



November 21, 2014

**Via Email and U.S. Mail**

Christopher Calfee  
Governor's Office of Planning and Research (OPR)  
1400 Tenth Street  
Sacramento, CA 95814

[CEQA.Guidelines@ceres.ca.gov](mailto:CEQA.Guidelines@ceres.ca.gov)

**Re: Comments Regarding Proposed CEQA Guideline § 15064.3**

Dear Mr. Calfee:

Sharks Sports & Entertainment (SSE) appreciates the opportunity to provide comment and input regarding the preliminary discussion draft of California Environmental Quality Act (CEQA) guideline section 15064.3, which is intended to implement certain provisions of State Senate Bill 743 (Steinberg, Chapter 386, Statutes of 2013). SSE owns and operates the San Jose Sharks professional ice hockey team, a member of the National Hockey League (NHL). SSE is also the parent company of San Jose Arena Management, LLC, which manages the SAP Center, a 20,000-seat, multipurpose event center located in downtown San Jose.

The SAP Center is a critical asset to San Jose's economic success, drawing more than a million people to San Jose's historic city center. It is one of the city's most consistent and impactful economic catalysts, supporting 5,000 FTE jobs, generating more than \$250 million in annual economic impact and more than \$10 million in direct general fund revenue for the city.

**1. Comment: Multipurpose event centers like the SAP Center present unique vehicle-related considerations anticipated by the Legislature but not adequately accounted for in the proposed CEQA guidelines**

**Recommendation: We urge OPR to include in any new regulation a requirement that any project located within one mile of a large - over 15,000 seat capacity -**

**multipurpose event center complete a level of service or capacity analysis which discloses, evaluates, and mitigates potential traffic and circulation impacts.**

Proposed new CEQA guideline section 15064.3 is intended to establish new statewide criteria for determining the significance of transportation impacts of projects located both inside and outside transit priority areas.

Proposed CEQA guideline section 15064.3(a) provides, as a purpose statement:

When analyzing a project's potential environmental impacts related to transportation, primary considerations include the amount and distance of automobile travel associated with the project. Other relevant considerations include the effects of the project on transit and non-motorized travel and the safety of all travelers. Indirect effects of project-related transportation, such as impacts to air quality and noise, may also be relevant, but may be analyzed together with stationary sources in other portions of the environmental document. A project's effect on automobile delay does not constitute a significant environmental impact. (*emphasis added*)

We understand that the purpose of proposed section 15064.3 is to provide a new method of measuring transportation impacts such that a project's effect on automobile delay would no longer be considered a significant environmental impact for which mitigation is required. We further understand that the proposed guideline is intended ultimately to improve and shorten regular commuter travel, thereby also reducing greenhouse gas (GHG) emissions associated with traditional automobile travel.

SSE shares the State's commitment to reducing GHG emissions and encouraging the use of mass transit. SSE also supports the State's commitment to a diversity of land uses, as established by SB 743. This objective is codified in Public Resources Code (PRC) section 21099(b)(1), which provides:

The Office of Planning and Research shall... [establish] criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, the office shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. ... (*emphasis added*)

The CEQA guidelines must advance the objectives provided for in SB 743 without compromising one objective in favor of another. As currently drafted, the proposed

guidelines focus primarily on miles traveled, appearing to favor new residential and employment uses to the exclusion of the wider diversity of land uses specifically protected in SB 743.

For large, multipurpose event facilities like the SAP Center, the baseline traffic and circulation can be characterized by sharp and large peaks of traffic arriving and departing from the facility for a variety of events. If a future CEQA analysis for projects in the vicinity of the SAP Center were to focus only on vehicle miles traveled, without consideration of capacity or delay, significant traffic circulation problems may result, with associated impacts on the economic success of the San Jose's downtown core. It is important for the environment, the city's downtown area as a whole, and the SAP Center's continued success as an economic driver for the city that new projects in the area adequately disclose, evaluate and mitigate the impacts caused by those projects from the perspective of automobile congestion and delay. Importantly, in passing SB 743, the Legislature recognized the need to balance the unique considerations presented by the need for diverse land uses in urban centers.

Given the serious environmental impacts, including, but not limited to, circulation and air quality impacts, that could arise in connection with new projects located near large, multipurpose event centers, we urge OPR to include in any new regulation a requirement that any project located within one mile of a large - over 15,000 seated capacity - multipurpose event center complete a level of service or capacity analysis which discloses, evaluates, and mitigates potential traffic and circulation impacts.

SSE does not make this request without regard to public transit. The SAP Center is located within a "transit priority area." Three existing transit facilities are located within of few blocks of the SAP Center, a Caltrain station, a major county bus transfer station, and a light-rail station. Two additional rail transit facilities are planned for sites near the SAP Center, a BART station and a high-speed rail station. SSE values these transit services and promotes their use by persons traveling to and from the SAP Center. However, our analysis shows that most trips to and from the SAP Center are traditional automobile trips for two reasons. One, a large percentage of the SAP Center's patrons today travel long distances from areas where there is no public transit that could bring them into downtown San Jose and where no future public transit is planned for that purpose. Two, events that end late in the evening are not adequately served by existing public transit. These two factors are extremely difficult to eliminate for a large multipurpose center because the role of the centers is to be a regional gathering place for large audiences that cannot be accommodated at other venues. The nature and the variety of the events held at the SAP Center, for example, also means that the dates and times of events are irregular, and the composition of the attendees varies greatly from event to event. The timing of the swearing in of new United States citizens usually takes place in the morning, while the circus may have a weekday matinee and later in the evening there will be a concert that extends late into the night. In addition, attendees at San Jose Sharks

games can be very different from those who attend a concert, who in turn can be very different from the patrons of a *Walking with Dinosaurs* experience.

We note that PRC section 21099(b)(2) expressly contemplated that certain locations may require exceptions to any new guideline providing that automobile delay shall not be considered a significant impact on the environment. Specifically, PRC section 21099(b)(2) provides:

Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any. (*emphasis added*)

The SAP Center is an existing multiuse facility reflective of the diversity of land uses contemplated in SB 743. Its traffic and circulation considerations are established and unique to the facility. Consistent with PRC section 21099(b)(2), these existing considerations are intended to be and should be accounted for in the new CEQA guidelines so that established operations and traffic considerations for existing, large multipurpose venues like the SAP Center are not disadvantaged by, but accommodated, as future development in adjacent areas is evaluated and approved.

**2. Comment: Inadequate parking capacity can cause significant traffic circulation problems and secondary environmental impacts not considered in the proposed CEQA guidelines**

**Recommendation: We request that the draft guidelines be clarified to state that the impacts of inadequate parking on uses that are not part of the project may still be analyzed.**

Because of the significant traffic generated by the variety of events held at the SAP Center, special parking arrangements, including agreements with the City of San Jose and various private parties, are required to accommodate patrons and ensure parking availability throughout the downtown area. For large-scale events, parking capacity matters. If the parking capacity is inadequate for an event, significant traffic circulation problems can result, causing secondary environmental impacts such as increased air pollution, including GHG emissions. These traffic circulation problems can be particularly pronounced when patrons are expecting an adequate parking supply for an event, particularly given prior experience coming to a venue such as the SAP Center.

Section 21099 (b)(3) of Public Resources Code concludes with the following statement: "the adequacy of parking for a project shall not support a finding of significance pursuant to this section." (*emphasis added*)

This subject of parking is also addressed in item 3 on page 13 of the OPR document "Preliminary Evaluation of Alternative Methods of Transportation Analysis," dated December 30, 2013. In that document, OPR raises the question:

"3. SB 743 provides that parking impacts of certain types of projects in certain locations shall not be considered significant impacts on the environment. Where that limitation does not apply, what role, if any, should parking play in the analysis of transportation impacts?"

The above question is not addressed in the draft guidelines dated August 6, 2014. While we recognize that the adequacy of parking for a project cannot support a finding of significance, we believe that the effects of a project on parking for other preexisting nearby uses should still be considered.

A simple, practical example helps put our argument in context:

Suppose a project with inadequate parking is built next to a school and as a result people using the new project use the school's preexisting parking causing delays and other problems for staff and students. It would be fair to require mitigation such as a permit system that prevents the building occupants from being able to use the school's parking.

In the area surrounding the SAP Center, much of the parking supply is committed to serving the events held at the Center. Therefore, the Center relies upon shared off-site parking located within a 1/2 mile radius of the arena to accommodate over 2/3 of its total customer parking demand. New development projects that would rely upon any of these shared parking facilities and/or that would increase parking demand for these facilities would threaten the adequacy of parking for SAP Center customers and cause local traffic impacts.

While we acknowledge PRC section 21099(b)(3) attempts to address the issue of parking adequacy, we respectfully urge OPR to add parking capacity as a component of an adequate traffic analysis under proposed CEQA guideline section 15064.3.

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SSE appreciates the opportunity to provide this input and comment on the proposed CEQA guidelines and wishes to express its support for the overall goals of SB 743 and the importance of the proposed guidelines in implementing the law consistent with its

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purposes.

We look forward to working with OPR and the Natural Resources Agency to develop workable guidance for transportation impacts analysis under CEQA.

Respectfully submitted,



Jim Goddard

Executive Vice President of Business & Building Operations  
Sharks Sports & Entertainment