

1953 Concourse Drive Project

File No. H21-003 and ER21-012

Initial Study / Mitigated Negative Declaration

RESPONSES TO PUBLIC COMMENTS AND TEXT CHANGES

March 31, 2022

CEQA Lead Agency:



City of San José
Department of Planning, Building and Code Enforcement
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In Consultation with:

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Attachments

Attachment A – Public Comments to IS/MND During Public Review Period

SECTION 1

SUMMARY OF COMMENTS

The 1953 Concourse Drive Project Initial Study /Mitigation Negative Declaration (IS/MND) was circulated for public review for a 20-day review period, from February 25, 2022, to March 17, 2022. During the circulation period, the City of San José received two comment letters on the IS/MND, from County of Santa Clara Roads and Airports Department and Pacific Gas and Energy 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. The original public comment letters are available in Attachment A.

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

	Comment Received From	Date of Letter	Response on Page
A.	County of Santa Clara Roads and Airport Department	March 18, 2022	5
B.	Pacific Gas and Electric Company	March 22, 2022	8

SECTION 3

RESPONSE TO COMMENTS

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 A: County of Santa Clara, Roads and Airport Department

Comment A1: The TDM plan is required to have annual monitoring and reporting to ensure the mitigation measure is implemented and effective in reducing the project VMT. It is recommended that the property manager consults with City staff to ensure the monitoring and reporting meets the City's expectations. Monitoring should include annual rideshare surveys, or similar surveys, to ensure rideshare is being utilized by employees. County would like to be informed by the City if the TDM plan falls below expectations to mitigate significant transportation impact on VMT. The unmitigated impact will affect Montague Expressway.

Response A1: The commenter accurately summarizes Mitigation Measure TRA-2 on page 122 of the IS/MND. As described in Mitigation Measure TRA-2, the project applicant shall provide a TDM plan prior to issuance of a Planning Permit, and the TDM plan shall include an annual monitoring report prepared by a licensed traffic engineer. The annual report must demonstrate that the project is within 10 percent of the peak hour trip (PHT) cap, which is 20 AM peak-hour trips and 22 PM peak-hour trips. If the project is not in conformance with the trip cap, the project may add additional TDM measure to meet the trip cap. Mitigation Measure TRA-1 is expected to mitigate VMT impacts to less than significant and is ensured when trips caps are not exceeded by more than 10 percent.

Because of the trip caps and its influence on VMT, it is unnecessary for the annual TDM monitoring report to address items such as participation rates in rideshare programs. This is because adherence to ADT cap alone reduces the VMT impact to a less than significant level. However, Page 122 of the IS/MND also includes Mitigation Measure TRA-1, which requires the project applicant to implement either a rideshare program or an employee commute trip reduction program. Implementation of Mitigation Measure TRA-1 is how Mitigation Measure TRA-2 is achievable. In other words, implementing either a rideshare program or employee commute trip reduction program would help to ensure that the ADT cap is not exceeded by more than 10 percent, as required by Mitigation Measure TRA-2. Therefore, it is not necessary for the annual monitoring report to specifically report on participation rates in other measures implemented by the applicant, such as rideshare programs. The annual monitoring report must be approved by the City; therefore, the applicant will work or coordinate with the City to develop the annual monitoring report in a way that meets City requirements and expectations.

The commenter does not elaborate on how VMT impacts of the project, if left unmitigated, would impact Montague Expressway. Impacts of VMT are typically considered in context with air pollution and generation of greenhouse gases (GHGs). However, neither air pollution nor GHGs would impact a roadway such as Montague Expressway. Therefore, it is assumed that the commenter means that unmitigated VMT impacts of the project would affect Montague Expressway by adding vehicle trips, and therefore would contribute to traffic congestion and

delay on Montague Expressway. Pursuant to Senate Bill (SB) 743 and Section 15064.3(a) of the CEQA Guidelines, automobile delay shall not be considered a significant environmental impact metric or measurement for purposes of CEQA except for specific types of transportation projects. Pursuant to SB 743 and CEQA Guidelines Section 15064.3, the IS/MND does not utilize metrics of delay as significance thresholds for transportation impacts. While additional vehicle trips and associated traffic delay on Montague Expressway is not an environmental impact for purposes of CEQA and the IS/MND, the City recognizes that the effective operation of roadways is an important issue and a primary objective of the commenter. Therefore, the City can and will inform the County if the annual TDM monitoring report continues to show that Mitigation Measures TRA-1 and TRA-2 fail to achieve performance metrics and reduce impacts to less than significant. However, because Mitigation Measure TRA-2 requires the applicant to reduce project trips to meet the trip caps by 10 percent, there should be no situation in which VMT impacts of the project remain significant and unavoidable. Accordingly, no revisions to the IS/MND are required in response to this comment.

Comment A2: The County recommends the applicant implement both of the following mitigation measures for Impact TRA-1.

- Consider providing additional bike lockers on-site, and
- Transit pass as part of the TDM plan.

Response A2: As described above in Response A1, Page 122 of the IS/MND includes Mitigation Measure TRA-1, which requires the project applicant to implement either a rideshare program or an employee commute trip reduction program. Should the applicant choose the employee commute trip reduction program option, the program requires implementing marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes for 100 percent of the project employees. Strategies may include incorporation of alternative commute options into new employee orientations, event promotions, and publications. Because Mitigation Measure TRA-1 already includes event promotions to encourage 100 percent of employees to use transit for commuting, Mitigation Measure TRA-1 already provides the option of events such as providing a transit pass to project employees. However, a specific requirement for transit passes is unnecessary to mitigate the VMT impacts of the project because Mitigation Measure TRA-1 includes other potential options to reduce impacts to less than significant, such as encouraging carpooling or developing a rideshare program. Additionally, a specific mitigation requirement for additional bicycle parking on-site is unnecessary because the significant VMT impacts of the project are reduced to less than significant levels with implementation of Mitigation Measures TRA-1 and TRA-2 in the IS/MND. For informational purposes, as described on Page 69 of the IS/MND, the project would include bicycle parking and shower/changing rooms for employees who choose to commute by bicycle or other active transportation modes, such as walking or jogging.

B. RESPONSE TO B: Pacific Gas & Electric

Comment B1: Thank you for providing PG&E the opportunity to review your proposed plans for Concourse Drive Project H21-003 ER21-012 dated February 25, 2022. 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 [pgeplanreview@pge.com].

Response B1: The City appreciates PG&E's review and comments on the IS/MND. This comment does not pertain to the IS/MND or CEQA, and therefore no revisions to the IS/MND are required in response to this comment. For clarification purposes, the proposed project is not proposed by and was not designed by the City. The project was designed by the project applicant which, as discussed on Page 1 of the IS/MND, is 1953 Concourse Drive LLC. If the project applicant modifies their project design, the revised plan set will be provided to PG&E for review and comment.

Comment B2: 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/> and reference your existing applications PM 35233815 and PM 35297798.

Response B2: The City appreciates PG&E's review and comments on the IS/MND. This comment does not pertain to the IS/MND or CEQA, and therefore no revisions to the IS/MND are required in response to this comment. Additionally, this comment provides instruction for the provision of gas and electrical service at the project site, which would be coordinated between the project applicant and the service provider and would not involve the City of San José.

Comment B3: 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 B3: The City appreciates PG&E's review and comments on the IS/MND. This comment does not pertain to the IS/MND or CEQA, and therefore no revisions to the IS/MND are required in response to this comment. For information purposes, California regulations require utility location before excavation (California Government Code 4216).

SECTION 4 TEXT CHANGES TO THE IS/MND

As discussed above in Section 3, the comments received on the Draft IS/MND do not require additional CEQA analysis or revisions to the IS/MND. The City has identified no other revisions required to the IS/MND unrelated to comments received on the Draft IS/MND. According, there are no text changes to the IS/MND.

SECTION 5 SUPPLEMENTAL REPORTS AND MEMORANDUMS

The comments received on the Draft IS/MND do not require the provision of supplemental reports or memorandums. Accordingly, no supplemental reports or memorandums are provided in responses to the comments received on the IS/MND.

SECTION 6 PUBLIC COMMENTS ATTACHMENTS

Please see copy of the original comment in Attachment A.



101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276

March 18, 2022

Bethelhem Telahun

Planning, Building & Code Enforcement
City of San José
200 East Santa Clara Street
Bethelhem.Telahun@sanjoseca.gov

SUBJECT: Public Notice of Intent to Adopt a Negative Declaration for the 1953 Concourse Drive Project (H21-003/ER21-012)

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Public Notice of Intent to Adopt a Negative Declaration for the 1953 Concourse Drive Project (H21-003/ER21-012). We submit the following comments:

- The TDM plan is required to have annual monitoring and reporting to ensure the mitigation measure is implemented and effective in reducing the project VMT. It is recommended that the property manager consults with City staff to ensure the monitoring and reporting meets the City's expectations. Monitoring should include annual rideshare surveys, or similar surveys, to ensure rideshare is being utilized by employees. County would like to be informed by the City if the TDM plan falls below expectations to mitigate significant transportation impact on VMT. The unmitigated impact will affect Montague Expressway.
- The County recommends the applicant implement both of the following mitigation measures for Impact TRA-1.
 - Consider providing additional bike lockers on-site and
 - transit pass as part of the TDM plan.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,





COMMENT LETTER B

March 22, 2022

Bethelhem Telahun
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Concourse Drive Project H21-003 ER21-012
1953 Concourse Drive, San Jose, CA

Dear Bethelhem Telahun,

Thank you for providing PG&E the opportunity to review your proposed plans for Concourse Drive Project H21-003 ER21-012 dated February 25, 2022. 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/> and reference your existing applications PM 35233815 and PM 35297798.

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.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management
