



June 7, 2021

Hon. Sam Liccardo, Mayor & City Councilmembers
200 E. Santa Clara Street, 18th Floor
San Jose, CA 95113

RE: Council Mtg. 6/8/21, Item 2.22 – VTA Cooperative Agreement #1 for BART Phase II

Dear Mayor Liccardo and City Councilmembers,

On behalf of Sharks Sports & Entertainment (SSE), I would like to thank the City and VTA for posting early drafts of the Construction Transportation Management Plan (CTMP) and other portions of the Construction Outreach Management Program (COMP) as exhibits to the Cooperative Agreement #1 being considered for approval tomorrow by the Council. We also thank Councilmember Perez for his memo, and support his recommendations.

While we appreciate the opportunity to quickly scan the voluminous draft COMP documents, we will need more time to review and analyze them before we can provide substantive comments. In the meantime, please consider the following recommendations regarding the City's approval of Cooperation Agreement #1 and the process for reviewing and approving the final COMP (including the final CTMP):

1. Reiterate that, per the Master Agreement between VTA and the City dated October 16, 2020, the City retains the right to approve all components of the final COMP, including the CTMP. Clarify that, although "current copies" of the documents are attached to Cooperative Agreement #1, those drafts are not being approved by the Council, and the City is not precluded from requiring revisions to the documents; further, the City's approval of Cooperation Agreement #1 does not foreclose the City's right to seek additional mitigating strategies from VTA (including financial support for a Business Interruption Fund as suggested in the memo from Councilmember Perez).
2. Provide that, although Cooperative Agreement #1 requires the City to review and return comments to VTA within 21 calendar days after receipt of COMP deliverables (see page 1 of Exhibit B), the CTMP and other portions of the COMP submitted by VTA will not be considered "complete" unless VTA has first elicited comments on the drafts from stakeholders and other members of the public (during a reasonable engagement process), and has considered the comments and made appropriate revisions to the documents in light of VTA's overall obligation to reasonably mitigate the impacts of its project on local businesses, residents and the community.

It should come as no surprise that SSE has some material concerns about the CTMP as it relates to potential impacts to SAP Center and its customers. We look forward to the opportunity to discuss our comments with VTA and the City prior to the City's approval of the final COMP documents.

Sincerely,
SHARKS SPORTS & ENTERTAINMENT LLC

/s/ Jim Goddard, EVP, Government Affairs