



First Amendment to the Draft Environmental Impact Report Volume III

Westgate West Costco Project

File No. CP21-022
SCH# 2022010135

September 2024



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Report

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Prepared by



September 2024

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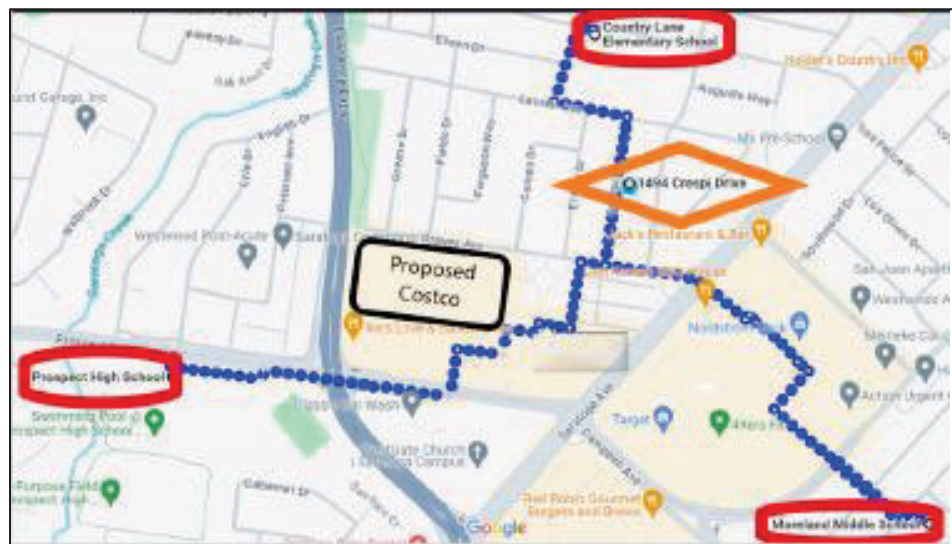
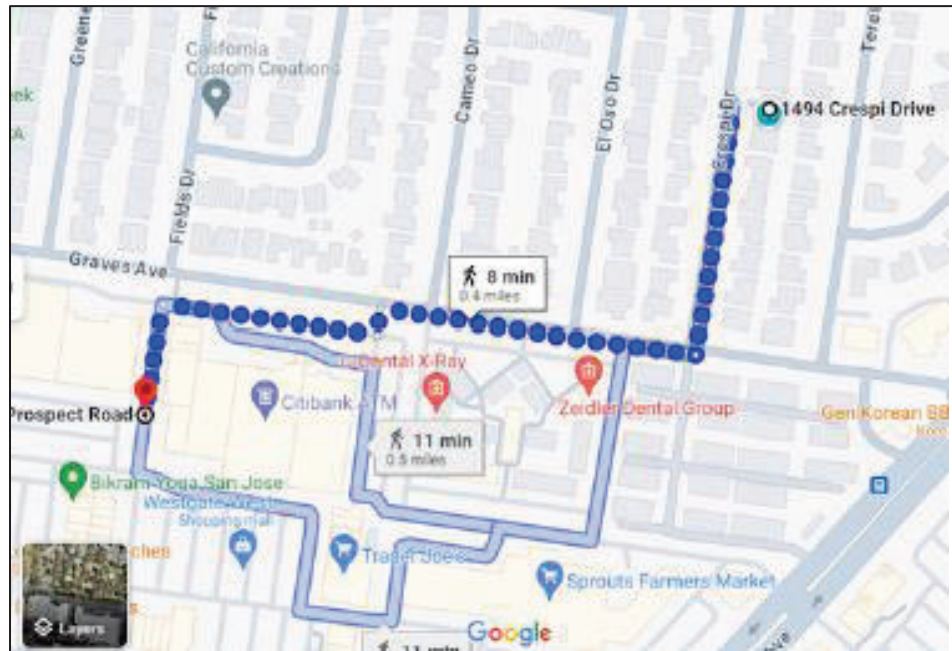
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Comment Letter 191. Lindsay Starek (dated February 18, 2024)

Comment 191-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project.

My name is Lindsay Starek and I am a registered nurse who works for Stanford Hospital and have many years of cardiac ICU experience. My husband is a software engineer at a tech company in Mountain View and works from home 2 days a week. We bought a home in the Country Lane Neighborhood 6 months ago which is next to the proposed Costco Warehouse at Westgate West. Our home is on Crespi Drive which is 0.4 miles away from the site and abuts Graves Avenue. We are parents to a 2-year-old and a 4-year-old and plan to have our kids attend the nearby schools, Country Lane Elementary, Moreland Middle, and Prospect High School over the next 16 years. All of these schools are less than one mile from the proposed Costco site.





I would like to start this by saying that my family is in favor of positive development projects for the space in question. We believe mixed affordable housing built above businesses with an associated greenery space is appropriate to the visions and values of the city (i.e., Vision Zero, Carbon Neutrality by 2030, etc.) and meets the needs of the surrounding community. We also are not against Costco in general. We have shopped there and think that it serves an important purpose to families.

Response 191-1

This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 191-2	However, we do believe that having Costco in this space would negatively impact the traffic, the sense of community and is too large for the allotted space in this particular development. Below I have listed my concerns with the proposed Costco project.
Response 191-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-3	Pedestrian/Bicycle Concerns We are delighted that San Jose is working hard to become a more bike-friendly environment and my family is in full support of and plan to use these accommodations. To illustrate our commitment, my husband currently bikes our children to daycare which requires him to cross the most dangerous roads of the area to get there -- Lawrence Expressway, Prospect Road, and Saratoga Avenue. We have seen firsthand how extremely unsafe it is to bike or walk in these areas currently. San Jose's Vision Zero has plans to increase safety, however, these plans are only accounting for the traffic situation right now. Currently, the data indicates that when an incident happens in this area it is more likely to be a fatality or a severe injury: • 670 people have been killed or injured in traffic accidents in San Jose since 2022 • In this area specifically, • 11 fatalities • 72 injuries • 60 severe • 7 moderate • 5 minor Furthermore, the most impacted intersection of this project (Lawrence Expressway and Prospect) has had 4 separate pedestrian-versus-car incidents in the last year alone. I am concerned that this already incredibly unsafe intersection will become unthinkable dangerous for any sort of pedestrian or bicycle traffic if

Costco goes in. This is the exact opposite of what the city is trying to accomplish with its current initiative goals.

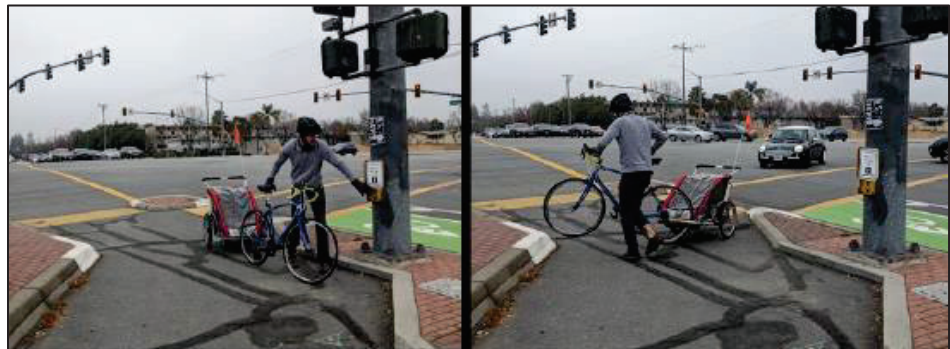
Here are photos of my husband and the bike trailer at local intersections that are the least safe.



- The bike and the trailer barely fit here
- Very few people can fit in this area to wait to cross safely and would need to wait outside of the barrier areas. (hundreds of students use this spot daily)
- Short barriers-- if a driver were not paying attention, they could easily come over a barrier and strike a pedestrian.
- Suggestion: Could we enhance this pedestrian refuge to make it safer



- In this photo, the red car is waiting at the red light to turn
- Cars often stop inside the crosswalk area forcing pedestrians to walk close to or into exposed traffic areas when crossing the street
- Suggestion: Could we enhance the crosswalks to make it more obvious for cars to stop outside the crosswalk



- Location of pedestrian call buttons forcing people to turn their back on traffic
- Very vulnerable, exposed, and dangerous

- Suggestion: Could we put pressure sensors that detect the weight of the pedestrian here instead of requiring call buttons to activate the walk sign to make it safer

Response 191-3

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. As noted on pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR, the project includes pedestrian facility improvements on Lawrence Expressway and Prospect Road. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that implementation of the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures are required for impacts related to transportation as the Project will not result in any significant and unavoidable transportation impacts compared to the existing setting. This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 191-4

Inappropriate Data Extrapolation for Traffic Analysis

The Costco DEIR estimated that the project would add approximately 11,000 more car trips per year (per Appendix L Transportation Analysis pages 13, 41) and deemed it to be of “less than significant impact”. We are concerned this distinction was made with inaccurate data because it was collected during the height of the pandemic and before the “Vision Zero” lane reduction project took place. During the time of the study, the following areas were misrepresented:

1. Tech workers forced working from home during this time – >50% fewer vehicles on the road
 - a. 52.5% of SF metro area substituted in-person work for telework due to COVID (According to the Bureau of Transportation Statistics, 2021)
2. Students were not attending school – no pedestrian traffic
 - a. Schools reopened in March 2021
3. Daycares shut down and kids required to stay home with parents – less driving and pedestrian traffic
4. Data collected was not during peak pedestrian hours for this area.
 - a. School drop off and let out times
5. Traffic congestion issues were not taken into account because the lane reduction plans from Vision Zero lane changes had not occurred yet

Response 191-4

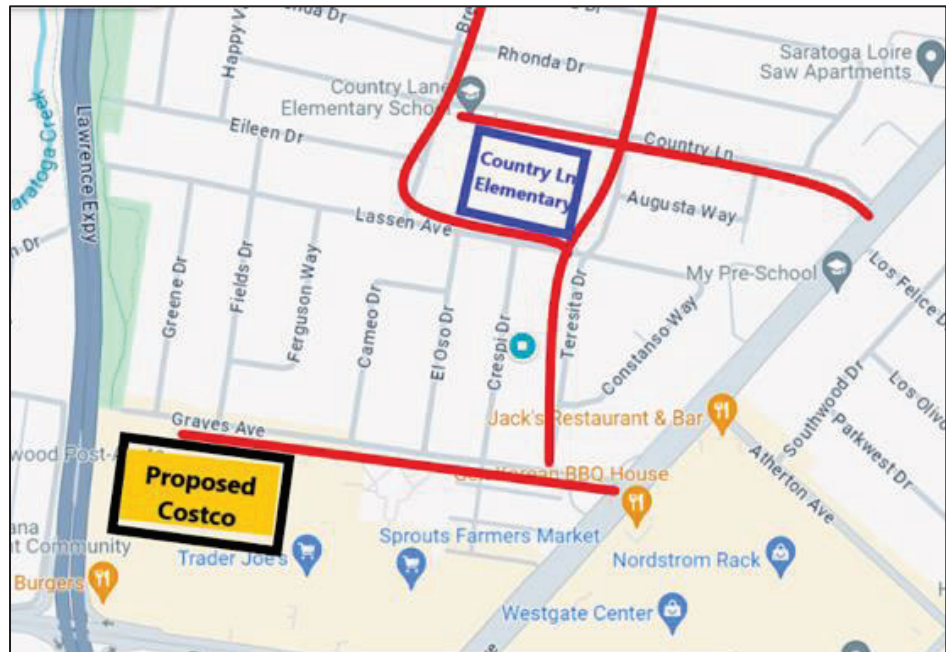
Refer to Topical Response C for a discussion of City requirements and the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project and traffic counts in relation to the COVID-19 pandemic. The comment did not provide new, substantial evidence with respect to the

	disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-5	I propose to run the data again with the following suggestions in mind to ensure that it still falls under the “less than significant impact” category. 1. During peak school, pedestrian, and traffic hours on these days (holiday and non-holidays) • a. Mondays: 1:20 pm – 5:00 pm • b. Tuesday, Wednesday, Friday: 2:00 pm – 5:00 pm • c. Saturday and Sunday: 9-5pm • d. Additional traffic considerations for all local after school Sports/Events • i. Please work with these school governances to determine best hours to study to capture all impacted sport/event groups • 1. Prospect High School • 2. Country Lane Elementary School • 3. Easterbrook Elementary/Middle School • 4. Moreland Middle School • 5. Latimer Elementary/Middle School • 6. Lynbrook High School
Response 191-5	Refer to Topical Response C for a discussion of peak school hour counts and the scope of the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-6	2. New traffic studies need to be done to evaluate the current conditions on Saratoga Ave since the completion of the widened bike lanes and lane reductions projects.
Response 191-6	Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-7	While modeled predictions were done, the real-life back-up effects we’ve seen due to Saratoga Ave's lane changes will have a profound negative impact on traffic entering and exiting Saratoga Ave at all the intersections studied. The study needs to be re-done to reflect these changes and the real-world behavior of drivers adapting to these lane changes.

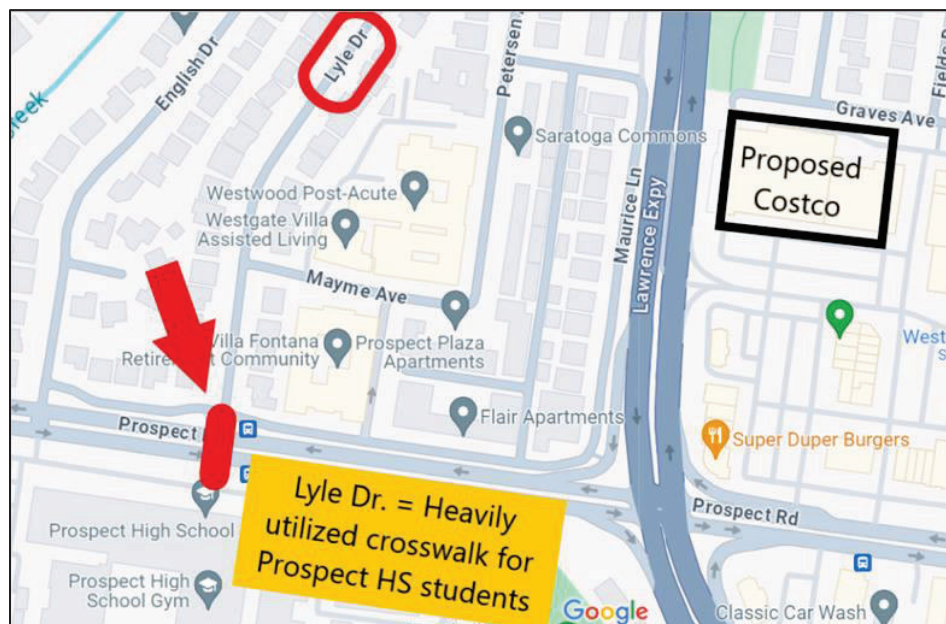
3. Do congestion study along Graves Ave, Teresita, Country Lane, and Lassen during the following times on weekdays to assess the impact of the lane reduction/bike lane widening on the local neighborhood traffic

a. 7:00 am - 9:30 am

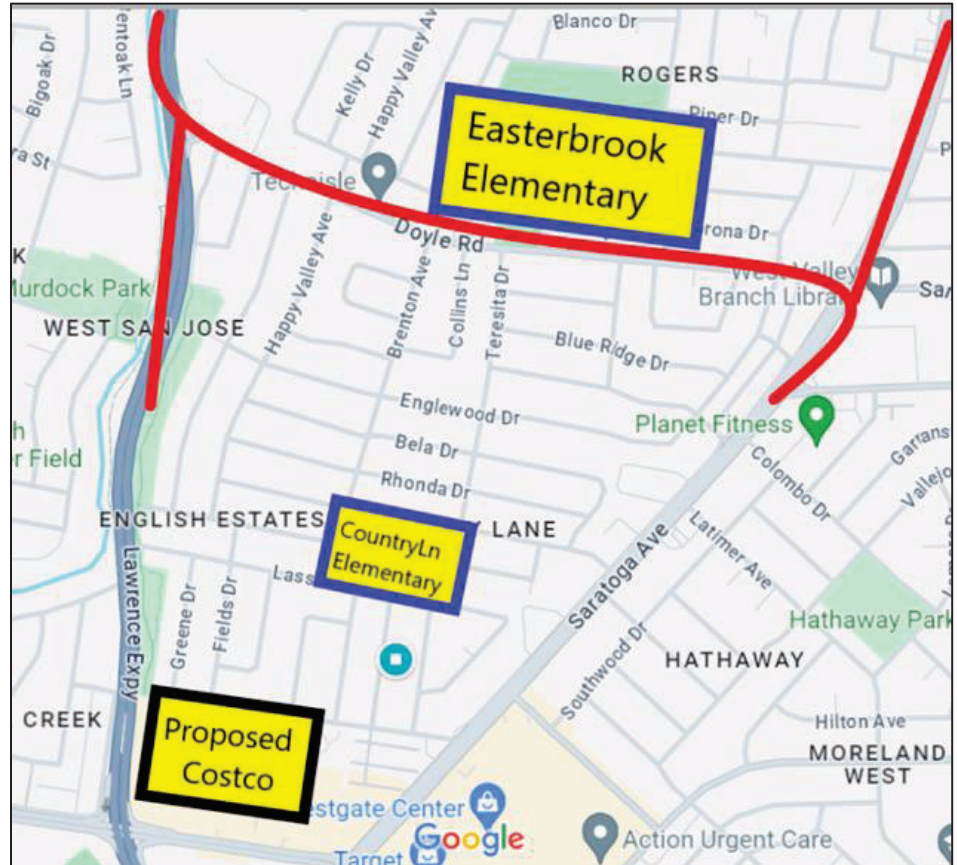
b. 1:00 pm – 5:00 pm



4. Do a pedestrian safety and congestion study of Lyle with respect to the impact on the school and students



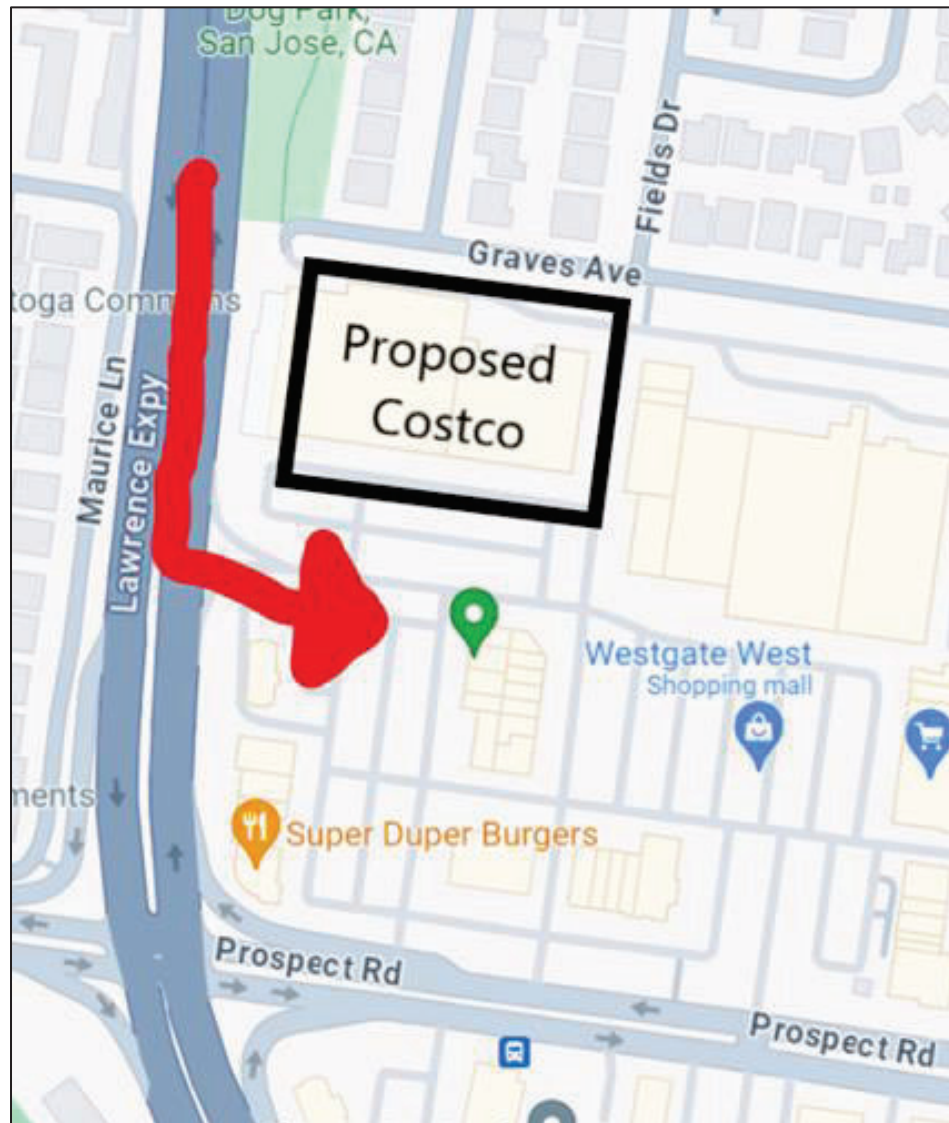
5. Do a congestion and pedestrian study along Doyle road see what the impact on Easterbrook Elementary/Middle school and Country Lane Elementary School. Major school traffic with crosswalks to nearby schools. My concern is about drivers bypassing the most likely congested Saratoga Ave and Lawrence Expressway cutting through Doyle and the neighborhood.



6. Do a congestion study along Campbell Ave and Hamilton Ave to see what the impact would be to the crosswalks and local school safety for Moreland Middle School and Latimer Elementary/Middle School



7. Do a congestion study along Lawrence Expressway turning into the proposed complex to see what the impact would be to congestion on Lawrence Expressway



Response 191-7

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 191-8

This area has already proven to be an extremely unsafe. We appreciate the efforts already made in the Costco plans to widen crosswalks, increase the size of intersection islands and add crossing guards. However, I am concerned that these efforts that cost a significant amount of money would not actually significantly improve the problem. This is a website with 28 proven strategies that are aimed

at reducing roadway fatalities and injuries offered by the U.S. Department of Transportation (<https://highways.dot.gov/safety/proven-safety-countermeasures>). The ones that would be applicable to this project include the following:

1. Protected bike lanes
2. Crosswalk visibility enhancements
3. Leading pedestrian interval
4. Medians and pedestrian refuge islands – potentially already in the plans?
5. Pedestrian and hybrid beacons
6. Rectangular rapid flashing beacons
7. Roundabouts at the major intersections

Yet, I am extremely concerned that the extra traffic anticipated to be brought in by the proposed Costco would be too overwhelming even with these proven measures. I believe the only safe option if the Costco is going to be built is to construct pedestrian bridges or tunnels. I would like to propose using the money allotted to making the other proposed changes and to be used instead to help the city subsidize two pedestrian bridges or tunnels that accommodates pedestrians and bikers over the major streets where people cross (one over/under Lawrence Expressway from the Country Lane Neighborhood and the second over/under Prospect Road from the Saratoga Creek Neighborhood).

Response 191-8

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. As noted on pages 216 through 220 in Section 3.17, Transportation, of the Draft EIR, the Project would include public improvements in the form of sidewalk continuation, updating pedestrian facilities to conform to the Americans with Disabilities Act, curb modifications and corresponding signal modifications. All improvements would be made to adhere to the latest design standards for the City, or County of Santa Clara, thereby preventing hazardous conditions. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures are required for impacts related to transportation as the Project will not result in any significant transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 191-9

Traffic Concerns

The city of San Jose is working to make the area more bike friendly and to slow the traffic down in the area. In this process they have significantly reduced the number of car lanes, and plan to do much more. My concern is with a Costco in this area, and a minimum increase in the cars of the area by 11,000 per day, there

will be so much congestion, that cars will start cutting through the local neighborhoods to get to their destination. Of note, there is a local elementary school in the Country Lane neighborhood that would be particularly vulnerable as many children walk to and from school and activities here. There is a high likelihood of having frustrated drivers that had been stuck in traffic speeding through the neighborhood making it extremely dangerous for the residents and their children. There was no study done as of yet to determine how the traffic would be impacted around Country Lane Elementary school. I would like to require a study of this area's traffic impact to be done prior to approval.

Response 191-9	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-10	Furthermore, I would like to propose closing off the Graves entrance completely to through traffic to this shopping center. All other Costcos in the area have made efforts to protect and insulate the nearby neighborhoods from delivery trucks and through traffic.
Response 191-10	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-11	Additionally, NO other Costcos in the area are near schools and I consider it essential to take into account (this proposed Costco is less than one mile away from 6 schools and 10 daycare centers).
Response 191-11	Of eighteen Costco locations in the wider San Francisco Bay Area, three are located approximately 2,000 feet from school or residential uses and all eighteen are located in the vicinity of school, residential, or both uses. Page 204 in Section 3.15, Public Services, of the Draft EIR included a discussion of the Project's proximity to schools. The Draft EIR analyzed the Project's impacts to provision of public services, including schools, and found that there were no significant and unavoidable impacts related to the Project. Refer to Topical Response C for a discussion of peak school hour counts and the scope of the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-12	I am also concerned that having a Costco placed here will encourage more vehicular traffic in general which is the opposite of the Pathway to Climate Neutrality by 2030's goal. Costco is known for having large bulk items that would be extremely inconvenient to load on to a bike, public transit, or to carry. This type of shopping requires a personal vehicle to load and take items home. I am

disappointed that we may be approving a project that goes against San Jose's amazing and ambitious goal. I would prefer to see development here that would encourage people to walk, bike or use public transportation to the store and would have affordable housing developments build in.

Response 191-12

Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 191-13

Health Concerns

The DEIR mentions that there are hazardous materials that would be released during the construction project from a previous Midas store on the property. I have asthma and young children who will soon be attending the elementary school less than half a mile away. With consideration of the other 16 school and daycare facilities within one mile away from the site, this would impact thousands of other children to any hazardous materials that are release during construction.

Are there ways of trapping the release of these chemicals during the construction process to prevent community exposure? If there are, I would like to have it in writing the explicit promise of each method that will used to decrease the release of these hazardous materials into the air, water supply, etc. I would also like there to be an agreement with Costco that independent experts selected by the city will:

1. Write parameters of the permissible versus unhealthy chemical release amounts that are allowed/not allowed during and after construction
2. Conduct studies during and after the construction that monitor the release of these chemicals and adherence to the written parameters
3. Have the authority to stop or halt construction until the permissible parameters are regained
4. To notify the local community of any incidents of possible unhealthy exposure levels in a timely manner in order for residents to seek shelter or medical preventative care.

I would like the city to work with independent local public healthcare officials to determine the possible symptoms that could develop from the release of the hazardous materials during construction and to have Costco say in writing a plan similar to the one listed below:

- For any person that lives within 2-mile radius of the site that experiences the listed symptoms within a 5-year time from the start and end of the

construction period, Costco would help to pay a large percentage of the health bills for those individuals who experience these health conditions.

Having worked in the healthcare industry for 10 years, I have seen firsthand how impacted communities can be after measures are not taken to prevent the spread of hazardous materials. In particular, those who lack health insurance are the most vulnerable. This area is very diverse with wealthy and low-income people living nearby. I am particularly concerned with the low-income people who may lack health insurance to pay for possible health ailments that may occur from the construction.

Response 191-13 Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Pages 136 through 143 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR analyzed the Project's potential impacts on hazards and hazardous materials based on the testing information from the Phase I Environmental Site Assessment, Phase II Environmental Site Assessment, Vapor Intrusion Assessment Report, and Kleinfelder and Converse consultant recommendation letters. The Draft EIR included mitigation measure HAZ-1 which outlines Project compliance with the California Department of Toxic Substances Control. The mitigation measure would require regulatory oversight from the California Department of Toxic Substances in order for the Project applicant to initiate any grading or demolition activities for Project construction. As such, Project impacts related to hazards would be less than significant with incorporation of the proposed mitigation measure. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigations. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 191-14 Environmental Concerns

We are proud of San Jose's Pathway to Climate Neutrality by 2030 plan to become carbon neutral. Costco's plans for this project have not included any measures that help to reach San Jose's goal. Currently this project has not included solar panels, EV car charging options, bicycle parking, and other measures that are consistent with this plan. At a very minimum, I would like to require that Costco make promises to work with San Jose's plan for Climate Neutrality by 2030 and institute their suggestions.

Response 191-14 Refer to Topical Response D for the number of bike parking spaces proposed by the Project. Page 104 in Section 3.6, Energy, and Appendix E, Energy Assessment, of the Draft EIR addressed Project consistency with state or local plan for renewable energy or energy efficiency. The Draft EIR found that there are no significant impacts related to Project consistency with state or local plan for renewable energy or energy efficiency. Pages 130 and 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with

	all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-15	Additionally, with all of the meal ready food and packaging sold, I would like to ensure that Costco promises to 1) Use compostable plates and utensils for any ready-made food on the property and 2) Partner with a local composting company that will manage and dispose of the compostable materials properly 3) Have a plan to reduce and reuse packaging to lessen waste.
Response 191-15	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-16	Parking Concerns If Costco has to go in, I am concerned that even with the parking on top of Costco, if there are no parking spaces in the visible parking lot, people would be unwilling to use the roof top parking and would instead try to park on the neighborhood streets. I would like to require that all of the staff parking be done on the roof top of Costco. This could allow more spaces to be available for shoppers in the main parking lot and try to cut down on people parking in the neighborhoods. I also would like to require Graves Ave and the small business complex be completely closed off from traffic of any kind (delivery trucks or through traffic). I am also concerned about people parking in the already impacted Trader Joe's and Ike's parking lot. It would be important to me to put up barriers between the approved Costco parking and the other businesses (i.e., Trader Joe's, Ike's, etc.) parking areas to discourage people from using them and walking over. Additionally, I would like to keep the shopping carts out of these other business areas and neighborhood. Could we put in cart wheel lock sensors around the designated Costco parking area to further discourage parking and walking to/from the nearby business and neighborhood.
Response 191-16	Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow into neighboring streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-17	SUMMARY In summary, this project will cause significantly more traffic than is capable for this area causing an already unsafe situation to become extremely dangerous.

Response 191-17	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 191-18	The building is inappropriately scaled for the current space, does not fit with the vision of San Jose's initiative of becoming carbon neutral by 2030, and this entire project cannot be improved enough to justify its existence in this space and should be denied. If the city insists on approving this dangerous project against better judgement, before granting approval the city must create, fund, and put in place. - Specific neighborhood traffic isolation strategies, - Environmental and climate change reduction strategies - Significant traffic and pedestrian mitigation measures to address student, pedestrian, and cyclist safety - Re-study the traffic impacts with real time data of what is currently happening in this area - Efforts to prevent, monitor, notify and help compensate individuals suffering from hazardous materials from being released during and after construction - Require Costco to align with and abide by city initiatives aimed at improving our community
Response 191-18	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation measures. The Project analysis found that there were no significant and unavoidable impacts. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR analyzes greenhouse gas emissions as a result of the Project, including whether the Project would Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment, or whether the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Draft EIR found that there were no significant impacts to greenhouse gas emissions as a result of the Project. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any

significant impacts to the environment. Refer to Topical Response C for a discussion of the scope of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigations. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 192. Manickam Dhamodharan (dated February 18, 2024)

Comment 192-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. I am deeply disappointed and concerned about the flawed idea of replacing old OSH complex with a Costco.
Response 192-1	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 192-2	A) First and foremost this project will increase the traffic tremendously that will gum up the intersection resulting in a major choke point.
Response 192-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 192-3	B) Equally important and concerning to me is the loss of variety of small businesses and services that are serving our needs which will get displaced. To access those displaced services we may need to drive further adding to the traffic crisis.
Response 192-3	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 192-4	C) Finally, there is no need for additional Costco here as the one on Lawrence Expressway in Sunnyvale serves the needs of neighborhood already. This is redundant particularly considering the potential issues this new Costco will result in.

Thank you for your consideration and your care in responding to these serious concerns.

Response 192-4 Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment. The Project analysis found that there were no significant and unavoidable impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 193. Maria Dugan (dated February 18, 2024)

Comment 193-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Unfortunately, I cannot support a Costco for that location.

Response 193-1 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 193-2 It is oversized for the location, would cause undo hardship on neighboring homes, and create a humongous impact on traffic. I must support my neighbors that would be impacted the most.

Response 193-2 Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment. The Project analysis found that there were no significant and unavoidable impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 193-3 This concept does not appear to truly take in account the large scale project going in at the old el paseo shopping center across the street.

Response 193-3 Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant

	environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 193-4	If you look at a street map you can see how the streets come together and land narrows in this area as Lawrence expressway and Saratoga Ave come together. This existing street layout does not allow for street upgrades to alleviate traffic. Both the el paseo and Costco development will only create what is already a traffic problem and make it exponentially worse. It channels all traffic to Saratoga/prospect entry and cuts off access for those of us who regularly use Graves Ave to enter the center. You already cut off right turn access to graves, which forces traffic to back up on Saratoga and was bad idea, done for unknown reasons, that should definitely be reversed. Why take something that works and make it worse?
Response 193-4	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 193-5	In addition, the proposed Costco would be undersized compared to other locations and as a result would not give the neighborhood a fully stocked location that would result in local customers still needing to go out of the area to a different location for regular items. A current example would be the airport location has an undersized liquor dept and I've been directed several times to the Almaden location to find fully stocked wines, ditto garden supplies/plants, and several items not carried at the airport location. This proposal would be for an even smaller Costco. Very likely not saving on gas/pollution for local Costco shoppers.
Response 193-5	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project, as required under CEQA. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 193-6	I could list several other large challenges, but ultimately a Costco at this location would be a detriment to the neighborhood vs an asset. I vote no. I'm against a Costco at this location. Thank you for your consideration and your care in responding to these serious concerns.
Response 193-6	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with

respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 194. Rasha Hasan (dated February 18, 2024)

- Comment 194-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.
- This is Rasha Hasan, a Moreland West resident. I object to the plan to locate a Costco store at the corner of Lawrence Expressway and Prospect Avenue.
- Response 194-1 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 194-2 This location is already a traffic problem and a true nightmare in the morning and afternoon when students are going to and from Prospect High School –located at this same corner. There are children on foot, on bikes and driving here along with parents dropping their children off at school. All are in a hurry each day. This creates a dangerous situation for our young students and results in several accidents and injuries each year.
- Response 194-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of peak school hour counts and the scope of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 194-3 This situation will get worse in the next few years as the new El Paseo de Saratoga apartments and the other housing development that the city of Saratoga will build are built. This will add over 2,000 housing units to the same area and of course many of these residences will have students attending Prospect High School.
- Response 194-3 Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 194-4 All of this development will greatly increase the traffic congestion and increase the danger to our young students.

	Costco will bring a lot of additional traffic to an already crowded location. Costco wants to fit their warehouse in a too-small site with inadequate car and truck access.
Response 194-4	Refer to Topical Response B for a discussion of vehicle access and circulation on the Project site. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 194-5	Also, a Costco is not what this neighborhood needs or wants. We have plenty of shopping options available now and we will even have a Whole Foods store soon. Adding a Costco at this location, on top of all of this, is simply irresponsible and myopic. Thank you for your consideration and your care in responding to these serious concerns.
Response 194-5	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 195.	Rea Kapur (dated February 18, 2024)
Comment 195-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback as a longtime resident of the neighborhood. I attended Country Lane Elementary and Prospect High School, both mere feet away from the proposed Costco site.
Response 195-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 195-2	I enjoyed walking home from school and felt safe, despite the already heavy car traffic. Imagine my dismay when I heard that there were plans to build a Costco in between those two schools, adding 11,000 new cars on the road. The Prospect/Lawerence intersection is already too heavily populated and I have even witnessed a teenager on a bike getting hit by a car. It is asinine and dangerous to

	increase that traffic by 18 times. However, that is just what the city and Costco plans to do, disregarding public safety.
Response 195-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 195-3	I am writing this to urge you to not go forward with the Westgate West Costco project. It does not make sense for a Costco or any business of similar size to be in a residential neighborhood, in between two high volume schools. As a Country Lane resident, I fear for my family members, neighbors, as well as the children. Just down the street, off Quito and Saratoga, is another huge lot where Lucky's used to be in the same plaza as AMC 14. This lot is not directly next to residential neighborhoods, as well as doesn't pose as big of a safety issue. I propose that Costco looks there to develop a site or anywhere else other than Westgate.
Response 195-3	Pages 253 and 254 in Section 8.0, Alternatives, of the Draft EIR included a discussion of an Alternate Site Alternative for the Project. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 195-4	With the removal of a lane on each side of Saratoga Avenue, making it go from three lanes to two, traffic is already a nightmare. The proposed Costco will extend my already lengthy commute due to the influx of traffic. I love Costco, it's a great store. However, the Country Lane neighborhood is not a good fit for the big box store. There are plenty of empty lots that are not in close proximity to residential housing, schools, and already congested traffic. Thank you for your consideration and your care in responding to these concerns. I trust that you will do what is right for the safety of our residents.
Response 195-4	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the analysis of the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 196. Roberta Witte (dated February 18, 2024)

Comment 196-1	This DEIR is not adequately addressing the level of disruption to me and to all of the neighbors in English Estates Neighborhood, which includes the Westwood Post- Acute care facility on Petersen Avenue.
Response 196-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 196-2	Concerns: Noise not only during the construction phase of this project but every day that the tire store is in operation! A new study needs to be done to mitigate the daily noise that a tire store would generate. Noise – across Lawrence affecting my home and seniors in the facilities on Petersen Avenue Noise from the tire store! My home’s bedroom is at the intersection of Petersen & Maurice Lane and faces Lawrence Expressway. Noise travels across Lawrence and through the echo chamber tunnel created by the apartments on Maurice Lane. I do not want to hear those air guns taking tires on and off all day long! Those work stations need to be enclosed and not open to the outside, have enhanced insula on to dampen noise and increased air circulation to protect the workers. Noise from the tire store needs to be addressed!
Response 196-2	As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 196-3	Potential Blight due Costco carts abandoned in my neighborhood Costco shopping carts will end up in my English Estate neighborhood, across Lawrence Expressway from the proposed Costco Warehouse store. We already get carts from Target, which is further away. It will only get worse! Put barriers so carts cannot cross Lawrence and enter our neighborhood at the corner of the Prospect and Lawrence walkway. This needs to be required on all sides of this proposed Costco to keep our neighborhoods clear from the blight of carts abandoned in our neighborhood.
Response 196-3	Costco implements the following measures for shopping cart control: continuous on-site cart retrieval, daily off-site cart retrieval, and posted signage. In addition, Costco conducts a one-year cart monitoring program for the first year of operation. Additional control measures may be implemented should the listed measures fail to keep carts on-suite. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 196-4	I am against the approval of a Costco Warehouse on the Westgate West property.

Response 196-4 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 197. Sara Ludwig (dated February 18, 2024)

Comment 197-1 Thank you for taking the time to review my response to the DEIR for Westgate West Costco. I appreciate the time that goes into this process and also want to acknowledge some of the mitigations thus far such as closing off the west end of Graves as well as not having a gas station at this location. I also appreciate Rosemary Kamei and her willingness to listen to the concerns from the community at a meeting she recently hosted on Feb 5th. My kids who were present at that meeting felt like she listened and are hopeful she heard their significant concerns about student safety.

Personally, I have lived in this area for over 20 years along my husband who was born and raised here and has been in the area for over 50 years. We are raising our four children here, two of who go to Prospect High School and two who are at Moreland Middle School. Our roots run deep in this area. Likewise, we have been Costco members for over 20 years, using our membership for personal and business needs. We value Costco as a business but have significant reservations about the project as it currently stands.

Here are some of my concerns as it relates to the DEIR:

Response 197-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 197-2 1.) The transportation analysis, (Appendix 1) notes that traffic on Graves is only expected to increase by 5 percent. It is unclear to me how this can be, as a map (Figure 8, dated August, 5 2022) on the analysis notes expected Costco traffic from the east 25%, northeast 10%, northwest 27% and south 21%. With the changes to Saratoga Ave which has increased congestion through the reduction from 3 to 2 lanes, more traffic is avoiding Saratoga. Instead of sitting on Saratoga in gridlock, cars will adjust and weave through the Country Lane neighborhood via Doyle or turn off Saratoga onto neighborhood streets which will all dump onto Graves Ave to access the Costco site. Cars from the northwest will turn off Lawrence onto Doyle traversing through the Country Lane neighborhood onto Graves to enter the back of the site. Additionally, cars coming from the south, on Saratoga, wanting to avoid an also congested Prospect Rd, will potentially head further north to access Graves. That 5% increase in traffic on Graves Ave as noted in the DEIR is at best, questionable.

How did the transportation analysis come up with that 5% number?

With the common use of GPS devices to reroute traffic, cars will be directed through this neighborhood, no doubt. Country Lane Neighbors will have great

difficulty using our neighborhood streets once Costco traffic is added, not to mention the safety concerns that go along with the additional vehicles cutting through. It is already difficult and at times dangerous, to pull out on Doyle Rd or Graves Ave when trying to exit Country Lane.

The analysis notes Alternative B for closing off Graves and this is really the only option that can be considered to protect the neighborhood and local elementary school from a thoroughfare of traffic.

- Response 197-2 See pages 62 through 66 in Appendix I, Transportation Analysis, for the transportation analysis methodology on Graves Avenue. Further, Figure 8 on page 37 is not intended to be used to determine the percentage of trips on specific roadways, rather general directions of trips. Refer to Figure 9 on page 40 in Appendix I, Transportation Analysis, of the Draft EIR for the correct number of net Project trips at each intersection on specific roads that inform the LOS determined for informational purposes for the Project. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 197-3 Per the DEIR none of the roads or intersections in the Country Lane neighborhood were evaluated to determine the impact. Why were vehicle counts not considered on Doyle Rd or in the Country Lane neighborhood directly behind the Costco? Easterbrook Discovery School and Country Lane Elementary are directly impacted by traffic in these areas already. A more thorough look into mitigations required to prevent negative outcomes to the Country Lane neighborhood need to be identified in the EIR, particularly as it relates to calming measures and should be included in the EIR. Residential roads should not be used to access the Costco development.
- Response 197-3 Refer to Topical Response A for a discussion of VMT, not LOS, as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of why peak weekday hours are used for traffic studies and the scope determination and requirements of the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 197-4 With the recent changes made to Saratoga Ave, an updated transportation study is needed to reassess how those changes will impact the area. The last traffic study was dated October 2023 prior to Saratoga Ave safety improvements.
- Response 197-4 Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 197-5

2.) There is a huge emphasis on Costco VMT as noted on the DEIR and how Costco VMT will be reduced with this new location. With the increased traffic there will be greater congestion which I understand VMT does not address in the immediate community. When it takes anywhere from 2-4 light cycles to get through an intersection because of traffic, does that not increase greenhouse gasses? According to The Department of Environmental Quality on the Utah.gov website (some Common Myths: Be Idle Free) it states that cars idling for two minutes use about the same amount of fuel as it takes to drive one mile. Changes are being made on local roads that slow traffic resulting in increased congestion. Greater than 11,000 vehicle trips are expected per the DEIR for the new Costco and this Costco is on a smaller, more congested lot which will slow traffic flow. It seems to me that any gains in VMT for Costco stores according to the DEIR, could be a wash at best, especially when you consider the increased congestion resulting in increased time idling for thousands more cars.

Likewise, stores that were frequented and pushed out to make room for Costco now require customers to travel further increasing VMT for those businesses. This will also be occurring near sensitive receptors including students at Prospect high and Country Lane elementary schools and the elderly, including two retirement communities and Westwood post-acute across Lawrence Expressway. The DEIR does not seem to adequately address the increased pollution with these sensitive groups that are directly adjacent to the development site.

Response 197-5

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The Draft EIR addressed health risks and air pollution on pages 36 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds as required by the BAAQMD. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to determine thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, BAAQMD requires inclusion of sensitive receptors for all sources subject to Rule 11-18 or Air Toxics “Hot Spots” Health Risk Assessments (HRAs) and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.¹ The closest sensitive receptors are nearby single-family residences located 50 feet north of the project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.² These non-residential sensitive receptors were included in the analysis in the

¹ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

² The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health and air pollution, with the applicable mitigation measure incorporated, as analyzed under the appropriate BAAQMD thresholds of significance.³ Pages 127 through 129 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR analyzed the generation of greenhouse gas emissions as a result of the proposed project. The Draft EIR found that there are no significant impacts related to Greenhouse Gas Emissions for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 197-6

3.) We have had students at Prospect High School for the past four years and will be at this school until 2030 when our last child will graduate. My children walk to school, run cross country, bike in the area, drive to from school and the list goes on. Honestly, I am almost to a point that I will not allow my kids to walk across Lawrence and Prospect as they have both had close calls with vehicles. On Saratoga's Safe Routes to school plan (September 2022) that intersection is considered a collision hot spot. Not to mention that in San Jose's Vision Zero initiative, Lawrence and Saratoga are considered Priority Safety Corridors. The only intersection addressed for mitigation thus far on the DEIR is the one off of Lawrence going into the Costco site. It also seems shortsighted that the DEIR did not evaluate one of the busiest times of the day in that area: Monday dismissal 1:40 and Tuesday-Friday dismissal 2:50. The intersections of Lawrence/Prospect, Lyle/Prospect and Saratoga/Prospect are heavily traveled by students and need to be very carefully looked into and studied for mitigation needs before this project can be considered since Costco will be a new epicenter of the traffic to the area.

It was noted in the community meeting held by Rosemary (Feb 5) regarding this project that the areas of Lawrence/Prospect/Saratoga are quite complicated. She noted that problems need to be solved but that it will take time. The problem has to be solved and documented in the DEIR before, not after, any thought can be given to adding a Costco because otherwise you will be putting lives at risk. To me, her statement sounds like this area has significant safety concerns and requires many entities coming together to plan mitigation measures before moving forward.

Response 197-6

Refer to Topical Response C for a discussion of peak school hour counts and the scope of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

³ BAAQMD CEQA Thresholds of Significance. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

Comment 197-7	One more note, per the Bollinger Road Corridor Safety Study information it has come to light that Bollinger Road will undergo a transformation with reduction of lanes, allowing for safer biking and pedestrian access. Undoubtedly, this will increase congestion on Bollinger and likely push vehicle traffic onto Prospect Ave. Has anyone in planning even given a thought to how this will impact the Prospect/Lawrence area? The big picture needs to be considered instead of projects being piecemealed together. There is just too much being considered in this area of west San Jose for inadequate planning.
Response 197-7	The Bollinger Road Corridor Safety Study is a concept-level study that would require future design, analysis, and funding for any future development project before the study would require analysis as a cumulative project under CEQA for the Project. Further, the traffic analysis for any future development would consider the Project in the background conditions. Additionally, Prospect Road is located over 2 miles south of Bollinger Road. People wishing to travel on Bollinger Road but choosing to avoid the section under consideration in the study would have to divert more than 2 miles out of their way to use Prospect Road, adding several minutes to their travel time. Considering people choose diversion routes to make travel more convenient the distance and time required to divert from Bollinger Road to Prospect Road does not demonstrate such convenience for drivers contrary to the commentor's assertion. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 197-8	4.) Notably, the DEIR does not appear to include any Costco gasoline or other future expansion plans. Does the property owner have a phasing plan to remove existing building(s) with neighborhood services, amenities, or small businesses? If there are other development phases, shouldn't that be reflected in the EIR. How do we address the concern of a piecemeal environmental approval process for the development?
Response 197-8	Pages 7 through 13 in Section 2.0, Project Information and Description, of the Draft EIR comprises the Project Description for the Project in compliance with CEQA Guidelines Section 15124, Project Description. The Project Description includes the whole of the proposed action. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 197-9	5.) While I understand that buildings cannot stand empty and that growth is necessary, this Costco does not fit with the Envision 2040 plan in a site designated neighborhood/community commercial land use. It does not align with the urban village plan that the city of San Jose has laid out for the future. What are the developer plans (if any) on rezoning the property from the current Neighborhood/Community Commercial designation?
Response 197-9	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. No rezoning would be required

for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village is not required to be analyzed by the Project's cumulative analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 197-10 Additionally, the Kimley-Horn and Kittleson & Associates representatives (Danae Hall and Amy Lopez) who presented Feb 5 on the DEIR, reported that they were not required to consider the El Paseo or any other projects and the cumulative impacts they will have in the area. It's as if the Costco project is occurring in a vacuum. How can Costco's impact be fully appreciated and assessed when no consideration of other area projects are considered in the DEIR?

Response 197-10 The commenter incorrectly states that the preparers of the Draft EIR were not required to consider cumulative impacts in the Draft EIR. On February 5, 2024, the Kimley-Horn and Kittleson & Associates representatives discussed that the Saratoga Housing Element was not a "project" for consideration in a cumulative scenario. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 197-11 I believe that just because you can "make" something fit on paper, that does not mean it is the right thing to do or that it translates to the real world. It truly appears that this project would be like fitting a square peg into a round hole and once it is here there is no going back.

Is there another Costco in that state of California that is similar to the "credentials" of what is being proposed here?

- A Costco site that funnels traffic through a neighborhood
- A Costco site that sits kitty corner to a high school of 1500 students where the majority of students:
 - 1) cross congested roads (which are directly adjacent to the Costco development)
 - 2) cross an intersection that is considered a collision hotspot and is on a priority safety corridor

Response 197-11	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 197-12	- A Costco site that has rooftop parking towering over existing homes (without adhering to current setback requirements)
Response 197-12	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. As stated on page 155, in Section 3.11, Land use and Planning, of the Draft EIR, the Project complies with the General Commercial (CG) Zoning District setback requirements, but the Project is requesting an exemption from City of San José Citywide Guidelines and Standards, Standard 2.3.1, which relates to the placement of the Costco building on site relative to the Lawrence Expressway. Thus, the Project complies with applicable setbacks relative to the adjacent residential uses. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 197-13	As I have researched every Costco in the state of California in 2023 (136, per Costco.com) there is not another Costco even close to what is being proposed at this Westgate West site. As community members we only have our voice and I hope that you all will go above and beyond in giving consideration to local resident concerns. You all will eventually walk away/retire from your jobs/service and will have no attachment to this area but many of us will be living with your decisions for decades to come. While I do not believe that Costco is the right business for the site for so many reasons, I ask that you thoughtfully consider the appropriate mitigation measures and plan accordingly to protect the local community from any deleterious effects should it go through. Thank you for your time and consideration on this important matter.
Response 197-13	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 198. Saul Conde (dated February 18, 2024)

Comment 198-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my comments ...
Response 198-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-2	Extreme traffic through a family oriented neighborhood and school, grid lock on Graves Avenue trying to get in and out of existing businesses,
Response 198-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-3	jobs lost from businesses pushed out by Costco will not equal the jobs by Costco,
Response 198-3	Page 198 in Section 3.14, Population and Housing, of the Draft EIR included a discussion of a net increase in job creation as a result of the Project. Refer to Topical Response B for a discussion of impacts to other businesses in the Project area in relation to development of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-4	traffic will also impact the students from across the street and their after school activities,
Response 198-4	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-5	parking will also have a negative impact on the current existing businesses,
Response 198-5	Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-6	Costco will hold us prisoner in our Country Lane neighborhood because of all the unwanted traffic it will produce.
Response 198-6	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-7	Streets are not kept up as it is. Potholes will increase due to the constant trucks.

Response 198-7	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 198-8	Noise of honking horns because of too few parking spaces will go on all day and night. Thank you for your consideration and your care in responding to these serious concerns.
Response 198-8	Refer to Topical Response B for a discussion of parking sufficiency at the Project site. As noted on page 221 in Section 3.17, Transportation, of the Draft EIR, the Costco warehouse building is open to members on weekdays between the hours of 9:00 AM and 8:30 PM. The proposed Costco would not have 24-hour operation. As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 199. Shanthi Dhamodharan (dated February 18, 2024)	
Comment 199-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. I am deeply disappointed and concerned about the flawed idea of replacing old OSH complex with a Costco.
Response 199-1	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 199-2	A) First and foremost this project will increase the traffic tremendously that will gum up the intersection resulting in a major choke point.
Response 199-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 199-3	B) Equally important and concerning to me is the loss of variety of small businesses and services that are serving our needs which will get displaced. To access those displaced services we may need to drive further adding to the traffic crisis.
Response 199-3	The Draft EIR addressed the partial occupancy of the Project site on page 8 in Section 2.1, Existing Project Site of the Draft EIR. The Project would not require relocations requiring new construction as existing businesses could find existing

buildings to relocate to. Further, the relocation of existing businesses is not included in the Project. Thus, any vehicle trips to businesses that choose to relocate independent of the Project are not part of the Project and are not required to be analyzed under CEQA. Vehicle trips that are associated with the Project are addressed on pages 217 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Refer to Topical Response B for further discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 199-4 C) Finally, there is no need for additional Costco here as the one on Lawrence Expressway in Sunnyvale serves the needs of neighborhood already. This is redundant particularly considering the potential issues this new Costco will result in.

Thank you for your consideration and your care in responding to these serious concerns.

Response 199-4 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 200. Sowmya Raman (dated February 18, 2024)

Comment 200-1 I live on El Oso Drive, only a few blocks from the proposed Costco Project's Graves Avenue entrance. I have serious concerns that the recently released DEIR makes light of the effects that such a large project may have on a small neighborhood such as ours. I understand and welcome the economic benefits that a new Costco will bring for the City. But it is important to locate it in an area that will ensure quick and smooth access for shoppers and will maintain a safe neighborhood for those who live around the Costco. I am not convinced that the Westgate Costco project does that.

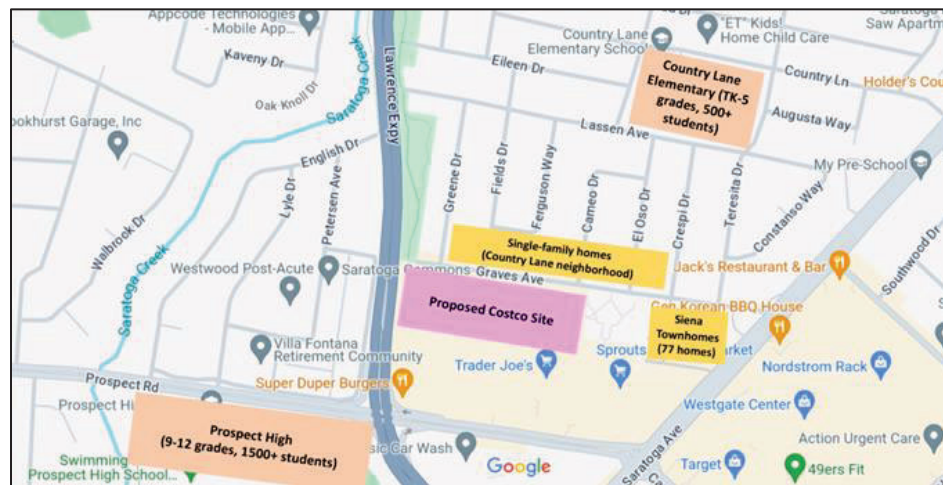
Response 200-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-2 A small neighborhood single-lane street such as Graves Avenue should not be expected to bear the substantial increase in traffic that will result from a Costco. At a minimum, I implore you to consider closing off access to Costco from Graves Avenue.

Response 200-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As explained therein, the Project would not result in significant and unavoidable transportation impacts along Graves Avenue. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The Project would close the western driveway

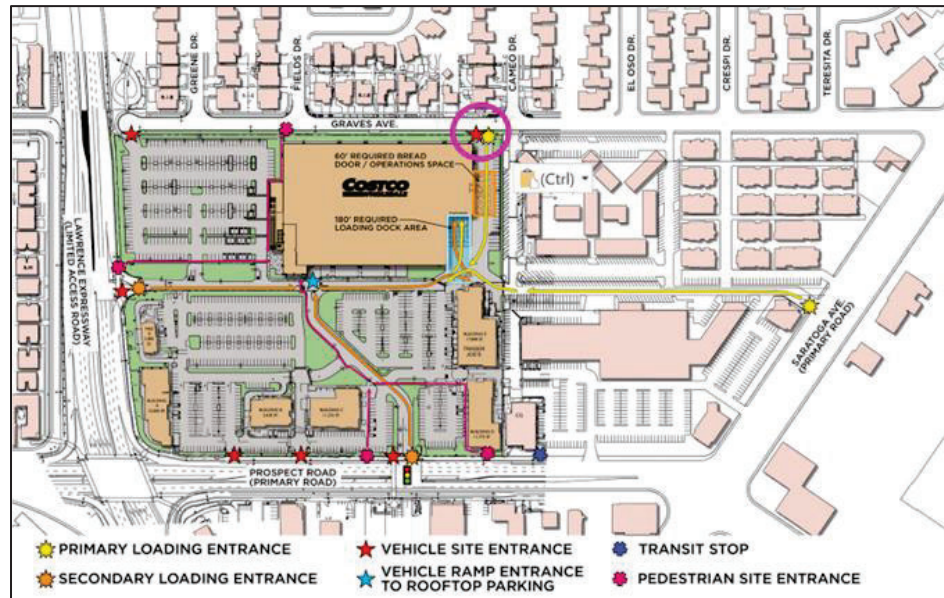
	to the Project Site from Graves Avenue, and Costco would not use Graves Avenue for its local or regional delivery trucks or vendors. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-3	If the Council does approve the Costco as-is, the Council has a responsibility to require that a traffic survey be conducted after the Costco opens, to study the effects of traffic on our neighborhoods. At that point, we should have strong proof one way or other, instead of having to rely on a one-to-four-hour traffic study conducted by the DEIR consultant. Will our small neighborhoods be able to handle the cars and trucks that will inundate our streets? If not, the Council should require Costco to do its part to mitigate those effects, including considering the closing of the Graves Avenue entrance.
Response 200-3	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR, with supporting data provided in Appendix I, Transportation Analysis, found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. Thus, no operational traffic counts are required under CEQA for the Project as there is no nexus for requiring the post-opening traffic survey suggested by the commenter. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-4	Thank you for taking our comments. I have also attached a letter that the Westgate neighborhood has put together, that summarizes our concerns. I hope that you will make a fair and equitable decision after taking into consideration all points of view.
Response 200-4	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-5	Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.
Response 200-5	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-6	1. The DEIR Omits Pedestrian and Cyclist Safety Data The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police

Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

- Response 200-6 The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 200-7 The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 200-7

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-8

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 200-8

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and

in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.⁴

Comment 200-9

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 200-9

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco

⁴ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 200-10 Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:
- Prospect High - Prospect/Lawrence, Saratoga/Prospect
 - Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
 - Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
 - Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves
- Response 200-10 Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 200-11 Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck

	by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 200-11	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-12	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 200-12	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-13	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from

	Kimley-Horn do not include cumulative conditions from this improvement project.
Response 200-13	Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR include a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-14	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 200-14	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-15	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 200-15	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-16	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 200-16	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses afterschool peak hour traffic information. Due to interest

from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 200-17 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
- Response 200-17 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 200-18 3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color
- The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing.

San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 200-18

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-

sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA Leq, construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA Leq is used in this analysis.

Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA Leq at the residences to the north and 60.5 dBA Leq at the residences to the east (exceeding nighttime noise standard of 58.8 dBA Leq). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA Leq reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA Leq which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-19	The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.
Response 200-19	The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-20	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that

soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.

Response 200-20

As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure.

Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-21

The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.

Response 200-21

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement

homes.⁵ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.⁶ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.⁷ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-22 The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 200-22 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to

⁵ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

⁶ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

⁷ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-23

4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 200-23

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project consistency with all applicable land use plans, policies or regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-24	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 200-24	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-25	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 200-25	Refer to Topical Response D for a discussion of the number of bicycle parking spaces on the Project site, CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Campbell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-26	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site.

Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 200-26

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-27

5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or

	necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.
Response 200-27	Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-28	We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
Response 200-28	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 200-29	The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
Response 200-29	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively

considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 200-30 There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

Thank you for your serious consideration and care in responding to these significant concerns.

Response 200-30 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 201. Steve Horeff (dated February 18, 2024)

Comment 201-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to say that I am strongly opposed to this project.

Response 201-1 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 201-2	My girlfriend shops in this parking lot at least 5 times per week. The traffic both in the proposed parking lot and on Prospect Road and Saratoga Avenue are impossibly stagnated currently. Thank you for your consideration and your care in responding to these serious concerns
Response 201-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 202. Steve Sun (dated February 18, 2024)	
Comment 202-1	I am a strong supporter for the above project. I live within 2 miles from the project site. We have an office at West Village Medical Complex, located at 5150 Graves Avenue, San Jose. We have lived and worked at these locations for over 11 years. As you may know, there are several Costco stores within 10 miles from this location. But all of them are at their full capacity. They are so busy that it is very difficult to access them. It really needs another Costco store to ease the congestion. I understand there are people opposite this new store. Because Costco provides reasonable priced products, some businesses nearby are afraid of Costco may take away their business so they opposite this project. But I believe health competition is what we need.
Response 202-1	This comment expresses general support for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 202-2	I was shocked to know that the current plan will close the store access through the Graves Avenue. This may be proposed by neighbors who live near the Graves Ave. I believe this proposal may be suggested by very selfish neighbors who live near Grave Ave. If we close the access through the Graves Ave, it will force all traffic to access the store through Lawrence Blvd or Prospect Ave. This will be a nightmare. It will create traffic mess to those streets. I recommend to keep the existing Grave Ave access to ease the congestion.
Response 202-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The comment did not provide new, substantial evidence with respect to the

	disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 202-3	If you have any questions, please contact me immediately. I can be reached by this email or phone: [REDACTED]
Response 202-3	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 203. Sue Cancilla-Conde (dated February 18, 2024)	
Comment 203-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. <your comments go here> Thank you for your consideration and your care in responding to these serious concerns. Sincerely, <Your Name and neighborhood go here>
Response 203-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 204. Sue Cancilla-Conde (dated February 18, 2024)	
Comment 204-1	The property owners have already pushed out multiple mom and pop businesses that employed hundreds of local residents in hopes of the new revenue from Costco rent. When Costco goes in we will lose the rest of our favorite stores that we can run in to, grab our goods and run; like Trader Joe's.
Response 204-1	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-2	Students will be hit by the big truck's going and coming day and night.
Response 204-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-3	There will be fights over parking because there won't be enough. Their Costco employees alone will fill the roof parking. Overflow parking and store commute will fall into our Country Lane neighborhood.
Response 204-3	Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow into neighboring streets. The comment did

	not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-4	Due to new bike lanes, there are less lanes available for us to enter and exit our neighborhood. It already takes 5 minutes to get out of the hood.
Response 204-4	Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to Project analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-5	The gas fumes will be atrocious.
Response 204-5	Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-6	This area will be like Valley fair at Christmas time-lines for miles of cars trying to get into parking lot. There are multiple elementary, middle school, and a high school within a mile of this location. Parents won't be able to get to their kids to pick them up.
Response 204-6	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-7	Students will have to walk in between all the stalled cars waiting for a parking space. Cyclists won't be safe even in their own lanes as cars are already crossing and using the new configuration.
Response 204-7	Refer to Topical Response B for a discussion of parking sufficiency and circulation on the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 204-8	There are a lot of low income housing and senior citizens around here that have no use for bulk buying. They don't drive. Costco would push out the walk to grocery stores that we enjoy now. We already miss the shops that are gone. Thank you for your consideration and your care in responding to these serious points.
Response 204-8	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with

respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 205. Tacia Domrose (dated February 18, 2024)

Comment 205-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

I shop in this parking lot at least 5 times per week. The traffic both in the parking lot and on Prospect Road and Saratoga Avenue are impossibly stagnated currently.

Thank you for your consideration and your care in responding to these serious concerns.

Response 205-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of parking and internal circulation in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 206. Ying Holden (dated February 18, 2024)

Comment 206-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 206-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 206-2 My concern is the safety of the neighborhood. Costco will draw an extreme amount of cars, vans and people to the store, especially after the bike lanes are established on Saratoga. The traffic will be forced into the Country Lane neighborhood, where it has Country Lane Elementary School and neighborhood kids and pedestrians on the street. Costco shoppers usually have vans full of goods. This type of traffic is not suitable or safe for the neighborhood. The DEIR didn't not consider this factor.

Response 206-2 Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow into neighborhood streets. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to Project analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 206-3 I am also concerned that the smaller stores will be squeezed out due to added parking congestion. This will significantly reduce the choices of shoppers.

I have observed that Costco stores are located in much larger areas with more parking space, instead of being squeezed in this much smaller and cramped location. They are also farther from neighborhoods so that there is no chance for people taking neighborhoods' streets.

Response 206-3 Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 206-4 Building townhouses or condos is what I think is the right thing to do, given the shortage of housing stocks. We also need In-N-Out stores in this area.

In short, we need more neighborhood type of stores or housing than a mega store at this location.

Response 206-4 This comment expresses general opposition for the Project. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 207. Akshay Mittal (dated February 19, 2024)

Comment 207-1 I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westgate West Costco project and I am writing to provide my feedback.

This email expresses strong opposition to the proposed Westgate West Costco project and raises several concerns about the Draft Environmental Impact Report (DEIR) submitted by Kimley-Horn.

Response 207-1 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 207-2

- **Pedestrian and Cyclist Safety:** The DEIR lacks crucial data on pedestrian and cyclist accidents and safety conditions on surrounding streets, particularly near schools. The project is expected to significantly increase traffic, posing threats to pedestrians and cyclists. Proposed mitigations are deemed insufficient.

Response 207-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 207-3	Traffic Congestion: The DEIR's traffic study is criticized for its limited scope and methodology. The potential for increased congestion and gridlock, especially during peak hours and school transportation times, is highlighted. This negatively impacts residents, students, and emergency response times.
Response 207-3	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion on peak school hour counts and the scope of the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 207-4	Air and Noise Pollution: Construction noise and emissions are expected to be significant and disruptive for nearby residents, especially for extended periods. Concerns are raised about potential soil contamination and the lack of detailed mitigation plans for air and noise pollution. Community Health Impacts: The project disproportionately impacts communities of color near the site, who already face higher exposure to pollutants. Health risks for children and vulnerable populations are emphasized.
Response 207-4	The Draft EIR addressed health risks and air pollution on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health or air pollution with incorporation of the applicable mitigation measure. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level during construction. Pages 136 through 143 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR analyzed the Project's potential impacts on hazards and hazardous materials and included applicable mitigation measures to reduce potential hazardous impacts to a less than significant level during construction. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 207-5	Conflict with Urban Village Plan: The proposed Costco contradicts the City's Urban Villages concept, which aims for walkable, bike-friendly areas with mixed-use development and reduced traffic. The project's car-centric nature, oversized size, and insufficient parking are seen as incompatible with this vision.

Response 207-5 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 207-6

- Alcohol Sales in Oversaturated Area: The project proposes alcohol sales despite exceeding the allowed number of licenses in the area. Proximity to residences and a park further complicates legal compliance and raises concerns about potential negative impacts. Data Adequacy and Public Review: The DEIR is criticized for lacking sufficient data and comprehensive analysis of existing conditions and cumulative impacts. Concerns are raised about the ability for public review and informed decision-making.

Response 207-6 Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 207-7

- Call to Action: The email urges the City Council to reconsider the project, acquire more data, collaborate with residents and other cities, and prioritize resident health and safety over revenue and development goals.

Thank you for your consideration and your care in responding to these serious concerns.

Response 207-7 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 208. Anand Raman (dated February 19, 2024)

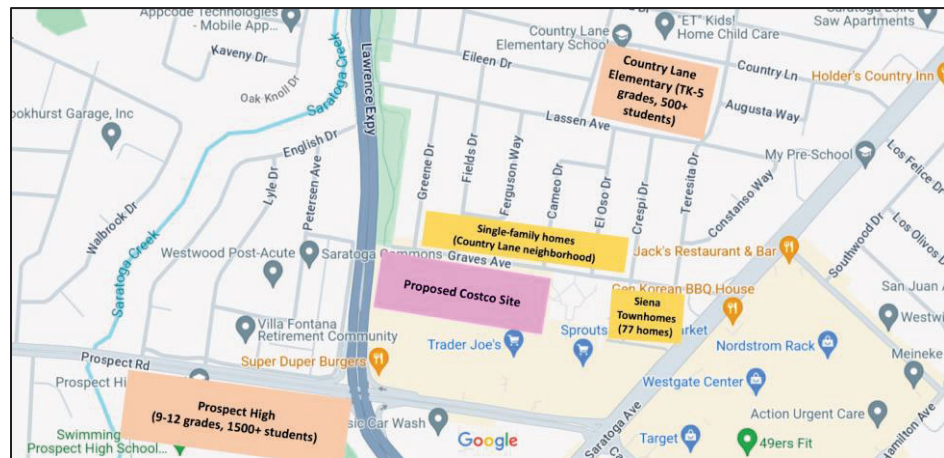
Comment 208-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 208-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-2 1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents

that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

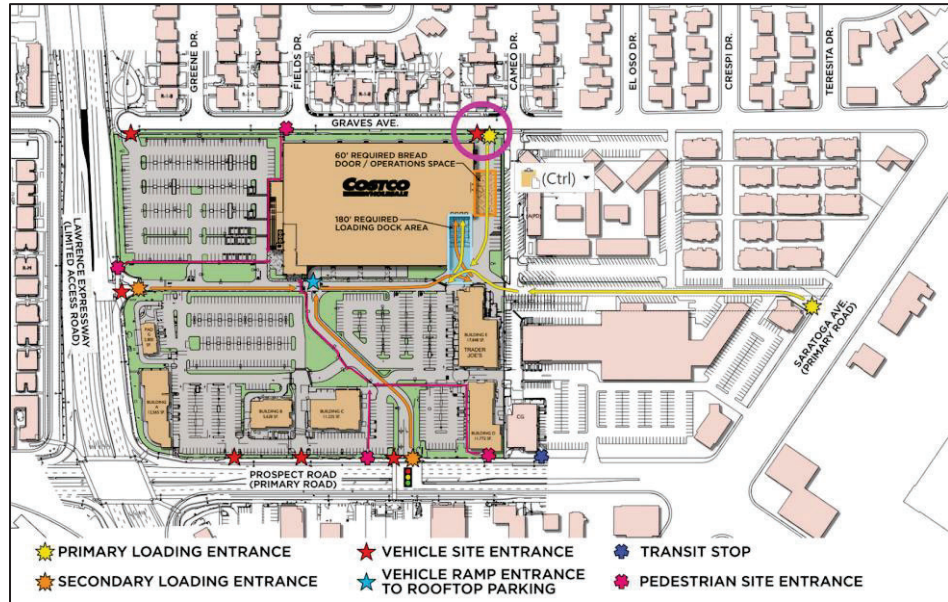
Response 208-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to

transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 208-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 208-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and

in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.⁸

Comment 208-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 208-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safety access the proposed Costco

⁸ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 208-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-7

Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck

	by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 208-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 208-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I -Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 208-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 208-9	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from

	Kimley-Horn do not include cumulative conditions from this improvement project.
Response 208-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 208-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 208-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 208-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 208-12	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 208-12	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest

from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

- Comment 208-13 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
- Response 208-13 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 208-14 The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color
- The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years)

and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 208-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-

sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-15	The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.
Response 208-15	The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 208-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that

soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.

Response 208-16

As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure.

Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-17

The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.

Response 208-17

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement

homes.⁹ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.¹⁰ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.¹¹ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-18

The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

⁹ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999.

<https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

¹⁰ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

¹¹ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

- Response 208-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 208-19 4. The Project is in Conflict with City of San José Urban Village Plan
- The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.
- Response 208-19 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not

provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-20

The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.

Response 208-20

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-21

In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.

Response 208-21

Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-22 The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 208-22 As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 208-23 5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because

the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

- Response 208-23 Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 208-24 We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
- Response 208-24 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 208-25 The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.

- Response 208-25 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 208-26 There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.
- Thank you for your serious consideration and care in responding to these significant concerns.
- Response 208-26 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

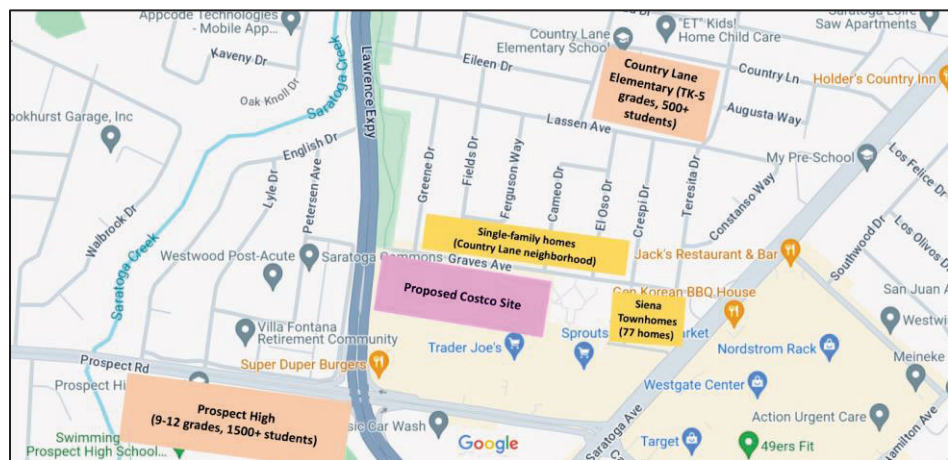
Comment Letter 209. Angie (dated February 19, 2024)

Comment 209-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 209-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-2 1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

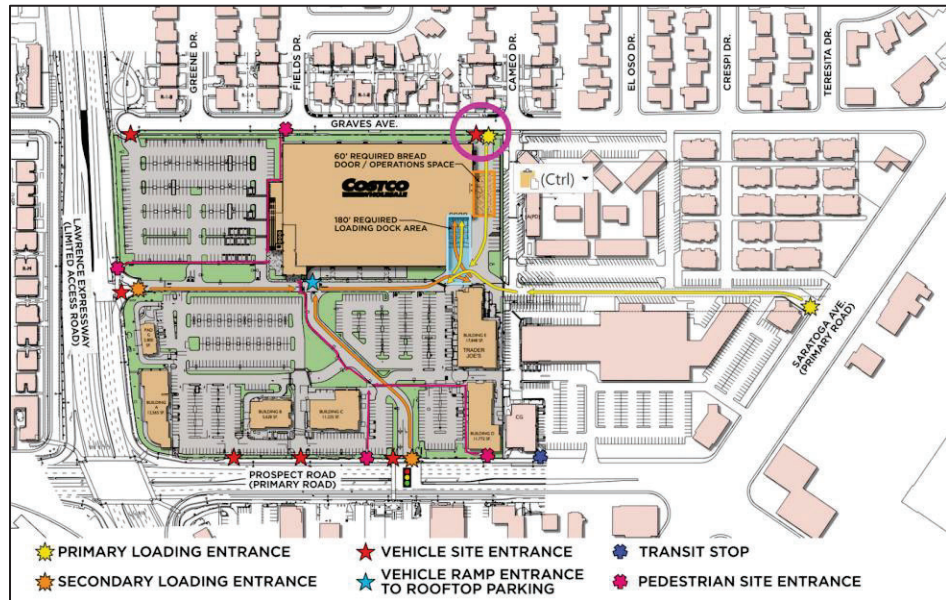
Response 209-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue

accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 209-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 209-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the Project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve

safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.¹²

Comment 209-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 209-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As

¹² “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 209-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-7	Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 209-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 209-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new,

	substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-9	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimley-Horn do not include cumulative conditions from this improvement project.
Response 209-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR include a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 209-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result

in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-11 Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.

Response 209-11 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-12 In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and

not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.

Response 209-12

Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 209-13

The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.

Response 209-13

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical

Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-14 3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color

The DEIR states the construction of a Costco Warehouse would “result in substantial noise-generating activities” (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 209-14 As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday)

from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project’s construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and

walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-15

The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.

Response 209-15	The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 209-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.
Response 209-17	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD

guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics “Hot Spots” Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.¹³ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.¹⁴ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.¹⁵ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-18

The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities

¹³ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

¹⁴ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

¹⁵ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

of color by overloading them with potentially permanent, life-altering consequences.

Response 209-18

The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-19

4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 209-19

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in

	Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 209-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 209-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-22	The proposed Costco is not a significant job-based development, which is a focus

of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 209-22

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 209-23

5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or necessity.” It would be extremely confusing for the City Council to determine that

	a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.
Response 209-23	Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-24	We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
Response 209-24	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-25	The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
Response 209-25	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. See Topical

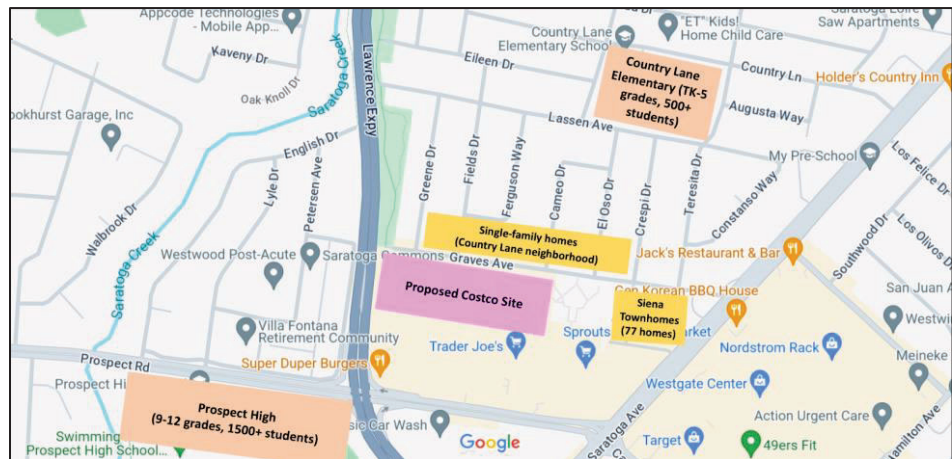
	Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 209-26	There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety. Thank you for your serious consideration and care in responding to these significant concerns.
Response 209-26	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 210.	Ankit Kumar (dated February 19, 2024)
Comment 210-1	Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.
Response 210-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial

evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-2

1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and

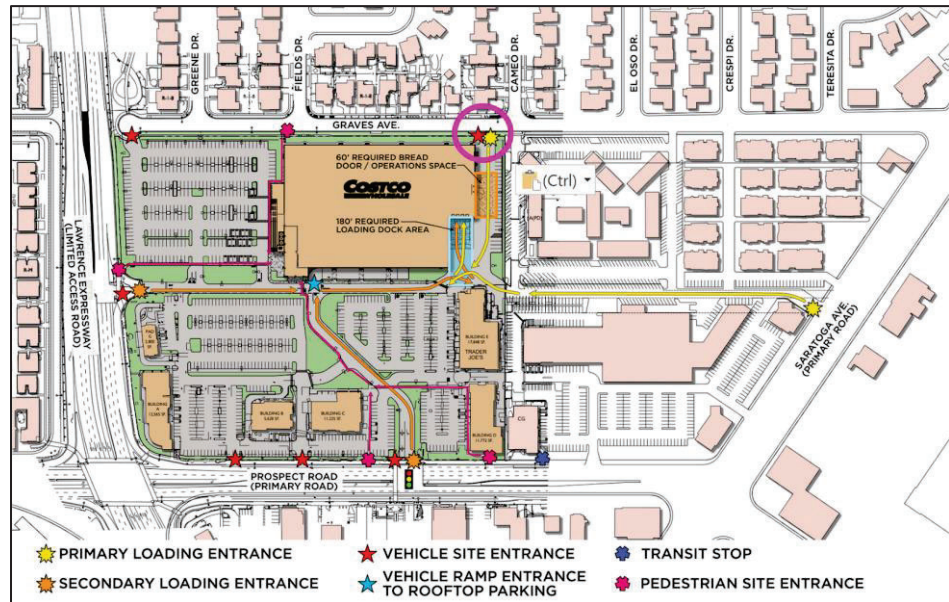
additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 210-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 210-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 210-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the Project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project

compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.¹⁶

Comment 210-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 210-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I,

¹⁶ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 210-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-7

Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.

Response 210-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 210-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 210-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 210-9	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimley-Horn do not include cumulative conditions from this improvement project.

- Response 210-9 Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 210-10 There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
- Response 210-10 The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 210-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 210-12	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 210-12	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest

from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

- Comment 210-13 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
- Response 210-13 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 210-14 3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color
- The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years)

and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 210-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-

sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-15

The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.

Response 210-15

The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 210-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 210-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.
Response 210-17	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement

homes.¹⁷ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.¹⁸ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.¹⁹ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-18 The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 210-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found

¹⁷ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

¹⁸ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

¹⁹ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-19

4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 210-19

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 210-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 210-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 210-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 210-22	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site.

Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 210-22

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-23

5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or

necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

- Response 210-23 Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 210-24 We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
- Response 210-24 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 210-25 The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
- Response 210-25 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively

considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 210-26 There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

Thank you for your consideration and your care in responding to these serious concerns.

Response 210-26 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 211. Ann Bedard (dated February 19, 2024)

Comment 211-1 As a very long-time resident of District One, I am requesting that you eliminate the proposed Costco project.

Response 211-1 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-2	Costco is a warehouse and therefore belongs in a commercial location--not in a "light retail" location.
Response 211-2	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.50.130 of the City of San José Municipal Code defines a warehouse retail land use as one where the display of large items, including but not limited to furniture, appliances and machinery, occupies a minimum of ninety percent of the retail display floor area. As stated on page 9 in Section 2.3, Proposed Development of the Draft EIR, the proposed Costco includes many more uses than the display of large items, preventing the display of large items from occupying ninety percent or more of the retail display floor area. Thus, the proposed Costco does not meet the definition of a retail warehouse use under the City of San José Municipal Code. Rather, the proposed Costco is most accurately categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise, a use permitted by the Commercial General zoning district of the Project site. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-3	There are currently TWO, yes TWO, Costco warehouses a 4.5 mile drive and located in commercial areas, as they should be. Additionally, both include gas stations making a trip a one stop shop.
Response 211-3	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-4	This West Valley proposed Costco warehouse would be built directly across a residential street from the residents on Graves Avenue. All will have to live with a view of a cement wall, presumed heavy incoming and outgoing shoppers, vendors traffic, huge semis, tire shop installations, unloading of deliveries bringing unwanted pollutants to their neighborhood.
Response 211-4	Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, regulations governing scenic quality, and substantial light or glare as a result of the Project. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the

	disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-5	Bicycle riding and children playing will be in constant danger.
Response 211-5	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-6	The area is not large enough to accommodate a warehouse, employee parking, vendor parking, customer parking, electric charging stations, and, not to be forgotten, are the parking spaces needed for the few remaining adjacent retail shops. The design itself shows the lack of parking available with the necessary rooftop parking notated.
Response 211-6	Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-7	No solar panels seem to be included.
Response 211-7	Page 104 in Section 3.6, Energy, and Appendix E, Energy Assessment, of the Draft EIR addressed Project consistency with state or local plan for renewable energy or energy efficiency. The Draft EIR found that there are no significant impacts related to Project consistency with state or local plan for renewable energy or energy efficiency. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases, including solar requirements. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-8	Also, with the planned parking limitations, accidents and shoppers' anger may bring multiple problems to this location.
Response 211-8	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-9	Prospect high school is only a short distance from the proposed Costco warehouse. These students cross Lawrence Expressway (at peril}. In addition, parent and student drivers also using this expressway, to transport students to Country Lane, Archbishop Mi y High, Latimer Elementary, Baker Elementary,

	Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. Please, think about how the added traffic will add to this already dangerous crossing which has a history of multiple accidents.
Response 211-9	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-10	Saratoga Avenue has had reduced lanes implemented for safety improvement.
Response 211-10	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-11	Adding more vehicles to this already heavily travelled avenue and to Lawrence Expressway contradicts the City of San Jose plans. This Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework. The plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 211-11	Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, the cumulative analysis does include the Mixed Use project on El Paseo, but the proposed Paseo de Saratoga Urban Village Plan and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-12	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.

- Response 211-12 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to receive the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 211-13 The Envision San José 2040 General Plan includes:
- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Response 211-13 Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 211-14 A Senior care facility, a short distance from Westgate, would be negatively affected everyday by the tire shop air impact guns, incoming and outgoing semi-trucks and vendor vans, toxic pollutants.

Response 211-14	The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-15	The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.”
Response 211-15	Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-16	San Jose has a vision plan. We have lost many enjoyable, small shops that were walkable, bikeable, and neighborhood friendly. A deli/chocolate making shop, AAA, a bank, an import store, Smart and Final, a stationary store- to name just a few to jog some memories. Costco purchases are mainly bulk purchases. Not considered as walkable or bikeable purchases. This area can again become an area enjoyed by all ages if we work toward achieving the vision plan of San Jose and focusing on the needs of our neighborhood.
Response 211-16	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. The proposed Costco is most accurately categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise; a use permitted by the Commercial General zoning of the Project site. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-17	I have been a Costco member for many years, and I see no reason to shop at the West Valley warehouse, regardless of Costco’s projections. A short 4.5-mile drive to either current Costco location gives me ample, well designed traffic flow/parking compared to this West Valley proposed location, AND I can purchase my gas with this one stop.
Response 211-17	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-18	There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure.
Response 211-18	Pages 154 through 156 in Section 3.11, Land Use and Planning; pages 202 through 205 in Section 3.15, Public Services; and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-19	The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come.
Response 211-19	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 211-20	The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley.
Response 211-20	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 212. Annapurna Ramakrishan (dated February 19, 2024)	
Comment 212-1	This project will result in danger, inconvenience, wasted time, pollution, and wasted energy due to the daily gridlock that will be produced by the 11,000+ car

trips a day to the Costco. This is calculated from the project's own traffic study. Of particular concern is the expected gridlock and the danger it brings to the intersection of several people who walk down to grocery with their strollers and kids. There is a assisted living space close by and have a lot of old people who may walk, relatives visiting. Ambulances need access to these buildings right away.

Thank you for your consideration and your care in responding to these serious concerns.

Response 212-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of emergency vehicle access in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 213. Ashish Gupta (dated February 19, 2024)

Comment 213-1 My name is Ashish Gupta and I am a resident of the Country Lane neighborhood, which is right next to the proposed Costco Warehouse at Westgate West. My home is on El Oso Dr, close to the intersection with Graves Ave.

Response 213-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 213-2 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to highlight the significant impact on our neighborhood:

1. Impact of Cut-Through Traffic on Country Lane Neighborhood: The proposed Costco Warehouse, while serving many, poses a substantial risk of exacerbating traffic issues in our already bustling area. When main arteries like Saratoga Avenue and Lawrence Expressway become gridlocked, which is a frequent occurrence especially during peak hours, it is inevitable that drivers – frustrated shoppers and those seeking access to the warehouse – will turn to our neighborhood streets as shortcuts. This diversion of traffic will significantly increase the volume of vehicles passing through our neighborhood, directly affecting the safety and tranquility of our community.

Response 213-2 Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and

Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue and internal circulation in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 213-3	2. Proximity to Country Lane Elementary School: Of particular concern is the proximity of this increased traffic to Country Lane Elementary School. The school is a hub with hundreds of children walking, biking, and being dropped off and picked up daily. The influx of vehicles using our neighborhood as a shortcut to Costco not only poses a direct risk to their safety but also negates the efforts made to create a safe, child-friendly environment around our educational institutions.
Response 213-3	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 213-4	In light of these concerns, I strongly urge the city to consider the following two-fold approach: 1. Closure of Graves Avenue Entrance: To protect the Country Lane Neighborhood from the anticipated increase in cut-through traffic, I strongly recommend that the city consider closing off the Graves Avenue entrance (at Cameo Dr) to the proposed Costco Warehouse. This can be achieved by erecting a barrier, such as a wall, which would effectively deter non-local traffic from using our neighborhood streets to access the warehouse. Such a measure would significantly reduce the risk of traffic-related accidents near our homes and schools and preserve the residential character of our neighborhood.
Response 213-4	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 213-5	2. Shielding of the Operations Area: The operations area of the proposed Costco should be designed in a manner that shields it from the view of residents, businesses, and customers. This can be achieved by positioning the operations area behind the warehouse and erecting a solid sound wall of adequate height, similar to the measures taken at the Almaden Costco location. Such an arrangement would not only address the visual blight but also contribute to the overall aesthetic and environmental quality of the surrounding area.

Response 213-5	Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, regulations governing scenic quality, and substantial light or glare as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 213-6	The Country Lane Neighborhood is a vibrant community that not only values safety and peace, but also the visual harmony of the surroundings. The proposed Costco Warehouse, while offering certain benefits, should not come at the cost of compromising these values. We ask that the City of San Jose take proactive steps to ensure that our concerns are addressed and that the safety and well-being of our community, especially our children, are not jeopardized. Thank you for your attention to these matters. I look forward to your supportive response and the implementation of these crucial measures.
Response 213-6	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 214. Ayako Takano (dated February 19, 2024)	
Comment 214-1	Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests. I strongly request the City of San Jose to discontinue Westgate West Costco project for the significant concerns below.
Response 214-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-2	1. The DEIR Omits Pedestrian and Cyclist Safety Data The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and

Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.

Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 214-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to

avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.

Response 214-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 214-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and

in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.²⁰

Comment 214-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 214-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to

²⁰ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 214-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-7

Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck

	by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 214-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 214-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-9	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from

	Kimley-Horn do not include cumulative conditions from this improvement project.
Response 214-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 214-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 214-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-12	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 214-12	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest

from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

- Comment 214-13 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
- Response 214-13 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 214-14 3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color
- The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years)

and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 214-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-

sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-15	The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.
Response 214-15	The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that

soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.

Response 214-16

As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure.

Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-17

The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.

Response 214-17

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement

homes.²¹ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.²² These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.²³ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-18 The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 214-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found

²¹ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

²² The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

²³ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-19

4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 214-19

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 214-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 214-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 214-22	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site.

Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 214-22

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 214-23

There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José’s decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to “sit at the table” with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

Thank you for your serious consideration and care in responding to these significant concerns.

Response 214-23

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and

Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 215. Balasubramanian Narasimhan (dated February 19, 2024)

Comment 215-1 Thanks for the opportunity to provide feedback on the the proposed Westgate West Costco project.

Response 215-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 215-2 I have written before that this project of this size is inappropriate for the Country Lane Neighborhood for several reasons including concerns regarding pollution, traffic, noise. The DEIR does nothing to address any of these issues.

Response 215-2 Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 215-3 The increase in traffic (11,000+ trips/day) alone will lay waste to the character of the neighborhood and the four schools (Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle). Already, the traffic on Lawrence has now gotten louder over the last 5 years--- I hear it even as I go to bed. And now this proposal aims to increase it exponentially, around this compact neighborhood, defying all logic.

Response 215-3 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 215-4	I bring to your attention that just recently, because of safety concerns, Saratoga Avenue underwent a transformation where lanes were reduced from three to two and new lane markings were added, all in recognition of the dangerous traffic conditions present. How does that even square with the huge increase in traffic that the proposal will generate? Furthermore, the whole neighborhood will almost certainly become a maze of shortcuts for people trying to get to Costco, endangering children and folks living in the area.
Response 215-4	Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 215-5	This is a congested neighborhood where many people from around the area still manage to take walks. There are senior citizens from the retirement homes on Payne who bring their dogs to the dog park; there are school children biking through from Payne and Campbell avenue to school; there are parents dropping off and picking up children at country lane. All of these would be affected immensely by the scale of this project.
Response 215-5	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 215-6	And Graves avenue is a particular problem; the truck traffic and idling will generate enough pollution to take a few years off a resident's life if not more. No effort has been made to close off Graves Avenue!
Response 215-6	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 215-7	I am afraid the DEIR offers little to mitigate these concerns. It goes against your own guidelines for your own objectives in the Envision San Jose General Plan. Therefore, I urge you to reject the current proposal.
Response 215-7	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 216. Candace MacEwen (dated February 19, 2024)

Comment 216-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. <. I do not want the Costco building at Westgate west. To much traffic and congestion. comments go here> Thank you for your consideration and your care in responding to these serious concerns.

Response 216-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 217. Carl Huang (dated February 19, 2024)

Comment 217-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Response 217-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 217-2 I don't think it's a good idea to have a Costco at this location. We all know how much traffic Costco's create - every time I go it takes at least 10 minutes to find parking. The schools nearby and residents in nearby apartments/townhomes will have a difficult time with the heavy traffic that's guaranteed to come. It's not just inconvenient - think about all the kids who cross these streets every day and how much more dangerous doing this will be.

Response 217-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow into neighborhood streets. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 217-3 We all love Costco (and their delicious rotisserie chickens), but there's got to be a better solution. Some place more industrial, or with less residential or non-shopping foot traffic. We shouldn't settle for this location.

Thank you for your consideration and your care in responding to these serious concerns.

Response 217-3 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 218. Christie Schauer (dated February 19, 2024)

Comment 218-1 I am greatly concerned for the proposed Westgate West Costco project and I am writing to provide my feedback. I am a parent of a student at Prospect HS and a student at Easterbrook Discovery School. Both schools will be greatly impacted by this project.

My most specific concerns are in regards to student/pedestrian and driver safety at the corner of Lawrence and Prospect, as well at the turn off into the parking lot from Lawrence (next to Taco Bell). It is an especially dangerous area to drive through during both school drop off and pick up times. Almost all students walk across this intersection to get picked up by rides or to walk/bike home from school. Additionally, there are many student drivers (and upcoming student drivers such as my son) who are currently navigating this area without much experience in dealing with such a level of necessary crowd safety.

With regards to student safety at Easterbrook Discovery School, many of these students also walk home and will be greatly impacted by any traffic that will be taking Doyle as an alternative route when Prospect Ave. gets backed up caused by the traffic going to Costco. Additionally, many parents from both EDS and Country Lane use the streets of Teresita and Happy Valley cut through the backside of the parking lot on Graves Ave. to drop off older students at Prospect, due to the traffic that is already in this neighborhood. There have been multiple accidents and near misses in this area, without the additional traffic that a Costco of its current proposed size would bring.

Please protect our students and our families by saying No to this project.

Thank you for your consideration and your care in responding to these serious concerns.

Response 218-1 Refer to Topical Response D for a discussion of pedestrian, bicyclist, and vehicle safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 219. Connie Walker (dated February 19, 2024)

Comment 219-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project.

My name is Connie Walker, and I am Vice President of WP Investments. WP Investments owns, develops, and manages commercial real estate properties throughout the Bay Area. My reason for writing to you is to express my urgent, and very strong concerns about the Costco Project, which is being proposed for the Westgate West Shopping Center. When my daughter and son-in-law purchased their home in the safe, idyllic Country Lane neighborhood, they were so thrilled as they envisioned their two daughters, Elena (4), and Chloe (2) attending the neighborhood public schools of Country Lane Elementary School, Moreland Middle School, and Prospect High School.

Response 219-1	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-2	However, we are all very saddened that the proposed Costco Project now presents serious safety concerns for their family, as well as for all of the other families who live in this area. Each of these schools are located less than one mile from the proposed Costco site.
Response 219-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-3	My husband and I have been residents of nearby Saratoga for the past 40 years, and we have been members, and regular shoppers of Costco for many years, so I am a big fan of Costco, and have nothing against Costco, in general. However, as a developer and manager of commercial properties for many years, I must admit that I am completely baffled that the City of San Jose is even considering the Westgate West Shopping Center as a suitable site for the proposed Costco. There are already three existing Costco warehouse stores located less than 10 miles away from the Westgate West Shopping Center. Each of the current Costco warehouses were appropriately built in industrial areas, and it is a well-known fact that the traffic surrounding each of these sites is often total gridlock, and that the traffic is inevitably extremely dangerous to pedestrians and bikers. For these reasons, it seems totally inconceivable to me that either the City of San Jose, or the planning division of Costco, would think that building a new Costco, in a mostly residential area, and especially with so many schools located in very close proximity, would be an appropriate location for this type of development. Therefore, I am respectfully (but urgently) requesting that the City of San Jose reconsider their plan to develop a new Costco Warehouse in this location.
Response 219-3	This comment expresses general opposition for the Project. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.50.130 of the City of San José Municipal Code defines a warehouse retail land use as one where the display of large items, including but not limited to furniture, appliances and machinery, occupies a minimum of ninety percent of the retail display floor area. As stated on page 9 in Section 2.3, Proposed Development of the Draft EIR, the proposed Costco includes many more uses than the display of large items, preventing the display of large items from occupying ninety percent or more of the retail display floor area. Thus, the proposed Costco does not meet the definition of a retail warehouse use under the City of San José Municipal Code. Rather, the proposed Costco is most accurately categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise, a use permitted by the Commercial General zoning district of the Project site. The Project site is not within a residential zoning district or land use designation. The Project site is within 500 feet of residential uses. The Draft EIR found that the Project would be

consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 219-4 As mentioned in my first paragraph, the safety of my daughter's young family, and the rest of the families in the surrounding area, is being placed in jeopardy with this proposed location for the Costco Project.

Response 219-4 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-5 My daughter, Lindsay Starek, has already submitted a letter to each of you. My own concerns and recommendations are the same ones that Lindsay has respectfully, and extremely passionately, presented to you. Therefore, I am submitting another copy of Lindsay's letter below.

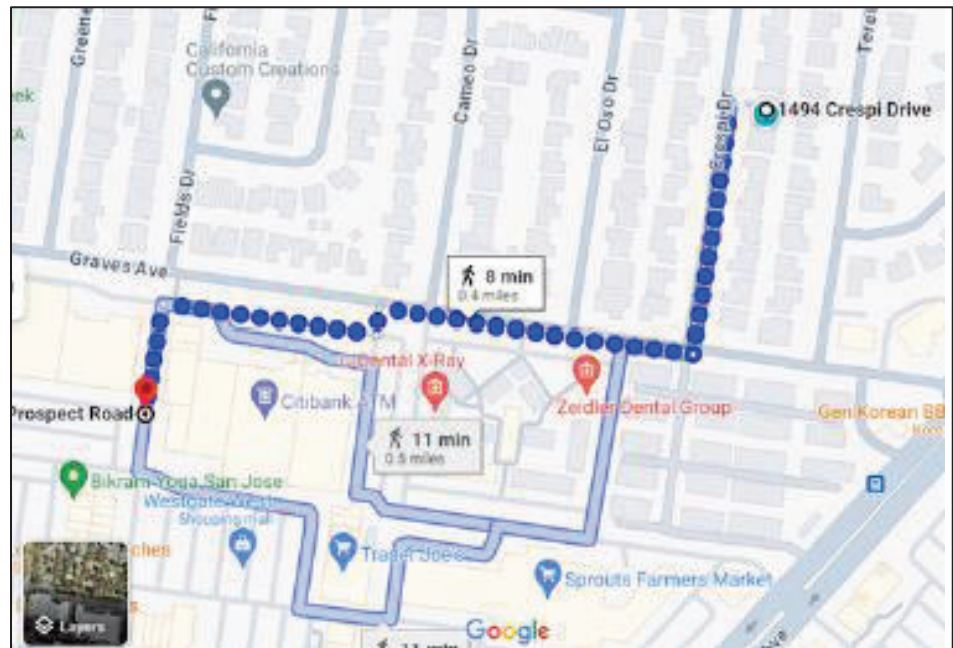
I urge each of you to please take the time to read her letter thoroughly, and to take these concerns and suggestions into serious consideration and discussion before making this extremely important decision. Your decision will forever change the safety, and quality of life, of the residential communities and schools surrounding this Project.

Below is the letter that was submitted by my daughter, Lindsay Walker.

Response 219-5 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-6 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project.

My name is Lindsay Starek and I am a registered nurse who works for Stanford Hospital and have many years of cardiac ICU experience. My husband is a software engineer at a tech company in Mountain View and works from home 2 days a week. We bought a home in the Country Lane Neighborhood 6 months ago which is next to the proposed Costco Warehouse at Westgate West. Our home is on Crespi Drive which is 0.4 miles away from the site and abuts Graves Avenue. We are parents to a 2-year-old and a 4-year-old and plan to have our kids attend the nearby schools, Country Lane Elementary, Moreland Middle, and Prospect High School over the next 16 years. All of these schools are less than one mile from the proposed Costco site.





I would like to start this by saying that my family is in favor of positive development projects for the space in ques on. We believe mixed affordable housing built above businesses with an associated greenery space is appropriate to the visions and values of the city (i.e., Vision Zero, Carbon Neutrality by 2030, etc.) and meets the needs of the surrounding community. We also are not against Costco in general. We have shopped there and think that it serves an important purpose for families.

Response 219-6 Refer to Response 191-1 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-7 However, we do believe that having Costco in this space would negatively impact the traffic, and the sense of community and is too large for the allocated space in this particular development.

Below I have listed my concerns with the proposed Costco project.

Response 219-7 Refer to Response 191-2 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-8 Pedestrian/Bicycle Concerns

We are delighted that San Jose is working hard to become a more bike-friendly environment and my family is in full support of and plan to use these accommodations. To illustrate our commitment, my husband currently bikes our children to daycare which requires him to cross the most dangerous roads of the area to get there -- Lawrence Expressway, Prospect Road, and Saratoga Avenue. We have seen firsthand how extremely unsafe it is to bike or walk in these areas currently. San Jose's Vision Zero has plans to increase safety, however, these plans are only accounting for the traffic situation right now. Currently, the data

indicates that when an incident happens in this area it is more likely to be a fatality or a severe injury:

- 670 people have been killed or injured in traffic accidents in San Jose since 2022
- In this area specifically,
- 11 fatalities
- 72 injuries
- 60 severe
- 7 moderate
- 5 minor

Furthermore, the most impacted intersection of this project (Lawrence Expressway and Prospect) has had 4 separate pedestrian-versus-car incidents in the last year alone. I am concerned that this already incredibly unsafe intersection will become unthinkably dangerous for any sort of pedestrian or bicycle traffic if Costco goes in. This is the exact opposite of what the city is trying to accomplish with its current initiative goals.

Here are photos of my husband and the bike trailer at local intersections that are the least safe.

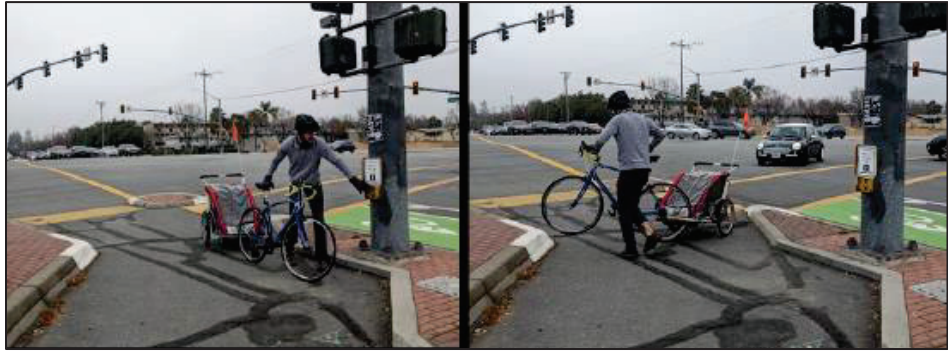


- The bike and the trailer barely fit here

- Very few people can fit in this area to wait to cross safely and would need to wait outside of the barrier areas. (hundreds of students use this spot daily)
- Short barriers-- if a driver were not paying attention, they could easily come over a barrier and strike a pedestrian.
- Suggestion: Could we enhance this pedestrian refuge to make it safer



- In this photo, the red car is waiting at the red light to turn
- Cars often stop inside the crosswalk area forcing pedestrians to walk close to or into exposed traffic areas when crossing the street
- Suggestion: Could we enhance the crosswalks to make it more obvious for cars to stop outside the crosswalk



- Location of pedestrian call buttons forcing people to turn their back on traffic
- Very vulnerable, exposed, and dangerous
- Suggestion: Could we put pressure sensors that detect the weight of the pedestrian here instead of requiring call buttons to activate the walk sign to make it safer

Response 219-8 Refer to Response 191-3 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-9 Inappropriate Data Extrapolation for Traffic Analysis

The Costco DEIR estimated that the project would add approximately 11,000 more car trips per year (per Appendix L Transportation Analysis pages 13, 41) and deemed it to be of “less than significant impact”. We are concerned this distinction was made with inaccurate data because it was collected during the height of the pandemic and before the “Vision Zero” lane reduction project took place. During the time of the study, the following areas were misrepresented:

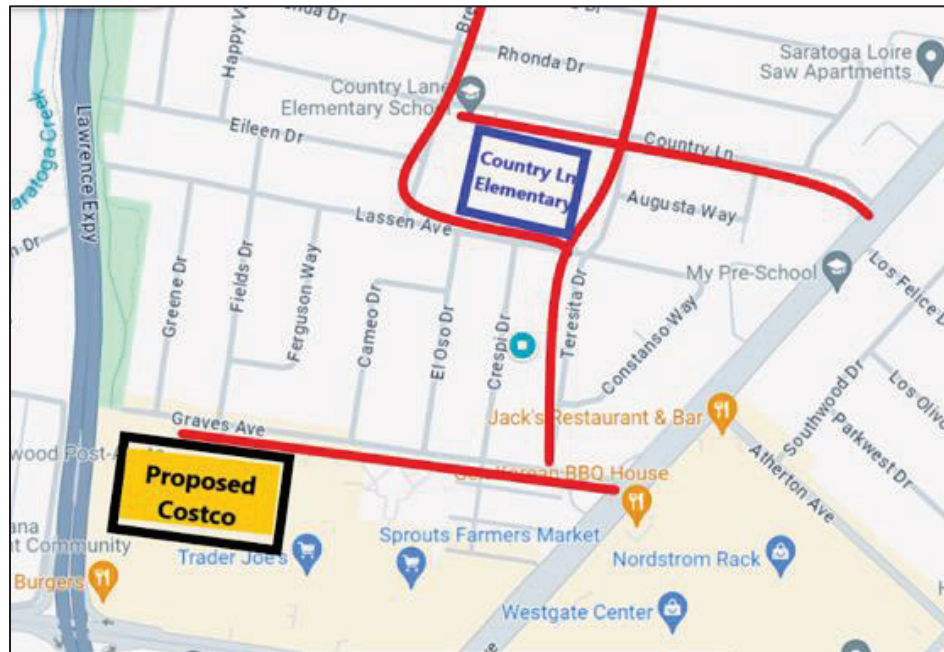
1. Tech workers forced working from home during this time – >50% fewer vehicles on the road
 - a. 52.5% of SF metro area substituted in-person work for telework due to COVID (According to the Bureau of Transportation Statistics, 2021)
2. Students were not attending school – no pedestrian traffic
 - a. Schools reopened in March 2021
3. Daycares shut down and kids required to stay home with parents – less driving and pedestrian traffic
4. Data collected was not during peak pedestrian hours for this area.
 - a. School drop off and let out times
5. Traffic congestion issues were not taken into account because the lane reduction plans from Vision Zero lane changes had not occurred yet

Response 219-9	Refer to Response 191-4 in Comment Letter 191 of this document. comment did not raise any new issues with respect to the disposition of significant environmental impacts or issues evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-10	I propose to run the data again with the following suggestions in mind to ensure that it still falls under the “less than significant impact” category. 1. During peak school, pedestrian, and traffic hours on these days (holiday and non-holidays) a. Mondays: 1:20 pm – 5:00 pm b. Tuesday, Wednesday, Friday: 2:00 pm – 5:00 pm c. Saturday and Sunday: 9-5pm d. Additional traffic considerations for all local after school Sports/Events i. Please work with these school governances to determine best hours to study to capture all impacted sport/event groups 1. Prospect High School 2. Country Lane Elementary School 3. Easterbrook Elementary/Middle School 4. Moreland Middle School 5. Latimer Elementary/Middle School 6. Lynbrook High School
Response 219-10	Refer to Response 191-5 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-11	2. New traffic studies need to be done to evaluate the current conditions on Saratoga Ave since the completion of the widened bike lanes and lane reductions projects.
Response 219-11	Refer to Response 191-6 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-12	While modeled predictions were done, the real-life back-up effects we’ve seen due to Saratoga Ave's lane changes will have a profound negative impact on traffic entering and exiting Saratoga Ave at all the intersections studied. The study needs to be re-done to reflect these changes and the real-world behavior of drivers adapting to these lane changes.

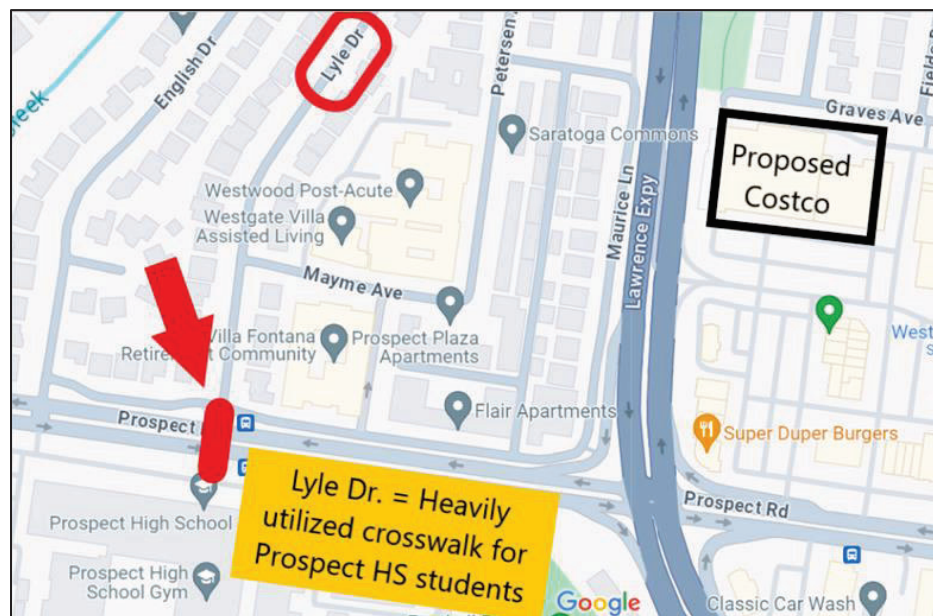
3. Do congestion study along Graves Ave, Teresita, Country Lane, and Lassen during the following times on weekdays to assess the impact of the lane reduction/bike lane widening on the local neighborhood traffic

a. 7:00 am - 9:30 am

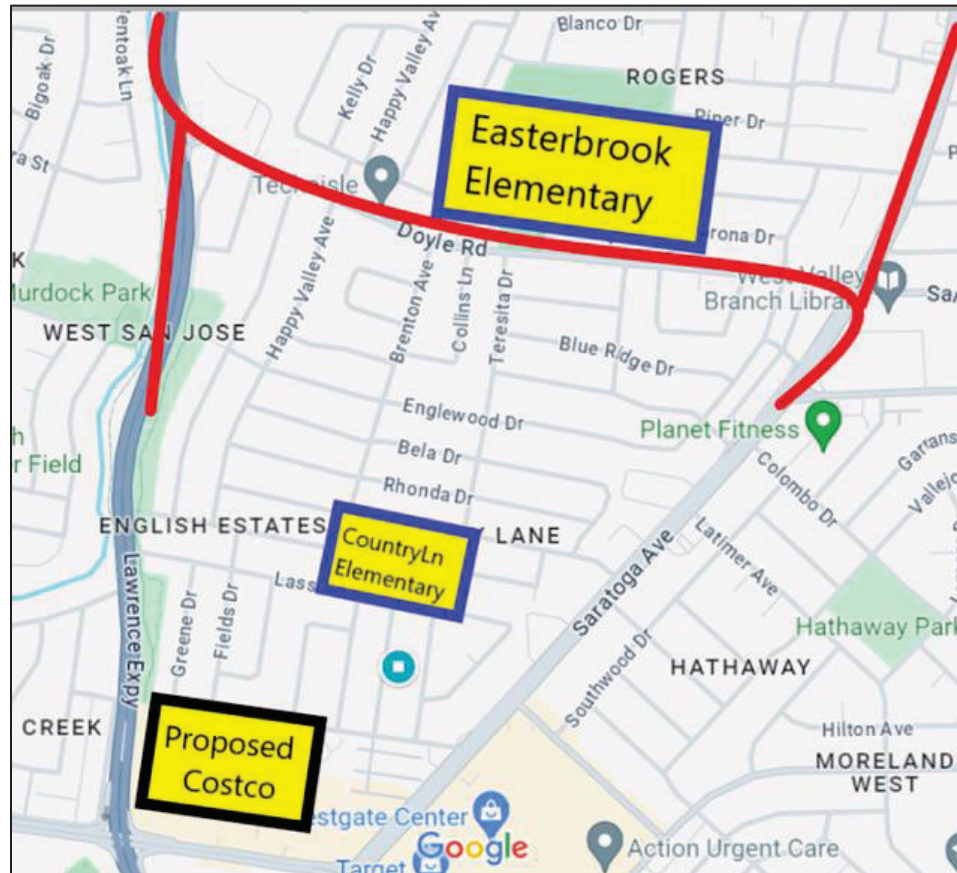
b. 1:00 pm – 5:00 pm



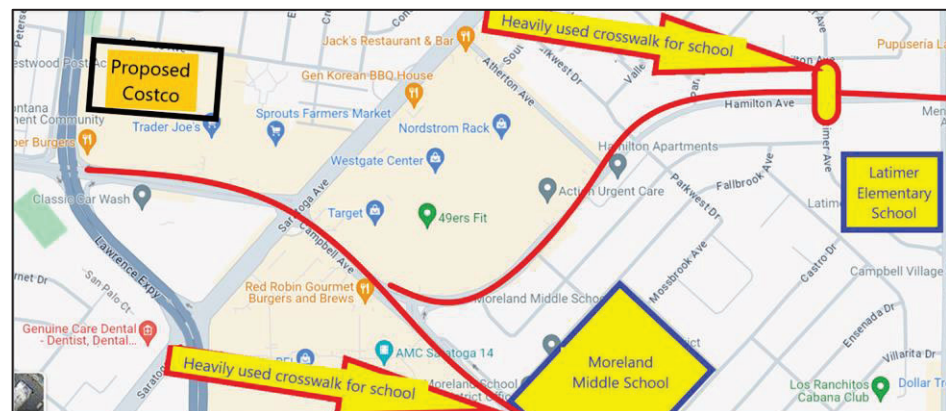
4. Do a pedestrian safety and congestion study of Lyle with respect to the impact on the school and students



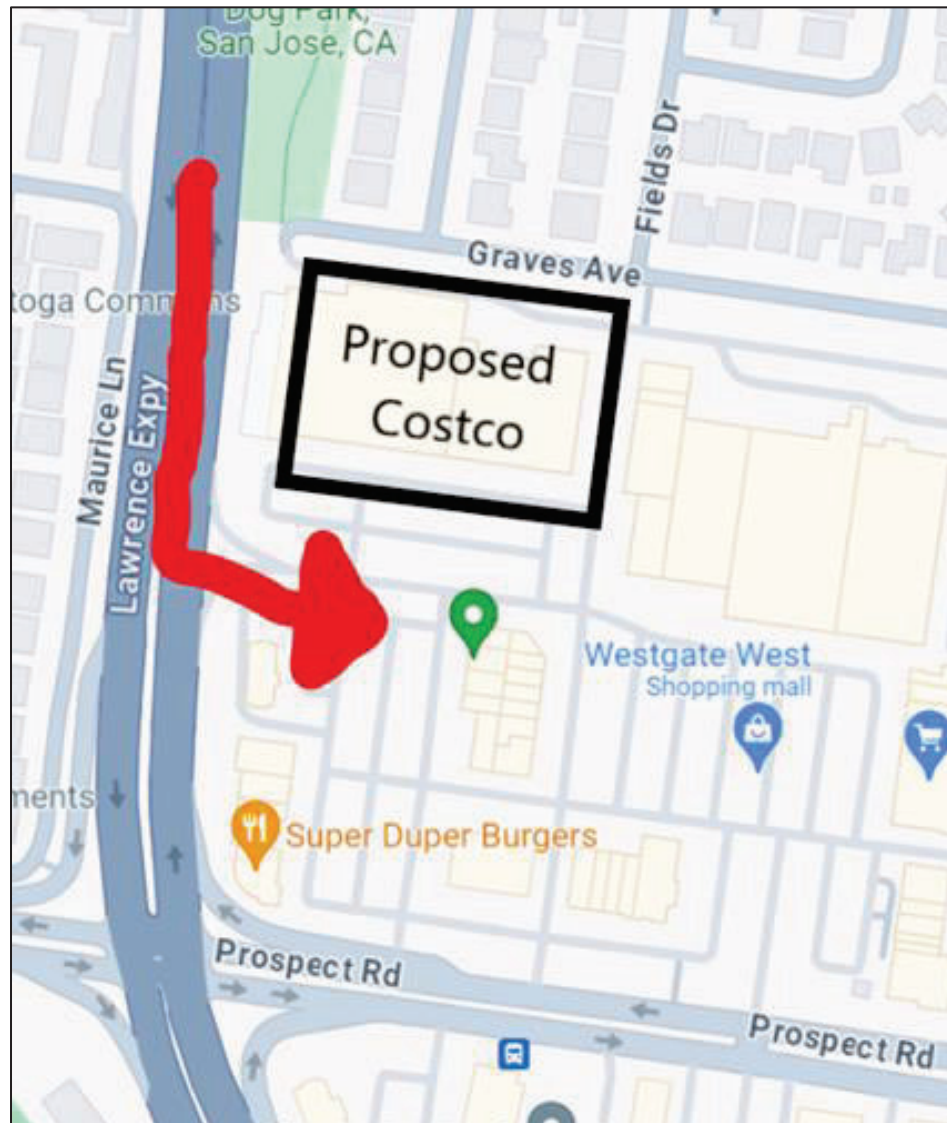
5. Do a congestion and pedestrian study along Doyle road see what the impact on Easterbrook Elementary/Middle school and Country Lane Elementary School. Major school traffic with crosswalks to nearby schools. My concern is about drivers bypassing the most likely congested Saratoga Ave and Lawrence Expressway cutting through Doyle and the neighborhood.



6. Do a congestion study along Campbell Ave and Hamilton Ave to see what the impact would be to the crosswalks and local school safety for Moreland Middle School and Latimer Elementary/Middle School



7. Do a congestion study along Lawrence Expressway turning into the proposed complex to see what the impact would be to congestion on Lawrence Expressway



Response 219-12

Refer to Response 191-7 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-13

This area has already proven to be an extremely unsafe. We appreciate the efforts already made in the Costco plans to widen crosswalks, increase the size of intersection islands and add crossing guards. However, I am concerned that these efforts that cost a significant amount of money would not actually significantly improve the problem. This is a website with 28 proven strategies that are aimed at reducing roadway fatalities and injuries offered by the U.S. Department of Transportation (<https://highways.dot.gov/safety/proven-safety->

countermeasures). The ones that would be applicable to this project include the following:

1. Protected bike lanes
2. Crosswalk visibility enhancements
3. Leading pedestrian interval
4. Medians and pedestrian refuge islands – potentially already in the plans?
5. Pedestrian and hybrid beacons
6. Rectangular rapid flashing beacons
7. Roundabouts at the major intersections

Yet, I am extremely concerned that the extra traffic anticipated to be brought in by the proposed Costco would be too overwhelming even with these proven measures. I believe the only safe option if the Costco is going to be built is to construct pedestrian bridges or tunnels. I would like to propose using the money allotted to making the other proposed changes and to be used instead to help the city subsidize two pedestrian bridges or tunnels that accommodates pedestrians and bikers over the major streets where people cross (one over/under Lawrence Expressway from the Country Lane Neighborhood and the second over/under Prospect Road from the Saratoga Creek Neighborhood).

Response 219-13 Refer to Response 191-8 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-14 Traffic Concerns

The city of San Jose is working to make the area more bike friendly and to slow the traffic down in the area. In this process they have significantly reduced the number of car lanes, and plan to do much more. My concern is with a Costco in this area, and a minimum increase in the cars of the area by 11,000 per day, there will be so much congestion, that cars will start cutting through the local neighborhoods to get to their destination. Of note, there is a local elementary school in the Country Lane neighborhood that would be particularly vulnerable as many children walk to and from school and activities here. There is a high likelihood of having frustrated drivers that had been stuck in traffic speeding through the neighborhood making it extremely dangerous for the residents and their children. There was no study done as of yet to determine how the traffic would be impacted around Country Lane Elementary school. I would like to require a study of this area's traffic impact to be done prior to approval.

Response 219-14 Refer to Response 191-9 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of

	significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-15	Furthermore, I would like to propose closing off the Graves entrance completely to through traffic to this shopping center. All other Costcos in the area have made efforts to protect and insolate the nearby neighborhoods from delivery trucks and through traffic.
Response 219-15	Refer to Response 191-10 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-16	Additionally, NO other Costcos in the area are near schools and I consider it essential to take into account (this proposed Costco is less than one mile away from 6 schools and 10 daycare centers).
Response 219-16	Refer to Response 191-11 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-17	I am also concerned that having a Costco placed here will encourage more vehicular traffic in general which is the opposite of the Pathway to Climate Neutrality by 2030's goal. Costo is known for having large bulk items that would be extremely inconvenient to load on to a bike, public transit, or to carry. This type of shopping requires a personal vehicle to load and take items home. I am disappointed that we may be approving a project that goes against San Jose's amazing and ambitious goal. I would prefer to see development here that would encourage people to walk, bike or use public transportation to the store and would have affordable housing developments build in.
Response 219-17	Refer to Response 191-12 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-18	Health Concerns The DEIR mentions that there are hazardous materials that would be released during the construction project from a previous Midas store on the property. I have asthma and young children who will soon be attending the elementary school less than half a mile away. With consideration of the other 16 school and daycare facilities within one mile away from the site, this would impact thousands of other children to any hazardous materials that are release during construction. Are there ways of trapping the release of these chemicals during the construction process to prevent community exposure? If there are, I would like to have it in writing the explicit promise of each method that will used to decrease the release of these hazardous materials into the air, water supply, etc. I would also like there to be an agreement with Costco that independent experts selected by the city will:

1. Write parameters of the permissible versus unhealthy chemical release amounts that are allowed/not allowed during and after construction
2. Conduct studies during and after the construction that monitor the release of these chemicals and adherence to the written parameters
3. Have the authority to stop or halt construction until the permissible parameters are regained
4. To notify the local community of any incidents of possible unhealthy exposure levels in a timely manner in order for residents to seek shelter or medical preventative care.

I would like the city to work with independent local public healthcare officials to determine the possible symptoms that could develop from the release of the hazardous materials during construction and to have Costco say in writing a plan similar to the one listed below:

- For any person that lives within 2-mile radius of the site that experiences the listed symptoms within a 5-year time from the start and end of the construction period, Costco would help to pay a large percentage of the health bills for those individuals who experience these health conditions.

Having worked in the healthcare industry for 10 years, I have seen firsthand how impacted communities can be after measures are not taken to prevent the spread of hazardous materials. In particular, those who lack health insurance are the most vulnerable. This area is very diverse with wealthy and low-income people living nearby. I am particularly concerned with the low-income people who may lack health insurance to pay for possible health ailments that may occur from the construction.

Response 219-18 Refer to Response 191-13 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-19 Environmental Concerns

We are proud of San Jose's Pathway to Climate Neutrality by 2030 plan to become carbon neutral. Costco's plans for this project have not included any measures that help to reach San Jose's goal. Currently this project has not included solar panels, EV car charging options, bicycle parking, and other measures that are consistent with this plan. At a very minimum, I would like to require that Costco make promises to work with San Jose's plan for Climate Neutrality by 2030 and institute their suggestions.

Response 219-19 Refer to Response 191-14 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 219-20	Additionally, with all of the meal ready food and packaging sold, I would like to ensure that Costco promises to 1) Use compostable plates and utensils for any ready-made food on the property and 2) Partner with a local composting company that will manage and dispose of the compostable materials properly 3) Have a plan to reduce and reuse packaging to lessen waste.
Response 219-20	Refer to Response 191-15 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-21	Parking Concerns If Costco has to go in, I am concerned that even with the parking on top of Costco, if there are no parking spaces in the visible parking lot, people would be unwilling to use the roof top parking and would instead try to park on the neighborhood streets. I would like to require that all of the staff parking be done on the roof top of Costco. This could allow more spaces to be available for shoppers in the main parking lot and try to cut down on people parking in the neighborhoods. I also would like to require Graves Ave and the small business complex be completely closed off from traffic of any kind (delivery trucks or through traffic). I am also concerned about people parking in the already impacted Trader Joe's and Ike's parking lot. It would be important to me to put up barriers between the approved Costco parking and the other businesses (i.e., Trader Joe's, Ike's, etc.) parking areas to discourage people from using them and walking over. Additionally, I would like to keep the shopping carts out of these other business areas and neighborhood. Could we put in cart wheel lock sensors around the designated Costco parking area to further discourage parking and walking to/from the nearby business and neighborhood.
Response 219-21	Refer to Response 191-16 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-22	SUMMARY In summary, this project will cause significantly more traffic than is capable for this area causing an already unsafe situation to become extremely dangerous.
Response 219-22	Refer to Response 191-17 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 219-23	The building is inappropriately scaled for the current space, does not fit with the vision of San Jose's initiative of becoming carbon neutral by 2030, and this entire project cannot be improved enough to justify its existence in this space and should be denied.

If the city insists on approving this dangerous project against better judgement, before granting approval the city must create, fund, and put in place.

- Specific neighborhood traffic isolation strategies,
- Environmental and climate change reduction strategies
- Significant traffic and pedestrian mitigation measures to address student, pedestrian, and cyclist safety
- Re-study the traffic impacts with real time data of what is currently happening in this area
- Efforts to prevent, monitor, notify and help compensate individuals suffering from hazardous materials from being released during and after construction
- Require Costco to align with and abide by city initiatives aimed at improving our community

Response 219-23 Refer to Response 191-18 in Comment Letter 191 of this document. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 220. Craig McCormick (dated February 19, 2024)

Comment 220-1 My name is Craig McCormick, and I am a 14 year resident of the Saratoga Woods neighborhood, near the proposed Costco Warehouse at Westgate West. I am also the parent of a sophomore, a senior, and a recent graduate of Prospect HS, which is located less than 1,000 feet from the proposed Costco site.

Response 220-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 220-2 Given the close proximity of the proposed site to a school, I have grave concerns about the safety of the students. Putting a Costco with the anticipated increase to traffic seems like a recipe for disaster. The other Costco locations are all in light industrial areas that are better suited for child safety. None of the other locations I have patronized in the past at Almaden Plaza, Coleman or Kifer locations are located across the street from a bustling high school. The proposed location is also just blocks away from an elementary school. It will put children in harms way. I drive to work past the high school every morning and see the children spilling off the sidewalks crossing the streets. Is the proposed larger pedestrian refuge at Lawrence truly enough to eliminate potential harm to students at this intersection when seeing 11,000 additional trips each day. There have been 4 pedestrian/car accidents involving students at that intersection in the past year alone. What will it be after Costco?? Traffic safety became even more personal this last year as my wife has been involved in two near-misses as a pedestrian jogger in this neighborhood (one at Lawrence and Prospect and one

	at Prospect and Saratoga intersection that involved 2 vehicles that both missed the turn and jumped the pedestrian refuge nearly hitting her). The number of at risk students that bus to Prospect on public transit is not insignificant, and they must complete their commute to school with a short walk from the bus stop at Saratoga Ave. With the proposed project, they would then be subject to a Costco and all its traffic between their school and safe passage to and from home.
Response 220-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 220-3	Although it is encouraging to see San Jose's plans for Vision Zero in our neighborhood come to fruition on Saratoga Ave, I worry that the increased congestion will result in more erratic driving by frustrated drivers. Saratoga Avenue has been reduced to 2 lanes from its previous 3 lanes of traffic in this area to widen the bike lane and increase pedestrian safety. This reduction makes me wonder about the report of no deficiency in the NON CEQA (LOS). Was the traffic impact assessment done prior to Saratoga Ave being reduced to 2 lanes in this area? If so are there plans to look at this again given that assessment is no longer accurate and would be further impacted by the very large housing project proposed at El Paseo?
Response 220-3	Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of Project impacts combined with other developments, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 220-4	I am sure the tax revenue from another Costco is very attractive to the city, but isn't the need for mixed-use development promoting local businesses and increasing housing for low and very-low income residents of equal or greater importance? This site seems better suited for that purpose and would be embraced by the community and provide a much safer solution for the mostly vacant center. Don't let this tax revenue blind you from the overwhelming fact that this project is not appropriate for a neighborhood and certainly not appropriate across the street from a school. Please reconsider moving forward with this Costco and find a more appropriate project for this site. Costco belongs in an industrial part of the city as far away from children as possible.

Response 220-4 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 221. Darcy Dutcher (dated February 19, 2024)

Comment 221-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

I am against this project due to the increase in traffic by a high school and the neighborhoods adjacent to the proposal. I want the children to be safe going to and from class. This project is not going to help an already impacted area population wise.

Thank you for your consideration and your care in responding to these serious concerns.

Response 221-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 222. David and Mary Longanecker (dated February 19, 2024)

Comment 222-1 The proposed Costco site is too small.

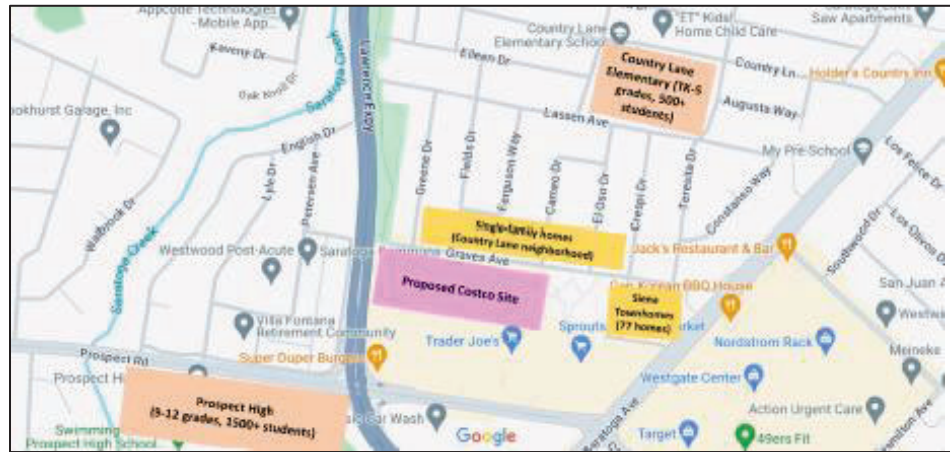
Response 222-1 Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. Pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 222-2 In addition the area is already congested with the high school traffic.

Response 222-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 222-3	Please do not Costco at that site.
Response 222-3	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 222-4	Additionally the El Paseo site will be bringing additional traffic with Whole Foods and housing.
Response 222-4	Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 223. David Underwood (dated February 19, 2024)	
Comment 223-1	Please find attached a letter providing feedback on the Westgate West Costco DEIR. Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I am a 25+ year Country Lane neighborhood resident who strongly opposes putting a too-large Costco into the too-small site at Lawrence Expressway and Prospect Avenue. I have lived on Happy Valley Avenue for decades and am deeply concerned about multiple issues regarding this project, chiefly safety, traffic, noise, quality of life, and that it is wholly inconsistent with the City of San Jose's own Urban Village plan. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.
Response 223-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-2	1. The DEIR Omits Pedestrian and Cyclist Safety Data The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and

an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

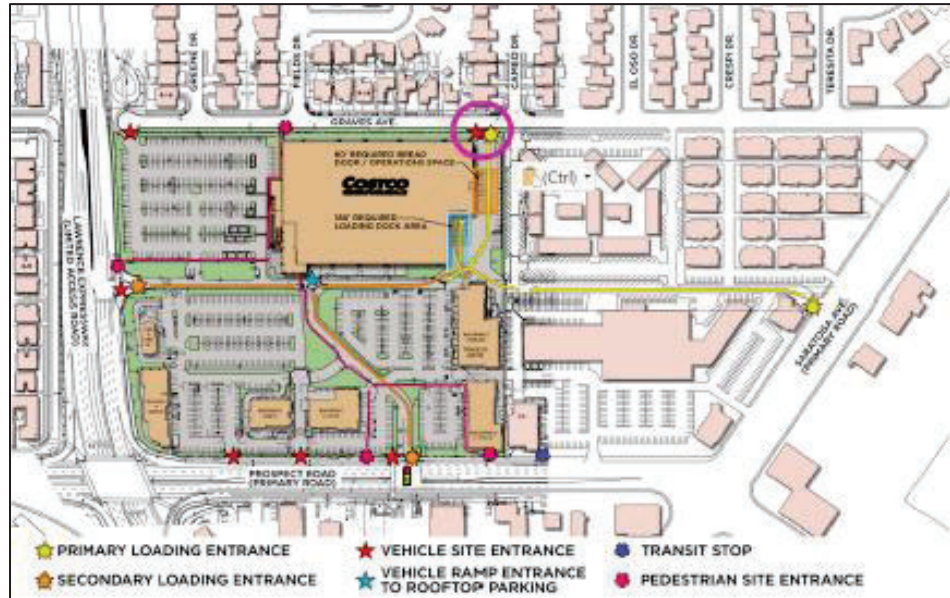
Response 223-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers

potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two-lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two-lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 223-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 223-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and

in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.²⁴

Comment 223-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 223-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to

²⁴ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton,
- Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 223-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-7

Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be

able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.

Response 223-7

Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-8

2. The Traffic Conditions Study in the DEIR is Inadequate

Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore, three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.

Response 223-8

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-9

In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the

warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimley-Horn do not include cumulative conditions from this improvement project.

Response 223-9

Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-10

There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.

Response 223-10

The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to

	the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 223-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-12	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 -9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 -4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.

- Response 223-12 Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson’s preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school’s final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City’s Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.
- Comment 223-13 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
- Response 223-13 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-14

3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color

The DEIR states the construction of a Costco Warehouse would “result in substantial noise-generating activities” (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools, and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 223-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up

to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project’s construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis.

Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-15

The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.

Response 223-15

The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence

	with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 223-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.
Response 223-17	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health

care facilities, rehabilitation centers, convalescent centers, and retirement homes.²⁵ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.²⁶ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.²⁷ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-18 The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 223-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from

²⁵ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

²⁶ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

²⁷ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-19

4. The Project is in Conflict with the City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 223-19

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant

	environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 223-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 223-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-22	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft

EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 223-22

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-23

5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make

a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

Response 223-23	Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-24	We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
Response 223-24	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 223-25	The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient, and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
Response 223-25	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending

developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 223-26

There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

I ask that you not allow this project to move forward. Thank you for your serious consideration.

Response 223-26

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 224. Francisco Hernandez (dated February 19, 2024)

Comment 224-1

I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

	My name is Francisco Hernandez and I am a 32 year resident of the Country Lane Neighborhood which is right next to the proposed Costco Warehouse at Westgate West.
Response 224-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 224-2	I am concerned about the over 11,000 car trips the project will generate (per Appendix L Transportation Analysis pages 13, 41) particularly at the already over-congested intersection of Lawrence Expy and Prospect Ave. Also, I am that the projected number, over time, may increase dramatically. I have been to the Coleman Costco on weekdays and the northbound left turn to Costco has steadily increased. Just a few years ago, that turn could be done after one or zero red lights. Now that turn, consistently takes two to three red lights. Worse of all, on weekends the turn is so unbearable that a few weeks ago I aborted after at least six red lights (with at least a few more to go). I shudder at how long the lines on the Lawrence entrance will become as this Costco becomes more popular. Also, note that this Costco is planned around a residential zone, the one on Coleman is located in a business zone. The weekend nightmare traffic will impact quality of life (extra pollution, noise, visual stimulus) at a time when working families should be enjoying their hard earned two days off.
Response 224-2	Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, conflicts with regulations governing scenic quality, and substantial light or glare as a result of the Project. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 224-3	As previously, stated I lived in the area when the Orchard Supply Hardware, the Laundromat, the Yoga Studio, Children's Supply store, Ethan Allen, and many other stores existed. The traffic was never a fraction of what is (may I say) under projected for this Costco. I believe this community would be better served with a variety of businesses instead of this giant behemoth. Thank you for your consideration and your care in responding to these serious concerns.

Response 224-3 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 225. Gary Smith (dated February 19, 2024)

Comment 225-1 English Estates Neighborhood Association requests that Costco, before their current development plan in west San Jose is presented to the San Jose City Planning Commission for approval or non-approval, is required by the City of San Jose to include pedestrian, bicycle, and vehicle traffic safety analysis with data for the Lyle Drive/Prospect Road street intersection and bus stop area, because that street intersection and bus stop is within 1000 feet of the west property line of the 19.8 gross acre Westgate West Shopping Center. Neither vehicle, pedestrian, or bicycle traffic analysis for the street intersection at Lyle Drive/Prospect Road was completed on the current Costco--Westgate West Draft EIR.

With ever increasing vehicle, bicycle, and pedestrian traffic throughout the west San Jose area over the next few years from various existing sources as well as from approved planned development at the El Paseo major development site in west San Jose, and proposed development such as Costco in Westgate West, the need for more proactive pedestrian and bicycle safety measures and vehicle traffic calming measures including at or near the intersection of Lyle Drive/Prospect Road (a main entrance to English Estates Neighborhood) is needed since no vehicle traffic analysis was done regarding either the Lyle Drive/Prospect Road or English Drive/Prospect Road on the current draft EIR for the proposed Costco warehouse in Westgate West.

Also, English Estates Neighborhood Association requests that the data regarding impacts of Costco in Westgate West on the street intersection Lyle Drive/Prospect Road, be made available to the public via www.sanjoseca.gov under the San Jose Planning Commission "Major Development Projects," with a new 30 or 45 day comment period, similar to current Draft EIR is available to the public with a public Draft EIR comment period ending on February 20, 2024.

It has come to our attention recently at a Community Meeting at Prospect High School on February 5, 2024 that the current Draft EIR for Costco in Westgate West omitted (did not include) pedestrian, bicycle, and vehicle traffic study data regarding the impact of added vehicle traffic (car trips) from the proposed Costco Warehouse to pedestrian, bicycle, and vehicle traffic at the corners of Lyle Drive/Prospect Road and English Drive/Prospect Road (both intersections directly across from Prospect High School) as explained below and within or close to 1000 feet from the west property line of the 19.8 gross-acre Westgate West Shopping Center.

English Estates Neighborhood is in west San Jose on the north side of Prospect Road directly across from Prospect High School. All seven streets within the English Estates neighborhood area – Lyle Drive, English Drive, Prospect Road

(between English Drive and Maurice Lane), Petersen Avenue, Maurice Lane, English Court, and Mayme Avenue – are very close (approximately 1000 feet or less) to the west boundary of the 19.8 gross acre Westgate West Shopping Center where Costco proposes a full-sized warehouse store (including parking) on 9.69 acres of the Westgate West “General Commercial” zoned neighborhood shopping center.

Our major concerns about the proposed Costco warehouse store in Westgate West shopping center include but are not limited to the following:

1) what impact from Costco in Westgate West will there be to the vehicle, pedestrian, and bicycle traffic at the street intersection (Lyle Drive/Prospect Road) directly across from Prospect High School ? That street intersection/traffic light is within 1000 feet of the west property line of the 19.8 gross acre Westgate West shopping center. Traffic coming both ways (north and south) on to Prospect Road from Lyle Drive; as well as the student/parent, faculty, and visitor traffic going to and from Prospect High School at or near the Lyle Drive/Prospect Road intersection on to Prospect Road; as well as vehicle traffic coming to and from from English Drive on to Prospect Road, all within or close to 1000 feet from the Westgate West Shopping Center west property line, needs to be determined and made available to the public for public comment before the proposed Costco Warehouse at Westgate West goes to the City of San Jose Planning Commission and City Council for a vote.

At the recent community meeting on February 5, 2024 at Prospect High School, a representative of the traffic consultant hired by the City of San Jose and/or by Costco to prepare the Costco Westgate West draft EIR, stated, during a Q and A portion at that community meeting, that the Lyle Drive/Prospect Road intersection (at Prospect High School) “is off of the map and was not included in the traffic analysis on the draft EIR for the Costco warehouse in Westgate West.”

The street intersection with traffic signal (Lyle Drive/Prospect Road) noted above as well as the non-traffic signal street intersection (English Drive/Prospect Road) feed vehicle, bicycle, and pedestrian traffic coming to and from Prospect Road with residences (single family homes and apartments) and residential care facilities located directly across from and close to (only one to three blocks) Prospect High School where there are seven streets (as noted above) that feed traffic in to those two intersections (Lyle Drive/Prospect Road and English Drive/Prospect Road) which are within approximately 1000 feet of the west property line of the 19.8 gross acre Westgate West neighborhood shopping center of which Costco is proposing to occupy part of those 19.8 gross acres with a full-size warehouse membership store on 9.69 gross acres in a shopping center zoned Commercial General Zoning District.

Omission of traffic analysis and data on both sides of the street (south and north) at the main vehicle entrance (Lyle Drive/Prospect Road intersection) for a public high school (Prospect High School) as well as not including traffic analysis or traffic

data for English Drive/Prospect Road intersection (also directly across from Prospect High school) is a serious omission of traffic analysis and data on the current draft EIR which should be rectified before the Draft EIR of the Costco Westgate West project goes before San Jose's Planning Department and City Council.

Response 225-1

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope determination and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 225-2

The two intersections noted above (Lyle Drive/Prospect Road and English Drive/Prospect Road) also handle some daily traffic of emergency vehicles that receive requests including from three residential care facilities whose addresses noted below are located on streets less than two blocks north of Prospect High School and within 1000 feet of the west property line of the proposed Costco warehouse in Westgate West. Fire trucks and ambulances come into the English Estates Neighborhood on calls approximately three times a day and sometimes more often based on a neighbor's observation who lives next to one of the senior residential facilities noted below.

555 Prospect Rd SJ 95129

5425 Mayme Ave SJ 95129

1601 Petersen Av SJ 95129

Now it isn't known how much time it may take for emergency vehicles (ambulances and fire trucks) to enter and exit the two available intersections which are also directly across from Prospect High School (Lyle Drive/Prospect Road and English Drive/Prospect Road) with a hypothetical 11,000 car trips per day generated by a full-size Costco warehouse store in Westgate West (18 times the car trips presently produced by businesses in Westgate West Shopping Center) according to data provided by Costco.

Response 225-2

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects

to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 225-3 - The draft EIR, according to a question answered by the EIR consulting firm at the recent community meeting on February 5 at Prospect High School, did not include an estimate of the number of car trips from the other buildings (A, B, C, D, E, F) that will remain on the 19.8 gross acre Westgate West Shopping Center. Rather, the Costco–Westgate West draft EIR provides an estimate of 11,000 car trips per day from only the full-size Costco warehouse store to and from the 19.8 acre gross acre Westgate West Shopping Center. So, based on the data from the current Costco–Westgate West Draft EIR, the public does not have an estimate of the number of car trips generated per day from the other six buildings in Westgate West that will remain on the 19.8 gross acres of Westgate West Shopping Center. The number of car trips from the other six remaining buildings on the 19.8 gross acre site, in addition to Costco’s warehouse on that site, could be significant and could add to traffic gridlock at times in that area as well as at the Lyle Drive/Prospect Road intersection as noted above and other streets going to and from Lawrence Expressway/Prospect Road.
- Response 225-3 Refer to Topical Response B for a discussion of internal congestion and emergency vehicle access in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 225-4 English Estates is a neighborhood in west San Jose that includes seven streets with 112 single-family homes, a few apartment buildings of various sizes, and three residential care facilities.
- The English Estates Neighborhood Association, at a Special Meeting on February 3, 2022, voted to oppose the proposed Costco warehouse store (File No. CP21-022). At that special meeting we were concerned, as we are today, of possible negative traffic impacts that a large volume of vehicle traffic to and from a full-size retail warehouse store will have on pedestrian, bicycle, and vehicle flow and safety in a residential-commercial area with many mixed-use developments.
- Response 225-4 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. This comment expresses general opposition for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 226. Gerald Law (dated February 19, 2024)

Comment 226-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. Before I go into some feedback, here's a little background about our family. My wife and I moved to the Happy Valley neighborhood in 2010 with our 1 year old. We love the neighborhood and great retail options at the Westgate West Shopping Center. We frequent almost every grocery store, restaurant, and retail shop on a regular basis. We love to see parents and children that go to the same schools, soccer teams, and extracurricular programs while at Westgate West. Our kids walk and bike to school regularly since they went to Country Lane Elementary and Easterbrook Discovery, and now Prospect High. As you are aware, two of the schools mentioned are just 1-2 blocks away from the Westgate West Shopping Center. During our education about the Costco Project, I've learned more about the vision of San Jose. Certain aspects particularly underscored our city leadership's visionary approach. I love the progressive agendas of Priority Safety Corridors, Vision Zero, and Urban Villages. Safety goals are basic "no regrets" initiatives and should never be compromised. The Urban Village concept was particularly inspiring. It embodies so many great ideals for San Jose. Among them are adding affordable housing, promoting walking/bicycling more, local shopping, and store owners that live in and care about the community.
Response 226-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 226-2	While Costco is a great business, it's not the right fit for this area. The point of view that Westgate West is already zoned for commercial general is disingenuous. A shopping center with OSH, Chocolatier, Goodwill, Smart and Final, Dominos, Yoga Studio, etc is commercial general. A Costco Warehouse that produces 18x as many daily trips is commercial general on steroids. On top of not passing that sanity check, trying to put a Costco on 9.7 acres plot when the average Costco plans for a 15 acre plot feels forced. I've been to 20+ Costcos in my life, and every Costco that I've been to is in a very open space, often more commercial, and NEVER a few blocks from multiple schools.
Response 226-2	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Of eighteen Costco locations in the wider San Francisco Bay Area, three are located approximately 2,000 feet from school or residential uses and all eighteen are located in the vicinity of school, residential, or both uses. The

	comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 226-3	At a community meeting held by Rosemary Kamei's office on February 1st 2024 at Prospect High, an associate from Kittelson & Associates admitted that their Traffic Analysis did not consider any traffic impacts of the area north of the project. The area that is 2 blocks north is Country Lane Elementary School. Often, the response was that additional analysis was not a CEQA or city requirement, but shouldn't we hold ourselves to a higher standard to consider the spirit of the legislation we put in place as opposed to the letter of the law that could have loopholes.
Response 226-3	Refer to Topical Response C for a discussion of the scope determination and requirements for the Transportation Analysis for the Project. Refer to Table 2 on page 14 of Appendix I, Transportation Analysis, of the Draft EIR for the intersections studied, several of which are north of the Project site. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 226-4	The Costco project is counter to the vision and commitment that the city of San Jose stands for. There's no way there won't be more traffic, pedestrian/bicycle accidents, noise/traffic pollution for this area.
Response 226-4	Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 226-5	As affordable housing is added, retail shops will thrive organically. Getting a Costco may be a quick way to increase revenue, but it's not good for the long term prosperity of this community.
Response 226-5	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 226-6	I urge you and your team to re-evaluate the DEIR and its findings, and consider the No Project Alternative or at least move it to a more fitting location. Thank you for your consideration and I look forward to hearing your response.
Response 226-6	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment. The Project analysis found that there were no significant and unavoidable impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 227. Gina Briody (dated February 19, 2024)	
Comment 227-1	I am a thirty-five-year resident of the West Valley Corridor. I have shopped and been supportive of the various businesses in this area.
Response 227-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 227-2	The proposed Costco at this location will be a massive eyesore, generating traffic gridlock, and a congestive feel to an otherwise urban experience. All other Costco Warehouses are in locations without close housing, schools, and small businesses.
Response 227-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, conflicts with regulations governing scenic quality, and substantial light or glare as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 227-3	I am alarmed at the planned Westgate Costco and totally opposed to it. I will gladly travel to the "Airport Costco," "Almaden Costco," or "Lawrence Sta on Costco." Thank you!
Response 227-3	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 228. Gokina (dated February 19, 2024)

Comment 228-1 Please close all entrances including pedestrians from Graves Avenue to the proposed Westgate West Costco Warehouse. Otherwise Costco shoppers will park on Graves and neighboring residential streets to access Costco.

Response 228-1 Refer to Topical Response B for a discussion of Project site access, access to Graves Avenue, and parking. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 229. Hang Ma (dated February 19, 2024)

Comment 229-1 I'm a resident and parent living in the Country Lane neighborhood. I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project, and I feel a lot of critical information is missing. I am writing to provide my feedback.

Response 229-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 229-2 First of all, the DEIR failed to analyze the safety risk for the students who go to Prospect High School and Country Lane Elementary School. According to the World Health Organization (WHO), road traffic accidents (RTAs) are identified as the main cause of death among those aged 14–18 and the second most prevalent cause among those aged 4–13 (NIH link). The current DEIR mentions 11,000 cars per day to this site, what does that mean for the students at Prospect High School and Country Lane Elementary School? Do we have an estimate of how many more injuries and fatalities for the students affected? I don't see any hint in the current DEIR.

Current Epidemiological Trends of Pediatric Traffic Accidents at a Romanian Clinical Hospital

Background: Pediatric road traffic accidents (RTAs) have a substantial impact on the worldwide youth population, resulting in a considerable burden of disability. According to the World Health Organization's (WHO) Global Status Report on Road ...

Response 229-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 229-3 Second, the DEIR lacks analysis to the traffic through the Country Lane neighborhood. As the current DEIR mentions 11,000 cars per day traffic brought to this site, I would be concerned about the increased traffic in the Country Lane neighborhood where more than 3,000 people live. The roads within the neighborhood might not have been ready for the new traffic. I would like to see

	how much more traffic would there be in the Country Lane neighborhood and is it OK for the current road capacity.
Response 229-3	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 229-4	Lastly, I'm concerned about the air quality for younger kids at Country Lane Elementary school. More than 600 students go to Country Lane Elementary school every day. The current DEIR mentions the potential air quality problems caused by the Costco project. I would like to understand more about what that means for the 600 students. Is the air pollution low risk, medium risk or high risk for students of age 4-10? Thank you for your consideration and your care in responding to these serious concerns.
Response 229-4	The Draft EIR addressed health risks and air pollution on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. Specifically, pages 20 and 21 in Appendix B, Air Quality Assessment, of the Draft EIR, the Project's Health Risk Assessment conservatively models estimated risks for receptors by accounting for special sensitivity from infants and children per the California Office of Environmental Health Hazard Assessment 2015 Air Toxics Hot Spots Program Risk Assessment Guidelines. ²⁸ The Project relied on the conservative risk estimates for the Draft EIR analysis. As such, the Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health and air pollution with the applicable mitigation incorporated. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 230. Hideaki Tsuchiko (dated February 19, 2024)	
Comment 230-1	Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests. We have been living in Country Lane for 15 years. We strongly request the City of San Jose to discontinue Westgate West Costco project for the significant concerns below.
Response 230-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial

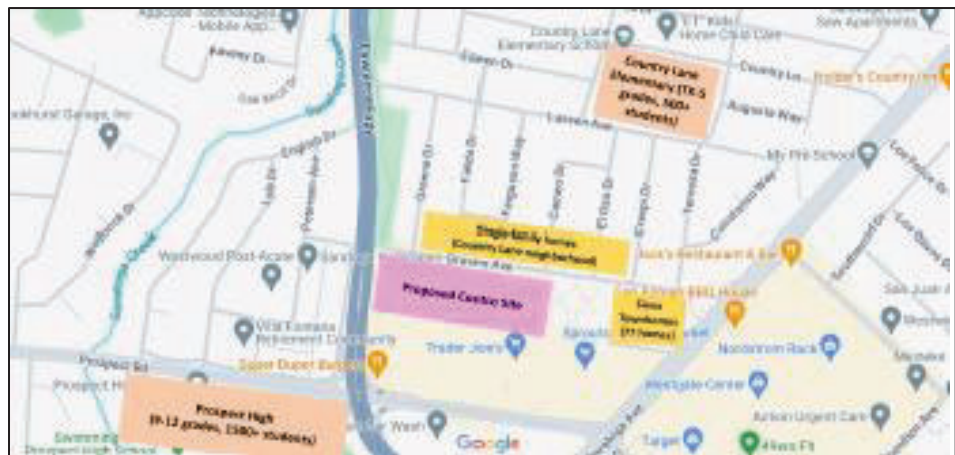
²⁸ California Office of Environmental Health Hazard Assessment. 2015 Air Toxics Hot Spots Program Risk Assessment Guidelines. February 2015. <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>. Accessed August 8, 2024.

evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-2

1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and

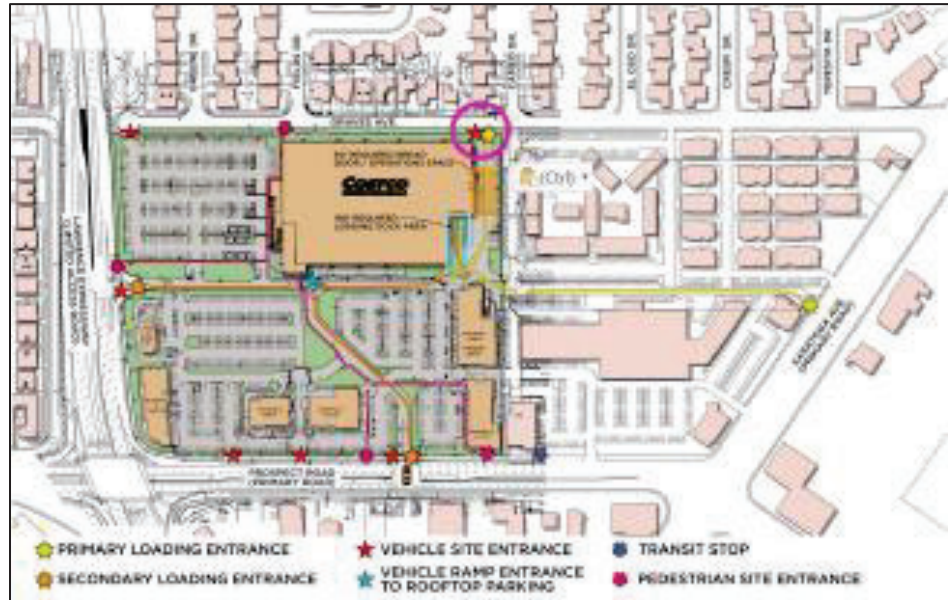
additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 230-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 230-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costo's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 230-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and

in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.²⁹

Comment 230-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 230-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to

²⁹ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 230-6 Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:
- Prospect High - Prospect/Lawrence, Saratoga/Prospect
 - Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
 - Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
 - Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves
- Response 230-6 Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 230-7 Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck

	by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 230-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 230-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-9	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from

	Kimley-Horn do not include cumulative conditions from this improvement project.
Response 230-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 230-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 230-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-12	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 230-12	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest

from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 230-13

The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.

Response 230-13

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-14

3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color

The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years)

and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 230-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-

sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-15

The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.

Response 230-15

The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 230-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.
Response 230-17	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement

homes.³⁰ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.³¹ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.³² The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-18

The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

³⁰ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

³¹ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

³² BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

- Response 230-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 230-19 4. The Project is in Conflict with City of San José Urban Village Plan
- The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.
- Response 230-19 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not

	provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 230-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 230-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 230-22	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project

would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 230-22

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 230-23

There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José’s decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to “sit at the table” with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

Thank you for your serious consideration and care in responding to these significant concerns.

Response 230-23 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 231. Janelle Greenlee (dated February 19, 2024)

Comment 231-1 I am writing to express my strong opposition to the proposed Costco Warehouse development at the intersection of Lawrence Expressway and Prospect Road in San Jose.

Response 231-1 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 231-2 My primary concern lies with the potential negative impact on the safety of students at Prospect High School, located approximately 1,000 feet away, just across the street.

As you well know, safe streets are essential for a healthy and vibrant community. They encourage students to walk or bike to school, promoting physical activity, environmental responsibility, and fostering a sense of belonging. This, in turn, contributes to a more livable environment for everyone. However, the DEIR for the Costco Warehouse development fails to adequately address the safety needs of Prospect High School student pedestrians and cyclists, especially during peak school hours. This is particularly concerning considering that 42.5% of our students come from socioeconomically disadvantaged backgrounds and lack access to school bus transportation, forcing them to walk or bike to school, crossing this busy intersection. The projected increase of 11,000 daily vehicle trips associated with the development raises serious concerns about traffic congestion and its potential safety risks for students and the entire community. This directly contradicts the goals of San Jose's Vision Zero Initiative and the Walk Safe San Jose program, both of which aim for zero traffic fatalities by prioritizing pedestrian safety.

I urge you to prioritize the safety of our community's most vulnerable members, particularly Prospect High School's student pedestrians and cyclists, by upholding the values of Vision Zero and Walk Safe San Jose. Please carefully re-evaluate the

potential impact of this project and explore alternative solutions that align with our city's commitment to creating a safe and sustainable environment for all.

Thank you for your time and consideration in addressing these important concerns.

Response 231-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 232. Jerry (dated February 19, 2024)

Comment 232-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project.

My name is Jerry Li and I am a 19-year resident live at the conner of Greene Dr and Graves Ave and my house is only 60 ~ 80 feet away from the proposed Costco building and its re center. Both of my sons are walking to Prospect High School.

I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and a ended all the public hearings. I am writing to share my feedback, concerns, and requests.

Response 232-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 232-2 1. The DEIR Omits the impact by the future growth of Costco business.
Based on the attached research, Costco's paid members increased from 53.9M to 71M from 2019 to 2023, which is around 7~8% annual increase. I believe Costco will continue grow at a similar pace and this is why Costco needs to have a new location. The DEIR study completed by Kimley-Horn includes no data on the impact of the Costco business growth brought to the area, in particular to traffic congestions and pedestrian safety in the future.

Response 232-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Page 198 in Section 3.14, Population and Housing, of the Draft EIR analyzed population growth impacts associated with the Project. The Draft EIR found that there were no significant impacts related to population growth as a result of the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The comment did not provide new, substantial evidence with respect to the

	disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 232-3	In past 6~7 years, I felt the traffic on Lawrance, Prospect, and Saratoga has been doubled and I witnessed more accidents than before. When this Costco opens to the public, it will be 2 ~3 years away and I would like to see the data and analysis to project at least next 5 to 10 years and see how the road and infrastructure can handle it.
Response 232-3	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. Pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on City infrastructure and found that there were no related significant and unavoidable impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 232-4	We also need to account other big development projects in the area together.
Response 232-4	The Project analysis found that there were no significant and unavoidable impacts. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 232-5	2. Concerns on Costco Operation Hours. I have big concerns about the Costco operations hours, in particular after mid-night truck delivery at 2am and forklift operation starting at 4am. I lived right behind the old OSH warehouse and their warehouse opera on hours were from 7am to 10pm. The beeping sound created by the forklift and truck when backing up were very annoying and they're loud. They will become louder after mid night when other ambient background noise is at the lowest level. I also have concerns regarding the hours of the parking lot and site surface cleaning. My experience with OSH has been horrible in which they often cleaned the parking lot and the back of the mall at mid night with loud equipment such as leaf blower and trucks.
Response 232-5	As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 232-6	In the regards of noise, in another report focusing on noise, the data collected in

front of my house was at 2pm in the afternoon which does not really reflect how the Costco will impact our sleeping and rest. At 2pm, normally nobody is at home or sleeping. I felt the study in both DEIR report and the noise report are inadequate.

- Response 232-6 Noise measurement methodology and data analysis were addressed on pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR with additional information provided in Appendix H, Acoustical Assessment. Pages 15 through 21 of Appendix H, Acoustical Assessment, of the Draft EIR include a discussion of the criteria for CEQA noise analysis, including guidelines and methodology for the Project analysis. While the existing conditions data was collected during daytime, the modeling conservatively provides and the analysis considers the worst case noise scenario to make a significance finding, not only noise at 2 p.m. As detailed on pages 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 232-7 I also want to express my concerns regarding the sound wall. It has been increased from 4 ft to 6 ft but I still think it's not adequate to block and reduce the sound and noise created from the site. I am requesting to increase it to at least 8ft. The townhome on the other end of Graves has at least 8ft(maybe 9 ft) sound wall. I also request to put a sound wall at the end of the Graves (facing Lawrence) that can help to reduce the vehicle acceleration noise created by hundreds maybe thousands of Costco shoppers existing the mall every day.
- Response 232-7 As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 232-8 3. Pass-through traffic to the Happy Valley Neighborhood.
- The dog park is located at the end of Graves Ave and my house is next to it. Currently, the dog park traffic comes through all different directions, including all neighborhood, Graves Ave and the shopping mall. Yes, the current shopping mall provides a convenient passing to access the dog park. Once the Costco is open, the mall passing will be blocked and all the dog park traffic can only go through the happy valley neighborhood and Graves Ave. I also believe some Costco shoppers will try to seek shortcuts and drive through the happy valley neighborhood during the busy hour when traffic on Prospect, Saratoga and Lawrence goes bad.
- Response 232-8 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. An explanation for trip distribution data and methodology in the Project area is included on page 36 and 37 of Appendix I, Transportation Analysis, of the Draft EIR. Pages 216 through 224

in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 232-9

4. Impact on how locals will shop at Westgate West.

As we all know, we already lost Smart&Final and Goodwill, which are two popular stores among the locals. Costco will bring 10 times more traffic to the Westgate West and I have concerns that I have to spend more time to get in and out the mall and find a parking spot when I visit shops like Trader Joe's. I used to visit Smart&Final and Trader Joe's at least 3 ~4 times every week and I am afraid the new Costco will make this more time consuming and difficult. If Trader Joe's decides to moving out due to lower shopper rate, this will be a big change to our daily life. We have to spend more time and drive longer to visit Trader Joe's on Bollinger, which is 4 miles away. The closest Smart&Final is on Camden, which is 7 miles away. I don't mind to drive 10 miles to visit a Costco every 1 ~2 weeks, but I do mind to drive 4 ~7 miles to visit my favorite grocery stores 3 ~4 times a week.

Response 232-9

Refer to Topical Response B for a discussion of parking sufficiency at the Project site and impacts to other businesses. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 232-10

Thank you for your consideration in responding to these serious concerns. I hope the city really listens to the locals who live next to the site and provides more opportunities for us to participate the decision-making process.

I can be reached via this email or by phone at [REDACTED] if you would like to know more

Response 232-10

This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 233. Ji Li Walbrook (dated February 19, 2024)

Comment 233-1

I saw an organized campaign by some neighbors against a new Costco at former OSH site. I believe the concerns are overblown and the underlying motivation is really NIMBY!

Response 233-1

This comment expresses general support for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 234. JoAnn Moritz (dated February 19, 2024)

Comment 234-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Response 234-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 234-2 1) The DEIR omits pedestrian and cyclist safety data.

The greatest concern regarding the proposed Costco warehouse is the safety of pedestrians and cyclist if the proposal is approved. Based on San Jose police department reports on the city of San Jose website, Saratoga Avenue (East of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily utilized streets such as Prospect Road (South of the site) and Lawrence Expressway (West of the site and an 8 lane 50 mph major thoroughfare). Saratoga Avenue is considered "most dangerous for bike traffic" by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city's Vision zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence is where Prospect High, a 1500+ student High School is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day and the athletes who trained by running on the streets. Students must walk outside the crosswalk lines because there too many children trying to cross the road. The many students who take public VTA buses (because there is no district provided transportation) are forced to walk across the intersection at least twice a day in order to reach their stops.

Surprisingly, the study completed by Kimly- Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High two representatives from Kimly-Horn (Danae Hall and Amy Lopez) stated that this data was not required by the city of San Jose. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by the additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the city of San Jose.

Response 234-2 The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers

potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 234-3

The Western Southern and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas north of the proposed Costco. Graves Avenue is directly north of the proposed site and is frequently used as a "cut through" for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two-lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 foot street near Lawrence Expressway. Many young children from the 77 unit townhomes (at Saratoga Avenue and Graves Avenue) cross the street every day in order to go to school at Country Lane Elementary School. Figure 2.5 - 2 in the DEIR shows the proposed overall site plan including a truck and car accessway at Graves Avenue and Cameo Drive. The alternative placement for Costco in the DEIR (figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small two-lane road and that according to the DEIR, is expected to support large trailer trucks, vans, cars and pedestrian and cyclist traffic. The DEIR states that 11,000 + vehicle trips a day will be generated by Costco (Appendix I Transportation Analysis pages 23 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimly-Horn.

Response 234-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis

Comment 234-4

and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state that they want to increase pedestrian activity and decrease vehicular conflicts.

"Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity. (page 12)"

"Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadway. (Page 12)"

The Envision San Jose 2040 General plan also includes the following:

Policy TR-1.1 Accommodate and encourage use of non-automobile transportation modes to achieve San Jose's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT)

Policy TR-1.5 Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages.

Policy TR 1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

policy TR 1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-6.1 Minimize potential conflicts between trucks and pedestrian, bicycle, transit and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions of the four streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 234-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures

would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.³³

Comment 234-5

Potential pedestrian and cyclist safety improvements could include: a) widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, in and Saratoga Avenue. b) installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) painting green protected bike lanes; d) closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) restricting Costco- related access from the West Valley Professional Center medical office parking lots, which are often used as a "cut through" to reach Graves Avenue; f) increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) installing speed bumps and radar signs on Graves Avenue and nearby streets; h) restrict large trucks from parking on Graves Avenue obstructing the view of pedestrians and cyclists; and i) reducing the speed limit to 15 mph by Country Lane

³³ "Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes." (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project "is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan." (*Ibid.*)

	Elementary, a TK-5 school that serves over 500 of the youngest public school students who often walk unaccompanied to and from school.
Response 234-5	Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 234-6	Over 3,650 students attend four public schools all within 1/2 mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moorland Middle. Therefore, longitudinal data should include morning commute and school drop off hours, school lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools: 1) Prospect High-Prospect/ Lawrence; Saratoga/Prospect 2) Country Lane Elementary- Country Lane /Teresita; Country Lane/Brenton; Lassen/Teresita; Lassen/Brenton; Lassen/Crespi; Lassen/El Oso 3) Easterbrook Discovery-Doyle/ Teresita; Doyle/ Priscilla 4) Moreland Middle-Fallbrook/ Campbell; Sagmont/Hamilton; Saratoga/Graves

Response 234-6	Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 234-7	Westgate West is immediately surrounded on four sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigation would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 234-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 234-8	2) The Traffic Conditions Study in the DEIR is Inadequate Westgate West is part of West Valley which includes communities at the intersection of three cities: San Jose, Saratoga, and Campbell. Therefore, three of the streets that border West Gate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I- Transportation Analysis, pages 22 and 35). There is no room for expansion on either Prospect Road or Saratoga Avenue. Both are four lanes and many houses, schools, and businesses already line the roads.
Response 234-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of

	Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 234-9	In Fall 2023 the City of San Jose spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project which reconfigured traffic Lanes on Saratoga from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimly-Horn do not include cumulative conditions from the improvement project.
Response 234-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 234-10	Additionally, there is no analysis for the El Paseo De Saratoga mixed-use 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road. Hall and Lopez from Kim Lee horn stated they were not required to study the to impact of these developments. Without complete data, the studies and predictions in the DEIR are not valuable to the public who cannot accurately view the impacts of surrounding projects in this corridor.
Response 234-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by

the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 234-11 Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road) there are no proposed improvements. There are also no solutions for the one lane left turn Prospect Road to Saratoga Avenue, which is already heavily gridlocked.

Response 234-11 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 234-12 In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states "Existing traffic operations data were collected for two 2-hour peak periods 7:00-9 a.m. and 4:00-6:00 p.m. (page 209), which indicates Kimly-Horn representatives were only present for 4 hours total and conducted their entire study around this 4-hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off- campus, or peak after school hours (2:00-4:00 p.m.). While the tables in the DEIR may have given the impression that

there are "less than significant" traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and are not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.

Response 234-12

Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 234-13

The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower campus and countless daycares and preschools. There are at least four public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco warehouse that is a membership-only, for profit business.

Response 234-13

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects

to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 234-14

3) The Project is in Conflict with City of San Jose Urban Village Plan.

The city of San Jose Urban Village concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and the Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gases, and build more healthy communities. The proposed Costco warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687-692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000 vehicle trips per day (Appendix I- Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change Westgate and West Valley areas and ensure that the city's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 234-14

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 234-15 The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian and bicycle friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco warehouse will generate 11,000 vehicle trips per day (Appendix I-Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
- Response 234-15 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 234-16 In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I- Transportation Analysis, page 62) supports the conclusion that not even Costco believes that it's customers will be bicycling to its Warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse as "locally and regionally accessible by multiple transport connections" on their project website, the only nearby bus stop is 500 ft away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco's characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
- Response 234-16 Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City's bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 234-17 The proposed Costco is not a significant job-based development, which is a focus of the urban Villages concept. Costco touts the creation of 250 to 300 jobs from this project, however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of eight jobs provided by the project

site. Furthermore, the project falls short of the stated goal of the Urban Villages initiative, which includes the "engagement of local residents in planning the urban village" and "a mix of housing and employment to reduce traffic." The proposal fails both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco Representatives. The Costco project will bring no new housing and will increase vehicle traffic making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Thank you for your consideration and your care in responding to these serious concerns.

Response 234-17

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site's location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 235. Katarina Surjadi (dated February 19, 2024)

Comment 235-1

Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 235-1

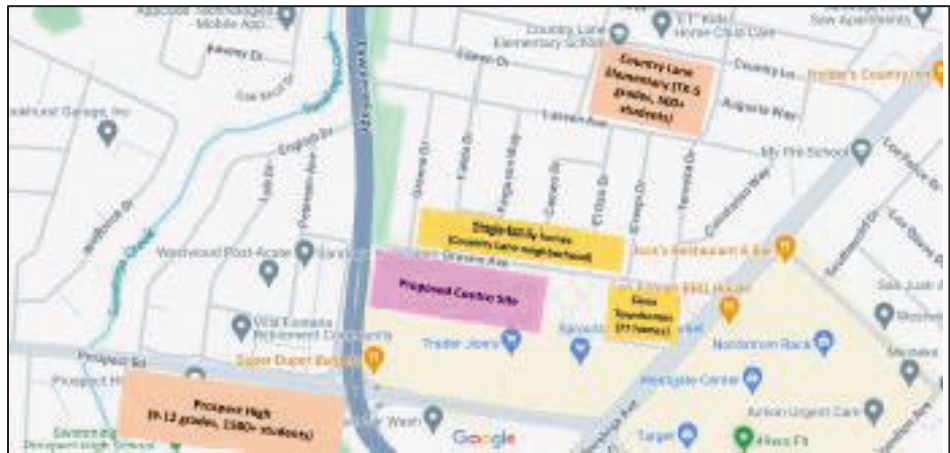
This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-2

1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered "most

A map from Google Maps showing the proposed Cedar Hills neighborhood highlighted in pink. The map includes surrounding streets such as Quince Dr, Fells Dr, and Linden Ave. Several schools are labeled, including Country Lane Elementary (ITE 5 grades, 500+ students) in orange, Prairie High (9-12 grades, 1800+ students) in orange, and Stepien & Sons Country Lane neighborhood in yellow. Other nearby locations include Westwood Post-Academy, West Eastside Recreation Center, and various retail stores like Target and Trader Joe's. The map also shows the intersection of Highway 67 and Highway 100.



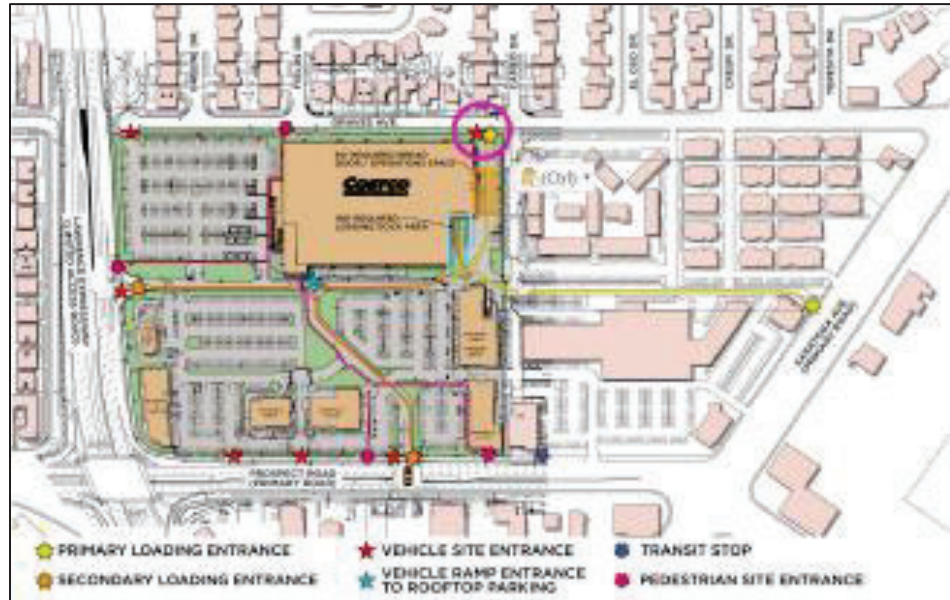
The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a

the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a

Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 235-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costo's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 235-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and

in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.³⁴

Comment 235-5 Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 235-5 Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to

³⁴ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 235-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-7

Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck

by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.

Response 235-7

Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-8

2. The Traffic Conditions Study in the DEIR is Inadequate

Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I -Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.

Response 235-8

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-9

In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from

	Kimley-Horn do not include cumulative conditions from this improvement project.
Response 235-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 235-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 235-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-12	In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 235-12	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest

from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

- Comment 235-13 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
- Response 235-13 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 235-14 3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color
- The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years)

and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 235-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-

sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-15

The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.

Response 235-15

The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 235-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.
Response 235-17	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement

homes.³⁵ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.³⁶ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.³⁷ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-18 The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 235-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found

³⁵ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

³⁶ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

³⁷ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-19

4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 235-19

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 235-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I - Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 235-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-22	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site.

Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.

Response 235-22

As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-23

5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or

necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

Response 235-23	Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-24	We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
Response 235-24	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 235-25	The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
Response 235-25	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively

considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 235-26

There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

Thank you for your serious consideration and care in responding to these significant concerns.

Response 235-26

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 236. Katrina Illari (dated February 19, 2024)

Comment 236-1

I am writing you today because I, as a West Valley resident, am concerned about the Westgate West Costco proposal described in the Draft Environmental Impact Report (DEIR), File no. CP21-022. In this email I wish to provide my feedback.

My house is very near to where the new Costco would be built. I have 4 children whom I have seen through Country Lane Elementary School, who are now at Latimer Middle School and Prospect High School.

- Response 236-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 236-2 Every day when I drive my eldest daughter to high school, I see the craziness that occurs on the roads in the morning. Traffic is very congested. Large numbers of kids are crossing the road, on foot, on bicycles, or on scooters. Both the small vehicle riders/pedestrian teens and the drivers are making crazy maneuvers to get to school on time. To this mix, we would add the traffic of people going to Costco. I've been to Costco in other locations and I see what their stores do to local traffic. Long lines to get into the parking lot (even on large roads), rushing people trying to exit the parking lot. I fear that this volume of traffic will make the intersection of Lawrence Expressway and Prospect even more dangerous than it already is. It will also make it impossible for people to get to work in the morning. My daughter in high school is also on the track team. Because they run on the streets, I fear for her safety if the Costco is built and she is crossing the streets near the Costco and her school (Prospect High School). As mentioned the roads are already very busy and will be more so.
- The study completed by Kimley-Horn provides no data on pedestrian and cycling conditions. In fact two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that the report of this information was not required by the city of San Jose. The people of West Valley need to know how cycling and pedestrian activity will be affected by the Westgate West Costco project. Furthermore, it seems odd that San Jose would allow a project that would bring 11,000 vehicle trips per day to the Westgate West Mall, when Saratoga Ave and Lawrence Expressway in that area are already considered to be a danger zone. Dangerous enough to be designated a priority safety corridor through the city's Vision Zero plan.
- I also have walked my kids to Country Lane Elementary School for the years they were there. The traffic around the school is particularly bad when school starts, at 12:50pm when the kindergarteners get off, and when the grades 1-5 get off at 3pm. People are in a rush. Many kids walk home by themselves and there are no crossing guards. There is also no parking, so many parents driving kids home must park on the nearby neighborhood streets. Costco shoppers added to this mix of pedestrians and drivers will add to the insanity. No one would be able to park to get their kids. The area would be very unsafe, especially for the young students walking home by themselves.
- Response 236-2 The commenter incorrectly states that the preparers of the Draft EIR were not required to consider cumulative impacts in the Draft EIR. On February 5, 2024, the Kimley-Horn and Kittelson & Associates representatives discussed that the Saratoga Housing Element was not a "project" for consideration in a cumulative scenario. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El

	Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 236-3	Perhaps Costco could use carts that automatically lock their wheels outside of Westgate West? If they don't, then the streets will be littered with shopping carts.
Response 236-3	The proposed Costco would implement a continuous on-site cart retrieval program and a once daily off-site cart retrieval program where Costco employees would retrieve any carts on the Project site and carts located within up to a one-half mile radius of the Project site, respectively. Additionally, signs would be posted near driveway and sidewalk exit areas to remind Costco members that shopping carts are not to be removed from the premises. A one-year monitoring program would be implemented during Project operation to evaluate the success of Costco's shopping cart retrieval programs. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 236-4	The amount of parking that they propose to provide does not really match what is needed for a store this size. Because of this, cars will park at Trader Joe's, Sprouts, Bevmo, Ace Hardware, and other stores at the Westgate West Mall. This will make it impossible for customers of those stores to park. People looking for parking will spill out from the Westgate West Mall into the surrounding neighborhoods. The street parking would be used up by Westgate West Mall patrons.
Response 236-4	Refer to Topical Response B for a discussion of impacts to other businesses, Project site parking sufficiency, and internal circulation limiting overflow into neighborhood streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 236-5	I also feel bad for the people who live on Graves Ave. If the Costco gets built, then there will be even more trucks traveling down Graves Ave. Trucks are loud, emit large amounts of pollution, and can damage the houses they pass with a large amount of vibration. These would be small cracks in concrete accumulated over the years of having trucks travel by. Graves Ave is omitted from the traffic evaluations in the DEIR, along with all of the neighborhood to the north of Costco. Graves Ave runs right behind the proposed Costco site. As mentioned before, the traffic is high and will increase.
Response 236-5	Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Pages 175 through 196 in Section 3.13, Noise and Vibration,

	of the Draft EIR analyzed the Project's noise and vibration impacts on the environment and included applicable mitigation measures to reduce potential noise and vibration impacts to a less than significant level. Refer to Topical Response B for a discussion of Graves Avenue access in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 236-6	However there are no proposed crosswalks to help kids in the town houses on the south side of Graves Ave cross it to get to school. Currently, there are only a sidewalk crossing next to Lawrence Expressway and a crosswalk at the other end, where it intersects Saratoga Ave. This is insufficient considering the increased traffic caused by the proposed Costco.
Response 236-6	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Section 2.3, Proposed Development, of the Draft EIR included a description of the Graves Avenue crosswalk that would be part of the off-site improvements for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 236-7	I also noticed that there were no environmentally friendly on-site features proposed. They could be providing solar panels on top of carports. They could have more trees. They could offer some electric-only parking with chargers.
Response 236-7	Pages 69 and 70 in Section 3.4, Biological Resources, of the Draft EIR include a discussion of trees on the Project site. The Project is required to replace removed trees. The Draft EIR found that there are no significant impacts related to Biological Resources for the Project with the proposed mitigation measures incorporated. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases, including solar requirements. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. As stated on page 41 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR, the Project will enroll in PG&E's Solar Choice Program, or a similarly sustainable program, which will provide renewable energy to the Project as required by the Project Condition of Approval. Costco is currently receiving 100 percent source-specific renewable energy at all Costco PG&E utility locations and will continue to receive this at future Costco locations within the City. ³⁸ As such, solar panels are not required on-site to ensure the Project uses renewable energy. Refer to Topical Response B for a discussion of EV parking provided by the Project.
Comment 236-8	They don't even consider the fact that there were businesses there previously that most likely polluted the ground. Among these businesses were Midas, Firestone, and a dry cleaner. It is well known that auto shops and dry cleaners pollute the soil, air, and water. The construction of the Costco Warehouse could release the human harming chemicals in the ground into the air due to the stirring

³⁸ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

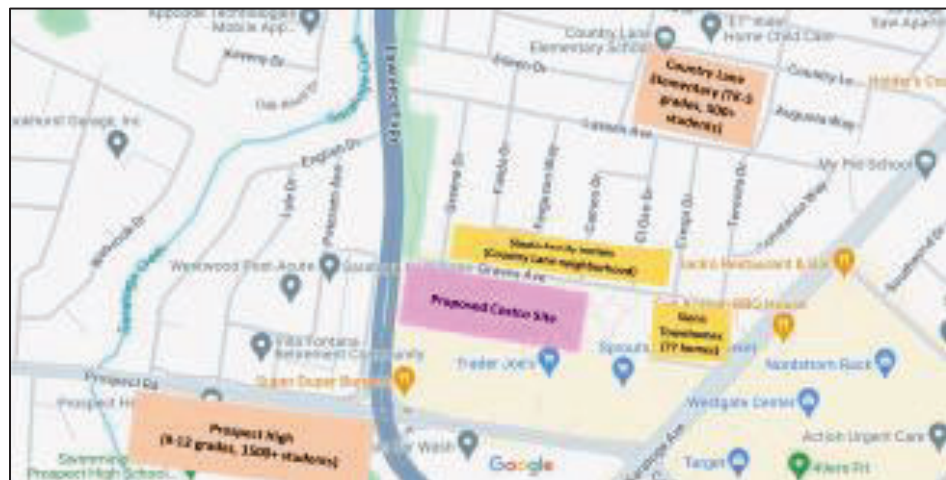
	of the ground carried out by the construction equipment. It states on page 51 of the DEIR that the construction activities could expose humans to the maximum estimated cancer risk due to toxic air, so mitigations that apply to equipment less than 50 horsepower should be proposed and detailed. However, the DEIR does not state the effects that exhaust, volatile organic compounds (VOCs), and particulate matter can have on the children attending the two public schools in the area. They also propose to pollute the ground some more by adding a tire shop.
Response 236-8	Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality and health impacts from pollutant emissions, including volatile organic compounds and exhaust particulate matter, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment. Project-related volatile organic compound and exhaust particulate matter emissions were not found to exceed the daily significance thresholds established by the BAAQMD. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. The Draft EIR addressed pre-existing toxins on the Project site on pages 132 through 134 and pages 136 through 143 in Section 3.9, Hazards and Hazardous Materials, with supporting data provided in Appendices G1 through G5 of the Draft EIR. Pages 136 through 143 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR analyzed the Project's potential impacts on hazards and hazardous materials and included applicable mitigation measures to reduce potential hazardous impacts to a less than significant level.
Comment 236-9	I love the small businesses in Westgate West and don't want to see them destroyed by the proposed Costco Warehouse stealing their parking, and driving away their customers due to the lack of parking.
Response 236-9	Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 236-10	I love my children and don't want to see them hurt due to the increased traffic. My neighbors also have many kids and I feel for them. Please consider my concerns when reviewing the Draft Environmental Impact Report for Westgate West Costco project, File no. CP21-022. Thank you for your time in reading this letter and for your efforts to improve San Jose.
Response 236-10	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 237. Kranti Singh (dated February 19, 2024)	
Comment 237-1	Sharing feedback on Costco proposal and that there are serious safety concerns with traffic going through the Country Lane neighborhood. There is an elementary school with little kids walking to school and drivers going to Costco pose a serious safety issue.

Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 237-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-2 1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High,

two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

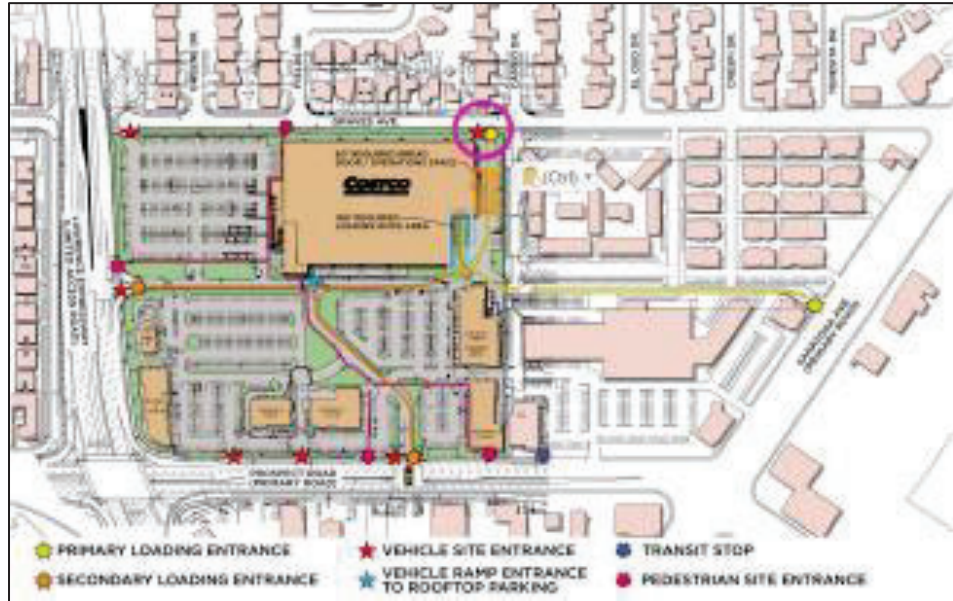
Response 237-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that

according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 237-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-4

Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:

- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)

- Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)

The Envision San José 2040 General Plan also includes the following:

- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 237-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis,

of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.³⁹

Comment 237-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 237-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence

³⁹ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 237-6

Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-7	Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 237-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 237-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.
Response 237-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 237-9 In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimley-Horn do not include cumulative conditions from this improvement project.
- Response 237-9 Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 237-10 There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
- Response 237-10 The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less

than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-11 Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.

Response 237-11 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-12 In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study

	investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
Response 237-12	Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City's Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.
Comment 237-13	The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.
Response 237-13	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the

disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-14

3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color

The DEIR states the construction of a Costco Warehouse would “result in substantial noise-generating activities” (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 237-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support

Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project’s construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the

modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-15

The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.

Response 237-15

The Draft EIR fully analyzed potential hazards and effects related to soil vapor

	intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 237-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 237-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 237-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.
Response 237-17	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD

guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics “Hot Spots” Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.⁴⁰ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.⁴¹ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.⁴² The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-18

The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities

⁴⁰ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

⁴¹ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

⁴² BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

of color by overloading them with potentially permanent, life-altering consequences.

Response 237-18

The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 237-19

4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 237-19

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in

	Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 237-20	The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.
Response 237-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 237-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I -Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 237-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 237-22 The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.
- Response 237-22 As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.
- Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site’s location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 237-23 5. Alcohol Sales in an Area of Undue Concentration
- Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because

the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

- Response 237-23 Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 237-24 We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
- Response 237-24 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 237-25 The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.

- Response 237-25 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 237-26 There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.
- Thank you for your serious consideration and care in responding to these significant concerns.
- Response 237-26 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 238. Leslie Mattioda (dated February 19, 2024)

- Comment 238-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.
- As a parent of 2 students at Prospect High School, I am very concerned about student safety with respect to the increased traffic resulting from the planned Costco Warehouse development at Prospect and Lawrence Expressway. This intersection is already dangerous for student pedestrians and bicyclists. My daughter has experienced several “near misses” as a pedestrian going to and coming from Prospect High School already. The increased traffic without adequate provisions for pedestrian and bicyclist safety is unacceptable. The safety of our students must be a top priority.
- Response 238-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 238-2 Environmental concerns, including increased noise and air pollution are also a serious issue. The lack of proposed solar panels for the development should be addressed as well.
- Response 238-2 Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Page 104 in Section 3.6, Energy, and Appendix E, Energy Assessment, of the Draft EIR addressed Project consistency with state or local plan for renewable energy or energy efficiency. The Draft EIR found that there are no significant impacts related to Project consistency with state or local plan for renewable energy or energy efficiency. Pages 126 and 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases, including solar requirements. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project’s noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level.
- Comment 238-3 I can not in good conscience, support the proposed Costco development until these concerns, especially in regard to student safety are adequately addressed. We must protect the safety of some of this city’s youngest residents.
- Thank you for your consideration and your care in responding to these serious concerns.
- Response 238-3 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with

respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 239. Luann Wilkins Abrahams (dated February 19, 2024)

- Comment 239-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. As a resident of the nearby Moreland West Neighborhood, I have serious concerns about the impact this project would have on my neighbors.
- Response 239-1 Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment. The Project analysis found that there were no significant and unavoidable impacts.
- Comment 239-2 Once again, we are asked to evaluate a project without the context of the long-range plan for the area. The location, directly abutting a residential street on one side, with a high school across the street in the other direction, is part of the City of San Jose's designated Urban Village, and will have an significant long-term effect on the area. A members-only warehouse club is by nature a car-centric enterprise, yet it will be a centerpiece of the Paseo de Saratoga Urban Village which by definition is supposed to be pedestrian and bike-centric.
- Response 239-2 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 239-3 As others will note in greater detail, the DEIR has multiple deficiencies. The transportation study was inadequate, failing to include the recent changes to Saratoga Ave, the impact on the abutting residential neighborhood, and the conditions during the afternoon, when school lets out and it's the busiest time for retail shopping. Traffic near the site is already impossible at certain times of the day and the DEIR confirms that it will get worse. The DEIR calls for the impact on the abutting Country Lane neighborhood from cut-through traffic to be studied after construction, at which point it will be too late. It also fails to consider the impact on intersections beyond Prospect Ave and Lawrence Expressway. For the already overburdened intersection of those two streets, it concluded "many of the adverse effects to queuing do not have feasible improvements" - in other words, residents will just have to deal with it.
- Response 239-3 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of scope determination and requirements of the Transportation Analysis for the Project, Saratoga Avenue road diet updates, and peak school hour counts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 239-4 The DEIR omits pedestrian and cyclist safety data, despite the project's proximity to the Vision Zero corridor at Saratoga Avenue, the site of unacceptably high traffic deaths and injuries.

Response 239-4	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 239-5	Change is inevitable and I welcome sensible, inclusive, and appropriate development in our area. The continued piece-meal green-lighting of projects without a long-term plan or coordination with the City of Saratoga and the City of Campbell will result in a mess and a missed opportunity to create something that will stand the test of time. Instead, residents are expected to live with a patchwork of projects designed to optimize profit for the developers without consideration of what comes after. Thank you for your attention.
Response 239-5	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 240. Manjula (dated February 19, 2024)	
Comment 240-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. <no Costco please as it will be a big traffic problem and loss of small businesses your comments go here> Thank you for your consideration and your care in responding to these serious concerns.
Response 240-1	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 241. Marilyn Nickel (dated February 19, 2024)	
Comment 241-1	thanks for the opportunity to provide comments on this project. Thank you for the opportunity to provide input into an important proposed project. The Draft Environmental Impact Report does not include all relevant information. Please address the following items of concern.
Response 241-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial

	evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-2	1. General: I am not for or against Costco. This is not an appropriate site or location for a large warehouse-type business. This type of business is more appropriately located in an industrial area. Also, the fact that rooftop parking is essential to make this project feasible indicates that a much larger site, typically found in industrial areas, is necessary. The project must be denied for these reasons_
Response 241-2	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-3	2. General: The DEIR needs to address noise emanating from the rooftop, such as loud voices, kids playing radios, etc. Sound carries across long distances and will be a nuisance to the residential neighbors.
Response 241-3	As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-4	3. General: The DEIR needs to address the minimum on-site security requirements to be provided by Costco. The proposed project is kitty-corner from a high school. The rooftop parking lot is an attractive nuisance and may provide a gathering place for nearby high school students.
Response 241-4	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-5	4. General: The DEIR does not address employee or customer parking in the adjacent neighborhood. All access from Graves Avenue needs to be blocked to insure that employees and customers park on-site and not within the adjacent neighborhood.
Response 241-5	Refer to Topical Response B for a discussion of access to Graves Avenue, Project site parking sufficiency, and internal circulation limiting overflow into neighborhood streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-6	5. General: Add language to explain what each Level of Service rating at an intersection signifies. The letter grades do not make much sense to the travelling

	public when waiting more than one cycle at a traffic signal is considered "passing".
Response 241-6	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-7	6. General: Over the years we have seen raptors periodically in our neighborhood. I don't know their territorial range but assume it to be fairly large. The regional area near the proposed project includes established neighborhoods and parks with tall trees providing habitat for raptors and their prey. Saratoga Creek and park is nearby, providing habitat for raptors and their prey. I am glad the CEQA process addresses the needs of raptors. Appendix A includes two photos of raptors, a falcon and Cooper's hawk, taken a year apart within the region.
Response 241-7	Pages 66 through 71 in Section 3.4, Biological Resources, of the Draft EIR included a discussion of any adverse effects to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service as a result of the Project. Project impacts to biological resources, including raptors, were found to be less than significant with the applicable preconstruction bird survey mitigation measures incorporated. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-8	7. Page ES-1 Executive Summary: The project is described as a new 165,148 square foot building. On page 221, the building is described as having a leasing area of 140,375 square feet. Figure 2.5-2 Overall Site Plan identifies the difference as mechanical/fire room, open vestibule, and vertical circulation. The leasing area is used to calculate the minimum number of parking spots. Please explain why the leasing area is used for the calculation in lieu of the total building square footage.
Response 241-8	As noted in Table 3.17-2: Parking Needs & Proposed Project Parking on page 221 in Section 3.17, Transportation, of the Draft EIR included that the Project Leasable Net Area is the gross floor area of the proposed Costco. The difference between net floor area and the total square footage of the proposed Costco building is comprised of utility and emergency areas that are not typically accessed by customers or employees. As such, Project parking is calculated using the leasable net area as the gross floor area, consistent with the Institute of Transportation Engineers rates. Refer to Topical Response B for a discussion of Project site parking sufficiency. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-9	8. Page ES-4 Impact BIO-1: The text currently recommends avoiding specific construction activities during nesting season if feasible. What does "if feasible"

	mean? Add language describing what conditions would allow construction to occur during nesting season. Provide mitigation measures if grading, demolition, tree removal, or building permit issuance occurs during nesting season.
Response 241-9	Mitigation Measure MM BIO-1 in the Draft EIR, contains a typo. The mitigation measure as currently written requires pre-construction surveys for nesting birds be conducted should Project demolition and construction occur <i>outside</i> of the nesting season. Rather, the intent of the mitigation measure is to require pre-construction surveys for nesting birds be conducted should Project demolition and construction occur <i>during</i> the nesting season. This correction has been incorporated into Section 5.0, Draft EIR Text Revisions, in this Final EIR. With correction of the typo, as discussed on pages 67 and 68 in Section 3.4, Biological Resources of the Draft EIR, implementation of mitigation measure MM BIO-1 would reduce potentially significant impacts to nesting birds to less-than-significant. 'If feasible' in the context of the mitigation measure indicates that construction should be preferentially scheduled outside of the nesting season, however, if not possible, construction may be scheduled during the nesting season with adherence to the mitigation measure requirements. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-10	9. Pages ES-6-9 Table ES-1.1-1 Impact NOI-1 and Impact NOI-2: "Construction activities" should be expanded to include trash, dust, construction workers' personal vehicles, construction worker activities, such as where they eat lunch, take breaks, location of porta-potties, and other related activities. I don't see any discussion about being a good neighbor to the existing residential and commercial businesses. Construction parking, access, staging, and other activities should be prohibited on Graves Avenue.
Response 241-10	As noted on page 175 in Section 3.13, Noise and Vibration, of the Draft EIR, the modeled construction noise levels in the noise analysis are a conservative, reasonable worst-case estimate of actual temporary construction noise which includes the assumption of the loudest and most-used construction equipment placed on the Project site nearest to the sensitive receptor. Thus, the modeled noise levels would be higher than any noise from activities such as worker breaks, worker lunch spots, trash, and dust. As reflected on pages 177 through 194 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise impacts would be less than significant with incorporation of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-11	10. Page ES-1 No Project Alternative: The project location is designated as Neighborhood/Community Commercial Land Use in the General Plan with Commercial General (CG) zoning. Costco warehouses do not fit the generally accepted definition of neighborhood commercial business type. The four nearby existing Costco businesses are located in industrial or industrial-type zones. This project should not be located in a neighborhood commercial zone adjacent to a residential neighborhood and must be denied.

Response 241-11	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.50.130 of the City of San José Municipal Code defines a warehouse retail land use as one where the display of large items, including but not limited to furniture, appliances and machinery, occupies a minimum of ninety percent of the retail display floor area. As stated on page 9 in Section 2.3, Proposed Development of the Draft EIR, the proposed Costco includes many more uses than the display of large items, preventing the display of large items from occupying ninety percent or more of the retail display floor area. Thus, the proposed Costco does not meet the definition of a retail warehouse use under the City of San José Municipal Code. Rather, the proposed Costco is most accurately categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise, a use permitted by the Commercial General zoning district of the Project site. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-12	11. Page 12 Project Objectives #11 and 12: The objectives are admirable. However, it will be difficult to achieve due to the number of anticipated automobiles and the nature of people to walk wherever they want. The DEIR needs to address how to keep Costco patrons from taking all of the ground parking spaces necessary for the other businesses like Taco Bell, etc. Not everyone will want to park on a rooftop, especially seniors and families with small children. The other businesses will be driven out if their patrons cannot find a place to park, are subjected to parking lot congestion, and are forced to park on the rooftop, which is not practical. Also, Graves Avenue and the nearby neighborhood surface streets must not be a parking option for project/shopping center employees and patrons.
Response 241-12	Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-13	12. Page 22 City of San Jose City-Wide Design Standards and Guidelines S8: I paraphrased this to say that lighting fixtures adjacent to a residential development must be less than 40 feet tall. I interpret this to mean that the light bulb should not be taller than 40 feet above the ground. Demonstrate how this standard has been met as it appears that the rooftop parking lot surface is at elevation 40 feet and the light fixture stands an additional 10 feet tall. It is not clear what the common datum is when comparing the light bulb height to the adjacent residential neighbors. Newer construction is typically situated on concrete pads at higher elevations than older buildings. The difference in concrete pad height should also be added in a comparison with a residential facility.

13. Page 24 AES-4 Provide information on the height of the existing light fixtures along Graves Avenue adjacent to the proposed site. If the proposed project results in an overall height increase compared to existing, then that should be a Significant Impact. If the overall height of the new lighting does not comply with the Design Guideline S8, then that should be a Significant Impact.

Response 241-13 Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, regulations governing scenic quality, and substantial light or glare as a result of the Project, which includes the height of light fixtures. As discussed on pages 24 through 26 of Section 3.1, Aesthetics, of the Draft EIR, operational light from the Project would not extend beyond the roads bounding the Project site to the residential uses beyond. Thus, the Project meets the intent of City Design Guideline S8. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 241-14 14. Page 55: The text notes that substantial odor complaints are usually generated by specific types of industries/activities, which do not include retail food activities. However, anyone living adjacent to a grocery store, shopping center, or food service business knows that dumpsters at these sites generate significant odors. Even if only a few receptors are continually exposed to these odors and it does not reach BAAQMD-action levels, it is still an unpleasant and nauseating nuisance. Add language to the DEIR to address neighborhood mitigation for odor due to food/waste disposal from large scale operations such as Costco.

Response 241-14 As stated on page 55, in Section 3.3, Air Quality of the Draft EIR, the Project does not include any uses identified by the BAAQMD as being associated with odors. Further, the proposed Costco will use a fully enclosed compactor for waste disposal that is loaded from inside of the warehouse. It is a closed system that is intended to not allow for odor release. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 241-15 15. Page 113 Greenhouse Gas Emissions: Clarify why the proposed project is not required to install electric vehicle charging stations or solar panels. I recently saw electric vehicle charging stations being installed at a 7-11 convenience store. This seemed like a waste of money as those customers are parked for 15 minutes maximum. Customers at Costco are parked for significantly longer periods of time and charging stations should be included. A Costco rooftop is a huge expanse of space that would be appropriate for solar panels. Are rooftop panels not being required since the site is so small that the roof is dedicated to parking? Another reason that this is not an appropriate site for Costco and the project should be denied.

Response 241-15 Page 104 in Section 3.6, Energy, and Appendix E, Energy Assessment, of the Draft EIR addressed Project consistency with state or local plan for renewable energy or energy efficiency. The Draft EIR found that there are no significant impacts

related to Project consistency with state or local plan for renewable energy or energy efficiency. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases, including solar requirements, and generation of greenhouse gas emissions as a result of the Project. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. As stated on page 41 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR, the Project will enroll in PG&E's Solar Choice Program, or a similarly sustainable program, which will provide renewable energy to the Project as required by the Project Condition of Approval. Costco is currently receiving 100 percent source-specific renewable energy at all Costco PG&E utility locations and will continue to receive this at future Costco locations within the City.⁴³ As such, solar panels are not required on-site to ensure the Project uses renewable energy. Refer to Topical Response B for a discussion of EV parking provided by the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 241-16	16. Page 181 Nighttime Construction: The text states that standard construction assumes that nearby receptors keep their windows shut. This may be true for part of the year, but the Santa Clara Valley has many hot days per year. Older homes were constructed without air-conditioning and rely on open windows to cool off. Therefore, this assumption is invalid. Revise the noise calculations assuming windows are open and update the mitigation measure requirements.
Response 241-16	The City's interior noise standard of 45 dBA CNEL does not have a prescriptive requirement for a windows open condition. In general, interior noise standards are intended for new construction to allow for a maximum interior noise level with windows closed. Nonetheless, conservatively assuming a 10 dBA exterior-to-interior noise reduction with windows open, interior noise levels during nighttime construction activities would be approximately 48.5 dBA which represents a barely noticeable increase above the 45 dBA CNEL standard. Furthermore, this noise level represents approximately two percent sleep awakening (i.e., a maximum of about two percent of residents exposed to nighttime construction noise are likely to be awakened) based on the Federal Interagency Committee on Aviation Noise sleep disturbance curve. ⁴⁴ As stated on page 182 of Section 3.13, Noise and Vibration of the Draft EIR, nighttime construction noise levels would be reduced to approximately 58.5 dBA L_{eq} at the exterior of the nearest residences to the north of the Project site and 46.6 dBA L_{eq} at the exterior of the nearest residences to the east of the Project site with implementation of mitigation measure MM NOI-2. Thus, the Project nighttime construction activities would not exceed the nighttime noise limit of 58.8 dBA L_{eq} or the interior noise limit of 45 dBA. . The comment did not provide new, substantial evidence with

⁴³ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

⁴⁴ Federal Interagency Committee on Aviation Noise. 1997. Effects of Aviation Noise on Awakenings from Sleep. <https://rosap.ntl.bts.gov/view/dot/12651>. Accessed August 13, 2024.

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-17	17. Page 187 Truck Loading Area Noise: Please correct the second sentence from "truck loading/unloading activities would occur on the northern portion of the" to read "truck loading/unloading activities would occur on the southeastern portion of the".
Response 241-17	Page 8 in Section 2.0, Project Information and Description of the Draft EIR defines the whole of the Project as development of a Costco and surface parking reconfiguration across the 19.8-acre Project site. The Draft EIR correctly states that the truck loading/unloading activities would occur on the northern portion of the Project site as that is where the proposed Costco loading bays are located relative to the whole of the Project site. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-18	18. Page 188 Parking Areas: Include language discussing how sound will travel from the rooftop parking lot as compared to an at-grade parking lot. Update sound studies and adjust noise mitigations accordingly.
Response 241-18	As stated on page 188 in Section 3.13, Noise and Vibration of the Draft EIR, the SoundPLAN model used to inform Project noise analysis in the Draft EIR accounted for the proposed rooftop parking. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-19	19. Page 188: Trash/Recycling Truck Pick-Ups: The text assumes that pick-up will occur during normal daytime hours of 7 am to 10 pm. Trash and recycling pick-ups at many shopping centers occur earlier than 7 am. As this can be a noisy operation, include an enforceable requirement in the DEIR to limit all pick-ups between 7 am and 5 pm. Provide an estimate of the number of pickups per week and also provide existing data for the other four nearby Costco sites.
Response 241-19	As stated on page 188 in Section 3.13, Noise and Vibration of the Draft EIR, the SoundPLAN model used to inform Project noise analysis in the Draft EIR accounted for the trash/recycling pickups. The SoundPLAN assumptions include trash/recycling pickups twice weekly during Costco operating hours per information provided by the applicant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-20	20. Page 209 Transportation Analysis: This DEIR section fails to include safety recommendations discussed in the Transportation Analysis. See comments for Appendix I.
Response 241-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As noted on page 1 in Appendix I, Transportation Analysis, of the Draft EIR, the Transportation Analysis was performed to comply with the CEQA Guidelines in addition to meeting the requirements and following the guidance of the City's <i>Transportation Analysis Handbook</i> to establish consistency with the General Plan policies and goals and fulfill City requirements. Thus, the Transportation Analysis includes two separate

	analyses, as defined by CEQA and the <i>Transportation Analysis Handbook</i> . Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-21	21. Page 219 Truck Access: The project is proposed to have 4 loading docks and anticipates 21 trucks arriving daily. Provide discussion on the length of time a truck will be sitting at the loading dock and how queuing will be managed when the fifth truck arrives. Queuing along Graves Avenue is not acceptable.
Response 241-21	Of the 21 deliveries expected on a typical day, 6-7 trucks would be Costco-owned trucks coming from a Costco Depot. Costco schedules these deliveries, making it rare for more trucks to be present than can be served at the four docks. Unloading the trailers while they are docked typically takes 30-45 minutes. The remaining deliveries are made by local and regional vendors and arrive in trucks smaller than the Costco-owned ones. Typically, these deliveries are served via the smaller door on the side of the building in the receiving area. Costco works with their vendors to schedule appointments for deliveries. These deliveries typically take 30-45 minutes. The site is designed to accommodate these smaller delivery vehicles on-site even if more than one truck is present and unloading at a given time. These measures are sufficient to ensure no truck queuing, much less off-site along Graves Avenue, is anticipated. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.
Comment 241-22	22. Page 223 Table 3.17-4 Intersection Operation Summary: a. Costco shoppers WILL cut through the residential neighborhood unless access is physically blocked at Graves Avenue. At a minimum, add several additional intersections to the study: Doyle Road/Lawrence Expressway, Doyle Road/Saratoga Avenue, Doyle Road/Brenton Avenue, Brenton Avenue/Lassen Avenue, Fields Drive/Graves Avenue, El Osos Drive/Graves Avenue, Graves Avenue/Saratoga Avenue, and Teresita Drive/Doyle Road. See comments for Appendix I regarding the residential neighborhood traffic concerns. b. The table footnote clarifies that V/C stands for Volume to Capacity ratio. Provide additional text to indicate how this ratio measures the performance of the intersection. For example, what does ratio 1.0 mean? At what Level of Service do all queued vehicles make it through the intersection in one cycle? Explain why intersections #11 and 12 are assigned Level of Service D when intersections #18 and 19 are assigned Level of Service C, even though they have higher volume to capacity ratios than #11 and 12.
Response 241-22	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. Refer to Table 2 on page 14 of Appendix I,

	Transportation Analysis, of the Draft EIR for the intersections studied. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-23	23. Page 230-235 Wastewater Treatment: The Costco Project will provide prepared foods, seating, beverages, and a grocery section. These services may increase overall water usage compared to the businesses being replaced. More water usage means more wastewater discharge. The DEIR is missing analysis demonstrating that the 6 inch sewer pipe in Graves Avenue is adequate to convey the anticipated flow. Provide the analysis and include water usage data for the four nearby Costco sites for comparison. Identify Level of Service as described in City General Plan Policy IN-3.5.
Response 241-23	Pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on water and wastewater infrastructure, including water and wastewater use associated with food preparation and service on site. The Draft EIR concluded that there were no related significant and unavoidable impacts to water and wastewater facilities as a result of the Project.
Comment 241-24	24. Appendix I Transportation Analysis a. General: The Transportation Analysis fails to include substantive discussion about the realistic volume of cut-through traffic affecting the neighborhood to the north of the proposed project. In fact, Doyle Road was excluded from the Analysis. Cut-through traffic is a problem in residential neighborhoods, especially when Level of Service on the adjacent major roads is deemed a failure by the travelling public. Cut-through has increased even more with the use of route-finding applications. Many of the applications favor use of local and neighborhood roads over more congested arterials. Page 61 includes a recommendation for a traffic-calming study after the project is built. That is too late! The impacts will already be happening. The public has little faith in the ability of project owners and the City to diligently follow up and ensure studies/construction that are scheduled to occur after the business is open actually do occur. Even if traffic-calming mitigations are constructed after the fact, these mitigations will not be a deterrent to those shoppers taking the easier route. The necessary action is to close off all shopping center access from Graves Avenue to insure that cut-through is not a viable option. Any option that allows cut-through should be designated as a Significant Impact.
Response 241-24	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 241-25	b. Page viii Traffic Volumes: This paragraph should include discussion about the temporary reduction of traffic volume due to the work-from-home trend that began during the pandemic. The study should assume that traffic volumes will

eventually return to pre-pandemic levels and then include the enormous amount of growth that is happening in the vicinity of the project.

c. Page 9 The section titled Existing Transportation Conditions should include Doyle Road. Doyle Road is the gateway to the residential neighborhood to the north of the proposed project. Doyle Road also provides access to Easterbrook and Country Lane Schools. Student safety will be impacted if access to Costco is allowed through the residential neighborhood.

Response 241-25 Refer to Topical Response C for a discussion of the scope determination, requirements, and timing of utilized data for the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 241-26 d. Pages 60-61 Recommendations from the Analysis are not documented in the DEIR. These recommendations must be included in the DEIR and must be mandated as project requirements. The Analysis states" Based on the review of pedestrian facilities near and within the site, the following are project components or are recommended:

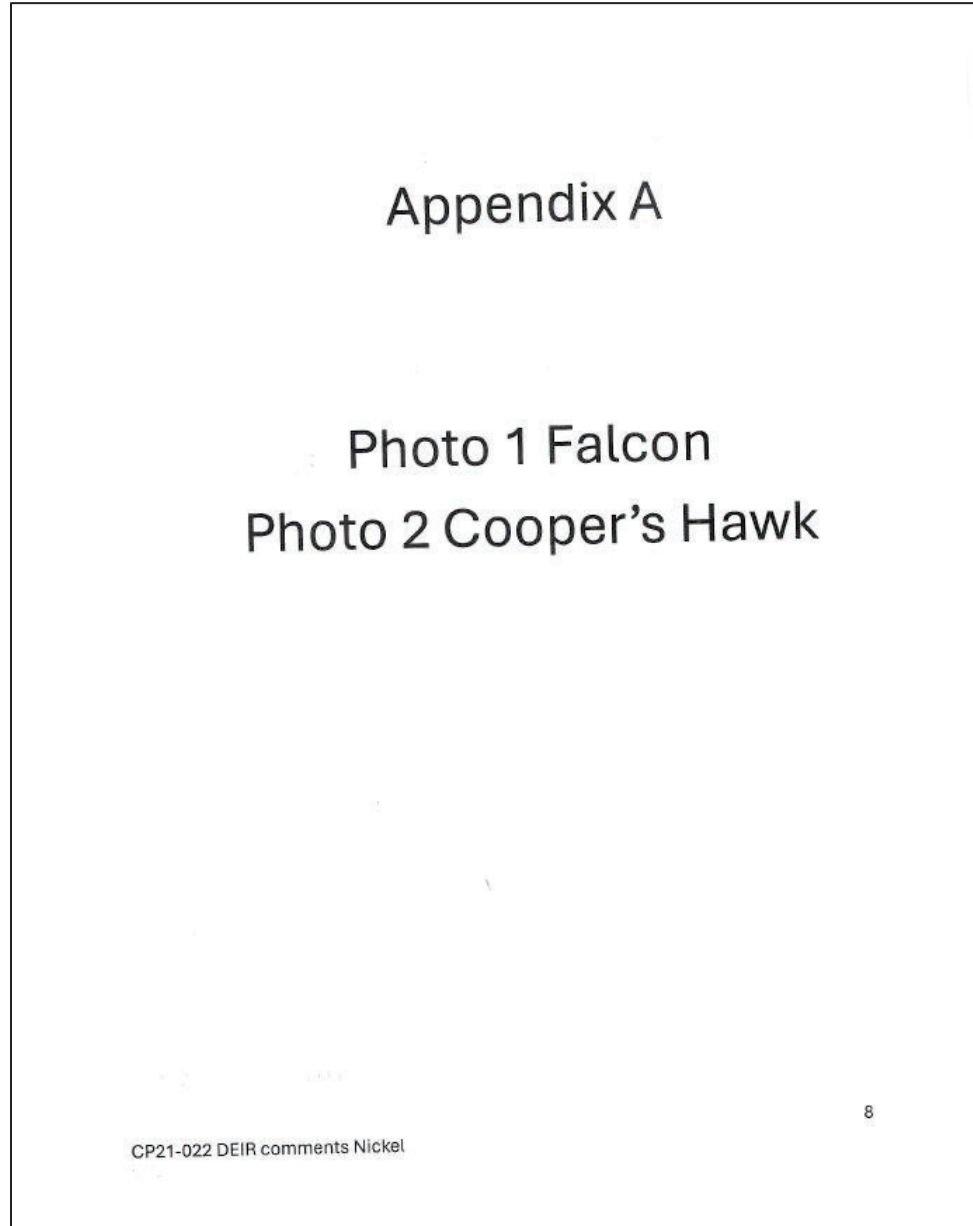
- The project will include pedestrian improvements to the signalized access point on Lawrence Expwy. Improvements include updating curb ramps conform with ADA (truncated dome detectable warnings), reconstruct pedestrian crossings, and install new sidewalk along the internal drive aisle. Future site plan submittals will include these improvements.
- The project will include a clear pedestrian path from the parking outlot to the warehouse, including a destination for pedestrians crossing in the existing path to the landscaped area south of the main parking field.
- City and County staff have identified a need at the Lawrence Expwy/Prospect Rd intersection to modify the pedestrian queue area of the northeast and southwest medians within the intersection footprint.
- The project could improve the intersection of Graves Ave and Fields Dr to include curb extensions and enhanced pedestrian crossing markings.
- The project proponent could conduct traffic analysis pre- and post-project construction to evaluate vehicle volumes, speeds, and potential cut-through traffic in the neighborhood directly north of the Westgate West shopping center.

Response 241-26 Refer to Topical Response D for a discussion of the CEQA requirements for the transportation analysis and thresholds related to the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 241-27 Thank you again for the opportunity to comment on this important project. Please find a more appropriate location.

Response 241-27

This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.



Comment 241-28

Photo 1 Falcon

Taken February 11, 2024 at 2:42 pm with iPhone Marilyn Nickel
Tree believed to be in backyard on Carola Court or San Tomas Court



CP21-022 DEIR comments Nickel

9

Photo 2 Cooper's Hawk

Taken February 11, 2023 John Nickel
Near or at 3965 Hamilton Park Drive



10

CP21-022 DEIR comments Nickel

Response 241-28

Pages 66 through 71 in Section 3.4, Biological Resources, of the Draft EIR included a discussion of any adverse effects to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service as a result of the Project. Project impacts to biological resources were found to be less than significant with the applicable mitigation measure incorporated.

Comment Letter 242. Martha Champion (dated February 19, 2024)

Comment 242-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

I think the Costco is fine.

Thank you for your consideration and your care in responding to these serious concerns.

Response 242-1 This comment expresses general support for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 243. May Lamp (dated February 19, 2024)

Comment 243-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 243-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-2 1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 243-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



Response 243-3

Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project’s transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric

	to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-4	Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts: • Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12) • Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12) The Envision San José 2040 General Plan also includes the following: • Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT). • Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preference • Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards. • Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects. • Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel. The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.
Response 243-4	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed

Development, of the Draft EIR, the Project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.⁴⁵

Comment 243-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed

⁴⁵ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 243-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-6

Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen

- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 243-6	Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-7	Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 243-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-8	2. The Traffic Conditions Study in the DEIR is Inadequate Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.

Response 243-8	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-9	In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimley-Horn do not include cumulative conditions from this improvement project.
Response 243-9	Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 243-10	The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what

constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-11 Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.

Response 243-11 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 243-12 In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.
- Response 243-12 Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson’s preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school’s final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City’s Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.
- Comment 243-13 The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the

difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.

Response 243-13

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-14

3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color

The DEIR states the construction of a Costco Warehouse would “result in substantial noise-generating activities” (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 243-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, “It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.” As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the

nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours, and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-15	The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.
Response 243-15	The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 243-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure. Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-17	The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact

the community and ensure a comprehensive public health plan is available before the project can move forward.

Response 243-17

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics “Hot Spots” Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.⁴⁶ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.⁴⁷ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.⁴⁸ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-18

The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from

⁴⁶ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

⁴⁷ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

⁴⁸ BAAQMD *CEQA Thresholds of Significance*. Available at: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 243-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-19 4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José's Urban Villages Concept describes a policy framework that "directs most of San Jose's new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities." Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to "support and encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities." The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco's proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 243-19 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an

environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-20

The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.

Response 243-20

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 243-21

In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I -Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.

- Response 243-21 Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City's bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 243-22 The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the "engagement of local residents in planning the urban village" and "a mix of housing and employment to reduce traffic." The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.
- Response 243-22 As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs.
- Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site's location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 243-23 5. Alcohol Sales in an Area of Undue Concentration
- Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but

there are already 7 in the area, which makes it an “area of undue concentration.” Since the proposed off-sale location is in an over-concentrated census tract, Costco’s conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of “public convenience or necessity.” It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe’s, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

- Response 243-23 Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 243-24 We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.
- Response 243-24 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 243-25 The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as

	entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
Response 243-25	The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 243-26	There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to "sit at the table" with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety. Thank you for your serious consideration and care in responding to these significant concerns.
Response 243-26	Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general

opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 244. Meng Chee Foo (dated February 19, 2024)

Comment 244-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

I have lived in the Brookview Neighborhood off Prospect Road adjacent to Prospect High school for 35 years . I am also a long time member of Costco and a long time shopper at Westgate West.

Response 244-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 244-2 I am very concerned about the over 11,000 car trips the Project will generate :

A. Traffic congestion at the following junctions :

1. Intersection of Lawrence Expressway & Prospect Road
2. At the left turn traffic junction on Prospect Road turning into Westgate West
3. Traffic intersection at Prospect Road & Lyle Ave. (Outside Prospect high school)
4. Traffic intersection at Prospect Road & English Ave (Outside Prospect high school)
5. Traffic intersection at Prospect Road & Brookglen Dr.

My most frequent shopping venue is Westgate West for my daily household needs. Convenient as it is, I do however avoid going to Westgate West or get onto Lawrence Ave or Prospect Road during commute hours and during Prospect High school start and end times due to traffic.

Cars will lined up on Prospect Road / Lawrence intersection. The queue can back up to the traffic junctions at English Ave and Lyle Ave and to the traffic intersection at Prospect Road and Westgate Mall, creating long wait times, especially when cars are waiting and blocking the junctions. Adding to this gridlock is the morning school traffic trying to get to and from Prospect High School.

Response 244-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant

	environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 244-3	B. Parking and Traffic at Westgate West. Right now, I would also not go to Westgate West during weekends due to parking and difficulty trying to get in and out of the shopping area. Parking is limited and to add to that, the four way stop from and to Trader Joe's and the previous Smart and Final makes it difficult to back out of the parking area due to traffic waiting in line to get in or out of the parking area. I understand the Proposed Plan will add additional parking spots but I fear the net number of spots after discounting the spots for Costco employees and existing businesses will hardly be sufficient to support the Costco traffic. Westgate West is just not large enough to accommodate such a significant increase in traffic load and there is no plan to mitigate the bottlenecks getting in and out of the mall.
Response 244-3	Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 244-4	C. Increased Traffic in residential area. As of now, there is already an increased in traffic on my street during commute hours due to traffic trying to bypass traffic congestion in the Saratoga Ave/Prospect Road/ Lawrence Ave corridor to and from Highway 85, taking alternative routes through the residential neighborhoods where children play and high school students run as part of their track training exercise. I fear for the safety of the children and students.
Response 244-4	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 244-5	A Costco at Westgate West will not only exacerbate the issues. The area and site just does not have the infrastructure and capacity to handle the significant increase in traffic and there is no plan for any major traffic controls or mitigations, only including minimal changes like sidewalk improvements and road striping. This makes worse an already unacceptable risk for students, pedestrians, and cyclists. This project alone generates more traffic at that site than roads can handle.
Response 244-5	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 244-6	Add in the traffic from thousands of new housing units across Prospect Road and along Saratoga Avenue and you have a recipe for danger, gridlock, and increased vehicle pollution from traffic-jammed cars.
Response 244-6	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status at the time of the Notice of Preparation for the Project and what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 244-7	This project is inappropriately scaled for the current and possible infrastructure at the site and should be denied.
Response 244-7	Pages 154 through 156 in Section 3.11, Land Use and Planning; pages 202 through 205 in Section 3.15, Public Services; and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 244-8	If the city insists on approving this dangerous project against better judgement, before granting approval the city must create, fund, and put in place specific traffic and pedestrian mitigation measures to address student, pedestrian, and cyclist safety. Thank you for your care and consideration in responding to these serious concerns .
Response 244-8	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 245. Mohini Singh (dated February 19, 2024)	
Comment 245-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. I'm Mohini Singh, a resident of Country Lane Neighborhood adjacent to the proposed Costco Warehouse at Westgate West. My home on Eileen Dr is two blocks from the boundary of the proposed Costco site on Graves Ave. I'm also a parent of two Prospect HS students, who walk and bike to school via Graves Ave and the West Gate Shopping Complex.

Response 245-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 245-2	I'm deeply concerned about the projected 11,000+ car trips the project will generate, exacerbating congestion at the already problematic Lawrence Expy and Prospect Ave intersection. Four pedestrian/car accidents involving students occurred there in the past year alone. The Costco project lacks substantial traffic controls or mitigations beyond minor changes like sidewalk improvements and road striping. This exacerbates the risk for students, pedestrians, and cyclists. The project's traffic alone exceeds the capacity of the roads. Combined with traffic from new housing units, it poses dangers, gridlock, and increased accidents.
Response 245-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 245-3	Further, I would rather see a commercial development plan that supports small and medium businesses which would benefit the country lane neighbor The project's scale and purpose doesn't align with current infrastructure or the Envision San Jose 2040 plan. If approved, the city must implement specific traffic and pedestrian safety measures before construction. Thank you for your consideration and your care in responding to these serious concerns. Thank you for your consideration and your care in responding to these serious concerns.
Response 245-3	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 246. Mona Awad (dated February 19, 2024)

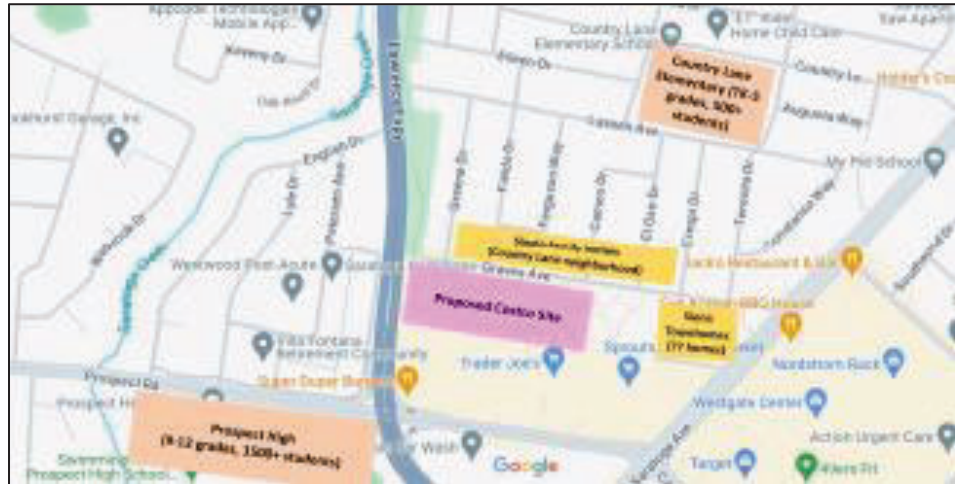
Comment 246-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.
Response 246-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 246-2	San Jose. The DEIR details the impact of the proposed Costco Warehouse project at Westgate West on such areas as traffic, noise, and pollution.
Response 246-2	Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 246-3	We have young children walking to Westgate all the time with their friends, and the Prospect high school students, we do not need more congestion in that intersection.
Response 246-3	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 246-4	We live in Saratoga Woods neighborhood right behind the high school. We do have plenty of grocery stores in the vicinity, in addition to the Whole Foods opening in the El Paseo shopping center. Lawrence Costco, 85 Almaden Costco and the Santa Clara one are all 15 minutes from our neighborhood. We don't see a need for a giant wholesale store right there taking away business from the smaller businesses Thank you for your consideration and your care in responding to these serious concerns.
Response 246-4	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 247. Noele and Mark Gringeri (dated February 19, 2024)

Comment 247-1	Thank you for being our representatives. We are a very concerned family about the new Costco going in adjacent to our neighborhood. Traffic will increase, 11,000 trips per day, walking in the park will aggravate asthma and other sensitive groups because of air pollution.
Response 247-1	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-2	We have an elementary and high school in the area which could increase accidents and deaths.
Response 247-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-3	It isn't the Urban Village goal that would be much more ideal.
Response 247-3	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-4	There are other nearby places to put this Costco. I walk dogs in the park and this will be a problem.
Response 247-4	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-5	School children are at risk.
Response 247-5	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-6	Traveling to the YMCA on Quito road will require double or triple time to get through that intersection.

Response 247-6	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-7	If it needs to be close to the Country Lane neighborhood, please consider putting it in the West Gate Shopping Center with plenty of parking where the 49ers gym is located.
Response 247-7	Refer to Topical Response B for a discussion of Project site parking sufficiency. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 247-8	Even an apartment building in this spot would be preferable.
Response 247-8	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 248. Pankaj Raghuvanshi (dated February 19, 2024)	
Comment 248-1	Wanted to share feedback on the Costco project. I am a resident of the neighborhood and have serious concerns about the traffic situation of cars cutting through the Country Lane neighborhood and the safety of children walking to school. Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.
Response 248-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-2	1. The DEIR Omits Pedestrian and Cyclist Safety Data The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered “most dangerous for bike traffic” by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city’s Vision Zero plan due to existing dangerous conditions.

Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 248-2

The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First, they clarified that LOS and VMT are vehicle transportation metrics, not metrics that indicate the quality of conditions for pedestrians or cyclists. Second, they clarified that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance

TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-3

The Western, Southern, and Eastern sides of Westgate West are not the only serious concerns to pedestrian and cyclist safety, yet the DEIR also omits data from areas North of the proposed Costco. Graves Avenue is directly North of the proposed site and is frequently used as a “cut through” for vehicles who want to avoid traffic on larger streets. Cars and trucks speed down the small two lane residential street, often exceeding the 25 mph limit. There is only one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit townhomes (at Saratoga Avenue and Graves Avenue) cross this street every day in order to go to school. Figure 2.5-2 in the DEIR shows the Proposed Overall Site Plan including a truck and car accessway at Graves Avenue and Cameo Drive. A colorized figure that more clearly shows this accessway is shown below. The alternative placement for Costco in the DEIR (Figure 8.2-1) also shows the Graves Avenue accessway. The Graves Avenue accessway is to be used as a primary loading dock and a Costco shopper and vendor vehicle site entrance/exit. Graves Avenue is a small, two lane road that according to the DEIR, is expected to support large trailer trucks, vans, cars, and pedestrian and cyclist traffic. The DEIR states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35), yet no analysis of Graves Avenue and the streets near Country Lane Elementary School were conducted by Kimley-Horn.



- Response 248-3 Refer to page 14 in Appendix I, Transportation Analysis, of the Draft EIR for an explanation of intersections analyzed for the Project, including the intersections of Graves Avenue with the western and eastern Project site accesses, Graves Avenue and Saratoga Avenue, Lawrence Expressway and Calvert Drive, Saratoga Avenue and the I-280 northbound and southbound ramps, Saratoga Avenue and Moorpark Road, and Lawrence Expressway and Bollinger Road/Moorpark Avenue. As reflected on pages 221 through 224 in Section 3.17, Transportation, of the Draft EIR, intersections of Graves Avenue north of the Project site were studied and included in the discussion of the Project's transportation impacts. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area and anticipated cut through traffic. Refer to Topical Response C for a discussion of the scoping, requirements, and intersection selection for the Transportation Analysis and anticipated cut through traffic. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 248-4 Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costco's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:
- Objective #10: Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity (page 12)
 - Objective #11: Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways (page 12)
- The Envision San José 2040 General Plan also includes the following:
- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
 - Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
 - Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
 - Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

- Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

The lack of substantial mitigations to support these objectives in the DEIR demonstrates a serious oversight and incomplete understanding of existing conditions on the 4 streets surrounding Westgate West: Saratoga Avenue, Prospect Road, Lawrence Expressway, and Graves Avenue.

Response 248-4

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.⁴⁹

Comment 248-5

Potential pedestrian and cyclist safety improvements could include: a) Widening sidewalks and islands and building new medians and Americans with Disabilities

⁴⁹ "Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's

Act (ADA) compliant ramps on Lawrence Expressway, Prospect Road, and Saratoga Avenue; b) Installing yellow steel safety bollards and pedestrian lights on major thoroughfares; c) Painting green protected bike lanes; d) Closing off the full-access point at Graves Avenue for Costco trucks, shoppers, and vendor vehicles; e) Restricting Costco-related access from the West Valley Professional Center medical office parking lots, which are often used as “cut throughs” to reach Graves Avenue; f) Increasing the number of lighted crosswalks along Graves Avenue and throughout the Country Lane neighborhood; g) Installing speed bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 248-5

Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion and circulation for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D states that the Project would reconstruct the path to the west of the Project site to widen it from four feet (4') to eight feet (8') to improve pedestrian and cyclist access to and safety in the Project area. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area. Section 3.17, Transportation, of the Draft EIR found that the Project would not result in significant impacts due to conflicts with increasing hazards for pedestrians or cyclists. No mitigation measures would be required as there were no impacts related to pedestrian or cyclist safety found to be significant. Therefore, there is no basis to require the Project to provide the improvements proposed by the commentor. The comment is noted for the record and will be provided to the decision makers for review and consideration. The

purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

	comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-6	Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools: • Prospect High - Prospect/Lawrence, Saratoga/Prospect • Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen • Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla • Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves
Response 248-6	Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts in the Project area and the scope for the Transportation Analysis. Specifically, Topical Response C discusses that the PM peak hour studied in the Draft EIR represents the most conservative estimate of traffic introduced by the Project as overall traffic volumes are lower in the school peak hour than during the PM peak hour. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-7	Westgate West is immediately surrounded on 4 sides by streets that are already unsafe for pedestrians, runners, and cyclists. Constructing a Costco warehouse here without longitudinal pedestrian and cyclist data and substantial road improvements and mitigations would be irresponsible and conflict with Vision Zero and Better Bike Plan 2025 goals. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle. Even one injury or fatality is too many, and no business or revenue is worth the jeopardy to human health and life.
Response 248-7	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR found that the Project is consistent with circulation goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would not have significant impacts on transportation. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Refer to Topical Response C for a discussion of the scope and selection of intersections for the Project's Transportation Analysis. Refer to Topical Response D for a discussion

of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-8

2. The Traffic Conditions Study in the DEIR is Inadequate

Westgate West is a part of West Valley, which includes communities at the intersection of three cities: San José, Saratoga, and Campbell. Therefore three of the streets that border Westgate West (Saratoga Avenue, Prospect Road, and Lawrence Expressway) are major thoroughfares for commuters living and working in different cities. The DEIR states that 11,000+ vehicle trips per day will be generated by Costco (Appendix I - Transportation Analysis, pp. 22 and 35). There is no room for expansion on Prospect Road and Saratoga Avenue (both 4 lanes) as many houses, schools, and businesses already line the roads.

Response 248-8

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates and peak school hour counts in relation to the Transportation Analysis as well as Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed roadway capacity on pages 216 through 224 in Section 3.17, Transportation with supporting data provided in Appendix I, SW San Jose Costco Transportation Analysis, of the Draft EIR. Roadway operations for Saratoga Avenue, Prospect Road, and Lawrence Expressway were shown to remain consistent with the existing levels of service. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-9

In Fall 2023, the City of San José spent a considerable amount of money on the Saratoga Avenue Traffic Safety Improvement Project, which reconfigured traffic lanes on Saratoga Avenue from 6 to 4 lanes in an attempt to calm traffic. The Costco DEIR was completed before the lane reconfiguration and the DEIR does not include the impact of the reduced lanes on the increased traffic due to the warehouse. The DEIR and Non-CEQA Local Transportation Analysis (LTA) from Kimley-Horn do not include cumulative conditions from this improvement project.

Response 248-9

Refer to Topical Response C for a discussion of the Saratoga Avenue lane reduction project in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 248-10	The commentor misrepresents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project mentioned by the commenter. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including considering cumulative conditions, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-11	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 248-11	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. Page 53 of Appendix I, Transportation Analysis, of the Draft EIR states that the queue for the left turn movement from Lawrence Expressway to Prospect Road is estimated to

only exceed the existing storage under cumulative Project conditions by five feet (less than the length of one vehicle) and, therefore, there is not a Project impact that necessitates modifying the intersection. As VMT is the required CEQA metric, the Level of Service information is provided in the Draft EIR for informational purposes only. Any Project impacts related to Level of Service are not CEQA impacts and, thus, are not required to be recognized or mitigated by the Project under CEQA. However, outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. As part of this review, the City of San José has the discretion to impose conditions of approval that require off-site improvements to address issues related to Level of Service. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to use the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-12

In addition to a lack of data, the methodology for assessing traffic conditions is lacking. The DEIR states, “Existing traffic operations data were collected for two 2-hour peak periods: 7:00 - 9:00 AM and 4:00 - 6:00 PM” (page 209), which indicates Kimley-Horn representatives were only present for 4 hours total and conducted their entire study around this 4 hour span of time. Even though the proposed Costco site is located near two public schools, no data was collected during lunch hours, when Prospect High students go off-campus, or peak after school hours (2:00 - 4:00PM). While the tables in the DEIR may give the impression that there are “less than significant” traffic impacts, 4 hours of data divided across multiple Westgate locations only provide snapshots in time and not complete assessments of traffic patterns. The snapshot data should be triangulated with City, police incident, and 911 call data to determine if the snapshots are representative of actual traffic conditions. Responsible study investigators understand the importance of adequate data collection in order for their results to be valid and reliable. When data is not collected with fidelity, the study is considered to be flawed and the findings should be rejected.

Response 248-12

Refer to Topical Response C for a discussion of the scope, requirements, and data collection for the Transportation Analysis for the Project. Additionally, Topical Response C addresses after school peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson’s preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school’s final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour that was considered in the Draft EIR. As noted on page 215 in Section 3.17, Transportation, of the Draft EIR, the City’s Council Policy 5-1 requires VMT as the metric to assess transportation impacts from new development under CEQA. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and the VMT analysis assumptions required under CEQA. The comment did not provide new, substantial evidence with respect to the disposition of

significant environmental impacts or issues requiring evaluation in the Draft EIR and therefore, no further response is required.

Comment 248-13

The substantial increase in vehicle trips a day generated by Costco in this area would pose a major disruption to the lives of residents by creating constant traffic congestion, even during non-commute hours. This means simple errands may take considerable time and residents with special needs may be less able to travel. Gridlock will also cause great difficulty for the parents and children of many nearby schools, including Prospect High, Country Lane Elementary, Archbishop Mitty High, Latimer Elementary, Baker Elementary, Moreland Middle, Christa McAuliffe Elementary, Lynbrook High, The Harker School Upper and Lower Campus, and countless daycares and preschools. There are at least 4 public school districts represented by the schools above and daily congestion would cause hardship to the 10,000+ West Valley students who are simply trying to attend school or take part in school athletics and activities. Notably, emergency response vehicles will be delayed in reaching their destinations, which may be the difference between life and death for victims. The well-being of students, their families, and all inhabitants of the area deserve to be prioritized over a Costco Warehouse that is a membership-only, for-profit business.

Response 248-13

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts, including the potential effects to emergency access, were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-14

3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color

The DEIR states the construction of a Costco Warehouse would “result in substantial noise-generating activities” (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies,

young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers' radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.

Response 248-14

As noted in Section 20.100.450.A of the San José Municipal Code, applicants can apply for construction hours outside of those set forth in the section through development permits or other planning approval. The Project would include planning approval in the form of a Site Development Permit and a Conditional Use Permit. Therefore, Project construction noise does not violate the requirements of the San José Municipal Code as the code establishes a mechanism to allow construction hours outside of those established in the code that the Project would use. The commenter mischaracterizes the information provided at the February 5 community meeting. As described on page 12 of Section 2.3, Proposed Development, of the Draft EIR, "It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours." As such, nighttime noise (i.e. construction noise between 7 p.m. – 7 a.m.) would occur for a maximum of five (5) nights. The impact of this requested construction activity is fully addressed and analyzed in the Draft EIR.

As stated on page 180, in Section 3.13, Noise and Vibration of the Draft EIR, General Plan Policy EC-1.7 would require the preparation and implementation of a Construction Noise Logistics Plan in order to reduce potential impacts on neighboring residents and other uses because the Project construction would extend beyond 12 months. According to MM NOI-1, preparation of the Construction Noise Logistics Plan must be prepared prior to approval of a grading permit and as such would be a requirement of permit approval. This would be consistent with San Jose Municipal Code 20.100.450(A) which provides a caveat for potentially conflicting construction activities as long as the activities have been previously approved through a development permit or other planning approval. While certain specifics of the Construction Noise Logistics Plan required by MM NOI-1 have not yet been prepared, this does not constitute impermissibly deferred mitigation. CEQA Guidelines section 15126.4 states that the specific

details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The City has committed to MM NOI-1, which includes specific performance standards and identifies the types of potential actions that can feasibly achieve those performance standards. As detailed in MM NOI-1, the Construction Noise Logistics Plan will be prepared by a qualified, acoustical consultant according to the listed standards and requirements. Therefore, the Draft EIR does not impermissibly defer mitigation of construction noise until after Project approval.

As discussed on 177 and 174 in Section 3.13, Noise and Vibration, of the Draft EIR, construction noise typically occurs intermittently and varies depending on the nature or phase of construction. The noise modeling conservatively assumes all applicable construction equipment would be running at the same time for each phase of construction, which is not typically the case in practice due to standard means of construction. The nearest point of Project construction would occur approximately 50 feet from the nearest sensitive receptor to the north, and the model conservatively models this as the distance to the nearest receptor. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. As such, the conservative maximum estimation of the Project's construction noise levels during daytime construction would typically range from 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the exterior property boundary of the nearest receptors. Windows and walls of receptor buildings would provide additional attenuation versus the modeled exterior noise levels, the extent of which would vary based on materials and other factors like distance from the buildings to the Project site.

Page 181 of the Draft EIR details the nighttime construction noise analysis. Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq} . In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east (exceeding nighttime noise standard of 58.8 dBA L_{eq}). However, as required by MM NOI-2, the Costco building walls would be erected prior to concrete pours,

and as such the walls would be in place to attenuate the nighttime noise. With the Costco building walls in place prior to concrete pours, the walls would provide at least a 15 dBA L_{eq} reduction in nighttime construction noise levels, so the nighttime noise that would be experienced by surrounding sensitive receptors would not exceed the nighttime limit of 58.8 dBA L_{eq} which represents the limit of a 3 dBA increase over existing ambient noise levels as this is considered the limit of barely perceptible noise. Therefore, the five nights where construction would occur past the 7 p.m. hour would not result in noise disturbances to the surrounding neighbors.

As discussed on page 185 through 191 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise would be less than significant, even with the introduction of new potential noise sources. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-15	The DEIR inadequately studied hazardous materials, including the impact of soil vaporization on and near the proposed Costco site. Human-harming chemicals will be released during construction due to the unearthing of heavy metals and polycyclic aromatic hydrocarbons left from defunct businesses such as Midas, Firestone, and a dry cleaner. It is well known that auto repair shops and dry cleaners contaminate the soil, air, and water and auto repair shops are the largest generators of hazardous waste. A Costco tire center would further contaminate the soil with chemicals such as trichloroethylene and perchloroethylene. Removing the tire center from the proposed project could help reduce the adverse effects of soil pollution on human and ecosystem health.
Response 248-15	The Draft EIR fully analyzed potential hazards and effects related to soil vapor intrusion. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigation measures. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-16	The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
Response 248-16	As discussed on page 46, in Section 3.3, Air Quality of the Draft EIR, soil watering twice daily, in accordance with the City's standard permit conditions, would reduce fugitive dust emissions. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and

unavoidable impacts related to air quality and health risks with incorporation of the applicable mitigation measure.

Refer to Topical Response F for a discussion of the Project analysis for Hazards and Hazardous Materials and soil watering. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-17

The impact of emissions from construction exhaust, volatile organic compounds (VOCs), and particulate matter on children's health also needs to be included in the DEIR given the project's proximity to two public schools. The COVID pandemic demonstrated the importance of clean air on human health and the increased number of vehicles and ensuing gridlock from inadequate infrastructure will result in an increase in emissions and reduce air quality. The State of California, the Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. It is the responsibility of the City to understand how carcinogens in the land, air, and water may impact the community and ensure a comprehensive public health plan is available before the project can move forward.

Response 248-17

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR utilizing the guidance and thresholds from BAAQMD as required by the City of San José. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to develop thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, the City of San José requires that projects comply with BAAQMD guidance for the preparation of Health Risk Assessments (HRAs). BAAQMD guidance defines sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health HRAs and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.⁵⁰ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.⁵¹ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. As discussed on pages 51 through 54, in Section 3.3, Air Quality of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and

⁵⁰ BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqaguid.pdf>.

⁵¹ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.⁵² The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-18 The Westgate-adjacent community is ethnically, linguistically, and socioeconomically diverse. According to California Department of Education data, 77% of students at Prospect High are students of color, 40% identify as Hispanic or Latino/e/x, 40+ languages are spoken at the school, and 45% of the student body are considered economically disadvantaged and qualify for free and reduced-price lunch. The ethnic diversity index of the school is 61 out of a high of 76. Near Westgate West, there is a group of 77 townhomes located 500 feet from the proposed Costco site that houses primarily middle class immigrants of color and many young children under 10 years old who attend Country Lane Elementary (76% students of color). The health of these babies, toddlers, and children would be at risk for two years if they played outside their homes and parents would need to upgrade ventilation and filtration systems for their households. If the Costco warehouse is built, the vast majority of Westgate families are not privileged enough to relocate to other communities in order to provide a safer environment for themselves and their children. While toxins and emissions are unavoidable in our modern society, it is unethical to place such a heavy burden on Westgate West-adjacent students and immigrant communities of color by overloading them with potentially permanent, life-altering consequences.

Response 248-18 The Draft EIR addressed health risks on pages 50 through 55 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Draft EIR analysis found that the Project would not have any significant and unavoidable impacts to human health during operation. The Project would not have any significant and unavoidable impacts to human health during construction with Implementation of mitigation measure AQ-1. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-19 4. The Project is in Conflict with City of San José Urban Village Plan

The City of San José’s Urban Villages Concept describes a policy framework that “directs most of San Jose’s new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities.” Saratoga Avenue and Paseo de Saratoga is a designated Urban Village located in Horizon #3 according to the Planned Growth Areas Map and Growth Areas and Urban Village Horizon Map. The FAQs on the website indicate that these villages are specifically selected to “support and

⁵² BAAQMD CEQA Thresholds of Significance. Available at: https://www.baaqmd.gov/~/_media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en. Accessed: September 2024.

encourage increased transit use, protect open spaces and hillsides, reduce greenhouse gasses, and build more healthy communities.” The proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road. The intersection of Saratoga Avenue and Prospect Road is also in Horizon #3 and would be impacted by increased vehicle traffic generated by the warehouse. Costco’s proposal to put an oversized (165,148 square foot) warehouse on an undersized lot (9.69 acres) with insufficient parking (only 687 - 692 total surface and rooftop spaces instead of the required 702 parking spaces) that generates 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) is antithetical to an Urban Village that, if approved, will forever change the Westgate and West Valley areas and ensure that the City’s vision for its Western gateway and the Paseo de Saratoga Urban Village is unlikely to be achieved.

Response 248-19 Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. Refer to Topical Response B for a discussion of parking sufficiency on the Project site. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, and for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-20 The main reason for the failure of this Urban Village plan would be due to the car-centric nature of the Costco project. Costco Warehouses are not pedestrian- and bicycle-friendly due to the inherent requirements of shopping for items in bulk. Members typically drive their largest vehicle to the warehouse because the items are packaged in large quantities and some products cannot fit in smaller cars. It is a rarity for pedestrians to shop at Costco because many items cannot be physically carried home or on bicycles. The proposed Costco Warehouse will generate 11,000+ vehicle trips per day (Appendix I - Transportation Analysis, pages 22 and 35) to a site directly across from a high school, two blocks from an elementary school, and with primary site access 50 feet from the front yards of established residential neighborhoods. The volume of vehicle traffic generated by Costco only increases the chances for dangerous student/pedestrian/bicycle and vehicle interactions in the project area.

Response 248-20 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical

	Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-21	In addition, the fact that the Costco proposal only provides for 10 bicycle parking spaces instead of the 47 bicycle parking spaces required by the city for the project site (Appendix I -Transportation Analysis, page 62) supports the conclusion that not even Costco believes that its customers will be bicycling to its warehouse. The proposed Costco project is also not transit accessible. Although Costco describes the proposed warehouse site as “locally and regionally accessible by multiple transport connections” on their project website, the only nearby bus stop is 500 feet away with buses running every half hour. The nearest rail service is miles away and there are no other viable public transit options. Costco’s characterization of multiple transportation options is disingenuous, as it is unlikely that a shopper would be able to transport the type of large purchase typically made at their warehouse stores.
Response 248-21	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site, the CEQA requirements for the transportation analysis, and thresholds related to the Project. The Project has been revised to satisfy the City’s bicycle parking requirement. As stated on page 212, in Section 3.17, Transportation of the Draft EIR, the nearest bus stop is located 200 feet north of Prospect Road/Cambell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 248-22	The proposed Costco is not a significant job-based development, which is a focus of the Urban Villages concept. Costco touts the creation of 250 - 300 jobs from this project; however, even using the maximum number of 300 jobs, the project would only result in a net increase of 42 jobs provided by the project site (Draft EIR, December 2023, page 39). If the minimum number of 250 jobs is used, the project would result in a net decrease of 8 jobs provided by the project site. Furthermore, the project falls short of the stated goals of the Urban Villages initiative, which includes the “engagement of local residents in planning the urban village” and “a mix of housing and employment to reduce traffic.” The proposal fails at both of these objectives, as evidenced by the inadequate data for public review in the DEIR and the lack of public hearings from developers and Costco representatives. The Costco project will bring no new housing and will increase vehicle traffic, making it less safe for pedestrians and cyclists. It is a project in direct conflict with the Urban Villages policy framework.
Response 248-22	As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, baseline estimates for employment on-site were based on an assumed 80 percent occupancy of existing commercial buildings and a rate of 1 job per 650 square feet of commercial space. The employment estimates for the Costco Project are based on data provided by Costco. Based on these estimates, the Project would include a net increase of 42 jobs. Refer to Topical Response A for a discussion of VMT as the required CEQA metric

to determine the significance of transportation impacts. There is no adopted Urban Village Plan applicable to the Project or the Project site, so the comment is incorrect to assert that the Project is in conflict with an Urban Village Plan. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status, applicability to the Project, and why the Project site's location within an urban village area without an adopted urban village plan does not preclude the review and progress of the Project while the urban village plan is in progress. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-23

5. Alcohol Sales in an Area of Undue Concentration

Costco sells an estimated \$5 billion of alcohol annually, including beer, wine, and hard liquor. They are the largest alcohol distributor in the country and Costco policy allows any adult (even non-members) to access the warehouse to purchase alcohol. The California Alcoholic Beverage Control Act has limits for the number of premises for which an off-sale general license can be issued in a specific census tract. The area where the proposed Costco would be located is limited to 3, but there are already 7 in the area, which makes it an "area of undue concentration." Since the proposed off-sale location is in an over-concentrated census tract, Costco's conditional use permit application requesting the off-premises sale of alcoholic beverages would require a determination of public convenience and necessity. In order for the San José Planning Commission to issue such a determination, it would have to make certain findings, including that the site is not located within 150 feet of a residence or within 500 feet of a park. Because the Costco site is much less than 150 feet from multiple houses on Graves Avenue and is about 505 feet from Saratoga Creek Park, the Planning Commission cannot issue a Determination of Public Convenience or Necessity and is required to make a recommendation to the City Council as to whether the City Council should make a decision for the proposed use. This means the City Council would need to vote on whether the site can violate these rules out of "public convenience or necessity." It would be extremely confusing for the City Council to determine that a Costco Warehouse provides a necessary public convenience when there are 7 other nearby stores where consumers can buy alcohol (4 of them in the same block as the proposed Costco – the BevMo alcohol superstore, Trader Joe's, Sprouts supermarket, and the Rotten Robbie gas station). A Costco warehouse is not a necessity for alcohol purchases in this already oversaturated area.

Response 248-23

Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 248-24

We respectfully request the City of San José acquire much more data around the Costco project so informed public review and leadership decisions can be made. Caution should be exercised when there is so much missing about current conditions and future cumulative impacts in the DEIR.

- Response 248-24 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 248-25 The Saratoga City Council recently approved a comment letter and issued a staff report, carefully detailing 7 ways the DEIR failed to provide adequate evaluation and information to the public. They also asked the City of San José for increased collaboration. During the February 5 community meeting at Prospect High, Vice Mayor Rosemary Kamei stated that due to the unique location of this proposed project, a lot of complex coordination is required between multiple jurisdictions such as the city of Saratoga, city of Campbell, and Santa Clara County, as well as entities including multiple schools, Costco, the developers, and existing Westgate West businesses. Perhaps these concerns can serve as indications to Mayor Mahan and City Council members that the DEIR is insufficient and the City can lead by partnering with residents and other city councils. We invite the Mayor, Planning Department, and City Council members to spend time with residents in this corridor to discover its unique assets and limitations.
- Response 248-25 The Draft EIR and appendices include a comprehensive Project analysis and concluded there were no significant and unavoidable impacts, as all potentially significant impacts could be reduced to less than significant with mitigation. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. See Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, refer to Topical Response E for why the Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Refer to Responses to Comment Letter 3, above. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 248-26 There are many Costco members who are against this project because we recognize there are more appropriate sites for a large warehouse than in a congested, residential neighborhood that lacks sufficient infrastructure. The City of San José's decision on this project will permanently impact the lives and well-being of hundreds of thousands of residents in the Westgate and West Valley area for decades to come. The City, Costco, and the developers have substantial resources and are well-versed in the practices that will get projects approved, including hiring lawyers and firms to produce documentation aligned with their

goals. Students and local residents do not have the financial resources, time, expertise, or opportunity to “sit at the table” with major decision-makers. There is a considerable imbalance of power in this situation, and we only have our voices. Please hear the lived experiences of diverse residents in this area and honor the requests from the West Valley community. This proposal gives the City of San José a great opportunity to show strong leadership by aligning revenue and development goals with City policies and resident health and safety.

Thank you for your serious consideration and care in responding to these significant concerns.

Response 248-26

Pages 152 through 156 in Section 3.11, Land use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. Pages 154 through 156 in Section 3.11, Land Use and Planning, pages 202 through 205 in Section 3.15, Public Services, and pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR found that the scale, use, and infrastructure needs of the Project would not result in any significant impacts to the environment. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 249. Patrick and Jan Dalton (dated February 19, 2024)

Comment 249-1

I have lived in Campbell for 40+ years and loved it .This project will destroy the neighborhood. It at the worst spot that I can think of.

Please don't do this. I worked for Costco on Coleman Avenue for 10 Years. I know first hand how the traffic in and out of a Costco parking lot on any given Day and holiday.

This will be a disaster for Prospect Road and Lawrence expressway. Also what about all the long time small business at that location like Trader Joe's and the New Ace Hardware. Please use common sense and shut it down. It will affect the flow of traffic and the everyday living in Campbell.

Response 249-1

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter 250. Poonam D. (dated February 19, 2024)

Comment 250-1

We live in the Country Lane area, and we're worried about the shoppers at the proposed Westgate West Costco deciding to park on our streets to get easier access.

There's a part in the Draft Environmental Impact Report (link below) that's got us especially concerned. It says "A crosswalk across Graves Avenue at the

intersection with Field Avenue would be installed to provide pedestrian access to the Project site." What measures are being taken to prevent Costco shoppers from parking their cars along Graves and neighboring residential streets? <https://www.sanjoseca.gov/home/showpublisheddocument/107938/638382284243900000>

Response 250-1 Refer to Topical Response B for a discussion of Graves Avenue access, Project site parking sufficiency, and internal circulation limiting overflow into neighborhood streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 251. Preeti Powar (dated February 19, 2024)

Comment 251-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Response 251-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 251-2 As a resident of the Country Lane neighborhood for the past 10+ years, this Costco development in the Westgate area is going to be a huge disruption to the neighborhood in terms of resident safety, traffic and crowds.

Response 251-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 251-3 I'm failing to grasp the need of a warehouse store in a residential neighborhood that already has a Trader Joes, Sprouts and Target with a 1 mile radius. The nearest Costco, Sunnyvale Lawrence, is less than 6 miles away. The other one is Costco Almaden, which is 10.7 miles away. People have enough options. Warehouse stores were never meant to be like local Starbucks, one at every corner.

Response 251-3 This comment expresses general opposition for the Project. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. The Project site is not within a residential zoning district or land use designation. The Project site is within 500 feet of residential uses. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 251-4	There are 2 schools, one elementary and one high school, in a 1 mile radius from this proposed Costco. The removal of one lane on Saratoga to add a bike lane, has already increased the traffic congestion in the area. A warehouse store like Costco is just going to exacerbate that. There's no way that the incoming/outgoing traffic to Costco is going to stick to Saratoga/Prospect/Lawrence. People are going to cut through the residential neighborhood. That's just the reality of the situation. As a resident, I'm failing to understand the need of this warehouse at this particular location. Thank you for your consideration and your care in responding to these serious concerns.
Response 251-4	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 252.	R. Petroni (dated February 19, 2024)
Comment 252-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. Please bring Costco. Thank you for your consideration.
Response 252-1	This comment expresses general support for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 253.	Rick Lau (dated February 19, 2024)
Comment 253-1	After reviewing the draft proposed Westgate West Costco project, I have an objection in having this Costco project moving forward. This location borders a quiet residential neighborhood - Country Lane. A whole-sale retailer like Costco attracts consumers and high traffic. However, many if not all Costco warehouses in the bay area are in the midst of a commercial zone – not immediately bordering with residential areas.
Response 253-1	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The project site is zoned as Commercial General. The Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 253-2	A Costco in this location will attract higher than necessary traffic to the residential streets in the Country Lane area.
Response 253-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 253-3	Students walking to Country Lane Elementary and Easterbrook Discovery School will be impacted by this traffic, the probability of accidents will increase.
Response 253-3	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 253-4	Furthermore, this Costco will push out nearby businesses in the area. It has already pushed out a Smart and Final. The expenses in having this Costco needs to be considered: road repairs, street redesignings for pedestrians safety, speed bumps, etc. The amount of tax revenue generated from having this Costco here may not be worth it compared to the expenses and the neighborhood devaluation. Please reconsider and halt this project. There are better locations for this Costco warehouse to be in.
Response 253-4	The Draft EIR addressed the partial occupancy of the Project site on page 8 in Section 2.1, Existing Project Site of the Draft EIR. The relocation of existing businesses is not included in the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 254. Robert and Michelina Zalusky (dated February 19, 2024)	
Comment 254-1	I am gratefully looking forward to having a new Costco nearby. Thank you for considering this project. I have lived in the West Valley area for 40+ years and driving to other Costco which we frequent often is often difficult. My wife is mobility challenged and the Sunnyvale location is difficult with its ramp. The Almaden location is much farther and parking challenged. Clearly there is a demand for Costco and just like housing we need more of them. Thank you for your consideration and your care in responding to these serious concerns.
Response 254-1	This comment expresses general support for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.