. The assessments shall be performed in conformance with the current standard of care established by ASTM and EPA for Phase I Environmental Assessments and shall be submitted to the City Environmental Services Department (ESD) Environmental Compliance Officer for review and approval. The Phase I ESA assessments shall identify the potential presence of any environmental impacts to the subject site related to any historic and/or present uses of hazardous materials at the subject site and/or at any sites in the vicinity of the subject site, and present recommendations for further investigation of the parcel, if warranted. Recommendations for investigation shall be implemented in Phase II investigations at the project site. The Phase II(s) shall include sampling of site soils and groundwater in areas of suspected contamination, based on the findings of the Phase I assessments. Additional groundwater samples shall be collected to establish baseline groundwater quality at the site and determine if previously unreported off-site contamination has migrated and affected the project site. The Phase II investigations shall also characterize the chemical quality of undocumented fill materials at the project site. Soil and groundwater sampling results shall be compared to RWQCB Environmental Screening Levels (ESLs) for commercial/industrial	The project sponsor shall retain a qualified environmental professional to conduct Phase I and any subsequently recommended Phase II ESAs, HHRAs, or IC/EC-related Operation and Maintenance Programs. Phase I and II ESAs, HHRAs, and Operation and Maintenance Programs shall meet the requirements described in Mitigation Measure HAZ-1a and shall be submitted to the City's Environmental Services Department.	The Director of PBCE shall verify that the Environmental Compliance Officer has reviewed and approved Phase I ESAs and any required Phase II ESAs, HHRAs, and Operations and Maintenance Programs prior to the issuance of permits.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-1 *continued*	land uses for shallow soils for sites underlain by a potential drinking water source. The Phase II investigations shall be submitted to the ESD Environmental Compliance Officer for review and approval. If hazardous materials are identified in site soils or groundwater in excess of RWQCB ESLs for commercial/industrial land uses, a Human Health Risk Assessment (HHRA) shall be performed by a qualified environmental professional. The HHRA shall describe measures that must be implemented to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than 1×10^{-6} (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as required by a regulatory oversight agency. The HHRA would be subject to review and/or approval by the City ESD Environmental Compliance Officer and/or regulatory oversight agencies. The potential risks to human health in excess of these goals would be reduced either by remediation of the contaminated soils or groundwater (e.g., excavation and off-site disposal and/or extraction/treatment of groundwater) and/or implementation of institutional controls and engineering controls (IC/EC). IC/EC may include the use of hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pathways, and deed restrictions. If IC/EC are implemented, an Operations and Maintenance Program must be prepared and implemented to ensure that the measures adopted are maintained throughout the life of the project. If IC/EC are implemented, the Operations and Maintenance Program would be subject to review and approval by the City ESD Environmental Compliance Officer and/or regulatory oversight agencies.		

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-1 *continued*	HAZ-1b: Prior to approval for any demolition, grading, or construction permits at the project site, a Construction Risk Management Plan (CRMP) shall be prepared with provisions to protect construction workers, the nearby public, and future workers and nearby residents from health risks from residual contaminants in site soils and groundwater during project construction and subsequent maintenance activities. The CRMP shall summarize previous environmental investigations and health risk assessments conducted for the project site (Mitigation Measure HAZ-1a). The CRMP shall include provisions for protection of human health both for the construction phase of the development as well as for the operational phase. In accordance with State and federal laws and regulations, the CRMP shall describe required worker health and safety provisions for all workers potentially exposed to contaminated soil and groundwater. The CRMP shall include all necessary controls to mitigate short-term risks from releases of constituents of concern to the environment in the form of dust, vapors, and/or water runoff during construction activities. Real-time air monitoring for contaminants of concern shall be required during all activities with the potential to disturb contaminated materials at the site. Action levels for contaminants of concern shall be established, with detailed descriptions of corrective actions to be taken in the event that the action levels are reached during monitoring. The CRMP shall also provide procedures to be undertaken in the event that previously unreported contamination or subsurface hazards are discovered during construction; incorporate construction safety measures for excavation and other construction activities; establish detailed procedures for the safe storage, stockpiling, use, and disposal of contaminated soils and	The project sponsor shall retain a qualified environmental professional to prepare and submit a Construction Risk Management Plan. The CRMP shall meet the requirements described in Mitigation Measure HAZ-1b and shall be submitted to the City's Environmental Services Department for review.	The Director of PBCE shall verify that the Environmental Compliance Officer has reviewed and approved the CRMP and determine if site remediation requires further regulatory oversight prior to issuance of permits.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-1 *continued*	groundwater and other hazardous materials at the project site; provide emergency response procedures; and designate personnel responsible for implementation of the CRMP during the construction and operational phases of the project. The CRMP shall also include an Operations and Maintenance Plan component, to ensure that health and safety measures required for future construction, utility trenching, and maintenance at the project site shall be enforced in perpetuity. The CRMP shall be submitted to the City ESD Environmental Compliance Officer for review and approval. If regulatory oversight is required for site remediation, the CRMP would also be subject to review and approval by regulatory oversight agencies. Implementation of this two-part measure would reduce this impact to a less-than-significant level.		
HAZ-2: Improper use or transport of hazardous materials during construction activities could result in releases affecting construction workers and the general public.	HAZ-2: The CRMP for the project site shall include emergency procedures and the management and disposal of contaminated soils and groundwater (see Mitigation Measure HAZ-1b). Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations. Implementation of this measure would reduce this impact to a less-than-significant level.	The project sponsor shall include emergency procedures and provisions for the management and disposal of contaminated soils and groundwater in the CRMP. The construction contractor shall use, store, and dispose of hazardous materials in accordance with applicable hazardous materials regulations.	The Director of PBCE shall review the CRMP to ensure it includes the procedures described in Mitigation Measure HAZ-2. This review shall occur prior to the issuance of permits. The Director of PBCE shall ensure the construction plan includes provisions for the use, storage, and disposal of hazardous materials that are consistent with applicable hazardous materials regulations.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
HAZ-3: Demolition of any structures containing lead-based paint, asbestos-containing building materials, or other hazardous materials could release airborne particles of hazardous materials, which may affect construction workers and the public.	HAZ-3: As a condition of approval for any demolition permit for a structure at the project site, a lead-based paint and asbestos-containing material survey shall be performed at the structure by a qualified environmental professional. Based on the findings of the survey, identified asbestos hazards shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the BAAQMD. Federal and State construction worker health and safety regulations shall be required during renovation or demolition activities, and any required worker health and safety procedures shall be incorporated into the project. CRMP (per Mitigation Measure HAZ-1b). If loose or peeling lead-based paint are identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Other hazardous wastes generated during demolition activities, such as fluorescent light tubes, mercury switches, and computer displays, shall be managed and disposed of in accordance with existing hazardous waste regulations. Implementation of this measure would reduce this impact to a less-than-significant level.	The project sponsor shall retain a qualified environmental professional to conduct a lead-based paint and asbestos-containing material survey for all structures on the project site. If asbestos, lead, and/or other hazardous materials are found within the project site buildings, the project sponsor and construction contractor shall implement remediation or worker safety measures, as required by existing hazardous materials regulations.	The Director of PBCE shall ensure that a lead-based paint and asbestos-containing material survey is completed for all structures on the project site and that the construction work plan includes appropriate remediation and/or worker safety protection measures (if asbestos, lead, or other hazardous materials are present in existing buildings). These actions shall occur prior to the issuance of permits.
HAZ-4: Future land uses at the project site may potentially create a significant hazard to the public or the environment as a result of routine transport, use, production, upset, or disposal of hazardous materials.	HAZ-4: Compliance with existing hazardous materials plans, programs, and permits would serve to mitigate potential hazardous materials impacts related to proposed future land uses.	The project sponsor shall comply with existing hazardous materials plans, programs, and permits.	The Director of PBCE shall verify compliance with existing hazardous materials plans, programs, and permits prior to issuance of permits.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
J. CULTURAL AND PALEONTOLOGICAL RESOURCES			
CULT-1: The KNTV Broadcast Facility, 645 Park Avenue, appears eligible for listing in the California Register and as Candidate for City Landmark (CCL) and would sustain direct impacts due to the proposed project.	CULT-1a: **Documentation.** The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*. Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools. If only documentation were undertaken for mitigation, impacts to this resource would be significant unavoidable.	The project sponsor shall retain a qualified professional to document the KNTV Broadcast Facility as described in Mitigation Measure CULT-1a. Copies of the documentation shall be submitted to the appropriate repositories.	The Director of PBCE shall verify that the required documentation of the KNTV Broadcast Facility is performed, and that copies of the documentation are distributed to the appropriate repositories. This action shall occur prior to issuance of permits.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-1 *continued*	CULT-1b: **Incorporation.** If preservation or relocation is not possible, the building, or portions thereof, shall be incorporated into the ballpark to the extent feasible, following the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.	If preservation or relocation is not possible, the project sponsor shall incorporate the KNTV Broadcast Facility into the proposed project design, to the extent feasible, as described in Mitigation Measure CULT-1c.	The Director of PBCE shall ensure that the KNTV Broadcast Facility is incorporated into project design, to the extent feasible, if preservation or relocation is not possible. This action shall occur prior to issuance of permits.
	CULT-1c: **Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards to ensure that the building retains its integrity and historical significance.	If feasible, the project sponsor shall relocate the KNTV Broadcast Facility as described in Mitigation Measure CULT-1b.	The Director of PBCE shall ensure that the KNTV Broadcast Facility is relocated as described in Mitigation Measure CULT-1b, if feasible. This action shall occur prior to issuance of permits.
	CULT-1d: **Salvage.** If relocation, preservation, or incorporation are not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements.	If relocation, preservation, or incorporation is not possible, the project sponsor shall salvage the KNTV Broadcast Facility as described in Mitigation Measure CULT-1d.	The Director of PBCE shall ensure that the KNTV Broadcast Facility is salvaged as described in Mitigation Measure CULT-1d if relocation, preservation, or incorporation is not possible. This action shall occur prior to issuance of permits.
CULT-2: The structure at 65 Cahill Street, adjacent to the project area, is a City Landmark and listed in the National Register.	CULT-2a: Prior to demolition or alteration of the proposed project area buildings HABS documentation of the exterior of the 1935 National Register Southern Pacific Depot and its setting shall be prepared. A brief historical overview of the depot and its relationship to the project area shall be prepared to accompany the photographic documentation. A brochure shall be prepared that presenting the history of the Depot, and made available for distribution to local libraries, museums, and schools.	The project sponsor shall retain a qualified professional to document the exterior of the San Jose Diridon Train Station as described in Mitigation Measure CULT-2a.	The Director of PBCE shall verify that the appropriate documentation of the exterior of the San Jose Diridon Train Station is completed prior to demolition or alteration of the proposed project area.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-2 *continued*	CULT-2b: A historic preservation architect will be retained to minimize project impacts to the Diridon Station.	The project sponsor shall retain a historic preservation architect to minimize impacts to the Diridon Station prior to ground disturbing activities at the site.	The Director of PBCE shall ensure that a historic preservation architect has been retained prior to initiation of ground-disturbing activities at the site.
	CULT-2c: The project will be referred back to the Historic Landmarks Commission for review.	The City shall consult with the Historic Landmarks Commission prior to project approval.	The Director of PBCE shall ensure consultation with the Historic Landmarks Commission prior to project approval.
	CULT-2d: Consultation with the Peninsula Corridor Joint Powers Board and the City shall be conducted to determine if these proposed mitigations are sufficient or if additional mitigations are necessary.	The City shall consult with the Peninsula Corridor Joint Powers Board prior to demolition or alteration of structures in the proposed project area.	The Director of PBCE shall ensure consultation with the Peninsula Corridor Joint Powers Board prior to demolition or alteration of structures in the proposed project area.
CULT-3: The project area may contain buried archaeological resources	CULT-3a (text updated with addition of CULT-3b below as recommended in the Initial Study in Appendix B of the SEIR): Due to high sensitivity for both prehistoric and historical archaeological resources, a qualified archaeologist shall monitor all ground-disturbing activities within the project area for historical and prehistoric archaeological resources. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. A cultural resources monitoring plan shall be prepared prior to the issuance of a grading or building permit. The monitoring plan shall describe how project construction will be monitored to reduce impacts to cultural resources which may be identified within the project site. The monitoring plan shall also include a review of Sanborn fire insurance maps, historical photographs, and other appropriate historical materials to identify potentially archaeologically sensitive areas for monitoring. Limited subsurface testing may be appropriate prior to construction to identify archaeological deposits.	The project sponsor shall retain a qualified archeologist to prepare a monitoring plan and monitor all ground disturbing activity within the project site, as described in Mitigation Measure CULT-1. Preconstruction archaeological test excavations shall be made at the HP Pavilion site prior to ground disturbing construction and reporting and monitoring conducted in accordance with Mitigation Measures CULT-3b.	The Director of PBCE shall ensure that an archeologist has been retained and that an adequate monitoring plan has been prepared prior the initiation of ground disturbing activities at the site. The Director shall also ensure that the appropriate reporting occurs in the event that cultural resources are uncovered.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-3 *continued*	If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeological monitor can review the finds and make recommendations. Monitoring shall continue until, in the archaeologist's judgment, archaeological resources are no longer likely to be encountered. It is recommended that such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility. Archaeological monitors must be empowered tohalt construction activities within 25 feet of the discovery to review the possible archaeological material and to protect the resource while it is being evaluated. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided or adverse effects must be mitigated. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to City of San Jose Planning, Building, and Code Enforcement director, and the NWIC. Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, hand stones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Fill soils used for construction purposes should not contain archaeological materials.		

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-3 *continued*	CULT-3b (additional text added to Mitigation Measure CULT-3 in the certified 2007 EIR, see Initial Study in Appendix B of the SEIR): The HP Pavilion parking structure option contains three archaeological "locations or areas" (*BART Extension to Milpitas, San José, and Santa Clara Draft Supplemental Environmental Impact Report* [January 2007], Appendix F, Map 36, Features H52, H53A, and H53B) identified as containing archaeological deposits that may qualify as historical or unique archaeological resources under CEQA. Preconstruction archaeological test excavation shall occur at these "locations or areas" prior to ground disturbing construction. The purpose of the excavation shall be to identify the nature, extent, and status under CEQA of these archaeological features. The excavation shall also inform recommendations for the treatment of the features, should they be intact and qualify as significant. Feasible measures shall be implemented to avoid, reduce, or offset significant impacts to resources that so qualify. Feasible measures may include, but are not limited to, capping the resource to prevent further localized ground disturbance; documentation on state of California DPR 523 form records; or data recovery excavation pursuant to a research design approved by the City. The measures will avoid further impacts to the resource, minimize the amount of project-related disturbance necessary, or provide documentation of the data potential that would be lost through the deposit's destruction. The test excavation shall be directed by an individual who meets the Secretary of the Interior's Professional Qualifications Standards for historical and prehistoric archaeology. If prehistoric archaeological resources are suspected, a Native American monitor shall observe the excavation. A report shall be prepared that documents the methods and results of the excavations, and shall be submitted to the City of San José and the Northwest Information Center.	The project sponsor shall ensure that preconstruction archaeological test excavations are made at the HP Pavilion site prior to ground disturbing construction activities and that the reporting and monitoring requirements of this measure are performed.	The Director of PBCE shall ensure that the investigation and monitoring requirements have been fulfilled prior the initiation of ground disturbing activities at the site. The Director shall also ensure that the appropriate reporting occurs in the event that cultural resources are uncovered.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-4: Ground disturbance associated with the demolition, grading, site preparation and construction of the proposed project may disturb human remains, including those interred outside of formal cemeteries.	CULT-4: If human remains are encountered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to City of San Jose Planning, Building, and Code Enforcement director, and the NWIC.	The project sponsor shall follow the procedures outlined in Mitigation Measure CULT-2 in the event that human remains are identified within the project site.	The Director of PBCE shall ensure that the appropriate procedures and reporting requirements are followed in the event that human remains are identified within the project site.
CULT-5: Ground disturbing activities within the project area could adversely impact paleontological resources.	CULT-5a: A qualified paleontologist shall be present during initial project ground-disturbance at or below 5 feet from original ground surface. The paleontologist shall determine if further monitoring of project ground-disturbing activities below the soil layer is necessary, or if periodic site inspections are appropriate. If site inspections are recommended, each subsequent inspection shall determine if more thorough paleontological monitoring is necessary. Prior to project ground-disturbing activities, pre-field preparation by a qualified paleontologist shall take into account specific details of project construction plans for the project area as well as information from available paleontological, geological, and geotechnical studies. Limited subsurface investigations may be appropriate for defining areas of paleontological sensitivity prior to ground disturbance.	The project sponsor shall retain a qualified paleontologist to monitor all ground disturbing activity at or below 5 feet original ground surface within the project site, as described in Mitigation Measure CULT-5a.	The Director of PBCE shall ensure that a paleontologist has been retained prior the initiation of ground disturbing activities at the site. The Director shall also ensure that the appropriate reporting occurs in the event that paleontological resources are uncovered.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-5 *continued*	If paleontological resources are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the paleontological monitor can evaluate the resources and make recommendations. If paleontological deposits are identified, it is recommended that such deposits be avoided by project activities. Paleontological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible paleontological material and to protect the resource while it is being evaluated. If avoidance is not feasible, adverse effects tosuch resources shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the accession of fossil material recovered to an accredited paleontological repository, such as the UCMP. Monitoring shall continue until, in the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. Copies of this report shall be submitted to the City of San Jose Planning, Building, and Code Enforcement director and to the repository to which any fossils were transmitted.		
	CULT-5b: If paleontological resources are encountered during project activities, and a paleontologist monitor is not present, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has evaluated the discoveries, prepared a fossil locality form documenting the discovery and made recommendations regarding the treatment of the resources. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities. If project activities cannot avoid the resources, adverse effects shall be mitigated. At a minimum, mitigation shall include data recovery and analysis, preparation of	In the event that paleontolog-ical resources are encountered during construction activities, and a paleontological monitor is not present, the construction manager shall ensure that project activities within 25 feet of the discovery are redirected until a qualified paleontologist has evaluated the discovery and made recommendations.	The Director of PBCE shall verify that the construction work plans provide measures for the treatment of paleontological discoveries in the event that a paleontological monitor is not present at the site. This shall be verified prior to prior to the initiation of ground disturbing activities at the site.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
CULT-5 *continued*	a report, and the transmittal of any fossil material recovered to a paleontological repository, such as the UCMP. Upon completion of project activities, a report documenting the methods and findings of the mitigation shall be prepared and copies submitted to City of San Jose Planning, Building, and Code Enforcement director as well as to the paleontological repository to which fossils were transmitted. Project personnel should not collect or move any paleontological materials and associated materials. Fill soils used for construction purposes should not contain paleontological materials.		
K. VISUAL AND AESTHETIC RESOURCES			
VIS-1: The proposed project would alter the visual character of historic San Jose Diridon Station.	VIS-1: Implementation of Mitigation Measure CULT-2a and CULT-2b would somewhat reduce this impact. However, the alteration of the station's visual setting and feeling would remain a significant impact.	The project applicant shall implement Mitigation Measures CULT-2a and 2b.	The Director of PBCE shall verify that Mitigation Measures CULT-2a and 2b are implemented prior to demolition or alteration of the proposed project area.
VIS-2: The removal of all ordinance sized trees on the project site would substantially damage scenic resources.	VIS-2: Mitigation Measure BIO-1 requires the loss of ordinance sized trees would be mitigated by implementation of landscaping plans to be reviewed and approved by the City of San Jose. For private projects, the City of San Jose requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1. As a City proposed project, the City would commit to meeting the tree replacement ratio, but given the footprint of redevelopment on the site, replacement trees may be planted beyond the project site in the project area. Implementation of Mitigation Measure BIO-1 would reduce impacts to scenic resources through the loss of trees to a less-than-significant level.	The City shall implement Mitigation Measure BIO-1.	The Director of PBCE shall verify that Mitigation Measure BIO-1 is implemented prior to issuance of permits.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
L. SHADE/SHADOW AND LIGHT/GLARE			
SHADE-1: Throughout most of the year in the morning hours, the proposed project would increase the shade and shadow cast on the historic San Jose Diridon Station.	SHADE-1: Implementation of Mitigation Measure CULT-2a and CULT-2b would somewhat reduce this impact. However, shadows cast over the station, particularly those that would occur during winter mornings (as exemplified by the shadow simulation for December 21), would remain a significant impact.	The project applicant shall implement Mitigation Measures CULT-2a and 2b.	The Director of PBCE shall verify that Mitigation Measures CULT-2a and 2b are implemented prior to demolition or alteration of the proposed project area.
SHADE-2: Obtrusive light and glare resulting from nighttime operation of the proposed stadium could present a nuisance to surrounding land uses, specifically nearby residences and the Lick Observatory.	SHADE-2a: The proposed project shall incorporate lighting controls at the proposed stadium to reduce the potential nuisance associated with obtrusive light and glare resulting from nighttime stadium operation. Lighting banks shall be placed and designed to minimize obtrusive spill light and glare as much as possible (e.g. shielding at the source) and shall be directed towards the playing field and away from the sky.	The project sponsor shall incorporate appropriate lighting controls into the project design.	The Director of PBCE shall verify that appropriate lighting controls are incorporated into the project design prior to project approval.
	SHADE-2b: After nighttime events, when nighttime stadium cleanup is necessary, the field lights shall be reduced to one-third of their standard intensity and shall remain on no more than one hour after the event to provide lighting for cleanup activities.	Event operators shall implement lighting controls described in Mitigation Measure SHADE-2b after nighttime events.	The Director of PBCE shall verify that lighting controls described in Mitigation Measure SHADE-2b are implemented prior to project operation.
SHADE-3: Light and glare associated with the proposed scoreboards and lighting structures and fireworks displays could interfere with the safe operation of the San Jose International Airport during nighttime events.	SHADE-3: As discussed in Section V.A, Land Use, of this EIR, a Determination of No Hazard from the FAA would be required for the proposed project prior to development approval. In addition, implementation of Mitigation Measure LU-1 requires FAA consultation (if required by FAA) for the coordination of fireworks displays. Implementation of this mitigation measure, as well as Mitigation Measures SHADE-2a and SHADE-2b, discussed above, would reduce this significant impact to a less-than-significant level.	The project sponsor shall implement Mitigation Measures LU-1 and SHADE-2a and 2b.	The Director of PBCE shall verify that Mitigation Measures LU-1 and SHADE-2a and 2b are implemented prior to project approval.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
M. UTILITIES			
UTIL-1: The water demand of the proposed project could cause a reduction in water pressure for surrounding land uses being served at the lower end of the pressure range.	UTIL-1: Prior to the issuance of a certificate of occupancy, the City shall either 1) install one new well in an easement within the area with access to the existing water lines, or 2) install inter-zone regulators at two existing SJWC facility stations to supply water from an adjacent, higher pressure zone. The SJWC preferred mitigation would be a new well facility located near the stadium (possibly in an easement on the southerly portion of the site adjacent to Los Gatos Creek). The well site would be required to meet all setbacks and requirements of the California Department of Health Services and the SCVWD. This well would pump water from the same basin as all of the SJWC's existing wells, the Santa Clara Valley Groundwater Subbasin. A new well would require approximately 5 feet by 5 feet of space for the above-ground well head with sufficient over-head space for well drilling and pump maintenance. The pump would be located in the well and would connect to existing water transmission line adjacent to the site. An alternative to providing an additional well would be installing inter-zone regulators at two of the SJWC's existing facility locations. This would not require additional space, but would require additional piping, telemetry, and site modifications funded by the City. This option is not preferred by the SJWC as it would reduce operational flexibility.	The City shall install the appropriate facilities in coordination with SJWC as described in Mitigation Measure UTIL-1.	The Director of PBCE shall ensure that the appropriate facilities are installed as described in Mitigation Measure UTIL-1 and verify consultation with SJWC prior to issuance of a certificate of occupancy.
UTIL-2: The solid waste generated during the demolition, land clearing and construction could interfere with waste diversion goals mandated by the California Integrated Waste Management Act.	UTIL-2: Prior to the demolition of any structure on the site, the City shall prepare a waste management plan for the recycling of construction and demolition materials. The waste management plan shall ensure that a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste is recycled or salvaged.	The City shall prepare a waste management plan as described in Mitigation Measure UTIL-2 prior to demolition activities at the site.	The Director of PBCE shall verify that a waste management plan has been prepared as described in Mitigation Measure UTIL-2, prior to demolition activities at the site.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
UTIL-3: The proposed project may require the relocation of the existing PG&E substation.	UTIL-3: The City shall work with PG&E to provide a new substation and transmission and distribution infrastructure.	The City shall work with PG&E as described in Mitigation Measure UTIL-3.	The Director of PBCE shall ensure coordination with PG&E is conducted for sub-station relocation/re-design prior to project approval.
N. PUBLIC SERVICES AND FACILITIES			
There are no significant public services and utilities impacts.			
O. ENERGY			
There are no significant energy impacts.			
P. GLOBAL CLIMATE CHANGE			
GCC-1: Construction and operation of the project would result in greenhouse gas emissions that would have a significant physical adverse impact and cumulatively contribute to global climate change.	GCC-1: To lessen the project's greenhouse gas emissions and potential impact on climate change, measures shall be implemented to lessen the impacts, although the measures would not reduce the impact to a less than significant level. Unless determined to be infeasible by the City, the following measures shall be incorporated into the design and construction of the project: ***Construction and Building Materials*** • Use locally produced and/or manufactured building materials of at least 10 percent for construction of the project; • Recycle/reuse at least 50 percent of demolished construction material; and • Use "Green Building Materials," such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way. ***Energy Efficiency Measures*** • Design, construct and operate all newly constructed and renovated commercial structures, including the Baseball Stadium as certified to "LEED Silver" or higher per the City of San José (Policy 6-32, effective October 7, 2008);	The City shall require the project sponsor to include as many of the measures listed in Mitigation Measure GCC-1 as would be feasible in order to reduce greenhouse gas emissions associated with the project.	The Director of the PBCE shall review project plans to ensure the inclusion of fea-sible and effective measures listed in Mitigation Measure GCC-1.

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
GCC-1 *continued*	• Design buildings to facilitate use of solar energy for electricity, water heating and/or space heating/cooling; • Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping; • Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems; • Install light colored "cool" roofs and cool pavements; • Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and • Install energy-efficient, solar or light emitting diodes (LEDs) for outdoor lighting, as appropriate. ***Water Conservation and Efficiency Measures*** • Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate: • Create water-efficient landscapes within the development, including drought tolerant landscaping; • Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls; • Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; • Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff; and		

Table V-1 *continued*

Environmental Impacts	Mitigation Measures	Implementation Responsibility	Oversight Responsibility
GCC-1 *continued*	• Install a separate, non-potable distribution system (i.e. "purple pipe") to accommodate the use of recycled water for landscape irrigation needs of large areas with irrigated landscaping. ***Transportation and Motor Vehicle Measures*** • Develop a transportation demand management (TDM) program that includes trip reduction components such as free transit passes, a dedicated employee transportation coordinator, and carpool matching program; • Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters); • Provide bicycle lanes and/or paths, incorporated into the proposed street systems and connected to a community-wide network; and • Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.		

Source: LSA Associates, Inc., 2006 and 2010.

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ATTACHMENT 1

HEXAGON TRANSPORTATION CONSULTANTS, INC.

MEMORANDUM

TO: Dennis Brown, LSA Associates

FROM: Gary Black & Robert Del Rio

DATE: April 15, 2010

SUBJECT: Additional Day Game Traffic Impact Analysis for the Proposed San Jose Baseball Stadium

Introduction

This report presents the results of additional traffic analysis completed for the proposed major league baseball stadium in the Diridon/Arena Area. A traffic impact analysis (TIA) was completed and included as part of the Supplemental Environmental Impact Report (SEIR) in February of this year. The completed analysis included in the SEIR consisted of only the evaluation of weekday evening ballgames. This additional analysis consists of the evaluation of traffic and parking conditions for that of a weekday ballgame. The analysis of day games was not completed as part for the SEIR because the infrequent occurrence of day games (approximately 10 games per year) did not warrant an extensive analysis.

This traffic analysis serves as additional information to the completed supplemental EIR analysis and is based on much of the same methodology and assumptions utilized in the supplemental traffic study. As such, this additional analysis focuses on the analysis of day games only. The supplemental traffic report included as part of the supplemental EIR should be referenced for additional information regarding the analysis of weeknight games.

Scope of Work

The additional analysis consists of the evaluation of traffic and parking conditions for weekday ballgames with start times of 12:00 pm. Ballgames are typically three hours in length, thus weekday games would typically end at approximately 3:00 pm. This analysis consists of a study period that captures the departure of fans during the PM commute period (4:00-5:00 pm) for weekday day games. The peak departure period of fans is not analyzed since it would occur between 3:00-4:00 pm which is outside of the standard PM peak commute period. The analysis was completed for each of the stadium seating capacities (32,000 seats and 36,000 seats) and each of the parking alternatives. The same facilities that were studied as part of the supplemental analysis were included in this additional analysis.

The completed supplemental analysis included the analysis of three scenarios for weekday evening games including both single and simultaneous event scenarios. A review of past event calendars for the Arena indicated very few weekday events and no events that would coincide with a weekday baseball game. Therefore, simultaneous events scenarios were not studied in this additional analysis.

Existing Traffic Conditions

The 5:00-6:00 pm peak hour counts collected in May 2009 and utilized for the analysis of weekday evening games were adjusted to reflect existing traffic volumes for the 4:00-5:00 pm time period. Peak hour counts are typically collected during the 4:00-6:00 pm time period, with the 5:00-6:00 pm hour being the peak hour of the collected counts. An evaluation of raw count data at a sampling of intersections indicated that traffic volumes during the 4:00-5:00 pm were 20% lower than those of 5:00-6:00 pm. Therefore, the 5:00-6:00 pm peak hour counts utilized for the analysis of weekday evening games were adjusted down by 20% at each of the study intersections for the analysis of the 4:00-5:00 pm fan departure period.

Table 1 indicates that all the study intersections currently operate at LOS D or better, which is within the city and CMP standard, during the 4:00-5:00 pm departure study period.

Background Traffic Conditions

Background traffic volumes were estimated by adding to existing volumes the projected volumes from approved but not yet completed developments. Approved trips for the departure period were developed by reducing the approved trips for the 5:00-6:00 pm by 20% as was described for existing traffic volumes.

The level of service calculations for the background scenario shown in Table 1 indicate that all the study intersections are projected to operate at LOS D or better, which is within the city and CMP standard, during the 4:00-5:00 pm departure study period.

Project Trip Estimates

The magnitude of traffic produced by each of the stadium capacity alternatives and the locations where the stadium traffic would appear were estimated using the same procedures utilized for the analysis of weeknight ballgames.

Trip Generation

Though attendance of day games is expected to be less than that of weeknight games, the analysis was completed assuming a sold-out game. However the attendance data for three west coast stadiums (San Francisco, Seattle, and San Diego) show that the average day game attendance ranges from 48%-84% of stadium capacities. It also is expected that a significant number of fans attending day games may originate from downtown employment, but there is no data available to support a reduction in vehicle trips so that reduction was not included in the analysis.. Therefore, this analysis was completed for a worst-case scenario reflecting the impacts of a sell-out day game with no reduction in vehicle trips to account for walk-in from downtown employment or lower average attendance for weekday games.

The project trip generation estimates for a day game were assumed to be no different than those utilized for the analysis of weeknight games and are based on the capacity of each of the stadium alternatives (32,000 and 36,000 seats) and a no-show rate of 6 percent. Including players, coaches, staff, concession employees, and media personnel (approximately 1,560 people), the total attendance for a sell-out game is estimated to be 31,640 and 35,400, respectively for the 32,000 and 36,000 seat alternatives.

Specific data regarding fan departure patterns after evening and day baseball games is not available. Data of fan departure patterns for NFL games utilized in the analysis of the proposed Santa Clara Football Stadium indicates that approximately 65% of fans depart within the first hour after the end of the game. The NFL patterns also indicate that approximately 10% of fans depart during the game and 26% depart more than an hour after the game. Since the NFL

Sunday games have similar start and end times of a day baseball game it is likely that both would have similar fan departure peaks. But, unlike football games which are typically held on Sundays when ambient traffic patterns are low, the majority of day baseball games will be held during the week and have end times just before the peak PM commute period. Thus, it is expected that a larger percentage of baseball fans will choose to depart during the game to avoid the PM commute traffic congestion. Therefore, this analysis assumes that a significant amount of fans will depart during the game, but the peak of fan departure will occur within the hour after the end of the day baseball game. Assuming a 3:00 pm game end time, the fan departure distribution is expected to be as follows:

During Game	30%
3:00 pm – 4:00 pm	65%
4:00 pm – 5:00 pm	5%

Tables 2 and 3 present the project trip generation estimates for each of the stadium capacity alternatives.

Trip Distribution and Assignment

The distribution of trips generated by the proposed ballpark for day games used in this analysis does not account for fans attending day games that may originate from downtown employment since there is not conclusive data available to identify the actual percentage. Therefore, the trip distribution utilized in this analysis for day games is identical to that used in the analysis of weekday evening games.

Project Traffic Volumes

The project trips generated by the proposed ballpark were assigned to the roadway system in the same manner as was done for weekday evening games and is based on the location and size of available parking facilities. Tables 2 and 3 present a breakdown of project trips by location and time period for a weekday game. Peak-hour traffic volumes for project conditions were produced by adding the stadium project trips to background condition traffic volumes to obtain background plus project traffic volumes for each of the stadium capacity alternatives and parking scenarios.

Project Conditions Intersection Level of Service Analysis

The level of service results under project conditions for the day game departure study period for both the 32,000 and 36,000-seat alternatives and each of the three parking scenarios presented in Tables 4 and 5 show that, according to the City of San Jose's and CMP level of service standards for signalized intersections, neither of the project alternatives would have a significant impact on any of the selected study intersections.

Project Conditions Freeway Segment Analysis

The freeway segment analysis is based on the same 60 directional freeway segments analyzed in the supplemental EIR traffic analysis and is presented in Tables 6 though 11. The PM peak hour CMP freeway volume data was adjusted in the same manner as the intersection volume data to reflect the 4:00 –5:00 pm departure period of day games. Segment speeds as reported in the CMP data also were adjusted to reflect the 4:00 –5:00 pm time period and lower volumes. The adjustments were based upon data obtained from speed surveys completed by Hexagon during the 4:00 –5:00 pm time period on April 13, 2010. The surveys were conducted on segments of each of the freeways studied that currently have travel speeds of less than 55 mph in the peak direction of travel during the standard PM commute period (5:00-6:00 pm) as reported in the CMP. The surveys indicated that speeds ranged from 32% to 136% greater than those reported in the CMP for the standard PM commute period. According to the CMP's definition of significance, the project would not cause a significant adverse impact on any of the freeway segments studied.

Project Impact on Parking Facilities

The total parking demand generated by the proposed ballpark is estimated to be 12,450 spaces for the 32,000-seat alternative and 13,929 spaces for the 36,000-seat alternative. Subtracting the number of parking spaces at the proposed ballpark (150) from the total ballpark parking demand yields estimated off-site parking demands of 12,300 and 13,779 spaces for the 32,000 and 36,000-seat alternatives, respectively.

Aside from new potential parking facilities, ballpark patrons are expected to utilize existing parking garages and lots in the Diridon/Arena area and parking facilities within the downtown core area east of SR 87. There would be no parking facilities located west of the ballpark. The City of San Jose conducted occupancy counts of a sampling of 23 parking facilities surrounding the proposed ballpark site and within the downtown area in March 2010 between the hours of 11:30 am to 1:00 pm. The counts showed that the parking facilities had an average occupancy of approximately 50%. There is a total of 18,462 parking spaces available within public and private parking facilities within ¾ mile of the ballpark site. An additional 10,406 spaces are available outside of ¾ mile, but still within the downtown area east of SR 87. Based on the surveyed 50% occupancy rate there currently is 9,231 and 14,434 existing spaces within ¾ mile and outside of ¾ mile available to the ballpark, respectively. Additional parking supply would be provided should either a 1,200-space or 1,300-space garage be constructed.

Though parking may not be available within ¾ mile of the ballpark during a weekday day sell-out baseball game, there will be sufficient parking outside the ¾ mile distance. Parking located at such a distance may influence the use of public transit. As stated previously, it is expected that day games will have lower attendance than that of a sell-out game. Therefore parking may be available within ¾ mile the majority of the time. It is also possible that occupancy levels of parking facilities will fluctuate yearly based on downtown building occupancy and other economic factors. In such cases, that a sell-out day game is expected and occupancy levels of downtown parking has risen above the assumed 50% level, the availability and use of public transit in the immediate vicinity of the stadium should be promoted and encouraged.

Conclusions

Utilizing new and adjusted traffic volume data for study intersections and freeway segments, the results of the additional traffic analysis for day games at the proposed ballpark indicate that the ballpark traffic during the 4:00-5:00 pm departure period of fans will not result in impacts on the transportation system surrounding the project site.

The evaluation of parking demand vs. supply for a day game indicates that though there is not adequate existing parking supply within a ¾ mile radius of the stadium site to serve stadium demand, the parking demand could be easily met within downtown San Jose. In such cases, that a sell-out day game is expected and occupancy levels of downtown parking has risen above the surveyed 50% level, the availability and use of public transit in the immediate vicinity of the stadium should be promoted and encouraged.

Table 1
4-5 PM Existing and Background Intersection Levels of Service Summary

Study Number	Intersection	Count Date	Existing		Background	
			Ave. Delay	LOS	Ave. Delay	LOS
1	NB SR 87 Ramps and W. Julian St.*	05/18/09	40.1	D	41.4	D
2	SB SR 87 Ramps and W. Julian St.*	05/18/09	18.2	B	17.6	B
3	NB SR 87 Ramp and Santa Clara St.*	05/19/09	15.7	B	16.2	B
4	NB I 280 Ramps and Bird Ave.*	05/21/09	26.6	C	28.0	C
5	SB I 280 Ramps and Bird Ave.*	05/21/09	26.4	C	28.9	C
6	S. Autumn St. and Santa Clara St.*	05/18/09	20.0	B	30.5	C
7	Bird Ave and W. San Carlos St.*	05/21/09	37.3	D	37.8	D
8	SR 87 and Woz Way	05/20/09	10.5	B	10.6	B
9	S. Autumn St. and W. San Fernando St.	05/19/09	10.3	B	11.0	B
10	Bird Ave. and Auzerais Ave.	05/21/09	26.8	C	29.6	C
11	Delmas Ave. and Auzerais Ave.	05/20/09	17.4	B	16.4	B
12	Woz Way and Auzerais Ave.	05/20/09	25.5	C	26.6	C
13	Delmas Ave. and Park Ave.	05/19/09	24.1	C	26.5	C
14	Delmas Ave. and W. San Carlos St.	05/20/09	18.2	B	24.0	C
15	S. Autumn St. and Park Ave.	05/20/09	31.4	C	33.8	C
16	Woz Way and Park Ave.	05/19/09	18.5	B	22.5	C
17	Woz Way and W. San Carlos St.	05/20/09	23.2	C	25.4	C
18	Delmas Ave. and W. San Fernando St.	05/19/09	14.3	B	23.9	C
19	Montgomery St. and Santa Clara St. *	05/21/09	18.4	B	20.3	C
20	Montgomery St. and San Fernando St.	05/21/09	12.8	B	12.7	B
21	San Carlos St. and Lincoln Ave.	05/21/09	39.3	D	40.6	D
22	San Carlos St. and Meridian Ave.	05/21/09	42.4	D	43.2	D
23	The Alameda and Taylor St./ Naglee Ave. *	05/18/09	38.6	D	40.0	D
24	The Alameda and Hedding St. *	05/18/09	30.0	C	31.0	C

* Denotes CMP Intersection

Table 2
Project Trip Generation Estimates by Location - Departure of 32,000-Seat Project Alternatives

Destination/Time Period	With 1,200 Space Garage	Pre-game Vehicle Trips (No Hockey) In	Pre-game Vehicle Trips (No Hockey) Out	Elimination of 1,200 Space Garage	Pre-game Vehicle Trips (No Hockey) In	Pre-game Vehicle Trips (No Hockey) Out	Addition of 1,300 Spaces to HP Pavilion	Pre-game Vehicle Trips (No Hockey) In	Pre-game Vehicle Trips (No Hockey) Out
On-Site Ballpark Parking	150 spaces			150 spaces			150 spaces		
prior to 3:00pm (during game)	0%	0	0	0%	0	0	0%	0	0
3:00pm-4:00pm	50%	0	75	50%	0	75	50%	0	75
4pm-5pm	50%	0	75	50%	0	75	50%	0	75
Ballpark Parking Garage	1,200 spaces			0 spaces			0 spaces		
prior to 3:00pm (during game)	30%	0	360	30%	0	0	30%	0	0
3:00pm-4:00pm	65%	0	780	65%	0	0	65%	0	0
4pm-5pm	5%	0	60	5%	0	0	5%	0	0
HP Pavilion Main Lot	1,447 spaces			1,447 spaces			2,747 spaces		
prior to 3:00pm (during game)	30%	0	434	30%	0	434	30%	0	824
3:00pm-4:00pm	65%	0	941	65%	0	941	65%	0	1786
4pm-5pm	5%	0	72	5%	0	72	5%	0	137
Cahill Lots 1-4	0 spaces			0 spaces			0 spaces		
prior to 3:00pm (during game)	30%	0	0	30%	0	0	30%	0	0
3:00pm-4:00pm	65%	0	0	65%	0	0	65%	0	0
4pm-5pm	5%	0	0	5%	0	0	5%	0	0
HP Pavilion Lot D + Private Lots w/o Los Gatos Creek	128 spaces			128 spaces			128 spaces		
prior to 3:00pm (during game)	30%	0	38	30%	0	38	30%	0	38
3:00pm-4:00pm	65%	0	83	65%	0	83	65%	0	83
4pm-5pm	5%	0	6	5%	0	6	5%	0	6
SJ Water Company Lots	436 spaces			436 spaces			436 spaces		
prior to 3:00pm (during game)	30%	0	131	30%	0	131	30%	0	131
3:00pm-4:00pm	65%	0	283	65%	0	283	65%	0	283
4pm-5pm	5%	0	22	5%	0	22	5%	0	22
Akatiff & Milligan Lots	488 spaces			488 spaces			488 spaces		
prior to 3:00pm (during game)	30%	0	146	30%	0	146	30%	0	146
3:00pm-4:00pm	65%	0	317	65%	0	317	65%	0	317
4pm-5pm	5%	0	24	5%	0	24	5%	0	24
Downtown Parking e/o SR 87	8,601 spaces			9,801 spaces			8,501 spaces		
prior to 3:00pm (during game)	30%	0	2580	30%	0	2940	30%	0	2550
3:00pm-4:00pm	65%	0	5591	65%	0	6371	65%	0	5526
4pm-5pm	5%	0	430	5%	0	490	5%	0	425
Passenger Loading Zone	199			199			199		
prior to 3:00pm (during game)	15%	30	30	15%	30	30	15%	30	30
3:00pm-4:00pm	80%	159	159	80%	159	159	80%	159	159
4pm-5pm	5%	10	10	5%	10	10	5%	10	10
Total Trips by Time Period									
prior to 3:00pm (during game)	29%	30	3720	29%	30	3720	29%	30	3720
3:00pm-4:00pm	65%	159	8229	65%	159	8229	65%	159	8229
4pm-5pm	6%	10	700	6%	10	700	6%	10	700
Total		**199**	**12649**		**199**	**12649**		**199**	**12649**

Table 3
Project Trip Generation Estimates by Location - Departure of 36,000-Seat Project Alternatives

Destination/Time Period	With 1,200 Space Garage			Elimination of 1,200 Space Garage			Addition of 1,300 Spaces to HP Pavilion		
		Pre-game Vehicle Trips (No Hockey)			Pre-game Vehicle Trips (No Hockey)			Pre-game Vehicle Trips (No Hockey)	
		In	Out		In	Out		In	Out
On-Site Ballpark Parking	150 spaces			150 spaces			150 spaces		
prior to 3:00pm (during game)	0%	0	0	0%	0	0	0%	0	0
3:00pm-4:00pm	50%	0	75	50%	0	75	50%	0	75
4pm-5pm	50%	0	75	50%	0	75	50%	0	75
Ballpark Parking Garage	1,200 spaces			0 spaces			0 spaces		
prior to 3:00pm (during game)	30%	0	360	30%	0	0	30%	0	0
3:00pm-4:00pm	65%	0	780	65%	0	0	65%	0	0
4pm-5pm	5%	0	60	5%	0	0	5%	0	0
HP Pavilion Main Lot	1,447 spaces			1,447 spaces			2,747 spaces		
prior to 3:00pm (during game)	30%	0	434	30%	0	434	30%	0	824
3:00pm-4:00pm	65%	0	941	65%	0	941	65%	0	1786
4pm-5pm	5%	0	72	5%	0	72	5%	0	137
Cahill Lots 1-4	0 spaces			0 spaces			0 spaces		
prior to 3:00pm (during game)	30%	0	0	30%	0	0	30%	0	0
3:00pm-4:00pm	65%	0	0	65%	0	0	65%	0	0
4pm-5pm	5%	0	0	5%	0	0	5%	0	0
HP Pavilion Lot D + Private Lots w/o Los Gatos Creek	128 spaces			128 spaces			128 spaces		
prior to 3:00pm (during game)	30%	0	38	30%	0	38	30%	0	38
3:00pm-4:00pm	65%	0	83	65%	0	83	65%	0	83
4pm-5pm	5%	0	6	5%	0	6	5%	0	6
SJ Water Company Lots	436 spaces			436 spaces			436 spaces		
prior to 3:00pm (during game)	30%	0	131	30%	0	131	30%	0	131
3:00pm-4:00pm	65%	0	283	65%	0	283	65%	0	283
4pm-5pm	5%	0	22	5%	0	22	5%	0	22
Akatiff & Milligan Lots	488 spaces			488 spaces			488 spaces		
prior to 3:00pm (during game)	30%	0	146	30%	0	146	30%	0	146
3:00pm-4:00pm	65%	0	317	65%	0	317	65%	0	317
4pm-5pm	5%	0	24	5%	0	24	5%	0	24
Downtown Parking e/o SR 87	10,080 spaces			11,280 spaces			9,980 spaces		
prior to 3:00pm (during game)	30%	0	3024	30%	0	3384	30%	0	2994
3:00pm-4:00pm	65%	0	6552	65%	0	7332	65%	0	6487
4pm-5pm	5%	0	504	5%	0	564	5%	0	499
Passenger Loading Zone	222			222			222		
prior to 3:00pm (during game)	15%	33	33	15%	33	33	15%	33	33
3:00pm-4:00pm	80%	178	178	80%	178	178	80%	178	178
4pm-5pm	5%	11	11	5%	11	11	5%	11	11
Total Trips by Time Period									
prior to 3:00pm (during game)	29%	33	4167	29%	33	4167	29%	33	4167
3:00pm-4:00pm	65%	178	9209	65%	178	9209	65%	178	9209
4pm-5pm	5%	11	775	5%	11	775	5%	11	775
Total		**222**	**14151**		**222**	**14151**		**222**	**14151**

Table 4
Intersection Levels of Service Summary - Departure of 32000-Seat Project Alternatives (4-5 PM)

Study Number	Intersection	Background		Project Conditions											
				With 1,200-Space Garage				Elimination of 1,200-Space Garage				Addition of 1,300 Spaces to HP Lot			
		Ave. Delay	LOS	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	NB SR 87 Ramps and W. Julian St.*	41.4	D	41.7	D	0.3	0.019	41.7	D	0.3	0.020	41.8	D	0.5	0.021
2	SB SR 87 Ramps and W. Julian St.*	17.6	B	17.3	B	-0.3	0.012	17.3	B	-0.3	0.012	17.2	B	-0.4	0.020
3	NB SR 87 Ramp and Santa Clara St.*	16.2	B	16.2	B	0.0	0.007	16.2	B	0.0	0.006	16.1	B	0.0	0.009
4	NB I 280 Ramps and Bird Ave.*	28.0	C	28.5	C	2.4	0.027	28.3	C	1.6	0.018	28.4	C	1.7	0.019
5	SB I 280 Ramps and Bird Ave.*	28.9	C	27.3	C	-5.8	-0.185	27.3	C	-5.8	-0.189	27.3	C	-5.8	-0.189
6	S. Autumn St. and Santa Clara St.*	30.5	C	30.8	C	-0.3	-0.084	30.7	C	-0.4	-0.086	30.6	C	-0.5	-0.083
7	Bird Ave and W. San Carlos St.*	37.8	D	36.5	D	-2.3	-0.013	36.6	D	-2.1	-0.019	36.6	D	-2.2	-0.017
8	SR 87 and Woz Way	10.6	B	10.6	B	0.0	0.000	10.6	B	0.0	0.000	10.6	B	0.0	0.000
9	S. Autumn St. and W. San Fernando St.	11.0	B	16.1	B	4.7	0.172	16.1	B	4.7	0.162	16.1	B	4.7	0.166
10	Bird Ave. and Auzerais Ave.	29.6	C	29.4	C	-0.3	0.017	29.4	C	-0.2	0.012	29.4	C	-0.2	0.013
11	Delmas Ave. and Auzerais Ave.	16.4	B	16.2	B	-0.2	0.022	16.3	B	-0.1	0.021	16.3	B	-0.1	0.020
12	Woz Way and Auzerais Ave.	26.6	C	26.7	C	0.1	0.005	26.7	C	0.1	0.005	26.7	C	0.1	0.005
13	Delmas Ave. and Park Ave.	26.5	C	27.0	C	0.8	0.024	27.0	C	1.0	0.023	27.0	C	0.8	0.021
14	Delmas Ave. and W. San Carlos St.	24.0	C	24.3	C	0.3	0.024	24.3	C	0.4	0.023	24.2	C	0.4	0.021
15	S. Autumn St. and Park Ave.	33.8	C	33.9	C	-0.2	0.014	34.0	C	0.0	0.009	34.0	C	-0.1	0.010
16	Woz Way and Park Ave.	22.5	C	22.5	C	0.2	0.015	22.5	C	0.2	0.015	22.5	C	0.2	0.014
17	Woz Way and W. San Carlos St.	25.4	C	25.3	C	-0.1	0.015	25.3	C	-0.1	0.016	25.3	C	-0.1	0.014
18	Delmas Ave. and W. San Fernando St.	23.9	C	24.9	C	0.8	0.017	24.5	C	0.8	0.018	24.5	C	0.8	0.017
19	Montgomery St. and Santa Clara St. *	20.3	C	13.9	B	-14.0	-0.089	13.8	B	-14.2	-0.090	13.9	B	-14.0	-0.078
20	Montgomery St. and San Fernando St.	12.7	B	11.6	B	-2.1	-0.157	11.6	B	-2.1	-0.157	11.6	B	-2.1	-0.157
21	San Carlos St. and Lincoln Ave.	40.6	D	40.7	D	0.4	0.005	40.7	D	0.4	0.005	40.7	D	0.4	0.005
22	San Carlos St. and Meridian Ave.	43.2	D	43.2	D	0.1	0.002	43.2	D	0.1	0.002	43.2	D	0.1	0.002
23	The Alameda and Taylor St./ Naglee Ave. *	40.0	D	40.0	D	0.1	0.002	40.0	D	0.1	0.002	40.0	D	0.1	0.002
24	The Alameda and Hedding St. *	31.0	C	31.0	C	0.1	0.001	31.0	C	0.1	0.001	31.0	C	0.1	0.001

* Denotes CMP Intersection

Table 5
Intersection Levels of Service Summary - Departure of 36000-Seat Project Alternatives (4-5 PM)

Study Number	Intersection	Background		Project Conditions											
				With 1,200-Space Garage				Elimination of 1,200-Space Garage				Addition of 1,300 Spaces to HP Lot			
		Ave. Delay	LOS	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	NB SR 87 Ramps and W. Julian St.*	41.4	D	41.7	D	0.3	0.022	41.7	D	0.2	0.023	41.8	D	0.5	0.023
2	SB SR 87 Ramps and W. Julian St.*	17.6	B	17.3	B	-0.3	0.013	17.3	B	-0.3	0.012	17.2	B	-0.4	0.020
3	NB SR 87 Ramp and Santa Clara St.*	16.2	B	16.2	B	0.0	0.007	16.2	B	0.0	0.006	16.1	B	0.0	0.009
4	NB I 280 Ramps and Bird Ave.*	28.0	C	28.5	C	2.5	0.027	28.3	C	1.6	0.018	28.4	C	1.7	0.019
5	SB I 280 Ramps and Bird Ave.*	28.9	C	27.3	C	-5.8	-0.185	27.3	C	-5.8	-0.189	27.3	C	-5.8	-0.188
6	S. Autumn St. and Santa Clara St.*	30.5	C	30.8	C	-0.3	-0.084	30.8	C	-0.4	-0.085	30.7	C	-0.5	-0.083
7	Bird Ave and W. San Carlos St.*	37.8	D	36.5	D	-2.3	-0.013	36.6	D	-2.1	-0.019	36.6	D	-2.2	-0.017
8	SR 87 and Woz Way	10.6	B	10.6	B	0.0	0.000	10.6	B	0.0	0.000	10.6	B	0.0	0.000
9	S. Autumn St. and W. San Fernando St.	11.0	B	16.1	B	4.7	0.173	16.1	B	4.7	0.162	16.1	B	4.7	0.166
10	Bird Ave. and Auzerais Ave.	29.6	C	29.4	C	-0.3	0.017	29.4	C	-0.2	0.012	29.4	C	-0.2	0.013
11	Delmas Ave. and Auzerais Ave.	16.4	B	16.2	B	-0.2	0.024	16.3	B	-0.1	0.023	16.3	B	-0.1	0.022
12	Woz Way and Auzerais Ave.	26.6	C	26.7	C	0.1	0.005	26.7	C	0.1	0.006	26.7	C	0.1	0.005
13	Delmas Ave. and Park Ave.	26.5	C	27.0	C	0.9	0.027	27.1	C	1.1	0.025	27.0	C	1.0	0.023
14	Delmas Ave. and W. San Carlos St.	24.0	C	24.3	C	0.4	0.026	24.3	C	0.4	0.026	24.3	C	0.4	0.024
15	S. Autumn St. and Park Ave.	33.8	C	33.9	C	-0.3	0.015	34.0	C	0.0	0.009	34.0	C	-0.1	0.010
16	Woz Way and Park Ave.	22.5	C	22.5	C	0.2	0.016	22.4	C	0.2	0.017	22.5	C	0.2	0.016
17	Woz Way and W. San Carlos St.	25.4	C	25.3	C	-0.1	0.017	25.3	C	-0.1	0.018	25.3	C	-0.1	0.016
18	Delmas Ave. and W. San Fernando St.	23.9	C	24.9	C	0.8	0.018	24.6	C	0.9	0.019	24.5	C	0.8	0.018
19	Montgomery St. and Santa Clara St. *	20.3	C	13.9	B	-14.0	-0.089	13.8	B	-14.2	-0.090	13.9	B	-14.0	-0.078
20	Montgomery St. and San Fernando St.	12.7	B	11.6	B	-2.1	-0.157	11.6	B	-2.1	-0.157	11.6	B	-2.1	-0.157
21	San Carlos St. and Lincoln Ave.	40.6	D	40.7	D	0.5	0.006	40.7	D	0.5	0.006	40.7	D	0.5	0.006
22	San Carlos St. and Meridian Ave.	43.2	D	43.2	D	0.1	0.003	43.2	D	0.1	0.003	43.2	D	0.1	0.003
23	The Alameda and Taylor St./ Naglee Ave. *	40.0	D	40.1	D	0.2	0.003	40.1	D	0.2	0.003	40.1	D	0.2	0.003
24	The Alameda and Hedding St. *	31.0	C	31.0	C	0.2	0.002	31.0	C	0.2	0.002	31.0	C	0.2	0.002

* Denotes CMP Intersection

Table 6
32,000-Seat Freeway Segment Level of Service Summary – With 1,200-Space Garage

				Existing Plus Project												Project Trips				
				Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane	
Freeway	Segment	Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity
SR 87	Capitol Expressway to Curtner Avenue	NB	4-5PM	65	2	4,400	3,120	24.0	C	70	1	1,800	505	7.2	A	1	0	0.0%	1	0.0%
SR 87	Curtner Avenue to Almaden Road	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	729	10.4	A	1	0	0.0%	1	0.0%
SR 87	Almaden Road to Alma Avenue	NB	4-5PM	52	2	4,400	3,496	33.6	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.1%
SR 87	Alma Avenue to I-280	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	561	8.0	A	1	0	0.0%	1	0.0%
SR 87	I-280 to Julian Street	NB	4-5PM	67	2	4,400	1,710	12.9	B	70	1	1,800	311	4.4	A	37	6	0.1%	31	1.7%
SR 87	Julian Street to Coleman Street	NB	4-5PM	66	2	4,400	2,339	17.7	B	70	1	1,800	172	2.5	A	70	11	0.2%	60	3.3%
SR 87	Coleman Street to Taylor Street	NB	4-5PM	67	2	4,400	1,507	11.3	B	70	1	1,800	564	8.1	A	70	11	0.2%	60	3.3%
SR 87	Taylor Street to Skyport Drive	NB	4-5PM	67	2	4,400	1,609	12.1	B	70	1	1,800	222	3.2	A	63	9	0.2%	54	3.0%
SR 87	Skyport Drive to US 101	NB	4-5PM	66	2	4,400	2,017	15.3	B	70	1	1,800	278	4.0	A	63	9	0.2%	54	3.0%
I-280	Saratoga Avenue to Winchester Boulevard	EB	4-5PM	65	3	6,900	4,840	24.8	C	70	1	1,800	1,961	28.0	D	1	0	0.0%	1	0.1%
I-280	Winchester Boulevard to I-880	EB	4-5PM	35	3	6,900	3,424	32.2	D	70	1	1,800	1,793	25.6	C	1	0	0.0%	1	0.1%
I-280	I-880 to Meridian Avenue	EB	4-5PM	52	4	9,200	4,176	20.1	C	40	1	1,800	1,794	44.9	D	2	0	0.0%	2	0.1%
I-280	Meridian Avenue to Bird Avenue	EB	4-5PM	57	4	9,200	5,762	25.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	Bird Avenue to SR 87	EB	4-5PM	57	4	9,200	5,794	25.6	C	--	0	0	--	--	--	34	34	0.4%	0	--
I-280	SR 87 to 10th Street	EB	4-5PM	47	4	9,200	5,383	28.5	D	--	0	0	--	--	--	71	71	0.8%	0	--
I-280	10th Street to McLaughlin Avenue	EB	4-5PM	65	4	9,200	7,253	27.9	D	--	0	0	--	--	--	133	133	1.4%	0	--
I-280	McLaughlin Avenue to US 101	EB	4-5PM	66	4	9,200	6,005	22.9	C	--	0	0	--	--	--	133	133	1.4%	0	--
I-680	US 101 to King Road	NB	4-5PM	66	4	9,200	4,969	18.8	C	--	0	0	--	--	--	105	105	1.1%	0	--
I-680	King Road to Capitol Expressway	NB	4-5PM	66	4	9,660	5,977	21.7	C	--	0	0	--	--	--	105	105	1.1%	0	--
I-680	Capitol Expressway to Alum Rock Avenue	NB	4-5PM	66	4	9,200	4,948	18.7	C	--	0	0	--	--	--	84	84	0.9%	0	--
I-680	Alum Rock Avenue to McKee Road	NB	4-5PM	66	4	9,200	4,941	18.7	C	--	0	0	--	--	--	77	77	0.8%	0	--
I-880	I-280 to Stevens Creek Boulevard	NB	4-5PM	66	3	6,900	3,648	18.4	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	4-5PM	66	3	6,900	4,248	21.6	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	North Bascom Avenue to The Alameda	NB	4-5PM	65	3	6,900	4,528	23.2	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to Coleman Avenue	NB	4-5PM	64	3	6,900	5,072	26.4	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Coleman Avenue to SR 87	NB	4-5PM	55	3	6,900	5,322	32.3	D	--	0	0	--	--	--	42	42	0.6%	0	--
I-880	SR 87 to North 1st Street	NB	4-5PM	63	3	6,900	5,186	27.4	D	--	0	0	--	--	--	42	42	0.6%	0	--
I-880	North 1st Street to US 101	NB	4-5PM	58	3	6,900	5,373	30.9	D	--	0	0	--	--	--	77	77	1.1%	0	--
I-880	US 101 to East Brokaw Road	NB	4-5PM	64	3	6,900	5,149	26.8	D	--	0	0	--	--	--	77	77	1.1%	0	--
I-880	East Brokaw Road to Montague Expressway	NB	4-5PM	66	3	6,900	3,878	19.6	C	--	0	0	--	--	--	70	70	1.0%	0	--
I-880	Montague Expressway to East Brokaw Road	SB	4-5PM	40	3	6,900	3,929	32.7	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	East Brokaw Road to US 101	SB	4-5PM	30	3	6,900	3,361	37.9	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	US 101 to North 1st Street	SB	4-5PM	25	3	6,900	3,057	40.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	North 1st Street to SR 87	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	SR 87 to Coleman Avenue	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	Coleman Avenue to The Alameda	SB	4-5PM	49	3	6,900	4,256	29.2	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to North Bascom Avenue	SB	4-5PM	65	3	6,900	4,789	24.6	C	--	0	0	--	--	--	21	21	0.3%	0	--
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	4-5PM	65	3	6,900	5,213	26.7	D	--	0	0	--	--	--	21	21	0.3%	0	--
I-880	Stevens Creek Boulevard to I-280	SB	4-5PM	66	3	6,900	4,141	20.9	C	--	0	0	--	--	--	21	21	0.3%	0	--
I-680	McKee Road to Alum Rock Avenue	SB	4-5PM	31	4	9,200	6,257	50.5	E	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Alum Rock Avenue to Capitol Expressway	SB	4-5PM	66	4	9,200	5,497	20.8	C	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Capitol Expressway to King Road	SB	4-5PM	66	4	10,120	5,346	18.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-680	King Road to US 101	SB	4-5PM	66	4	9,200	4,226	16.0	B	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	US 101 to McLaughlin Avenue	WB	4-5PM	66	4	9,200	5,666	21.6	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	McLaughlin Avenue to 10th Street	WB	4-5PM	66	4	9,200	5,874	22.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	10th Street to SR 87	WB	4-5PM	65	4	9,200	6,116	23.5	C	--	0	0	--	--	--	84	84	0.9%	0	--
I-280	SR 87 to Bird Avenue	WB	4-5PM	25	4	9,200	5,237	52.2	E	--	0	0	--	--	--	125	125	1.4%	0	--
I-280	Bird Avenue to Meridian Avenue	WB	4-5PM	57	4	9,200	6,912	30.4	D	--	0	0	--	--	--	168	168	1.8%	0	--
I-280	Meridian Avenue to I-880	WB	4-5PM	65	4	8,510	5,929	24.7	C	70	1	1,800	1,039	14.8	B	168	25	0.3%	143	7.9%
I-280	I-880 to Winchester Boulevard	WB	4-5PM	65	3	6,900	5,087	26.1	D	70	1	1,800	587	8.4	A	98	15	0.2%	83	4.6%
I-280	Winchester Boulevard to Saratoga Avenue	WB	4-5PM	65	3	6,900	5,255	26.9	D	70	1	1,800	755	10.8	A	98	15	0.2%	83	4.6%
SR 87	US 101 to Skyport Drive	SB	4-5PM	13	2	4,400	1,592	59.6	F	70	1	1,800	1,233	17.6	B	1	0	0.0%	1	0.0%
SR 87	Skyport Drive to Taylor Street	SB	4-5PM	30	2	4,400	2,568	42.7	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.0%
SR 87	Taylor Street to Coleman Avenue	SB	4-5PM	23	2	4,400	2,264	48.4	E	70	1	1,800	1,345	19.2	C	1	0	0.0%	1	0.0%
SR 87	Coleman Avenue to Julian Street	SB	4-5PM	53	2	4,400	3,128	29.3	D	70	1	1,800	1,177	16.8	B	1	0	0.0%	1	0.0%
SR 87	Julian Street to I-280	SB	4-5PM	35	2	4,400	2,703	38.5	D	70	1	1,800	815	11.6	B	102	15	0.3%	87	4.8%
SR 87	I-280 to Alma Avenue	SB	4-5PM	25	2	4,400	2,293	45.8	D	70	1	1,800	1,527	21.8	C	84	13	0.3%	71	4.0%
SR 87	Alma Avenue to Almaden Road	SB	4-5PM	30	2	4,400	2,524	42.0	D	70	1	1,800	2,081	29.7	D	77	12	0.3%	65	3.6%
SR 87	Almaden Road to Curtner Avenue	SB	4-5PM	40	2	4,400	2,856	35.6	D	70	1	1,800	1,504	21.5	C	56	8	0.2%	48	2.6%
SR 87	Curtner Avenue to Capitol Expressway	SB	4-5PM	65	2	4,400	3,383	26.0	D	70	1	1,800	1,162	16.6	B	49	7	0.2%	42	2.3%

Notes:
/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.
1. Existing 2008 CMP PM peak-hour volumes were reduced by 20% to account for the lower volumes during the 4-5PM period. The 20% reduction is based on a comparison of traffic count data for the 4-6 PM time period.
2. Selected segments with travel speeds of less than 65 MPH in the peak direction of travel were adjusted based on speed surveys completed by Hexagon on April 13, 2010. Surveys were conducted on segments with travel speeds of less thane 65 MPH in the peak direction of travel. The adjusted speeds were capped at 65 MPH.

Table 7
32,000-Seat Freeway Segment Level of Service Summary – Elimination of 1,200-Space Garage

				Existing Plus Project												Project Trips				
				Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane	
Freeway	Segment	Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity
SR 87	Capitol Expressway to Curtner Avenue	NB	4-5PM	65	2	4,400	3,120	24.0	C	70	1	1,800	505	7.2	A	1	0	0.0%	1	0.0%
SR 87	Curtner Avenue to Almaden Road	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	729	10.4	A	1	0	0.0%	1	0.0%
SR 87	Almaden Road to Alma Avenue	NB	4-5PM	52	2	4,400	3,496	33.6	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.1%
SR 87	Alma Avenue to I-280	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	561	8.0	A	1	0	0.0%	1	0.0%
SR 87	I-280 to Julian Street	NB	4-5PM	67	2	4,400	1,710	12.9	B	70	1	1,800	313	4.5	A	39	6	0.1%	33	1.8%
SR 87	Julian Street to Coleman Street	NB	4-5PM	66	2	4,400	2,339	17.7	B	70	1	1,800	172	2.5	A	70	11	0.2%	60	3.3%
SR 87	Coleman Street to Taylor Street	NB	4-5PM	67	2	4,400	1,507	11.3	B	70	1	1,800	564	8.1	A	70	11	0.2%	60	3.3%
SR 87	Taylor Street to Skyport Drive	NB	4-5PM	67	2	4,400	1,609	12.1	B	70	1	1,800	222	3.2	A	63	9	0.2%	54	3.0%
SR 87	Skyport Drive to US 101	NB	4-5PM	66	2	4,400	2,017	15.3	B	70	1	1,800	278	4.0	A	63	9	0.2%	54	3.0%
I-280	Saratoga Avenue to Winchester Boulevard	EB	4-5PM	65	3	6,900	4,840	24.8	C	70	1	1,800	1,961	28.0	D	1	0	0.0%	1	0.1%
I-280	Winchester Boulevard to I-880	EB	4-5PM	35	3	6,900	3,424	32.2	D	70	1	1,800	1,793	25.6	C	1	0	0.0%	1	0.1%
I-280	I-880 to Meridian Avenue	EB	4-5PM	52	4	9,200	4,176	20.1	C	40	1	1,800	1,794	44.9	D	2	0	0.0%	2	0.1%
I-280	Meridian Avenue to Bird Avenue	EB	4-5PM	57	4	9,200	5,762	25.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	Bird Avenue to SR 87	EB	4-5PM	57	4	9,200	5,782	25.5	C	--	0	0	--	--	--	22	22	0.2%	0	--
I-280	SR 87 to 10th Street	EB	4-5PM	47	4	9,200	5,374	28.5	D	--	0	0	--	--	--	62	62	0.7%	0	--
I-280	10th Street to McLaughlin Avenue	EB	4-5PM	65	4	9,200	7,253	27.9	D	--	0	0	--	--	--	133	133	1.4%	0	--
I-280	McLaughlin Avenue to US 101	EB	4-5PM	66	4	9,200	6,005	22.9	C	--	0	0	--	--	--	133	133	1.4%	0	--
I-680	US 101 to King Road	NB	4-5PM	66	4	9,200	4,969	18.8	C	--	0	0	--	--	--	105	105	1.1%	0	--
I-680	King Road to Capitol Expressway	NB	4-5PM	66	4	9,660	5,977	21.7	C	--	0	0	--	--	--	105	105	1.1%	0	--
I-680	Capitol Expressway to Alum Rock Avenue	NB	4-5PM	66	4	9,200	4,948	18.7	C	--	0	0	--	--	--	84	84	0.9%	0	--
I-680	Alum Rock Avenue to McKee Road	NB	4-5PM	66	4	9,200	4,941	18.7	C	--	0	0	--	--	--	77	77	0.8%	0	--
I-880	I-280 to Stevens Creek Boulevard	NB	4-5PM	66	3	6,900	3,648	18.4	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	4-5PM	66	3	6,900	4,248	21.6	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	North Bascom Avenue to The Alameda	NB	4-5PM	65	3	6,900	4,528	23.2	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to Coleman Avenue	NB	4-5PM	64	3	6,900	5,072	26.4	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Coleman Avenue to SR 87	NB	4-5PM	55	3	6,900	5,322	32.3	D	--	0	0	--	--	--	42	42	0.6%	0	--
I-880	SR 87 to North 1st Street	NB	4-5PM	63	3	6,900	5,186	27.4	D	--	0	0	--	--	--	42	42	0.6%	0	--
I-880	North 1st Street to US 101	NB	4-5PM	58	3	6,900	5,373	30.9	D	--	0	0	--	--	--	77	77	1.1%	0	--
I-880	US 101 to East Brokaw Road	NB	4-5PM	64	3	6,900	5,149	26.8	D	--	0	0	--	--	--	77	77	1.1%	0	--
I-880	East Brokaw Road to Montague Expressway	NB	4-5PM	66	3	6,900	3,878	19.6	C	--	0	0	--	--	--	70	70	1.0%	0	--
I-880	Montague Expressway to East Brokaw Road	SB	4-5PM	40	3	6,900	3,929	32.7	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	East Brokaw Road to US 101	SB	4-5PM	30	3	6,900	3,361	37.9	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	US 101 to North 1st Street	SB	4-5PM	25	3	6,900	3,057	40.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	North 1st Street to SR 87	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	SR 87 to Coleman Avenue	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	Coleman Avenue to The Alameda	SB	4-5PM	49	3	6,900	4,256	29.2	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to North Bascom Avenue	SB	4-5PM	65	3	6,900	4,789	24.6	C	--	0	0	--	--	--	21	21	0.3%	0	--
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	4-5PM	65	3	6,900	5,213	26.7	D	--	0	0	--	--	--	21	21	0.3%	0	--
I-880	Stevens Creek Boulevard to I-280	SB	4-5PM	66	3	6,900	4,141	20.9	C	--	0	0	--	--	--	21	21	0.3%	0	--
I-680	McKee Road to Alum Rock Avenue	SB	4-5PM	31	4	9,200	6,257	50.5	E	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Alum Rock Avenue to Capitol Expressway	SB	4-5PM	66	4	9,200	5,497	20.8	C	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Capitol Expressway to King Road	SB	4-5PM	66	4	10,120	5,346	18.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-680	King Road to US 101	SB	4-5PM	66	4	9,200	4,226	16.0	B	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	US 101 to McLaughlin Avenue	WB	4-5PM	66	4	9,200	5,666	21.6	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	McLaughlin Avenue to 10th Street	WB	4-5PM	66	4	9,200	5,874	22.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	10th Street to SR 87	WB	4-5PM	65	4	9,200	6,128	23.6	C	--	0	0	--	--	--	96	96	1.0%	0	--
I-280	SR 87 to Bird Avenue	WB	4-5PM	25	4	9,200	5,251	52.3	E	--	0	0	--	--	--	139	139	1.5%	0	--
I-280	Bird Avenue to Meridian Avenue	WB	4-5PM	57	4	9,200	6,912	30.4	D	--	0	0	--	--	--	168	168	1.8%	0	--
I-280	Meridian Avenue to I-880	WB	4-5PM	65	4	8,510	5,929	24.7	C	70	1	1,800	1,039	14.8	B	168	25	0.3%	143	7.9%
I-280	I-880 to Winchester Boulevard	WB	4-5PM	65	3	6,900	5,087	26.1	D	70	1	1,800	587	8.4	A	98	15	0.2%	83	4.6%
I-280	Winchester Boulevard to Saratoga Avenue	WB	4-5PM	65	3	6,900	5,255	26.9	D	70	1	1,800	755	10.8	A	98	15	0.2%	83	4.6%
SR 87	US 101 to Skyport Drive	SB	4-5PM	13	2	4,400	1,592	59.6	F	70	1	1,800	1,233	17.6	B	1	0	0.0%	1	0.0%
SR 87	Skyport Drive to Taylor Street	SB	4-5PM	30	2	4,400	2,568	42.7	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.0%
SR 87	Taylor Street to Coleman Avenue	SB	4-5PM	23	2	4,400	2,264	48.4	E	70	1	1,800	1,345	19.2	C	1	0	0.0%	1	0.0%
SR 87	Coleman Avenue to Julian Street	SB	4-5PM	53	2	4,400	3,128	29.3	D	70	1	1,800	1,177	16.8	B	1	0	0.0%	1	0.0%
SR 87	Julian Street to I-280	SB	4-5PM	35	2	4,400	2,705	38.6	D	70	1	1,800	822	11.7	B	110	17	0.4%	94	5.2%
SR 87	I-280 to Alma Avenue	SB	4-5PM	25	2	4,400	2,293	45.8	D	70	1	1,800	1,527	21.8	C	84	13	0.3%	71	4.0%
SR 87	Alma Avenue to Almaden Road	SB	4-5PM	30	2	4,400	2,524	42.0	D	70	1	1,800	2,081	29.7	D	77	12	0.3%	65	3.6%
SR 87	Almaden Road to Curtner Avenue	SB	4-5PM	40	2	4,400	2,856	35.6	D	70	1	1,800	1,504	21.5	C	56	8	0.2%	48	2.6%
SR 87	Curtner Avenue to Capitol Expressway	SB	4-5PM	65	2	4,400	3,383	26.0	D	70	1	1,800	1,162	16.6	B	49	7	0.2%	42	2.3%

Notes:
/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.
1. Existing 2008 CMP PM peak-hour volumes were reduced by 20% to account for the lower volumes during the 4-5PM period. The 20% reduction is based on a comparison of traffic count data for the 4-6 PM time period.
2. Selected segments with travel speeds of less than 65 MPH in the peak direction of travel were adjusted based on speed surveys completed by Hexagon on April 13, 2010. Surveys were conducted on segments with travel speeds of less thane 65 MPH in the peak direction of travel. The adjusted speeds were capped at 65 MPH.

Table 8
32,000-Seat Freeway Segment Level of Service Summary – Addition of 1,300 Spaces to HP Pavilion

				Existing Plus Project												Project Trips				
				Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane	
Freeway	Segment	Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity
SR 87	Capitol Expressway to Curtner Avenue	NB	4-5PM	65	2	4,400	3,120	24.0	C	70	1	1,800	505	7.2	A	1	0	0.0%	1	0.0%
SR 87	Curtner Avenue to Almaden Road	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	729	10.4	A	1	0	0.0%	1	0.0%
SR 87	Almaden Road to Alma Avenue	NB	4-5PM	52	2	4,400	3,496	33.6	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.1%
SR 87	Alma Avenue to I-280	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	561	8.0	A	1	0	0.0%	1	0.0%
SR 87	I-280 to Julian Street	NB	4-5PM	67	2	4,400	1,709	12.9	B	70	1	1,800	310	4.4	A	35	5	0.1%	30	1.7%
SR 87	Julian Street to Coleman Street	NB	4-5PM	66	2	4,400	2,339	17.7	B	70	1	1,800	172	2.5	A	70	11	0.2%	60	3.3%
SR 87	Coleman Street to Taylor Street	NB	4-5PM	67	2	4,400	1,507	11.3	B	70	1	1,800	564	8.1	A	70	11	0.2%	60	3.3%
SR 87	Taylor Street to Skyport Drive	NB	4-5PM	67	2	4,400	1,609	12.1	B	70	1	1,800	222	3.2	A	63	9	0.2%	54	3.0%
SR 87	Skyport Drive to US 101	NB	4-5PM	66	2	4,400	2,017	15.3	B	70	1	1,800	278	4.0	A	63	9	0.2%	54	3.0%
I-280	Saratoga Avenue to Winchester Boulevard	EB	4-5PM	65	3	6,900	4,840	24.8	C	70	1	1,800	1,961	28.0	D	1	0	0.0%	1	0.1%
I-280	Winchester Boulevard to I-880	EB	4-5PM	35	3	6,900	3,424	32.2	D	70	1	1,800	1,793	25.6	C	1	0	0.0%	1	0.1%
I-280	I-880 to Meridian Avenue	EB	4-5PM	52	4	9,200	4,176	20.1	C	40	1	1,800	1,794	44.9	D	2	0	0.0%	2	0.1%
I-280	Meridian Avenue to Bird Avenue	EB	4-5PM	57	4	9,200	5,762	25.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	Bird Avenue to SR 87	EB	4-5PM	57	4	9,200	5,784	25.5	C	--	0	0	--	--	--	24	24	0.3%	0	--
I-280	SR 87 to 10th Street	EB	4-5PM	47	4	9,200	5,383	28.5	D	--	0	0	--	--	--	71	71	0.8%	0	--
I-280	10th Street to McLaughlin Avenue	EB	4-5PM	65	4	9,200	7,253	27.9	D	--	0	0	--	--	--	133	133	1.4%	0	--
I-280	McLaughlin Avenue to US 101	EB	4-5PM	66	4	9,200	6,005	22.9	C	--	0	0	--	--	--	133	133	1.4%	0	--
I-680	US 101 to King Road	NB	4-5PM	66	4	9,200	4,969	18.8	C	--	0	0	--	--	--	105	105	1.1%	0	--
I-680	King Road to Capitol Expressway	NB	4-5PM	66	4	9,660	5,977	21.7	C	--	0	0	--	--	--	105	105	1.1%	0	--
I-680	Capitol Expressway to Alum Rock Avenue	NB	4-5PM	66	4	9,200	4,948	18.7	C	--	0	0	--	--	--	84	84	0.9%	0	--
I-680	Alum Rock Avenue to McKee Road	NB	4-5PM	66	4	9,200	4,941	18.7	C	--	0	0	--	--	--	77	77	0.8%	0	--
I-880	I-280 to Stevens Creek Boulevard	NB	4-5PM	66	3	6,900	3,648	18.4	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	4-5PM	66	3	6,900	4,248	21.6	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	North Bascom Avenue to The Alameda	NB	4-5PM	65	3	6,900	4,528	23.2	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to Coleman Avenue	NB	4-5PM	64	3	6,900	5,072	26.4	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Coleman Avenue to SR 87	NB	4-5PM	55	3	6,900	5,322	32.3	D	--	0	0	--	--	--	42	42	0.6%	0	--
I-880	SR 87 to North 1st Street	NB	4-5PM	63	3	6,900	5,186	27.4	D	--	0	0	--	--	--	42	42	0.6%	0	--
I-880	North 1st Street to US 101	NB	4-5PM	58	3	6,900	5,373	30.9	D	--	0	0	--	--	--	77	77	1.1%	0	--
I-880	US 101 to East Brokaw Road	NB	4-5PM	64	3	6,900	5,149	26.8	D	--	0	0	--	--	--	77	77	1.1%	0	--
I-880	East Brokaw Road to Montague Expressway	NB	4-5PM	66	3	6,900	3,878	19.6	C	--	0	0	--	--	--	70	70	1.0%	0	--
I-880	Montague Expressway to East Brokaw Road	SB	4-5PM	40	3	6,900	3,929	32.7	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	East Brokaw Road to US 101	SB	4-5PM	30	3	6,900	3,361	37.9	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	US 101 to North 1st Street	SB	4-5PM	25	3	6,900	3,057	40.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	North 1st Street to SR 87	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	SR 87 to Coleman Avenue	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	Coleman Avenue to The Alameda	SB	4-5PM	49	3	6,900	4,256	29.2	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to North Bascom Avenue	SB	4-5PM	65	3	6,900	4,789	24.6	C	--	0	0	--	--	--	21	21	0.3%	0	--
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	4-5PM	65	3	6,900	5,213	26.7	D	--	0	0	--	--	--	21	21	0.3%	0	--
I-880	Stevens Creek Boulevard to I-280	SB	4-5PM	66	3	6,900	4,141	20.9	C	--	0	0	--	--	--	21	21	0.3%	0	--
I-680	McKee Road to Alum Rock Avenue	SB	4-5PM	31	4	9,200	6,257	50.5	E	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Alum Rock Avenue to Capitol Expressway	SB	4-5PM	66	4	9,200	5,497	20.8	C	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Capitol Expressway to King Road	SB	4-5PM	66	4	10,120	5,346	18.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-680	King Road to US 101	SB	4-5PM	66	4	9,200	4,226	16.0	B	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	US 101 to McLaughlin Avenue	WB	4-5PM	66	4	9,200	5,666	21.6	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	McLaughlin Avenue to 10th Street	WB	4-5PM	66	4	9,200	5,874	22.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	10th Street to SR 87	WB	4-5PM	65	4	9,200	6,116	23.5	C	--	0	0	--	--	--	84	84	0.9%	0	--
I-280	SR 87 to Bird Avenue	WB	4-5PM	25	4	9,200	5,249	52.3	E	--	0	0	--	--	--	137	137	1.5%	0	--
I-280	Bird Avenue to Meridian Avenue	WB	4-5PM	57	4	9,200	6,912	30.4	D	--	0	0	--	--	--	168	168	1.8%	0	--
I-280	Meridian Avenue to I-880	WB	4-5PM	65	4	8,510	5,929	24.7	C	70	1	1,800	1,039	14.8	B	168	25	0.3%	143	7.9%
I-280	I-880 to Winchester Boulevard	WB	4-5PM	65	3	6,900	5,087	26.1	D	70	1	1,800	587	8.4	A	98	15	0.2%	83	4.6%
I-280	Winchester Boulevard to Saratoga Avenue	WB	4-5PM	65	3	6,900	5,255	26.9	D	70	1	1,800	755	10.8	A	98	15	0.2%	83	4.6%
SR 87	US 101 to Skyport Drive	SB	4-5PM	13	2	4,400	1,592	59.6	F	70	1	1,800	1,233	17.6	B	1	0	0.0%	1	0.0%
SR 87	Skyport Drive to Taylor Street	SB	4-5PM	30	2	4,400	2,568	42.7	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.0%
SR 87	Taylor Street to Coleman Avenue	SB	4-5PM	23	2	4,400	2,264	48.4	E	70	1	1,800	1,345	19.2	C	1	0	0.0%	1	0.0%
SR 87	Coleman Avenue to Julian Street	SB	4-5PM	53	2	4,400	3,128	29.3	D	70	1	1,800	1,177	16.8	B	1	0	0.0%	1	0.0%
SR 87	Julian Street to I-280	SB	4-5PM	35	2	4,400	2,708	38.6	D	70	1	1,800	841	12.0	B	133	20	0.5%	113	6.3%
SR 87	I-280 to Alma Avenue	SB	4-5PM	25	2	4,400	2,293	45.8	D	70	1	1,800	1,527	21.8	C	84	13	0.3%	71	4.0%
SR 87	Alma Avenue to Almaden Road	SB	4-5PM	30	2	4,400	2,524	42.0	D	70	1	1,800	2,081	29.7	D	77	12	0.3%	65	3.6%
SR 87	Almaden Road to Curtner Avenue	SB	4-5PM	40	2	4,400	2,856	35.6	D	70	1	1,800	1,504	21.5	C	56	8	0.2%	48	2.6%
SR 87	Curtner Avenue to Capitol Expressway	SB	4-5PM	65	2	4,400	3,383	26.0	D	70	1	1,800	1,162	16.6	B	49	7	0.2%	42	2.3%

Notes:
/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.
1. Existing 2008 CMP PM peak-hour volumes were reduced by 20% to account for the lower volumes during the 4-5PM period. The 20% reduction is based on a comparison of traffic count data for the 4-6 PM time period.
2. Selected segments with travel speeds of less than 65 MPH in the peak direction of travel were adjusted based on speed surveys completed by Hexagon on April 13, 2010. Surveys were conducted on segments with travel speeds of less thane 65 MPH in the peak direction of travel. The adjusted speeds were capped at 65 MPH.

Table 9
36,000-Seat Freeway Segment Level of Service Summary – With 1,200-Space Garage

				Existing Plus Project												Project Trips				
				Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane	
Freeway	Segment	Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity
SR 87	Capitol Expressway to Curtner Avenue	NB	4-5PM	65	2	4,400	3,120	24.0	C	70	1	1,800	505	7.2	A	1	0	0.0%	1	0.0%
SR 87	Curtner Avenue to Almaden Road	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	729	10.4	A	1	0	0.0%	1	0.0%
SR 87	Almaden Road to Alma Avenue	NB	4-5PM	52	2	4,400	3,496	33.6	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.1%
SR 87	Alma Avenue to I-280	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	561	8.0	A	1	0	0.0%	1	0.0%
SR 87	I-280 to Julian Street	NB	4-5PM	67	2	4,400	1,710	12.9	B	70	1	1,800	316	4.5	A	42	6	0.1%	36	2.0%
SR 87	Julian Street to Coleman Street	NB	4-5PM	66	2	4,400	2,340	17.7	B	70	1	1,800	178	2.5	A	78	12	0.3%	66	3.7%
SR 87	Coleman Street to Taylor Street	NB	4-5PM	67	2	4,400	1,508	11.3	B	70	1	1,800	570	8.1	A	78	12	0.3%	66	3.7%
SR 87	Taylor Street to Skyport Drive	NB	4-5PM	67	2	4,400	1,610	12.1	B	70	1	1,800	227	3.2	A	70	10	0.2%	59	3.3%
SR 87	Skyport Drive to US 101	NB	4-5PM	66	2	4,400	2,018	15.3	B	70	1	1,800	283	4.0	A	70	10	0.2%	59	3.3%
I-280	Saratoga Avenue to Winchester Boulevard	EB	4-5PM	65	3	6,900	4,840	24.8	C	70	1	1,800	1,961	28.0	D	2	0	0.0%	1	0.1%
I-280	Winchester Boulevard to I-880	EB	4-5PM	35	3	6,900	3,424	32.2	D	70	1	1,800	1,793	25.6	C	2	0	0.0%	1	0.1%
I-280	I-880 to Meridian Avenue	EB	4-5PM	52	4	9,200	4,176	20.1	C	40	1	1,800	1,794	44.9	D	3	0	0.0%	2	0.1%
I-280	Meridian Avenue to Bird Avenue	EB	4-5PM	57	4	9,200	5,763	25.4	C	--	0	0	--	--	--	3	3	0.0%	0	--
I-280	Bird Avenue to SR 87	EB	4-5PM	57	4	9,200	5,794	25.6	C	--	0	0	--	--	--	34	34	0.4%	0	--
I-280	SR 87 to 10th Street	EB	4-5PM	47	4	9,200	5,387	28.5	D	--	0	0	--	--	--	75	75	0.8%	0	--
I-280	10th Street to McLaughlin Avenue	EB	4-5PM	65	4	9,200	7,267	28.0	D	--	0	0	--	--	--	147	147	1.6%	0	--
I-280	McLaughlin Avenue to US 101	EB	4-5PM	66	4	9,200	6,019	23.0	C	--	0	0	--	--	--	147	147	1.6%	0	--
I-680	US 101 to King Road	NB	4-5PM	66	4	9,200	4,980	18.9	C	--	0	0	--	--	--	116	116	1.3%	0	--
I-680	King Road to Capitol Expressway	NB	4-5PM	66	4	9,660	5,988	21.8	C	--	0	0	--	--	--	116	116	1.2%	0	--
I-680	Capitol Expressway to Alum Rock Avenue	NB	4-5PM	66	4	9,200	4,957	18.8	C	--	0	0	--	--	--	93	93	1.0%	0	--
I-680	Alum Rock Avenue to McKee Road	NB	4-5PM	66	4	9,200	4,949	18.7	C	--	0	0	--	--	--	85	85	0.9%	0	--
I-880	I-280 to Stevens Creek Boulevard	NB	4-5PM	66	3	6,900	3,648	18.4	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	4-5PM	66	3	6,900	4,248	21.6	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	North Bascom Avenue to The Alameda	NB	4-5PM	65	3	6,900	4,528	23.2	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to Coleman Avenue	NB	4-5PM	64	3	6,900	5,072	26.4	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Coleman Avenue to SR 87	NB	4-5PM	55	3	6,900	5,327	32.3	D	--	0	0	--	--	--	47	47	0.7%	0	--
I-880	SR 87 to North 1st Street	NB	4-5PM	63	3	6,900	5,191	27.5	D	--	0	0	--	--	--	47	47	0.7%	0	--
I-880	North 1st Street to US 101	NB	4-5PM	58	3	6,900	5,381	30.9	D	--	0	0	--	--	--	85	85	1.2%	0	--
I-880	US 101 to East Brokaw Road	NB	4-5PM	64	3	6,900	5,157	26.9	D	--	0	0	--	--	--	85	85	1.2%	0	--
I-880	East Brokaw Road to Montague Expressway	NB	4-5PM	66	3	6,900	3,886	19.6	C	--	0	0	--	--	--	78	78	1.1%	0	--
I-880	Montague Expressway to East Brokaw Road	SB	4-5PM	40	3	6,900	3,929	32.7	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	East Brokaw Road to US 101	SB	4-5PM	30	3	6,900	3,361	37.9	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	US 101 to North 1st Street	SB	4-5PM	25	3	6,900	3,057	40.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	North 1st Street to SR 87	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	SR 87 to Coleman Avenue	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	Coleman Avenue to The Alameda	SB	4-5PM	49	3	6,900	4,256	29.2	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to North Bascom Avenue	SB	4-5PM	65	3	6,900	4,791	24.6	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	4-5PM	65	3	6,900	5,215	26.7	D	--	0	0	--	--	--	23	23	0.3%	0	--
I-880	Stevens Creek Boulevard to I-280	SB	4-5PM	66	3	6,900	4,143	20.9	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-680	McKee Road to Alum Rock Avenue	SB	4-5PM	31	4	9,200	6,257	50.5	E	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Alum Rock Avenue to Capitol Expressway	SB	4-5PM	66	4	9,200	5,497	20.8	C	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Capitol Expressway to King Road	SB	4-5PM	66	4	10,120	5,346	18.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-680	King Road to US 101	SB	4-5PM	66	4	9,200	4,226	16.0	B	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	US 101 to McLaughlin Avenue	WB	4-5PM	66	4	9,200	5,666	21.6	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	McLaughlin Avenue to 10th Street	WB	4-5PM	66	4	9,200	5,874	22.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	10th Street to SR 87	WB	4-5PM	65	4	9,200	6,131	23.6	C	--	0	0	--	--	--	99	99	1.1%	0	--
I-280	SR 87 to Bird Avenue	WB	4-5PM	25	4	9,200	5,254	52.4	E	--	0	0	--	--	--	142	142	1.5%	0	--
I-280	Bird Avenue to Meridian Avenue	WB	4-5PM	57	4	9,200	6,930	30.5	D	--	0	0	--	--	--	186	186	2.0%	0	--
I-280	Meridian Avenue to I-880	WB	4-5PM	65	4	8,510	5,932	24.7	C	70	1	1,800	1,054	15.1	B	186	28	0.3%	158	8.8%
I-280	I-880 to Winchester Boulevard	WB	4-5PM	65	3	6,900	5,088	26.1	D	70	1	1,800	596	8.5	A	109	16	0.2%	92	5.1%
I-280	Winchester Boulevard to Saratoga Avenue	WB	4-5PM	65	3	6,900	5,256	27.0	D	70	1	1,800	764	10.9	A	109	16	0.2%	92	5.1%
SR 87	US 101 to Skyport Drive	SB	4-5PM	13	2	4,400	1,592	59.6	F	70	1	1,800	1,233	17.6	B	1	0	0.0%	1	0.0%
SR 87	Skyport Drive to Taylor Street	SB	4-5PM	30	2	4,400	2,568	42.7	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.0%
SR 87	Taylor Street to Coleman Avenue	SB	4-5PM	23	2	4,400	2,264	48.4	E	70	1	1,800	1,345	19.2	C	1	0	0.0%	1	0.1%
SR 87	Coleman Avenue to Julian Street	SB	4-5PM	53	2	4,400	3,128	29.3	D	70	1	1,800	1,177	16.8	B	1	0	0.0%	1	0.0%
SR 87	Julian Street to I-280	SB	4-5PM	35	2	4,400	2,705	38.6	D	70	1	1,800	822	11.7	B	111	17	0.4%	94	5.2%
SR 87	I-280 to Alma Avenue	SB	4-5PM	25	2	4,400	2,294	45.8	D	70	1	1,800	1,535	21.9	C	93	14	0.3%	79	4.4%
SR 87	Alma Avenue to Almaden Road	SB	4-5PM	30	2	4,400	2,525	42.0	D	70	1	1,800	2,088	29.8	D	85	13	0.3%	72	4.0%
SR 87	Almaden Road to Curtner Avenue	SB	4-5PM	40	2	4,400	2,857	35.6	D	70	1	1,800	1,509	21.6	C	62	9	0.2%	53	2.9%
SR 87	Curtner Avenue to Capitol Expressway	SB	4-5PM	65	2	4,400	3,384	26.0	D	70	1	1,800	1,166	16.7	B	54	8	0.2%	46	2.6%

Notes:
/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.
1. Existing 2008 CMP PM peak-hour volumes were reduced by 20% to account for the lower volumes during the 4-5PM period. The 20% reduction is based on a comparison of traffic count data for the 4-6 PM time period.
2. Selected segments with travel speeds of less than 65 MPH in the peak direction of travel were adjusted based on speed surveys completed by Hexagon on April 13, 2010. Surveys were conducted on segments with travel speeds of less thane 65 MPH in the peak direction of travel. The adjusted speeds were capped at 65 MPH.

Table 10
36,000-Seat Freeway Segment Level of Service Summary – Elimination of 1,200-Space Garage

				Existing Plus Project												Project Trips				
				Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane	
Freeway	Segment	Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity
SR 87	Capitol Expressway to Curtner Avenue	NB	4-5PM	65	2	4,400	3,120	24.0	C	70	1	1,800	505	7.2	A	1	0	0.0%	1	0.0%
SR 87	Curtner Avenue to Almaden Road	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	729	10.4	A	1	0	0.0%	1	0.0%
SR 87	Almaden Road to Alma Avenue	NB	4-5PM	52	2	4,400	3,496	33.6	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.1%
SR 87	Alma Avenue to I-280	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	561	8.0	A	1	0	0.0%	1	0.0%
SR 87	I-280 to Julian Street	NB	4-5PM	67	2	4,400	1,710	12.9	B	70	1	1,800	317	4.5	A	43	6	0.1%	37	2.0%
SR 87	Julian Street to Coleman Street	NB	4-5PM	66	2	4,400	2,340	17.7	B	70	1	1,800	178	2.5	A	78	12	0.3%	66	3.7%
SR 87	Coleman Street to Taylor Street	NB	4-5PM	67	2	4,400	1,508	11.3	B	70	1	1,800	570	8.1	A	78	12	0.3%	66	3.7%
SR 87	Taylor Street to Skyport Drive	NB	4-5PM	67	2	4,400	1,610	12.1	B	70	1	1,800	227	3.2	A	70	10	0.2%	59	3.3%
SR 87	Skyport Drive to US 101	NB	4-5PM	66	2	4,400	2,018	15.3	B	70	1	1,800	283	4.0	A	70	10	0.2%	59	3.3%
I-280	Saratoga Avenue to Winchester Boulevard	EB	4-5PM	65	3	6,900	4,840	24.8	C	70	1	1,800	1,961	28.0	D	2	0	0.0%	1	0.1%
I-280	Winchester Boulevard to I-880	EB	4-5PM	35	3	6,900	3,424	32.2	D	70	1	1,800	1,793	25.6	C	2	0	0.0%	1	0.1%
I-280	I-880 to Meridian Avenue	EB	4-5PM	52	4	9,200	4,176	20.1	C	40	1	1,800	1,794	44.9	D	3	0	0.0%	2	0.1%
I-280	Meridian Avenue to Bird Avenue	EB	4-5PM	57	4	9,200	5,763	25.4	C	--	0	0	--	--	--	3	3	0.0%	0	--
I-280	Bird Avenue to SR 87	EB	4-5PM	57	4	9,200	5,783	25.5	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-280	SR 87 to 10th Street	EB	4-5PM	47	4	9,200	5,378	28.5	D	--	0	0	--	--	--	66	66	0.7%	0	--
I-280	10th Street to McLaughlin Avenue	EB	4-5PM	65	4	9,200	7,267	28.0	D	--	0	0	--	--	--	147	147	1.6%	0	--
I-280	McLaughlin Avenue to US 101	EB	4-5PM	66	4	9,200	6,019	23.0	C	--	0	0	--	--	--	147	147	1.6%	0	--
I-680	US 101 to King Road	NB	4-5PM	66	4	9,200	4,980	18.9	C	--	0	0	--	--	--	116	116	1.3%	0	--
I-680	King Road to Capitol Expressway	NB	4-5PM	66	4	9,660	5,988	21.8	C	--	0	0	--	--	--	116	116	1.2%	0	--
I-680	Capitol Expressway to Alum Rock Avenue	NB	4-5PM	66	4	9,200	4,957	18.8	C	--	0	0	--	--	--	93	93	1.0%	0	--
I-680	Alum Rock Avenue to McKee Road	NB	4-5PM	66	4	9,200	4,949	18.7	C	--	0	0	--	--	--	85	85	0.9%	0	--
I-880	I-280 to Stevens Creek Boulevard	NB	4-5PM	66	3	6,900	3,648	18.4	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	4-5PM	66	3	6,900	4,248	21.6	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	North Bascom Avenue to The Alameda	NB	4-5PM	65	3	6,900	4,528	23.2	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to Coleman Avenue	NB	4-5PM	64	3	6,900	5,072	26.4	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Coleman Avenue to SR 87	NB	4-5PM	55	3	6,900	5,327	32.3	D	--	0	0	--	--	--	47	47	0.7%	0	--
I-880	SR 87 to North 1st Street	NB	4-5PM	63	3	6,900	5,191	27.5	D	--	0	0	--	--	--	47	47	0.7%	0	--
I-880	North 1st Street to US 101	NB	4-5PM	58	3	6,900	5,381	30.9	D	--	0	0	--	--	--	85	85	1.2%	0	--
I-880	US 101 to East Brokaw Road	NB	4-5PM	64	3	6,900	5,157	26.9	D	--	0	0	--	--	--	85	85	1.2%	0	--
I-880	East Brokaw Road to Montague Expressway	NB	4-5PM	66	3	6,900	3,886	19.6	C	--	0	0	--	--	--	78	78	1.1%	0	--
I-880	Montague Expressway to East Brokaw Road	SB	4-5PM	40	3	6,900	3,929	32.7	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	East Brokaw Road to US 101	SB	4-5PM	30	3	6,900	3,361	37.9	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	US 101 to North 1st Street	SB	4-5PM	25	3	6,900	3,057	40.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	North 1st Street to SR 87	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	SR 87 to Coleman Avenue	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	Coleman Avenue to The Alameda	SB	4-5PM	49	3	6,900	4,256	29.2	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to North Bascom Avenue	SB	4-5PM	65	3	6,900	4,791	24.6	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	4-5PM	65	3	6,900	5,215	26.7	D	--	0	0	--	--	--	23	23	0.3%	0	--
I-880	Stevens Creek Boulevard to I-280	SB	4-5PM	66	3	6,900	4,143	20.9	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-680	McKee Road to Alum Rock Avenue	SB	4-5PM	31	4	9,200	6,257	50.5	E	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Alum Rock Avenue to Capitol Expressway	SB	4-5PM	66	4	9,200	5,497	20.8	C	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Capitol Expressway to King Road	SB	4-5PM	66	4	10,120	5,346	18.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-680	King Road to US 101	SB	4-5PM	66	4	9,200	4,226	16.0	B	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	US 101 to McLaughlin Avenue	WB	4-5PM	66	4	9,200	5,666	21.6	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	McLaughlin Avenue to 10th Street	WB	4-5PM	66	4	9,200	5,874	22.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	10th Street to SR 87	WB	4-5PM	65	4	9,200	6,142	23.6	C	--	0	0	--	--	--	110	110	1.2%	0	--
I-280	SR 87 to Bird Avenue	WB	4-5PM	25	4	9,200	5,269	52.5	E	--	0	0	--	--	--	157	157	1.7%	0	--
I-280	Bird Avenue to Meridian Avenue	WB	4-5PM	57	4	9,200	6,930	30.5	D	--	0	0	--	--	--	186	186	2.0%	0	--
I-280	Meridian Avenue to I-880	WB	4-5PM	65	4	8,510	5,932	24.7	C	70	1	1,800	1,054	15.1	B	186	28	0.3%	158	8.8%
I-280	I-880 to Winchester Boulevard	WB	4-5PM	65	3	6,900	5,088	26.1	D	70	1	1,800	596	8.5	A	109	16	0.2%	92	5.1%
I-280	Winchester Boulevard to Saratoga Avenue	WB	4-5PM	65	3	6,900	5,256	27.0	D	70	1	1,800	764	10.9	A	109	16	0.2%	92	5.1%
SR 87	US 101 to Skyport Drive	SB	4-5PM	13	2	4,400	1,592	59.6	F	70	1	1,800	1,233	17.6	B	1	0	0.0%	1	0.0%
SR 87	Skyport Drive to Taylor Street	SB	4-5PM	30	2	4,400	2,568	42.7	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.0%
SR 87	Taylor Street to Coleman Avenue	SB	4-5PM	23	2	4,400	2,264	48.4	E	70	1	1,800	1,345	19.2	C	1	0	0.0%	1	0.1%
SR 87	Coleman Avenue to Julian Street	SB	4-5PM	53	2	4,400	3,128	29.3	D	70	1	1,800	1,177	16.8	B	1	0	0.0%	1	0.0%
SR 87	Julian Street to I-280	SB	4-5PM	35	2	4,400	2,706	38.6	D	70	1	1,800	829	11.8	B	119	18	0.4%	101	5.6%
SR 87	I-280 to Alma Avenue	SB	4-5PM	25	2	4,400	2,294	45.8	D	70	1	1,800	1,535	21.9	C	93	14	0.3%	79	4.4%
SR 87	Alma Avenue to Almaden Road	SB	4-5PM	30	2	4,400	2,525	42.0	D	70	1	1,800	2,088	29.8	D	85	13	0.3%	72	4.0%
SR 87	Almaden Road to Curtner Avenue	SB	4-5PM	40	2	4,400	2,857	35.6	D	70	1	1,800	1,509	21.6	C	62	9	0.2%	53	2.9%
SR 87	Curtner Avenue to Capitol Expressway	SB	4-5PM	65	2	4,400	3,384	26.0	D	70	1	1,800	1,166	16.7	B	54	8	0.2%	46	2.6%

Notes:
/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.
1. Existing 2008 CMP PM peak-hour volumes were reduced by 20% to account for the lower volumes during the 4-5PM period. The 20% reduction is based on a comparison of traffic count data for the 4-6 PM time period.
2. Selected segments with travel speeds of less than 65 MPH in the peak direction of travel were adjusted based on speed surveys completed by Hexagon on April 13, 2010. Surveys were conducted on segments with travel speeds of less thane 65 MPH in the peak direction of travel. The adjusted speeds were capped at 65 MPH.

Table 11
36,000-Seat Freeway Segment Level of Service Summary – Addition of 1,300 Spaces to HP Pavilion

				Existing Plus Project												Project Trips				
				Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane	
Freeway	Segment	Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity
SR 87	Capitol Expressway to Curtner Avenue	NB	4-5PM	65	2	4,400	3,120	24.0	C	70	1	1,800	505	7.2	A	1	0	0.0%	1	0.0%
SR 87	Curtner Avenue to Almaden Road	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	729	10.4	A	1	0	0.0%	1	0.0%
SR 87	Almaden Road to Alma Avenue	NB	4-5PM	52	2	4,400	3,496	33.6	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.1%
SR 87	Alma Avenue to I-280	NB	4-5PM	66	2	4,400	2,936	22.4	C	70	1	1,800	561	8.0	A	1	0	0.0%	1	0.0%
SR 87	I-280 to Julian Street	NB	4-5PM	67	2	4,400	1,710	12.9	B	70	1	1,800	314	4.5	A	40	6	0.1%	34	1.9%
SR 87	Julian Street to Coleman Street	NB	4-5PM	66	2	4,400	2,340	17.7	B	70	1	1,800	178	2.5	A	78	12	0.3%	66	3.7%
SR 87	Coleman Street to Taylor Street	NB	4-5PM	67	2	4,400	1,508	11.3	B	70	1	1,800	570	8.1	A	78	12	0.3%	66	3.7%
SR 87	Taylor Street to Skyport Drive	NB	4-5PM	67	2	4,400	1,610	12.1	B	70	1	1,800	227	3.2	A	70	10	0.2%	59	3.3%
SR 87	Skyport Drive to US 101	NB	4-5PM	66	2	4,400	2,018	15.3	B	70	1	1,800	283	4.0	A	70	10	0.2%	59	3.3%
I-280	Saratoga Avenue to Winchester Boulevard	EB	4-5PM	65	3	6,900	4,840	24.8	C	70	1	1,800	1,961	28.0	D	2	0	0.0%	1	0.1%
I-280	Winchester Boulevard to I-880	EB	4-5PM	35	3	6,900	3,424	32.2	D	70	1	1,800	1,793	25.6	C	2	0	0.0%	1	0.1%
I-280	I-880 to Meridian Avenue	EB	4-5PM	52	4	9,200	4,176	20.1	C	40	1	1,800	1,794	44.9	D	3	0	0.0%	2	0.1%
I-280	Meridian Avenue to Bird Avenue	EB	4-5PM	57	4	9,200	5,763	25.4	C	--	0	0	--	--	--	3	3	0.0%	0	--
I-280	Bird Avenue to SR 87	EB	4-5PM	57	4	9,200	5,784	25.5	C	--	0	0	--	--	--	24	24	0.3%	0	--
I-280	SR 87 to 10th Street	EB	4-5PM	47	4	9,200	5,387	28.5	D	--	0	0	--	--	--	75	75	0.8%	0	--
I-280	10th Street to McLaughlin Avenue	EB	4-5PM	65	4	9,200	7,267	28.0	D	--	0	0	--	--	--	147	147	1.6%	0	--
I-280	McLaughlin Avenue to US 101	EB	4-5PM	66	4	9,200	6,019	23.0	C	--	0	0	--	--	--	147	147	1.6%	0	--
I-680	US 101 to King Road	NB	4-5PM	66	4	9,200	4,980	18.9	C	--	0	0	--	--	--	116	116	1.3%	0	--
I-680	King Road to Capitol Expressway	NB	4-5PM	66	4	9,660	5,988	21.8	C	--	0	0	--	--	--	116	116	1.2%	0	--
I-680	Capitol Expressway to Alum Rock Avenue	NB	4-5PM	66	4	9,200	4,957	18.8	C	--	0	0	--	--	--	93	93	1.0%	0	--
I-680	Alum Rock Avenue to McKee Road	NB	4-5PM	66	4	9,200	4,949	18.7	C	--	0	0	--	--	--	85	85	0.9%	0	--
I-880	I-280 to Stevens Creek Boulevard	NB	4-5PM	66	3	6,900	3,648	18.4	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Stevens Creek Boulevard to North Bascom Avenue	NB	4-5PM	66	3	6,900	4,248	21.6	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	North Bascom Avenue to The Alameda	NB	4-5PM	65	3	6,900	4,528	23.2	C	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to Coleman Avenue	NB	4-5PM	64	3	6,900	5,072	26.4	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	Coleman Avenue to SR 87	NB	4-5PM	55	3	6,900	5,327	32.3	D	--	0	0	--	--	--	47	47	0.7%	0	--
I-880	SR 87 to North 1st Street	NB	4-5PM	63	3	6,900	5,191	27.5	D	--	0	0	--	--	--	47	47	0.7%	0	--
I-880	North 1st Street to US 101	NB	4-5PM	58	3	6,900	5,381	30.9	D	--	0	0	--	--	--	85	85	1.2%	0	--
I-880	US 101 to East Brokaw Road	NB	4-5PM	64	3	6,900	5,157	26.9	D	--	0	0	--	--	--	85	85	1.2%	0	--
I-880	East Brokaw Road to Montague Expressway	NB	4-5PM	66	3	6,900	3,886	19.6	C	--	0	0	--	--	--	78	78	1.1%	0	--
I-880	Montague Expressway to East Brokaw Road	SB	4-5PM	40	3	6,900	3,929	32.7	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	East Brokaw Road to US 101	SB	4-5PM	30	3	6,900	3,361	37.9	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	US 101 to North 1st Street	SB	4-5PM	25	3	6,900	3,057	40.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	North 1st Street to SR 87	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	SR 87 to Coleman Avenue	SB	4-5PM	49	3	6,900	4,257	29.2	D	--	0	0	--	--	--	1	1	0.0%	0	--
I-880	Coleman Avenue to The Alameda	SB	4-5PM	49	3	6,900	4,256	29.2	D	--	0	0	--	--	--	0	0	0.0%	0	--
I-880	The Alameda to North Bascom Avenue	SB	4-5PM	65	3	6,900	4,791	24.6	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-880	North Bascom Avenue to Stevens Creek Boulevard	SB	4-5PM	65	3	6,900	5,215	26.7	D	--	0	0	--	--	--	23	23	0.3%	0	--
I-880	Stevens Creek Boulevard to I-280	SB	4-5PM	66	3	6,900	4,143	20.9	C	--	0	0	--	--	--	23	23	0.3%	0	--
I-680	McKee Road to Alum Rock Avenue	SB	4-5PM	31	4	9,200	6,257	50.5	E	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Alum Rock Avenue to Capitol Expressway	SB	4-5PM	66	4	9,200	5,497	20.8	C	--	0	0	--	--	--	1	1	0.0%	0	--
I-680	Capitol Expressway to King Road	SB	4-5PM	66	4	10,120	5,346	18.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-680	King Road to US 101	SB	4-5PM	66	4	9,200	4,226	16.0	B	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	US 101 to McLaughlin Avenue	WB	4-5PM	66	4	9,200	5,666	21.6	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	McLaughlin Avenue to 10th Street	WB	4-5PM	66	4	9,200	5,874	22.4	C	--	0	0	--	--	--	2	2	0.0%	0	--
I-280	10th Street to SR 87	WB	4-5PM	65	4	9,200	6,130	23.6	C	--	0	0	--	--	--	98	98	1.1%	0	--
I-280	SR 87 to Bird Avenue	WB	4-5PM	25	4	9,200	5,267	52.5	E	--	0	0	--	--	--	155	155	1.7%	0	--
I-280	Bird Avenue to Meridian Avenue	WB	4-5PM	57	4	9,200	6,930	30.5	D	--	0	0	--	--	--	186	186	2.0%	0	--
I-280	Meridian Avenue to I-880	WB	4-5PM	65	4	8,510	5,932	24.7	C	70	1	1,800	1,054	15.1	B	186	28	0.3%	158	8.8%
I-280	I-880 to Winchester Boulevard	WB	4-5PM	65	3	6,900	5,088	26.1	D	70	1	1,800	596	8.5	A	109	16	0.2%	92	5.1%
I-280	Winchester Boulevard to Saratoga Avenue	WB	4-5PM	65	3	6,900	5,256	27.0	D	70	1	1,800	764	10.9	A	109	16	0.2%	92	5.1%
SR 87	US 101 to Skyport Drive	SB	4-5PM	13	2	4,400	1,592	59.6	F	70	1	1,800	1,233	17.6	B	1	0	0.0%	1	0.0%
SR 87	Skyport Drive to Taylor Street	SB	4-5PM	30	2	4,400	2,568	42.7	D	70	1	1,800	673	9.6	A	1	0	0.0%	1	0.0%
SR 87	Taylor Street to Coleman Avenue	SB	4-5PM	23	2	4,400	2,264	48.4	E	70	1	1,800	1,345	19.2	C	1	0	0.0%	1	0.1%
SR 87	Coleman Avenue to Julian Street	SB	4-5PM	53	2	4,400	3,128	29.3	D	70	1	1,800	1,177	16.8	B	1	0	0.0%	1	0.0%
SR 87	Julian Street to I-280	SB	4-5PM	35	2	4,400	2,709	38.6	D	70	1	1,800	849	12.1	B	142	21	0.5%	121	6.7%
SR 87	I-280 to Alma Avenue	SB	4-5PM	25	2	4,400	2,294	45.8	D	70	1	1,800	1,535	21.9	C	93	14	0.3%	79	4.4%
SR 87	Alma Avenue to Almaden Road	SB	4-5PM	30	2	4,400	2,525	42.0	D	70	1	1,800	2,088	29.8	D	85	13	0.3%	72	4.0%
SR 87	Almaden Road to Curtner Avenue	SB	4-5PM	40	2	4,400	2,857	35.6	D	70	1	1,800	1,509	21.6	C	62	9	0.2%	53	2.9%
SR 87	Curtner Avenue to Capitol Expressway	SB	4-5PM	65	2	4,400	3,384	26.0	D	70	1	1,800	1,166	16.7	B	54	8	0.2%	46	2.6%

Notes:
/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2008.
1. Existing 2008 CMP PM peak-hour volumes were reduced by 20% to account for the lower volumes during the 4-5PM period. The 20% reduction is based on a comparison of traffic count data for the 4-6 PM time period.
2. Selected segments with travel speeds of less than 65 MPH in the peak direction of travel were adjusted based on speed surveys completed by Hexagon on April 13, 2010. Surveys were conducted on segments with travel speeds of less thane 65 MPH in the peak direction of travel. The adjusted speeds were capped at 65 MPH.

ATTACHMENT 2

HEXAGON TRANSPORTATION CONSULTANTS, INC.

MEMORANDUM

TO: Dennis Brown, LSA Associates

FROM: Gary Black & Robert Del Rio

DATE: April 13, 2010

SUBJECT: Additional Intersection Impact Analysis for the Proposed San Jose Baseball Stadium

Hexagon Transportation Consultants, Inc. has completed additional traffic analysis for the proposed San Jose Ballpark. The City of San Jose requested that additional analysis be completed in response to comments received on the supplemental traffic study prepared for the ballpark dated February 10, 2010. The additional analysis consists of intersection level of service analysis at four additional intersections along Coleman Avenue that were not included in the supplemental traffic study because the effects of ballpark traffic were not projected to be significant. The 36,000 seat capacity ballpark alternative with the addition of 1,300 parking spaces was analyzed since it would result in the greatest amount of Ballpark traffic added along Coleman Avenue. Estimated traffic generated by the proposed Ballpark was added to the background volumes in accordance with the procedure and trip distribution pattern shown in the Draft SEIR. The analysis results indicate that the addition of Ballpark traffic to intersections along Coleman Avenue would result in no significant impacts at any intersection studied, under any scenario studied (see the accompanying table). All intersections are shown to operate within the standard, LOS D or better, with the addition of Ballpark traffic.

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Table 1
Intersection Level of Service Summary

Intersection Name	Peak Hour	Existing Avg. Delay	Existing LOS	Background Avg. Delay	Background LOS	Project Conditions Avg. Delay	Project Conditions LOS	Project Conditions Incr. In Crit. Delay	Project Conditions Incr. In Crit. V/C
Coleman Avenue and Taylor Street	5-6PM	35.2	D	45.2	D	48.6	D	7.1	0.072
	6-7PM	33.0	C	36.2	D	35.9	D	0.4	0.148
Coleman Avenue and Hedding Street	5-6PM	31.4	C	33.9	C	35.1	D	2.1	0.050
	6-7PM	29.3	C	28.2	C	27.5	C	-1.0	0.104
Coleman Avenue and I-880 (S)	5-6PM	19.6	B	25.6	C	25.5	C	0.0	0.001
	6-7PM	18.5	B	22.0	C	21.1	C	-20.6	0.027
Coleman Avenue and I-880 (N)	5-6PM	9.1	A	13.0	B	14.3	B	1.4	0.001
	6-7PM	8.5	A	10.4	B	15.9	B	6.0	0.059

Notes:
Intersection LOS results based on the worst-case 36,000-seat with the addition of 1,300 spaces to HP Pavilion lot and the elimination of 1,200-space garage project alternatives.
Effects of project traffic would be less for the 36,000-seat with 1,200-space garage and each of the 32,000-seat project alternatives.