

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

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

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

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

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

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

1. Notice of Preparation letter

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

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

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

**Comment J-3:**

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

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

**Comment J-4:**

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

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

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

**Comment J-5:**

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

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

**Comment J-6:**

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

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

**Comment J-7:**

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

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

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

**Comment J-8:**

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

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

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

2. Description of Proposed Project

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

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

**Comment J-10:**

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

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

**Comment J-11:**

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

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

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

**Comment J-12:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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