

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Letter re Google Project/DSAP Amendments, from LMA Law on behalf of Sharks Sports & Entertainment
Date: Tuesday, May 18, 2021 2:42:31 PM
Attachments: [Letter to Planning Commission 4.28.21 \(10603633xD701E\).pdf](#)

From: Lucy Lofrumento <lal@lmallp.com>
Sent: Wednesday, April 28, 2021 11:44 AM
To: Planning Commission 1 <PlanningCom1@sanjoseca.gov>
Cc: Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Phan, Johnny <Johnny.Phan@sanjoseca.gov>; Day, Cameron <Cameron.Day@sanjoseca.gov>; Frimann, Nora <nora.frimann@sanjoseca.gov>; Jonathan Becher <jbecher@sjsharks.com>; Jon Gustafson <jgustafson@sharksice.com>; Jim Goddard <jgoddard@sapcenter.com> <jgoddard@sapcenter.com>; PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: Letter re Google Project/DSAP Amendments, from LMA Law on behalf of Sharks Sports & Entertainment

[External Email]

Dear Chair Caballero,

Please see the attached letter on behalf of Sharks Sports & Entertainment.

Thank you,
Lucy



Lucy Lofrumento

Attorney at Law

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April 28, 2021

Mariel Caballero, Chair
Planning Commission
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

Re: **Agenda Item 8.a – Google’s Downtown West Mixed-Use Plan**
Agenda Item 8.b – Diridon Station Area Plan Amendment

Dear Chairperson Caballero and Commissioners,

On behalf of Sharks Sports & Entertainment LLC and its affiliates (SSE), I am writing to reiterate SSE’s objection to the above-referenced projects as currently planned, and to provide you with copies of some communications and documents we recently provided to City staff and officials.

Consistent with the “Side Letter Regarding Future Discussions” between the City and SSE dated August 15, 2018 (Attachment 1), SSE supports the City’s transformative vision for a multi-modal transportation system and intensification of development near the transit center, so long as the plans provide acceptable solutions for the unique access and parking needs of SAP Center, as well as adequate protection for arena operations and customers during the lengthy, massive construction projects.

Unfortunately, the current plans fail to achieve these essential requirements. Attached is an email that SSE’s President, Jonathan Becher, sent to Mayor Liccario and Councilmembers on April 26, including a message to SSE’s supporters outlining the revisions requested by SSE to protect the future of SAP Center (Attachment 2).

The fact that the City and Google have not adequately addressed SSE’s concerns is particularly disappointing since SSE’s project team has worked diligently to provide the City, Google and their consultants with detailed comments and specific suggestions regarding the proposed projects. Attached for your reference are a few of the dozens of documents SSE has submitted to the City in the past couple of years, with little to no substantive response:

- Attachment 3: Preliminary Construction Management Plan to Protect SAP Center Patrons & Facility Operations (original sent to City in 2018 for BART project; re-circulated to City in November 2020 for use on the Downtown West project)
- Attachment 4: Technical Memo from Wenck traffic consultants, describing SAP Center Recommendations for Diridon Station Area Street Network (dated May 21, 2020), along with a Supplement to that memo (dated December 4, 2020)
- Attachment 5: Requests for Modifications to Protect the SAP Center, with details of 13 specific requests consistent with SSE's rights under the Arena Management Agreement (sent to City on April 1, 2021)
- Attachment 6: Annotated Comments to Exhibit K of the Development Agreement (Downtown West Parking Requirements), along with SAP Center Structured Parking Design Guidelines (both dated April 8, 2021)

In addition to the above attachments, legal counsel for SSE have submitted the following comment letters, which are not attached but are incorporated by reference:

1. Letter to Shannon Hill dated December 8, 2021, commenting on the Draft EIR for the Downtown West Mixed-Use Plan
2. Letter to Shannon Hill dated April 1, 2021, commenting on the Addendum to EIR for the DSAP Amendments
3. Letter to Shannon Hill dated April 28, 2021, commenting on the First Amendment to the Draft EIR for the Downtown Mixed-Use Plan
4. Letter to City Attorney dated April 23, 2021, attaching the above-referenced Requests for Modifications, and a "Summary of Key Provisions" from the AMA and related contracts bearing on issues related to the Google project
5. Letter to City Attorney dated April 27, 2021, attaching a copy of the Option/Negotiation Rights Agreement between the City and Google dated December 4, 2018, and explaining why it does not grant Google an interest in Lots A, B and C as required under the laws governing development agreements

Based on the above, we ask that the Planning Commission vote to recommend that the City Council not approve any of the documents for the above-described projects.

Notwithstanding the current differences between SSE and the City regarding the Google project, SSE would like to recognize and thank all the City staff who have worked so diligently on matters of importance to SSE -- including meeting with the SSE team on countless occasions -- and who are consistently professional and courteous. We appreciate the City's

offer to continue to work with SSE toward mutually acceptable solutions, and we hope that such efforts will ultimately be successful.

It has been almost exactly 7 years since we wrote to this Planning Commission regarding SSE's comments to the prior version of the Diridon Station Area Plan (Attachment 7). Reviewing that letter feels like nothing has changed, as we are still talking about the same issues that existed back then. Let's hope it won't take another 7 years to resolve those issues!

Sincerely,

/s/ Lucy Lofrumento

Cc: Nanci Klein
Rosalynn Hughey
Johnny Phan
Cameron Day
Nora Frimann



SIDE LETTER REGARDING FUTURE DISCUSSIONS

This Side Letter Regarding Future Discussions ("**Side Letter**"), dated for reference as of August 15, 2018, is delivered by the City of San Jose ("**City**") and San Jose Arena Management, LLC ("**Manager**") as an expression of our mutual commitment to work together to help facilitate a bold new vision for the Diridon Station Area, for the good of the entire community.

BACKGROUND

On May 19, 2015, the City Council adopted Resolution number 77352 authorizing the City Manager to negotiate and execute a Second Amended and Restated Arena Management Agreement ("**AMA**") for the management of the City-owned SAP Center, extending the term of the 2000 Arena Agreement and amending other terms, consistent with the Term Sheet presented to the Council.

During the past three years of negotiations of the AMA, City and Manager have discussed future construction and development projects in the Diridon Station Area that may impact the availability and operation of parking facilities that serve the SAP Center, as well as access to and from those facilities.

The parties have now completed the drafting of the AMA consistent with the Term Sheet, including extensive provisions regarding on-site and off-site parking, transportation in and around the Diridon Station Area, and the need to anticipate and address changed conditions that result from new transit projects and/or private development projects.

THE NEED FOR CONTINUING DISCUSSIONS

Although the AMA is done and the parties are executing it concurrently with this letter, we know that our discussions are not done. We understand that the issues surrounding the development of the Diridon Station Area are complex, and the situation is constantly evolving. It will likely be many years before the parking and transportation "ecosystem" in the Diridon Station Area is stabilized.

Until such stabilization occurs, we will need to meet and confer regularly and often to discuss the ongoing public and private development projects in the Diridon Station Area, to try to find ways to facilitate the transformation of the Diridon Station Area into a master-planned transit-oriented community while meeting the access and parking needs of the SAP Center.

We believe that with proper planning, the Diridon Station Area can support robust corporate development, a multi-modal transportation system, and a successful world-class sports and entertainment arena. However, the plan must also address critical needs of the SAP Center regarding transportation and parking.

OUR MUTUAL COMMITMENT

Following the execution of the AMA, City and Manager will continue to meet in good faith to discuss long-term, integrated, and shared parking solutions for the benefit of the community and the key stakeholders in the Diridon Station Area, including transportation agencies and residential and corporate developers. These meetings will include discussions addressing (i) the City's desire to encourage construction and development projects in the Diridon Station Area; (ii) construction management plans, including mitigation of construction impacts; (iii) changes that may result from the new development; (iv) Manager's access and parking requirements in coordination with the transportation and development projects surrounding the SAP Center; and (v) alternative ways to achieve solutions for Manager's parking operations as part of the development of these projects.

Such discussions will recognize one of the primary objectives of the Diridon Station Area Plan, which is to "ensure the continued vitality of the San Jose Arena, recognizing that the Arena is a major anchor for both Downtown San Jose and the Diridon Station Area, and that sufficient parking and efficient access for Arena customers, consistent with the provisions of the Arena Management Agreement, are critical for the Arena's on-going success."

Without limiting the foregoing, Manager is open to the future possibility of relocating, reconfiguring, restructuring or otherwise reorganizing the parking facilities that serve the SAP Center, provided that any such reorganization is accomplished through a comprehensive plan that, on a holistic basis, preserves the access for SAP Center patrons and the overall quality of the parking ecosystem, including the operational and revenue-generating aspects of the parking as described in the AMA.

OUR MUTUAL INTENT

Nothing in this Side Letter modifies the AMA in any way. Further, nothing in this Side Letter obligates the parties to agree to any modifications to the AMA. This Side Letter does not constitute a binding contract, and does not create any contractual obligations or duties.

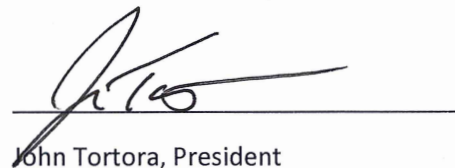
The purpose of this Side Letter is to reaffirm that the parties remain willing to meet and confer with each other as development plans for the Diridon Station Area evolve, to try to find mutually acceptable solutions for parking and transportation issues that arise over the next several years, with the express goal of helping to ensure that the SAP Center and its new neighbors will be able to co-exist successfully in a synergistic and dynamic transit-oriented community.

City of San Jose:

A handwritten signature in black ink, appearing to read "D. Sykes", written over a horizontal line.

David Sykes, City Manager

San Jose Arena Management, LLC:

A handwritten signature in black ink, appearing to read "John Tortora", written over a horizontal line.

John Tortora, President

From: Jonathan Becher <jbecher@sjsharks.com>

Sent: Monday, April 26, 2021 5:21 PM

To: mayoremail@sanjoseca.gov; Sam T. Liccardo (sam.liccardo@sanjoseca.gov) <sam.liccardo@sanjoseca.gov>; District1@sanjoseca.gov; sergio.jimenez@sanjoseca.gov; Raul Peralez - San Jose City Council (Raul.peralez@sanjoseca.gov) <raul.peralez@sanjoseca.gov>; dev.davis@sanjoseca.gov; District4@sanjoseca.gov; District5@sanjoseca.gov; District7@sanjoseca.gov; district8@sanjoseca.gov; District9@sanjoseca.gov; District10@sanjoseca.gov; david.sykes@sanjoseca.gov
Cc: city.clerk@sanjoseca.gov

Subject: Sharks Sports & Entertainment - November 16th City Council Study Session on Diridon Station Area Plan & Downtown West Project

Dear Mayor Liccardo and Councilmembers,

I am forwarding an email Sharks Sports & Entertainment (SSE) sent last night to thousands of our fans and patrons of SAP Center, many of whom previously expressed concern about the future of the arena amid the historic changes being planned for the Diridon Station area.

Given our years-long effort to work collaboratively with the City toward a transformative renewal of the Diridon Station area, we are disappointed that we cannot support the Downtown West project **as currently planned**. We still believe that the Downtown West project can co-exist with a successful, thriving arena. However, the City should not allow this project to proceed at the cost of the arena's future or the success of the Sharks franchise in San Jose.

The email below contains five of the critical project revisions requested by SSE to protect the future of the arena. If you have an interest in discussing these concerns and how they can be reasonably addressed to properly protect SAP Center, I would be happy to meet with you.

Sincerely,

Jonathan Becher

President, Sharks Sports & Entertainment



Dear Friends of SAP Center at San Jose:

This email is part of our continuing effort to keep you up to date with information related to the massive Downtown West (Google) project and how it may impact the future viability of SAP Center at San Jose.

Thank you to everyone who spoke up and asked that San Jose City Hall and Google address the needs of the arena. The highest-ranked response to the City's public survey reflected the community's concern that the arena should be protected by maintaining adequate access and parking, and mitigating construction impacts.

Despite this strong feedback from the community, and despite continued requests by Sharks Sports & Entertainment (SSE) to modify the project in a way that would not jeopardize the future of SAP Center, none of our requested modifications have been incorporated into the project documents.

With the recent release of the [development agreement between Google and the City of San Jose](#), Google's Downtown West project will now enter its final approval phase with public hearings scheduled for April 28 before the San Jose Planning Commission, and May 25 before City Council.

We are still analyzing the project documents, but believe the City and Google are headed down a path that will be even more devastating for the future of the arena than we originally projected. Therefore,

notwithstanding SSE's longstanding support for the City's development of the Diridon Station Area, SSE opposes the Google project as currently designed.

In 2018, [SSE and the City signed a letter of intent](#) to work together on the City's development goals for the area, with the understanding that the City would protect access and parking for SAP Center as required by the Arena Management Agreement between the City and SSE. We also agreed to allow the City to grant Google an option to purchase [SAP Center's main parking lots A, B & C](#), subject to our future consent, with the understanding that SSE's rights under the Arena Management Agreement would not be diminished.

Over the past several years, we have worked diligently to provide the City and Google with numerous specific comments about how development in the Diridon area could succeed while preserving adequate access and parking for SAP Center and protecting our customers from construction impacts. Unfortunately, to date we have not been able to come to an agreement with the City and Google about these important matters, and therefore at this time, SSE is not willing to consent to the sale of parking lots A, B & C to Google.

This decision is based on the enormous impacts the project will have on the operation of SAP Center and its patrons.

For example:

- Google's environmental report acknowledges that the project will likely increase daily automobile trips to and from the Diridon area by at least seven times (from 19,200 to 136,600 daily trips). Yet, the proposed project would significantly reduce the capacity of the street network to accommodate automobiles. We believe this will lead to gridlock.
- The cumulative effect of multiple large construction projects (including Google, BART, Caltrain, and potentially, high-speed rail) will result in decades of construction surrounding SAP Center, with no cohesive plan to mitigate these direct impacts on arena guests.
- Through their development agreement, the City will give Google broad and guaranteed long-term development rights,

eliminating the City's authority to fix or alleviate future, unexpected problems that may arise.

The following are some of the project revisions requested by SSE to protect the future of the arena:

1. Respect all City commitments in the Arena Management Agreement, and remove parking lots A, B & C from the Downtown West project until Google and the City propose a comprehensive plan to protect the arena .
2. Maintain current street lanes and capacity in the Diridon area to avoid traffic gridlock during ingress and egress for arena events and require Google to pay for all new traffic operation expenses that the Google project creates.
3. Provide 4,800 shared parking spaces as a minimum (not maximum) requirement and build the long-promised parking facilities just north of the arena.
4. Establish a construction impact management plan, with performance standards, in coordination with SSE to protect the arena and its patrons.
5. Ensure the City retains the authority to properly protect arena operations as a condition of future permits for the buildout of the Google project or for events that draw large crowds to the Diridon area.

Given our years-long effort to work collaboratively with the City and Google toward a transformative renewal of the Diridon Station area, we are disappointed that we cannot support the Downtown West project as currently planned. However, the City should not allow this project to proceed at the cost of the arena's future or the success of the Sharks franchise in San Jose.

The Downtown West project is scheduled for review by the City of San Jose's Planning Commission on Wed., April 28 at 6:30 p.m. To voice your concerns about the future of SAP Center and the Sharks with the Planning Commission, please click [here](#) no later than Noon on April 28.

You can also share your concerns with elected members of the San Jose City Council by clicking [here](#).

We still believe that the Downtown West project can co-exist with a successful, thriving arena, and we are committed to continuing

discussions with Google and City leaders to find reasonable solutions to protect SAP Center while also maximizing the development potential of the Diridon Station area.

Thank you for your support in helping protect the future of SAP Center.

VTA BART SILICON VALLEY PHASE II EXTENSION PROJECT - DIRIDON STATION
PRELIMINARY CONSTRUCTION MANAGEMENT PLAN
TO PROTECT SAP CENTER PATRONS & FACILITY OPERATIONS

Objective

VTA should prepare an enforceable SAP Center Preliminary Construction Management Plan with general requirements for all contractors, including specific performance standards described below, in coordination with the City of San Jose and SAP Center to ensure the protection of Arena patrons and facility operations. The VTA Board should adopt this Preliminary Plan at the earliest feasible time, use it as a guide for all future phases of project planning, and thereafter include it in all subsequent design, engineering and construction contracts as well as any City agreements including Construction Impact Mitigation Plans and encroachment permits.

Background

The SAP Center is an essential public facility with over 150 events a year and more than 1.5 million patrons which drive economic development in the downtown area. Comprehensive traffic, access and parking management that ensures patron safety and convenience has been a key element of the Arena's success for over 25 years and is governed by the Arena Traffic and Parking Management Plan (TPMP) adopted by the City.

Consistent with the objectives TPMP and other agreements SAP Center has with the City, VTA must be committed to adjust the method, scope, timing and sequence of the construction to avoid and minimize impact to the SAP Center's business and ensure it can continuously operate with no negative impact to the public. VTA must also give careful consideration for access, recognizing that this is at the core of SAP Center's successful event operations.

General Requirements

The VTA must understand and be sensitive to the unique operational requirements of the SAP Center which will be in continuous operation throughout the performance of BART Phase II construction work in and around the Diridon Station area and directly adjacent to the Arena over many years. If the safety of SAP Center patrons and building operations becomes a major objective in planning the Diridon Station construction project, then by extension maintaining the continuity of arena programs, events, operations and activities in a safe and secure manner for all customers, employees and the general public to the maximum extent feasible will be project priorities as well.

VTA must acknowledge that modification of its approach to the BART construction project, including method, scope, timing and sequence, will be required to avoid and lessen impacts to

SAP Center. Construction must be scheduled and executed in a manner that will enable the SAP Center to maintain its full level of scheduled events and implement them without interruption. Where the project includes work that will affect or impact SAP Center events, contractors must maintain and safeguard Arena operations including traffic flow, pedestrian walkways, parking and access.

Contractors will be required develop, maintain, and implement a plan of construction operations for maintaining and protecting all Arena patrons and operations which will include submittal for approval of plans, computations, a detailed description of the construction procedures, and a schedule for accomplishing the work, including methods of protecting arena events and operations through adequate interface plans. It should include working drawings as well as a detailed narrative describing how the plan is to be implemented.

Oversight of all contractor efforts in this area is critical, and VTA will assure that all bid documents and contracts specify that a designated City staff person has the authority to issue stop orders or to temporarily halt contractor activities if the construction management program is not properly maintained and SAP Center events are impacted. Construction contracts should include such requirements and define the contractual liability imposed for failing to achieve them.

A Final Construction Management Plan will also prepared for review by stakeholders during the engineering and design phase of the project and approval by the VTA Board well in advance of the commencement of construction work. VTA staff will develop the Final Plan in coordination with SAP Center and the City. SAP Center will have the right to comment on and reasonably approve the Final Construction Management Plan, including making requests for inclusion of addition general requirements and performance standards based on new information that becomes available as project construction plans and phasing are developed by VTA.

Specific Performance Standards

Construction Activities During Arena Events

- No above ground BART construction activities will be conducted within 1/3 of a mile of the SAP Center property during arena event operation periods.
- The City, VTA and SAP Center will update the current Arena TPMP to ensure BART construction activities integrate effectively into current traffic and parking management plans that ensure successful Arena operations.
- Any BART construction activities which may impact SAP Center operations will be coordinated through existing event operation planning and execution efforts between the City and SAP Center.

- VTA will also coordinate with the City, SAP Center and other construction projects to minimize cumulative construction impacts that overlap within 1/3 mile of the Arena.

Vehicular, Pedestrian and Bicycle Access & Traffic

- VTA will prepare a traffic control plan to provide safe and continuous passage to pedestrians, bicyclists and vehicular traffic to and from SAP Center and that allow for safe construction of the project at all times.
- Vehicular access to and from SAP Center will be maintained at levels and standards prior to commencement of construction during all events.
- The Diridon Station construction zone must avoid intrusion into Santa Clara Street right of way. No road closures will occur, and two unobstructed lanes for traffic operations in each direction with current lane widths will be maintained at all times.
- Santa Clara Street sidewalks will be maintained at full width and remain open to pedestrians at all times.
- The project will maintain at least one safe and convenient access route with two lanes in both North and South bound direction through the construction zone for pedestrians, bicyclists and vehicles coming to and from SAP Center south of Santa Clara Street.
- Pedestrian and bike routes of access will be safely maintained through and adjacent to construction work areas.
- Emergency vehicle access to and from the Arena will be maintained at all times.
- Dynamic signage indicating available routes and accessibility to the Area will be used in the vicinity of construction for major Arena approach routes.

Parking

- VTA will provide replacement parking for all on- and off-street parking temporarily lost to construction in the Diridon Station area during the entire period of the construction project.
- To minimize the impacts of construction on remaining parking inventory, construction crew members will not arrive to the work area in personal vehicles, but rather crew parking will be centralized at specific staging areas outside of the Diridon Station area.
- Only required work vehicles and equipment will be deployed to the work areas, minimizing congestion of unnecessary vehicles near the Diridon Station.

- Any construction crews will depart in adequate time to make existing parking supply readily available for Arena patrons before events so that parking supply is readily available at 6:30 PM.

Truck Traffic/Equipment Staging

- All truck ingress, staging and egress for the Diridon Station construction area will occur south of Santa Clara Street.
- No equipment or truck staging will occur North of Santa Clara Street within 1/3 of a mile of the Arena property.
- On Arena event days, all downtown station truck traffic will be routed away SAP Center during scheduled operations.
- Truck headways will be established to avoid platoons of trucks upon on local streets near the Arena.

Construction/Staging Area

- The construction/staging area will be appropriately screened along Santa Clara Street to reduce visual effects on SAP Center patrons.
- Location of construction material stockpile areas will not be visible from any road.
- No unnecessary idling of heavy equipment will occur in the construction/staging area.
- Construction equipment will be located as far away from the Arena as reasonable feasible.

Dust/Debris/Noise

- At truck exit areas, wheel washing equipment will be used followed by street weeping to maintain clean streets and reduce street debris.
- Wind fencing and phased grading operations will be implemented along with use of water trucks to minimize and control fugitive dust.
- Street watering will occur on surrounding streets at least once a day.
- Noise barrier walls will be used around the construction/staging zone to reduce construction noise levels to an appropriate level.

- Noise producing fixed equipment will be put within enclosures to further mitigate noise.

Utilities

Coordination and repositioning must be done to ensure uninterrupted service of all utilities for SAP Center.

Technical Memo

DIRIDON STATION AREA STREET NETWORK



To: Jim Goddard, SAP Center at San Jose

From: Jim Benshoof, Registered Traffic Engineer in California (TR 2289)

gab

Date: May 21, 2020

Subject: SAP Center Recommendations for Diridon Station Area Street Network

INTRODUCTION

This Technical Memo provides recommendations concerning certain transportation planning issues that are critical to the continuing success of SAP Center. These issues have arisen in connection with the City's current efforts to amend the Diridon Station Area Plan to accommodate Google's Downtown West project, the new integrated transit station, and other developments in the Diridon Station area. There are numerous transportation issues associated with the proposed developments, but this Memo focuses only on impacts related to potential changes to the street network, including changes shown on various plans posted by the City on its websites, and in particular the slide presentation dated April 3, 2020, entitled "Transportation" and presented by Ramses Madou (the **Transportation Slide Presentation**).

It is widely recognized that the construction of BART, High Speed Rail, Downtown West and other developments will cause severe traffic and parking problems for SAP Center, other downtown businesses and nearby neighborhoods for many years, if not decades. Even following completion of construction, SAP Center and others will be facing ongoing traffic and parking impacts caused by the intensification, such as an increase in traffic volumes on local roadways and an increase in parking demand (without a corresponding increase in parking supply).

Although the City has placed a strong emphasis on pedestrians, bicycles and mass transit to solve transportation issues in the downtown core, this effort seems disproportionate when considering that there has been no meaningful change in the drive-alone commute mode share since at least 2007. (Excerpts from the 2019 General Plan Annual Performance Review are attached as **Exhibit A**.) Studies have shown that automobile access will remain essential for the majority of SAP Center customers for the foreseeable future (including those arriving via ride share services), especially since most of SAP Center's customers live in areas not well-served by transit. Therefore, SAP Center must remain vigilant about reviewing development proposals in order to advise City planners of potential negative

impacts relating to accessibility, traffic capacity, parking, extraordinary traffic management measures, and so forth.

COORDINATION UNDER ARENA MANAGEMENT AGREEMENT

The Arena Management Agreement (AMA) requires close coordination between the City and SAP Center regarding transportation matters that may affect ingress to and egress from the Arena, with the objective of ensuring that appropriate mitigation measures are included to protect the Arena's operations from adverse impacts. Among other things, the City must coordinate "regarding any material changes to the design, configuration or operation of the major streets and intersections in the vicinity of the Arena to the extent that they may have a direct impact on the safe and efficient flow of vehicular, bicycle, and pedestrian traffic to and from the Arena." Prior to undertaking any work, the City must meet with Manager "to discuss Manager's input and suggestions." (AMA Section 21.)

This Memo is intended to be shared with the City as part of such coordination efforts, and includes specific recommendations to help ensure that any changes to the street network will not adversely impact SAP Center's operations.

STREET NETWORK ELEMENTS

When evaluating the street network in terms of efficient ingress and egress for SAP Center event customers, we believe that the following three elements are the most significant:

1. The location and arrangement of street segments between the Arena and freeway ramps in terms of their ability to provide direct, accessible routes for SAP Center customers;
2. The capacity of such street segments to handle the volume of traffic generated by Arena events when combined with peak hour traffic, based primarily on the number of traffic lanes included in each segment; and
3. The width of the traffic lanes in terms of the ability of traffic to flow freely and safely at a reasonable speed.

The Transportation Slide Presentation included information relevant to item 1 above, but not items 2 or 3. Both item 2, number of traffic lanes, and item 3, lane widths, are highly important regarding adequate functioning of the roadway system, and thus those items also are addressed in this Memo.

LANE WIDTHS

Historically, the standard traffic lane width has been 12 feet. Increasingly, in dense urban areas such as the Diridon Station Area, governmental agencies have used 11

foot lanes for through traffic and a 10 foot width for turn lanes. For all roadways in the Diridon Station Area, we recommend that all through traffic lanes remain at least 11 or 12 feet wide, and that all turn lanes remain at least 10 to 12 feet wide. Anything less could result in serious safety problems, road congestion, and other traffic issues. If a roadway includes flex lanes, those lanes can be used for parking, drop-off, loading or travel lanes if they are at least 10 feet wide. If narrower than 10 feet, they should not be used for travel lanes.

REVIEW OF ROADWAY SECTIONS

The remaining sections of this Memo describe and review each of the following roadway segments in terms of ingress and egress for SAP Center event customers:

- a) Bird Avenue and Autumn Street between I-280 and Santa Clara Street
- b) Santa Clara Street between Stockton Avenue and Almaden Boulevard
- c) Julian Street between Stockton Avenue and Highway 87
- d) Delmas Avenue between Santa Clara Street and Highway 87
- e) Exit ramp from northbound Highway 87 to Santa Clara Street

The roadways listed in a) through d) are included in this Memorandum because, based on our experience over the years, these locations have shown to be especially important in effectively accommodating traffic ingress and egress for SAP Center events, a conclusion that is reinforced by traffic volume data. The sections discussing these four roadway segments also include the recommended number of traffic lanes necessary to adequately accommodate SAP Center traffic.

The freeway off-ramp listed in e) above is included in this Memo because it is being considered for closure by the City (which would be disastrous for SAP Center).

There are many other roadways, intersections and off-ramps that impact SAP Center, but the above are the ones that merit comment at this time based on the Transportation Slide Presentation.

Several sections in this Memo refer to traffic volumes for SAP Center motorists and total traffic volumes. The source for these volumes is Figure 8a, Background Traffic Volumes, San Jose Ballpark Supplemental EIR, produced by Hexagon Transportation Consultants, Inc. (This Figure is attached as **Exhibit B.**)

A. BIRD AVENUE AND S. AUTUMN STREET BETWEEN I-280 AND SANTA CLARA STREET

For the purpose of this section, two presumptions, per the City's plans, are 1) that S. Autumn Street will be converted to a two-way roadway between its existing intersection with S. Montgomery Street and Santa Clara Street and 2) that S. Montgomery Street will be converted to a two-way local street, which will extend only between San Fernando and Santa Clara Streets.

During the 6 to 7 pm hour before an SAP Center event, this route from I-280 accommodates about 500 vehicles traveling northbound to the event. During this hour, the total northbound traffic at San Carlos Street typically exceeds 1,100 vehicles. During the exiting peak hour from an SAP Center event, the number of southbound SAP Center vehicles exceeds 500 because a larger portion of the total attendees exit during this peak hour.

In the Transportation Slide Presentation, the Bird Avenue/Autumn Street route is shown to be a City Connector route. According to the City's 2040 General Plan, "These streets typically have four or six traffic lanes and would accommodate moderate to high volumes of through traffic within and beyond the City."

The recommended number of lanes along this route is as follows (which is consistent with existing conditions from I-280 to the existing S. Montgomery/S. Autumn intersection, and also consistent with the City's designation as a City Connector route):

- Bird Avenue between I-280 and San Carlos Street – three through lanes in each direction, with left and right turn lanes and a raised center median
- Bird Avenue between San Carlos Street and Park Avenue – three through southbound lanes, two through northbound lanes, with left and right turn lanes and a raised center median.
- S. Autumn Street between Park Avenue and Santa Clara Street, two through lanes in each direction, with a left turn lane and a raised center median, except that a third southbound lane is needed on the approach to Park Avenue.

B. SANTA CLARA STREET BETWEEN STOCKTON AVENUE AND ALMADEN BOULEVARD

During the 6 to 7 pm hour before an SAP Center event, westbound Santa Clara Street west of Highway 87 accommodates about 850 vehicles traveling to the event. The total westbound volume at this time and location on Santa Clara Street is about 1,500 vehicles. In addition to this heavy use of westbound Santa Clara Street west of Highway 87, eastbound Santa Clara Street also accommodates a

significant volume of SAP Center vehicles during the arrival peak period, many of which are destined to parking in the Cahill Lots.

In the Transportation Slide Presentation, Santa Clara Street is shown to be a Grand Boulevard. According to the City's 2040 General Plan, "Grand Boulevards serve as major transportation corridors that connect City neighborhoods. In most cases these are primary routes for VTA light-rail, bus rapid transit (BRT), and standard/community buses, as well as other public transit vehicles....These streets accommodate moderate to high volumes of through traffic within and beyond the city."

SAP Center would not be negatively impacted by the City's designation of Santa Clara Street as a Grand Boulevard. To effectively accommodate both regular traffic and Arena traffic in the 6 to 7 pm hour before events, it is recommended that this street maintain the existing two general traffic lanes in each direction, with left turn lanes and a raised center median. If a dedicated transit lane is considered, it should be in addition to the existing general traffic lanes.

C. JULIAN STREET BETWEEN STOCKTON AVENUE AND HIGHWAY 87

During the 6 to 7 pm hour before an SAP Center event, westbound Julian Street west of Highway 87 accommodates about 400 vehicles traveling to the event. During this hour, the total westbound volume at this location on Julian Street is about 800 vehicles. Eastbound Julian Street between Stockton Avenue and the parking entrance at N. Montgomery Street also accommodates a significant volume of SAP Center vehicles during the arrival peak period. A high volume of SAP Center traffic in the reverse directions also occurs during the peak period at the end of an event.

The City's 2040 General Plan shows Julian Street to be a City Connector between N. Autumn Street and Highway 87 and a Local Connector between N. Autumn Street and Stockton Avenue. The Transportation Slide Presentation does not address the function of Julian Street east of N. Montgomery Street and designates this street as a City Connector between N. Montgomery Street and the railroad tracks. According to the City's 2040 General Plan, a Local Connector is similar to a City Connector, except that it would accommodate lower volumes and generally provide just two traffic lanes.

Though there are some differences between the functional designation for Julian Street in the 2040 General Plan, as compared to the designation shown in the Transportation Slide Presentation, the basic emphasis of both documents designating Julian Street as a City Connector is acceptable for SAP Center. The same designation (as a City Connector) is needed between N. Montgomery Street and Highway 87, given the SAP Center parking access at N. Montgomery Street and the plans to possibly extend Cahill Street north to N. Montgomery Street and then Julian Street. If the City prefers designation of Julian Street as a Local Connector west of N. Montgomery Street, that would also be acceptable for SAP Center.

To adequately accommodate SAP Center event traffic, it is recommended that Julian Street between N. Montgomery Street and Highway 87 provide two through lanes in each direction, with a left turn lane and raised center median. Between Stockton Avenue and N. Montgomery Street, Julian Street should provide one lane in each direction, with a westbound right turn lane provided at Stockton Avenue and eastbound left and right turn lanes provided at N. Montgomery Street. All the above lane recommendations are consistent with the City's functional designations and with existing conditions.

D. DELMAS AVENUE BETWEEN SANTA CLARA STREET AND HIGHWAY 87

Delmas Avenue has served two highly important traffic functions for SAP Center:

- Access to large parking lots on both sides of Delmas Avenue between Santa Clara and San Fernando Streets that have been heavily utilized by SAP Center customers.
- Egress route from SAP Center parking in the Delmas and Diridon areas to a southbound Highway 87 entrance ramp from Delmas Avenue just south of Auzerai Avenue. This high volume exit route is estimated to accommodate at least 750 vehicles in the exiting peak hour, which is the volume of SAP Center vehicles during the arrival peak hour that turn left onto Santa Clara Street from the northbound Highway 87 exit ramp to Santa Clara Street.

The City's 2040 General Plan shows Delmas Avenue as a City Connector between Santa Clara and San Fernando Streets and appears to show this street as a Local Connector between San Fernando Street and Auzerai Avenue. The Transportation Slide Presentation shows Delmas Avenue as a Local Connector between Santa Clara and San Fernando Streets and does not address the functional designation south of San Fernando Street.

SAP Center would not be negatively impacted if the City designates Delmas Avenue as a Local Connector over the full distance between Santa Clara Street and Auzerai Avenue, so long as sufficient traffic lanes are provided to accommodate SAP Center traffic. Specifically, it is recommended that Delmas Avenue incorporate the same number and type of traffic lanes as are presented in the prior Delmas TOD development plans approved by the City, including:

- Two northbound lanes on Delmas Avenue approaching Santa Clara Street
- Two southbound lanes on Delmas Avenue approaching San Fernando Street
- Restriping Delmas Avenue between San Fernando Street and Park Avenue to provide two southbound lanes

E. EXIT RAMP FROM NORTHBOUND HIGHWAY 87 TO SANTA CLARA STREET

This exit ramp is one of several freeway interchanges that are critical in accommodating SAP Center motorists as they travel from the regional highway system to local streets that serve SAP Center. This particular exit ramp is addressed in this Memo, because the City is considering closing this ramp.

The Hexagon traffic information attached as Exhibit B to this Memo includes counts of SAP Center traffic during the 6 to 7 pm hour before an event at this exit ramp from northbound Highway 87 to Santa Clara Street, together with counts at the Highway 87 and Julian Street interchange and at the I-280/Bird Avenue interchange. These counts reveal that significantly more SAP Center event traffic uses the Highway 87 exit to Santa Clara Street than either of the other two interchanges:

- Total of 990 SAP Center motorists on the Santa Clara Street exit ramp – 760 turning left to the west on Santa Clara Street and 230 turning right to the east.
- Total of 515 SAP Center motorists on the two exit ramps to Bird Avenue from I-280
- Total of 390 SAP Center motorists on the two exit ramps from Highway 87 to Julian Street

A primary reason for the high counts on the Santa Clara Street exit ramp is that Santa Clara Street is centrally located relative to SAP Center parking both near the Arena and in the downtown area. Given the convenience of this access and its high usage for SAP Center customers, closure of this ramp would have two serious negative consequences:

- Require SAP Center customers to choose and navigate much less convenient routes to access their preferred parking locations.
- Likely cause serious congestion on the remaining entry routes, e.g. Bird Avenue from I-280 and Julian Street from Highway 87.

To avoid these serious negative impacts, it is imperative that the exit ramp from northbound Highway 87 to Santa Clara Street be retained, without change.

Exhibit A

Excerpts from San Jose 2019 General Plan Annual Performance Review

MAJOR STRATEGY #11 – DESIGN FOR A HEALTHFUL COMMUNITY

The General Plan supports the physical health of community members by promoting walking and bicycling as travel options, encouraging access to healthful foods, and supporting the provision of health care and safety services. Specifically, the Land Use and Transportation Chapter includes a set of balanced, long-range, multi-modal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable. One such policy includes reducing the automobile commute mode share to no more than 40% by 2040, with goals to increase various other modes accordingly (see Figure 18).

Figure 18. Commute Mode Split Targets for 2040

COMMUTE TRIPS TO AND FROM SAN JOSE		
MODE	2017	2040 GOAL
Drive Alone	75.4%	No More than 40%
Carpool	11.9%	At least 10%
Transit	5.0%	At least 20%
Bicycle	0.8%	At least 15%
Walk	1.4%	At least 15%
Other means (including work at home)	5.5%	See Note 1
Source: U.S. Census Bureau, 2017 American Community Survey 1-Year Estimates		
Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.		

In order to measure the proportion of commute travel using modes other than the single-occupant vehicle, data was collected from the ACS for the most recent available data (2013 through 2017) for San José. As shown in Figure 18, there has not been a meaningful change in commute mode shares. Out of the five targets set for commute modes, only the Carpool Target has been met. It should also be noted that 11.7% of San José residents work outside of Santa Clara County.

Figure 19. San José Commute Modes, Workers 16+ Years, 2011-2017

Mode	Year						
	2007-11	2008-12	2009-13	2010-14	2011-15	2012-16	2013-17
Drove alone	78.0%	77.8%	77.5%	77.7%	77.1%	76.3%	75.9%
Carpooled	10.6%	10.8%	11.3%	11.1%	11.3%	11.6%	11.7%
Public transit (excluding taxicab)	3.4%	3.5%	3.5%	3.7%	3.9%	4.1%	4.5%
Walked	2.0%	1.8%	1.7%	1.6%	1.6%	1.6%	1.7%
Bicycle	0.9%	0.9%	0.9%	0.9%	1.0%	0.9%	0.9%
Other means	1.4%	1.3%	1.3%	1.2%	1.2%	0.8%	1.2%
Worked at home	3.7%	4.0%	3.9%	3.9%	3.9%	4%	4.1%
Work outside Santa Clara County	11.2%	11.2%	11.1%	11.1%	11.3%	11.3%	11.7%

Source: United States Census Bureau, American Community Survey, 5-year Estimates, Table S0801

Reflective of development patterns and access to public transit, residents living in Downtown San José use a higher percentage of alternative transportation modes compared to citywide statistics, as shown by the table below.

Figure 20. Commute Modes for Downtown Block Groups, Workers 16+ Years, 2013 - 2016

Means of Transportation	2009-2013	2010-2014	2011-2015	2012-2016	2013-2017
Drove alone	61.7%	60.6%	63.3%	63.1%	63.7%
Carpooled	5.4%	5.7%	3.9%	5.1%	5.8%
Public transportation (excluding taxicab)	15.7%	13.4%	14.8%	15.8%	18.0%
Walked	7.5%	9.2%	7.3%	8%	6.7%
Bicycle	2.1%	2.7%	2.9%	1.9%	1.4%
Taxicab	0.5%	0.5%	0.7%	0.4%	0.3%
Worked at home	4.6%	4.8%	5.0%	4.3%	5.3%
Other means	2.2%	3.2%	2.0%	0.8%	0.3%

Source: American Community Survey, 5-Year Estimates, B08301



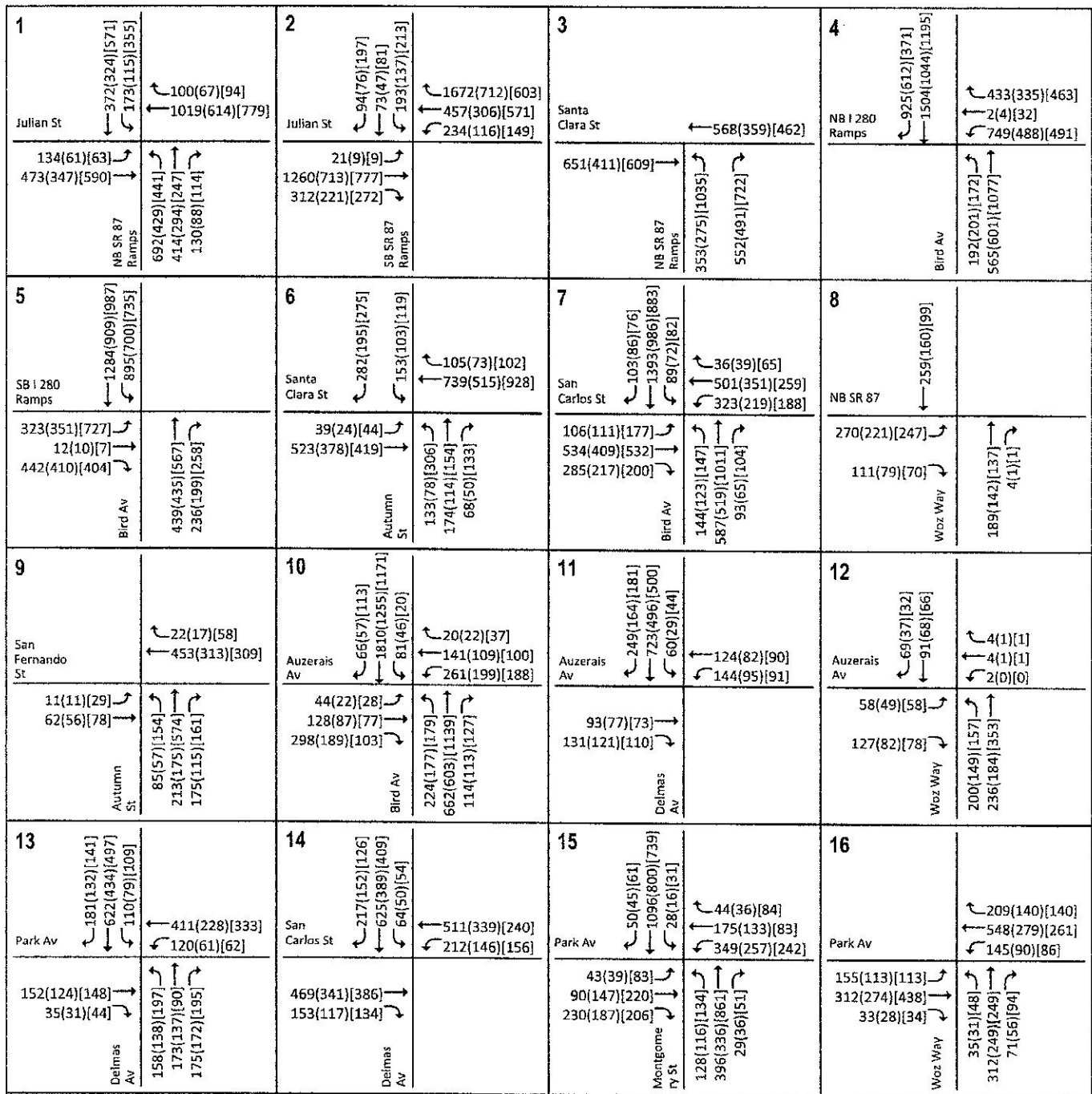
Other measures of determining whether San José is achieving a balanced transportation network include WalkScore, BikeScore, and TransitScore. These annual online assessments measure a geographical area's walkability,

bikeability, and access to public transit. According to this year's analysis, San José has a WalkScore of 51 out of 100 (somewhat walkable), a BikeScore of 59 out of 100 (bikeable – some bike infrastructure), and a TransitScore of 41 out of 100 (some transit). The City's WalkScore, TransitScore, and Bike Score stayed the same from the previous year.

The Santa Clara Valley Transportation Authority's (VTA) Next Network project is a redesign of the transit network and is one component of VTA's Transit Ridership Improvement Program. The Transit Ridership Improvement Program is an effort to make public transit faster, more frequent and more useful for Santa Clara County travelers. The Next Network project concerns VTA's transit operations and seeks to 1) better connect VTA transit with the Milpitas and Berryessa BART stations; 2) increase overall system ridership; improve VTA's farebox recovery rate. VTA's implementation of the Next Network project will support the commute mode split targets of the General Plan. The Next Network aims to align with the commencement of BART operations in the South Bay.

Bay Area Bike Share. In 2013, Bay Area Bike Share was introduced as a pilot program for the region. In December 2015, City Council unanimously approved plans to expand San José's bike share program to 1,000 bicycles with 100 parking stations over the next two years. In 2017, Motivate, the bike share operator, reinvented their bike share system with FordGo Bike and replaced existing equipment with new stations and bicycles. In 2017, the City hosted 45 bike share stations. During 2018, the City planned to add 38 more stations to its system for a total of 83 stations. As of August 2019, the City has 72 stations. Complete build-out of the 83 stations is expected in the next 3-6 months. During summer 2018, in

Exhibit B



LEGEND

XX(XY)[XX] = 5-6PM(6-7PM No Hockey)/(6-7PM With Hockey) Peak-Hour Traffic Volumes

Figure 8a

BACKGROUND TRAFFIC VOLUMES

December 4, 2020

**SUPPLEMENT TO WENCK MEMO DATED MAY 21, 2020, ENTITLED:
“SAP CENTER RECOMMENDATIONS FOR DIRIDON STATION AREA STREET
NETWORK”**

BACKGROUND

The Wenck memo dated May 21, 2020, was based on information available at that time regarding the planned Downtown West Mixed-Use Development. The purpose of this document is to supplement that memo based on information presented in the “Downtown West Mixed-Use Plan, Draft Environmental Impact Report,” dated October 2020 (DEIR). This document and the Wenck memo were prepared by Jim Benshoof, registered traffic engineer in California (TR 2289).

SUPPLEMENTAL COMMENTS REGARDING PARTICULAR STREET SEGMENTS

- a) Bird Avenue between San Carlos and Park – A problem exists, because the recommended plan in the DEIR would eliminate an existing third southbound lane, would eliminate the existing southbound right turn lane at San Carlos, and would eliminate the existing northbound right turn lane at Park. In addition to causing capacity problems along this segment, these changes would cause a serious design transition problem through the San Carlos intersection.
- b) Autumn Street between Park and San Fernando – The recommended plan for this segment would provide just one lane in each direction and a center left turn lane. This plan would cause insufficient capacity to accommodate the projected traffic and would cause a design transition problem through the Park intersection.
- Autumn Street between San Fernando and Santa Clara – The recommended plan for this segment would provide just one lane in each direction, without a center left turn lane. This plan would result in insufficient capacity to accommodate the projected traffic and would cause a design transition problems through the San Fernando and Santa Clara intersections. Plans presented in the DEIR to extend Cahill Street to Park Avenue will not be able to overcome the capacity deficiencies on Autumn Street for multiple reasons, including:
 - Access for parking facilities is much more oriented to Autumn Street. Motorists will prefer to stay on Autumn Street for parking ingress and egress.
 - Cahill Street will stop at Park Avenue and will not have continuity to I-280. This lack of continuity would deter motorists from maneuvering between the south on Bird Avenue and the north on Cahill Street.
 - The intersection of Cahill Street and Park Avenue would be highly problematic. The steep grade on Cahill Street approaching Park Avenue, and the close spacing between the railroad overpass and the Autumn/Bird intersection would create operational problems.
- Julian Street between Stockton and Hwy. 87. The plan recommended in the DEIR would eliminate the existing eastbound right turn lane at Montgomery Street, which would increase delays for eastbound traffic, including motorists traveling to SAP Center.
- Delmas Avenue between Santa Clara and San Fernando – If this street segment is closed, it is important that all parking spaces can be accessed from both Santa Clara and San Fernando.

- Delmas Avenue south of San Fernando – A condition of approval for the former Delmas TOD project is that the project includes restriping of Delmas between San Fernando and Park to provide two southbound traffic lanes. In order to avoid serious congestion after SAP Center events, it is highly important for this condition to be retained in an approval for development on the Delmas parcels.

SUPPLEMENTAL COMMENTS REGARDING TRAFFIC MANAGEMENT

Page 269 in Appendix M for the DEIR makes reference that Autumn Street could accommodate three lanes of traffic for southbound SAP Center egress. To provide that three lane capacity, Autumn Street would have to be converted from a two-way street to a one-way street during the egress period for SAP Center events. This temporary conversion of the street from two-way to one-way operation would cause two serious problems: a) high expense for traffic management personnel and control equipment and b) disruption for non-event traffic accustomed to two-way operation. For these reasons, it is important to effectively accommodate SAP Center egress traffic without temporary conversion of one or more streets to one-way operation. On the other hand, SAP Center has successfully implemented closure of certain street blocks or prohibition of flow in one direction during event traffic conditions. Such measures can continue to be considered for future event traffic management.

From: Jim Goddard

Sent: Thursday, April 1, 2021 6:51 PM

To: Klein, Nanci (Nanci.Klein@sanjoseca.gov) <Nanci.Klein@sanjoseca.gov>

Cc: Jonathan Becher Jon Gustafson; Ken Caveney; Sean Morley; Lucy Lofrumento; Cameron.Day@sanjoseca.gov; Jessica Zenk (jessica.zenk@sanjoseca.gov)

Subject: Requests for Modifications to Protect SAP Center

Nanci,

As you know, SSE has been working hard to keep up with the proposed Downtown West project entitlements, which pose severe ramifications for the future viability of the SAP Center. With recent updates and modifications provided in March, including the DSAP Amendment and associated CEQA documents, the materials now include thousands of pages, and we understand more information is still pending release including a draft development agreement.

We are providing the attached document, which the mayor requested during our recent meeting, that addresses SSE's requests for modifications to protect the SAP Center through this unprecedented land use entitlement process. These modifications are generally consistent with the key issues list previously shared and discussions the SSE team has had with City and Google representatives over a very long period of time.

In our recent communications it has become apparent there is no current consensus among the parties (even on a conceptual level) regarding the terms under which SSE would be able to consent to Google's purchase of Lots A, B & C. And, although SSE remains committed to continuing discussions with the City and Google about acceptable terms, there is no guarantee that such an agreement will ever be achieved. Thus, the document includes a number of requests to ensure the proposed project at a minimum remains consistent with the current Arena Management Agreement. We look forward to discussing this list and associated comments with you and Google.

While we have tried to ensure that the request document is comprehensive, it remains a work in progress. SSE is working hard to finish its review, but this is a difficult task given the volume and complexity of the approval documents and the importance they have for the future viability of the SAP Center. We may change or add requests once the development agreement is released and we can complete review of all final materials that will be presented to the City Council for approval.

Please distribute this email and attached document to others at the City as you deem appropriate.

SHARKS SPORTS & ENTERTAINMENT LLC

Downtown West Mixed-Use Plan

Requests for Modifications to Protect the SAP Center

April 2, 2021

SSE requests that the City and Google make the following modifications to the draft land use entitlements applications proposed by Google for the Downtown West Mixed Use Plan, in order to ensure the City-owned arena is properly protected and that the primary objective of the current Diridon Station Area Plan, adopted in 2014, is fulfilled:

Ensure the continued vitality of the San José Arena, recognizing that the San José Arena is a major anchor for both Downtown San José and the Diridon Station area, and that sufficient parking and efficient access for San José Arena customers, consistent with the provisions of the Arena Management Agreement, are critical for the San José Arena's on-going success.

At a minimum, the City and Google are required to ensure that the proposed land use entitlements are consistent with SSE's rights under the Arena Management Agreement. In many instances, the land use entitlement documents directly conflict with the AMA, and require modification in order to conform.

Request #1: Expressly incorporate the current DSAP objective to protect the arena in each of the project approvals requested by Google, and require each future development within the mixed-use plan to fulfill this obligation prior to receiving final city approval.

Comment: Both Google and the City have assured SSE that the Downtown West project will benefit the arena and that future development of the project will not impact the facility's operations or the safety of its patrons, consistent with the DSAP arena objective above. However, this objective is not included anywhere in the goals of the project, nor is it incorporated into any of the specific application documents. This objective must be embedded in the project approvals to ensure the requirement will be achieved.

The land use approvals Google seeks are unprecedented in terms of the breadth of flexibility provided and lack of discretionary review the City will retain going forward. However, the applications remain completely silent about the future operations of the arena. Unless specific language to protect the arena is included now, the City may not be able to prevent future developments that will likely imperil the operations of SAP Center.

Request # 2: Maintain the current General Plan and Zoning District designations on the arena parking lots as “Public/Quasi Public” and maintain the current parcel lines for the arena land (including the adjacent parking lots) without new mapping; remove these parcels from the Downtown West project entitlement approval documents.

Comment: Neither the City nor Google has made a formal request for SSE to consent to the transfer of the arena parking lots (Lots A, B and C) for inclusion in the project, nor have the issues SSE identified more than two years ago to support potential transfer been addressed in any material way. In order for the arena to remain a thriving part of the downtown and continue to serve as a long-term home for the Sharks, arena parking lots should not be included in the Google project until their development is reasonably foreseeable.

More important, the City is precluded under the Arena Management Agreement from creating new burdens on title to the property leased by SSE under the agreement, including the arena parking lots A, B and C. Rezoning of these specific parking lots adjacent to the arena as part of the Google project and approving the PD Permit and Tentative Map with these parcels included will create a burden on title to the arena property and so cannot be undertaken by the applicant or the City without SSE’s consent. Google has already excluded properties owned by Caltrain and the VTA, and so can easily accomplish this modification.

Request # 3: Clarify that, even if and when SSE approves of changes to the zoning for arena parking lots A, B and C, the interim use of that property shall remain an existing permitted use pursuant to current zoning district designation without a requirement to obtain a Downtown West Use Certificate or Use Permit or any other conditions of approval. Further, clarify existing non-conforming uses to expressly state that these arena parking lots will remain a conforming use rather than become legal non-conforming one as provided for in the applications.

Comment: The City has obligations to its residents (who approved and paid for the arena), to not shorten or diminish the usefulness of the arena facilities, and has made similar agreements with SSE in the AMA. The A, B and C parking lots are integral to the success of the SAP Center and must remain permanent, at least so long as the current AMA remains in place, especially with the elimination of adequate parking supply in the area. Changing the allowed uses on these lots prior to imminent development, and making existing permitted uses legally non-compliant, will limit the arena operator’s ability to maximize the economic use of the facilities as currently allowed by the AMA.

Request # 4: Modify the circulation plan and mobility requirements to provide the following street network changes:

- a) Delete all references to the Cahill Street extension north of Santa Clara Street across arena parking lots until such time as the properties are available for development, and after SSE consents to a transfer of the property.

- b) Provide two through lanes and a left turn lane in each direction on Barack Obama Blvd. (Autumn Street) between Santa Clara Street and Park Avenue in accordance with currently adopted City plans for Autumn Street.
- c) On Santa Clara Street, maintain two general traffic through lanes in each direction and one or two left turn lanes, as needed, between Stockton Avenue and Almaden Blvd.
- d) Maintain level of service D or better during the arrival peak hour for SAP Center events on principal traffic routes used by SAP Center customers (Autumn corridor, W. Santa Clara corridor, and Julian corridor), except that no traffic lanes would need to be added beyond the existing lanes at any intersection to achieve level of service D. This exception would not apply to Barack Obama Blvd. (Autumn St.), because that street is planned to be converted from one-way to two-way operation (see point b) above).

Comment: SSE has repeatedly advised the City and Google that proposed reduction in street network capacity by eliminating roads and lanes on remaining ones, while increasing daytime population in the area by a factor of 20, will create gridlock for residents, workers, and visitors, including arena patrons. SSE continues to share information with the City and Google which confirms this patently obvious conclusion. Studies produced by the City and Google rely on unrealistic trip reduction assumptions, a system of road management (including dynamic lanes and conversion of streets to one-way operation during event peak periods), and other expensive traffic control operations to justify the project. Unfortunately, these and other possible measures will not be able to overcome the fundamental problems caused by reduced roadway capacity, which would make arrival for patrons to the arena during the peak hour before an event incredibly problematic at best, and at worst result in a local transportation system failure. Once the project is approved, the City will have no recourse to make any future modifications when the inevitable problems arise. Therefore, the City should not give up this critical roadway capacity.

Request # 5: Require that on each occasion when specific development plans are presented to the City for approval, and prior to approving changes to the current street network, the City will include the following as part of the approval process:

- Develop detailed preliminary plans for any proposed street changes desired along principal traffic routes used by SAP Center customers, and provide to SSE for review and comment prior to completion of the LTA discussed below. Any modifications based on results of the LTA or other considerations must also be submitted to SSE for review and comment.
- Conduct a focused Local Transportation Analysis (LTA) for the proposed development, which will address the development's impact on level of service at all nearby impacted intersections during the 6 to 7 pm peak arrival hour for events at SAP Center.

Comment: Section 21.2.3 of the AMA provides that the City must coordinate with SSE “regarding any material changes to the design, configuration or operation of the major streets and intersections in the vicinity of the Arena to the extent that they may have a direct impact on the safe and efficient flow of vehicular, bicycle, and pedestrian traffic to and from the Arena, including Autumn Street and the intersection at Autumn Street and Park Avenue.” It goes on to state that the parties “shall work together in good faith with the goal of achieving the best overall function of the streets and intersections for the benefit of both the Arena and all other development in the Diridon Area.

The City’s obligations under the AMA will continue following approval of the land use entitlement documents for the Downtown West project. However, the minimized process for approval of future development within Downtown West may make it difficult, if not impossible, for the City to fulfill such obligations unless the above suggested procedures are required in the entitlement documents.

Request # 6: Modify the project documents to provide that Delmas Street will remain open between Santa Clara and San Fernando streets. As a less desirable alternative, ensure that Google will be required to provide a driveway (entrance/exit) to the Delmas development parking that is accessible from both the east and west on Santa Clara Street.

Comment: It is SSE’s understanding, based on discussions with Google representatives and recent presentations by Google’s consultants, that Google plans to provide a driveway at Santa Clara Street to/from the Delmas development parking. Although this was not SSE’s preferred alternative, SSE has determined that it is a satisfactory resolution subject to the final design of the driveway and parking, including all the parking being accessible from this driveway. However, SSE cannot find this requirement in the project approval documents, and it is important to ensure that this parking facility will be easily accessible to arena patrons as represented.

If access to this parking facility is not provided directly from Santa Clara Street, then the convenience and efficacy of this critical supply of “Available Parking Spaces” will be severely curtailed, thus diminishing the value of such parking as mitigation for the impacts on the arena caused by the loss of parking resulting from the project. It would also be contrary to the purpose of the Transportation and Parking Management Plan (TPMP) for the arena, as incorporated into the AMA. Such purpose is stated “to establish event traffic and parking management strategies” that promote efficient and effective vehicular and pedestrian traffic circulation; provide convenient and easy access to and from area parking facilities, and minimize traffic congestion on surrounding roadway facilities, among other things.

Request # 7: Include a requirement that expressly mandates Google will be solely responsible to fund any additional traffic operation expenses needed to implement the requested proposed street circulation management plan for events at the arena.

Comment: Google must mitigate every impact it creates, including additional costs to support its massive development plan. With respect to traffic operation costs which will amount to millions of dollars a year, the community -- including the arena operator -- must not bear responsibility for funding them, which would essentially serve as a subsidy for Google. SSE and/or its customers certainly should not be asked to mitigate Google's project by covering such costs, as the current approvals likely would require.

Request # 8: Modify the approval documents to require the consent of the arena operator prior to any improvement along the arena frontage, including Santa Clara Street and sidewalks

Comment: The project approval documents include significant planned modifications along Santa Clara Street. These modifications are conceptual at this point so it is not possible to determine what, if any, modifications would be made to the arena frontage between the existing structure and face of the curb. The City has a requirement to not modify lands leased by SSE without its consent, and to make best efforts to coordinate future changes to the road network with SSE to preserve arena operations. Providing consent rights to street frontage improvements proposed by the project is a simple way to ensure the arena operations and SSE's leasehold rights can be protected, in compliance with the AMA.

Request # 9: Modify the infrastructure plan and other application approval documents to reflect that the utilidor route will not pass through or under the arena parking lots until such time in the future that the parcels may be transferred to Google and included in the General Development Plan.

Comment: It is not clear why Google has proposed a private utility system as a basic part of its development plan that relies on its ability to traverse property leased and controlled by a third party on a long-term basis without obtaining that party's prior consent, regardless of underlying City ownership. Even without the extension of Cahill Street, installation of the utilidor would create major disruption to arena operations, and granting Google the right to construct it is not a property right the City retains under the AMA.

Request # 10: Make the potential 4,800 commercial parking spaces allowed in the project applications a minimum requirement, not an "up to" maximum.

Comment: Google's applications and the associated technical studies make clear that even under best case scenarios for transportation mode shift improvements, more than 7,000 of the 25,000+ workers will still drive to work in a single occupant vehicle and many more will carpool. More realistic scenarios show that the number of workers who will need to park in the area will likely be thousands higher. This does not account for parking demands that may be created by additional development, including the proposed DSAP expansion, BART, Caltrain or High Speed Rail projects. The proposed parking requirement for Google of only 2,800 spaces will create significant parking deficiencies in the area, along with associated traffic circulation and safety issues for residents and visitors to the area, including arena

patrons. While a 4,800-parking space requirement will not solve the challenge, it will certainly help reduce parking deficiencies. Google should be required to fund and build the parking supply its demand will create, not simply have the option to provide it in the future, or rely on a future city district parking plan which may or may not ever be established or achieve the intended results.

Request # 11: Conform Google’s phasing plan for the Delmas property to comply with the agreement between the City, Google and SSE that parking available on Delmas West must remain available until such time as Block E parking or a suitable alternative is created.

Comment: As part of SSE’s agreement to consent to the sale of Lot D to Google, which was critical to the company’s commitment to move forward with its Downtown West project, Google agreed to retain all existing parking spaces on the Delmas West site until either (i) 408 new “Available Parking Spaces” are provided on Block E and Milligan or other approved alternative location; or (ii) BART service commences to Diridon, or (iii) Google has constructed at least 500 “Available Parking Spaces” as part of the development on Delmas East (all subject to the specific terms of the Lot D Lease with Google). The City’s progress on Block E and the Milligan site has stalled, and there is no timeline for those facilities to be available for parking in the future. Google’s project entitlements, including timing of development of the Delmas site, must account for fulfilling this obligation.

Request # 12: Include specific construction mitigation measures in the final entitlement approvals to protect the unique operations of the Arena (Arena Protection Plan).

Comment: For more than two years, SSE has continued to plead with the City to address the obvious construction impact challenges presented by the BART project, without any substantive response to specific requests. It is clear that Google’s project will pose even greater challenges for the arena’s continuing successful operations. Yet, the entitlement approvals remain silent on how to mitigate construction impacts, and once approvals are given, the City’s ability to manage any impacts to the arena will be greatly reduced. In the event that Google cannot propose basic construction impact mitigation program prior to approvals, the City can and should establish basic performance standards and other mitigation measures (an Arena Protection Plan) to ensure the safe and convenient ingress and egress of arena visitors (over 1.5 million annually), arena employees, vendors and contractors.

Request # 13: Modify Google’s permitted uses to ensure that the allowed auditorium and event/conference center uses are adjunct only to the applicant’s corporate business, so that the facility will not create competition for the arena or convention center.

Comment: The applicant has represented to the public that these facilities are intended to support its larger corporate business with occasional use for community events. However, the definition of the uses would allow any property owner within the district to utilize such a facility in the future for commercial events that could easily create competition for both

the arena and convention center. This is likely unintended but clearly a permitted use in the entitlement documents as currently drafted, and this use limitation needs to be added to avoid harm to these important community facilities and their economic development benefits to the City.

Request # 14: Modify the conditions and administrative permits requirements to allow the Director of PBCE to impose reasonable conditions related to the operation of the future specific use/development proposed to ensure it will not create unreasonable operational impacts for the arena.

Comment: Upon approval of the land use entitlement applications, the applicant or future property owners would have the ability to establish a wide range of uses by right with limited ability by the City to make modifications to protect the public's interest, including the continued successful operation of the arena. As continued vitality of the arena is a basic objective of the DSAP, the City can and should preserve its rights to protect the building's ongoing success, particularly since many of the proposed uses will likely conflict at times with the arena's event and daily operations.

Request # 15: Ensure that for any special uses that could create conflicts with arena operations, Google's administrative permit requirements include a procedure whereby the arena operator must be notified of the application for the proposed activity, and before granting any permit for approval the Director must consult with the arena operator and impose reasonable conditions to protect the arena's operations

Comment: The proposed uses described in the Google development plan include live entertainment, auditorium, outdoor vending and other special events that, as currently drafted in the Conditions of Administrative Permit section, will likely create conflicts with arena operations without any recourse by the City to correct them. This relinquishment of land use authority goes well beyond the scope of use or approval process for typical projects. The permit procedures in the entitlements guarantee that Google can schedule a wide-ranging number of large events that could trigger road closures or competition for scarce parking on arena event days, without any oversight by the City or the need for any coordination or deference for events at the arena. Neither Google nor successive owners of parcels covered by the entitlements should be granted unique rights to schedule these types of events without going through the approval procedures imposed on others in the area, and without consideration for potential conflicts with the arena operations.

In addition, use rights granted in the entitlement documents should not conflict with other City ordinances. For instance, the outdoor vending rights appear to conflict with the updated peddler's ordinance adopted by the City less than 2 years ago. At minimum, the specific protections granted to the arena in the ordinance should be included (or incorporated by reference) in the entitlement documents.

Request # 16: The City must ensure that any update to the Diridon Station Area Plan does not preclude the ability to establish a stand-alone parking structure on Block E as long planned for the site.

Comment: Both the Lot E and Milligan sites are anticipated to be interim parking lots and potentially, new parking structures that would serve arena patrons. However, current draft of the proposed DSAP Amendment would modify the zoning designation for these sites. This along with new mixed use design guidelines, would preclude the properties from being developed solely as a stand-alone parking structure in a manner that will protect future arena operations long contemplated by the City and as reflected in the currently adopted DSAP.

Specifically, the proposed zoning designations for these sites are *Downtown Primary Commercial*. We believe that instead these sites should be zoned *Public/Quasi-public* to allow the construction of public parking facilities. We are also concerned that requiring the future structures to be “wrapped with active uses” will diminish parking capacity and ingress/egress functionality for event purposes, and cause access and safety impacts to pedestrians accessing the parking from either the arena or other nearby uses. Also, because there is a potential for both sites to be used for *interim* parking uses, Section 5.4 *Surface Parking Lots* of the *Downtown Design Standards and Guidelines* (DDGs) should not be required.

In addition, because these future required parking facilities must provide for safe and efficient ingress and egress that supports access to the street network, in accordance with the objective of the DSAP to ensure the continued vitality of the Arena consistent with the provisions of the AMA, the future parking lots and structures on these sites must not be required to be consistent with Section 3.5.3 *Parking and Vehicular Access Location* of the *DDGs*. The ability of parking facilities to best serve arena events is tantamount to pedestrian safety and good transportation management.

Exhibit K

Downtown West Parking Requirement

Downtown West Parking Requirements

Developer and the City anticipate the replacement of approximately 2,850 existing available surface parking spaces on property that will be redeveloped as part of the Downtown West project, and the development of at least 1,150 additional spaces (for a total of at least 4,000 publicly-available parking spaces) at full buildout of office space within the Downtown West project to ensure the long-term sustainability of the SAP Center. This does not include up to 2,360 residential parking spaces. Terms that are used but not defined in this Exhibit shall have the meanings given such terms in the body of the Development Agreement to which this Exhibit is attached. For purposes of this Exhibit K, a publicly accessible parking space is "Available" if it is unoccupied and accessible to SAP Center customers on weekends and after 6:30 PM on weekdays, on SAP Center event days.

- Are Lots ABC included in the 2,850 existing surface spaces? What other "existing available surface parking spaces" are included? How many of those are owned or controlled by Google vs. third parties?
 - For comparison, the AMA provides for the following:
 - 3,175 Available spaces within 1/3 mile (reduced to 2,850 until 2025)
 - 1,422 spaces on Lots ABC and 228 spaces on Lot D (total 1,650)
 - Total 4,825 Available for Arena guests (4,500 through 2025); using 85% availability rate, this would equate to a total of 5,676 publicly-available parking spaces that are needed to meet AMA requirements, in addition to parking for Arena employees
 - Does the word "accessible" above and below mean "available"?
 - How often is an available space inventory and an Available space survey performed, and by whom?
1. Overall Requirements: Over the course of the development of the Project, Developer shall be required to provide publicly accessible off-street parking spaces serving new office development at a cumulative ratio between 0.5 and 0.645 spaces for each 1,000 square feet of Floor Area (which shall mean eighty-five percent (85%) of the total gross floor area) of such office buildings (the "**Required Parking Ratio**"). At the point of full build out of office space within the Downtown West project, the **Required Parking Ratio** shall be 0.645 spaces.
- Does the word "provide" above mean that Google will be required to construct new parking facilities vs. make arrangements for the use of third party facilities?

- [For avoidance of doubt, please clarify how many spaces Google will be required to construct and of those spaces, how many will be required to be “Available”](#)
 - [Note that as defined, the “Required Parking Ratio” could be as low as 0.5](#)
 - [To confirm the math, a ratio of 0.634 would be 4,000 parking spaces for about 7,300,000 gross square feet of office space. At an assumed 85% “Availability” rate this would provide about 3,400 parking spaces to serve Arena customers.](#)
 - [A ratio of .5% would equate to 3,102 parking spaces, 85% of which would be about 2,637 “Available” spaces to serve arena customers – a drop of 763 spaces \(22.4% decrease\).](#)
 - [It appears that there may be circumstances where, under the AMA, more parking spaces are required than are “provided” by Google. Is there any plan/analysis as to where those spaces would be provided?](#)
- a. Once 4,000 publicly **available** parking spaces are operational and in compliance with these terms, the **Required Parking Ratio** will no longer apply provided that the 4,000 publicly **available** spaces shall be maintained as described herein.
- [Will Google be obligated to ensure that at least 85% of those available parking spaces will be “Available” for Arena guests throughout the entire term of the Development Agreement \(so long as the AMA is in place, including any extension\)?](#)
 - [What are the consequences if they don’t achieve this result?](#)
 - [Also see comments under Paragraph d below regarding 85% “Availability”](#)
- b. Developer may construct up to 4,800 publicly **available** parking spaces at its discretion; this parking would be reviewed as part of the Conformance Review process.
- [SSE has requested that the 4,800 be a mandatory minimum](#)
 - [What is the rationale for making this a maximum, and for selecting 4,800 spaces as the maximum?](#)
- c. The **Required Parking Ratio** represents a reduction from standard City parking requirements, which would require as many as 15,500 spaces at Downtown Commercial parking ratios (2.5 spaces per 1,000 square feet of Floor Area), or 6,600 spaces with application of available standard parking reductions (1.06 spaces per 1,000 square feet of Floor Area). The **Required Parking Ratio** of 0.645 spaces per 1,000 square feet of Floor Area is warranted given the area's rich transit and mixed-use environment, sustainability and air quality imperatives, traffic reduction and City's multimodal goals, the fact that this parking is available to the public, and transportation demand management requirements.

- d. The **Required Parking Ratio** is critical to serve the needs of the Project, as well as to replace parking currently utilized by transit riders and SAP Center patrons. With this in mind, the commercial parking spaces will be publicly-available and priced to allow for maximum efficiency to support the SAP Center, as well as the multimodal goals of the City and Project.
- What pricing strategies are being contemplated? Will pricing strategies (and other measures) be designed to encourage/require daily parkers to vacate the parking facility prior to 6:30 on weekdays?
 - Agreements with the City (First Amendment to AMA and Trammell Crow Settlement) require the following with respect to the Block E and Milligan sites, which we recommend be included in this Agreement as well:
 - SSE will operate the parking facilities “at cost”
 - Arena event parking will have priority over daily or monthly parking
- i. At 4,000 publicly available commercial parking spaces, the project targets 85% of such spaces to be Available for SAP Center event use.
- How was 85% determined? What pricing and other strategies will be used to achieve this result?
 - Does Google need to provide the Director with annual reports regarding how this is going?
 - Does the 85% take into account the 10% that will be allocated to “specialty vehicle parking” including car share services, car pool, expectant mothers and ADA?
- e. If, over the course of the Development Agreement, some parking is found to be no longer warranted, the Director of PBCE may, in its sole discretion, reduce the **Required Parking Ratio** and/or overall amount without requiring an amendment to the Development Agreement or to this Exhibit.
- We object to this provision
 - Sole discretion is much too broad – there should be some objective parameters around this, with findings and a public hearing.
 - For example, see AMA Section 20.2.2 regarding adjustments based on change in utilization rates.
 - Does this mean the Director can allow less than 0.5 on a temporary basis?
- f. The parking requirement must be satisfied in part through at least 2,850 publicly available commercial spaces within the Project Site; including existing parking spaces, 2,850 publicly available commercial parking spaces must be maintained within the Project Site at all times and through all phases of Project development.

- [Are Lots ABC included in the 2,850 spaces?](#)
 - [Is this paragraph intended to be different than Paragraph 2.b below? Two different standards are confusing.](#)
- g. As an option to satisfy the requirement for the 2,851 to 4,000 publicly available parking spaces set forth above [?], Developer may deliver this parking either within the 1/3-mile radius of the SAP Center or through an Alternative Parking Arrangement.
- i. Alternative Parking Arrangement: If Developer determines that it will not provide any number of the remaining required parking spaces within the Project Site, then, in order to meet the **Required Parking Ratio**, the City shall have the right to designate additional land owned by the City and within 1/3 of a mile of the SAP Center (the "Additional Parking Property") for Developer to build additional parking spaces; Developer would then be required to build additional spaces on the Additional Parking Property, subject to obtaining appropriate environmental clearance and any discretionary approvals; provided, however, in no event would Developer be required to build parking spaces on the Additional Parking Property that, when aggregated with the publicly available spaces located within the Project boundary, would exceed the **Required Parking Ratio** or 4,000 total spaces, as described above.
- [Under what circumstances does Google have the right to determine that "it will not provide any number of the remaining required parking spaces within the Project Site"?](#)
 - [What happens if City is not able to acquire the parcels needed for the Lot E garage?](#)
- h. The City's Department of Transportation will review the design of parking facilities as part of a Vertical Conformance Review Application and may require one or more future Focused Local Transportation Analysis (Focused LTAs) to provide building-specific analysis as defined in the Conformance Review Implementation Guide.
- [Parking functionality requirements should be incorporated into the design requirements. See attached SAP Center Structured Parking Design Guidelines.](#)
 - [Pursuant to Section II.B.5 \(on page 5\) of the Conformance Review Implementation Guide, the future focused LTA's are limited to specified topics. Our position is that the City's standard requirements for Focused LTA's should be required without exception.](#)
 - [Parking facilities should be evaluated in terms of \(i\) ingress/egress at peak times for Arena events and \(ii\) measures to ensure at least 85% "Availability"](#)
 - [Focused LTA's should also be required to study LOS effects on impacted intersections](#)

2. Phasing: The requirements below are to ensure that sufficient parking exists, at any given specific time, for the continued operational needs of the SAP Center, as well as the multimodal goals of the City and Project.

➤ [Agreements with the City require priority for Arena customers if there is a conflict with transit parkers or other daily/monthly parkers](#)

- a. Compliance with this requirement shall be evaluated during the Conformance Review process for each office Building, and verified prior to issuance of Building Permits for each office Building.
- i. Proposed parking spaces included as part of a previously approved Conformance Determination shall be counted to determine whether the **Required Parking Ratio** will be satisfied upon construction of the office building that is the subject of a Conformance Review. Surface parking spaces in the Project also shall be counted during the Conformance Review process to determine whether the **Required Parking Ratio** will be satisfied.

➤ [See above notes re need to determine how many spaces are “Available” for Arena customers.](#)

For clarity, this means that, to determine whether the **Required Parking Ratio** will be satisfied, each Conformance Review for an office building shall account for (i) surface parking spaces in the Project, (ii) proposed parking spaces included in a previously approved Conformance Determination that have not yet been constructed, (iii) parking spaces already constructed as part of the Project, and (iv) the parking spaces included in the subject Conformance Review application. In the event a proposed office building or buildings would result in the elimination of existing surface parking spaces, the Conformance Review Application for that building shall not be denied for the temporary failure to satisfy the **Required Parking Ratio [of 0.645]** during construction of the building or buildings if the Project would continue to provide a ratio of 0.5 spaces for each 1,000 square feet of Floor Area, and so long as the **Required Parking Ratio [of 0.645]** is satisfied upon issuance of a Certificate of Occupancy for that office building or buildings.

➤ [Is this “failure to satisfy” period in addition to the 5-year period described in Paragraph 2.b below?](#)

- ii. During the Conformance Review process, the Project will be required to confirm that at least 2,850 Available parking spaces will be maintained in aggregate within the Project boundary and within one-third (⅓)-mile radius of the SAP Center.

➤ [See note under Paragraph 1.f above.](#)

- b. If the Project will result in a temporary failure to satisfy the **Required Parking Ratio**, [of 0.645] as described in Section 2.a.i, for a single period that will exceed five (5) years, Developer shall develop and obtain agreement from the City for one or more interim **parking management strategies** as part of the **Parking Delivery Plan** during construction.
- Where is the Parking Delivery Plan defined?
 - How many “single periods” of 5 years could there be? Cumulative for 20 years?
 - Does this assume that the 0.5 ratio must still be met during this time?
 - Under Section 19.3.1 of the AMA, the “Long Term Temporary Condition” is for a maximum of 3 years
 - Please describe some parking management strategies that might be considered
- c. To the extent the Option Agreement for Lots A/B/C is exercised prior to 2040, the Developer must be in compliance with the **Required Parking Ratio**, subject to Section 2(a)(i), prior to beginning vertical development on Lots A/B/C. To the extent the existing Second Amended and Restated Arena Management Agreement between the City and San José Arena Management, LLC is terminated earlier than 2040 or at its scheduled expiration in 2040, Section 1d.i. and Section 2a.ii shall no longer apply.

Document comparison by Workshare 9 on Thursday, April 8, 2021 12:43:38 PM

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SAP CENTER STRUCTURED PARKING DESIGN GUIDELINES

For Parking Structures Providing Shared Use Parking for Arena Events

Updated April 8, 2021

1. Use 8.5' x 17' standard stall size, with a 26' wide drive aisle, to achieve a minimum 60' bay width for double loaded parking and 90-degree circulation. If one-way circulation is provided, use industry standard bay width for selected angle of parking. Align parking bays in the predominate direction of pedestrian travel.
2. Provide safe and efficient traffic operation both within the garage and at the entrances and exits during both the arrival and departure peak hours for SAP Center events. For the arrival peak period, ensure that there is adequate queuing space and that entering traffic is not disrupted or delayed by vehicles exiting during this period. For the departure peak period, ensure that motorists can exit within a 30 minute window after the end of an event. All the above operational provisions should be demonstrated through calculations using industry standard methodologies. Design facilities for pay upon entry and free flow for exit.
3. If the garage has a capacity of more than 500 spaces the ability to connect to more than one street or have two different entrance/exit locations should be considered if at all possible, in order to provide redundancy.
4. The number of lanes at a driveway entry/exit should take into consideration the movements on the street it connects to. Lanes into and out of a facility should provide access to more than one path to parking stalls upon entry to facilitate redundancy of flow. Preferably drive entry and exits shall be part of an intersection with the street to enhance visibility and the ability to control traffic.
5. Exits should be designed with appropriate sight distance triangles that allow drivers approaching the exit to see pedestrians on the sidewalk and vehicles on the street. Entries and exits should be designed to minimize curvatures, merges and weaving, all of which reduce the capacity of traffic flow. The width of entry and exit lanes should not be constrained to where flow will be reduced. Visibility to other vehicles and to the path of travel shall be prioritized.
6. Provide ramping systems that efficiently accommodate peak traffic flows, including no parking on ramps and minimizing the number of turns and parked vehicles that a car must pass by to get to other floors. Ramps connecting a maximum of 3 levels in one path is assumed to be the best for accommodating high peak flows. Redundant ramps to facilitate flow should be considered in any facility that exceeds 500 spaces. Ramps that exit to the street should be designed per the City of San Jose Department of Public Works typical driveway profiles for below grade parking at a minimum (**see attached Figure 1**) or meet an approved solution that flattens out the ramp at the top to provide views of pedestrians crossing on the sidewalk for cars exiting the ramp. This may

include a flat section at the top of approximately 25 ft. before using an internal ramp slope, which design has been approved by the City on other projects (see attached Figure 2). Internal ramps should be designed with an 18% maximum slope with 9-10% blends at the top and bottom.

This may include a flat section at the top of approximately 25 ft. before using an internal ramp slope(see attached Figure 2). Internal ramps should be designed with an 18% maximum slope with 9-10% blends at the top and bottom. (previously approved by the City on other projects)

7. Provide high level of safety and security, including use of security cameras. If a stand alone structure utilize glass back elevators and open stairs for safety.
8. Utilize materials that meet a standard for high quality façade, high durability and ease of maintenance.
9. Provide high quality interior ambience, e.g. enhanced lighting, painted interiors, and satisfactory floor to floor height.
10. Provide restrooms, which are open and monitored during events.
11. Provide number and size of elevators and stairs to effectively accommodate peak pedestrian flows. Vehicles coming to an event typically have an average of 3 people per vehicle.
12. Locate pedestrian entries, lobbies, elevators and stairs to conveniently accommodate pedestrian movements between parking facility and SAP Center, and avoid conflicts between major pedestrian movements and major vehicle movements at intersections and driveways.
13. Use long span design if parking is in a stand-alone parking garage. If under a building and using a short span design add 1'-0" to stall width adjacent to columns to make it easier for cars to pull in and out, speeding up the flow.
14. Use moment frames if parking is in a stand-alone parking garage. Avoid moment frame columns at locations where cars need to turn. If under a building and shearwalls are used, avoid walls within 30 ft. of the end of drive aisle or where it would block a driver's view at a turn. Avoid columns that impact turning maneuvers.
15. Provide concrete slab on grade.

Figure 1

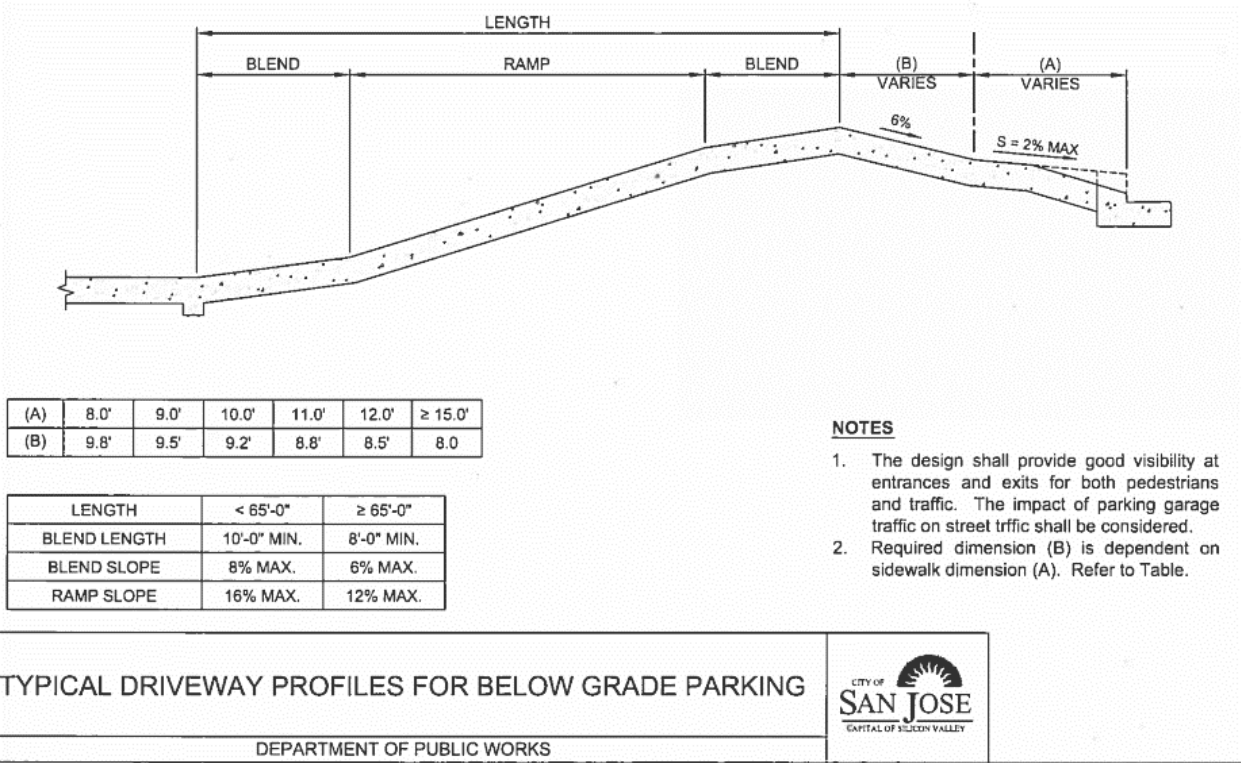
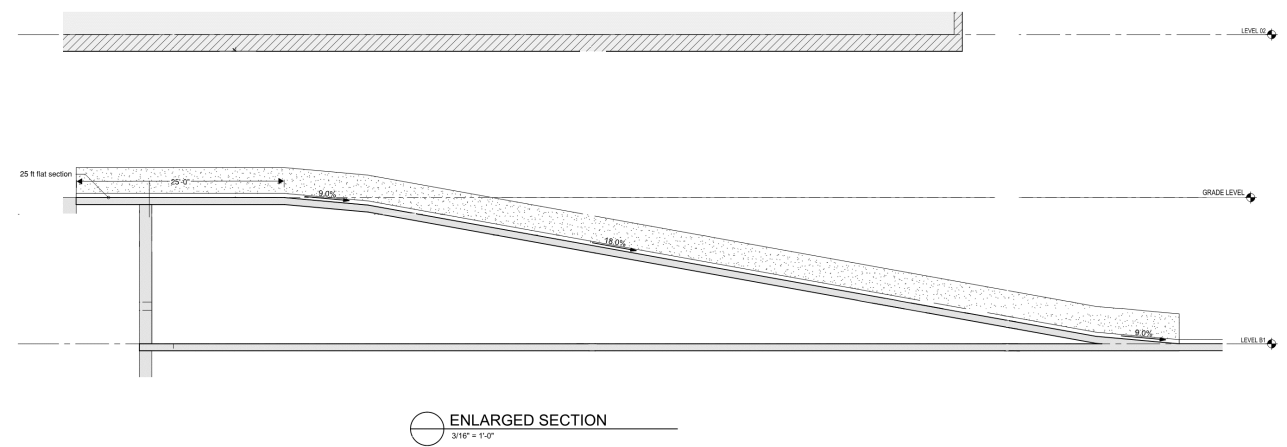


Figure 2



May 7, 2014

[via e-mail]

Norman Kline, Chair
Planning Commission
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: May 7, 2014 Meeting, Item 6.a.1 &2 – Diridon Station Area Plan

Dear Chairperson Kline & Commissioners,

On behalf of Sharks Sports & Entertainment (“SSE”), I am providing general comments on the final Diridon Station Area Plan (“DSAP”) you will be reviewing this evening. SSE is the parent company of San Jose Arena Management, which manages the SAP Center on behalf of the City.

As you may know, the SAP Center is one of the most important anchors of downtown and a regional entertainment draw which brings more than one million people to the city centre each year. The SAP Center is also one the City’s biggest economic development generators, supporting 5,000 FTE jobs, generating more than \$250 million in annual economic impact and more than \$10 million in direct general fund revenue.

We support the laudable goals of the DSAP and its successful implementation, including the City’s multi-modal transportation system plans and mode shift objectives, so long as it does not impede the successful operations of the SAP Center. These goals are not mutually incompatible; in fact the SAP Center’s ongoing vitality will continue to help drive multi-modal transit success, particularly in the near term.

When the DSAP was first considered in 2011, SSE raised a number of concerns about the draft, including the need to maintain efficient, effective access and sufficient, convenient parking for our customers to ensure the continued vitality of the SAP Center. We noted the serious likelihood of an inadequate parking supply to meet probable demand, which we believed would be much higher than projected based on our experience managing traffic and parking in the area for many events each year. SSE also asked the City to avoid unacceptable development and traffic pressures on adjacent neighborhoods.

The City Council recognized these concerns and provided clear direction to ensure “that the City’s Plan strengthens and does not impair the viability of the [Arena] as a world class sports and entertainment venue . . .” The Council’s direction also confirmed the need for a phasing analysis to achieve one of the City’s guiding principles for the DSAP to “provide a near term phasing plan for transportation and parking.”

We appreciate the solid work that the City administration has undertaken over the last two years to recognize the importance of the SAP Center in creating a successful plan, particularly the 10 Year

Horizon Analysis Report, Appendix C-2, which was undertaken to implement Council's direction. Unfortunately, the joint effort that has been made has not yet resulted in plan modifications which fully address SSE concerns. SSE is also disappointed the Environmental Impact Report did not more thoroughly analyze parking demand and impacts by adopting appropriate thresholds of significance for measuring environmental impact or consider obvious secondary affects the lack of parking might create, particularly , given parking's importance to the DSAP and the plan's successful implementation. We are, however, in continuing discussions with staff and hope the ongoing collaboration will result in further refinements which can allow SSE to endorse the DSAP's final approval by the City Council.

In the meantime, we ask the Planning Commission to:

- Re-affirm the City Council's direction in 2011 that the DSAP should strengthen, and not impair, the viability of the SAP Center.
- Acknowledge the City Council's 2011 assessment that although densities will increase and parking ratios may drop over time, the City needs to ensure that Diridon's development occurs in a coordinated fashion with its transportation infrastructure, so as to avoid choking the SAP Center with parking and traffic problems.
- Recommend incorporation of the 10 Year Horizon Analysis Report into the final DSAP as a comprehensive element just like staff recommends for the arts plan and implementation strategy, and require that the plan's implementation should not proceed in any manner inconsistent with the 10 Year Horizon Analysis Report.
- Expressly recognize the need for a near term phasing plan for transportation and parking along with the importance of continued parking supply and traffic operational studies on a project-by-project basis to achieve the Plan's objectives, including protecting the viability of the SAP Center.
- Recommend that CEQA review for future projects include parking as a threshold environmental concern, since such parking studies were not included in the DSAP Draft EIR.
- Endorse the need for shared parking as a basic building block of the DSAP, require (rather than only encourage) future commercial projects built within the plan area to make parking available nights and weekends, and design garages, including ingress and egress, to support large event needs.
- Re-affirm the contractual commitments the City has to SSE under the Arena Management Agreement to guarantee adequate parking and access to insure the continued economic success of the SAP Center.

SSE remains excited about the vision for new development in the Diridon area and the major planned transit improvements and is committed to working with the City and other major stakeholders over time to ensure the plan is successfully implemented. We look forward to the Commission's discussion about this important policy initiative and hope Commissioners will not forget about the SAP Center as part of their deliberation.

Sincerely,

Jim Goddard
Executive Vice President