

Rotten Robbie #11

File No. C19-016 & CP18-027

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Initial Study / Mitigated Negative Declaration

## **RESPONSES TO PUBLIC COMMENTS AND TEXT CHANGES**

June 2, 2021

*CEQA Lead Agency:*



**City of San José**  
**Department of Planning, Building and Code Enforcement**  
**200 East Santa Clara Street**  
**San Jose, California 95113 Phone: (408) 535-3555**

In Consultation with:

Kimley Horn and Associates, Inc. (ATTN: Derek Wu P.E.)

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## Attachments

Attachment A – Supplemental Traffic Operations Analysis

Attachment B – All Public Comments to IS/MND During Public Review Period

## **SECTION 1**

## **SUMMARY OF COMMENTS**

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The Rotten Robbie #11 Initial Study /Mitigation Negative Declaration (IS/MND) was circulated for public review for a 21-day review period, from October 5, 2020 to October 26, 2020. During the circulation period, the City of San José received 2 comment letters from County of Santa Clara, Department of Roads and Airports, and Pacific Gas and Electric Company.

In summary, the comments received on the draft IS/MND did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)].

Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

The following pages contain a list of the agencies and persons that submitted comments on the IS/MND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). Copies of the actual letters and email submitted to the City of San Jose are attached to this document.

Included as part of this document is Attachment A as a supplemental report to assist with response to the questions and concerns below in Section 3. The original public comment letters are available in Attachment B.

**SECTION 2****AGENCIES AND PERSONS COMMENTING ON  
THE IS/MND**

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	<b>Comment Received From</b>	<b>Date of Letter</b>	<b>Response on Page</b>
<b>A.</b>	County of Santa Clara, Department of Roads and Airports	October 7, 2020	5
<b>B.</b>	Pacific Gas and Electric Company	October 28, 2020	6

## SECTION 3

## RESPONSE TO COMMENTS

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This memo responds to comments on the IS/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter. Copies of the comment letters are attached.

### A. RESPONSE TO COUNTY OF SANTA CLARA DEPARTMENT OF ROADS AND AIRPORT

**Comment A1:** The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Intent to Adopt a Mitigated Negative Declaration for Rotten Robbie #11 (C19-016 & CP18-027), and is submitting the following comments:

- The Local Transportation Analysis (LTA) should include Capitol and Story intersection based on Figure 6 – Trip Distribution and Assignment in the LTA report. There are almost 30 project peak hour trips going through this intersection. The Project Condition Analysis should be done using final lane configuration at Capitol and Story after the completion of the Capitol LRT Project.
- The County can provide intersection info as needed.

**Response A1:** Consistent with City Council Policy 5-1, this project meets the local serving retail definition and therefore, did not require a full Vehicle-Mile-Travelled (VMT) analysis. However, consistent with the policy, a Local Transportation Analysis (LTA) to evaluate the operation of the proposal and its immediate surroundings was completed (Appendix E) as the Initial Study and Mitigated Negative Declaration (IS/MND). A supplemental transportation analysis memo evaluates transportation operations has been completed and is available in Attachment B of this document.

## **B. RESPONSE TO PACIFIC GAS AND ELECTRIC COMPANY**

**Comment B1:** Thank you for providing PG&E the opportunity to review your proposed plans for 2305 Story Rd dated 10/6/2020. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

**Response B1:** The comment is to acknowledge the project would not directly interfere with existing PG&E facilities. No further responses are required.

## **SECTION 4**

## **TEXT CHANGES TO THE IS/MND**

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No text changes are required.

## **SECTION 5      SUPPLEMENTAL REPORTS AND MEMORANDUMS**

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Please refer to Attachment A for supplemental Local Transportation Analysis.



## **SECTION 6**

## **PUBLIC COMMENTS ATTACHMENTS**

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Please see copy of the original comment in Attachment B.