



First Amendment to the Draft Environmental Impact Report Volume I

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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SECTION 1.0 INTRODUCTION

This First Amendment to the Draft Environmental Impact Report (First Amendment to the Draft EIR), together with the Draft Environmental Impact Report (Draft EIR) and technical appendices, constitutes the Final EIR (Final EIR), as defined in the State CEQA Guidelines, Section 15132, for the Westgate West Costco Project (Project).

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed Project. The Final EIR also examines mitigation measures and alternatives to the Project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of San José (City) in making decisions regarding the Project.

As described in CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- 1) The Final EIR has been completed in compliance with CEQA;
- 2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- 3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL EIR

Pursuant to CEQA Guidelines Section 15132, the Project Final EIR consists of the following contents:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies THAT commented on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

This First Amendment to the Draft EIR incorporates the Draft EIR and technical appendices by reference. This First Amendment to the Draft EIR contains the following sections:

- Section 1.0: Introduction: This section provides an overview of the Draft EIR process and an introduction to the contents of this document.
- Section 2.0 Draft EIR Public Review Summary: This section summarizes the public review period of the Draft EIR.
- Section 3.0: Draft EIR Recipients: This section lists the recipients of the Draft EIR during the public circulation period.

- Section 4.0 Responses to Draft EIR Comments: In accordance with CEQA Guidelines Section 15088, this section includes written responses to comments received by the City on the Draft EIR.
- Section 5.0 Draft EIR Text Revisions This section contains revisions to the text of the Westgate West Costco Draft EIR dated December 2023. Revised or new language is underlined. All deletions are shown with a ~~strikeout~~.

1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the Final EIR. The Final EIR and all documents referenced in the Final EIR are available for public review on the City's website:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/westgate-west-costco-warehouse-project-cp21-022>.

SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the Project, dated December 2023, was circulated to affected public agencies and interested parties for a 67-day review period from December 15, 2023, through February 20, 2024. The required public circulation period is typically 45 days, but the City elected to circulate the Draft EIR for a longer period. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of the Draft EIR was published on the City's website (www.sanjoseca.gov/activeeirs) and in the San José Mercury News and the Post Record on December 11, 2023;
- The Draft EIR was posted on the State Clearinghouse on December 15, 2023, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City's website at www.sanjoseca.gov/activeeirs and the State Office of Planning and Research website at <https://ceqanet.opr.ca.gov/2022010135/2>. The Notice of Availability was posted with the County of Santa Clara Office of the County Clerk-Recorder.
- Copies of the Draft EIR were available for public review at:
 - Dr. Martin Luther King, Jr. Main Library, 150 E San Fernando Street
 - West Valley Main Branch Library, 1243 San Tomas Aquino Road
 - City of San José Department of Planning, Building, & Code Enforcement, 200 E. Santa Clara Street, Tower 3rd Floor

SECTION 3.0 DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The following agencies received a copy of the Draft EIR via the State Clearinghouse:

- California Air Resources Board (ARB)
- California Department of Conservation (DOC)
- California Department of Fish and Wildlife
- Bay Delta Region 3 (CDFW)
- California Department of Forestry and Fire Protection (CAL FIRE)
- California Department of Parks and Recreation
- California Department of Transportation, Division of Aeronautics (DOT)
- California Department of Transportation
- Division of Transportation Planning (DOT)
- California Department of Water Resources (DWR)
- California Highway Patrol (CHP)
- California Native American Heritage Commission (NAHC)
- California Natural Resources Agency
- California Regional Water Quality Control Board
- San Francisco Bay Region 2 (RWQCB)
- Office of Historic Preservation
- Department of Toxic Substances Control
- California Department of Transportation, District 4 (DOT)

The Notice of Availability (NOA) for the Draft EIR was physically mailed and emailed (with delivery and read receipts requests) to adjacent jurisdictions, including members of the public who had indicated interest in the Project. The following agencies, organizations, and individuals received a copy of the Draft EIR or NOA from the City or via the State Clearinghouse:

- Santa Clara County Roads and Airports
- City of Mountain View
- City of Saratoga
- San Jose Unified School District

- City of Sunnyvale
- Bay Area Metro
- Santa Clara Valley Water District
- Town of Los Gatos
- Bay Area Air Quality Management District
- Santa Clara County
- City of Palo Alto
- Prospect High School
- Country Lane Elementary School
- Sierra Club-Loma Prieta Chapter
- City of Cupertino
- San Jose Water Company
- Santa Clara Valley Audubon Society
- Greenbelt Alliance
- City of Fremont
- City of Milpitas
- Guadalupe-Coyote Resource Conservation District
- City of Morgan Hill
- Adams Broadwell Joseph & Cardozo
- Pacific Gas and Electric
- City of Santa Clara
- Lozeau Drury LLP
- Santa Clara Valley Transportation Authority
- Kevin Johnston
- Barbara Gagner

SECTION 4.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City on the Draft EIR. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

Many of the comments submitted on the Draft EIR focused on similar issues. Accordingly, "Topical Responses" have been prepared for such issues. Each topical response provides a discussion of the general concern raised, and incorporates the information requested from the various permutations of the comment received from the different commenters into one response. Consequently, a particular Topical Response may provide more information than requested by any individual comment. The Responses to Comments section of the Final EIR (i.e., Section 4.0 of this document) refers the reader to the Topical Responses section for frequently raised comments. Topical Responses in this Final EIR address the following concerns:

- **Topical Response A: Vehicle Miles Traveled.** This topical response explains what vehicle miles traveled (VMT) is and how it was measured for the Project. This topical response also explains why VMT is used as the threshold of significance for the CEQA evaluation.
- **Topical Response B: Site Access and Circulation.** This topical response explains the vehicular access and circulation plan for the Project and discusses the potential for the Project to affect access and circulation for surrounding land uses.
- **Topical Response C: Transportation Analysis Scope.** This topical response explains how the scope and methodology for Appendix I, Transportation Analysis, of the Draft EIR were developed. This topical response also addresses after-school peak period conditions compared to PM peak hour conditions.
- **Topical Response D: Pedestrian and Bicycle Safety and Circulation.** This topical response explains the pedestrian and bicycle circulation plan for the Project and discusses the existing physical conditions that affect pedestrian and bicycle safety.
- **Topical Response E: Land Use Considerations.** This topical response explains what is considered a "project" under CEQA and how the cumulative project setting for the Project Draft EIR was developed.
- **Topical Response F: Hazardous Materials.** This topical response explains the history of investigations and reporting for any contaminants on-site, and addresses any future actions required of the Project in relation to hazardous materials.
- **Topical Response G: Alcohol Sales.** This topical response explains the process required for the Project to receive a Conditional Use Permit (CUP) to sell alcohol.

Below is a list of comment letters and commentors received on the Draft EIR with a corresponding page number in this First Amendment to the Draft EIR, where the response to each comment can be found. Comments are generally organized in the sequential order they were received.

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TOPICAL RESPONSES

Many of the comments submitted on the Draft EIR focused on a particular set of issues. Accordingly, "Topical Responses" have been prepared for such issues. Individual responses to comments refer the reader to the following Topical Responses:

A. Vehicle Miles Traveled

A number of comments questioned the use of VMT as the threshold of significance for the Draft EIR evaluation. Commenters also questioned the Draft EIR methodology for determining the Project would result in a less than significant VMT impact.

Under CEQA, VMT refers to the amount of automobile traffic attributable to a project, and the average distance traveled by the vehicles associated with project-generated traffic. It is measured as the accumulated change in miles traveled on a daily basis within a study area, such as within a city, county, or other defined region, that can be attributed to a proposed project.¹ VMT does not measure the delay or degree of congestion experienced by drivers along roadways as a result of a proposed development. By its nature, VMT is a cumulative metric that considers the regional vehicle miles traveled for a given area from projected regional growth, not simply from an individual project.

Adopted in 2013, Senate Bill 743 directed the California Office of Planning and Research (OPR) to administer new CEQA guidance for jurisdictions that removes automobile vehicle delay and level of service (LOS) from CEQA analysis and replaces it with VMT analysis or other measures that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses," to be used as a basis for determining significant transportation impacts. The change from LOS to VMT is intended to contribute to addressing statewide goals related to infill development, the promotion of public health, and the reduction of greenhouse gas emissions.

As described in Appendix I, Transportation Analysis, of the Draft EIR, the following components comprise the change in VMT attributed to the Project:

- Existing VMT associated with existing members visiting four existing warehouses in the San José area:
 - 5301 Almaden Expwy, San José (Almaden)
 - 2201 Senter Rd, San José (Senter)
 - 1601 Coleman Ave, Santa Clara (Santa Clara)
 - 150 Lawrence Station Rd, Sunnyvale (Sunnyvale)
- Estimated VMT associated with existing members shifting from the existing warehouses to the new warehouse (i.e., change in travel distance for existing trips that would shift to the new warehouse)

¹ According to the Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA (2018), the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks.
https://opr.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf.

- Estimated VMT associated with existing members visiting the existing warehouses more frequently due to latent demand that would emerge after the opening of a new warehouse
- Estimated VMT associated with new members visiting the new warehouse
- Estimated VMT associated with employees at the new warehouse
- VMT for freight vehicles is excluded from the analysis for commercial uses, consistent with OPR's Technical Advisory on Evaluating Transportation Impact in CEQA

$$\text{Total Project VMT} = \text{changes in existing member VMT} + \text{new member VMT} + \text{employee VMT}$$

Table 16: Change in Regional Total VMT in the Transportation Analysis (also presented as Table 3.17-1 in the Draft EIR) is presented here for reference.

Table 3.17-1 in the Draft EIR: Change in Regional Total VMT

	Existing VMT	VMT with new Warehouse	Change (Project VMT)
Existing Costco Member VMT	110,012	97,074	-12,938
Existing Trips VMT	110,012	93,603	-16,409
Almaden	23,712	17,446	-6,266
Senter	26,987	24,353	-2,634
Santa Clara	31,284	20,120	-11,164
Sunnyvale	28,029	14,697	-13,332
New Warehouse	0	16,987	16,987
Latent Demand at Existing Warehouses VMT	0	3,471	3,471
Almaden	0	789	789
Senter	0	1,104	1,104
Santa Clara	0	911	911
Sunnyvale	0	667	667
New Member VMT	0	6,184	6,184
Employee VMT	0	4,158	4,158
Total VMT	110,012	107,416	-2,596

Source: Kittelson & Associates, Inc., 2023; Table 16 in the Transportation Analysis; Table 3.17-1 in the Draft EIR

The information summarized in the table shows that, at present, people who are Costco members travel an estimated 110,012 miles daily in the region to shop at the Almaden, Senter, Santa Clara, and Sunnyvale Costcos. If the Westgate West Costco were opened, people in the San José area would have a fifth location available to shop at Costco, and thousands of people would have the opportunity to go to a Costco closer to home, traveling fewer miles and spending less time driving.

The VMT analysis uses common traffic engineering assumptions about driver choice to prioritize convenience and shorter travel times. While people ultimately make their own choices about where to drive and shop, the assumption that, on the whole, people tend to prioritize convenience and shorter travel times is an established assumption in travel demand modeling, travel forecasting, and other analyses like the VMT analysis. When modeling travel behavior and decision making of drivers traveling from an origin to a destination, it is considered reasonable to assume a driver would choose the closer of two destinations when the destinations are alike. This driver behavior is illustrated in Figure 1 of this Final

EIR, below. Therefore, it is reasonable to assume members generally would choose to shop at the Costco warehouse with the smaller travel time. Thus, the analysis accounts for which existing Costco members in the San José area likely would shift to shopping at the Westgate West location if it were open because it would take less time to get there from their home.

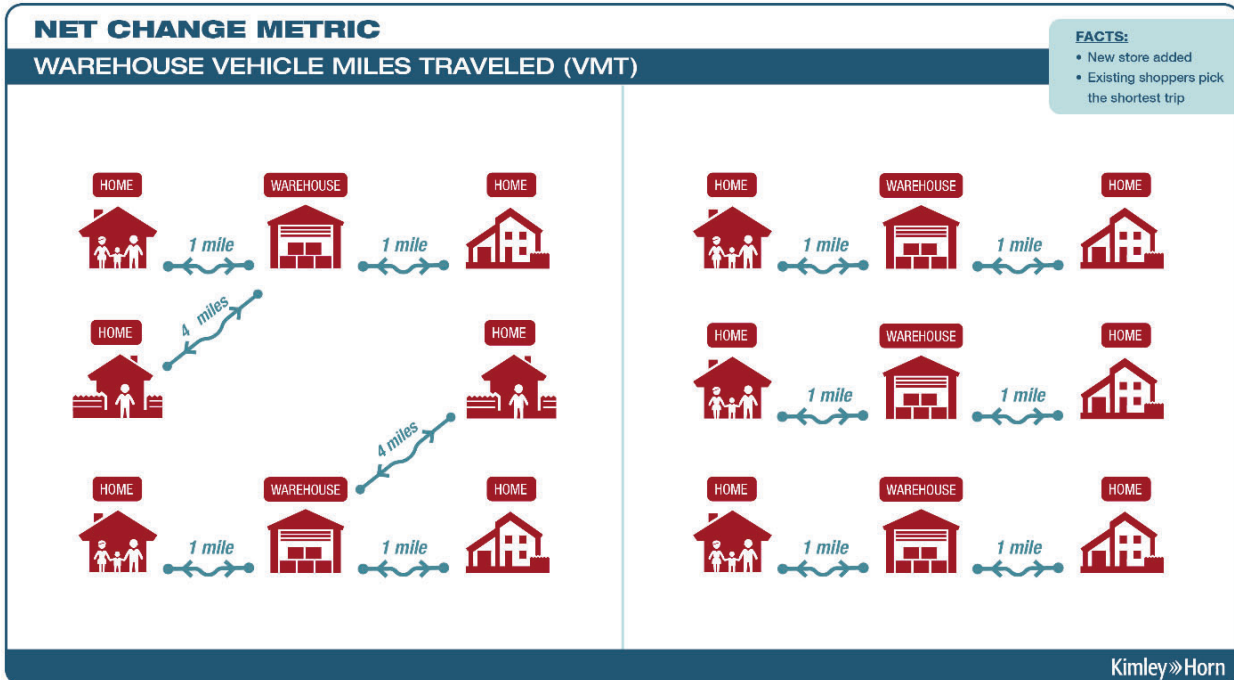


Figure 1: Graphical Representation of Net VMT Metric

The VMT analysis estimates that with the Westgate West Costco open, VMT in the region by existing Costco members would reduce to 97,074 miles daily (a change of -12,938 miles). The analysis also accounts for an expected uptick and the number of times some members go to Costco over the course of a month at the existing Almaden, Senter, Santa Clara, and Sunnyvale warehouses once those stores become less busy. This phenomenon has been observed at other Costcos when a new location opened nearby. VMT associated with this modest increase in members' visits to the existing Costcos is included in the analysis, contributing 3,471 miles daily. In other locations where a new Costco is constructed in an area that has several existing Costcos, the company has seen some people in the area choose to become Costco members. VMT associated with trips made by new members is included in the analysis, contributing 6,184 miles daily. Also, the new Westgate West Costco would have its own employees, whose travel to work is accounted for as new trips and VMT in the region, regardless of the fact that those same people likely are traveling to work today at another job in the region. The VMT associated with new Costco employees going to work is estimated to contribute 4,158 miles daily.

Considering all of these types of trips that would be made by Costco members and employees to the Westgate West Costco, the overall change in VMT in the region is estimated to be a decrease of 2,596 miles daily.

B. Site Access and Circulation

A number of comments questioned if the Project would provide sufficient vehicular circulation space and parking for Costco customers to avoid impacts to neighboring land uses. This topical response explains the vehicular access and circulation plan for the Project, including limitations to the use of Graves Avenue for Project truck traffic and the City's past actions regulating Graves Avenue access, and discusses the potential for the Project to affect access and circulation for surrounding land uses.

Graves Avenue Eastern Driveway. Access to the Westgate West shopping center will remain mostly unaltered with construction of the Costco development. The exception to this is that the western driveway on Graves Avenue near the cul-de-sac will be closed with development of the Costco, and Costco has committed to restricting its own delivery trucks from using the eastern access on Graves Avenue (located approximately 100 feet west of the intersection of Graves Avenue and Cameo Drive). Local and regional Costco delivery trucks would instead use a combination of the Lawrence Expressway/Westgate West Shopping Center Driveway intersection and Saratoga Avenue/Site Access C per the site plan. Costco only has formal authority over its own trucks, but will instruct its vendors at this Westgate West location, as it does at several other locations, where to enter and exit when accessing the warehouse.

The shopping center serves several tenants, and existing legal agreements provide rights for businesses to use the various accesses to the shopping center. From personal communications with the ownership of the Westgate Shopping Center, tenants in the shopping center have legal rights to access Graves Avenue from the shopping center; those rights are honored so long as one of the two existing Graves driveways remains open². Thus, Costco does not have the authority to close all access to Graves Avenue from the shopping center; however, it is feasible to close one of the two existing access points. Since the western Graves Avenue access was previously primarily used by a business that is not currently operational and the building that housed the business will be torn down to construct the proposed Costco, the Project proposes to close the western access rather than the eastern access, which is currently in use by other shopping center tenants and their customers. Additionally, the eastern Graves Avenue access is required to remain in place to function as one of the required access points for emergency vehicles and fire protection services. The drive aisle and driveway to Graves Avenue along the east side of the Costco building is required to provide the fire department sufficient access around the perimeter of the Costco building and a means of aerial fire protection access to the roof of the Costco building. Kittelson, the City's transportation engineering consultant for the Draft EIR, collected 24-hour traffic data at the eastern Graves Avenue driveway and within the shopping center near the driveway to ascertain the type of traffic occurring there over the course of a typical week. The data showed delivery trucks serving tenants in both the Westgate West and West Valley shopping centers using the eastern Graves Avenue driveway to make deliveries.

Graves Avenue Regulatory Background. Comments have incorrectly asserted that prior permits pertaining to access to the Westgate West Shopping Center from Graves Avenue should apply to the Project. The referenced permits are:

- Permit #H05-006, a prior Site Development Permit approved in 2006 issued on the Westgate West Shopping Center that is now expired.

² Personal communications with Cindy Johnson, First Washington Realty, dated August 14, 2024.

- Permit #H00-037, a permit for the redevelopment of West Valley Shopping Center that was approved in October 2000 (now constructed), and where the businesses Sprouts and BevMo are currently located.

Permit #H05-006 was a prior Site Development Permit that was previously issued for the Westgate West Shopping Center allowing an approximately 41,000 square foot addition to the shopping center. The permitted project was never constructed, and the permit has since expired and no longer pertains to the property. Although Permit #H05-006 would have partially limited access to the Westgate West Shopping Center from Graves Avenue, it is no longer applicable and does not provide a basis to further limit access along Graves Avenue in connection with the Project.

In addition, some comments also cite email communications with city staff regarding Permit #H05-006 and its applicability to future development at Westgate West Shopping Center. As described above, the permit is expired and no longer applies to the property. Moreover, to the extent previous staff people expressed opinions regarding how future development may be conditioned, pre-decisional staff correspondence does not indicate a commitment to a particular course of action. Such decisions are the authority of the City Council and appointed Commissions, and staff comments on a previous project do not provide a basis to further limit access along Graves Avenue in connection with the Project.

Permit #H00-037 was a site development permit that was approved in October 2000 for the redevelopment of West Valley Shopping Center, an adjacent property to Westgate West Shopping Center, where the businesses Sprouts and BevMo are currently located. The permit required the West Valley Shopping Center to relinquish cross access agreements that facilitated access from the rear of the West Valley Shopping Center to Graves Avenue. At the time, the adjacent site north of West Valley Shopping Center was a bowling alley. That bowling alley was redeveloped into townhouses and a wall has since been constructed blocking access to Graves Avenue. The medical offices at 5150 Graves Avenue still exists and have not been redeveloped. The cited Permit #H00-037 does not pertain to the Westgate West Shopping Center property and does not make any mention of future access between the West Valley Shopping Center and the adjacent Westgate West Shopping Center. Therefore, Permit #H00-037 does not provide a basis to further limit access along Graves Avenue in connection with the Project.



Figure 2: Graphical Representation of Permit #H00-037

Medical Center Access. Some comments on the Draft EIR have suggested closing the southwest access to the West Valley Professional Center, which is near the Trader Joe's loading docks, to eliminate the risk of Costco traffic driving through the professional center's parking lot. The West Valley Professional Center is part of a different shopping center under independent ownership, and Costco does not have the authority to close or restrict any of its accesses. Moreover, closure of that access may interfere with existing emergency access requirements for the professional center.

Vehicle Traffic within the Shopping Center. Some comments on the Draft EIR have speculated that vehicle traffic associated with the Costco could contribute to any existing congestion within the shopping center, particularly near the Starbucks. The reconfiguration of the shopping center internal roadway from Prospect Road and internal access driveways to different areas of the center serve to guide people to their destination within the center. These improvements to the shopping center are intended to support better traffic flow within the center and provide separate routes for traffic destined for Costco, for Trader Joe's, and for the businesses in the southwest portion of the center, respectively.

Parking Supply. The Project proposes to provide 688 parking spaces within the Costco development (307 ground level, 381 rooftop) in addition to the 624 parking spaces in the rest of the shopping center for a total of 1,312 parking spaces in the shopping center. Of the 688 total parking spaces for the proposed Costco, 12 parking spaces would be EV charging spaces and 276 spaces would be equipped with conduit to allow for EV equipment to be installed in the future. It is important to note that EV parking is not approved in the planning stage of the Project.

The San José City Council voted December 6, 2022, to update its parking ordinance to no longer have minimum parking requirements for development proposals. The new ordinance is in effect as of April 10, 2023. Development applications submitted prior to April 10, 2023, such as the Project, are subject to the prior zoning ordinance with a parking minimum standard.

At the time that the Draft EIR was published, the City classified the Project use as “retail sales, goods and merchandise” for minimum parking requirement purposes as stated on page 220 of Section 3.17, Transportation, of the Draft EIR and page 68 of Appendix I, Transportation Analysis of the Draft EIR. According to Table 20-190 of the code, “retail sales, goods, and merchandise” uses are required to provide at least 1 vehicle parking space per 200 square feet of floor area. However, subsequent to Draft EIR publication, the City determined that Neighborhood Shopping Center was the more appropriate use to classify the Project as to determine minimum parking requirements. According to Table 20-190 of the code effective prior to April 10, 2023, Neighborhood Shopping Center uses are required to provide at least 1 vehicle parking space per 225 square feet of floor area. Under this Neighborhood Shopping Center use classification, 624 parking spaces are required for the proposed Costco. The number of parking spaces for the proposed Costco (688 total) meets the City’s minimum requirement of 1 parking space per 225 square feet for Neighborhood Shopping Center uses as 1 parking space per 204 square feet is proposed.

Commentors have expressed concern that existing businesses will be impacted should the proposed Costco provide insufficient parking on-site causing Costco shoppers to park off-site in the Westgate West Shopping Center. Commentors have also expressed concern that the neighborhood to the north of the Project site would be impacted by Costco shoppers parking off-site should there be insufficient parking on-site. As the Project would provide sufficient on-site parking for the proposed Costco, the Project would not result in impacts to existing businesses related to insufficient parking. Similarly, the Project would not result in overflow parking in the neighborhood to the north of the Project site as sufficient parking is provided on-site.

Under the Neighborhood Shopping Center use requirements, the Project must provide 47 bicycle parking spaces. Refer to Section 5.0, Draft EIR Text Revisions, of this document for a revised site plan for the Project. As reflected in the revised site plan, the Project would provide 48 bicycle parking spaces, which exceeds the Neighborhood Shopping Center use requirement for bicycle parking spaces.

C. Transportation Analysis

A number of comments questioned the methodology used in the Transportation Analysis to determine the appropriate study intersections for inclusion in the evaluation. Additionally, comments questioned the use of the PM peak hour as the appropriate period of day to represent the most congested roadway conditions and suggested that an after-school peak hour would be more appropriate. This topical response addresses how study intersections were selected, and why a PM peak hour was used in the Transportation Analysis.

- **Scope of the Transportation Analysis.** The City worked with the transportation engineering consultant, Kittelson & Associates, Inc. (Kittelson), to develop the scope of the Transportation Analysis for the Draft EIR. As the Transportation Analysis scope was being developed, the City shared it with representatives from the City of Saratoga and Santa Clara County for input about what intersections might be appropriate to evaluate and if there are any known projects that should be included in the Project's cumulative analysis. The City shared a draft work scope with City of Saratoga and Santa Clara County on October 6, 2021, and the City received responses from City of Saratoga on October 18, 2021, and from Santa Clara County on October 20, 2021. The Transportation Analysis scope of work was finalized in December 2021. The City peer reviewed Kittelson's analysis and documentation as part of the Transportation Analysis preparation process, providing multiple rounds of review and revision to the City's satisfaction. The City utilizes its Transportation Analysis Handbook (TA Handbook), finalized in April 2018 and self-described as "a comprehensive guide that:
 1. Provides the transportation analysis significance criteria, screening criteria, and thresholds of significance for environmental clearance for development projects, City transportation projects, and General Plan amendments;
 2. Provides a framework for transportation analysis based on the City's transportation policies and the Envision San José 2040 General Plan;
 3. Provides the appropriate methodologies, procedures, and process for the preparation of a transportation analysis report within the context of CEQA; and
 4. Provides the appropriate methodologies, procedures, and process for determining the effects of projects on the local transportation system."

The Transportation Analysis prepared for the Project includes both the VMT analysis as required for CEQA and the Local Transportation Analysis (LTA), including Level of Service (LOS) analysis, for informational purposes as part of the City's project review process. The TA Handbook provides guidance for determining the intersections to evaluate for traffic operations, periods of the day, and years to analyze. Consistent with prevailing practices in the transportation engineering industry, the TA Handbook calls for study intersections to be evaluated for LOS during the one-hour periods in the morning and evening with the highest amount of traffic on a typical weekday (i.e., AM and PM peak hours). These peak hours most often occur during morning and evening commute periods, such as approximately 7:30-8:30 AM and 5:00-6:00 PM, dependent on local travel patterns. A peak hour is identified to represent the busiest period of the day with the overall highest traffic volume. Studying the busiest hours of the day, and planning infrastructure according to those periods of the day, enables an agency to provide sufficient roadway and intersection capacity to handle traffic volumes during the less busy periods of the day without directly studying those periods.

Based on TA Handbook guidance and direction from City staff, the Transportation Analysis evaluated 19 intersections and 5 Westgate West shopping center accesses during the PM peak hour. Selection of the study intersections focused on where Project trips are expected to travel, especially where they would add traffic to signalized intersections near the Project site or would add substantive traffic volume to side-streets at non-signalized intersections. With these considerations, all 19 of the study intersections were signalized intersections.

Traffic Counts. At the direction of the City, Kittelson collected PM peak hour traffic counts at the study intersections and shopping center accesses in February 2022 and provided the count data to the City. The City determined the February 2022 traffic volumes remained artificially low due to the influence of the COVID-19 pandemic on travel patterns and provided Kittelson higher traffic counts from before the pandemic, which Kittelson used for the study.

Peak Hour Studied. As discussed previously, the Transportation Analysis analyzed traffic operations only during the PM peak hour. The study excluded the AM peak hour since Costco warehouses are closed to members during the morning commute period and do not open until between 9:00 AM and 10:00 AM, resulting in minimal Project traffic during the AM peak hour. The study also excluded an afternoon peak hour because, consistent with standard transportation engineering practice, the City’s TA Handbook does not include afternoon hours as part of the peak hour. The afternoon hours are not included because, generally during the afternoon peak hour, overall traffic volumes are lower than the PM peak hour. For the same reasons, the afternoon period when students are walking, biking, and being pick up after school was not studied. Although the City does not typically analyze afternoon hours due to lower traffic volumes, additional analysis was conducted after publication of the Transportation Analysis and the Draft EIR. Refer to Appendix B, Westgate West Costco Supplemental Local Transportation Analysis, of this Final EIR for a supplemental traffic analysis that provides area specific traffic counts for the afternoon hours. This supplemental analysis supports the PM peak hour being used by the Draft EIR as the more conservative measure since it confirms that traffic counts are lower during the afternoon than in the PM peak hour studied in the Draft EIR. This means that fewer vehicles were on the studied roadways during the afternoon hours than during the PM peak hour studied in the Draft EIR. As such, the Draft EIR analysis evaluated the roadways’ most congested periods, and levels of service are better in the afternoon than during the PM peak hour studied in the Draft EIR.

Level of Service. LOS describes the operating conditions experienced by users of a transportation facility. LOS is a quantitative stratification of a performance measure or measures representing quality of service. The measures used to determine LOS for transportation system elements are called service measures. Released in 2022, the Transportation Research Board’s Highway Capacity Manual Seventh Edition (HCM) defines six levels of service, ranging from A (free flow/ excellent) to F (break down/congested). LOS is one metric public agencies consider when evaluating the potential adverse effects of a development on the flow of traffic in their transportation network. While not a metric to determine transportation impacts under CEQA, most agencies, including the City, analyze LOS and vehicular queuing adverse effects to help determine offsetting multimodal street improvements during project approvals consistent with the TA Handbook.

The cumulative traffic conditions analysis forecasts how the study intersections would operate with the addition of traffic generated by pending projects to the Background Plus Project volumes. The El Paseo and 1777 Saratoga Ave Mixed-Use Village was identified by the City as a pending project in the Project area, because it is located very near to the Project site and therefore has potential for generated vehicle trips to additively affect the same localized roadways and intersections as the Project. Accordingly, the cumulative traffic scenario included the El Paseo and 1777 Saratoga Ave Mixed-Use Village in its analysis.

Saratoga Avenue Lane Reduction. In February 2020, the San José City Council approved a Vision Zero Action Plan and investment strategy towards eliminating fatalities and reducing severe injuries while providing safe mobility on local roadways. The action plan identifies “Vision Zero corridors” that are prioritized for improvements. As part of ongoing implementation of roadway improvements along Vision

Zero corridors, the City implemented a lane reduction with separated bike lanes on Saratoga Avenue in the fall of 2023. These roadway improvements included restriping the road, adding green pavement enhancement, and installing bollards. Since the lane reduction had not been identified during the Transportation Analysis scoping process in the fall of 2021 and was not part of the study's scope of work, the Transportation Analysis did not (and was not legally obligated to) analyze the effects of Costco's traffic in combination with the lane reduction. However, the City conducted its own traffic analysis of the lane reduction in August 2023 before it was implemented. That traffic analysis took into consideration traffic from the proposed Costco. The City's analysis, which post-dates the finalized Transportation Analysis, found intersections along Saratoga Ave generally would continue to operate within the City's standard LOS D (speeds decline/ density increases) during peak hours. Exceptions were at the Graves Ave intersection, which was projected to operate at LOS E (operation at capacity) during the PM peak hour, and at Williams Road, which was projected to operate at LOS E during AM and PM peak hours. The City's analysis of the Saratoga Avenue lane reduction also evaluated queuing at intersections and found that while queues would increase above current conditions, none of the queues were projected to extend to an upstream intersection during AM or PM peak hours.

Afterschool Peak Hour Traffic Information. While traffic on-site at Prospect High School, directly adjacent to the school, and in its general vicinity is busy and seemingly congested on-site after school when students are leaving for the day, overall traffic in the area is lower during that afternoon period than during the peak hours. The LTA is focused on evaluating the effects of Project traffic, i.e., Costco traffic, on the roadway network. To do so, the busiest times of day on the nearby roads when the Project will generate a substantial amount of traffic were identified as the PM peak hour for the LTA, consistent with the TA Handbook guidance.

In accordance with the City's TA Handbook, City staff directed Kittelson to study the PM peak hour, which captures evening commute traffic and is expected to be the busiest time of day for traffic in the study area. An exception to this could be the AM peak hour, but that period was excluded from the LTA since Costco is closed to members at that time of day and therefore would generate minimal traffic then. Weekend roadway conditions were not studied because the PM peak hour would have more cars on the road than the weekend conditions. Schools are not in session on weekends and commuters that work Monday through Friday are not on the roads during the same peak commute hours. As such, vehicular volumes during the weekends were not collected, and the PM peak hour studied in the Draft EIR is the most conservative scenario to have evaluated.

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. This Supplemental Traffic Memorandum is included as Appendix B, Westgate West Costco Supplemental Local Transportation Analysis, of this Final EIR. 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. Further, the supplemental analysis found that the 11 intersections with Costco traffic added were found to operate similarly or slightly better than during PM peak hour with Costco traffic. Thus, as anticipated, the PM peak hour was determined to represent the most conservative estimate of traffic introduced by the Project.

Cut-Through Traffic. As noted above, the Transportation Analysis evaluated 19 intersections during the PM peak hour for LOS effects. Consistent with the City’s TA Handbook, study intersections were selected based on where Project trips are most likely to travel, especially where they would add traffic to signalized intersections near the Project site or would add substantive traffic volume to side-streets at non-signalized intersections. The selected intersections focused on signalized intersections because those roadways are designed to carry high-capacity vehicular travel and act as the main thoroughfares for vehicles, typically with faster speed limits. Smaller side streets, typical of residential neighborhood roadways, are designed to accommodate lower-capacity vehicular travel at slower speeds that deliver vehicular travel from the main thoroughfares to travelers’ end destinations. It would not be expected that vehicular travelers would deviate from using the larger roadways designed to move high volumes of traffic unless there was congestion that made travel along the main roads inefficient. As shown in the Transportation Analysis, the main, signalized roadways in the Project area would not operate at failing levels of service, even after consideration of Costco trips being added to those intersections. Therefore, traffic operations at the study intersections would not be expected to cause a meaningful number of trips to divert from the main roads to neighborhood streets. In addition, the Transportation Analysis’ assumption that all Costco trips would be distributed to the 19 intersections studied results in a conservative analysis by assigning the maximum projected trips to these 19 intersections to evaluate the Project’s worst-case effect on intersection operations. Had the Transportation Analysis assumed cut-through traffic would occur, it would have reduced the amount of Project traffic at major intersections and risked under-reporting the Project’s effects in those locations. Even if some Costco customers were to deviate from the main roads and use neighborhood streets (i.e., become cut-through traffic), any volumes that could reasonably be expected to drive through the neighborhood would not materially affect traffic operations or safety conditions in the neighborhood.³

D. Pedestrian and Cyclist Safety and Circulation

A number of comments raised concerns about existing pedestrian and bicyclist activity along roadways near the Westgate West shopping center and the proposed Costco site and within the shopping center itself given the proximity of Prospect High School and potential effects of Costco traffic on pedestrian and bicyclist safety. Specific locations of focus in the comments included driveways and intersections providing access to the high school, the Lawrence Expressway/Prospect Road intersection, the path on the west side of the shopping center along Lawrence Expwy, and within the shopping center.

Walking and Biking along Public Facilities. Informal observations of pedestrian and bicyclist activities during data collection for Project transportation analysis along Lawrence Expressway, Prospect Road, and at the intersection of the two roads demonstrated high pedestrian volumes in the area, particularly during periods before and after school. The presence of Prospect High School, the vehicular activity at and near the school during student drop off and pick up, and the presence of people dropping off students at the Westgate West shopping center to walk to the school all contribute to a feeling of busyness along Prospect Road and the high pedestrian volumes at the Lawrence Expressway/Prospect Road intersection.

Some comments included sentiments that pedestrians are unsafe crossing the Lawrence Expressway/Prospect Road intersection. The intersection has right-turn slip lanes, which are the primary points of interaction between pedestrians and vehicles at the intersection since the slip lanes are not

³ Personal communications with Amy Lopez, Kittelson & Associates. August 28, 2024.

controlled by the traffic signal, and drivers may make a right turn without first slowing significantly or coming to a stop. The slip lanes have marked crosswalks, “YIELD HERE TO PEDESTRIANS” signs, and pavement markings indicating where drivers should yield. The triangular concrete islands at the corners of the intersections that channelize the turn lanes serve as waiting areas for people making multi-stage crossings of the intersection. The northeast and southwest triangular islands are relatively small, providing minimal space for people to wait to cross when substantial numbers of pedestrians are present, such as before and after school and during the high school lunch break.

These geometric features of the intersection exist today. The Project does not introduce a new geometric feature to this intersection or elsewhere in the area that creates a hazardous environment. The configuration of the intersection is an existing condition, and the frequency of pedestrians-vehicle interaction experienced today already exists and is not attributed to the proposed Costco or its traffic. During the weekday AM and PM peak periods; 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM, respectively; the Transportation Analysis assumes zero (0) Project trips making right turns at three corners and 34 right turns, or approximately one right-turn every two minutes, at one corner. Therefore, Costco traffic would not cause a material increase in the frequency of pedestrian and vehicle interactions at the crosswalks.

The multi-use path on the west side of the shopping center along Lawrence Expwy is a path of travel for people living in the neighborhood north of the Westgate West shopping center and designations to the south, including the high school. The Project would reconstruct this path to widen it from four feet (4') to eight feet (8'), provide landscaping, and provide ADA ramps at the shopping center driveway. This driveway will receive inbound and outbound Costco traffic. The Project will construct pedestrian crossing improvements at this driveway to reduce speeds of drivers entering and exiting and to improve the crosswalks.

The Lyle Drive/Prospect Road intersection in front of the high school also experiences pedestrians crossing the intersection. Costco traffic would contribute to east/west through movements at the intersection, which are controlled by the traffic signal. The Costco traffic that would be added to the intersection would not contribute to right-turn conflicts with people walking in the crosswalk across the school driveway or Lyle Drive.

As discussed on page 216 of the Draft EIR, the Project would have a significant CEQA impact if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Based on the analysis on page 217 in the Draft EIR, the Project would be consistent with 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. Further, due to the function and operational characteristics of the Project as a Costco, the Project is not anticipated to add substantial trips to the existing pedestrian, bicycle, or transit facilities in the area. As such, the Project would not create an adverse effect to the existing pedestrian, bicycle, or transit facility operations, or otherwise decrease the performance or safety of such facilities. Regardless, as detailed on page 216 of the Draft EIR, the Project includes the following off-site improvements to enhance pedestrian safety:

- Lawrence Expressway** – Based on conversations with City and County staff, the Project would include improvements to the signalized access point on Lawrence Expwy. These improvements would focus on updating pedestrian facilities to conform to the Americans with Disabilities Act (ADA) and include continuing the sidewalks from Lawrence Expwy along the internal drive aisle of the Project site.

- **Graves Avenue** – Sidewalks are currently present on both sides of Graves Avenue. Access to the site is available via the cul-de-sac at the western terminus and at a pedestrian entrance near Fields Drive. The Project would include a marked pedestrian crossing on Graves Avenue between the pedestrian access point and curb ramps on the north leg of the intersection with Fields Drive.
- **Prospect Road** – Pedestrian access is currently available along Prospect Road for businesses near the roadway frontage; these access points will remain unchanged. The Project would include pedestrian improvements to the main signalized access point on Prospect Road. Improvements focus on updating pedestrian facilities to conform to ADA standards and include continuing the sidewalks from Prospect Road along the Project's internal drive aisle.

As detailed in Topical Response C, in February 2020, the San José City Council approved a Vision Zero Action Plan and subsequently the City implemented a lane reduction with separated bike lanes on Saratoga Avenue in the fall of 2023. At the time of the Notice of Preparation (NOP) circulation, the Graves Avenue lane reduction had not been identified by the City as a reasonably foreseeable project, so the Draft EIR did not evaluate it. However, the City conducted its own traffic analysis of the lane reduction in August 2023 before it was implemented and that traffic analysis took into consideration traffic from the proposed Costco. As such, the Project would not conflict with the Vision Zero Action Plan, which is the City's plan addressing roadway, bicycle and pedestrian facilities.

Further, as discussed on page 219 of the Draft EIR, the Project would have a significant CEQA impact if it would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). As noted in Appendix B of this Final EIR, the Lawrence Expressway/Prospect Road intersection has right-turn slip lanes, which are the primary points of interaction between pedestrians and vehicles at the intersection. The triangular concrete islands at the corners of the intersections that channelize the turn lanes serve as waiting areas for people making multi-stage crossings of the intersection. The northeast and southwest triangular islands are relatively small, providing minimal space for people to wait to cross when substantial numbers of pedestrians are present, such as before and after school and during the high school lunch break. The evaluation of roadway or intersection geometry and traffic controls for roadway users are typical transportation engineering factors of consideration when evaluating roadway safety. These factors were considered when evaluating the Project for a potentially substantial increase to hazards in the study area.

Lawrence Expressway is under County jurisdiction and is not controlled by the City. Any intersection improvements that may be contemplated by the City for the Lawrence Expressway/Prospect Road intersection, such as enlarging the triangular concrete islands at the corners to provide more area for pedestrians waiting to cross the street or closing slip lanes, would require coordination between the City and the County.

The configuration of the Lawrence Expressway/Prospect Road intersection is an existing condition, and the frequency of pedestrian-vehicle interaction experienced today already exists and is not attributed to the proposed Costco or its traffic. During the peak hour, the Transportation Analysis assumes zero (0) Project trips making right turns at three corners and 34 right turns, or approximately one right turn every two minutes, at the northeast corner by the shopping center. Therefore, Costco traffic would not cause a material increase in the frequency of pedestrian and vehicle interactions at the crosswalks. Further, it should be noted that the increase of vehicle trips to a roadway does not necessarily directly correlate to a proportional increase in pedestrian safety risk. Roadways are designed to accommodate a certain

capacity and pattern of vehicular and pedestrian travel, so the increased frequency of vehicle trips would not inherently change the nature of vehicular/pedestrian interactions. Rather, the configuration (i.e., geometry), traffic control, visibility conditions of a roadway or intersection are more influential in determining the pedestrian safety at a given intersection because they influences how vehicles and pedestrians will interact (e.g., unprotected crosswalk vs. signal-controlled crosswalk) and the ability to see one another.⁴ The Project does not introduce a geometric feature to this intersection or elsewhere in the area that creates a hazardous environment and therefore does not create a nexus for requiring the Project proponent to make infrastructure improvements to the intersection.

As detailed above, and on pages 219 through 220 of the Draft EIR, the Project would not introduce new geometric design features that result in a substantial increase to hazards. Additionally, the Project use is a permitted commercial use and would therefore not be incompatible with nearby land uses. It is fairly common for shopping centers to be located within walking distance of a high school and for planning agencies to anticipate and manage design of sidewalks and intersections to protect pedestrians and bicyclists. The Draft EIR evaluation and conclusion that the Project would not substantially increase hazards due to a geometric design feature or incompatible uses and would result in less than significant impacts in this regard is thorough, complete, and valid.

While there is no nexus for the Project being required to implement off-site pedestrian improvements, because the Project would not create a safety hazard, the City did evaluate the potential feasibility of a pedestrian overcrossing across Lawrence Expressway to improve the existing pedestrian experience at the Lawrence Expressway/Prospect Road intersection. The City determined that a pedestrian overcrossing across Lawrence Expressway would be infeasible for several reasons. Generally speaking, when designing walkable and pedestrian-oriented communities, as is the goal in future Urban Village areas, best practice is to keep pedestrians and bicyclists at-grade because separating pedestrians from the at-grade right-of-way can reinforce the dominion of vehicles over people on streets. Pedestrian overcrossings can also give drivers a false sense that pedestrians will not be utilizing the at-grade crosswalks, so drivers may not be as alert or cautious near crosswalks, which could result in less safe conditions for pedestrians and cyclists at street level. From a constructability standpoint, a pedestrian overcrossing would require large dedications of land for the landing areas and ramps up to the overcrossing. The pedestrian overcrossing would need to be elevated above Lawrence Expressway such that trucks would have sufficient clearance to pass underneath. To provide ADA-accessible ramps with compliant grades, the ramps would require a great deal of space that is not available in the public right-of-way on either side of Lawrence Expressway. The ramps would also have to be tied into the pedestrian infrastructure at-grade (ex. sidewalks), which might require additional improvements to connect the existing pedestrian infrastructure to the ramps. Given the constrained space in the area, it is unlikely that sufficient public right-of-way exists to accommodate the physical footprint of a pedestrian overcrossing. Further, even if a pedestrian overcrossing were constructed, it would require pedestrians to travel longer distances on either side of the road to reach the ramps and connect back to sidewalks and their destinations, as compared to the more direct route of using the crosswalk. Generally speaking, people choose the path of travel that is most efficient, so it is unlikely that pedestrians would walk longer distances, and therefore extend their travel time, in order to use a pedestrian overcrossing. This, in part, is why pedestrian overcrossings are not typically implemented where existing crosswalks or other at-grade pedestrian crossings exist. Another

⁴ Personal communications with Amy Lopez, Kittelson & Associates. August 28, 2024.

reason why pedestrian overcrossings are not typically implemented where existing crosswalks or other at-grade pedestrian crossings exist is that pedestrian overcrossings are considerably more expensive when compared to at-grade safety improvements. As such, safety improvements to an at-grade crossing may be a more effective and feasible than a pedestrian bridge.

Walking and Biking in the Shopping Center. The Westgate West shopping center exists today and has many businesses that attract people from near and far, bringing vehicle traffic as well as walking and biking activity to the shopping center. Activity by all these modes exists in the shopping center today. The Project would construct improvements within the shopping center to provide ADA compliant pedestrian walkways from Lawrence Expressway and Prospect Road to the Costco entrance. With the new configuration of the access drive from Prospect Road, the new walkway from Prospect Road would provide ADA compliant pedestrian access to other areas of the shopping center, such as Trader Joe's to the east and the restaurants and businesses to the west. Bicycle access within the shopping center is provided along both sidewalks and in vehicle drive aisles. To satisfy City requirements, the Project would install 48 bike parking spaces within the Costco development (increased from 10 spaces initially proposed).

Costco Increasing Traffic in the Area. The City's Transportation Analysis found study intersections in the area would continue to operate within City standards with the addition of Costco's traffic. The addition of approximately 11,000 new trips to the roadway network in the area over the course of Costco's business hours amount to approximately 5,500 inbound and 5,500 outbound trips on a typical day. The traffic analysis found the roadway network can support such level of increase in traffic. In addition, intersections with substantial pedestrian activity such as Lawrence Expressway/Prospect Road have existing geometric conditions with pedestrian-vehicle conflict points at the right-turn slip lanes. The Project would contribute little or no traffic to the slip lanes given expected travel patterns.

E. Land Use Considerations

A number of comments suggested that the Project may interfere with implementation of a future Paseo de Saratoga Urban Village Plan and asked that the Draft EIR analyze the Project's effect on this future planning effort. Comments also identified the Saratoga Housing Element as a nearby project and requested that the Draft EIR's cumulative analysis include the development potential from this plan. As discussed further below, neither the Paseo de Saratoga Urban Village Plan nor the Saratoga Housing Element have been adopted, nor had environmental review begun for either plan before the NOP for this Project's EIR was published. Therefore, neither plan would result in reasonably foreseeable environmental effects required to be addressed in this Project EIR. Accordingly, the Draft EIR adequately addresses land use impacts and cumulative impacts. Additionally, many individuals requested the City to delay consideration of this Project until the Urban Village Plan is prepared and adopted. This comment does not specifically relate to CEQA but is addressed below.

As discussed in CEQA Guidelines Section 15130, an EIR must analyze cumulative impacts in addition to project-specific environmental effects. As defined in CEQA Guidelines Section 15355, "cumulative impacts" refer to the change in the environment that results from the incremental impact of a project when added to other closely related past, present, and reasonably foreseeable probable future projects. To properly analyze cumulative effects, CEQA Guidelines Section 15130 requires an EIR to include either a list of reasonably foreseeable future projects or a summary of projects allowed under other plans. When using the list method, projects should be included when it is reasonable, feasible, and practical to do so,

given the information available about the projects, and when failure to include such projects would lead to an inadequate analysis of the severity and significance of the cumulative impacts in question; however, a lead agency has discretion to select a reasonable cutoff date for the future projects to include in a cumulative impacts analysis.

CEQA Guidelines 15125(a)(1) requires that an EIR describe physical environmental conditions as they exist at the time the City publishes an NOP for the Draft EIR. CEQA Guidelines Section 15125(a)(3) further specifies that, “An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline.” In other words, absent specific circumstances, an EIR’s analysis of environmental conditions should be based on actual conditions as they existed as of the NOP’s release date.

The City published the NOP for this Project’s Draft EIR on January 12, 2022. The City circulated the NOP to the public and responsible agencies for input for a 30-day comment period, which concluded on February 11, 2022. As of January 12, 2022, the time of NOP publication, the Paseo de Saratoga Urban Village process had not started. The Paseo de Saratoga Urban Village Plan has been identified as one of the Growth Areas in the General Plan that could best accommodate growth for both jobs and housing. In August 2024, the City initiated the planning process for the Paseo de Saratoga Urban Village. Projected major milestones for the Paseo de Saratoga Urban Village planning process include the first community workshop in late 2024, a second community workshop in early 2025, an in-person Open House in late 2025, and submission of the Paseo de Saratoga Urban Village Plan to City Council for consideration in early 2026. Other tasks related to the Paseo de Saratoga Urban Village planning process, including an existing conditions study, policy research, drafting the plan and revisions, will occur in between these milestones.

However, at this time, no Urban Village Plan has been implemented and there is no Urban Village Plan developed yet that would identify a specific amount of growth that could be foreseeable for purposes of analyzing cumulative impacts. Until such time that the Paseo de Saratoga Urban Village Plan is drafted and adopted by City Council, the General Plan is considered the governing planning document for the Project site and the Paseo de Saratoga Urban Village area. CEQA Guidelines Section 15144 only requires forecasting to the extent that information is available. However, CEQA does not require guesses for unplanned projects. As such, it would be speculative for this Project EIR to analyze compliance with a hypothetical Paseo de Saratoga Urban Village Plan, because no such plan exists. Therefore, CEQA does not require analysis of the Paseo de Saratoga Urban Village Plan be included in the Draft EIR.

The Urban Village Plan process is set forth in the policies of General Plan Chapter 7, Implementation, Goal IP-5. General Plan Policy IP-5.1 states that “Commercial projects, including those with ancillary residential uses, and “Signature Projects”, as defined in Policy IP-5.10, may proceed in advance of the preparation of a Village Plan.” In accordance with this policy, the City has approved numerous other commercial developments in portions of the City designated for future Urban Village Plans in advance of completing such plans. Because this Project is a commercial project, it can proceed before an Urban Village Plan is prepared, consistent with General Plan Policy IP-5.1 and the City’s past practices. While this Project is not part of an adopted Urban Village Plan, it aligns with several urban village policies, including Policy CD-7.1, Policy CD-7.3, and Policy IP-5.1.

As discussed in Draft EIR Section 4, the City prepared a list of reasonably foreseeable projects within 2.5 miles of the Project site to include the Project’s cumulative analysis. Table 3.20-1: Cumulative Projects within 2.5 Miles on pages 240 through 243 in Section 4.0, Cumulative Impacts, of the Draft EIR describes

the projects included in the cumulative analysis, and it includes projects that had been approved but not yet implemented (and as such are not yet included in the environmental baseline) and reasonably foreseeable projects for which environmental review had commenced as of the publication of the NOP on January 12, 2022.

As discussed above, as of the NOP publication date (and as of the date of publication of this Final EIR), there is no draft Paseo de Saratoga Urban Village Plan, and the City has not begun environmental review of this plan (because it does not yet exist). Therefore, the Paseo de Saratoga Urban Village Plan is not included in the cumulative analysis. By contrast, the Mixed-Use Village Project located at 1312 El Paseo de Saratoga and 1777 Saratoga Avenue is included in the cumulative analysis because the 1312 El Paseo & 1777 Saratoga Avenue Mixed-Use Village Project has a project-specific development application on file, and the associated Draft EIR was available for review at the time the NOP was published.⁵

Likewise, the NOP for the Saratoga Housing Element EIR was not released until February of 2022, after this Project EIR's NOP was published. Accordingly, it is not included in the cumulative analysis, because it was not reasonably foreseeable at the time. The City of Saratoga has subsequently completed and certified an EIR for the Saratoga Housing Element (State Clearinghouse No. 2022020707), which includes the Costco Project in its cumulative analysis. Circulation of the Draft EIR occurred from December 15, 2023, through February 20, 2024. The City of Saratoga also did not adopt a final version of the housing element itself until July 8th, 2024. At this point, there are no individual development projects with applications for development on the sites included as part of the City of Saratoga Housing Element. Therefore, the City of Saratoga Housing Element is not included in the analysis, but the Project was considered as part of the cumulative analysis in the City of Saratoga Housing Element EIR.

Future development projects pursuant to the Paseo de Saratoga Urban Village Plan or the City of Saratoga Housing Element may have a significant effect on the environment and may be subject to project level CEQA analysis. At such time that CEQA analysis is conducted for these future projects, the Project would be considered in the existing environmental conditions or as a cumulative project as appropriate. Thus, development of these future projects would account for the Project.

F. Hazardous Materials

A number of comments questioned the existing conditions of the Project site relating to hazardous materials. Comments questioned if there are contaminants of concern in the soils that would be disturbed during construction to expose construction workers or nearby communities to health risks. Comments questioned if the Air Quality Standard Permit Condition noted on page 46 of the Draft EIR, which requires that projects "water active construction areas at least twice daily or as often as needed to control dust emissions," would affect contaminants in the soil that would be disturbed during construction activities. Additionally, comments questioned if there would be continued health risks during Project operations due to soil vapor contamination issues.

As discussed on pages 139 and 140 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR, the Project site includes three properties that appear on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5: (1) the former Midas Muffler, (2) Dean's Goodyear, and

⁵ 1312 El Paseo & 1777 Saratoga Avenue Mixed-Use Village Project. EIR available at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/1312-el-paseo-1777-saratoga-avenue-mixed-use-village-project>

(3) Holiday Cleaners sites. The San Francisco Regional Water Quality Control Board closed the cases for the first two sites; however, remediation for the third site, Holiday Cleaners is ongoing. In addition, the Midas Muffler site has been voluntarily enrolled with DTSC to evaluate concentration of volatile organic compounds (VOCs), and this case remains open.

To describe the existing conditions related to hazardous materials on the Project site, the Draft EIR includes analysis of the extensive surveys conducted in anticipation of Project site development and throughout preparation of the Draft EIR. As stated on pages 132 and 133 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR, A Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment (ESA) were prepared by Kleinfelder in 2021. Subsequent to the Phase II ESA, Converse Consultants prepared a Vapor Intrusion Assessment Report (VIAR) in 2022 and a Recommendation of No Further Environmental Action letter in 2022. Kleinfelder provided a Response to Converse Consultants Updated Recommendation Letter in 2023 and Converse updated the letter in 2023. These reports are included in the Draft EIR as Appendices G1 through G5. The Phase I ESA found that contamination from the Dean's Goodyear and Holiday Cleaners sites would not pose a risk to the public or Project occupants during construction or operation of the Project. Although the Phase II (2021) found that VOCs at the Midas Muffler site were detected in excess of preliminary environmental screening levels (ESL), subsequent reporting in the VIAR (2022) found that neither the VOC previously reported to be of concern (tetrachloroethylene, a.k.a. PCE) nor benzene or chloroform appear to be impacting the indoor air and do not pose a significant risk to the health of future Project occupants. Additionally, the Recommendation of No Further Action Letter (2023) reported that another subsequent January 2023 sampling event detected TCE (i.e., trichloroethene) in one outdoor air sample, but none of the indoor air samples, and PCE was detected in one outdoor and two indoor air samples. However, all detected PCE and TCE concentrations were less than their respective residential and commercial ESL. Accordingly, the letter concluded that VOCs previously reported in the soil vapor beneath the Project site do not pose a significant vapor intrusion risk to the health of current or future Project occupants.

Nonetheless, as noted on page 140 of the Draft EIR, the Midas Muffler site was voluntarily enrolled with DTSC in June of 2023 to evaluate concentrations of VOCs reported in excess of preliminary screening levels.⁶ The Applicant will comply with any potential actions required by DTSC prior to the attainment of a No Further Action Letter for the site. If DTSC requires, the Applicant will prepare a Site Management Plan and a Health and Safety Plan or equivalent document for DTSC's review and approval to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. Since DTSC, the appropriate regulatory agency, would ensure the prevention of potential hazardous exposure, the Draft EIR found there is a less than significant impact of VOC exposure risk on the Project. DTSC will retain jurisdiction over site remediation, and no grading permits or building permits shall be issued until DTSC issues a No Further Action Letter or approves a Site Management Plan and Health Safety Plan or equivalent document. Analysis of the existing conditions related to hazardous materials in the Draft EIR and appendices is thorough, complete, and valid.

⁶ EnviroStor Case ID 60003539, Westgate West – Midas, is active as of May 8, 2024.

DTSC is the government agency responsible for the enforcement of hazardous waste laws and regulations⁷. DTSC takes enforcement action against violators and oversees cleanup of hazardous wastes on contaminated properties⁸. CEQA Guidelines Section 15126.4(a)(1)(B) specify that compliance with a regulatory permit or similar process is sufficient mitigation if compliance with such standards can be reasonably expected to reduce the impact to obtain a specified performance standard. As determined in *Tracy First v. City of Tracy*, a mitigation measure requiring compliance with regulations is a common and reasonable approach that does not improperly defer mitigation⁹. Mitigation Measure HAZ-1 of the Draft EIR correctly identifies DTSC as the government agency with the jurisdiction to enforce and oversee the management of the existing hazardous materials sites and requires the proposed Project provide proof of compliance with DTSC requirements prior to issuance of any grading or building permits from the City. The City will require that the applicant provide a No Further Action letter from DTSC or a DTSC-approved Site Management Plan and Health Safety Plan or equivalent document prior to issuing any grading or demolition permits. Either DTSC's No Further Action letter or its approved Site Management Plan and Health Safety Plan or equivalent document will demonstrate that the Project site can be safely developed and the Project can safely be operated. As mitigation measure MM HAZ-1 requires compliance with DTSC oversight and submittal of proof of compliance to the City prior to the issuance of permits, the mitigation satisfies CEQA's requirements to rely on compliance with regulatory standards as mitigation.

The Standard Permit Condition applied to the proposed Project on page 46 of the Draft EIR that requires watering of active construction areas to control dust emissions applies during all phases of construction. This Standard Permit Condition is intended to minimize construction period air quality issues, such as particular matter (ex. dust) causing nuisance or health risk issues. As detailed above, the Project would ensure there are no contaminants in the soil or soil vapor that would cause public health or environmental impacts as determined by the DTSC prior to Project construction, such that disturbance of soils on-site would not create a significant hazard to the public or environment. As such, any watering on the Project site during construction to control dust would not create a significant hazard to the public or environment.

G. Alcohol Sales

A number of comments questioned the process for approving a CUP for the Project to sell alcohol, and the appropriateness of a Determination of Public Convenience or Necessity due to the existing concentration of alcohol sales near the Project.

As stated on page 4 of the Draft EIR, the Project requires City approval of a CUP and Determination of Public Convenience or Necessity to allow off-site alcohol sales. Section 15004 of the CEQA Guidelines requires that a lead agency consider a final EIR (or another document authorized by the Guidelines to be used in the place of an EIR) before granting any approval of a project subject to CEQA. Thus, CEQA review of the Project must be complete before the City may make a discretionary decision regarding the requested CUP and Determination of Public Convenience or Necessity to allow off-site alcohol sales.

⁷ Citation for DTSC role - California Department of Toxic Substance Control, Laws & Regulations webpage, Accessed April 2024, Available at <https://dtsc.ca.gov/title22/#>

⁸ Citation for DTSC responsibilities – California Department of Toxic Substance Control, Who We Are webpage, Accessed April 2024, Available at <https://dtsc.ca.gov/who-we-are/>

⁹ 177 Cal.App.4th 912 (Cal. Ct. App. 2009); see also *Oakland Heritage Alliance v City of Oakland* (2011) 195 Cal.App.4th 884, 906 (“a condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance.”).

However, completion of CEQA review, and certification of the Final EIR, does not imply or require that the City approve the requested CUP and Determination of Public Convenience or Necessity. Certification of the Final EIR indicates only that the City finds that the Final EIR adequately identifies: the significant effects on the environment of the proposed Project, alternatives to the proposed Project, and the manner in which those significant effects can be mitigated or avoided. Should the Final EIR be certified, the CUP, and, if necessary, Determination of Public Convenience or Necessity review processes pursuant to City of San José municipal code Part 6 of Chapter 20.100 of Title 20 and Chapter 6.84 of Title 6 may commence. While the concentration of alcohol sales locations may be relevant for decisionmakers to consider in determining whether to approve the CUP and Determination of Public Convenience or Necessity to allow off-site alcohol sales, it does not have physical environmental effects and as such it is not a topic for CEQA consideration. Therefore, although the Final EIR must be certified before the City Council and could consider approving the CUP and Determination of Public Convenience or Necessity to allow off-site alcohol sales, CEQA does not require that the Final EIR evaluate the concentration of alcohol sales near the Project.

GOVERNMENT AGENCIES

Comment Letter 1. California Department of Toxic Substance Control (dated January 16, 2024)

Comment 1-1	The Department of Toxic Substances Control (DTSC) received a DEIR for the Westgate West Costco Warehouse Project. The project is a Conditional Use Permit to allow demolition of existing commercial buildings totaling approximately 188,265 square feet and the removal of 115 trees (81 ordinance-size trees and 34 non-ordinance-size trees) for the construction of an approximately 165,148-square foot wholesale retail center ("Costco"), including a tire center and associated parking and landscaping within an existing approximately 9.69-gross acre shopping center ("Westgate West Shopping Center"). After reviewing the project, DTSC recommends and requests consideration of the following comments:
Response 1-1	The comment is a summary 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 1-2	If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.
Response 1-2	As stated on pages 137 and 138, in Section 3.9, Hazards and Hazardous Materials of the Draft EIR, the Project is required to implement Standard Permit Conditions that require the Project conduct a visual inspection/pre-demolition survey and remove lead-based paint or asbestos containing material in compliance with applicable regulations. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 1-3	DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.
Response 1-3	Pages 137 through 140 in Section 3.9, Hazards and Hazardous Materials of the Draft EIR addresses whether the Project would create a significant hazard through the routine transport, use, or disposal of hazardous materials, create a significant hazard through reasonably foreseeable upset and accident conditions involving the release of hazardous materials, emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of a school,

be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 resulting in a significant hazard to the public or the environment. Additionally, Appendix G4 summarizes soil testing activities completed at the Project location. Page 9 of Appendix G4 of the Draft EIR concludes that soils that may be generated from this area during potential future construction activities will be considered non-hazardous soil for handling, transportation, and disposal purposes. However applicable policies, such as Policy EC-7.5 of the General Plan, which requires that all fill material provide documentation of their lack of contamination, would continue to be implemented. In addition, MM HAZ-1, discussed on page 140 of the Draft EIR requires the Applicant to provide a no further action letter from DTSC or, if DTSC requires prepare a Site Management Plan and Health and Safety Plan, prior to issuance of grading or demolition permits. Outside of the CEQA process, the Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit, which includes Site Development Permit findings. As part of this review, the City of San José has the discretion to impose conditions of approval that require testing of soil and fill material as necessary to comply with General Plan Policy EC-7.5. . The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 1-4 DTSC appreciates the opportunity to comment on the DEIR for the Westgate West Costco Warehouse Project. Thank you for your assistance in protecting California’s people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC’s comments, please respond to this letter or via email for additional guidance.

Response 1-4 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 Letter 2. Santa Clara Valley Water District (dated January 18, 2024)

Comment 2-1 The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (EIR) for the Westgate West Costco Project, received on December 15, 2023.

Based on our review, we have the following comments:

Response 2-1 The comment introduces the public letter. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 2-2 1. Valley Water does not have any right of way or facilities within the project boundaries; therefore, in accordance with Valley Water’s Water Resources Protection Ordinance, a Valley Water encroachment permit is not needed for the project.

Response 2-2 The Draft EIR does not identify any necessary encroachment permits as part of the Project. 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 2-3	Valley Water records indicate that there are 17 active wells located within the project boundaries. If the wells will continue to be used following permitted activity, they must be protected so that they do not become lost or damaged during completion of permitted activity. If the wells will not be used following permitted activity, they must be properly destroyed under permit from Valley Water. While Valley water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on subject property, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.
Response 2-3	Pages 139 and 140 in Section 3.9, Hazards and Hazardous Materials of the Draft EIR addresses the existing on-site monitoring wells. Monitoring wells would be properly abandoned prior to beginning demolition activities and subsequently reinstalled under agency direction. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 2-4	If you have any questions regarding these comments, please reach out to me. This project has been assigned to Valley water File 34620. Please reference this number on future correspondence regarding this project.
Response 2-4	This comment is noted for the record. The comment did not provide new, 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 3.	City of Saratoga (dated February 9, 2024)
Comment 3-1	On behalf of the City of Saratoga, I would like to submit the attached letter for the official record and reference File No. CP21-022 Thank you, very much. Greetings, my name is Bryan Swanson and I serve as the Community Development Director for the City of Saratoga. The City Council of the City of Saratoga directed staff to submit the attached letter. A physical copy will also be mailed to your address. Saratoga appreciates the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the Westgate West Costco Project (Project).
Response 3-1	This comment introduces the comment letter. This comment is noted for the record and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.
Comment 3-2	As a neighboring jurisdiction, Saratoga has been closely monitoring the proposed land use changes in the southeastern part of San Jose as they have the potential to adversely affect Saratoga, its residents, and its environment. Given the size of the proposed Project and its immediate proximity to Saratoga, it is imperative that the DEIR comprehensively evaluate and mitigate the Project's environmental impacts.

Response 3-2	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 3-3	We articulated Saratoga's primary concerns regarding the Project in our Notice of Preparation (NOP) comment letter dated February 10, 2022, and we identified specific impacts that the City of San Jose should carefully evaluate as part of an informative and comprehensive DEIR.
Response 3-3	As indicated on page 2, in Section 1.2, EIR Process of the Draft EIR, comments on the Notice of Preparation published for the Project were received related to air quality, noise, tribal cultural resources, and transportation. These topics are addressed in Sections 3.3, Air Quality, 3.13, Noise and Vibration, 3.18, Tribal Cultural Resources, and 3.17, Transportation of the Draft 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 3-4	However, as explained below, the DEIR fails to provide the necessary evaluation and fails to identify feasible and effective mitigation measures and alternatives capable of minimizing the Project's environmental impacts.
Response 3-4	Draft EIR Table ES-1.1-1, Summary of Significant Impacts and Mitigation Measures, summarizes the mitigation measures which were identified to reduce Project impacts to a less than significant level with mitigation, where applicable and feasible. A complete discussion of the Project's potential impacts and proposed mitigation measures can be found in Section 3.0 of the Draft EIR. Moreover, Section 8.0 of the Draft EIR evaluates a reasonable range of alternatives to the Project as required by 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 3-5	We offer the following comments for San José's consideration and respectfully request that San Jose coordinate closely with Saratoga to ensure the proposed Project is developed in an environmentally responsible manner.
Response 3-5	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 3-6

I. The DEIR Fails to Comply With CEQA.

The DEIR's Flawed Project Description Does Not Permit Meaningful Public Review of the Project.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." San Joaquin Raptor, 27 Cal.App.4th 713, 730, (quoting County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. San Joaquin Raptor, 27 Cal.App.4th at 729-30. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." Id. at 730 [citation omitted]. Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

In addition, CEQA requires evaluation of "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." CEQA Guidelines § 15378(a). Breaking the project into smaller sub-projects will lead to inadequate environmental review. See, e.g., Bozung v. Local Agency Formation Comm'n (1975) 13 Cal.3d 263, 283-84 (CEQA mandates that "environmental considerations do not become submerged by chopping a large project into many little ones").

Response 3-6

Pages 7 through 13 in Section 2.0, Project Information and Description, of the Draft EIR comprise 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. No development is proposed beyond what is described in the Project Description. Thus, the Project Description fully informs the details of the Project. This comment provides a general recitation of the CEQA statute, case law, and regulations, but does not raise a substantive issue on the content of the Draft EIR. This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment 3-7

As discussed above, and in our February 10, 2022, letter, the City of Saratoga remains concerned that San Jos...is proceeding with the proposed Project before completing its plan for the Paseo de Saratoga Urban Village, which is part of the City's comprehensive approach to fostering growth in key development areas within San Jose. Already the El Paseo de Saratoga development project has been approved (and is in the process of being further refined by the project proponent) without the benefit of San Jose having determined the direction and vision for the Paseo de Saratoga Urban Village. Next, the Costco project is being considered without having moved the Urban Village concept forward to determine what

guidance should frame development in this area. At its best, this is poor planning. The larger concern is that it results in piecemealing of environmental review under CEQA. Reviewing Costco as a project separate from the El Paseo de Saratoga project and separate from the CEQA analysis for the future Paseo de Saratoga Urban Village, thwarts the CEQA process and precludes informed public participation and decision making. It is imperative that the DEIR disclose all of San Jos...’s development plans for the Paseo de Saratoga Urban Village so that Saratoga and the public are apprised of the full extent of San Jos...’s plans for development in the area.

Response 3-7

Pages 7 through 13 in Section 2.0, Project Information and Description, of the Draft EIR comprise 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. No development is proposed beyond what is described in the Project Description. Thus, the Project Description fully informs the details of the Project. 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 El Paseo & 1777 Saratoga Avenue Mixed-Use Project referenced in the comment is included in Section 4.0, which found that the Project, in combination with other past, present, and foreseeable projects, including the project referenced in the comment, 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, and specifically why 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. Moreover, the City has not adopted a moratorium on development while it engages in the planning process, and it would be inappropriate to refuse to process or analyze development projects in the meantime or to speculate on what other development may occur if any when a new plan is adopted. The City has complied with CEQA by analyzing the effects of the Project and the cumulative effects of the Project in combination with other reasonably foreseeable projects. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-8

The DEIR’s Project Description is also deficient because it omits significant details necessary to understand the Project and accurately assess the Project’s impacts. A notable defect is the DEIR’s failure to provide necessary information about the project design features that the DEIR relies upon to reduce environmental impacts to a less than significant level. Throughout the DEIR, there are references in various impact area sections such as “the Project Proponents are committing to . . .” or “the Project will include . . .”. However, the information or details about the commitments or inclusions are not noted in the Project Description, and there is no mechanism to confirm or enforce the actual implementation of these measures, programs or efforts.

Response 3-8

Pages 7 and 8 in Section 2.0, Project Information and Description, of the Draft EIR includes a description of the Project’s existing development condition, land use and zoning designations, and general environmental setting. Additionally,

Section 2.3, Proposed Development describes the Project's planned components, including onsite and offsite improvements and utility infrastructure. Section 2.3, Proposed Development of the Draft EIR, also describes the Project's landscape plan and how it would meet the City of San José's Water Efficient Landscape Requirements. Specific issues identified by the comment are discussed in greater detail in the following responses. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-9

For example, Table 3.3-4 in the Air Quality section of the DEIR identifies a variety of transportation, energy, and conservation measures that are included in the project and demonstrates how the project is consistent with the 2017 Clean Air Plan. This assessment of consistency leads the DEIR to conclude that the Project's air quality impacts are less than significant. However, the Project Description fails to include any of these measures. This pattern is repeated in several impact sections including Energy, Greenhouse Gas Emissions, and Transportation. The DEIR cannot rely on casual statements in the impact sections to equal a reduction of impacts to less than significant levels. Statements made by the Project proponents that are used to demonstrate how the project impacts will be less than significant need to be documented in the Project Description. Furthermore, the impact analysis needs to qualify or quantify how the measure will be implemented or the design feature will be installed to reduce the impact. Absent this, environmental impacts should be accurately assessed, and mitigation measures should be included to ensure effective implementation and resulting impact reduction.

Response 3-9

The Project Description is not required by CEQA to list or discuss every relevant regulation or public policy that may affect or pertain to the Project. These discussions are instead provided throughout the CEQA analysis. For this Project, these discussions are in the environmental topic discussions in Section 3.1 through Section 3.20 of the Draft EIR.

Table 3.3-4: Project Compliance with the 2017 Clean Air Plan on pages 40 through 44 in Section 3.3, Air Quality, of the Draft EIR details the Project's consistency with the 2017 Clean Air Plan and its control measures. Each control measure is identified, and the Project is assessed for consistency. These consistency conclusions are made based on analysis contained in the remainder of Section 3.3, Air Quality, as well as other environmental topic discussions in Section 3.1 through Section 3.20 of the Draft EIR. Project features described in Table 3.3-4: Project Compliance with the 2017 Clean Air Plan of the Draft EIR include:

- Providing transit incentives
- Encouraging employee carpooling
- Providing on-site bicycle parking
- Improving the existing pedestrian path along the Lawrence Expressway between the Project site access and Graves Avenue
- Installing a new marked crosswalk on Graves Avenue

- Providing the appropriate amount of on-site parking
- Meeting or exceeding the Title 24 energy efficiency standards in effect at the time of building permit application
- Enrolling in PG&E's Solar Choice Program, or a similarly sustainable program, which will provide renewable energy to the Project
- Following all building code requirements
- Fulfilling the City parking requirements
- Incorporating sustainability features per the California Title 24 energy requirements
- Parking lot light standards will be designed to provide even light distribution, and utilize less energy compared to a greater number of fixtures at lower heights
- Using LED lamps
- Installing high-efficiency restroom fixtures
- Using direct vent, 94% efficient or greater water heaters
- Exceeding the City/State shade tree requirements
- Utilizing pre-manufactured building components, including structural framing and metal panels
- Using a pre-engineered system that uses 100% recycled steel materials for the main building structure
- Using a water efficient low flow, point source irrigation system
- Watering the construction site twice daily

As stated on page 43, in Section 3.3, Air Quality of the Draft EIR, the Project will include planting of a variety of low-water trees in compliance with the 2017 Clean Air Plan. The commentor incorrectly claims that tree planting in accord with water saving policies is not accounted for in the Project Description of the Draft EIR. As stated on page 10, in Section 2.3, Proposed Development of the Draft EIR, the Project Description, "The proposed landscape plan would meet the City of San José's Water Efficient Landscape Requirements." An approved landscape plan is required prior to the approval of subsequent building and occupancy permits for the Project, and therefore, the City will have the opportunity to confirm that the Project's landscaping is consistent with the features described in the EIR necessary to support the impact conclusion.

As stated on page 129 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR, the Project will, as required by the Project Condition of Approval from the development review process, enroll in PG&E's Solar Choice Program, or a similarly sustainable program, which will provide renewable energy to the Project. In the event that the Project cannot secure renewable energy through this program, an alternative means to achieve the same objective of utilizing renewable energy will be employed. Costco is currently receiving 100 percent% source-specific renewable energy at all Costco PG&E utility locations and will continue to receive

100 percent% source-specific renewable energy at future Costco locations within the City.¹⁰

Pages 216 through 224 of Section 3.17, Transportation, of the Draft EIR discusses Project impacts related to transportation and associated Project features. Project features described in Section 3.17, Transportation, of the Draft EIR include:

- Constructing four pedestrian crossings between the parking field to the west of the warehouse and the warehouse entry
- Constructing a pedestrian crossing from the parking out-lot southwest of the warehouse to south of the main at-grade parking field
- Updating pedestrian facilities to conform to the Americans with Disabilities Act (ADA) at the signalized access point to Lawrence Expressway
- Continuing the sidewalks from Lawrence Expwy along the internal drive aisle of the Project site
- Construct a marked pedestrian crossing on Graves Avenue between the pedestrian access point and curb ramps on the north leg of the intersection with Fields Drive
- Updating pedestrian facilities to conform to the ADA at the signalized access point to Prospect Road
- Providing bicycle parking
- Closing the existing west access point along Graves Avenue
- Modifying curbs and signals at the signalized access point to Lawrence Expressway

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

Comment 3-10

B. The DEIR's Fails to Adequately Evaluate and Mitigate the Project's Environmental Impacts.

1. The DEIR contains Inaccurate Conclusions for Energy Impacts

The DEIR inaccurately characterizes impacts to energy resources as less than significant. In fact, because this project does not incorporate renewable energy features into the building design and because no specific energy conservation measures are identified in the Project Description that could be employed to reduce energy usage, the Project indeed does have a significant impact on energy resources.

¹⁰ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

The DEIR acknowledges that Part I of Appendix F of the CEQA Guidelines states as follows: “The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

1. Decreasing overall per capita energy consumption,
2. Decreasing reliance on fossil fuels such as coal, natural gas and oil, and
3. Increasing reliance on renewable energy resources.”

See DEIR at 96.

Moreover, the DEIR states that impacts to energy resources are considered to be significant if the project would result in the “wasteful, inefficient or unnecessary consumption of fuel or energy, and conversely if the project would not incorporate renewable energy or energy efficiency measures into building design, equipment use, transportation or other project features.” See DEIR at 97.

Despite this, the DEIR asserts without substantiation, that through “compliance with local electricity programs and Project design requirements, the Project’s projected electricity use would not be inefficient or wasteful and incorporates renewable energy where practical.” See DEIR at 103. In fact, the project includes the use of 388,576 kBtu/yr of natural gas for heating and 1,831,175 kWh/yr of electricity for lighting and other on-site uses. Because the project is burning non-renewable fossil fuel instead of exclusively renewable energy, and because the project is not generating on-site power, it is indeed inefficient and wasteful and creating a significant impact on energy resources.

Ramboll’s Energy Analysis (Appendix E to the DEIR) asserts that the Project is consistent with San Jose General Plan Policy MS-2.2, “Encourage maximized use of on-site generation of renewable energy for all new and existing buildings,” in that the Project proponent has committed to the community “Solar Choice” program with PG&E. Because of the Project’s intent to use this program, in part, the DEIR concludes the Project’s impacts to energy resources is less than significant. There are, however, several problems with this conclusion:

First, PG&E is not enrolling customers in the Solar Choice Program. The following statement is on their website: “Residential and Non-Residential enrollment in Solar Choice is on hold per California Public Utility Commission directive in Decision 21-12-036. All customers attempting to enroll will be placed on a waitlist for future enrollment if capacity becomes available.”¹¹ The Solar Choice program is not currently operational and there is no specific timeline for it to be so.¹² Therefore, the Project cannot assert compliance with the requirement to maximize use of renewable energy if the very program being cited is not

¹¹ <https://www.pge.com/en/clean-energy/solar/community-renewable-programs.html>.

¹² <https://www.pgecurrents.com/articles/3902-pg-e-seeks-176-15-mw-new-local-solar-projects-meet-customer-demand-popular-renewable-energy-program>.

functional. The DEIR should identify other sources of 100% renewable energy that can provide power to the Project. Better yet, renewable electricity should be generated on site to offset the needs of the future facility.

Response 3-10

The Draft EIR addressed the potential for energy impacts on pages 96 through 104 in Section 3.6, Energy with supporting data provided in Appendix E, Energy Assessment, of the Draft EIR. The comment incorrectly indicates that the Project does not incorporate renewable energy features nor energy conservation measures. This analysis and disclosure of these commitments are included on page 103 of the Draft EIR where a list of eight energy efficiency best practices that the Project would implement are listed. These commitments would reduce energy demands (i.e. for lighting, heating, ventilation, and air conditioning, and transformers). In addition, as required by the Project condition of Approval noted on page 129 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. In the event that the Project cannot secure renewable energy through this program, an alternative means to achieve the same objective of utilizing renewable energy will be employed. 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, including the Costco proposed as part of the Project.¹³ Therefore, the comment is incorrect to assert that it is infeasible to require the Project's compliance with a renewable energy program that eliminates the need for electricity generated by fossil fuels.

The Draft EIR also includes a full analysis of the CEQA Guidelines Appendix F criteria as cited in the comment. On pages 101 through 104 of the Draft EIR, the determination for how the Project results in a less than significant energy impact is provided. Section 5 in Appendix E, Energy Assessment, of the Draft EIR thoroughly details how the Project meets each of the CEQA Guidelines Appendix F criteria, including discussion of (1) energy requirements and energy use efficiencies, (2) local and regional energy supplies, (3) peak and base period demands, (4) existing energy standards, (5) energy resources, and (6) transportation energy use. CEQA Guidelines Appendix F does not require zero fossil fuel use, so the comment's suggestion that any fossil fuel use would result in a significant impact is not correct. As documented in the Draft EIR, the proposed Project would be built to current codes, which require insulation and design to minimize wasteful energy consumption. In addition, the site is an infill location currently served by public transportation networks and within walking distance of jobs and services. The proposed Project would, therefore, facilitate more efficient use of resources over the lifetime of the Project. In addition, the Project would utilize PG&E's Solar Choice program, or a similarly sustainable program, for renewable energy; incorporate sustainability features such as LED lighting; and meet LEED Silver standards through use of water-efficient landscaping, efficient water fixtures within buildings, and water conservation measures. Furthermore, the City has conditioned approval of the Project and subsequent permit approvals on either enrollment in the Solar Choice Program,

¹³ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

or the use of an equivalent amount of renewable energy. As mentioned above, the Project would receive 100 percent source-specific renewable energy. Based on the evaluation against the CEQA Guidelines Appendix F criteria and the Project's planned sustainability features, the Project has a less than significant impact for energy. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-11

Second, the Solar Choice program offers both 50% and 100% options, so a "commitment to invest in community solar" does not guarantee that renewable energy will be used to the maximum degree. Reliance on the Solar Choice program cannot serve to claim that the Project is using renewable energy and eliminates the need to incorporate renewable energy – such as solar photovoltaics on the rooftop parking deck – into the project design.

Third, even if the PG&E Solar Choice Program was a functional option, the fact that the details of this commitment are not captured in the Project Description or a mitigation measure renders it near impossible to enforce compliance or mandate implementation, and therefore unreliable as a partial basis for the significance conclusion.

Because the project includes minimal energy efficiency measures (that aren't included in the Project Description) and does not incorporate renewable energy production on site despite ample opportunity to do so, it cannot be assumed that the project's energy impacts would be less than significant. In fact, *League to Save Lake Tahoe et al. v. County of Placer* (2022) 75 Cal.App.5th 63 held that that the project's energy analysis was deficient because the EIR failed to analyze the project's potential use of renewable energy. This DEIR fails in the same way.

Response 3-11

The comment misrepresents the extent to which the Project will be held to the commitments made in the Draft EIR. First, there is a condition of approval included on page 129 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR which states that proof of enrollment in PG&E Solar Choice will need to be provided prior to issuance of any Certificate of Occupancy for the Project. The condition further requires that if the occupant, or any future occupant, is not implementing the PG&E Solar Choice Program, the occupant shall provide the City evidence that it is securing electricity from a similarly sustainable source. 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.¹⁴ Therefore, the comment is incorrect to assert that it is infeasible to require the Project's compliance with a renewable energy program that eliminates the need for electricity generated by fossil fuels.

Second, the Project's energy efficiency commitments will also be enforceable. The measures listed in Section 3.6 of the Draft EIR will reduce the energy necessary for Project operation. These commitments are required by the California Green Building Standards Code (i.e., Title 24, Part 11 of the California Code of Regulations) ("CalGreen")) which requires buildings to demonstrate that

¹⁴ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

they achieve these requirements. The CalGreen requirements are aggressive and represent the accepted technology and design to ensure the Project is not inefficient or wasteful of energy or renewable energy. There is nothing minimal about CalGreen or the commitments included as these requirements are aggressively updated every three years. The commenter has not provided any other information on additional energy efficiency measures for the Project. Further, the Draft EIR has evaluated the Project's potential use of renewable energy consistent with the requirements of the *League to Save Lake Tahoe v. County of Placer* decision cited by the comment. Specifically, the Draft EIR includes analysis of the potential use of renewable energy within Appendix E, Energy Assessment, Table B-2, whereby the use of on-site generation of renewable energy was deemed infeasible and the commitment to renewable energy procurement through PG&E's Solar Choice Program was stated. The Draft EIR included an analysis of how the Project would be consistent with the renewable energy and energy efficiency provisions of the City's General Plan, as demonstrated in Appendix E, Energy Assessment, of the Draft EIR. The analysis showed that the Project would meet mandatory building energy codes, utilize PG&E's Solar Choice program or a similarly sustainable program, for renewable energy, incorporate sustainability features such as LED lighting, and meet LEED Silver standards through use of water-efficient landscaping, efficient water fixtures within buildings, and water conservation measures.¹⁵ See Section 5.0, Draft EIR Text Revisions, of this Final EIR document for a text revision to include mention of LEED Silver status in the Project Description. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-12

2. The DEIR Fails to Accurately Describe Existing Conditions and Adequately Assess the Project's Transportation Impacts

Saratoga relies on the DEIR and the Non-CEQA Local Transportation Analysis (LTA) to evaluate how traffic from the proposed Project would affect its transportation network. For this reason, it is imperative that the DEIR and LTA accurately depict existing conditions, the Project's trip generation, and its trip distribution.

(a) The Transportation Analysis is Flawed and Incomplete.

The Transportation Analysis requires the following corrections (all page references in this list are to pages in DEIR Appendix I):

- LTA Appendices B: Existing Traffic Conditions TRAFFIX Reports, E: Background Traffic Conditions TRAFFIX Reports, F: Background Plus Project Traffic Conditions TRAFFIX Reports, and G: Cumulative Plus Project Traffic Conditions TRAFFIX Reports: The TRAFFIX output files are missing in the

¹⁵ The Private Green Sector Policy (Council Policy 6-32) was approved by the City Council and effective as of January 1, 2009. The Policy requires an Applicable Project to achieve minimum green building performance levels utilizing the Council's adopted standards. As specified, Commercial/Industrial uses greater than 25,000 square feet are required to be LEED silver. <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/energy/green-building/private-sector-green-building>. Accessed August 16, 2024.

Appendix for all intersections and therefore the parameters, geometries, volumes, assumptions, etc. cannot be reviewed or confirmed.

Response 3-12

Section 3.17, Transportation, of the Draft EIR evaluates potential transportation impacts, and Appendix I, Transportation Analysis, of the Draft EIR is also included. The comment incorrectly states that the TRAFFIX output files are missing from the Draft EIR. Appendix B, Appendix E, Appendix F, and Appendix G within Appendix I, Transportation Analysis, of the Draft EIR contain the TRAFFIX output files. The data was available for review during the entire Draft EIR comment period, and it remains available as part of this EIR. In response to another comment in this document, the input TRAFFIX files are also provided as Appendix C, TRAFFIX Data, to 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 3-13

- Pages 3-4: Include the City of Saratoga's Local Roads Safety Plan, approved October 2022, and Safe Routes to School, approved September 2022, and General Plan, dated November 2010, documentation in the Local Regulatory Framework discussion as both apply within the study area.
- Page 7: Clarify the analysis methodology for determining an adverse effect in the City of Saratoga. Did the analysis follow the same standards as the City of San Jose or a different standard? (This comment also applies to the CMP and County facilities.)

Response 3-13

The Project is located in the City of San Jose, immediately northeast of the border of the City of Saratoga. As such, regulations which have been established for the City of Saratoga are not applicable to the City of San Jose. While the Project Transportation Analysis (Draft EIR Appendix I) included study intersections within the City of Saratoga, no improvements are proposed to roadways within the City of Saratoga. As stated on page 5 of the Project Transportation Analysis (Draft EIR Appendix I), each study intersection's evaluation criteria was based on the City or County area it was located in. Refer to Topical Response C for a discussion of the scope 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 3-14

- Page 9: The description for Saratoga Avenue includes bike lanes, however there are some sections of Saratoga Avenue that do not have bike lanes. Adjust the text and add a brief discussion of the recent road diet and ensure the road diet is included under Background and Cumulative Conditions.

Response 3-14

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 commentor is incorrect about which existing bicycle facilities are recognized by the analysis in Appendix I, Transportation Analysis, of the Draft EIR. Refer to Figure 3, Existing

Bicycle Facilities, on page 12 of Appendix I, Transportation Analysis, of the Draft EIR. Figure 3 clearly shows some portions of Saratoga Avenue as having existing bicycle facilities while other portions are depicted as having no existing bicycle facilities. Thus, the analysis in Appendix I correctly accounts for existing bicycle facilities along Saratoga Avenue in the Project study 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 3-15

- Page 9: Update the description of the extents of Prospect Road: “extends from Campbell Ave at Saratoga Ave in the east to Stelling Road in the cities of Saratoga and Cupertino.”

Response 3-15

While the comment correctly describes the full extent of Prospect Road, page 9 of Appendix I, Transportation Analysis of the Draft EIR also correctly states that, “Prospect Road is a four-lane east-west City Connector Street that extends from Campbell Ave at Saratoga Ave in the east to West San Jose” as the description is intended to describe facilities in the study area, a more limited section of Prospect Road. Therefore, no text edits are required. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-16

- Page 10-11: Identify pedestrian facilities that are not ADA compliant along the project frontage.
- Figure 3: Update the bicycle facilities figure to include the designations listed on page 11 under “Bicycle Facilities” (i.e., Class I, II, etc.)

Response 3-16

A discussion of the ADA compliance of relevant pedestrian facilities is included in the “Pedestrian Access & Circulation” section on pages 60-61 in Appendix I, Transportation Analysis, of the Draft EIR. A written description of the designations of existing bicycle facilities is included in the “Bicycle Facilities” section on page 30 in Appendix I, Transportation Analysis, of the Draft EIR, as well as within the “Roadway Network” section on pages 9 and 10 of the Transportation Analysis. Therefore, the Transportation Analysis already includes the requested information. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-17

- Figure 3: Bicycle facilities in the City of Saratoga are missing from this graphic. Include these facilities, one of which includes bicycle lanes on Saratoga Avenue. Lawrence Expressway does not have designated bicycle lanes; remove from figure.

Response 3-17	The Project is located in the City of San José, immediately northeast of the border of the City of Saratoga. The data source for Figure 3, Existing Bicycle Facilities, in Appendix I, Transportation Analysis, of the Draft EIR is the City of San Jose's GIS Open Data source, available online at https://gisdata-csj.opendata.arcgis.com/datasets/ca90b5f36aa040c1af4cfb7de60e58d4_418/explore?location=37.304369%2C-121.841471%2C10.16 Thus, Figure 3, Existing Bicycle Facilities, only depicts facilities within the City of San José. The commentor has misinterpreted Figure 3, Existing Bicycle Facilities, in Appendix I, Transportation Analysis, of the Draft EIR. As stated on page 11 of Appendix I, Transportation Analysis, of the Draft EIR, Saratoga Creek Trail, a Class I Bikeway, is present along Lawrence Expressway on the left side of the roadway and is represented by Figure 3. Further, biking is permitted on both sides of Lawrence Expressway. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 3-18	Page 14: Include Saratoga Avenue / Cox Avenue and Quito Road / Cox Avenue as part of the study intersections. These intersections are located in between other study intersections and experience congestion today.
Response 3-18	Refer to Topical Response C for a discussion of the scope and study section requirements, in addition to an explanation of intersection selection and the associated analysis methodology, 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 3-19	Page 21: Ensure that the Project and its proposed improvements do not conflict with the City of Saratoga's General Plan, Local Roads Safety Plan, or Safe Routes to School Plan, and incorporate the improvements identified in these plans as part of the project to avoid a significance finding.
Response 3-19	The Project is located in the City of San José, immediately northeast of the border of the City of Saratoga. As such, regulations which have been established for the City of Saratoga are not applicable to the City of San José. Nonetheless, comments were received from the City of Saratoga during the scoping period for the Draft EIR requesting that City of Saratoga regulations be considered in the EIR. Thus, analysis of the Project under City of Saratoga traffic and noise standards was included in the Draft EIR. As noted on Figure 1: Project Vicinity & Study Locations on page 3 in Appendix I, Transportation Analysis, of the Draft EIR, the Project's Transportation Analysis included study intersections within the City of Saratoga. As discussed on pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR, 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. As such, no improvements are proposed to roadways within the City

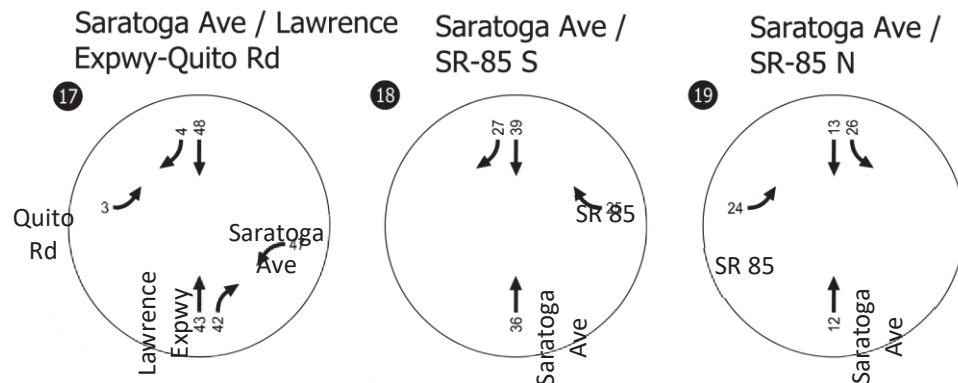
of Saratoga. In addition to the Project's Transportation Analysis including intersections in the City of Saratoga, page 193 of Section 3.13, Noise and Vibration, includes analysis of the Project under City of Saratoga noise standards. The Project would result in less than significant impacts under the City of Saratoga noise standards. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-20

- Page 34: Clarify if the pass-by and diverted trip percentages are for all Costco trips (weekdays and weekends), or just for weekday trips.
- Figure 9: Explain the trip assignment at Intersections 17, 18, and 19. The trip totals do not add up between intersections and the orientation of the intersections is not clear.

Response 3-20

Table 19, Project Trip Generation, of Appendix I, Transportation Analysis, of the Draft EIR presents weekday project trip generation estimates based on weekday trip data from Costco warehouses. Weekend trip generation is not included, because traffic volumes are lower in general on weekend days than weekdays, and the weekday analysis therefore represents a worst-case assessment of traffic conditions. The following graphic is excerpted from Figure 9, Alternative A Net Project Trips, of the Transportation Analysis displaying Intersections 17, 18, and 19. The street names for each approach are noted in the excerpted image. Intersection 17 is modeled in an irregular manner as a consequence of the skewed roadways and accommodating the skew within the technical analysis files. A figure has been added below which identifies each intersection.



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

Comment 3-21

- Pages 42-52: It is not stated anywhere what transportation improvements were assumed to be implemented under Background or Cumulative Conditions, such as the City of San Jose's road diet on Saratoga Avenue. Clarify this in the text and make any updates to the LOS results as necessary.

Response 3-21 A discussion of developments included in Background Conditions and Cumulative Plus Project Conditions is noted on page 42 and page 49 in Appendix I, Transportation Analysis, respectively. 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 3-22

- Page 57: The project is identified to have an adverse queuing effect for the eastbound and westbound left-turn lanes at Lawrence Expressway and Prospect Road, however, it was identified that there is no room for additional queue storage. Provide further justification for why a portion or all the queue spillback cannot be accommodated. For example, was parking removal considered, narrowing of travel lane, or restriping considered?

Response 3-22

The eastbound left-turn lane length is constrained by the westbound left-turn lane at Lyle Drive. The westbound left-turn lane is constrained by the existing eastbound left-turn lane into the Westgate West shopping center between Lawrence Expressway and Saratoga Avenue and existing trees in the median along Prospect Road. Parking removal, narrowing travel lanes, and lane restriping were not considered to provide longer queue storage, because Prospect Road does not have on-street parking to remove near Lawrence Expressway, and narrowing travel lanes and or other lane restriping would not enable lengthening of the left-turn queue storage lanes. Thus, no area was identified for additional queue storage. The 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 3-23

(b) The DEIR Fails to Analyze or Mitigate Significant Impacts on Pedestrians and Bicyclists

The DEIR fails to analyze the impact of the Project's additional traffic on safety risks to pedestrians and bicyclists in the area. Given the existing high levels of traffic in the area, added traffic from customers and trucks from deliveries will only exacerbate risks to these users. The Project must include more pedestrian and bicycle facilities to address these risks.

San Jos...’s General Plan emphasizes the importance of pedestrian and bicycle travel in achieving the City’s mobility goals. San Jos...’s Bike Plan 2020 calls for reducing bicycle collision rates by 50 percent. Similarly, San Jos...’s Vision Zero Plan is intended to create a community culture that prioritizes traffic safety and ensures that mistakes on roadways do not result in severe injury or death. Despite San Jos...’s clear priorities to protect pedestrians and bicyclists from harm, the DEIR does not evaluate the potential impacts on pedestrians and bicyclists that would be caused by the Project’s increased vehicular travel. CEQA requires such an analysis. See *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 392-95 (holding EIR was inadequate because it failed to analyze and mitigate project impacts on pedestrians).

It is imperative that the DEIR disclose existing pedestrian and bicycle accident rates in the study area and then evaluate how these rates would change with the addition of Project traffic. This evaluation must include Saratoga Avenue between I-280 and Quito Road as this roadway segment is designated a “Priority Safety Corridor” as part of Vision Zero San José. The EIR must address, at the very least, the following questions: How many pedestrian and bicycle accidents have occurred on streets in the study area over the last decade? What was the cause of these accidents? What actions has the San Jose taken to prevent such accidents?

Response 3-23	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. As stated on pages 215 and 216 in Section 3.17, Transportation of the Draft EIR, both the Better Bike Plan 2025 and Vision Zero are included as regulatory framework 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 3-24	Lastly, the Project does not provide bicycle parking facilities consistent with the City of San Jose’s Municipal Code. This makes the project in conflict with a program, plan, ordinance, or policy addressing the circulation system and is a finding of significance unless adequate bicycle parking is provided. The EIR notes that because Costco is a retail warehouse building, it would not generate substantial multimodal trips; however, employees and customers using the food court could arrive via alternative modes of travel. The City of San Jose should adhere to their own bicycle parking policy.
Response 3-24	The Project has been revised to increase the number of bicycle parking spaces and is consistent with the City’s requirements. Refer to Topical Response D for the number of bike parking spaces proposed 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 3-25	Because the DEIR does not fully analyze impacts on pedestrians and bicycles its discussion of mitigation measures also falls short.
Response 3-25	Pages 216 through 221 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, increasing hazards, or introducing incompatible uses. No mitigation measures would be required for impacts related to pedestrians and bicycles circulation/movement as the impacts were not 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 3-26	At a minimum, the City of Saratoga requests that the improvements identified in Saratoga’s Safe Routes to School Plan along Prospect Road and Lawrence Expressway be implemented as a part of this project. Although located in the City of Saratoga, the Prospect High School attendance boundary includes a portion of

	San Jose and Prospect High students would appear to be among those most affected by this project.
Response 3-26	The Project is located in the City of San Jose, immediately northeast of the border of the City of Saratoga. As such, Plans and regulations which have been established for the City of Saratoga are not applicable to the City of San Jose. While the Project Transportation Analysis (Draft EIR Appendix I) included study intersections within the City of Saratoga, no improvements are proposed to roadways within the City of Saratoga as none are required 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 3-27	3. The DEIR Improperly Analyzed Impacts to Land Use The DEIR concludes that impacts to land use are less than significant despite the Project being incompatible with several San Jose General Plan Community Design and Land Use policies adopted to ensure a comfortable, attractive, and safe environment in the City's varied residential and commercial neighborhoods. The most notable policies are identified below: Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Response 3-27	Pages 23 through 24 in Section 3.1, Aesthetics, of the Draft EIR analyzed the Projects potential to conflict with applicable zoning and other regulations governing scenic quality, including General Plan Policy CD-10.2 and the San José Citywide Design Standards and Guidelines. The Draft EIR found that the Project's potential to conflict with applicable zoning and other regulations governing scenic quality would have a less than significant impact with adherence to design guidelines for the Project site. 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 because the Project would be consistent with the General Plan land use designation and commercial zoning district of the Project site with approval of requested exemptions for San José Citywide Design Standards and Guidelines Standard 2.3.1 due to a physical constraint or unique situation, not created by the Project applicant or property owner which are not caused by financial or economic consideration, that will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located and the Project would meet the intent of design standard under consideration to the extent feasible. The Project is undergoing review by the City of San José for the issuance of a Conditional Use Permit. The City of San José will review the Project

for consistency with design guidelines and applicable policies before approval of the Conditional Use Permit. As noted on pages 216 and 217 in Section 3.17, Transportation, of the draft EIR, Pedestrian access to the Project site is provided via existing sidewalks and pathways at Project access points. Lawrence Expressway and Graves Avenue provide more direct and convenient pedestrian access, while Prospect Road and Saratoga Avenue provide access through the surrounding shopping center. Four pedestrian crossings would be provided between the parking field to the west of the warehouse and the warehouse entry canopy, connecting the warehouse to the accessible parking stalls. Another crossing would exist to cross from the parking out-lot southwest of the warehouse to the landscaped area south of the main at-grade parking field. The Project would improve the existing pedestrian path along the Lawrence Expressway between the site access and Graves Avenue, and it would install a new marked crosswalk on Graves Avenue connecting the shopping center to the residential neighborhood to the north. The Project site is approximately 200 feet away from the nearest transit facility. Therefore, the Project would provide convenient means of entry from public streets and transit, consistent with Policy CD-1.12. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-28

Policy CD-1.18: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Response 3-28

As discussed on page 155 in Section 3.11, Land Use and Planning, of the Draft EIR, the Project would meet setback requirements for the CG Zoning District that require parking and circulation setback of 15 feet. Four pedestrian crossings would be provided between the parking field to the west of the warehouse and the warehouse entry canopy, connecting the warehouse to the accessible parking stalls. Another crossing would exist to cross from the parking out-lot southwest of the warehouse to the landscaped area south of the main at-grade parking field. As noted on page 25 in Section 3.1, Aesthetics, of the Draft EIR, the Project includes rooftop parking and the design of the proposed Costco Building includes screening around the exterior of the rooftop parking to contain light and glare. Additionally, the existing mature trees along the northern boundary of the Project site would be preserved by the Project, further shielding the residences from proposed surface and building mounted site lighting and glare. The Project would have a less than significant impact with regard to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, the Project would screen parking and minimize its visibility from off-site locations, consistent with CD-1.18's policy. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-29	Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate. a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. e. Create easily identifiable and accessible building entrances located on street frontages or paseos. f. Accommodate the physical needs of elderly populations and persons with disabilities. g. Integrate existing or proposed transit stops in project designs.
Response 3-29	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Because the Project Site is not subject to an Urban Village plan, this policy is not applicable to the Project. However, as discussed on pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR, four pedestrian crossings would be provided between the parking field to the west of the warehouse and the warehouse entry canopy, connecting the warehouse to the accessible parking stalls. Another crossing would be provided to cross from the parking out-lot southwest of the warehouse to the landscaped area south of the main at-grade parking field. The Project would improve the existing pedestrian path along the Lawrence Expressway between the site access and Graves Avenue, and it would install a new marked crosswalk on Graves Avenue connecting the shopping center to the residential neighborhood to the north. As noted on Page 155 in Section 3.11, Land Use and Planning, of the Draft EIR, the Project would not result in significant impacts as a result of the building placement off the Lawrence Expressway frontage. Therefore, the Project would be consistent with Policy CD-2.3 despite the fact that the Policy is not applicable. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 3-30	Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections, and including secure and convenient bike storage.
Response 3-30	Refer to Topical Response D for the number of bike parking spaces proposed by the Project, a discussion of pedestrian and bicyclist safety in the Project area, and an explanation of pedestrian and bicyclist improvements as part of the Project. 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 setbacks from property easement lines. However, the Project would not result in

significant impacts as a result of the building placement off the Lawrence Expressway frontage. Thus, the impact related to whether the Project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect is less than significant. Further, as analyzed on pages 219 through 221 in Section 3.17, Transportation, of the Draft EIR, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses, and this impact would be less than 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 3-31 The DEIR states that the above policies were adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. See DEIR at 153. While the DEIR includes this list of General Plan policies, it contains no meaningful analysis of the project's relation to these policies and makes no determination of conformance with the policies, and therefore prematurely and inaccurately concludes that the project has less than significant land use impacts.
- Response 3-31 The commenter is referencing the policies that are responded to in Response 3-27 through 3-30. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 3-32 4. The DEIR Does Not Adequately Mitigate Noise Impacts and is Inconsistent with Both the San Jose and the Saratoga Noise Ordinances.
- The DEIR glosses over the project's significant noise impacts to area residents. The project proposes to conduct construction activities that generate substantial noise beyond noise standards set forth in Saratoga's and San Jose's municipal codes. The Saratoga Noise Ordinance limits construction activities to 7:30 a.m. to 6:00 p.m. Monday-Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. See Saratoga Noise Ordinance Section 7-30. 060. The Project proposes construction from 7 am to 7pm Monday through Saturday. Therefore, the project's proposed construction schedule is inconsistent with Saratoga's Noise Ordinance.
- Response 3-32 The Project is located within the City of San José and the City of San José is the CEQA Lead Agency for the Project. Thus, the noise standard in the City of San José Municipal Code is the noise standard applicable to the Project. The Draft EIR addressed construction noise compliance with the applicable standard in Section 13.3, Noise and Vibration with supporting data provided in Appendix H, Acoustical Assessment, of the Draft EIR. With implementation of MM NOI-2, Project impacts from construction occurring outside of the allowable hours of construction (7:00 a.m. to 7:00 p.m., Monday through Friday) would be less-than-significant. Additionally, Table 3.13-9 on page 173 of the Draft EIR shows that the nearest sensitive receptors to the Project are 50 feet north of the Project site, within the City of San Jose. Impacts to sensitive receptors in Saratoga would necessarily be less severe due to the fact that noise and vibration attenuates as distance from the source increases. Therefore, impacts to any sensitive receptors in Saratoga would be less than significant. The comment did not provide new,

Comment 3-33

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

The construction hours are also inconsistent with San Jose's Municipal Code. Section 20.100.450, Hours of Construction Within 500 Feet of a Residential Unit, of the San José Municipal Code (Municipal Code), specifies the following standard exceptions to the provisions of Section 20.100.450.

"Unless otherwise expressly allowed in a Development Permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends."

The DEIR fails to identify the above inconsistencies as significant impacts. Given that construction activities will occur for almost two years, this approach is unacceptable.

Response 3-33

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. 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. 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. Thus, the Project is consistent with the City of San José's Municipal Code. 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. In addition, as stated on Page 182 in Section 3.13, Noise and Vibration, of the Draft EIR, Nighttime construction activities would potentially result in a significant impact from 24-hour concrete pours over a 5-day period, which could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the residences located north of the Project site and 1.7 dBA at the residences located east of the Project site. Therefore, Mitigation Measure NOI-2 would be required to reduce potential nighttime construction noise impacts to approximately 58.5

dBa L_{eq} at the nearest residences to the north of the Project site and 46.6 dBA L_{eq} at the nearest residences to the east of the Project site. The Draft EIR identifies Project nighttime construction as a potentially significant impact without mitigation and identifies applicable mitigation measures. After mitigation, noise impacts would be reduced to less than significant. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-34 In addition, the DEIR fails to identify feasible mitigation measures to address anticipated significant noise impacts. Given the length of the construction period, one would expect the DEIR to have included a detailed plan for minimizing construction noise. Instead, the DEIR impermissibly defers mitigation of construction noise until after project approval. DEIR at 180 and 181.

Response 3-34 The Draft EIR identifies feasible mitigation measures to address anticipated significant noise impacts and does not impermissibly defer mitigation of construction noise until after Project approval. As indicated in Draft EIR Section 3.13 (Noise and Vibration), mitigation measures MM NOI-1 (Construction Noise Logistics Plan) and MM NOI-2 (Extended Construction Hours) will be implemented to reduce noise impacts to less than significant. Mitigation proposed for the Project is a requirement of Project approvals, including any necessary construction permits. Noise-generating construction activities would therefore not occur prior to the implementation of mitigation measures proposed within the Draft EIR. While certain specifics of the Construction Noise Logistics Plan required by mitigation measure 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 mitigation measure 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-35 Under CEQA an EIR is inadequate if it fails to identify feasible mitigation measures. *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984)

151 Cal.App.3d 61, 79. An EIR is inadequate if it fails to suggest mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61 at 79. The formulation of mitigation measures may not properly be deferred until after Project approval; rather, “[m]itigation measures must be fully enforceable through permit conditions, agreements, or legally binding instruments.” CEQA Guidelines § 15126.4(a). Here, the DEIR’s identification and analysis of mitigation measures are legally inadequate.

Response 3-35

See Response to Comment 3-34. While certain specifics of the Construction Noise Logistics Plan required by mitigation measure 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 mitigation measure 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-36

Moreover, the DEIR fails to provide evidence that the mitigation it does provide would be effective in reducing impacts. For example, mitigation measure MM NOI-1, which defers preparation of a Noise Logistics Plan after project approval, is generic and does little to reduce noise impacts to residents. DEIR at 180. For instance, one measure requires the project to “control noise from workers’ radios” when this noise is likely to be minor compared to the noise generated by construction equipment and delivery trucks. Similarly, listing the construction hours, sending notices to nearby residences, and appointing a noise disturbance coordinator are ineffectual to reduce actual noise levels. Finally, the DEIR fails to analyze whether and to what extent the Noise Logistics Plan will reduce noise levels after it is implemented.

Response 3-36

In addition to the requirements mentioned in the comment, MM NOI-1 also prohibits pile driving, prohibits unnecessary idling of internal combustion engines, requires the Project to utilize “quiet” air compressors, requires construction equipment to be equipped with noise attenuation devices, and more. As stated on Page 180 in Section 3.13, Noise and Vibration, of the Draft EIR, General Plan Policy EC-1.7 indicates that implementation of a Construction Noise Logistics Plan would “...reduce noise impacts on neighboring residents and other uses.” Policy EC-1.7 was included in the City’s General Plan as a method of

ensuring reduced noise impacts to residents in response to a comprehensive city-wide environmental analysis of projected growth associated with the City's most recent General Plan Update. Compliance with General Plan policies are therefore intended to minimize negative noise impacts within the City as identified during that General Plan Update. Furthermore, components of the Noise Logistics Plan include the prohibition of major noise and vibration causing activities like pile driving and unnecessary idling of vehicles. The preparation of this report is also required prior to the approval of subsequent grading or demolition permits. Therefore, with implementation of the required MM NOI-1 and best management practices, the Project would comply with General Plan Policy EC-1.7 and would ensure that temporary construction period noise effects would be less than 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 3-37

Likewise, mitigation measure MM NOI-2 related to the project's proposed extended construction hours is also deficient. Specifically, the measure prohibits concrete trucks from accessing the Project site via Graves Avenue and/or Saratoga Avenue during all nighttime activities to reduce noise impacts to San Jose residents along those roads. However, the DEIR does not specify the alternate routes that trucks would use. If trucks were to travel along Prospect through Saratoga, residents along that route would be severely impacted. At a minimum, this measure must be revised to ensure that the specified construction truck route will not travel on Saratoga streets.

Response 3-37

As noted on page 182 in Section 3.13, Noise and Vibration, with additional data in Appendix H, Acoustical Assessment, of the Draft EIR, implementation of MM NOI-2 would reduce hourly average noise levels to approximately 58.5 dBA L_{eq} at the nearest residences to the north of the Project site and 46.6 dBA L_{eq} at the nearest residences to the east of the Project site. MM NOI-2 would measurably reduce noise at the nearest sensitive receptors to below the nighttime noise standards. Further, concrete truck pass-bys along Prospect Road in Saratoga would be very brief (lasting a few seconds) and thus are not expected to exceed the FTA's 8-hour noise standard of 80 dBA for residential uses for Saratoga receptors. The 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 3-38

5. The DEIR Fails to Adequately Analyze Hazardous Materials' Impacts.

The DEIR's analysis of impacts related to hazardous materials suffers from two flaws. First, the DEIR fails to adequately describe the existing environmental setting related to known hazardous materials on and near the project site. The DEIR's analysis of these impacts is based on Phase I and Phase II technical reports prepared by Kleinfelder in 2019 and 2021. DEIR at 132 and 133. The reports specify that the reports are to be used "within a reasonable time from its issuance, but in no event later than one year from the date of the report." DEIR at 132 and Appendix G1 at 9. Even the most recent of these reports is two and a half years old; the reports are outdated.

Accurate and complete information pertaining to the setting of the project and surrounding uses is critical to an evaluation of a project's impact on the environment. *San Joaquin Raptor/Wildlife Center v. Stanislaus County*, 27 Cal.App.4th 713, 728 (1994); see also *Friends of the Eel River v. Sonoma County Water Agency*, 108 Cal.App.4th 859, 875 (2003) (incomplete description of the Project's environmental setting fails to set the stage for a discussion of significant effects). Here, the relies on describing the Project's setting undermine its adequacy as an informational document.

Response 3-38

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. Background data for the analysis on pages 132 through 143 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR can be found in Appendix G1, Phase I Environmental Site Assessment; Appendix G1a, Waste Disposal Soil Profile Screening Report for Buildings F and C; Appendix G1b, Hazardous Materials Soil Screening Report for 24 Hour Fitness; Appendix G1c Waste Disposal Soil Profile Screening Report for 24 Hour Fitness; Appendix G2, Phase II Environmental Site Assessment; Appendix G3, Vapor Intrusion Assessment Report; Appendix G4, No Further Environmental Action Letter; and Appendix G5, Response to Converse Consultants Updated Recommendation Letter. Furthermore, Appendix G2 states that reports are to be used no later than 2 years after report date, not one year. Additionally, Appendix G4 summarizes soil testing activities completed at the Project location. Page 9 of Appendix G4 of the Draft EIR concludes that soils that may be generated from this area during potential future construction activities will be considered non-hazardous soil for handling, transportation, and disposal purposes. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 3-39

Second, the DEIR does not adequately analyze impacts related to known vapor intrusion on the Midas site that could pose health concerns in the existing and proposed buildings.

DEIR at 133. The DEIR states that "[I]t's anticipated that the "new building will be ventilated and will have a less porous slab" but fails to include any mitigation requiring testing to ensure that these assumptions are realized. The DEIR also relies on compliance with Department of Toxic Substances Control regulations and deferred preparation of a Site Management Plan and Health and Safety Plan to conclude that this significant impact would be minimized. DEIR at 140. This Plan would be used to "guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly." Therefore, preparation of the plan is important to protect public health and safety now, before approval, while adjustments to planned project construction can be made. As discussed above, under CEQA deferring mitigation is impermissible. The DEIR should have included Site Management Plan and Health and Safety Plan outlining potential remediation if necessary.

Response 3-39	Refer to Topical Response F for a discussion of the adequacy of the applicable mitigations for Hazards and Hazardous Material in relation to deferment.
Comment 3-40	6. The DEIR Fails to Adequately Analyze the Project's Cumulative Environmental Impacts An EIR must discuss the cumulative impacts of a project if the incremental effects of a project are considerable when viewed in connection with the effects of other past, current, and probable future projects. CEQA Guidelines §§ 15130(a), 15065(c). Projects currently under environmental review by San José clearly qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. See <i>San Franciscans for Reasonable Growth v. City & County of San Francisco</i>, 151 Cal.App.3d 61, 74 n.13 (1984).
Response 3-40	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. This comment provides a general recitation of the CEQA statute, case law, and regulations, but does not raise a substantive issue on the content of the Draft EIR. This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.
Comment 3-41	The DEIR concluded that neither construction nor operation are anticipated to result in impacts significant enough to be cumulatively considerable beyond a 2.5-mile radius of the Project site for all resource areas with the exception of GHG emissions, where the Project's contribution to a cumulative impact within the City of San José, the greater air basin, and globally is discussed. However, the DEIR offers no explanation or justification for why a 2.5 mile radius is the appropriate distance to use to assess cumulative impacts.
Response 3-41	The purpose of establishing a cumulative setting is to determine the area in which project impacts would have the potential to cumulatively be greater, when considered with other projects' impacts. Some environmental topic areas are more localized by nature. For example, noise from the Project would not be heard from great distances beyond the immediate Project area, and aesthetic changes of the Project site would not be experienced from great distances beyond the immediate Project area. For greenhouse gas emissions, the Project's contribution to any cumulative impact within the City of San José, the greater air basin, is considered more regionally because the nature of greenhouse gas emissions more regional in nature. Pages 240 through 243 in Section 4.0, Cumulative Impacts of the Draft EIR discusses potential cumulative impacts of the Project in combination with projects located within 2.5 miles of the Project site for all topics, except those such as greenhouse gas and air quality, which are considered more regionally. The 2.5 mile radius is used because potential cumulative impacts would not occur in conjunction with other projects beyond a certain distance due to the nature of the Project, and redevelopment of an existing shopping center located in a highly urbanized area. As such, 2.5 miles was established as the appropriate cumulative setting that would capture any potential cumulative

	effects. This is consistent with the cumulative setting methodology used in the 1312 El Paseo & 1777 Saratoga Avenue Mixed-Use Village Project 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 3-42	The DEIR also does not describe what portion (if any) of the housing units anticipated due to the Regional Housing Needs Allocation (RHNA) for both San Jose and Saratoga were included in the future build out assumptions for the cumulative analysis.
Response 3-42	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 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 3-43	C. The DEIR Must Be Revised and Recirculated. Under California law, the present DEIR cannot properly form the basis of a final EIR. CEQA and the Guidelines describe the circumstances that require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." CEQA Guidelines § 15088.5.
Response 3-43	This comment provides a general recitation of the CEQA statute, case law, and regulations, but does not raise a substantive issue on the content of the Draft EIR. This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.
Comment 3-44	Here, both circumstances apply. Decisionmakers and the public cannot assess the Project's impacts or even its feasibility through the present DEIR. Among other fundamental deficiencies, the DEIR fails to adequately describe key components of the Project,
Response 3-44	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment. Additionally, more thorough analysis is provided in Section 3.1 through 3.20 of the Draft EIR. The Project analysis found that there were no significant and unavoidable impacts. Additionally, Section 2.3, Proposed Development, of the Draft EIR provides a description of the proposed Project components. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 3-45	it understates the Project's significant environmental impacts

Response 3-45	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. More thorough analysis is provided for this determination in Section 3.1 through 3.20 of the Draft 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 3-46	and assumes that unquantified project design features will effectively reduce these impacts.
Response 3-46	Section 2.3, Proposed Development, of the Draft EIR provides a description of the proposed Project components. These components are referenced in environmental impact discussion in subsequent sections of the Draft EIR. However, impacts are not exclusively reduced due to project components. When necessary, mitigation is proposed to further reduce or remove potentially significant 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 3-47	The DEIR also fails to provide a legally adequate alternatives analysis.
Response 3-47	Pages 256 through 262 in Section 8.0, Alternatives, of the Draft EIR includes a discussion of Project alternatives. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 3-48	In order to resolve these issues, San Jos... must prepare a revised EIR that would necessarily include substantial new information. This revised EIR must then be recirculated for public review and comment.
Response 3-48	Refer to Responses 3-1 through 3-47 above for specific responses to issues raised 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 3-49	II. Conclusion Saratoga appreciates the opportunity to provide comments on the DEIR.
Response 3-49	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 3-50	We respectfully request that San Jos... defer consideration of the proposed Project until completion of the Paseo de Saratoga Urban Village Plan that includes a comprehensive transit, bicycle, and pedestrian plan capable of meeting transportation demand within the Village. Upon completion of the Plan, we request that San Jos... revise and recirculate a DEIR and coordinate with Saratoga as the Project continues through the process.
Response 3-50	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 Letter 4. Caltrans (dated February 20, 2024)

Comment 4-1 Thank you for the opportunity to review the Draft Environmental Impact Report for the Westgate West Costco Warehouse Project. Attached you'll find our comment letter for this project. Please feel free to reach out if you have any questions.

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Westgate West Costco Warehouse Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the December 2023 DEIR.

Response 4-1 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 4-2 Project Understanding

The proposed project will demolish the existing commercial buildings for the construction of an approximately 166,058-square-foot wholesale retail center Costco with associated parking.

Response 4-2 The commenter described the project and 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 4-3 Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the DEIR, this project is found to have a less than significant VMT impact.

Response 4-3 This comment is noted for the record and will be provided to the decision makers for review and consideration. The commenter noted the conclusion in the EIR with regard to VMT and 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 4-4	Lead Agency As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.
Response 4-4	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 4-5	Appendix I Transportation Analysis has identified adverse effect from the proposed project on Saratoga Ave/I-280 Southbound Ramps. Please provide more information on how this impact will be mitigated. Caltrans also encourage a sufficient allocation of fair share contributions toward multi-modal improvements to fully mitigate cumulative impacts to regional transportation. The applicant should consider fair share contributions to the following bicycle/pedestrian improvements to reduce congestion impacts to the STN. • The Caltrans District 4 Bike plan identifies Saratoga Ave and I-280 interchange as a top-tier priority. Consider improvements such as upgrading buffered Class II to Class IV separated bikeways. • The Caltrans District 4 Pedestrian Plan identifies Saratoga Ave and I-280 interchange as a tier 2 priority. Consider improvements such as installing Rectangular Rapid Flashing Beacons (RRFB) at uncontrolled on-/off-ramps and installing curb extensions to reduce the turning radius at on ramps.
Response 4-5	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. While Appendix I, Transportation Analysis does identify a Level of Service effect on the Saratoga Ave/I-280 Southbound Ramps, Level of Service is no longer considered as the threshold of significance for CEQA impacts. Thus, no mitigation measures are required. However, the City of San José may apply conditions of approval to the Project through the Site Development review process. These conditions of approval may require a fair share contribution to bicycle/pedestrian improvements that the Project must comply with. The comment did not raise any other concerns with respect to the disposition of significant environmental impacts or issues evaluated in the Draft EIR and therefore, no further response is required.
Comment 4-6	Equitable Access If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These

	access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.
Response 4-6	As stated on pages 60 and 61 of Appendix I, Transportation Analysis of the Draft EIR, the City of San José requires that the Project include ADA compliant improvements to intersections on Lawrence Expressway, Graves Avenue, and Prospect Road. The City of San José may apply conditions of approval to the Project through the Site Development review process. Additionally, the Project would be required to comply with established State regulation such as Caltrans Standard Section 12-4.04 which requires safe pedestrian access routes to be maintained 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 4-7	Construction-Related Impacts Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (link). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.
Response 4-7	This comment is noted for the record and will be provided to the decision makers for review and consideration. The Project will procure all necessary permits prior to Project completion, including temporary signage permits and the Caltrans Transportation 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 4-8	Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner, via LDR-D4@dot.ca.gov . For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov .
Response 4-8	This comment is noted with the contact information provided. The comment did not provide new, 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 5.	Santa Clara Valley Transportation Authority (dated February 20, 2024)
Comment 5-1	VTA appreciates the opportunity to comment on the DEIR for the Westgate West Costco Warehouse project proposed at 5287 Prospect Road. VTA has reviewed the document and has the following comments:
Response 5-1	The comment provides introduction to the comments made and responded to in subsequent responses.
Comment 5-2	Pedestrian Access It is unclear whether pedestrians will be able to access the site from Graves Avenue near Fields Avenue or Greene Drive due to the screen wall noted on

Figure 2.5-4: Proposed Costco Landscape Plan. The project should allow nearby residents to access the site via Graves Avenue by offering a break in the proposed screen wall so they do not have to walk all the way east to the driveway on the other side of the building or to the west by Lawrence Expressway.

- Response 5-2 As stated on pages 10-11, in Section 2.3, Proposed Development of the Draft EIR, the Project includes construction of a crosswalk across Graves Avenue at the intersection with Field Avenue. From this crosswalk, pedestrians may proceed along the south side of Graves Avenue to the west towards Lawrence Expressway to access the Project site via the existing pedestrian walkway. No direct pedestrian connection to the Project site from anywhere else along Graves Avenue is proposed as this access would direct pedestrians through the loading and receiving access for the proposed Costco, exposing them to unsafe conditions.
- Comment 5-3 Bicycle Parking
- VTA recommends the project increase the number of long-term bicycle parking spaces for employees (bicycle lockers or otherwise). Figure 2.5-2: Proposed Overall Site Plan shows 10 short-term bicycle parking spaces to be placed near the entry canopy and no long-term bicycle parking spaces. This amount should be increased to meet San José and VTA minimums for long-term bicycle parking.
- Response 5-3 Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site. The Project would install 47 new bike parking spaces within the Costco development area, consistent with City standards and 37 more than originally proposed.
- Comment 5-4 Peak Hour
- The existing condition's section of the report states, "The AM peak hour does not pertain to the local transportation analysis since the Costco warehouse is closed to members during the AM peak hour (typically opening around 9:30 or 10:00 AM) and therefore generates a negligible number of trips during that period." According to websites, most Costco Warehouses open at 9:00 and not 9:30 or 10:00 AM. Does this information change the numbers of trips the development might generate?
- Response 5-4 As stated on page 34 of Appendix I, Transportation Analysis of the Draft EIR, the proposed Costco will be open to members on weekdays between the hours of 10:00 AM and 8:30 PM and between 9:30 or 10:00 AM and 6:00 PM on weekends. However, as stated on page 221 in Section 3.17, Transportation, of the Draft EIR, the Costco warehouse would typically be open to members weekdays from 9:00 AM and 8:30 PM and weekends from 9:30 AM or 10:00 AM to 6:00 PM. Regardless, the Costco warehouse would be closed during the AM peak hour between 7:30 AM to 8:30 AM. As such, the Transportation Analysis studied PM peak hours as the most conservative time for analysis of the Project's transportation impacts. Therefore, the inconsistency between timing does not affect the findings of the Project analysis in the Draft EIR. The correct operational hours for the proposed Costco Warehouse as part of the Project are noted on page 221 in Section 3.17, Transportation, of the Draft EIR. Refer to Topical

	Response C for a discussion of peak hour methodology in the Transportation Analysis. Further, the project-specific analysis accounted for project-specific operational hours that are independent of other Costco warehouses' hours. If any change in operational hours is proposed in the future, a permit amendment would be required, and any impacts would be determined at the time.
Comment 5-5	Parking Lot Circulation VTA suggests the project conduct a circulation analysis on the parking lot, as vehicles will be using the development's access points to go to Costco or other businesses in the shopping center.
Response 5-5	Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation.

ORGANIZATIONS, INDIVIDUALS, AND BUSINESSES

Comment Letter 6. Anthony Leon (dated December 15, 2023)

Comment 6-1 Thanks for the info ! Hope this gets built soon.

Response 6-1 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 address the adequacy of the EIR and no further response is required.

Comment Letter 7. Ben Hua (dated December 15, 2023)

Comment 7-1 This traffic assessment does not take into account any new traffic that goes through neighbor street to access Costco from Graves Ave entrance.

For example, from Lawrence Ave, to Doyle Rd, then either Happy Valley Ave or Cordelia Ave, then Fields Dr, then Costco.

The only assessment I see is how easy it is for Costco shipment to arrive and for customers. And no actual neighborhood impact assessment.

Response 7-1 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 and requirements of the Transportation Analysis for the Project.

Comment 7-2 Regarding Traffic Assessment and Planning of File No. CP21-022. Westgate West Costco Project

Please just close the access at Graves avenue, and install a high barrier to shield Costco Noise and Traffic for the neighborhood on Graves Ave and beyond.

I live in this neighborhood. It's absolutely mind boggling, I have to repeatedly mention this to the city and planners on different platforms, again and again.

Costco development would still have a major access path from Prospect and Lawrence ave.

I'm looking for some effective change.

Response 7-2 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. 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 174 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment. 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. Pages 179 through 183 in Section 3.13, Noise and Vibration, of the Draft EIR, outline two distinct mitigation measures that the Project would utilize to reduce construction

noise impacts to less than significant. As such, Project noise impacts would not need the installation of a high barrier to be reduced to a less than significant level. The comment did not provide new, 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 8. Ramesh B. (dated December 15, 2024)

Comment 8-1 please record My initial CP21-022 EIR comments.

Attached document with three key reasons city is obligated to close Graves ave access (fully) form a fiduciary and prior written commitments perspective. Failure to do will result in legal action to force the city to meet its commitments.

This document has evidence to show why Graves ave must be closed.

1. City planning department executives made a written commitment to force closure of Graves ave as a condition for any significant updates to Westgate West including new buildings.

2. Any observations by Costco of use of Graves ave for delivery are not applicable for the following reasons

a. Tenants like Smart & Final will no longer be there – most delivery trucks using Graves ave are headed to Smart/Final

b. Sprouts site development permit was given with the understanding their tenants will not use Graves ave.

c. Trader Joe's has been avoiding Graves ave and has committed in writing their intention to note use Graves ave for delivery. They have been good at following up any violations

Attachments below are concrete evidence of the above points.

Response 8-1 Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The City staff correspondence cited in the comment was in response to a proposal considered in 2012, and the development permit cited by the commentor is for a previous project in the shopping center. Neither reference is applicable to the current Project. Moreover, pre-decisional staff correspondence does not indicate a commitment to particular course of action; such decisions are the authority of the City Council and appointed Commissions.

Comment 8-2 Sprouts SITE development permit. This was the OLD city link to that site development permit:
<http://csjimg2.sanjoseca.gov/ecmsviewer/813/778/6778813.pdf>

Response 8-2 Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. As noted in Response 8-1, the referenced Sprouts site was a previous proposal in a different location in the shopping center, and it is not applicable to the current 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 8-3

City Planning departments email showing commitment to close Graves ave

----- Forwarded Message -----

From: Enderby, Mike <mike.enderby@sanjoseca.gov>

To: "...."

Cc: "Jenny.Nusbaum@sanjoseca.gov" <Jenny.Nusbaum@sanjoseca.gov>; ">;

"Laurel.Prevetti@sanjoseca.gov" <Laurel.Prevetti@sanjoseca.gov>;

"John.Baty@sanjoseca.gov" <John.Baty@sanjoseca.gov>;

"Andrew.Crabtree@sanjoseca.gov"

<Andrew.Crabtree@sanjoseca.gov>; "JEANNIE.HAMILTON@sanjoseca.gov"

<JEANNIE.HAMILTON@sanjoseca.gov>; "sai.yakubu@sanjoseca.gov"

<sai.yakubu@sanjoseca.gov>

Sent: Tuesday, October 30, 2012, 08:41:16 AM PDT

Subject: RE: How can Westgate West construction permit be issued without residential input?

Hi Rajesh,

Nice to hear from you. I appreciate your on-going interest in the project. It is still very much our goal to close off vehicle access to the back of West Valley

and Westgate West shopping centers as previously negotiated with the developer(s). As you know, there are permit conditions with triggers in place with

the Westgate West project to close off the Graves Avenue driveways upon expansions of building square footage and/or construction of new buildings. The

recent modifications that were approved technically constitute remodels and not physical expansions and therefore the trigger for access closures have not

been met. The ownership of Westgate West has recently changed. That said, we have reminded the developer of the previously negotiated requirements

and the obligations to conform to the permit conditions. We'll keep you posted about any future expansion proposals.

Thanks, Mike

----- Forwarded Message -----

From: Alexis Walsh <awalsh@traderjoes.com>

To: Ramesh B >

Sent: Thursday, June 22, 2023 at 11:30:35 AM PDT

Subject: Re:

Hello Ramesh,

That is correct, trucks should not use Graves Ave.

Hope your well,

Alexis

Sent from my iPhone

On Jun 22, 2023, at 11:12 AM, Ramesh B wrote:

*** This is an external email. ***

...

On Tuesday, May 23, 2023 at 07:47:03 PM PDT, rameshb > wrote:

Hi Alexis

re: Westgate West Trader Joes

Can you please confirm that it is Trader Joe's policy that your trucks and vendors who service Trader Joe's should not use Graves ave access -they should all enter and exit

via Saratoga ave.

I need this confirmation for ongoing discussions with the proposed Costco.

Thanks

Ramesh

Response 8-3

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. As noted in Response 8-1, staff correspondence from 2012 regarding a different proposal is not relevant to this Project, nor would staff have authority to pre-commit the City to particular conditions without approval from the City Council or appointed Commissions. Likewise, the correspondence from an unspecified individual with a Trader Joes email does not provide evidence of a binding commitment enforceable against Trader Joes or other shopping center tenants regarding Graves Avenue access.

Comment 8-4

This document has evidence to show why Graves ave must be closed

1. City planning department executives made a written commitment to force closure of Graves ave as a condition for any significant updates to Westgate West including new buildings.
2. Any observations by Costco of use of Graves ave for delivery are not applicable for the following reasons
 - a. Tenants like Smart & Final will no longer be there – most delivery trucks using Graves ave are headed to Smart/Final

b. Sprouts site development permit was given with the understanding their tenants will not use Graves ave.

c. Trader Joe's has been avoiding Graves ave and has committed in writing their intention to not use Graves ave for delivery. They have been good at following up any violations

Attachments below are concrete evidence of the above points

Response 8-4

This comment is a direct duplicate of an earlier comment in Comment Letter 8. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The City staff correspondence cited in the comment was in response to a proposal considered in 2012, and the development permit cited by the commentor is for a previous project in the shopping center. Neither reference is applicable to the current Project. Moreover, pre-decisional staff correspondence does not indicate a commitment to particular course of action; such decisions are the authority of the City Council and appointed Commissions. .

Comment 8-5

Sprouts SITE development permit

This was the OLD city link to that site development permit:
<http://csjimg2.sanjoseca.gov/ecmsviewer/813/778/6778813.pdf>

6. Loading Area Restrictions:

- a. The developer shall construct physical cross-access restrictions along and on adjacent properties as shown on the approved plans, and as noted above, to discourage the use of Graves Avenue for site ingress and egress.
- b. The project management shall educate tenants and provide appropriate signage to discourage truck access onto Graves Avenue.
- c. The developer shall relinquish cross-access agreements that facilitate access onto the rear areas of adjacent commercial properties to the satisfaction of the Director of Planning at such time as the Director believes that such access can be eliminated upon further development or redevelopment of adjacent parcels.
- d. Deliveries and loading/unloading of merchandise shall not take place between the hours of 9:00 P.M. and 7:00 A.M.

Response 8-5

This comment is a direct duplicate of an earlier comment in Comment Letter 8. Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The development permit cited by the commentor is for a previous project in the shopping center. Thus, the reference is not applicable to the current Project. Moreover, pre-decisional staff correspondence does not indicate a commitment to particular course of action; such decisions are the authority of the City Council and appointed Commissions.

Comment 8-6

City Planning departments email showing commitment to close Graves ave

----- Forwarded Message -----
From: Enderby, Mike <mike.enderby@sanjoseca.gov>
To: "...."
Cc: "Jenny.Nusbaum@sanjoseca.gov" <Jenny.Nusbaum@sanjoseca.gov>; [REDACTED];
 [REDACTED] <Laurel.Prevetti@sanjoseca.gov> <Laurel.Prevetti@sanjoseca.gov>;
 "John.Baty@sanjoseca.gov" <John.Baty@sanjoseca.gov>; "Andrew.Crabtree@sanjoseca.gov"
 <Andrew.Crabtree@sanjoseca.gov>; "JEANNIE.HAMILTON@sanjoseca.gov"
 <JEANNIE.HAMILTON@sanjoseca.gov>; "sai.yakubu@sanjoseca.gov" <sai.yakubu@sanjoseca.gov>
Sent: Tuesday, October 30, 2012, 08:41:16 AM PDT
Subject: RE: How can Westgate West construction permit be issued without residential input?

Hi Rajesh,
 Nice to hear from you. I appreciate your on-going interest in the project. It is still very much our goal to close off vehicle access to the back of West Valley and Westgate West shopping centers as previously negotiated with the developer(s). As you know, there are permit conditions with triggers in place with the Westgate West project to close off the Graves Avenue driveways upon expansions of building square footage and/or construction of new buildings. The recent modifications that were approved technically constitute remodels and not physical expansions and therefore the trigger for access closures have not been met. The ownership of Westgate West has recently changed. That said, we have reminded the developer of the previously negotiated requirements and the obligations to conform to the permit conditions. We'll keep you posted about any future expansion proposals.
 Thanks, Mike

Response 8-6

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. As noted in Response 8-1, staff correspondence from 2012 regarding a different proposal is not relevant to this Project, nor would staff have authority to pre-commit the City to particular conditions without approval from the City Council or appointed Commissions. Likewise, the correspondence from an unspecified individual with a Trader Joes email does not provide evidence of a binding commitment enforceable against Trader Joes or other shopping center tenants regarding Graves Avenue access..

Comment Letter 9. Michelle H. (dated December 18, 2024)

Comment 9-1

1. Is it standard construction practice to have 5 overnight concrete pours for a project of this size? While there are noise mitigation measures planned, implementation and enforcement may be more difficult plus concrete trucks are heavy and noisy on their own, without added nuisance of the backup beeping and bright lights. It is recommended to limit the concrete pours and exclude the hours of 10pm to 5am.

Response 9-1

Pages 181 through 183 in Section 3.13, Noise and Vibration, of the Draft EIR includes a discussion of overnight concrete pours and applicable noise mitigation measures for noise-related impacts. The City has not identified noise limits for construction occurring outside of the allowable hours of construction (7:00 a.m. to 7:00 p.m., Monday through Friday). Additionally, the overnight concrete pours must be done continuously once started, to ensure the quality and integrity of the final structure, therefore, limiting to daytime hours only would not be feasible. Further, concrete pours would occur after the building walls have been erected for the Project, which would help provide noise attenuation for nearby sensitive receptors. Concrete trucks actively pouring during nighttime construction would be positioned approximately 130 feet and 580 feet from the nearest residences to the north and east, respectively. Noise levels would be

approximately 73.5 dBA Leq at the residences to the north and 60.5 dBA Leq at the residences to the east and would exceed the nighttime noise standard of 58.8 dBA Leq. (see Appendix H of the Draft EIR), which would potentially result in a significant impact to the single-family residences north and east of the Project site. Therefore, Mitigation Measure NOI-2 would be required to reduce potential nighttime construction noise impacts by prohibiting concrete trucks along Graves Avenue within 90 feet of the nearest residential property line during all nighttime activities; require the queuing and idling of any trucks to be located on the southern façade of the Costco building; and prohibit nighttime concrete pouring activities until the northern, western, and eastern Costco building walls are constructed, providing a 15 dBA Leq reduction in nighttime construction noise levels. With implementation of Mitigation Measure NOI-2, hourly average noise levels would be reduced to approximately 58.5 dBA Leq at the nearest residences to the north of the Project site and 46.6 dBA Leq at the nearest residences to the east of the Project site. Therefore, nighttime construction activities would not exceed the nighttime noise limit of 58.8 dBA Leq or the interior noise limit of 45 dBA with implementation of Mitigation Measure NOI-2. Therefore, temporary impacts associated with nighttime construction activities would be reduced to a less than significant level with mitigation.

Comment 9-2

2. For Costco rooftop parking it appears there is 5' height to block headlights based on architectural rendering. This rendering should be revised to also show 'dummy' vehicles including tops of vehicles and pickup trucks that will be visible from a distance.

Response 9-2

This comment is noted for the record and will be provided to the decision makers for review and consideration. According to the Executive Summary, page ES-1 of the Draft EIR, the Costco building would be 40 feet tall, with the structure housing the elevator that serves the rooftop parking reaching the building's maximum height of 48 feet. Due to the proposed maximum height of 48 feet for the rooftop parking structure, visibility of potential vehicles at ground level would be limited. Additionally, according to Section 3.1, Aesthetics, page 25 of the Draft EIR, the Project includes screening around the exterior of the rooftop parking as well as shielding from the existing mature trees along the northern boundary of the Project. For screening, the Project would utilize a perforated metal screen to help conceal Project elements from surrounding businesses. This creates a design aesthetic with some transparency and visual interest that mimics design elements on other warehouse elevations, see Figure 2.5-3, Proposed Elevations of the Draft EIR. With implementation of the proposed screening and shielding for the rooftop parking, impacts on visibility of potentially parked vehicles would be reduced. Additionally, the Project would go through a design review process during the Project review and would be reviewed for consistency with the General Plan, San José Municipal Code, and related City Council Development policies. Therefore, with adherence to the policies set forth in the General Plan, the zoning requirements, and the design guidelines for the Project site, the proposed Project would not conflict with applicable zoning and other regulations governing scenic quality. Thus, impacts would be less than significant.

Comment 9-3	3. What are the pre-development impervious and post-development impervious areas for this project? Are the proposed bioretention basins included as pervious or impervious for this site data information?
Response 9-3	As discussed in Section 3.10, Hydrology and Water Quality, Pages 144 through 151 of the Draft EIR, the Project site is approximately 96 percent impervious (515,992 square feet). After development of the Project, the site would be approximately 88 percent impervious (469,508 square feet). The Project would reduce the amount of impervious surface area on site by approximately eight percent, or a decrease of approximately 46,484 square feet. This decrease is due to reduced building size and additional landscaping being installed on-site by the Project. This decrease would allow for more on-site water percolation than the current amount of impervious surface. Thus, the amount of runoff from the Project site and the potential for flooding on and off-site would be reduced. Further, this would increase the pervious surface area through which rainfall could percolate into the ground on-site. Thus, the Project would not obstruct groundwater recharge as compared to the current conditions on-site. Additionally, once Project construction is complete, soil disturbance and the potential for erosion and siltation would be minimized and the total amount of impervious surface on the Project site would be reduced. The Project would implement stormwater Best Management Practices, including the utilization of bioretention basins in landscape areas to treat runoff from sidewalks, roofs, and drive aisles, two-self treating areas as defined by Section 4.1 of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Handbook, and tree planting within 25 feet of impervious surfaces. Impacts would be less than significant.
Comment 9-4	4. It appears the bioretention basins are only planted with small shrubs. Are there any small native trees that would be also compatible in these areas?
Response 9-4	Refer to Response 9-3 above. The Project would implement stormwater Best Management Practices, including the utilization of bioretention basins in landscape areas to treat runoff from sidewalks, roofs, and drive aisles, two-self treating areas as defined by Section 4.1 of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Handbook, and tree planting within 25 feet of impervious surfaces. Impacts would be less than significant. For additional information, see Section 3.10, Hydrology and Water Quality, Pages 144 through 150. Additionally, according to Section 3.4, Biological Resources, Pages 58 through 69 of the Draft EIR, the Project includes three on-site native tree species, and all three existing native trees will be protected and kept on-site. Lastly, the Project would adhere to Policy MS-21.8 of the San Jose General Plan, requiring the incorporation of native trees within landscaping.
Comment 9-5	5. Is there an Autoturn vehicle movement plan available or other plan sheet showing where the large delivery trucks will enter/exit and circulate the site? Hopefully these trucks won't be on any of the smaller city streets and will stay off Graves Ave.
Response 9-5	Refer to Topical Response B for a discussion of truck access and circulation on the Project site. The Project would be accessed from Lawrence Expressway, Prospect Road, and Saratoga Avenue (via the adjacent West Valley Shopping Center). See

Appendix I, Transportation Analysis, page 33, of the Draft EIR for additional information for Project truck access and circulation. The main access points to the Project site are a right-in/right-out/left-in signalized intersection located along Lawrence Express Way and a proposed connection through the shopping center to the existing full-access signalized intersection on Prospect Road. The Project includes the closure of the existing west access point along Graves Avenue (Site Access A) and retains the existing full-access point along Graves Avenue at the eastern end of the site (Site Access B). Minor accesses are available through the shopping center via two right-in/right-out driveways along Prospect Road (Site Accesses D and E) and a right-in/right-out/left-in driveway on Saratoga Avenue, south of Capanella Terrace (Site Access C). Graves Avenue runs west from Saratoga Avenue and terminates at a cul-de-sac just east of Lawrence Express Way. It is a low-volume, two-lane street that provides access to the residential neighborhood north of the Project site. The Project will eliminate the existing western access along Graves Avenue (Site Access A) and may or may not include site access via Access Point B. Therefore, two alternative scenarios were developed for the operations analysis: "Alternative A" includes access via Graves Avenue at Site Access B; "Alternative B" excludes all access via Graves Avenue. Delivery trucks would primarily utilize the Lawrence Expressway/Westgate West Shopping Center Driveway and Saratoga Avenue/Westgate West Shopping Center Driveway to access the site. Costco's own delivery trucks would be prohibited from accessing the site via Graves Avenue, regardless of which alternative is selected. Local and regional vendor delivery trucks may use Graves Avenue and Site Access B, if access is provided, as Costco does not manage independent vendor trucks.

Comment 9-6

6. The plans show 22' (north side) building setback to Costco. Will all the construction occur on private property, or is some of the construction/scaffolding, etc. expected to encroach on public right of way? There is a screen wall along south side of Graves and mature trees that have survived despite growth limiting conditions of minimal soil and overhead power lines. Will these trees and wall remain? It is recommended to add a few more trees along north side of Costco building to improve aesthetics from nearby residences.

Response 9-6

Refer to Section 2.0, Project Description, page 8 through 13 of the Draft EIR. Project construction would occur within private property which would entail demolishing three existing buildings, Buildings F, H, and J, totaling 188,265 square feet (see Figure 2.5 1: Existing Conditions), and construct one new wholesale warehouse retail center ("Costco building") and associated rooftop and surface parking. The other six existing buildings, Buildings A, B, C, D, E, and G, as shown on Figure 2.5 1: Existing Conditions, would remain. Reconfiguration of the existing Westgate West Shopping Center surface parking and closing the existing northwestern driveway at the terminus of Graves Avenue would also occur. Figure 2.5 2: Proposed Overall Site Plan shows the site layout and Figure 2.5 3: Proposed Elevations shows the proposed architectural elevations for the Costco building. The Project site is designated as Neighborhood/Community Commercial (NCC) in the Envision San José 2040 General Plan Land/Use Transportation Diagram, which allows for commercial and retail uses. The Project site is located in the Commercial General (CG) Zoning District, which also allows for commercial and retail uses including larger commercial centers and regional malls. The

Project would also include off-site right-of-way improvements at the Project site access points from the Lawrence Expressway, along the Lawrence Expressway, along Prospect Road, along Graves Avenue, and Project site access from Saratoga Avenue. Improvements at the Lawrence Expressway access would include constructing two ADA compliant curb ramps equipped with truncated domes connected to a crosswalk that would be restriped and may receive some asphalt reconstruction. The sidewalk between the Lawrence Expressway access to the Project site and the Graves Avenue cul-de-sac would also be reconstructed. Public improvements along Prospect Road would involve reconstructing the existing median to extend the existing eastbound left-turn lane that would provide access to the Project site. A crosswalk across Graves Avenue at the intersection with Field Avenue would be installed to provide pedestrian access to the Project site. Crosswalk installation would include striping across Graves Avenue and concrete curb extensions on both sides of Graves Avenue. Some roadway reconstruction may be required to access drainage though no drainage outlets are anticipated to be relocated. The north side of the Saratoga Avenue access behind the existing Westgate West Shopping Center building would be widened to permit truck access to the proposed Costco Building. Additionally, the proposed landscaping plan and plant palette is provided in Figure 2.5 4: Proposed Costco Landscape Plan and Figure 2.5 5: Proposed Reconfigured Parking Landscape Plan. The Project site has mature landscape vegetation including trees and shrubs along the site boundary. Trees are also existing throughout the existing surface parking lots. Project implementation would remove some of the existing vegetation on-site, including 115 trees, 81 of which are ordinance-sized trees; 157 existing trees would remain. Tree removals would be in accordance with San José Municipal Code Section 13.32 which requires project applicants to obtain and comply with a Tree Removal Permit. Based on the City's Tree Replacement ratios, the Project would be required to plant a total of 375 15-gallon replacement trees (or 188 24-inch box trees) or pay equivalent Tree Replacement Fees to the City. The Project proposes to plant 289 new 24-inch box trees on-site and in Project site street frontages. Additional landscaping throughout the site would include a mix of grasses, shrubs, and groundcover. Landscape coverage would be provided for the required 15-foot frontage setback along the Lawrence Expressway. In The Draft EIR found that there are no significant impacts related to Biological Resources for the Project with the proposed mitigation measures incorporated; see Section 3.4, Biological Resources pages 69 and 70 of the Draft EIR. Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that the Project would not have any significant impacts on the aesthetics for the Project area. Lastly, The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 9-7

7.For the parking lot improved landscaping there are numerous new trees with very small green space to support growth. Will these tiny tree areas include a below grade lattice structure for increased soil volume? If not these trees will be very stunted and could create root/pavement conflicts in future. Consider increasing the size of landscape islands to better support trees.

Response 9-7	See Response 9-6 above. The Project would be designed and constructed in accordance with the City of San José's municipal code and landscaping requirements. Additionally, according to Section 2.0, Project Description page 10 of the Draft EIR, the Project site has mature landscape vegetation including trees and shrubs along the site boundary. Trees are also existing throughout the existing surface parking lots. Project implementation would remove some of the existing vegetation on-site, including 115 trees, 81 of which are ordinance-sized trees; 157 existing trees would remain. Tree removals would be in accordance with San José Municipal Code Section 13.32 which requires project applicants to obtain and comply with a Tree Removal Permit. Based on the City's Tree Replacement ratios, the Project would be required to plant a total of 375 15-gallon replacement trees (or 188 24-inch box trees) or pay equivalent Tree Replacement Fees to the City. The Project proposes to plant 289 new 24-inch box trees on-site and in Project site street frontages. Additional landscaping throughout the site would include a mix of grasses, shrubs, and groundcover. Landscape coverage would be provided for the required 15-foot frontage setback along the Lawrence Expressway. See Figure 2.5 4: Proposed Costco Landscape Plan and Figure 2.5 5: Proposed Reconfigured Parking Landscape Plan, for the proposed landscaping plan and plant palette. Lastly, the 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 9-8	8. Is there an exterior backup generator planned? If so, where will this be located on site and will it be tested regularly? I understand these can be very noisy.
Response 9-8	Refer to Section 3.6, Energy page 102 and Section 3.13, Noise pages 175 through 196 of the Draft EIR. These sections discussions of all Project-related energy and noise impacts, including generators, which would be used on site only in the event of an emergency or during a power outage. The Draft EIR found that there would be no significant impacts to noise with incorporation of the proposed 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 9-9	9. Thank you for the notice and opportunity to provide comment.
Response 9-9	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 10.	Celia Chiang (dated December 20, 2023)
Comment 10-1	Hi, I'm all for this Costco project. This process takes too long, it needs to be built as soon as possible. Costco has done a great job in its accommodations to some residents' 'concerns'. So many Nextdoor neighbors/posters are for Costco and cannot wait for its opening date! Thank you!

Response 10-1 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 11. Cyrus Shahriari (dated December 20, 2023)

Comment 11-1 To whom it may concern,

The thorough 'Westgate West Shopping Center' draft EIR addresses key concerns around anticipated traffic volumes in San Jose District 1. Those residents in the immediate area near Graves Avenue understandably have a high concern on resulting noise among other quality of life issues.

For the vast majority of district 1 residents not in the immediate vicinity of the proposed site, the economic benefits of the project will likely outweigh the short term inconveniences.

Costco has a proven track record of sound business operations with one of the highest employee satisfaction rates based on public perception.

The issue at hand is enforcement of existing California Vehicle Code (CVC) and less so with the development of a highly reputable business

My recommendation is to proceed with the Costco development while ensuring that overall traffic concerns in District 1 are addressed by local authorities. The traffic concern is not limited to the Costco development project, but it should be addressed more holistically.

We should decouple the overall traffic concerns in the area while at the same time enabling beneficial development projects.

Response 11-1 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 12. Susan Cohn (dated December 20, 2023)

Comment 12-1 Thank you for the notification. I am totally opposed to the West Costco project.

Response 12-1 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 12-2 It will cause severe traffic problems in an already impacted area.

Response 12-2 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.
Comment 12-3	It is close to a school and puts students going to and from Prospect High at a risk.
Response 12-3	Refer to Topical Response D for a discussion of pedestrian 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 12-4	The fact that it will destroy 115 trees only adds to my grievance.
Response 12-4	According to Section 2.0, Project Description page 10 of the Draft EIR, Project implementation would remove some of the existing vegetation on-site, including 115 trees, 81 of which are ordinance-sized trees; however, 157 existing trees would remain. Tree removals would be in accordance with San José Municipal Code Section 13.32 which requires project applicants to obtain and comply with a Tree Removal Permit. Based on the City's Tree Replacement ratios, the Project would be required to plant a total of 375 15-gallon replacement trees (or 188 24-inch box trees) or pay equivalent Tree Replacement Fees to the City. The Project proposes to plant 289 new 24-inch box trees on-site and in Project site street frontages. Additional landscaping throughout the site would include a mix of grasses, shrubs, and groundcover. Landscape coverage would be provided for the required 15-foot frontage setback along the Lawrence Expressway. See Figure 2.5-4: Proposed Costco Landscape Plan and Figure 2.5-5: Proposed Reconfigured Parking Landscape Plan, for the proposed landscaping plan and plant palette. Lastly, The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 12-5	It will also have an impact on a neighborhood that is not industrial but a community.
Response 12-5	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 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 12-6	What else can I do to oppose this project beyond write you.
Response 12-6	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 13. Jim Frankola (dated December 21, 2023)

Comment 13-1 Kara, I am not a resident of San Jose, but I live close to the proposed Costco. I want to register that I think it is a great addition to the area and encourage San Jose to approve as quickly as possible with minimal restrictions or changes.

Response 13-1 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 14. Paulette Rinck (dated December 21, 2023)

Comment 14-1 I oppose the building of Costco at Westgate west.

Response 14-1 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 raise any concerns with regard to adequacy of the Draft EIR and therefore, no further response is required.

Comment 14-2 The traffic is bad enough with both the Westgate and El Paseo shopping center nearby Costco would be placed near a residential neighborhood increasing traffic in a quiet area. Please reject this project

Response 14-2 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 Letter 15. Ruhi Nathan (dated December 21, 2023)

Comment 15-1 Please reconsider your decision to build a Costco at Westgate West. I have been a resident of the area for nearly 30 years and having seen the area and demographics change. Our roads have become excessively crowded and building a big store like Costco will greatly add to the traffic chaos that already exists on Prospect and Saratoga roads. I drive daily on Prospect and Lawrence expressway.

Response 15-1 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 15-2	We bought a house because of the neighborhood community not because of the big stores.
Response 15-2	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not raise any issues with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 16.	Kim Taddeo (dated December 22, 2023)
Comment 16-1	We (4 family members) are strongly opposed to a Costco in the Westgate West shopping center.
Response 16-1	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 raise any issues with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 16-2	There are numerous traffic, noise and safety issues that cannot be mitigated on this site.
Response 16-2	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. No mitigation measures would be required for impacts related to transportation as there were none found to be significant. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzes the Project's noise impacts on the environment and includes applicable mitigation measures to reduce potential noise impacts to a less than significant level. Refer to Topical Response D for a discussion of pedestrian 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 16-3	A huge concern is the hundreds of children who walk across Lawrence en route to Prospect High School. The increased traffic coming and going into a Costco is a disaster waiting to happen. The only possible safe solution is a pedestrian bridge across Lawrence. Costco should not be allowed to develop this location without addressing pedestrian safety.
Response 16-3	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 D for a discussion of pedestrian safety in the Project area. As stated in Topical Response D, the Project is anticipated to generate minimal trips during weekday AM and PM peak periods 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM, respectively. Specifically, the Transportation Analysis assumes zero (0) Project trips making right turns at three corners and 34 right turns, or approximately one right-turn every two minutes, at one corner. Therefore, Costco traffic would not cause a material increase in the frequency of pedestrian and vehicle interactions at the crosswalks. Since conditions with the Project would remain similar to existing conditions, the Project would not uniquely pedestrian hazards which would necessitate additional pedestrian facilities such as pedestrian bridges. The

comment did not provide new, 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 17. Pankaj Raghuvanshi (dated December 25, 2023)

Comment 17-1 I have been a resident of the Country Lane neighborhood for over 10 years and raised my family here. My children walk to the neighborhood parks and I don't have to worry about traffic on the internal roads. With the proposed Costco in Westgate West, we will have drivers rushing to get to Costco driving fast and rash through the neighborhood streets. There is an elementary school in the neighborhood, Country Lane and little children walk to school. I read the reports that the city has put out and there is no mention of these risks to pedestrians and small children in the neighborhood.

I am disappointed that the city has chosen to ignore the concerns of the residents and has created a dangerous situation. If an accident were to happen, we will hold the city responsible for willful negligence. Traffic to Costco through internal neighborhood roads where children walk alone is an accident waiting to happen and the city is facilitating this.

Response 17-1 Refer to Topical Response D for a discussion of pedestrian safety in the Project area. Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation. Refer to Topical Response C for a discussion of supplemental school peak hour traffic counts near schools 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. 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 Letter 18. Mark Tashima (dated December 26, 2023)

Comment 18-1 Please keep me on the Westgate West Costco project.

Response 18-1 This comment is noted for the record and future notifications for the Project will be sent by the City via email. The comment did not provide new, 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 19. Carl Ferreira (dated January 1, 2024)

Comment 19-1 I have only just now seen the DEIR for the Westgate West Costco proposal. While I will undoubtedly have further comments, I feel that these first points are of utmost importance since the DEIR utterly fails to address these concerns in a

reasonable manner. I look forward to receiving a fair and thoughtful response to these points:

Response 19-1 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 19-2 My primary concerns are regarding the Transportation Section in Section 3.

- I believe that the use of VMT as the primary performance metric is absurd. I'm sure that it puts the proposal in the best light, but Vehicle Miles Travelled is not nearly as important to local residents as Vehicle Hours Travelled. This would encompass the added congestion in and around the proposed Costco area throughout the day, including additional wait times for traffic lights, slower traffic speed, and increased transit time in traffic passing through - but not necessarily to - the area. The increase in total hours spent in a vehicle due to this project will have a direct impact on the quality of life in and around the target area and will extend far beyond the immediate warehouse location. I'm sure that you would not be willing to trade a 5 mile reduction in your commute distance for a 30-minute increase in your commute time.
- In the calculation of average trip length, it appears that the new warehouse would result in 46,152 fewer miles travelled to other warehouses, while adding 19,624 miles driven to the new Costco location. While on the surface this clearly reduces traffic (and, presumably, transit time) around the existing four warehouses, it does so at the expense of dumping almost half of that traffic all into the area of the new warehouse. This study not only fails to estimate the time savings (roughly 1.3 miles per person or about 2 minutes per person for 14,000 people) to Costco customers, but it then ignores the daily traffic slowdown for the 100,000 residents of the area by adding about 25% more people going through the area every day.

Response 19-2 The comment refers to “vehicle hours traveled,” which appears to function as a proxy for congestion. 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. Additional site access, circulation, and transportation safety issues are addressed in Topical Responses B and C. Additionally, as stated in Topical Response D, during the weekday AM and PM peak periods; 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM, respectively; the Transportation Analysis assumes zero (0) Project trips making right turns at three corners and 34 right turns, or approximately one right-turn every two minutes, at one corner. Therefore, Costco traffic would not cause a material increase in the frequency of pedestrian and vehicle interactions at the crosswalks. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 19-3	And this is all without factoring in the additional traffic that will be drawn to and pass through the area once the Paseo de Saratoga project is complete.
Response 19-3	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 the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts to transportation. 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 19-4	I look forward to a cogent response to this issues. I will add more questions as I make my way through the document.
Response 19-4	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 Letter 20.	Pankaj Raghuvanshi (dated January 3, 2024)
Comment 20-1	Thank you for your response. The reason I sent this mail is that I did not see anything specific in the EIR that talked about addressing traffic through the neighborhood. How is the city making sure that Costco drivers do not cut through the neighborhood streets to get to Costco. With the 11000 additional trips to Costco, turning left into the store from Costco will be backed up. In this event, what is the city's plan to ensure that drivers do not take the internal neighborhood roads to get to Costco. Are you considering installing bollards to the roads that lead from the neighborhood to Costco or are there other proposals? I did not see any mention of this in the reports.
Response 20-1	Pages 10 and 11 in Section 2.0, Project Information and Description, of the Draft EIR describes the off-site improvements included as part of the Project. Refer to Topical Response B for a discussion of Project site access and circulation. Page 221 page 220 of Section 3.17, Transportation of the Draft EIR summarizes the removal of one of the two existing Graves Avenue driveways, and the proposed use of the remaining Graves Avenue driveway as a delivery truck access point. Furthermore, Project trips at this driveway trips were estimated to be approximately 13 more than existing conditions. There would be a barrier for pedestrians to enter the Costco site from the north, in the form of a wall along Graves Avenue. In part, this would deter Costco customers from parking in the neighborhood to the north of the Project site and walking to the Costco. Additionally, the Costco is designed to provide sufficient parking for Costco customers.

Comment Letter 21. Gina Lugo (dated January 9, 2024)

Comment 21-1 I was wondering if you could share the status of the project at this me? Is Costco actually going to go in or not?

Response 21-1 This comment is noted for the record and future notifications for the Project will be sent by the City via email. The comment did not provide new, 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 22. Carlin Black (dated January 10, 2024)

Comment 22-1 I want to formally get on record that I believe Costco must be required to build an Urban Warehouse with Parking on the roof rather than sprawling all over the Urban Village designated area. I am not against a Costco Warehouse at Westgate, but destroying all possibility of an urban village development on the property by covering it with huge Costco Parking spaces is unacceptable planning.

As presented the plan is unacceptable planning.

Response 22-1 Section 2.3, Proposed Development, of the Draft EIR includes a description of the rooftop parking as part 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. 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 Letter 23. Carl Ferreira (dated January 11, 2024)

Comment 23-1 I have examined the DEIR for the Westgate West Costco proposal and I feel that it is fatally flawed, both in its calculations as well as it's most basic means of measurement.

These comments relate to the Transportation Section in Section 3.

The more I read, the more I feel as though this report was written by a sixth-grader who can only do basic math and thus measures everything in Vehicle Miles Travelled when, in fact, the primary measurement should be Vehicle Hours travelled which is, admittedly, a more difficult measurement because it needs to factor in the impact on increased traffic, traffic light timing, and delays due to foot traffic, but that's why a qualified Traffic Engineer should perform the calculations. Perhaps you can locate one.

Response 23-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Appendix I, Transportation Analysis, of the Draft EIR, which informs pages 209 through 224 in Section 3.17, Transportation, of the Draft EIR, was prepared by Kittelson & Associates, Inc., a professional transportation services firm, and was peer reviewed by the City's professional staff. The comment did not raise any 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 23-2	Using the most basic math calculations, I determined that the entrance from Prospect Avenue would need to accommodate an average of 275 vehicles per hour, while the Lawrence Expressway entrance would need to support 427 vehicles per hour. Mind you, these are averages, NOT peak numbers. Yet the proposal suggests that the Lawrence entrance would have only 93 vehicles per hour at peak time entering and 88 vehicles per hour at peak time exiting. Meanwhile, the Prospect avenue entrance claims 135 vehicles per hour at peak times entering, and 315 vehicles exiting at peak times. Furthermore, the peak traffic at the Lawrence/Bollinger intersection northbound is estimated at 70 cars per hour, which comes nowhere even close to the estimated 427 cars I believe would go through the intersection on average, let alone peak hours. My estimates are also based solely on Costco's estimated vehicle traffic with a crude estimation of likely traffic disbursements and patterns in customers from other warehouses using main arteries. Looking at the intersections on Prospect Rd. between Lawrence Expy and Lyle Dr., first of all I see no accounting for any traffic at all turning right from southbound Lawrence on to Prospect. The intersection at Lyle Drive doesn't even account for all the cars going straight through the Lawrence Expy/Prospect intersection. How am I supposed to have any confidence in estimates that are done this poorly? Nowhere do I see any estimation of what this added influx will do to the existing flow of traffic in terms of increased wait time at traffic lights and reduced speed primarily along the Lawrence Expressway, Saratoga Avenue, and Prospect/Hamilton Avenue arteries. This proposal should be scrapped in favor of a complete rework, preferably by traffic engineers that live in the West San Jose area and will actually be impacted by this decision. As always, I look forward to a well thought out response to these issues.
Response 23-2	Refer to Topical Responses A through C for a discussion of the Transportation Analysis scope, methodology, the Project's transportation impacts. The commentor cites numbers from Figure 9 of Appendix I, Transportation Analysis, of the Draft EIR as representing the weekday PM peak hour trips after Project construction. However, Figure 9 only portrays net project trips. Figure 14 of Appendix I, Transportation Analysis, of the Draft EIR should be referred to for cumulative plus project weekday PM peak hour trips. Refer to Topical Response A for a discussion of VMT as the required CEQA metric, not LOS, to determine the significance of transportation impacts.
Comment Letter 24.	Max Baer (dated January 12, 2024)
Comment 24-1	and how will all the added cars be handled on roads already packed?
Response 24-1	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.

Comment Letter 25. Dan Rhoads (dated January 14, 2024)

Comment 25-1 The following is ours and many of our neighbors' concerns with the planned building of a Costco in Westgate west: We are not transportation experts. However, we have grave concerns about the volume and negative environmental impact to this planned Costco.

The following points are being raised:

1. This entire project and traffic study, in particular, fails to consider the approved/proposed El Paseo housing that will add 994 additional residences to this same area. In addition, the report fails to address the additional 90 residential units on Saratoga and Cox avenue in Saratoga which are close to completion. Together these two projects alone will cause gridlock in our area WITHOUT including a new Costco at Prospect and Lawrence expressway.

Response 25-1 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 E for a discussion of the Paseo de Saratoga Urban Village plan status and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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, which includes the Mixed-Use Village Project at 1312 El Paseo and 1777 Saratoga Avenue.

Comment 25-2 2. The final Traffic analysis states: " The project impact would be Less than significant" is a joke. During business hours and especially during morning commute and evening commutes plus the school traffic at Prospect HS is already very heavy. Adding traffic from a Costco would make these drive times unacceptable to any resident in the Prospect/Lawrence area. Nothing is mentioned about syncing traffic signals on the left turn from Prospect onto Lawrence and the Left turn from Lawrence into the Costco parking lot. Adding more time to the signals entering Costco off Lawrence will backup traffic onto Prospect during most mornings. The reverse will happen in the evening commute backing up traffic on southout Lawrence into Costco parking lot.

Response 25-2 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 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 also to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As discussed in Topical Response D, Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation.

Comment 25-3	3. There is NO mention of an overhead walkway on Lawrence or Prospect. Adding considerations for bikers and walkers will only add to the intersection's traffic problems when you need to factor non-drivers crossing times. An overhead walkway will also reduce accidents with bikers and pedestrians on this busy intersection.
Response 25-3	Section 2.3, Proposed Development, and Appendix I, Transportation Analysis, of the Draft EIR includes a discussion of the proposed offsite improvements as part of the Project. Refer to Topical Response D for a discussion of a pedestrian overcrossing and pedestrian and bicyclist safety in the Project area. Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation.
Comment 25-4	4. There is no mention of adding more public transportation. San Jose's mentality is to build and then worry about public transportation later. This strategy needs to be reversed. We think San Jose is vulnerable to more lawsuits in the future for lack of proper planning and factoring neighboring communities.
Response 25-4	This comment is noted for the record and will be provided to the decision makers for review and consideration. The Project would not remove existing public transit in a way that would necessitate replacement. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant transportation impacts. As such, no mitigation measures are needed for transportation impacts related to the Project. .
Comment Letter 26.	Christine Cusack (dated January 15, 2024)
Comment 26-1	My name is Christina Cusack. I am a 13-year resident of West San Jose and have lived in the Country Lane neighborhood for the last two years, which is about a two-minute walk from the proposed Costco site in Westgate West. I am also a parent of a 9th grader at Prospect High School, which is located less than 1,000 feet from the proposed Costco Warehouse. My student and her classmate who is also a neighbor walk to and from school every day. Their route goes directly past this site. My first concern is for the extreme traffic that this Costco would generate, adding 11,000 car trips daily (Appendix L Transportation Analysis pages 13, 41). This is up from 600 cars currently. The Lawrence Expressway and Prospect Ave. intersection is already a dangerous intersection, with four accidents involving students in just the past year. I cannot fathom the danger posed to these children, should there be an increase in traffic by nearly 19 times! I truly fear for the kids' safety and believe such an increase in traffic, with no planned road changes, is unlivable and poses a real threat of harm.
Response 26-1	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Additionally, as discussed in Topical Response D, Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school

	operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation.
Comment 26-2	In addition to the traffic concerns, my husband has respiratory issues and uses a nebulizer. The air pollution posed by this many vehicles would have a significantly adverse effect on his health and ability to breath.
Response 26-2	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..
Comment 26-3	While I understand and agree that this site should not be left vacant, this project is too large and inappropriate for the space and surrounding community. I would much prefer a different type of project that will generate less traffic and pollution. Please understand, I have been Costco member for years and am perfectly satisfied driving the 6 or 8 miles to either the Sunnyvale or Santa Clara stores to do my shopping. These are in industrial areas, where they belong, not a residential neighborhood across the street from a high school. It is also my understanding that the proposed Costco is larger than the Sunnyvale store and on a smaller land footprint. It would be wonderful if, instead of a big box warehouse that will add nothing to the community, culture, or quality of life for the residents of the West Valley, San Jose make progress toward alleviating the severe housing shortage. I work in education. I love this community and area so much that my family has decided to stay here, despite the prohibitive cost of homeownership in San Jose. It would be great if the city could focus on solving that. Other alternatives to this site would be a grocery store or community recreation center. If a Costco absolutely needed to go in that site, the city and county would need to make significant upgrades to the surrounding infrastructure and roads such as pedestrian overpasses, road widening, etc. before it could happen.
Response 26-3	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 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 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 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives to the Project. Section 15126.6, Consideration and Discussion of Alternatives to the Proposed Project, of the CEQA Guidelines requires that an EIR describe a reasonable range

of alternatives that would meet the basic objectives of a proposed project but reduce the significant effects of a proposed project. There are no significant effects from the Project to reduce and the alternatives proposed by the commentor would not meet the objectives of the Project. Thus, the alternatives were not considered by the Draft EIR. The 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 26-4

I am not opposed to all development, I simply want that development to make sense for the space and the community. As it stands, this project is directly at odds with several goals and initiatives set forth by the City of San Jose, namely Vision Zero, which aims to reduce and eliminate traffic deaths and major injuries. Another significant initiative, Climate Smart San Jose, was adopted in 2018 and set a goal of being carbon neutral by 2030. Climate Smart purports to reduce air pollution, save water and improve quality of life. The Costco Warehouse proposal in Westgate West is directly at odds with both of these initiatives.

Response 26-4

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 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 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on water infrastructure and found that there were no related significant and unavoidable impacts. 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. Further, pages 352 through 364 of Appendix F, Greenhouse Gas Emissions Assessment, of the Draft EIR included a compliance checklist for the City's 2030 Greenhouse Gas Reduction Strategy, which leverages other important City policies, including Climate Smart San José. As such, the Draft EIR found that there are no significant impacts related to Greenhouse Gas Emissions for the Project. Transportation impacts in relation to the City's Vision Zero initiative were analyzed in Appendix I, Transportation Analysis, and pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR. 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 26-5

I sincerely appreciate the thoughtful consideration and attention that the city has and will continue to give to the development of this site to preserve the health and wellness of both the community and the environment.

Response 26-5

This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not raise any 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 Letter 27. Dolores Weins (dated January 16, 2024)

Comment 27-1

My name is Dolores Weins, resident of English Estates for 58 years. English, Peterson, Lyle Drive, Mayme and Maurice Lanes are a unique neighborhoods with apartments on Maurice Lane, facing Lawrence Expressway, Westhill Convalescent, Assisted Living, Memory Unit and Villa Fontana on Peterson, Mayme and Maurice Lane, Highschool on Prospect Rd causing extreme traffic as Lyle Drive being used as a drop off for students on school days.

Fire, ambulance and medical response a constant. Safety to students crossing Prospect to and from Lyle a real safety issue both for traffic and students.

Bringing more traffic to our little neighborhood is unimaginable, putting pedestrians, medical response teams unable to respond to Westhill Nursing Home facilities needs to be a consideration before bringing more traffic to the area.

Planning ahead for approval before beginning construction of the enormous Costco development needs to be addressed before ours becomes a hazardous neighborhood. The safety of our students and pedestrians should be the concern of our community and our Planning officials.

Thank you for considering a new plan before it becomes a goal/nightmare of no return.

Response 27-1

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 A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Pages 202 through 205 in Section 3.15, Public Services, of the Draft EIR analyzed the Project's impacts to provision of public services and found that there were no significant and unavoidable impacts related to the Project. Section 3.09, Hazards and Hazardous Materials, of the Draft EIR analyzed hazards impacts associated with the Project. The Draft EIR found that there were no significant impacts to hazards as a result of the Project, including that the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Refer to Topical Response D for a discussion of pedestrian safety in the Project area. As discussed in Topical Response D, Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation. The comment did not provide new, 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 28. Julie Borina Driscoll (dated January 16, 2024)

Comment 28-1

Could Pedestrian/Bicycle Overhead Bridges, with entry/exit ramps, please be considered across Lawrence Expressway and Prospect, leading to and from Costco, for safety of all, but predominately, for the number of Prospect High School students who “group” to cross roads and already can encounter congested traffic conditions during peak hours. This is also for the safety of drivers of vehicles in the area at peak traffic times.

El Paseo Project Development will add to the concentration of traffic in the area and the pedestrian/bicycle bridge idea would help prevent chaotic conditions that can result from an influx of traffic at expressway speeds, the concentration of pedestrian and bicycle traffic “grouping” to cross the roads, during peak traffic times.

Taking pedestrians and bicyclists off the roads will be safest for all involved with Pedestrian/Bicyclist Bridges.

(One example of this type of Pedestrian/Bicyclist bridge is at Moorpark over Freeway 280 to Cypress. Another example is the bridge over San Tomas Expressway, near Budd Avenue in San Jose/Campbell area). Both have cyclone type of fences, enclosures.

Neither of these two bridges appear to have a fraction of the foot or bicycle traffic that the area around proposed Westgate Costco and El Paseo Projects (Saratoga) will have with Prospect High School students, grouping and competing to cross across fast moving traffic lanes on Lawrence Expressway. (There are signals and crosswalks in the area at present, but this may not be adequate with increased traffic projected, adding customers driving into and out of Costco). At times, the congestion can lead to unsafe conditions as drivers need to wait until the “groups” clear—regardless of the traffic signs timing, or right of way—the pedestrians’ safety needs to be considered first and foremost. (Clarifying, the driver can have the green light, but if the “grouping” of students are not finished crossing, there can be an overlap with some drivers becoming impatient).

PLEASE CONSIDER THIS AS THIS CAN HAPPEN UNDER PRESENT CONDITIONS—NO COSTCO, YET, NOR EL PASEO PROJECT, ADDING HOUSING IN AREA, YET.

Important safety thoughts that with the number of accidents which have happened in previous years, in the area, due to the congestion at times, there cannot be any accidents, of a significant likelihood, if the pedestrians/bicyclists are taken out of harm’s way, above vehicle traffic.

There is also, at least one, if not more, senior Retirement Homes on Prospect, across Prospect High School, who may be using the Pedestrian/Bicycle Bridge to cross Lawrence Expressway to shop at Costco. The Pedestrian/Bicycle Bridge would increase the safety for seniors.

The Pedestrian/Bicycle Bridge consideration over Lawrence Expressway and Prospect, seems mandatory to consider for safety of all.

Thank you for your consideration.

Response 28-1 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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. Refer to Topical Response D for a discussion of a pedestrian overcrossing and 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 29. Sheafe Smith (dated January 16, 2024)

Comment 29-1 To start, I fully support the Costco project.

I am 59 year resident of west San Jose. I went to Murdock, Miller, Lynbrook, and West Valley. My first jobs were at the original El Paseo de Saratoga. I have shopped at Westgate West for almost my entire life... Albertsons was there Smart and Final was, with Payless in the spot Goodwill occupies. Shopping at Consumers Distributing and family photos at Olan Mills in storefronts now boarded up. Westgate West used to be a what used to be a vibrant shopping center and I want to see it return. The only way this will happen is with a seismic shift like Costco will bring.

Again, I fully support and encourage Costco in Westgate West.

Response 29-1 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 raise any 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 Letter 30. Joe Picone (dated January 18, 2024)

Comment 30-1 I am a homeowner in the West Valley. I am completely in favor of Costco's proposed move to West Gate West. Nothing Stays the same, & this is good for all west San Jose's residents.

Response 30-1 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 raise any 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 Letter 31. Ramesh B. (dated January 20, 2024)

Comment 31-1 Please note these additional comments to CP21-022 EIR and convey to Costco team

Now that Smart/Final at the Costco site the truck traffic will be more representative of truck traffic in the absence of Costco. Costco should re-run their traffic study to see for themselves the graves ave exit is NOT used for truck deliveries. Though occasionally a trader joe's may exit there (Trader Joe's has given written commitment - see email below) they dont need to use Graves ave.

The permit for the adjacent center hosting Sprout's explicitly bans the tenants of that center from using Graves ave and no deliveries between 9PM and 7 AM.

Therefore ALL driveways between proposed Costco center and Graves ave must be closed and Costco should also be restricted from deliveries between 9pm and 7am.

----- Forwarded Message -----
From: Alexis Walsh <awalsh@traderjoes.com>
To: Ramesh B. [REDACTED]
Sent: Friday, November 17, 2023 at 11:04:24 AM PST
Subject: Re: Trader Joe's trucks using Graves Ave to deliver to store #62?

Hello Ramesh,

I am not sure about the drivers, but I have worked with logistics to ensure everyone understands not to Graves Ave.

My apologies, and thank you for reaching out.

Alexis

Response 31-1 Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area.

Comment Letter 32. Ximin Zhang (dated January 20, 2024)

Comment 32-1 I write this email to raise my concern about the proposed Costco San Jose Westgate West at 5253, 5287, 5289 and 5347 Prospect Road within the Westgate West Shopping Center.

I am a 17 year resident of the Country Lane Neighborhood which is right next to the proposed Costco Warehouse at Westgate West. My home is close to the proposed site and only ~200 feet away from the site boundary. I am also the parent of student at Country lane elementary and Prospect HS, which are located less than 1,000 feet from the proposed Costco site.

Response 32-1 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 32-2	As a parent and resident, I am extremely concerned the traffic and safety risks this project will bring. According to the statistics, this project will generate more than 11,000 car trips (per Appendix L Transportation Analysis pages 13, 41) particularly at the already over-congested intersections of Lawrence Expy and Prospect Ave, Saratoga and prospect, Saratoga and Graves. In the past years, there have been multiple pedestrian/car accidents involving students at those intersections. The Costco project does not 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.
Response 32-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As discussed in Topical Response D, Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation. Furthermore, the Project would not alter the existing signalization of the existing major roadways adjacent to the Project site and would disincentivize the use of Graves Avenue by removing one driveway access point. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 32-3	This project alone generates more traffic at that site than roads can handle. 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 32-3	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 the Project would not result in any significant impacts to transportation. 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 and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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, which includes the El Paseo & 1777 Saratoga 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 32-4	I think this Costco project is inappropriately scaled for the current and possible infrastructure at the site which is neighbor to schools and residential neighborhood. It should be denied.
Response 32-4	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 Letter 33.	Yi Ding (dated January 21, 2024)
Comment 33-1	As a resident of the neighborhood, I support Costco's proposal and am also encouraged to see Costco's willingness to work with the neighborhood on areas of concern, such as the Graves Ave entrance. I hope our neighborhood will have a successful relationship with the store for many decades to come.
Response 33-1	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 34.	Mahesh M. (dated January 22, 2024)
Comment 34-1	This is in response to your email pertaining to "NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT". I am also a member of Costco and welcome development. That said, I noticed in many places the plan continues to allow a driveway and a pedestrian walkway from Graves Ave to the project site. In other words, Graves Ave and the surrounding streets would be an extended parking lot, with shopping carts strewn all over the neighborhood, and encouraging further traffic through the neighborhood as a shortcut to dearth of parking spots. I am very much opposed to this plan and kindly request that all access from Graves Ave be closed for good. That may be a minor inconvenience, in exchange for preserving the Happy Valley Area, but well worth it. I am available to discuss further any time. Thanks for your time and consideration and appreciate it,
Response 34-1	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area, 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 35. Prem Gogineni (dated January 22, 2024)

- Comment 35-1 I live in San Jose CA with my family near Lynbrook high school.
- I'm all for the new proposed Costco store coming on the old OSH site in West San Jose.
- This will help reduce my carbon footprint as I currently go to the Santa Clara Costco, which is 20 mile driving round trip and takes nearly 45 minutes.
- This one is so close to my home that I can walk to it in 15 minutes.
- Don't be swayed by the Nimby's.
- This will also help in terms of Job and taxes for San Jose, which would otherwise go to Santa Clara or Sunnyvale.
- Response 35-1 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 36. Rachel Wu (dated January 22, 2024)

- Comment 36-1 I am writing this email to raise my concern about the proposed Costco project in San Jose West Gate, file number CP21-022.
- I have been living in west gate neighborhood for about two decades and am extremely concerned the traffic and safety this project will bring. According to the statistics, this project will generate more than 11,000 car trips (per Appendix L Transportation Analysis pages 13, 41), particularly at the already over-congested intersections of Lawrence Expy and Prospect Ave, Saratoga Ave and Prospect Ave, Saratoga Ave and Graves Ave. In the past years, there have been multiple pedestrian/car accidents at those intersections. This project will generate more traffic than roads can handle. And the Costco project does not have a plan for any major traffic controls or mitigations. This will make worse an already unacceptable risk for students (Prospect High School across the street and Country Lane Elementary School nearby), pedestrians, and cyclists.
- Response 36-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also 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 36-2 Moreover, there will be traffic from thousands of new housing units across Prospect Road and along Saratoga Avenue. The neighborhood will definitely suffer from danger, gridlock, and increased vehicle pollution from traffic-jammed cars.

- Response 36-2 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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, which includes the Mixed-Use Village Project located at 1312 El Paseo and 1777 Saratoga Avenue. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The 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 36-3 Besides pollution from traffic, there will be light and sound pollution from the Costco high rise parking structure. This will affect the life and health of everyone living in this neighborhood.
- Lastly, this giant warehouse will have a huge negative impact (traffic, gridlock, parking, etc.) on all of the small business in that shopping mall. It may eventually drive them out of the mall. But these small business are very much needed and more valuable for our neighborhood. We do NOT need a giant warehouse in a residential area!
- Response 36-3 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 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 analyzes the Project's noise impacts on the environment and includes applicable mitigation measures to reduce potential noise impacts to a less than significant level. Pages 24 through 25 in Section 3.1, Aesthetics, of the Draft EIR addressed the addition of substantial light or glare as a result of the Project and found that there were no significant and unavoidable impacts related to 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 Letter 37. Laurie Himelstein (dated January 23, 2024)**
- Comment 37-1 I live in the immediate adjoining neighborhood for decades. I oppose the Costco being shoehorned into this small site. Increased Traffic, pollution and noise will result for the neighborhood and reduce property values and quality of life. Improved Access to the shopping center is not being planned to accommodate the greatly increased traffic volume. In fact, traffic lanes on nearby Saratoga Ave has been reduced from 3 to 2 lanes already creating traffic problems in the area.

It appears the City of San Jose will approve anything for increased business tax revenue with no concern for the people.

Response 37-1 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 A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. 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 analyzes the Project's noise impacts on the environment and includes applicable mitigation measures to reduce potential noise impacts to a less than significant level. Refer to Topical Response B for a discussion of internal congestion 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 38. Rick Beck (dated January 23, 2024)

Comment 38-1 Yes let's get Costco ASAP! Gas too.

Response 38-1 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 39. Barbara Gagner (dated January 24, 2024)

Comment 39-1 Thank you for copy of EIR report received 1-22-24. Reasons I do not support a Costco at West Gate West.

Response 39-1 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.

Comment 39-2 Costco is a large PRIVATE MEMBERSHIP only warehouse. It will not contribute to the local community. The public (non members) will need to drive further to shop at certain public stores I address concerns if this project is approved of air quality (bad), congestion (too much) and noise (loud) in the West Gate West area. I have found contradictory comments. What does less than significant mean? Less than 49%?

Response 39-2 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As explained on page 216 of the Draft EIR, a transportation impact is considered significant if the Project would: (1) conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; (2) conflict or be inconsistent with CEQA Guidelines section 15064.3(b) (here, meaning that proposed Project VMT would exceed the appropriate thresholds of

significance established in Council Policy 5-1); (3) substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or (4) result in inadequate emergency access. 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. As explained on page 36-37 of the Draft EIR, an air quality impact is considered significant if the Project would: (1) conflict with or obstruct implementation of the applicable air quality plan; (2) result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; (3) expose sensitive receptors to substantial pollutant concentrations; or (4) result in other emissions (such as those leading to odors adversely affecting a substantial number of people). 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. As explained on page 175 of the Draft EIR, a noise and/or vibration impact is considered significant if the Project would: (1) generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; (2) generate excessive groundborne vibration or groundborne noise levels; or (3) for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzes the Project's noise impacts on the environment and includes applicable mitigation measures to reduce potential noise impacts to a less than significant level. Refer to each section/topic area of the Draft EIR for discussions of potential impacts based on the applicable thresholds of significance for each topic area.

Comment 39-3 Re air quality. Page 130 City of SJ GHG Reduction Strategy. Green house emissions and pollution in real time with a Costco project will increase with added traffic driving to a private membership Costco.

Response 39-3 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. Appendix F, Greenhouse Gas Emissions Technical Report, of the Draft EIR includes a consistency analysis of the Project and the San Jose GHG Reduction Strategy. It was determined that the Project would be consistent with the policies included in the strategy. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 39-4	Re congestion. Increased traffic of cars, SUV's, trucks will cause more congestion. Did I read 5,813 daily trips? A private warehouse with an increase in traffic and people will invade a quiet neighborhood.
Response 39-4	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 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.
Comment 39-5	Re noise. Noise could exceed City General Plan. Page 184 it would create new sources of noise in the project vicinity. Six listed including loading areas, parking areas, trash pickup. I would include increase of people, cars and long hours of truck deliveries. I did not address the 21 months of continual substantial noise during a construction period. I find it less than believable that all the categories addressed are less than significant.
Response 39-5	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. Page 185 of the Section 3.13 of the Draft EIR summarizes the operational noise that would be generated during Project operation and found that it would not exceed allowed thresholds established in the General Plan. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 39-6	In my opinion reading the EIR report shows support for a private Costco membership club versus the local community. It appears to show a will to increase the revenues of San Jose City at the expense of a local quiet tax paying neighborhood. Air quality will decline, congestion and noise will increase. Please give close consideration to disagree with the Costco project at West Gate West.
Response 39-6	Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. Mitigation was proposed which would effectively reduce potential emission below significant levels. Therefore, it was anticipated that impacts would be less than significant. 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 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. Furthermore, intersection delay (level of service for each intersection) is no longer a required component of CEQA Analysis and is included in the EIR for reference and consistency with the General Plan. 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. The comment did not provide new, 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 40. Vadim Gorelik (dated January 24, 2024)

Comment 40-1 we support new COSTCO at Westgate!

Response 40-1 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 raise any 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 Letter 41. David Cusack (dated January 25, 2024)

Comment 41-1 My name is David Cusack. I am a 13-year resident of West San Jose and have lived in the Country Lane neighborhood for the last two years, which is about a two-minute walk from the proposed Costco site in Westgate West. I am also a parent of a 9th grader at Prospect High School, which is located less than 1,000 feet from the proposed Costco Warehouse.

My student and her classmate who is also a neighbor walk to and from school every day. Their route goes directly past this site. My first concern is for the extreme traffic that this Costco would generate, adding 11,000 car trips daily (Appendix L Transportation Analysis pages 13, 41). This is up from 600 cars currently. The Lawrence Expressway and Prospect Ave. intersection is already a dangerous intersection, with four accidents involving students in just the past year. I cannot fathom the danger posed to these children, should there be an increase in traffic by nearly 19 times! I truly fear for the kids' safety and believe such an increase in traffic, with no planned road changes, is unlivable and poses a real threat of harm.

Response 41-1 Refer to Topical Response D for a discussion of pedestrian safety in the Project area. Refer also 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.

Comment 41-2 In addition to the traffic concerns, I have respiratory issues and use a nebulizer. The air pollution posed by this many vehicles would have a significantly adverse effect on his health and ability to breathe.

Response 41-2 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 for both construction and operation. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 41-3 While I understand and agree that this site should not be left vacant, this project is too large and inappropriate for the space and surrounding community. Graves Avenue is currently in need of repair and I don't believe there has been any plans

to upgrade the water, and sanitary sewer infrastructure to handle the demand. I would much prefer a different type of project that will generate less traffic and pollution. Please understand, I have been Costco member for years and am perfectly satisfied driving the 6 or 8 miles to either the Sunnyvale or Santa Clara stores to do my shopping. These are in industrial areas, where they belong, not a residential neighborhood across the street from a high school. It is also my understanding that the proposed Costco is larger than the Sunnyvale store and on a smaller land footprint.

It would be wonderful if, instead of a big box warehouse that will add nothing to the community, culture, or quality of life for the residents of the West Valley, San Jose make progress toward alleviating the severe housing shortage. I work in heavy construction. I love this community and area so much that my family has decided to stay here, despite the prohibitive cost of homeownership in San Jose. It would be great if the city could focus on solving that.

Other alternatives to this site would be a grocery store or community recreation center. If a Costco absolutely needed to go in that site, the city and county would need to make significant upgrades to the surrounding infrastructure and roads such as pedestrian overpasses, road widening, etc. before it could happen.

Response 41-3

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. Pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on water infrastructure and found that there were no related significant and unavoidable 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 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. 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 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 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives to the Project. Section 15126.6, Consideration and Discussion of Alternatives to the Proposed Project, of the CEQA Guidelines requires that an EIR describe a reasonable range of alternatives that would meet the basic objectives of a proposed project but reduce the significant effects of a proposed project. There are no significant effects from the Project to reduce and the alternatives proposed by the commentor would not meet the objectives of the Project. Thus, the alternatives were not considered by the Draft 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 41-4	I am not opposed to all development; I simply want that development to make sense for the space and the community. As it stands, this project is directly at odds with several goals and initiatives set forth by the City of San Jose, namely Vision Zero, which aims to reduce and eliminate traffic deaths and major injuries. Another significant initiative, Climate Smart San Jose, was adopted in 2018 and set a goal of being carbon neutral by 2030. Climate Smart purports to reduce air pollution, save water and improve quality of life. The Costco Warehouse proposal in Westgate West is directly at odds with both initiatives.
Response 41-4	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 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. 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 E for a discussion of the Paseo de Saratoga Urban Village plan status. Pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on water infrastructure and found that there were no related significant and unavoidable impacts.
Comment 41-5	I sincerely appreciate the thoughtful consideration and attention that the city has and will continue to give to the development of this site to preserve the health and wellness of both the community and the environment.
Response 41-5	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not raise any 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 Letter 42.	Gail Schultz (dated January 25, 2024)
Comment 42-1	Please build it at Westgate! Can't wait!
Response 42-1	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not raise any 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 Letter 43. Ramesh B. (dated January 25, 2024)

Comment 43-1 This is the right email from Trader Joe's confirming their trucks will not and should not be using Graves ave.

Please include this email in the response too

----- Forwarded Message -----
From: Alexis Walsh <awalsh@traderjoes.com>
To: Ramesh B <rameshbemail-1@yahoo.com>
Sent: Thursday, June 22, 2023 at 11:30:35 AM PDT
Subject: Re:

Hello Ramesh,
 That is correct, trucks should not use Graves Ave.
 Hope your well,
 Alexis

Hi
 Alexis can you please reply to confirm.
 Thanks
 Ramesh
 408 250 2661

Hi Alexis
 re: Westgate West Trader Joes
 Can you please confirm that it is Trader Joe's policy that your trucks and vendors who service Trader Joe's should not use Graves ave access -they should all enter and exit via Saratoga ave.
 I need this confirmation for ongoing discussions with the proposed Costco.
 Thanks
 Ramesh
 408 250 2661

Response 43-1 Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The comment did not raise any 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 Letter 44. Linda Brooks (dated January 26, 2024)

Comment 44-1 I'm Linda Brooks, a 20 year resident of the Country Lane Neighborhood which is right next to the proposed Costco Warehouse at Westgate West. I also work as a coach at Prospect High School, which is located less than 1,000 feet from the proposed Costco site and commute by the site to get to work.

Response 44-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not raise any 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 44-2 I am concerned about the traffic impact on safety of pedestrians and those driving to the High School. 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. There have been 4 pedestrian/car accidents involving students at that intersection in the past year alone. Athletes, students and myself walk and drive right by the proposed Costco site. Adding 11,000+ car trips a day to the Costco to this route is a safety issue and the expected gridlock will be dangerous. The Costco project does not 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.
Response 44-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts.
Comment 44-3	This project alone generates more traffic at that site than roads can handle. Additionally, the cumulative traffic impacts of surrounding projects and how they must be taken into account for all traffic studies and predictions. The studies need to include the El Paseo de Saratoga mixed use 10-12 story high rise project ¼ mile away, the plan for multiple large-scale housing element projects in San Jose and Saratoga right across Prospect Ave from the proposed Costco Warehouse project, and traffic within the Saratoga Avenue Corridor. I cannot imagine how excessively congested it will be before Christmas time.
Response 44-3	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 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 and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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. 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.
Comment 44-4	This project is inappropriately scaled for the current and possible infrastructure at the site and should be denied.
Response 44-4	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 44-5	In addition, a Costco is not a store for our community as it is exclusive as it requires a yearly membership, parking for it will impact the other businesses in the shopping center, and we have ample Costco Warehouses in the immediate area already. The proposed Costco Warehouse will not be open to everyone. It requires a yearly membership fee to shop there or to use their food court to buy pizza or hotdogs. This is in contrast to the multiple stores that were on the site that were forced to close to make room for the 4 acre warehouse building. This includes the Smart and Final supermarket, and the Goodwill store that did job training, had

	community-based programs, and was a place for neighbors to give their unwanted items to a good cause.
Response 44-5	Refer to Topical Response B for a discussion of Project site parking sufficiency and impacts to other businesses in the Project area. 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 44-6	The impact on access to and parking near Traders Joe's, Starbucks, and other Westgate West and nearby stores/businesses should be considered. The proposed Costco will be the first of its kind in the US with rooftop parking and will only have 692 parking spaces, which is less than the Sunnyvale location. Since 381 of Costco's parking spaces will be on the roof, which will be accessed by a one-lane in and one-lane out ramp, people will be inclined to use the surface parking first, leaving less parking for other businesses. There also needs to be specifics on where the 300 Costco employees will park.
Response 44-6	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 44-7	There are four Costco Warehouses in the immediate area already. Two are within a 10-15 minute drive – Almaden and Sunnyvale. The other two are about the same or a little more – Coleman and Senter. All are in light industrial and commercial areas more appropriate for a Warehouse.
Response 44-7	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 Project site is zoned Commercial General and has a land use designation of Neighborhood/Community Commercial, and these designations allow large format retail such as the Project. 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 44-8	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.
Response 44-8	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also 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. Accordingly, no transportation-related mitigation measures are required. The

comment did not provide new, 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 45. Julie Borina Driscoll (dated January 27, 2024)

Comment 45-1 Previously emailed reasons on this topic, but adding another vote for safety and alleviating potential traffic “gridlock” in the area. (Idea of when pedestrians, students, bicyclists cross the intersection, traffic will slow down for safety, as drivers should. The number of vehicles which can travel the area are considerable at given times, at the present. The added number of vehicles traveling to and from Costco, cannot help but add to the aforementioned.

IDEA: IN PLANNING STAGE: Costco may be willing to contribute to the cost of a pedestrian/bicyclist bridge while negotiations for the Costco construction are underway.

Thank you for your consideration.

Response 45-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also 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 Letter 46. Melody Smith (dated January 27, 2024)

Comment 46-1 The transportation analysis of the DEIR has some deficiencies. It uses some dubious calculations to arrive at a net reduction of vehicle miles traveled which does not pass the smell test. People drive from miles around to go to Costco and it gets far more cars arriving than the existing stores that it will be replacing. 11000 daily trips added as a result of Costco!! That's a lot of cars and there isn't enough capacity on the nearby roads for all those cars. As the transportation analysis notes, there will be adverse impacts on several of the nearby intersections, for example, the Saratoga Ave/Prospect Rd left turn lane exceeding capacity during peak hours.

There is no assessment in the transportation analysis of the adverse effect on the residents of the Country Lane neighborhood from the many Costco shoppers who will be speeding through the neighborhood to get to Costco by bypassing the intersections that the traffic analysis admits will be full.

There is no assessment in the transportation analysis about the usage of the Westgate West parking lots for pedestrian access by Prospect High School students after school, and about the impact on the de facto parent pick up for Prospect High School students in the Westgate West parking lots. There is no improvement in the parking lots for pedestrian access. Pedestrian access in the

parking lot is poor and largely consists of walking through rows of cars, not along any dedicated path.

There is no assessment in the transportation analysis of the usage of the area inside the parking lot immediately after the entrance on Prospect Rd near Trader Joes - that area is already frequently full of traffic on weekends due to the Trader Joes traffic - it will be way over capacity if the Costco traffic is added to the Trader Joes traffic.

There is no assessment in the transportation analysis of the Westgate West Starbucks drive through, which frequently has lines up to 20 cars long, and how the Starbucks traffic will interact with the Costco traffic as they are located very close together at the same end of the shopping center.

Response 46-1	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 Project site access and circulation including the surplus parking provided by the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The Project would remove one driveway connecting to Graves Avenue, leaving only one truck access driveway on Graves Avenue. Additionally, Topical Response D discusses the Project's operating hours falling outside of AM and PM peak traffic hours for the surrounding intersections and schools.
Comment 46-2	The Saratoga Avenue traffic and bike lane usage needs to be reassessed now that it is 2 lanes for cars, which causes speeds well below the speed limit, and occasional bike users, which will cause conflicts between bikes and cars turning into parking lots.
Response 46-2	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 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 46-3	The Saratoga Avenue pedestrian preferred access to Westgate West shopping center, from what I've witnessed, is to run across the road between the stoplights at Graves Ave. and Prospect Rd. This will not be improved by having more cars in this area and likely Saratoga Avenue will be worse for pedestrian deaths, contrary to the city's Vision Zero goals.
Response 46-3	Refer to Topical Response D for a discussion of pedestrian safety in the Project area. As discussed in Topical Response D, Peak traffic hours would be outside of Costco operational hours in the AM period, and out of school operational hours in the PM (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) would remain generally consistent with existing conditions with Project implementation. As such, the Project would not present a unique hazard to pedestrians in the area.

Comment 46-4	I have driven by the Sunnyvale Costco and the parking lot is massive and the right turn from Lawrence Expressway jams up the right lane on Lawrence Expressway causing it to come to a standstill, anytime Costco is open, even on less busy times like weekday mornings. The roads around Westgate West can't handle a similar amount of traffic. And the parking lot of the Sunnyvale Costco is BIGGER than the proposed parking lot for this Costco but the parking lot is ALWAYS FULL when Costco is open. Alternative B, no traffic from Graves Avenue, would significantly reduce the adverse impact on the Country Lane neighborhood from Costco traffic.
Response 46-4	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. Additionally, Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The Project would provide 64 additional parking spaces beyond the City's parking requirement. 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 253 through 264 in Section 8.0, Alternatives, of the Draft EIR includes a discussion of Project alternatives.
Comment Letter 47.	Bill Delveaux (dated January 28, 2024)
Comment 47-1	My comment: please implement these requirements: - ZERO car or pedestrian access from Graves Ave to Costco. - NO OPERATIONS (receiving OR other) hours operation 10pm to 6 am A nearby Costco at Almaden Ave (San Jose) provides a good model on how Costco can fit adjacent to a residential area. They SEALED ALL access from residential areas with a wall. I am requesting the same - see attached for what I am requesting - a full wall all the way down. By the way, I have a vested interest - I own a house and live on a street adjacent to Costco.
Response 47-1	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. Page 221, Section 3.17, Transportation of the Draft EIR states that the Project operational hours would be from 9:00 AM to 8:30 PM on weekdays; and 9:30 AM or 10:00 AM to 6:00 PM on weekends. One driveway along Graves be closed except to pedestrian traffic. As well, the remaining Graves Avenue driveway will be intended for Costco fulfillment truck traffic.
Comment Letter 48.	Kes Tsang (dated January 28, 2024)
Comment 48-1	we at the neighborhood of happy valley right at westgate was informed that costco employees are asking people to sign petition in support of the westgate project. this is absurd and ridiculous, and why is costco asking employees (not

living near westgate?) to ask people in almaden (not living near westgate) to sign such petition?

the proposal of costco at westgate has not been in full consideration of the neighborhood, especially those living within a few hundred yards there, and so closely to a highschool, and in an already congested cross section and over crowding express way during traffic hours.

strongly oppose any big box retailer to destroy the family friendly community at west gate happy valley.

Response 48-1

This comment expresses general opposition 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. 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 D for a discussion of pedestrian and bicyclist safety in the Project area. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not raise any 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 Letter 49. Ramesh B. (dated January 29, 2024)

Comment 49-1

1. See attached modified proposal requiring wall ONLY AT COSTCO SITE PERIMETER as part of this project. The wall should be built in such a manner that ... in the future if the medical center decides to build a wall from Townhomes to Costco; At that future time we will have a sealed wall with no access without any additional work from Costco site.

2. Of course loading hours need to be restricted too (7 am - 9 pm only).

3. For emphasis I am again including:

email with commitment from Trader Joe's to not use Grave ave

excerpt from Sprout site that does does not allow them to use Graves ave.

I look forward to the City & Costco addressing these simpler requirements so that I can drop my opposition to this project



----- Forwarded Message -----
From: Alexis Walsh <awalsh@traderioes.com>
To: Ramesh B [REDACTED]
Sent: Thursday, June 22, 2023 at 11:30:35 AM PDT
Subject: Re:

Hello Ramesh,

That is correct, trucks should not use Graves Ave.

Hope your well,
 Alexis

6. Loading Area Restrictions:

- a. The developer shall construct physical cross-access restrictions along and on adjacent properties as shown on the approved plans, and as noted above, to discourage the use of Graves Avenue for site ingress and egress.
- b. The project management shall educate tenants and provide appropriate signage to discourage truck access onto Graves Avenue.
- c. The developer shall relinquish cross-access agreements that facilitate access onto the rear areas of adjacent commercial properties to the satisfaction of the Director of Planning at such time as the Director believes that such access can be eliminated upon further development or redevelopment of adjacent parcels.
- d. Deliveries and loading/unloading of merchandise shall not take place between the hours of 9:00 P.M. and 7:00 A.M.

Response 49-1

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. As noted on page 155 in Section 3.11, Land Use and Planning, of the Draft EIR, the Project is designed to place the loading and other back-of-house activities in an area that is also utilized by existing commercial/retail uses, is away from residential uses, and is not in proximity of heavy pedestrian or vehicle traffic. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed operational air quality impacts as a result of the Project, including air pollution and health risk impacts related to truck trips. The Project was not found to have any significant and unavoidable impacts related to operational air quality and health. Pages As discussed on pages 185 through 192 in Section 3.13, Noise and Vibration, of the Draft EIR, the operational noise analysis found that the impacts from operational noise, which include truck loading noise sources, would be less than significant as they do not exceed operational noise level thresholds established by the City's General Plan. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with the Project, including truck trips and access. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The Draft EIR did not identify any significant and unavoidable impacts related to truck trips from the Project. As such, restriction of truck loading hours would not avoid or reduce any potentially significant impacts.

Comment Letter 50. Piya (dated January 30, 2024)

Comment 50-1

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 extremely concerned about the uptick in traffic affecting our kids and the general public. More cars will lead to more accidents, spike pollution...isn't that obvious? Why can't the city consider the glaring gaps that make this a really not very well thought of proposal. Country Lane neighbors did not sign up for this. The area will hardly have any small businesses left which is really sad given the fact that they are already dealing with the pandemic aftermath

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

Response 50-1

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. Refer to Topical Response D for a discussion of pedestrian safety in the Project area. 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.

Comment Letter 51. Ramesh B. (dated January 30, 2024)

Comment 51-1

Please log these comments against CP21-022 EIR.

Also, please circulate the email commitment below to planning department management & staff for this project.

Email below shows the planning department management's written commitment to require closure of Graves driveways upon 'construction of new buildings' as a trigger.

The city is obligated to follow-through on this.

I am telling you this now and the planning commission will force this later if planning department fails to act now.

I hope it won't come down to the courts forcing the planning department to follow through on this written commitment.

From: "Enderby, Mike" <Mike.Enderby@sanjoseca.gov>
To: ramesh.bodapati <bodapati2@yahoo.com>
Cc: "Nusbaum, Jenny" <Jenny.Nusbaum@sanjoseca.gov>; rameshbemail-shop2@yahoo.com; "Prevetti, Laurel" <Laurel.Prevetti@sanjoseca.gov>; "Baty, John" <John.Baty@sanjoseca.gov>; "Crabtree, Andrew" <Andrew.Crabtree@sanjoseca.gov>; "Hamilton, Jeannie" <JEANNIE.HAMILTON@sanjoseca.gov>; sai.yakubu@sanjoseca.gov
Sent: Tue, October 30, 2012 8:41:16 AM
Subject: RE: How can Westgate West construction permit be issued without residential input?

Hi Rajesh,

Nice to hear from you. I appreciate your on-going interest in the project. It is still very much our goal to close off vehicle access to the back of West Valley and Westgate West shopping centers as previously negotiated with the developer(s). As you know, there are permit conditions with triggers in place with the Westgate West project to close off the Graves Avenue driveways upon expansions of building square footage and/or construction of new buildings. The recent modifications that were approved technically constitute remodels and not physical expansions and therefore the trigger for access closures have not been met. The ownership of Westgate West has recently changed. That said, we have reminded the developer of the previously negotiated requirements and the obligations to conform to the permit conditions. We'll keep you posted about any future expansion proposals.

Thanks, Mike

From: ramesh bodapati [mailto:bodapati2@yahoo.com]
Sent: Monday, October 29, 2012 9:03 PM
To: Prevetti, Laurel; Crabtree, Andrew; Hamilton, Jeannie; sai.yakubu@sanjoseca.gov
Cc: Enderby, Mike; Nusbaum, Jenny; rameshbemail-shop2@yahoo.com
Subject: How can Westgate West construction permit be issued without residential input?

Dear City planning department leaders,

Long time ago Mike Enderby told us he would cut off the back entrance/exit to westgate west (at Graves ave) before they are issued a new permit.

There is major construction going on in Westgate west shopping center.
How can Westgate West construction permit be issued without residential input?

Delivery Trucks are driving in front of my home on Graves ave (behind the shopping center) at around 5 a.m waking us up almost every day.
I am almost certain it is for Trader Joes - small chance it could be other store.

I need your help to stop this early morning delivery immediately.

I am also requesting your assistance to getting the graves entrance/exit to westgate west shut down as part of any new permit - even it is for something small.

thanks
ramesh
408 853 3569

Response 51-1

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. The City staff correspondence cited in the comment was in response to a proposal considered in 2012, and it is for a previous project in the shopping center. The reference is not applicable to the current Project. Moreover, pre-decisional staff correspondence does not indicate a commitment to particular course of action; such decisions are the authority of the City Council and appointed Commissions. The comment did not provide new, 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 52. Carmel Thorn (dated February 1, 2024)

Comment 52-1

I am writing to register my views on the proposed Costco at Westgate West.

I feel strongly that the Costco project should not be approved. It is simply inappropriate for the size and location of the site. In addition there are 2 Costcos within 7 miles of this one. Costco's customers rarely visit without a car, so 7 miles is an easy journey to make with the added bonus of the ability to bring home the purchases made at Costco. Costco is a great organization but this project is simply too big for the impact on the local community. Costco is a warehouse which belongs in an industrial area, not a small shopping center backing up to a well established residential neighborhood.

In my opinion, there are many issues which make this project unsuitable:

Response 52-1

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 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. Further, 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 52-2

1) The city of San Jose has a stated aim of developing an Urban Village designation at this location- Envision San Jose 2040. Costco here would be the opposite; there is no way it meets the aim of providing a walkable community. Instead it would create a snarled up traffic jam mess. To sanction a development which directly opposes San Jose's stated vision for the sake of tax dollars is unethical.

2) The volume of traffic. The traffic studies already done were done before the recent restriping of the lanes and narrowing of the road on Saratoga Ave. So they are already out of date currently and will be hopelessly so by the time all the planned added local construction is finished. As there are estimated to be an additional 11,000 car trips to a Costco at this site- an eye popping increase of 18 times today's traffic-, this would make the area a logistical nightmare.

Response 52-2

Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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 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.

Comment 52-3

3) All that traffic would negatively impact air quality at this intersection. The students of Prospect High School use the surrounding area for cross country running. They would have both the issues of a dangerous increase in traffic and the hazard of breathing in polluted air. The students exercising outdoors within the school property would be impacted by the air quality, with a probable increase in asthma and other respiratory diseases. In addition during construction and demolition it would be many times worse.

Response 52-3	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 during Project operation. Project construction was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures. 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, including potentially increased hazards. 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 52-4	4) Safety. Prospect High Students have to get to and from school daily. This is already hazardous and there have been 4 traffic/ pedestrian incidents within the last year.
Response 52-4	Refer to Topical Response D for a discussion of pedestrian 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 52-5	5) Parking. The parking is totally inadequate for the volume of traffic expected. It will be impossible to visit any of the other stores currently there including a very popular Trader Joe's. The number of employees needed for a store of this size would be an added burden on the small amount of planned parking.
Response 52-5	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 52-6	6) Other environmental concerns including noise, the physical appearance of the site for the local neighbors, possible hazardous soil, and the effects on local wildlife. The noise and altered appearance of the area would be a considerable blight and cause of greatly reduced enjoyment of the homes backing up to the high walls of a warehouse. The current development at Quito Road in Saratoga has encountered unexpected issues with hazardous soil - there is no guarantee this wouldn't be an issue here, Has anyone studied the effect on local flora and fauna? How about the enjoyment of the dog park? Dogs are also sensitive to noise and Costco may cause issues for current users and their animals.
Response 52-6	Pages 23 through 24 in Section 3.1, Aesthetics, of the Draft EIR addressed Project compliance with applicable regulations and policies governing scenic quality in the Project area. There are no significant and unavoidable impacts related to aesthetics as a result of the Project. 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 measures incorporated. 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. 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 52-7 In summary, there are many reasons why this proposal should not be approved. Actions of local governments directly impact the lives of those of us who live in the area. To approve this would be a dereliction of duty to the community for the sake of increasing revenue. We really do not need another Costco here.

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

Response 52-7 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 Letter 53. Eun Kim (dated February 1, 2024)

Comment 53-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

My two kids go to Prospect high school by biking from our neighborhood through the Westgate west where the Costco is proposed. My biggest concern and priority are for their safety when they commute to school everyday. It gets very busy especially in the morning and when school gets out.

I can't imagine how the traffic will be worse if there's Costco. The intersection at PHS is one of the most dangerous for pedestrians and bikers. Very scary for the students.

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

Response 53-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 54. Hyung Kim (dated February 1, 2024)

Comment 54-1 have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

My two kids go to Prospect high school by biking from our neighborhood through the Westgate west where the Costco is proposed. My biggest concern and priority are for their safety when they commute to school everyday. It gets very busy especially in the morning and when school gets out. I can't imagine how the traffic will be worse if there's Costco. The intersection at PHS is one of the most dangerous for pedestrians and bikers. Very scary for the students.

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

Response 54-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 55. Jason Katz (dated February 1, 2024)

Comment 55-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my very serious concerns about this project. I work about a mile and a half from this proposed Costco site. I patronize many of the businesses in Westgate West including Ike's, Starbucks, Mod Pizza, and Dominoes at least three times a week. If the Costco project moves forward I will unhappily stop patronizing these businesses because of all the parking and traffic issues that Costcos cause.

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

Response 55-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response B for a discussion of parking in the Project area. 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.

Comment Letter 56. Jinsung Choi (dated February 1, 2024)

Comment 56-1 have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

This plan is a warehouse in a residential neighborhood.

- I will be very concerned about raising my children in the country lane neighborhoods if Costco comes into this area since it's too close to Country lane elementary school and Prospect high school. The wholesale center like Costco should not be near residential areas and elementary schools for kids safety and wellness, which is why I strongly believe that this plan has to be rejected!

1. An over-sized project on an under-sized site.

Costco Sunnyvale (typical for Costco).

45,000 SF warehouse

15 acre site

838 parking spaces.

The proposed Westgate Costco plan

165,000 SF warehouse: 20,000 SF bigger

9.69 acre site: 35% smaller

689 parking spaces: 149 fewer and smaller sized

Our Concerns

Costco will bring Warehouse-Sized Traffic To and From the West Valley, negatively affecting the safety of adjacent Prospect High School and Country Lane Elementary School and its hundreds of students who walk, bike, and drive to school each day, as well as their track teams who run by the proposed site multiple time daily. The new Costco will be 40 feet high, nearly 4 acres in size, and will add 300 new surface and rooftop parking spaces. It will serve 6,500 customers a day who will drive 9,000 car trips per day to access the store through neighborhoods and under-sized accesses. There are already two Costcos within 6 miles in more appropriate light industrial areas, serviced by more appropriately sized roads. There are 1700 new housing units planned right across the street from the proposed site. Housing is a more important and appropriate use for land. There will be lasting harm to the safety and quality of life for West Valley residents and businesses.

Our Hopes

Of course we want businesses to thrive The residents of West Valley DO want a strong and economically viable shopping center but not at the expense of our safety and quality of life. We envision a community center that combines shopping, housing, entertainment, restaurants, and health clubs. Instead San Jose should create a vibrant village that will serve the whole community and align with San Jose's Envision 2040 Plan and Urban Village plan of transit and neighbor-friendly businesses. Costco definitely does NOT align with these. Thank you for your consideration and your care in responding to these serious concerns.

Response 56-1

The commenter incorrectly states the square footage of the Sunnyvale Costco Warehouse and associated site. The Sunnyvale Costco Warehouse is greater than 45,000 square feet and the overall site is less than 15 acres. Further, this Final EIR analyzes the proposed development and applicable regulations of the Project. As stated on page 4 of Section 1.3, Project Information, of the Draft EIR, the Project site has a General Plan designation of Neighborhood/Community Commercial and is zoned Commercial General. 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 City standards set forth in the land use designation and zoning district for the Project site. As such, 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 commenter's comparisons of the Project in relation to separate developments do not have any bearings on the Project analysis. 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, despite any difference in site locations. The Project site was selected by Costco to meet the needs of members. Moreover, the Project includes a site-specific design and parking scheme to maximize efficiency in the existing commercial center.

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 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 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 Letter 57. Michael Krey (dated February 1, 2024)

Comment 57-1

Here's one take on the Westgate West Costco's Draft Environmental Impact Report and project in general. The format for addressable DEIR comments is pretty specific and these comments might not fit the bill. But wanted to make some points that I suspect others have made or will make. I lean toward favoring the project, but like many others see traffic issues for Graves/Country Lane and for the area in general. I've tried to be brief.

Graves/Country Lane

1. The DEIR's Transportation Analysis seems to indicate that it is still possible that the further east entrance from Graves onto Westgate West will be closed. The main DEIR doesn't seem to hold that as a possibility. Just asking that it be clear whether there still is an option to close both of the Graves access points into Westgate West.
2. If that east Graves entry will remain, might be worth considering moving that driveway further east, closer to Saratoga Ave. This might limit some traffic concerns for the Country Lane area, though not sure how feasible this is.
3. The Trans. Analysis notes the left-turn queuing issues and among its recommendations is extending the left-turn lane from northbound Saratoga Ave. onto Graves. Extending turn lanes generally a good idea, but in this case that might serve to encourage more traffic onto Graves (though I suspect the Graves entry will become popular with congestion at the other access points).
4. Great that Costco says its own delivery trucks will not use Graves, but can the city limit overall truck usage on Graves to the same level as has been the case (with Smart & Final, etc.)?
5. The Trans Analysis recommends a deeper study of Country Lane neighborhood traffic post-construction? Isn't a main component of the DEIR's trans. analysis making "cut-through traffic" and other key projections? Wouldn't that be too late? Is this sort of post-project study typical?
6. Great that the owners will close off the further west entrance from Graves onto Westgate West. Not part of this project, but any thought to restriping that Graves dead end to enable more dog park parking?

Prospect Road/Lawrence

1. This, like all DEIRs, delves in depth on traffic volumes for nearby intersections. But it doesn't deal with overall volume of traffic on Prospect per se. Could there be a deeper look at traffic overall on Prospect Road between Lawrence X. and Saratoga Ave.? Speaking as a 36-year resident of this area, I fear gridlock for that section of Prospect, which with its 12-plus driveways already has faced gridlock.
2. Seems surprising that no intersections in the study are projected to degrade to an LOS of E or F. Does city staff or some other outside expert vet the numbers?
3. The DEIR calls for improvements at the Lawrence X driveway onto Westgate West, to accommodate trucks, etc. Could the city, however, push for even greater improvements that would encourage Lawrence to be the MAJOR entry/exit for Costco? Traffic circulation-wise, Lawrence might be preferable to Prospect.

Response 57-1

Refer to Topical Response B for a discussion of Project site access, Graves Avenue access, anticipated cut through traffic, and circulation. Specifically, Topical Response B details that the eastern Graves Avenue access to the Project cannot be closed because it would violate the rights of other shopping center tenants to close both Graves Avenue Accesses and result in insufficient emergency access to the Project site. Further, Topical Response B clarifies that no impacts related to cut through traffic would occur for the neighborhoods north of the Project site as a result of the Project. Thus, moving the eastern access as the commentor suggests is unnecessary. Topical Response B also clarifies that Costco does not have jurisdiction over any trucks but their own but can instruct their vendor trucks on how to access the Project site. Refer to Topical Response C for a discussion of the requirements for the Transportation Analysis and anticipated cut through traffic. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts, not LOS. 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. 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 such, no mitigation measures would be needed. In regard to further modifying the Lawrence Expressway and Project site intersection, the proposed modification is appropriate to address the Project use (i.e., truck access) and no further modification is warranted to accommodate truck access. Kittelson, acting as the City of San José's transportation consultant for this Project, submitted the Transportation Analysis that comprises Appendix I of the Draft EIR for multiple rounds of City peer review, including review of the LOS analysis contained therein. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 57-2

General

1. The DEIR emphasizes the project will result in fewer VMTs regionwide (since the new Costco would be much closer for many Costco patrons). That's great, but that must be weighed against the impact with the closest communities. My question: Wouldn't ANY new destination-retail store in an urban setting result in a decline in regionwide VMTs? If so, I wonder how that is weighed vs. the 11,000 daily trips and 880 peak p.m.-hour trips the store would generate.

Response 57-2

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to page 254 in Section 8.0, Alternatives, of the Draft EIR for a discussion of potential new VMT impacts of an Alternative Site Alternative for the Project and an explanation of why Costco on-site reduces VMT. Note that many large format retail business result in a VMT increase, but here Costco specifically will result in a VMT decrease because existing members that live closer to Westgate West than other Costcos would be expected to use the new location rather than continuing to drive to

	further away retail destinations. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 57-3	2. The DEIR trans. analysis notes that “many of the adverse effects to queuing do not have feasible improvements.” Again, asking if this finding is typical or unusual, and if the later is there any further improvements the city can contemplate?
Response 57-3	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 57-4	3. The DEIR notes that the city required “solar readiness” and “EV equipment.” With rooftop parking, does the project include solar or alt. power? I didn’t see where/how many EV parking stalls are included in the project, which might not be part of the DEIR.
Response 57-4	Section 2.3, Proposed Development of the Draft EIR outlines the parking details associated with 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 113 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, such as solar readiness. The Draft EIR found that there are no significant impacts related to Greenhouse Gas Emissions for the Project. 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 57-5	Thanks to Councilwoman Kamei for keeping the community in the loop. I’m a Campbell resident active with our Moreland West Neighborhood Association. Our NA and some members will likely provide comments as well, as will the Country Lane and other NAs.
Response 57-5	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 Letter 58.	Pacific Gas & Electric Company (PG&E) (dated February 1, 2024)
Comment 58-1	Thank you for giving us the opportunity to review the subject plans. The proposed Westgate West Costco Project is within the same vicinity of PG&E’s existing facilities that impact this property.

The Westgate West Costco Project will require the relocation of exiting PG&E electric distribution facilities that currently provide the subject parcel with electric energy. The applicant has contacted PG&E and already applied for the needed relocations. PG&E does not have any additional comments or conditions of approval for the project and will continue to work with the applicant on the utility relocations.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

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

If you have any questions regarding our response, please contact me at Justin.Newell@pge.com.

Response 58-1

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 59. Priya Shastri (dated February 1, 2024)

Comment 59-1

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

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I have been resident of SanJose /Saratoga for the past 7 years and a resident of Campbell/West gate for 10 years prior to that. I have seen the rise of buildings almost like sci-fi and new establishments coming up every year.

I understand the need to convert the prospect/Lawrence intersection into a Costco hub. However, there are some considerations I would like the city council to consider:

1. Please consider adding a new lane of traffic on Lawrence Expressway.
2. Please check the EIR draft for pollution levels due to the addition of new vehicles

I request you to please make arrangements for traffic control before the construction happens and the Costco starts attracting new customers.

I hope you will consider this as a personal request and do the needful.

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

Response 59-1 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 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts and improvements 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 Letter 60. Tyler Hawkins (dated February 1, 2024)

Comment 60-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

My family loves San Jose ~ and our cute, safe, welcoming, diverse neighborhood of Country Lane. We've lived here for a bit more than two years, we were very fortunate to buy our first house here, no place has felt more like home to us. That said, even before I learned of the proposed Costco in our area I was already developing some serious concerns with the traffic and speeding on our tiny streets. Teresita Drive connects across our neighborhood passing Easterbrook Discovery School and Country Lane Elementary. This should be one of the safest paths for the hundreds of kids who walk to-and-from school daily but unfortunately drivers are all too fond of speeding down Teresita as a shortcut to the Westgate mall. A year ago a car speeding down Teresita Drive flew across the side, and tore through the fences around Country Lane Elementary; fortunately nobody was hurt but it left me realizing our wonderful neighborhood has a problem.

I think the safety risk imposed by the existing state of traffic in this area extends even beyond the side streets of our direct neighborhood. To the south, Lawrence Expressway, Prospect Road, Saratoga Ave, and Graves Ave, surrounding Westgate mall all seem pushed to their limits ~ even without a Costco bring tens of thousands more cars into the area. My high school aged kid (who walks past the proposed Costco site on her way to Prospect High School) has had several near misses as speeding drivers hastily rush around the mall and expressway. Before you consider allowing such a major anchor and destination store like a Costco, I think we as a community need to seriously consider solving the traffic problems that are already a reality for families in Country Lane.



[I took this photo in September 2023, standing at the pedestrian crossing directly beside the proposed Costco site; a speeding car had careened over the pedestrian railings and into the walking path beyond. Hundreds of kids walk and stand here everyday. I worry scenes like this are only going to become more common (and possibly deadly) if the traffic in and out of this mall is allowed to grow unchecked.]

Please consider taking more time to evaluate the human safety impact of this major Costco development. Prior to approving the Costco development, I plead with you to investigate ways of alleviating and solving our existing traffic safety problems in the Country Lane area.

A few of proposals:

- * Add cross walks on Graves Ave. Graves is a walking and biking path for hundreds of Prospect High School students. Let's show these kids we treasure their safety by adding marked, lit, signal crosswalks on Graves Ave.

- * Commission a traffic impact study for the area surrounding the proposed Costco Development. I'm quite certain the traffic issues in our area extend beyond my own experience. Commission experts in traffic impact, traffic safety, and environmental impact to understand what a Costco-sized store will do to the surrounding area. Solve the issues you unearth.

- * Push back on the scope and size of the Costco Development. Proximity to nearby malls is part of what we love about this location, but even with the stores we have today it's scary to walk over there because of the constant stream of cars. What if Costco was mandated to have less of a traffic impact? Perhaps

Costco would be open to downsizing slightly in lieu of more green space or other walkable public-use space?

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

Response 60-1

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 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 61. Vera Hawkins (dated February 1, 2024)

Comment 61-1

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 a student at Prospect high school, and because I walk to school every day through the west gate parking lot I'm very concerned about the potential traffic the Costco will likely bring to our neighborhood. The traffic in the west-gate mall area is already dangerous, even without the Costco moving in. This is because there are parking issues at my school, our school parking lot isn't large enough to accommodate all the students and teachers that need to go through there. Because of this dilemma the school has asked parents to drop their children off in the west-gate parking lot, meaning that there is an increase in kids in this parking lot, not to mention aggressive drivers. I also have many friends who walk the same path as me to school, some of their parents have decided to begin driving them to the parking lot because of the dangerous conditions, and in the end only contributing to the issue. I can clearly see how much worse this would get if the Costco moved in. It would not only add more traffic into an already dangerous mix, but also eliminate some of the only paths we have to stay safe from the fast traffic. I believe that if we are going to add in a Costco we need to add some sort of precaution to help keep students such as myself as well as the young children who walk through the area to country lane, a mall that started out as an amazing place to be around has become a scary and threatening place to be around, I don't believe that our neighborhood can possibly sustain a Costco in the place we currently are when it comes to traffic. I think some things that could definitely help are; improvements for traffic flow on both Prospect and Lawrence, adding traffic study during peak school hours, or Pedestrian safety improvements, such as a pedestrian bridge across Lawrence, crossing guards, increased traffic enforcement, raised crosswalks, re-design traffic islands, or thru-right-turn lanes.

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

Response 61-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer also to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The Project site is currently a commercial shopping center, with several operational private commercial businesses. The parking lots in the Westgate West shopping center are private property and intended to serve the customers of the Westgate West shopping center. As such, the Saratoga High School does not have a right to direct students to park or drop-off in the Westgate West shopping center. Nonetheless, if parents are dropping students off in the Westgate West shopping center, this would be considered an existing condition as it is already happening regardless of the Project. Page 14 in Appendix I, Transportation Analysis, of the Draft EIR reflects that the Project's traffic analysis considered existing conditions and measured existing conditions by taking traffic volume measurements on January, February and March 2022 during weekday AM and PM peak periods, 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM, respectively for nine intersections. The other study intersections utilized data from the Valley Transportation Authority. 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 Letter 62. Jeanette Stephensen (dated February 2, 2024)

Comment 62-1

I've attended concerned citizen forums and reviewed the DEIR report for the proposed Westgate West Costco project and am writing to provide my feedback.

I'm a 30 yr. resident of the Country Lane Neighborhood, and am concerned that adding 11,000 car trips the project will generate, will gridlock the already over congested intersections. (per ALTA pages 12, 42).

I'm a senior citizen and have regularly enjoyed riding my bike through the intersections adjacent to the proposed project, to reach popular riding areas nearby. Intersections at; Saratoga & Prospect, Prospect & Lawrence, and Saratoga & Lawrence, are very dangerous areas. At the end of each ride, I use the crossing along Lawrence Expressway into the Saratoga Creek Dog Park. This already is difficult to navigate and I fear it will only become worse.

A safe way to cross these sections needs to be addressed with either elevated crossings or well-marked and separated bike lanes like those recently added on Saratoga Ave.

I understand that this area is "Priority Safety Corridor #1. The traffic flow study I saw in the report does not seem to address the simultaneous Mixed-Use developments being made at El Paseo de Saratoga, the Kato building area, as well

as the development at the old Jack-in-the-Box lot. As high-density housing projects they all will be adding a significant number of pedestrians and vehicles.

A full report which includes all proposed projects needs to be done to truly evaluate the impact this will have on safety, congestion and noise.

I also do not see that the report made an evaluation of foot traffic from Prospect High School at its peak hours; the beginning and especially the end of school days. There's also a large number of students that go off campus at lunch, which often causes traffic congestion as cars try to avoid the overflow of students in the crosswalk islands. To evaluate properly this study needs to be done during the peak hours for pedestrians.

It's a major safety issue that needs worked out before even larger numbers of cars make it more dangerous than it currently is. This year alone there have been 4 car, pedestrian accidents in that area.

We need to improve these crossings, as they are regularly used by Cross Country Teams from Prospect HS, Lynbrook HS and Mitty HS, as well as dog-walkers & cyclists.

Safety and traffic congestion are priority number one for those of us that call this our home. Costco, or for that matter, any development that would be proposed there needs to make it a priority also.

I understand the need to generate tax revenues on this land, but ask that the City Council, the Mayor and the Planning Commission find a more "Urban Neighborhood" friendly endeavor to better match the scale of the site. The scope of the project needs to match the needs and feel of West San Jose residents. Please leave Costco developments in industrial park type areas.

Thank you for taking the time to address the issues.

Response 62-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 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 proposed El Paseo de Saratoga Urban Village is not required to be analyzed by the Project's cumulative analysis. 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, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project. The 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 Letter 63. Bill and Paula LeBlanc (dated February 2, 2024)

Comment 63-1	We are 45 year residents of the Country Lane neighborhood (and I stress neighborhood) living on Cordelia Avenue. We have continued to live in this neighborhood, and therefore San Jose, because of the community feeling, friendly neighbors, while enjoying a peaceful enclave in the midst of urban blight. Like many of our neighbors, we could have moved but decided to stay for the reasons stated. Your plans for an unneeded and oversized Costco in the middle of our peaceful neighborhood make us question the direction San Jose leadership is making by putting tax revenues over quality of life.
Response 63-1	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 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 63-2	The lack of traffic mitigation, when there is no doubt traffic will be a nightmare, is incomprehensible. The safety of Prospect students has been completely ignored and the intersection of Prospect and Lawrence Expressway will be an accident waiting to happen. If in fact the reality of this project goes forward (which I truly believe is an unconscionable mistake) please have the decency and foresight to make traffic and public safety a number one concern by upgrading the existing roads and pedestrian walkways. As parents and grandparents of children in this neighborhood we would appreciate and expect that consideration.
Response 63-2	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 D for a discussion of pedestrian and bicyclist safety and improvements 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 63-3	In addition to the traffic concerns on the main arteries, we have real issues with the use of Graves Avenue, and by extension the rest of the adjoining streets, for deliveries, customer parking when the insufficient parking lot is full, and the lack of enforcement necessary and available to control the already agreed uses of Graves. Traffic gridlock is a certainty and the use of Waze and other mapping app's will certainly lead Costco customers to use our neighborhood for access.
Response 63-3	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 B for a discussion of access to Graves Avenue in the Project area, parking sufficiency at the Project site, and internal circulation. Refer to Table

2 on page 14 of Appendix I, Transportation Analysis, of the Draft EIR for the list of intersections anticipated to receive trips from the Project and, thus, studied by the Transportation Analysis. The eastern Graves access to the Project site, the access from the Project to the neighborhoods to the north, is included in this table and was studied by the Transportation Analysis. Any cut through trips would be accounted for by this intersection or any of the other site access intersections and were thus studied in the analysis in the Draft EIR. The 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 63-4 This project does nothing for the city or it's residents accept increase tax revenues. Is that the long term goal of this city?

Response 63-4 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 Letter 64. Andi Martin (dated February 3, 2024)

Comment 64-1 I hope this email finds you well.

I have been a long time customer at the Trader Joes on Prospect as well as a yoga practitioner and teacher at Bikram Yoga San Jose.

Placing a Costco at the corner of Prospect and Lawrence at the old OSH/Goodwill site will be horrible for traffic and air/sound quality for local residents.

It would also create a great deal of traffic in an area where there are high school students every day. This is a recipe for disaster.

Response 64-1 Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality 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. Refer to Topical Response D for a discussion of pedestrian 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 64-2 Even when I was teaching at Bikram Yoga SJ and it was near the back of the parking lot, it was hard to find parking. I can not imagine the congestion that a Costco (estimated to generate 11K cars of traffic per day) would create in the area. Please deny this proposal.

A Cosco might work over at Westgate if Nordstrom Rack were to move, but most definitely not at Westgate West, unless you intend on putting all the other retailers and restaurants out of business, inconveniencing local residents, and creating a bottleneck for commuters who must go through the area. Thank you.

Response 64-2 Refer to Topical Response B for a discussion of parking sufficiency, internal circulation, 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 65. Majella Pinto (dated February 3, 2024)

Comment 65-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

The mega stores replacing small businesses do not enhance or preserve the culture of West San Jose. Having enjoyed patronizing the previous ousted stores like Artfuli, the chocolate shop that replaced it, I kindly urge you to open up this area by promoting local and small business. No mega store is a suitable or acceptable replacement for the local businesses that existed here.

A mega store brings with it traffic nuisance, parking issues and makes this area unsafe for children that walk and bike to school.

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

Response 65-1 Refer to Topical Response B for a discussion of parking sufficiency and circulation in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 66. Marc Barberis (dated February 3, 2024)

Comment 66-1 I am contacting you to express several notable concerns regarding the planned Costco construction project at the intersection of Prospect Road and Lawrence Expressway, specifically in response to the published draft Environmental Impact Report (EIR). Before delving into these concerns, I would like to express gratitude for the decision not to include a gas station at this location.

In this initial correspondence, I will focus on the first item outlined below, reserving the discussion of the remaining points for subsequent letters. The overarching topics of concern are as follows:

- Prospect High School student safety

- Co-existence with existing commercial sites, in particular Trader Joe's
- Access by bike to those sites and urban village concept
- Traffic impact
- Noise impact
- Project size in relation to site
- Climate Smart initiative and final notes

Response 66-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site access and circulation. 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 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 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality with incorporation of the applicable mitigation measures. 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 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 66-2

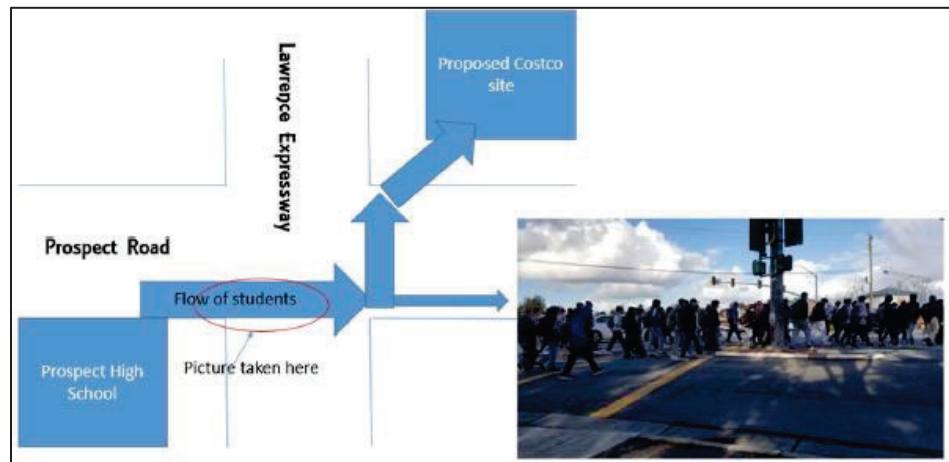
Student Safety at Prospect & Lawrence Intersection:

Undoubtedly, one of the most critical aspects of my concerns revolves around the safety of hundreds of Prospect High School students who navigate the bustling intersection of Lawrence Expressway and Prospect Road on a daily basis. I live right next to Prospect High School and I am very familiar with the back and forth of students. In case a mental picture may be helpful, think large migrations seen in African parks.

Unprecedented Traffic Challenges:

As these students traverse both Lawrence Expressway and Prospect Road, they face an intricate web of traffic at a junction that is already known for its complexity. The proposed Costco project adds an additional layer of concern, as the intended parking lot is expected to overlap with the students' regular route. This confluence of factors underscores the urgency of implementing robust mitigation measures to safeguard the lives of these young pedestrians.

You will find below a diagram explaining the situation at the site and the typical student route, along with a picture taken Friday, February 2, at 3pm facing towards the planned Costco site as an illustration.



Most of the students cross both Lawrence Expwy then Prospect Rd and walk onto the Costco site.

Recent Commitment to Student Safety:

It's worth acknowledging the commendable initiative taken by San Jose Mayor and Council Member Ortiz, unrelated to the current project, to prioritize the safety of students emerging from schools. Council Member Ortiz's televised declaration on Tuesday, January 30, emphasizing that "Children deserve to be safe on their way to and back from school," resonates deeply with these sentiments. Now, it is imperative to extend this commitment to the specific challenges posed by the Costco project at the Prospect & Lawrence intersection.

Critical decision:

With the gravity of the situation in mind, it requires no great stretch of imagination to foresee the potential consequences if adequate mitigation measures are not swiftly implemented. The decision regarding the Costco project at this intersection transcends mere urban planning; it is a profound, life-and-death responsibility that necessitates careful consideration and decisive action.

Appeal for a Focus on Student Safety:

In light of the demonstrated commitment to student safety and the evident risks posed by the proposed project, I urge you to direct your attention, scrutiny, and influence towards ensuring that robust mitigation measures are embedded in the Costco project plans. This is not merely a matter of convenience; it is an ethical imperative to protect the lives of the young students who navigate this challenging intersection daily.

Thank you for your time and consideration.

Response 66-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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. 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 evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 67. Maya Bareket (dated February 3, 2024)

Comment 67-1 I have been a resident growing up in the Saratoga area since I was 2 years old.

I am now a advocate for many areas like legislative and have grass rooted and rallied for many years to many legislative people and aids as well to help fight for funding for people with special needs.

I sit on the san Andreas Regional center board of directors for the second time now again as their vice president.

I am getting off topic hear but wanted you to get to know me a little bit.

I do not think putting in a Costco is a good idea for prospect high school kids, they need to cross safe and there will be a zoo of cars coming in the parking lot and out, and will cause horrible traffic mess as well.

My idea is why can't you put in a library instead? This will give students a chance to go and get their after school homework done or use a computer if they need. Also put in a little sound proof cafe that would be in the library run by people with special needs and without.

This would have a small parking lot outdoors and will make traffic less and be a lot safer for kids from the high school as well.

Please take to consideration that putting a Costco in at West Gate West will not be safe at all for all the students. It could cause a lot of accidents as well.

Thank you so much for your time in reading this.

Response 67-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 253 through 264 in Section 8.0, Alternatives, to the Draft EIR evaluates alternatives 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 Letter 68. Pooja Lyer (dated February 3, 2024)

Comment 68-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Costco will make the neighborhood unsafe for our children and impossible to access any major roads and highways.

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

Response 68-1 Refer to Topical Response D for a discussion of pedestrian safety in the Project area. 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 Letter 69. Ram Prasad (dated February 3, 2024)

Comment 69-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

The potential dangers associated with the estimated 11,000+ car trips per day generated by Costco's proposed Warehouse Store raise significant concerns for various groups, particularly students, kids, pedestrians, runners, and cyclists. The lack of committed meaningful road safety improvements in the most recent Costco plan amplifies these concerns.

1. Traffic and Safety for Students and Runners:

- The projected increase in traffic poses a threat to the safety of students, cyclists, and cross-country runners near the intersection of Lawrence Expressway and Prospect Road, impacting their daily commute and training routes.
- The intersection's proximity to Prospect High School makes it a critical area requiring attention to prevent gridlock and ensure the safety of those walking or biking to school.

Response 69-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 69-2	2. Traffic Gridlock and Inconvenience: The anticipated daily gridlock resulting from 11,000+ car trips poses dangers, inconvenience, wasted time, pollution, and wasted energy. This will likely impact not only the immediate area but also create ripple effects on Saratoga Ave and Prospect Rd, affecting daily travel for residents, school transportation, and work commutes.
Response 69-2	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. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 69-3	3. Cumulative Traffic Impact: It's crucial to consider the cumulative effects of development in the surrounding areas, including the El Paseo de Saratoga project, multiple large-scale housing projects across Prospect Ave, and traffic within the Saratoga Avenue Corridor. Comprehensive studies should account for these combined impacts on traffic flow and safety.
Response 69-3	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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 69-4	4. Neighborhood Cut-Through Traffic: - The proposed Warehouse Store may lead to increased cut-through traffic in nearby neighborhoods, including the Country Lane Neighborhood, impacting residents and potentially endangering students at Country Lane Elementary. - Recent traffic calming and bicycle safety measures along Saratoga Avenue indicate existing concerns, and the closure of the Graves Avenue entrance to

Costco with a protective wall could help mitigate cut-through traffic risks in the Country Lane Neighborhood.

In summary, careful consideration of these factors is essential in evaluating the overall impact of the proposed Costco Warehouse on traffic, safety, and the well-being of the surrounding community.

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

Response 69-4

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area, 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. 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 Letter 70.

Sid Loganathan (dated February 3, 2024)

Comment 70-1

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

The Costco development will severely affect the track in the neighborhood and parking to access other businesses in the Westgate mall.

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

Response 70-1

Refer to Topical Response B for a discussion of parking and impacts to other business in the Project area. 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 71.

Vikram Tolani (dated February 3, 2024)

Comment 71-1

I am a resident of the San Jose Happy Valley neighborhood and am writing to express my strong opposition to the new Costco proposal at the junction of Lawrence and Prospect.

We have two high school students attending Prospect High School (and two more starting in a few years) walking to-and-fro that location and the crossing every day because of the severe traffic jam that already exists making it difficult to drop-off by car. With the Costco there, there will be even more traffic and safety issues making the neighborhood not walkable any more. I know how much you like

taking walks and bicycle rides and hope you appreciate the need to keep the neighborhood in a state where we can enjoy the same.

Unfortunately we've already been deterred from going to Saratoga Creek Park lately due to a dismantled play area, a dog park with dogs often off-leash and increased homeless encampment and now you are giving away even our basic right to safely walk across this beautiful neighborhood we moved into 6 years ago with barely making our finances work.

We are also Costco members ourselves and do groceries at their Sunnyvale, Coleman and Senter road locations without much trouble, so I really don't see why there's need for one more. The Trader Joe's and Sprouts in the same parking lot also serve our grocery needs well.

I really urge you to oppose and have this development cancel and maintain the quality of life that this neighborhood deserves. Else I'm afraid our neighborhood will change from being a Happy Valley to a Sad Costco community.

Response 71-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 72. Xbob42 (dated February 3, 2024)

Comment 72-1

Just wanted to add my own public comment about this project. I've never done so before, so I'm unsure about the format or length, so I'll just say how I feel: I'm very excited for it, and hope it goes through. Reading nonstop NIMBYism from people about anything useful and practical being added to any city is exhausting, even if I don't entirely disagree with all of their concerns. I just personally think a new Costco that's actually within a fair range of where I live is a good thing. A "15-20 minute drive" to an already existing Costco, as some have stated, from the proposed Costco (not my house) that is also 15-20 minutes away from me, is significantly more inconvenient, especially for those of us utilizing public transportation, cycling or even walking, not everyone drives everywhere! Try what would be a 15-20 minute drive on-foot, pushing a stroller across poorly maintained sidewalks and side streets that often don't even have sidewalks.

That is to say, this will have a tremendously positive impact on our quality of life, as we personally live near a Safeway, which is where we do most of our shopping. It is significantly more expensive than Costco on most products, and you get a lot less for how much you spend. We do occasionally make longer trips out to Costco, but if we could utilize it regularly (again, that journey is a LOT longer if you're not driving!) then it'd have a notable impact on both the quality of food we're eating, how much we're spending, etc. We simply don't have the free time to make

frequent trips, and as we're not driving a big SUV or other vehicle, even when we do make the trip, we can't get as much as we'd like, and have trouble stocking up without spending even more money on an Uber or getting a ride.

People are worried about significantly increased traffic, and I think that alone already tells you that even those that don't want the Costco understand how important and how useful it is for the city and surrounding smaller cities such as Campbell. After all, if San Jose residents "didn't want it," there'd be no concern about a traffic increase. The idea that we shouldn't build large shopping centers simply because a few hundred residents are going to be mildly annoyed is absurd to me.

I'd appreciate it if residents focused less on individual shops, malls or restaurants being opened in their area, and more on the quality of our streets, having properly maintained sidewalks throughout the city, smarter traffic lights, less roads (look it up), and generally more walkability. We can do much to improve traffic issues and the quality of our streets and sidewalks without having to throw a fit every time a new business is proposed.

Response 72-1 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 73. John Leung (dated February 4, 2024)

Comment 73-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Traffic, safety, and small business in the neighborhood are my concerns. I would like to express my voice of objection about this project. This is my community and I have the rights to voice out my concerns to protect my family.

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

Response 73-1 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. Refer to Topical Response B for a discussion of impacts to other business 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 74. Marc Barberis (dated February 4, 2024)

Comment 74-1 I am contacting you to address the second of my concerns regarding the planned Costco construction project at the intersection of Prospect Road and Lawrence Expressway, specifically in response to the published draft Environmental Impact Report (EIR). As a reminder, the overarching topics of concern are as follows:

- Prospect High School student safety
- Co-existence with existing commercial sites, in particular Trader Joe's
- Access by bike to those sites and urban village concept
- Traffic impact
- Noise impact
- Project size in relation to site

Local businesses hold a special place in our community, with establishments like Trader Joe's and Sprouts serving as my primary shopping destinations. These stores align perfectly with the character of the area and contribute to its unique charm.

Response 74-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site access, circulation, and impacts to other businesses in the Project area. 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 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 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality with incorporation of the applicable mitigation measures. 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 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 74-2 Impact on Trader Joe's Parking:

The proposed project, if implemented, would extend Costco's footprint into the existing parking area, reaching all the way to the front door of Trader Joe's. This expansion raises serious concerns about the accessibility of parking spaces for

Trader Joe's customers. Even without the presence of Costco, the current parking situation is acknowledged as challenging.

Parking Reservation for Trader Joe's:

To mitigate the impact on Trader Joe's and its patrons, it is imperative that the project reserves a sufficient number of parking spots exclusively for Trader Joe's customers. Without this allocation, the already challenging parking situation could worsen significantly.

Technological Solutions:

Exploring technological solutions, such as ensuring that Costco carts are restricted from operating in close proximity to Trader Joe's, could be a viable approach. Implementing such measures would help maintain a distinct parking and shopping experience for both retailers.

Risk of Trader Joe's Departure:

A failure to address the parking concerns and to provide adequate reserved spaces for Trader Joe's customers poses a substantial risk. The heightened competition for parking spots may result in a scenario where Trader Joe's, a beloved and popular store in the neighborhood, considers relocating. Such a departure would have devastating consequences for many families who rely on and cherish Trader Joe's as a key shopping destination.

Comparison with Almaden Site:

It's crucial to note the distinction between the current site and the Almaden location. Unlike the Almaden site, where prime parking for Trader Joe's is not directly competitive with Costco, the Prospect Road and Lawrence Expressway site presents a different dynamic. Trader Joe's parking, considered prime at this location, is also prime parking for Costco. This fundamental difference heightens the risk of Trader Joe's losing critical parking spaces at this particular site.

Thank you for your time and consideration.

Response 74-2

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 B for a discussion of parking sufficiency and impacts to other businesses in the Project area. 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 Letter 75. Ramesh B. (dated February 4, 2024)

Comment 75-1 Please add this more input for CP21-022

First of all, I assume you will provide extra weight to people who actually live on Graves ave regarding the topic of Graves ave driveway access to Costco site ...

since we have to face the most impact of the sound, vibrations, pollution, etc from traffic on Graves ave.

Some people are claiming to live 'off graves ave' because they know you will weigh that input more heavily.

Unless a person's home directly faces Graves ave (wall or door or fence directly faces Graves ave) please do not include people who claim to 'live OFF graves ave' with the same weight.

Please demand address of anyone who claims to live on/at Graves ave.

Example: I live at [REDACTED] the front of my house directly faces graves ave.

Please beware of phantom Graves ave residents who actually live a whole block or more away but claim to live 'off Graves ave'.

Response 75-1

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 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 B for a discussion of access to Graves Avenue, Project site parking sufficiency, and internal circulation limiting overflow into neighborhood streets. 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 76. Retina Smith (dated February 4, 2024)

Comment 76-1 How do I submit concerns or comments

For the Costco to be built at Prospect road. My concern is for students who cross the very busy street on Lawrence. Increased traffic poses a risk.

My proposed solution is to have Costco pay for Safety guards at this busy location before and after school and have Costco only have an entry point off Lawrence rather than prospect road.

Response 76-1 Refer to Topical Response D for a discussion of pedestrian safety in the Project area. Refer to Topical Response B for a discussion of Project site access and circulation. 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 Letter 77. Shriram Chendke (dated February 4, 2024)

Comment 77-1 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 see any issues with Costco starting its location at the proposed site at Campbell. In fact, it is a welcome step for the growth of Campbell community

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

Response 77-1 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 78. Chris Seitz (dated February 5, 2024)

Comment 78-1 I'm strongly in favor of a new Costco. I'm a longtime resident near forest hill school.

Response 78-1 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 79. Karen Cheeniyil (dated February 5, 2024)

Comment 79-1 Regarding the planned Costco at Lawrence and Prospect, I am excited and will be a frequent shopper; however, I share some neighbors' concerns.

Response 79-1	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 79-2	My main concern is safety. The corner of Lawrence and Prospect is flooded twice daily on every school day with Prospect High students. Mitty High School is also not far away, just off Lawrence. I'm not convinced that the typical traffic flow around any Costco can be safely accommodated in that space during school rush hours.
Response 79-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 79-3	Furthermore, the project seems too big for this space. Please don't demolish the Trader Joe's in that location. If that happens, then I will continue to shop at the Almaden Costco which does have a Trader Joe's next door.
Response 79-3	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. 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. On page 8 in Section 2.1, Existing Project Site, of the Draft EIR included a discussion of the buildings to be demolished as a result of the Project. 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 79-4	In my opinion, there is a nearby solution. Swap the planned Whole Foods and Costco locations. In my estimation as one who cooks and therefore shops for food almost daily at these stores, a Whole Foods, currently planned at Quito/Prospect and Saratoga Avenue, will fill but not overwhelm the Prospect & Lawrence space. It is compatible to, not entirely competitive with, the Trader Joe's next door. A Whole Foods at Prospect and Lawrence should also take less business from Sprouts than one located, as planned, across the street. There is simply more store and parking space at the former Lucky location away from Prospect High, even with the planned housing above the retail. Why wasn't this the original plan?

Thank you for the opportunity to voice my opinion.

Response 79-4 Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives to the Project. 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 80. Karen Cheeniyil (dated February 5, 2024)

Comment 80-1 Upon re-reading my email, I want to clarify. I didn't mean to imply that I shop at Costco daily! That's a twice monthly trip, more often if/when it becomes local. Trader Joe's & Sprouts: about twice weekly. Whole Foods: rarely, and usually just for an Amazon return. I do cook daily.

Response 80-1 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 81. Marc Barberis (dated February 5, 2024)

Comment 81-1 I am contacting you to address the third of my concerns regarding the planned Costco construction project at the intersection of Prospect Road and Lawrence Expressway, specifically in response to the published draft Environmental Impact Report (EIR). As a reminder, the overarching topics of concern are as follows:

- Prospect High School student safety
- Co-existence with existing commercial sites, in particular Trader Joe's
- Access by bike to those sites and urban village concept
- Traffic impact
- Noise impact
- Project size in relation to site
- Climate Smart initiative and final notes

Response 81-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site access, circulation, and impacts to other businesses in the Project area. 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 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 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a

result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality with incorporation of the applicable mitigation measures. 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 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 81-2**Biking Safety:**

I am an avid cyclist who frequently rides to local stores, including Trader Joe's, Sprouts, REI, and others. Residing on Brookglen Drive, my route takes me past Prospect High School along Prospect, necessitating crossing Lawrence Expressway or making a left turn onto Lawrence to reach these establishments. If the proposed Costco project is to occupy the designated spot, it is imperative to address the safety of cyclists navigating this area.

Currently, the cycling conditions in the vicinity are already challenging, and the addition of a large-scale development like Costco would significantly exacerbate the situation. During peak hours, particularly in the late afternoon, Prospect Road serves as a major artery for cyclists, both recreational and those commuting from work.

In the context of the city's Urban Villages initiative (*), which aims to foster mixed residential and small business areas, the introduction of a Costco in this location appears to be incongruent with the city's urban planning goals.

I urge the Planning Commission to carefully consider the impact on cycling safety and advocate for measures that ensure the seamless integration of cyclists in the vicinity of the proposed Costco site. Additionally, a comprehensive assessment of the potential dangers posed to cyclists, especially during construction and increased traffic, should be conducted to implement appropriate safety measures.

Thank you for your time and consideration.

Response 81-2

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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 Letter 82. Marc Pawliger (dated February 5, 2024)

- Comment 82-1 I have a few questions on the Westgate West Costco DEIR
- 1) The transportation studies were all done before the major restriping and bike lane project was undertaken on Saratoga Ave. A project that as of this writing still is not complete per the city's plan. That would seem to indicate the studies incorporating any traffic flow or capacity that includes Saratoga Ave would need to be updated to take those major modifications into consideration.
- Response 82-1 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 82-2 2) The traffic and pedestrian studies done around Prospect HS and the Lawrence Expy / Prospect Rd intersection did not take into account the varying hours of school days. In particular the studies seem to have avoided doing analysis during the major traffic times around the school during after-school student pick-up times. That would seem to indicate the studies need to take these important times into account in any analysis. Specifically, that would mean studying from M 1:40 pm onward and T-F 2:00-4:00 pm onward, plus weekends 9-5, particularly when there are school events.
- Response 82-2 Refer to Topical Response C for a discussion of the scope, standards, and 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 82-3 3) The DEIR notes an alternative B which closes all entrances to and from Graves Ave to the site. That aligns with a prior city memo on earlier EIR drafts where the city recommended closing all the entrances to and from Graves as well. Why is this proposal to close all the entrances to and from Graves not the primary plan of record, rather than an alternative?
- Response 82-3 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 Letter 83. Priya Srinath (dated February 5, 2024)

- Comment 83-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.
- Issue of grave concern is about students' safety with increased traffic around that area. It is already highly congested and with more cars piling up in & around, what is the guarantee for nearby Prospect high schools students walking to catch the bus. Increasing traffic signals will only lead to more traffic blockage which does not help at all.

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

Response 83-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 84. Roberta and Patricia Cain (dated February 5, 2024)

Comment 84-1 As fifty year residents of the Country Lane neighborhood, we have looked at information for the proposed Westgate West Costco project and attended discussions. We do have concerns about building Costco in the Westgate West location.

First of all, we would like to say that we are Costco members and enjoy those benefits. The changes to the initial plans the management of Costco have agreed to implement are note worthy.

Response 84-1 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 84-2 Urban Plan: the placement of a new store does not fit well into the designated Urban Village Plan or meets the goals of the plan. There are three Costco stores with a 10-15 minute ride; two within six miles of the planned location.

Response 84-2 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 84-3 Size: the new store would be larger than the Santa Clara store with less parking than that location. How would overflow parking from customers and employees be handled so as to not impact the larger surrounding areas and residences? Will customers park in the neighborhoods or adjacent parking lots? Where are the proposed 300 Costco employees going to park?

Response 84-3 Refer to Topical Response B for a discussion of parking and congestion 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 84-4 Safety/Traffic/Location: what safety and road improvements are planned for this Priority Safety Corridor #1? The store would be located near three schools, which are Prospect High School, Country Lane School and Easterbrook Discovery School. This is a poor choice when considering the already congested traffic as well as

walking/biking/running patterns in the area. Customers will use “cut through” surface streets near these schools to get to Costco whenever possible to avoid the already heavily trafficked Saratoga Avenue, Prospect Road and Lawrence Expressway. (I understand four Prospect High School students have been hit by cars so far this school year.) Traffic will only increase with estimated 11,000 + new vehicle trips/day (estimated at 18 times the current traffic). Proposed building of residences located at El Paseo Shopping Center (including retail), another project at corner of Saratoga Avenue and Lawrence Expressway (Kato buildings), another at Prospect Avenue and Saratoga Avenue (Chase Bank and buildings along Prospect Avenue across from the proposed Costco) and the “Christmas Tree/ Pumpkin Patch” on Saratoga Avenue near Cox Avenue need to be taken into account when analyzing the impact of additional building as well as Costco in this area. All this adds up to even more increased traffic. Street improvements/ traffic flow/ planning should involve San Jose, Saratoga and Santa Clara County as jurisdiction of the streets surrounding all the new construction is either by one city governmental agency or multiple agencies. Are the cities and county talking to each other regarding these plans and the impact? Of course, the question of which agency or agencies are going to finance changes necessary to maintain quality of life and safety for the all residents and the workforce in the large surrounding areas of these proposed building plans are of importance.

Response 84-4	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. 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 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 proposed El Paseo de Saratoga Urban Village is not required to be analyzed by the Project’s cumulative analysis. 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 84-5	Limited membership: Costco is not open to everyone. A yearly paid membership is required.
Response 84-5	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 84-6	Alcohol off sale stores: are limited by law in a defined areas. Currently four stores sell alcohol in the area between Saratoga Avenue, Graves Avenue and Prospect Road (Rotten Robbie, Sprouts, BevMo and Trader Joes’s). Alcohol cannot be sold within a certain distance of a residence. The proposed Costco as a alcohol off sale

	store is closer than the allowed 150 feet distance to a homes behind the proposed building and would be 505 feet from the Saratoga Creek Park.
Response 84-6	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 84-7	Shopping carts: abandonment could also impact the area if left by the bus stops, adjacent parking lots, sidewalks near other parking areas near Costco or in neighborhoods. How many people will actually returns carts to designated areas in the store parking lot if they cannot find parking in the Costco lot or walking away from the store with a cart? What can be done to solve some of these issues if in fact the decision to move ahead with the placement of a new Costco?
Response 84-7	Refer to Topical Response B for a discussion of Project site parking sufficiency. 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, 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. 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 84-8	1. Block entrances and exits to and from Graves Avenue (except for pedestrian traffic) and emergency vehicles for the entire Costco lot. In doing, this should discourage people from parking on surrounding streets and people using surface streets to get to the Costco Parking lot. This would also discourage not only cut through traffic but also avoid having a direct route from Westgate Shopping Center whereby drivers could go across Saratoga Avenue from that mall, onto Graves Avenue and then turn left into the back of the Costco lot. 2. Limited parking for residents only on impacted streets. 3. Block traffic between Costco and the Medical Center (except for emergency vehicles) with at least a low wall between the medical center and the Costco lot so as to not to allow this as a cut through to the Costco lot. 4.Viable public transportation and loading and unloading stops for that. Since Costco is a "big box type of store", the question is how many people would use public transportation to shop at Costco.
Response 84-8	Refer to Topical Response B for a discussion of Graves Avenue access, parking sufficiency, 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 84-9	5. What thought has been given to clean energy — solar panels on the roof, EV charging stations, bike parking, pollution and noise reduction. The tire enter is a concern. What about possible closed door operations for the tire center? This has already been designed and in use at other areas. Other noise factors of concern include trashing compaction, trucks and forklifts.
Response 84-9	Section 2.3, Proposed Development, of the Draft EIR discussed the inclusion of a tire sales and services area that was included in the Project analysis throughout the document. Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site. 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 113 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 clean energy. 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 84-10	6. Safe transportation plans, traffic flow plans, road design upgrades and implementation by the cities and county involved for Saratoga Avenue, Prospect Road, and Lawrence Express Way and other streets are needed. Thank you for your attention to this concerning matter. As you can, tell we really do care about the entire larger Westgate area!
Response 84-10	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. 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 85.	Smita Hora (dated February 5, 2024)
Comment 85-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. "The proposed Costco is across Prospect High School. Since school district doesn't provide busing, kids walk/bike/ drive on the Lawrence/Prospect intersection. Having Costco there will increase traffic a lot and increase the risk to these kids. Hence, I am writing against Costco development in the neighborhood.

I am a loyal Costco customer and don't mind driving to near by Sunnyvale location for Costco shopping."

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

Response 85-1

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. 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 Letter 86.

Andrea Sullivan (dated February 6, 2024)

Comment 86-1

My name is Andrea Sullivan and I am a 13 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. Also, my elderly parents recently moved into the retirement community in Saratoga at Saratoga Retirement Center.

I am also a frequent jogger and walker around the area; and one of my daughters is on Prospect's track team.

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. There have been 4 pedestrian/car accidents involving students at that intersection in the past year alone.

I personally have been subject to not one but two near-misses as a pedestrian jogger (one at Lawrence and Prospect, the other at Prospect and Saratoga intersection) in the last year. I have grave concerns about placing such a traffic congestion/pollution heavy project in an extremely unusual neighborhood location near children (including mine). Students attend Prospect from a broad swath of San Jose. It is inexcusable to place children at increased risk from traffic accidents and pollution when all other Costco locations are in light industrial areas away from schools and high pedestrian traffic areas frequented by children.

The city of San Jose itself has proclaimed its goals of eliminating pedestrian deaths <https://www.sanjoseca.gov/your-government/departments-offices/transportation/safety/vision-zero-and-increasing-cycling-and-foot-traffic>. This Costco location is contrary to those stated goals.

The need for mixed-use development promoting local businesses and increasing housing for low and very-low income residents seems to be of higher priority and should be considered at that site.

This project is inappropriate for the current site and should be denied.

Response 86-1

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. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 87. Carlin Black (dated February 6, 2024)

Comment 87-1

I am informed that the EIR was not required to address the on site parking air quality effects of the Costco site and the effect of Costco traffic and parking on other businesses in Westgate West.

Anyone shopping at the Lawrence Sunnyvale considers only 15 min of idling from Lawrence to a parking spot a win. The Westgate proposed Costco is larger with fewer parking spaces so time to park will be higher with a corresponding effect on air quality.

Parking spots for existing businesses are close to the Costco entrance and will inevitably be used by Costco shoppers reducing parking for shoppers at the existing businesses.

Both problems would be solved by building an urban Costco with all parking on several levels on the roof and no surface parking. Costco does this in other countries and shoppers find the rooftop parking a significant time saver.

Please address these issues in the final EIR.

Response 87-1

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. 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 88. Heather Nomi (dated February 6, 2024)

Comment 88-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

My concerns about traffic:

1. Before and after school, several hundred students from Prospect High School cross the Lawrence and Prospect intersections. Many also walk/bike through the Westgate West parking lots to get to Country Lane and neighborhoods beyond. Several students have been hit by cars with the current traffic issues, it terrifies me to think how many would be hit afterschool with Costco traffic. Please do more studies on this and at the appropriate times (1:50pm on Mondays and 2:50pm Tuesday-Fri).

2. Many families walk daily in the Country Lane neighborhood. I'm concerned about our safety with extra traffic cutting through our peaceful neighborhood, due to all the gridlock on Saratoga and Prospect. I believe that there shouldn't be an entrance to Costco on Graves Ave, as this would remove traffic cutting through our neighborhood.

Response 88-1 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 Graves Avenue access. Refer to Topical Response C for a discussion of the scope, standards, and 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 88-2 3. I'm concerned about simply trying to drive to the grocery store in this area. 2 lane traffic (with no room for expansion) on Saratoga and Prospect will create back ups in each direction. It's likely to be a congested nightmare.

Response 88-2 Refer to Topical Response B for a discussion of internal circulation and congestion. 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 88-3 My concerns about parking:

I don't feel the current Costco plans show enough parking to not affect parking at other stores, like Trader Joe's, Starbucks, and other stores in Westgate West. How

	can we have a larger warehouse than Sunnyvale, but less parking than Sunnyvale and shared parking?
Response 88-3	Refer to Topical Response B for a discussion of parking 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 88-4	My concerns about alcohol sales: I understand that we already have too many (7!) alcohol sellers in our area, 4 of which are already in the same block (Sprouts, Trader Joe's, BevMo, and Rotten Robbie gas station). Please do not increase alcohol sales to our area. This is definitely not a necessity.
Response 88-4	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 88-5	Do we really need another Costco in this area? Why do we need another Costco within 10-15 minutes of 2 others. We'd much rather see a smaller store go in. Please don't allow such a large store go into such a small area. Thank you for your consideration and your care in responding to these serious concerns..
Response 88-5	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 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 89.	Katie Sarkhosh (dated February 6, 2024)
Comment 89-1	I am a constituent of District 1 and live near the proposed Costco site; I represent my household of 4 people. I am sharing that we are in support of the Costco proposal and wish for the planning team to be aware there is both a need and a desire from local citizens for this project to be implemented. I am outraged at the possibility that a small amount of individuals, living 1-2 per household in long-ago mortgaged homes with no future ties to the area, could force a project to fail. We are two hard working parents (my husband is a teacher at our local D1 public middle school) with a toddler and preschooler. Our children will be attending the local public schools, who may eventually attend Prospect HS. We are not going anywhere---we will be in D1 for the foreseeable future due to jobs and schools.

We are the ones, like so many in D1, who need easy and quick access to an incredible company like Costco, which actually treats their employees well and is a generally well-loved business. We need diapers, fresh food, home staples, and we don't want to spend 20m+ driving one way when it could be 10min or less (not to mention the substantial cost savings, much-needed for people who pay for daycare). We don't want empty, unsightly lots where there could be a business offering hundreds of jobs, some of which could go to local HS students and become a path to a career.

I attended our first call on this topic when I was pregnant in 2022, and am still baffled and concerned with the divide amongst our neighbors who cannot see beyond their own discomfort and made-up potential offenses.

Please know that we do not want the needs of young families to be drowned out in the negative attitudes of our shortsighted neighbors.

Response 89-1 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 90. Marc Barberis (dated February 6, 2024)

Comment 90-1 I am contacting you to address the fifth of my concerns regarding the planned Costco construction project at the intersection of Prospect Road and Lawrence Expressway, specifically in response to the published draft Environmental Impact Report (EIR). As a reminder, the overarching topics of concern are as follows:

Prospect High School student safety

Co-existence with existing commercial sites, in particular Trader Joe's

Access by bike to those sites and urban village concept

Traffic impact

Noise impact

Project size in relation to site

Climate Smart initiative and final notes

Response 90-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site access, circulation, and impacts to other businesses in the Project area. 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 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 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality with incorporation of the applicable mitigation measures. 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 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 90-2

Tire Center Noise Level:

The EIR mentions a noise level of 78.5dB for the Costco Tire Center, surpassing levels produced by common disturbances like leaf blowers. This poses a significant concern for residents in the retirement community and nursing homes nearby and particularly for the residents directly across the street from the tire center. The standard of 80dBA noise for 8 hours is deemed unduly lax and fails to address the needs of sensitive populations.

Tire Center Impact Mitigation:

If a tire center is included in the project, it is imperative that measures such as complete enclosure or additional mitigation steps are implemented. This is especially critical for residents on the opposite side of Lawrence Expressway to minimize the adverse effects of noise generated during Costco's normal daytime operating hours (between 9:00 a.m. and 8:30 p.m.).

Response 90-2

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 90-3

Construction Noise Impact:

The Environmental Impact Report (EIR) highlights that the proposed project's construction is expected to generate substantial noise for approximately 21 months. Specific phases such as demolition, grading, and building framing are identified as key contributors. Page 180 of the EIR indicates that these noise-generating activities will persist for more than 12 months within 500 feet of residential uses to the north and 200 feet of commercial uses to the east/south. The City recognizes this as a potentially significant construction noise impact in alignment with General Plan Policy EC-1.7.

Nighttime Noise Impact:

During the informational session convened by Vice-Mayor Kamei on February 5, the individual responsible for the Draft Environmental Impact Report (DEIR) confirmed that the noise produced during nighttime concrete pouring, even with all proposed mitigation strategies in place and under the assumption that residents keep their windows closed throughout the week, would be comparable to having someone speaking audibly inside one's bedroom throughout the night. It is confounding that the DEIR categorizes this as "less than significant." (p.182). Additional measures are needed to protect residents.

Response 90-3

Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's construction noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. As discussed on page 182 of the Draft EIR, mitigation measure MM NOI-2 would reduce the impact from potentially significant to less than significant: "MM NOI-2 would prohibit concrete trucks along Graves Avenue within 90 feet of the nearest residential property line during all nighttime activities; require the queuing and idling of any trucks to be located on the southern façade of the Costco building; and prohibit nighttime concrete pouring activities until the northern, western, and eastern Costco building walls are constructed, providing a 15 dBA Leq reduction in nighttime construction noise levels. With implementation of MM NOI-2, hourly average noise levels would be reduced to approximately 58.5 dBA Leq at the nearest residences to the north of the Project site and 46.6 dBA Leq at the nearest residences to the east of the Project site. Therefore, nighttime construction activities would not exceed the nighttime noise limit of 58.8 dBA Leq or the interior noise limit of 45 dBA with implementation of MM NOI2. Therefore, temporary impacts associated with nighttime construction activities would be reduced to a less than significant level with mitigation." The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 90-4

Mitigation Measures and Noise Disturbance Coordinator:

Expressing concern about some mitigation measures being perceived as simple suggestions, it is crucial to underscore the necessity for strict requirements and accountability. The report mentions a Noise Disturbance Coordinator. Yet there is an absence of stringent mandates to ensure the effective resolution of noise-related issues raised by the community.

Thank you for your time and consideration.

Response 90-4

As stated on page 180, in Section 3.13, Noise and Vibration, of the Draft EIR, MM-NOI-1 requires that a Construction Noise Logistics Plan be created and submitted prior to permits and compliance once approved. Mitigation Measure MM NOI-2 requires certain measures to reduce the impacts of nighttime construction. As described on page 183 of the Draft EIR, the Project applicant must submit documentation to the Director of Planning, Building and Code Enforcement documenting the requirements of MM NOI-2 are met before demolition, grading,

and/or building permits will be issued. Thus, the mitigation measures are enforceable, not a suggestion. The comment did not provide new, 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 91. Margaret Stephan (dated February 6, 2024)

Comment 91-1 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 Prospect High School students, I'm intimately familiar with traffic flow in this area. The intersection of Lawrence Expressway and Prospect in particular is already overburdened and unsafe during the hours when students are being dropped off and picked up from school, with too many cars to safely negotiate the approach to school, competing with hundreds of students arriving and departing on bicycles and on foot. The Costco project proposes adding 11,000 cars per day to this exact location, adding danger for our students, pollution, confusion and wasted time, without any efforts at traffic control or mitigation, nor any tangible benefit to the surrounding neighborhoods.

Response 91-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 91-2 San Jose had long espoused an "Urban Village" model for neighborhoods which might encourage reliance on public transportation and walking. This Costco project has no access to mass transit, and as a warehouse store does not encourage foot traffic, as they sell in quantities too large for pedestrians to carry. This project will irretrievable damage the character of the existing neighborhood, which currently has a variety of small business patronized by local shoppers.

We have plenty of Costco warehouses in San Jose easily accessed by cars in neighborhoods more appropriate to their business. We don't need or want another one. Please consider that approving this project goes against the wishes of the local residents and your own goals for development in our city.

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

Response 91-2 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. Refer to Topical Response B for a discussion of 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 92. Marie Lanka (dated February 6, 2024)

Comment 92-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

I live in this neighborhood and am highly concerned about the magnitude of a Costco impact. Traffic congestion, aggravated driving, trash accumulation, and the overall required footprint of a Costco building will negatively impact both the traffic as well as the safety of the area. In addition, infrastructure, for example the new the lane cut from 3 to 2 on Saratoga from 280, make this a poor choice for access. If Costco or the city is determined to place a store here, the former Lucky's/Hallmark location in El Paso de Saratoga is a better choice. In the end, any Costco in this area will increase the danger to both residents and shoppers, spike congestion of an already logjammed area, and ignore the standing infrastructure challenges making it unfit for this type of project.

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

Response 92-1 Refer to Topical Response B for a discussion of Project site access. Refer to Topical Response D for a discussion of pedestrian safety and circulation in the Project area. 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 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. Page 11 in Section 2.0, Project Information, of the Draft EIR notes that the Project would provide covered trash enclosures, and that Republic Services provides solid waste collection services and recycling services to the Project site; the Draft EIR states on page 188 that trash and recycling pickups are considered part of standard operations in the area. Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives 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 Letter 93. Mary Bartling (dated February 6, 2024)

Comment 93-1 The draft EIR Calls out improvements to the access at Prospect and sidewalks at the Lawrence entrance.

Was the left turn from Southbound Lawrence into the shopping studied? It would be helpful if the left turn lane length was increased so that it does not backup into the through traffic which will in turn block cars that want to turn left at Prospect. This is an exiting issue at rush hour on Lawrence southbound at

Mitty, Williams and Doyle avenues. Cars make dangerous lane changes to navigate around the backup.

There is an existing issue with dangerous lane changes where the traffic turning right on to North Lawrence from Prospect do not yield to traffic making a right turn into the shopping center entrance on Lawrence. Was there any discussion on adding a no right on red for cars entering northbound Lawrence at Prospect? This would also address some concerns for the pedestrian and bike traffic on west bound Prospect.

The light synchronization needs work on Prospect. The intersections at Lawrence and Saratoga Avenues are routinely blocked.

Response 93-1	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 B for a discussion of Project site 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 93-2	Are there any discussions on restricting parking on Graves and nearby access streets to residents only? This would help to keep Costco employees from parking in the neighborhoods.
Response 93-2	Refer to Topical Response B for a discussion of Project site access 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 93-3	There already seem to be PG&E issues in the shopping center and neighboring infrastructure when we have storms. Shopping center and traffic light power outages seem to be occurring more often. Will these issues be resolved with the construction?
Response 93-3	Page 234 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on energy 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 93-4	My family has been residents of English Estates since 1965. We have seen Lawrence Expressway, Hwy 85, El Paseo (2 versions), Prospect High School, Westgate and Westgate West change the neighborhood and it is still a great place to live. Change happens. My main concern is traffic flow and pedestrian safety.
Response 93-4	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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. 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 94. Meenakshi Srinivasan (dated February 6, 2024)

Comment 94-1 My family and I moved into West San Jose some 27 years ago and raised our children there and sent our kids to the local schools. We are as much a member at Costco (Sunnyvale location for over 28 years) as we are fans of Trader Joe's.

As a neighbor, shopper, employee of our school district (Prospect High school primarily), I believe, I am well informed to discuss "ground realities" that no "report" created by extremely knowledgeable professionals can.

Here are a few points that I present to your perusal. Please give them a fair reading:

Response 94-1 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 94-2 1. Rather than the current location, have you considered having Costco in the El Paseo de Saratoga area- where REI is? The reason why I ask is that it is as easily accessible from Saratoga and Lawrence and Hamilton while taking away serious traffic from the Prospect intersection.

The trouble with this entire area is the way the area is chopped up into "triangles" rather than a smooth flowing rectangle or square. Hence, the way traffic moves and "intersects" can become very chaotic.

Classic Car Wash on Prospect across the street from the proposed site adds to crazy ins and outs of cars on Prospect. Taking Costco to the next street off of Saratoga makes it easier and smoother as far as "flow" is concerned.

This school year, for the first time in over 15 years, I had to wait for 3-4 traffic changes (almost 6-8 mins) at the Doyle and Lawrence intersection while driving up to school (Prospect) with the left turn lane extending all the way to Happy Valley on Doyle! I invite any of you to drive down Doyle between 8-8:30 am and experience it for yourself. 2. Costco across the street from Prospect High School: I absolutely love the idea of having this store for our students to have prospective employment. However, given the way Prospect as a school is set up with its entrance on Prospect with parents lining up to turn into the school at the Lyle intersection as well as make crazy U turns further down and some of us trying to get into the staff parking lot off of Prospect is a zoo both before school starts and when we are done. The way the school zoning is done, most of the parents live on the other side of Lawrence. Hence almost all students need to make a U turn or turn left at the Lyle intersection. The "smart" parents drop off the kids near Yogurtland/ Taco Bell and the students cross Lawrence.

The current Costco has plans for a tire store. Having so many more cars drive in and out of Prospect sounds like a nightmare, not taking into account the extra number of cars coming in as employees come earlier to get ready before the store opens. As a Costco member for so many decades, I KNOW the dynamics of how crazy busy the tire store is.

My sincere recommendation would be to move Costco to where REI is as that area is "dead". Costco has some lucky charm to revitalize any area it sets up shop. Only the area near Hamilton facing Target is doing good business. Where Office Max used to be has become deserted. The warehouse off of Saratoga with an outlet opening up into Quito Rd. would help bring some life back to that dead patch. The boarded ex-"OSH" can become a nursery or even a community garden. The green belt along Lawrence from Doyle to Graves can be extended to Prospect to make it a beautiful miniature "Central Park" in an otherwise "tarred concrete" part of San Jose.

Response 94-2

Pages 253 and 254 in Section 8.0, Alternatives, of the Draft EIR includes a discussion of an Alternative Site Alternative for the Project. The Draft EIR found that the Project would not cause a significant Transportation impact while the Alternative Site Alternative has the potential to cause a VMT related impact depending on where the alternative site is located relative to existing Costco locations. Refer to Topical response B for a discussion of Project site access and circulation. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 94-3

Some quick questions: my initial reading of the Environmental report did not mention solar energy/ panels. Does Costco have plans of using more renewables moving forward? Would they consider creating a "green zone" either as a park for kids and/or pets or community garden or nursery?

Wishing you all the very best in creating a beautiful San Jose that enthralls the hearts of people with a beautiful balance between nature and commerce.

Response 94-3

Pages 96 through 104 in Section 3.6, Energy, of the Draft EIR included a discussion of renewable energy. The Draft EIR found that there were no significant and unavoidable impacts to energy as a result of the project. 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. As stated on pages 41 and 129, in Section 3.3, Air Quality and Section 3.8, Greenhouse Gas Emissions, respectively, of the Draft EIR, the Project will, as required by the Project Condition of Approval, enroll in PG&E's Solar Choice Program, or a similarly sustainable program, which will provide

renewable energy to the Project. In the event that the Project cannot secure renewable energy through this program, an alternative means to achieve the same objective of utilizing renewable energy will be employed. 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.¹⁶ The comment did not provide new, 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 95. Ramesh B. (dated February 6, 2024)

Comment 95-1

During a meeting last night when the vice mayor Kamei took questions from Prospect high school students ... she made a remark that closing the driveway to Graves ave would impact the medical center.

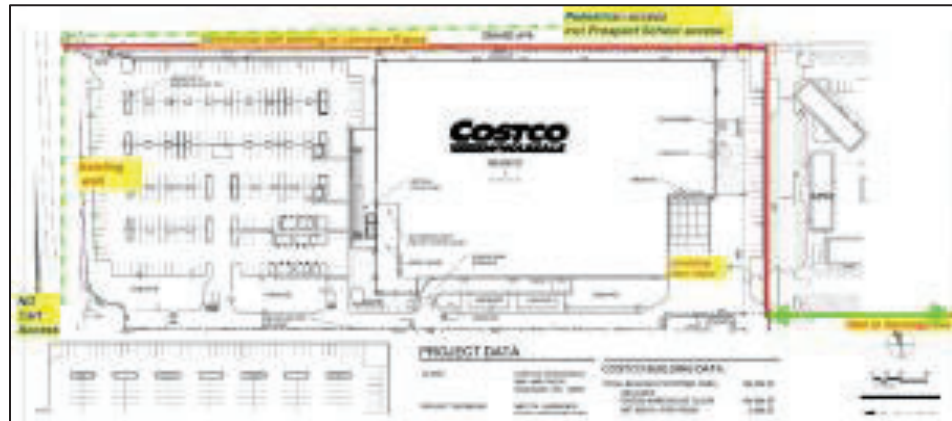
see my email below where I reference the City's written commitment to close Graves ave on new buildings - for completeness I added to the email below also has proof Sprout SITE legally gave up access to Graves ave (as part of their permit) & email with Trader Joe's consent to not use Graves ave.

There is a very easy way to mitigate the impact traffic impact on the medical center - to address the concern vice mayor Kamei raised.

Per the attached graphic we can have a wall wrap from the townhomes around the medical center parking to the Costco site.

Ideally, this can be done during the Costco build as Costco's cost.

If the medical center does not cooperate during the initial project build phase they will eventually decide they need to wall to mitigate the impact and they can build a wall connecting townhomes wall to the Costco wall.



From: Alexis Walsh <awalsh@traderjoes.com>

¹⁶ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

To: Ramesh B >

Sent: Thursday, June 22, 2023 at 11:30:35 AM PDT

Subject: Re:

Hello Ramesh,

That is correct, trucks should not use Graves Ave.

Hope your well,

Alexis

Response 95-1

Refer to Topical Response B for a discussion of access to the Project site and impacts to other businesses in the Project area. 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 95-2

Please log these comments against CP21-022 EIR.

Also, please circulate the email commitment below to planning department management & staff for this project.

Email below shows the planning department management's written commitment to require closure of Graves driveways upon 'construction of new buildings' as a trigger.

The city is obligated to follow-through on this.

I am telling you this now and the planning commission will force this later if planning department fails to act now.

I hope it won't come down to the courts forcing the planning department to follow through on this written commitment.

From: "Enderby, Mike" <Mike.Enderby@sanjoseca.gov>To: ramesh bodapati >Cc: "Nusbaum, Jenny" <Jenny.Nusbaum@sanjoseca.gov>; "Prevetti, Laurel" <Laurel.Prevetti@sanjoseca.gov>; "Baty, John" <John.Baty@sanjoseca.gov>; "Crabtree, Andrew" <Andrew.Crabtree@sanjoseca.gov>; "Hamilton, Jeannie" <JEANNIE.HAMILTON@sanjoseca.gov>;sai.yakubu@sanjoseca.govSent: Tue, October 30, 2012 8:41:16 AMSubject: RE: How can Westgate West construction permit be issued without residential input?

Hi Rajesh,

Nice to hear from you. I appreciate your on-going interest in the project. It is still very much our goal to close off vehicle access to the back of West Valley

and Westgate West shopping centers as previously negotiated with the developer(s). As you know, there are permit conditions with triggers in place with the Westgate West project to close off the Graves Avenue driveways upon expansions of building square footage and/or construction of new buildings. The recent modifications that were approved technically constitute remodels and not physical expansions and therefore the trigger for access closures have not been met. The ownership of Westgate West has recently changed. That said, we have reminded the developer of the previously negotiated requirements and the obligations to conform to the permit conditions. We'll keep you posted about any future expansion proposals.

Thanks, Mike

From: ramesh bodapati [] Sent: Monday, October 29, 2012 9:03 PM To: Prevetti, Laurel; Crabtree, Andrew; Hamilton, Jeannie; sai.yakubu@sanjoseca.gov Cc: Enderby, Mike; Nusbaum, Jenny; Subject: How can Westgate West construction permit be issued without residential input?

Dear City planning department leaders,

Long time ago Mike Enderby told us he would cut off the back entrance/exit to Westgate West (at Graves Ave) before they are issued a new permit.

There is major construction going on in Westgate West shopping center.

How can Westgate West construction permit be issued without residential input?

Delivery Trucks are driving in front of my home on Graves Ave (behind the shopping center) at around 5 a.m. waking us up almost every day.

I am almost certain it is for Trader Joes - small chance it could be other store.

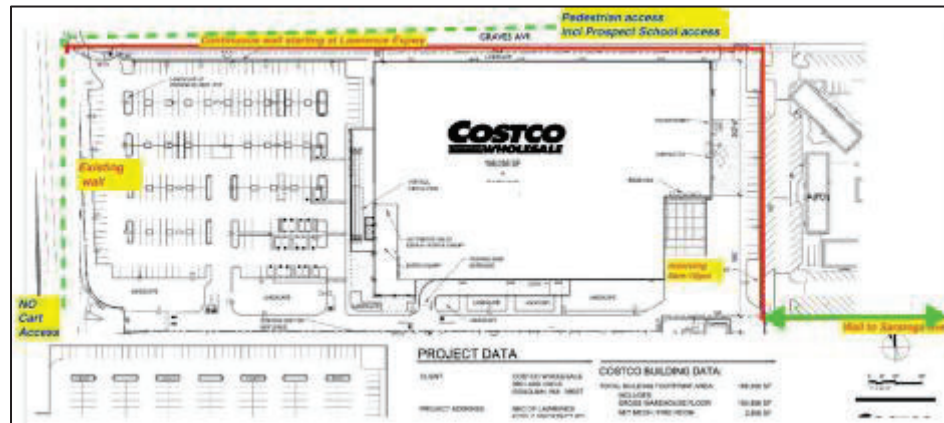
I need your help to stop this early morning delivery immediately.

I am also requesting your assistance to getting the Graves entrance/exit to Westgate West shut down as part of any new permit -even it is for something small.

Response 95-2

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 95-3



6. Loading Area Restrictions:

- a. The developer shall construct physical cross-access restrictions along and on adjacent properties as shown on the approved plans, and as noted above, to discourage the use of Graves Avenue for site ingress and egress.
- b. The project management shall educate tenants and provide appropriate signage to discourage truck access onto Graves Avenue.
- c. The developer shall relinquish cross-access agreements that facilitate access onto the rear areas of adjacent commercial properties to the satisfaction of the Director of Planning at such time as the Director believes that such access can be eliminated upon further development or redevelopment of adjacent parcels.
- d. Deliveries and loading/unloading of merchandise shall not take place between the hours of 9:00 P.M. and 7:00 A.M.

Response 95-3

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 96.

Amy Chang (dated February 7, 2024)

Comment 96-1

For the Costco project File no. CP21-022, aside from all the concerns including the most significant one which is the pedestrian road safety risk from the estimated 11,000 more cars/trips per day, there are other negative impacts to the area.. Especially the residence street that is immediately adjacent to it.. I am a resident on Grave avenue, has anyone thought about the negative impact directly to our street and homes? The biggest concern is the rooftop parking which blocks the morning natural light to my house, blocks the natural view to the sky and the beautiful mountains, and the invasion of privacy directly to my house! My question is why do they have the right to do all these negative impacts, and the city allows that? Or, I have not heard anything being mentioned to address these concerns?!

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

Response 96-1 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 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 access to Graves Avenue in the Project area. 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 97. Craig Thomas (dated February 7, 2024)

Comment 97-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

I ask that you turn down this project. Compromised safety would be my main concern (but I have other concerns as well). With 11,000 new car trips directly across the street from a high school, this alone is a absolute NO NO to human safety. At 3pm these adolescents are crossing an already busy expressway. Add in a big warehouse traffic and we are inviting safety and gridlock hazards. The DEIR traffic study does not take into account the school's schedule. Please witness this for yourself before approving this project. Prospect students in hoards are crossing Lawrence Expressway to go home or to Starbucks and Yogurtland directly in the proposed Costco site. I realize that all schools have safety issues, but adding a Costco across the street is about the worst thing that could happen, in terms of traffic and safety.

Response 97-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 97-2 I have witnessed the other Costco traffic nightmares in Sunnyvale where I used to work. I am surprised that this Costco is larger with fewer parking spaces. I am so worried about our current favorite businesses losing their parking to Costco shoppers.

Response 97-2 Refer to Topical Response B for a discussion of parking sufficiency and impacts to businesses in the Project area. 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 97-3	I am worried about the medical offices parking and safety. I am worried about those on Graves and Country Lane neighborhood. I am worried about Country Lane School kids. Why allow this giant warehouse smack next to a neighborhood?
Response 97-3	Refer to Topical Response D for a discussion of pedestrian safety in the Project area. Refer to Topical Response B for a discussion of Project site access, parking, 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 97-4	Does Costco fall into the 2040 Urban Village plan? From all that I have read it does not at all. It is not a walkable, or transit friendly business. Costco members generally purchase in big carloads.
Response 97-4	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 97-5	I personally love riding my bike for commuting and sport. I use the corridor from County Lane neighborhood to Prospect/Lawrence to Cupertino. With 11,000 more car trips and eminent gridlock at that intersection I'd be a fool to risk my life in this area.
	Thank you for your consideration and your care in responding to these serious concerns.
Response 97-5	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. 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. 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 98.	Heidi Witkowski (dated February 7, 2024)
Comment 98-1	Good Morning Ms. Hawkins, Mayor Mayhan, City Council Members and all others involved with the proposed West Valley Costco. I would like to give feedback for the DEIR for the proposed Costco at Westgate West, located at Prospect Road and Lawrence Expressway. I do not believe this is a good location for Costco since most customers must drive to do their shopping and potentially create a traffic nightmare at this intersection and many of the major roads between Moorpark and Prospect Avenues.

- Response 98-1 Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives 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. 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 98-2 I live at the border of District One near Mitty Way and Lawrence Expressway yet I walk and ride my bicycle to shop at Trader Joe's, Sprouts and Ace Hardware as well as to the Library and Postoffice. I need to cross Williams Road, Doyle Road near the Middle School and then through Country Lane past the Elementary School. I also use this route to take Prospect Road into the Saratoga Hills to ride my bicycle for pleasure, as does my family.
- Currently, crossing those intermediate roads on foot and bicycle are extremely dangerous as cars do not stop at crosswalks. It becomes even more dangerous as I use the footpath at the entry to the Dog Park, past the traffic signal at the shopping center entry off Lawrence and then towards Prospect Rd.
- When I am crossing Lawrence at Prospect during the High School Dismissal, crowds of students are crossing as well, lingering in the crosswalks well after the changing of the traffic lights. Other pedestrians and bicyclists are using those opportunities to cross too, it can be very chaotic. The High School also has different schedules weekly and dismissal times can vary daily.
- More times than I can count, I have been nearly hit by cars while on my bicycle and walking. Cars do not yield at right hand turns for either pedestrians or bicycles and are more concerned with looking at their opportunity to merge onto Lawrence Expressway without looking to their right for people using the crosswalk.
- I am concerned that adding additional daytime traffic during these most busy times of the day will be significantly more dangerous with parents and students trying to adjust to the drivers who are from out of the area and who may not recognize the rhythm of the High School in addition to other pedestrians and cyclists.
- Response 98-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 98-3	As for the intermediate Williams and Doyle Roads, the current traffic during commute hours is significant and then to add people wanting to stop off at Costco on their way home from work and school, will most certainly increase the traffic around these feeder neighborhoods and severely impact the 9+ community private and public schools in the area. I ask you all to please reconsider the placement and traffic concerns of this Proposed Costco and the significant impact it may potentially have on this community's safety and quality of life. Thank you for your closer review and consideration of this community's viable concerns.
Response 98-3	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 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 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 Letter 99.	Kay Blom (dated February 7, 2024)
Comment 99-1	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 a senior citizen, and I ride my bike every day down the path next to Lawrence Expressway in a effort to ride down Prospect and ultimately the railroad trails. On the return ride home, I ride up the trail to Saratoga Creek Park again to get back home. It is already dangerous enough with the current traffic, going through the crosswalk of the stoplight on Lawrence to turn into Westgate West. Most cars do not stop for bikes, so you have to be prepared. If you add 11,000 additional cars turning into Westgate West, it will make that trail unrideable. And I wouldn't even attempt to ride down Lawrence Expressway. That little trail provides a fairly safe way to get past Westgate West, whether you are walking or riding. I cannot imagine the impact to Prospect High School students who walk or ride bikes to school every day. With the additional traffic, students' safety will be at risk.
Response 99-1	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 99-2	Even worse is all the pollution caused by the additional traffic for those of us with asthma, heart failure, and other breathing difficulties. The pollution from idling cars coupled with summer heat will leave our entire neighborhood with stagnant, polluted air. In my case and for many others, this will require more trips to the emergency room.
Response 99-2	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 99-3	I think the best solution for this area is a nice hardware store, like the previous occupant, OSH. Small businesses are also welcome and will be utilized by many West Valley neighborhoods. Nice restaurants and food places that offer carry out would be great places that we can even walk to. Thank you for your consideration and your care in responding to these serious concerns.
Response 99-3	Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives to the Project. 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 100. Marc Barberis (dated February 7, 2024)	
Comment 100-1	I am contacting you to address the sixth of my concerns regarding the planned Costco construction project at the intersection of Prospect Road and Lawrence Expressway, specifically in response to the published draft Environmental Impact Report (EIR). As a reminder, the overarching topics of concern are as follows: • Prospect High School student safety • Co-existence with existing commercial sites, in particular Trader Joe's • Access by bike to those sites and urban village concept • Traffic impact • Noise impact • Project size in relation to site • Climate Smart initiative and final notes
Response 100-1	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site

access, circulation, and impacts to other businesses in the Project area. 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 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 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality with incorporation of the applicable mitigation measures. 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 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 100-2

Several indications suggest an inadequacy between the size of the proposed project and the chosen site.

These indicators include:

- The introduction of rooftop parking, an unprecedented move for Costco in the United States.
- The limited distance between the Costco building and nearby residential houses, resulting in residents facing a towering wall with rooftop parking instead of the existing view of tall trees.
- Insufficient spacing between Costco and adjacent stores, especially Trader Joe's, as detailed in my previous communication.

The implementation of rooftop parking is anticipated to cause a ripple effect, with individuals potentially vying for parking spaces at the expense of neighboring businesses, given the restricted access to a single lane up and down. This persistent congestion might force other establishments to relocate, further depriving residents of essential and valued services – and the city of tax revenue.

A valuable comparison can be made with other Costco sites, such as the one in Sunnyvale, where the site is more expansive, the Costco building is smaller, and there is abundant parking without the need for rooftop facilities. The evident inadequacy of the chosen site for the current project necessitates a reduction in project size to align with the site's capacity and, crucially, prevent the displacement of local businesses.

Thank you for your time and consideration.

Response 100-2 Pages 261 through 263 in Section 8.0, Alternatives, of the Draft EIR includes a discussion of a No Rooftop Parking Project alternative. 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. Pages 22 through 24 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 or regulations governing scenic quality. Refer to Topical Response B for a discussion of parking, circulation, 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 101. Merle Knouf (dated February 7, 2024)

Comment 101-1 I'm sure that the City Fathers have heard the arguments. Whether they have paid attention to the neighborhood or not, is another question. The next few months will tell the story. I have lived just off Graves for forty years and like many others, am a card-carrying member of Costco. Costco is assuming I want their WAREHOUSE in my backyard. I assure you that I do not!!!!

The following questions have not been addressed in my opinion:

Response 101-1 Refer to Topical Response B for a discussion of Graves Avenue access. 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 101-2 Costco takes pride in the number of jobs that will be created at this location. Stating 350 new position; however, what is the actual number eliminated (conveniently overlooked by Costco)? You can start with the elimination of jobs at Smart and Final. On a personal level, the AAA Office closed its location. My agent lost her job along with other employees. I now have to drive to a distant location for AAA business. I would say that the over-all number of jobs is not 100% positive gain

Response 101-2 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 101-3	Traffic. Control of Costco trucks—yes, but other vendors? Immediately, traffic will cut through the neighborhoods to avoid Saratoga Ave, Lawrence Expressway and Prospect Rd. After-school traffic is doing that now to avoid long waiting times at the corner of Prospect and Saratoga. Freight trucks, at or near their weight limits, can be heard rumbling down Graves at all hours now as it is. Try rolling an empty tin can down the street in front of your bedroom window. It's bad enough with the weekly garbage pickup moving into the area at 6:30 am.
Response 101-3	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. 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. 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, including truck trips. 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 101-4	More important.... can you explain why the city would allow a commercial warehouse to move into our (your) neighborhood? When two Costco warehouses are within a 15-minute drive of this area. In addition, there are two commercial grocery stores within 5-minutes, plus a number of convenience stores. This does not make sense? Side Note: Costco receives the majority, if not all product, via truckload on 40x48 pallets. All movement of product is done by pallet. The customer picks product from the pallets. Costco is a warehouse and belongs in a designated commercial warehouse manufacturing location. As are both locations on Lawrence and Coleman. Not in a retail shopping center, strip mall or bedroom community with schools, playgrounds and parks within walking distance.
Response 101-4	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 Costco locations at 150 Lawrence Station Rd, Sunnyvale, CA 94086 and 1601 Coleman Ave, Santa Clara, CA 95050 are both located near both a school and residences, and many Costco Warehouses are located in Commercial zones.¹⁷ The comment did not provide new, substantial evidence with respect to the disposition of significant

¹⁷ Personal communications with Hannah Chan Smyth, Urban Planning Partners, dated August 12, 2024.

environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 102. Susan Hernandez (dated February 7, 2024)

Comment 102-1 I am a 30-year resident of the Country Lane neighborhood, which is across Graves Avenue from the proposed Costco site. It is also part of the planned Paseo de Saratoga Urban Village.

I walk in the neighborhood daily, and believe this Costco is in direct conflict with the Urban Village goal.

Response 102-1 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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 102-2 In our neighborhood, I see many elders, younger adults, families, and schoolchildren walking and bicycling on the sidewalks and in Saratoga Creek Park. None of these streets were considered in the traffic study for Costco and shoppers will certainly use our neighborhood as a shortcut to Graves.

Response 102-2 Refer to Topical Response B for a discussion of Project site access. Refer to Topical Response C for a discussion of the scope 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 102-3 Unfortunately, I often see drivers speeding, especially during rush hour and school pick-up/drop-off for Country Lane Elementary and Easterbrook School. Most drivers do not stop for pedestrians at unmarked intersections in the neighborhood. This is getting worse as traffic pattern changes on Saratoga and San Tomas Aquino now back traffic up on Doyle. We have increased traffic on our streets as people drive through the neighborhood to get between Saratoga Avenue and Lawrence Expressway.

As Vice Mayor Kamei stated in a Community Meeting on February 5, the Prospect/Lawrence intersection is "not safe". An additional 11,000+ vehicle trips per day will impact an already dangerous situation. There are no major traffic improvements in the plan. If the corner at Prospect and Lawrence isn't currently safe, we definitely should not allow a large warehouse store at that corner.

Response 102-3 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 102-4 The Costco plan has already impacted our neighborhood. Several businesses in the shopping center have closed and we now have to drive to find the same services. How will the parking for existing businesses be protected?

Response 102-4 Refer to Topical Response B for a discussion of parking 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 102-5 I definitely support the return of retail businesses in the shopping center, but the scale and impact from Costco is too large for this location.

Response 102-5 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. 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 Letter 103. Balaji Venkataraman (dated February 8, 2024)

Comment 103-1 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 very concerned that a new Costco would exacerbate the traffic/congestion and pedestrian/biker safety in the area. There are schools around the proposed site and lots of kids and parents walk/bike to/from school. Also, it will adversely impact the access to existing business in the area - given the typically large number of cars that access a Costco and the limited parking on site. We have plenty of Costco locations within a short driving distance and we really don't need another Costco warehouse! We should continue to lead the state and country forward in the right direction when it comes to eco-friendly, less car-centric, urban planning and this is definitely a step in the wrong direction.

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

Response 103-1 Refer to Topical Response B for a discussion of Project site access, parking, impacts to other businesses, and circulation. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 Letter 104. Catherine Mikami (dated February 8, 2024)

Comment 104-1 I am writing to express my concerns regarding the Draft Environmental Impact Report (DEIR) for the proposed Costco construction project at the intersection of Lawrence Expressway and Prospect Road in San Jose. After reviewing the DEIR, I have identified several significant issues that need to be addressed before any decisions are made regarding this project.

Pedestrian and Cyclist Safety

One of the primary concerns I have is the potential impact on pedestrian and cyclist safety, particularly for high school students who walk or bike to and from school. With the addition of approximately 11,000 car trips per day resulting from the Costco project, there will be increased traffic congestion and potential hazards for students navigating the area. It is crucial that measures are taken to ensure the safety of these students, including the implementation of safe crossing points and dedicated bike lanes.

Response 104-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 104-2 Protection of Parking Spaces for Small Businesses

I am also concerned about the potential loss of parking spaces for small businesses in the area, including Trader Joe's, Super Duper, and Starbucks. These businesses rely on convenient access to parking for their customers, and any reduction in available parking could have a detrimental impact on their operations. It is essential to protect these parking spaces to support the viability of these local businesses and maintain the vibrancy of the community.

Size of Costco Project Relative to Parking Spaces The proposed size of the Costco store is disproportionate to the available parking spaces, even with the inclusion of rooftop parking. This imbalance raises concerns about traffic congestion and parking availability, particularly during peak hours. The project's scale should be carefully evaluated to ensure that it aligns with the capacity of the site and minimizes potential disruptions to the surrounding area.

Response 104-2 Refer to Topical Response B for a discussion of parking and impacts to other businesses in the Project area. 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 104-3 Traffic Congestion

Finally, the DEIR fails to adequately address the potential impacts of increased traffic congestion resulting from the project, especially during peak hours when parents are picking up their children from school. Gridlock at these times can create safety hazards and inconvenience for residents and commuters alike. A thorough analysis of traffic patterns during school start and dismissal times is necessary to accurately assess the project's impact and identify mitigation measures.

In conclusion, I urge the Planning Commission to carefully consider these concerns and take appropriate action to address them in the final Environmental Impact Report (EIR) for the Costco construction project. It is essential to prioritize the safety of pedestrians and cyclists, protect parking spaces for small businesses, ensure the proportionality of the project to available parking space, and mitigate potential traffic congestion effectively.

Thank you for your attention to these matters. I look forward to seeing these concerns addressed in the final EIR and the implementation of measures to mitigate any adverse impacts associated with the Costco project.

Response 104-3 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 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 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 Letter 105. Dunxing Zhang (dated February 8, 2024)

Comment 105-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

1. My son and I love riding bikes, the projected Costco warehouse is too big and will bring a lot of traffic, noise and pollution to my community.

Response 105-1	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 154 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 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 105-2	2. I think the nearby WestGate/Target shopping mall is the most fit to our communities. We don't need an extra Costco warehouse here. Nearby we have some small local businesses, like tire shops, fast food restaurants etc. I'm afraid the new Costco site may take away a fair portion of customers from the existing local business. Plus the existing Sunnyvale Costco warehouse is just a few miles away.
Response 105-2	Refer to Topical Response B for a discussion of impacts to other businesses in the Project area. CEQA does not require the preparation of an economic market analysis, and such economic factors are not considered environmental impacts for CEQA purposes. 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 105-3	3. There are two nearby public schools - CountryLane Elementary and Prospect High. My neighbors' kids are in both schools. They had expressed their safety concerns with the new Costco warehouse and they wouldn't prefer to let their kids walk to school by crossing the heavy traffic flow.
Response 105-3	Refer to Topical Response D for a discussion of pedestrian 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 105-4	4. Traffic Noise. We had lived in this community for 3 years. Previously we lived in Campbell City. My wife is very sensitive to noise. If the new Costco will bring too much traffic to this local area, we will have no choice left and we will definitely move away from this place. Thank you for your consideration and your care in responding to these serious concerns.

Response 105-4 Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment, including traffic noise. The Draft EIR found that noise impacts from the Project would be reduced to a less than significant level with the incorporation of applicable mitigation measures. 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 Letter 106. Lindy Freeman (dated February 8, 2024)

Comment 106-1 I live off of Quito Road on a small side street with limited sight. Hearing that 11,000 vehicles per day will be running to Costco will make it almost impossible to get out on to Quito. Granted, I realize they won't all be driving by my street, but a large number will. Please take into consideration the impact this will have on our neighborhood (in addition to the 12 story Santana Row II that's in the works). One of these "improvements" must go. Thank you for your consideration.

Response 106-1 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 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 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 Letter 107. Marc Barberis (dated February 8, 2024)

Comment 107-1 I am contacting you to address the seventh of my concerns regarding the planned Costco construction project at the intersection of Prospect Road and Lawrence Expressway, specifically in response to the published draft Environmental Impact Report (EIR). As a reminder, the overarching topics of concern are as follows:

- Prospect High School student safety
- Co-existence with existing commercial sites, in particular Trader Joe's
- Access by bike to those sites and urban village concept
- Traffic impact

- Noise impact
- Project size in relation to site
- Climate Smart initiative and final notes

Response 107-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site access, circulation, and impacts to other businesses in the Project area. 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 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 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project. The Project was not found to have any significant and unavoidable impacts related to air quality with incorporation of the applicable mitigation measures. 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 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 107-2

In alignment with the city's ambitious Climate Smart initiative, San Jose has set a commendable goal of achieving carbon neutrality by 2030 (<https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos>). In light of this environmentally conscious endeavor, it is crucial to consider the potential environmental impact of large-scale developments such as Costco. The current project lacks provisions for essential sustainable features like solar panels and a large enough number of electric vehicle (EV) chargers.

To truly progress towards the city's carbon-neutral objective, it is advisable to mandate the incorporation of these eco-friendly elements in the Costco development. By embracing on site renewable energy generation and promoting electric vehicle infrastructure, San Jose can seize this opportunity to make a substantial contribution to its Climate Smart goals. This proactive approach, even if not legally mandated, would underscore the city's commitment to fostering sustainable development and mitigating environmental impacts associated with substantial projects like Costco.

Response 107-2

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. 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 107-3

Alcohol seller density limit

The current locale already exceeds the prescribed alcohol seller density limit. Introducing Costco as an alcohol vendor would necessitate an evaluation of public convenience or necessity, both of which appear irrelevant in this context, considering the accessibility of alcohol at nearby establishments. It is urged to uphold the existing mandate, as neither exemption seems justified in this situation.

In addition, granting an alcohol license to Costco would be spell a death knell for another local business, Bev & More, as no Costco membership is needed to purchase alcohol at any Costco store. This would be the third –but not last– casualty of the Costco project.

Response 107-3

Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales. Refer to Topical Response B for a discussion of 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 107-4

Zoning conflict

I urge the planning commission and city council to consider restrictions in place for the site of the proposed Costco, as the site appears to be zoned for commercial use, to the exclusion of a retail warehouse.

Response 107-4

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, which allows large-format retail uses such as the Project. 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 107-5

Perceived but unclear benefits

Clearly, a central argument advocating for the establishment of a Costco at a nearby location relies heavily on the anticipated boost in tax revenue. However,

	it's imperative to recognize that the majority, if not all, of the projected tax income simply represents a reallocation from existing sources. This reallocation encompasses revenues from other Costco locations, which essentially maintains neutrality for Costco, as well as from other local businesses, as patrons shift their spending patterns due to the presence of Costco.
Response 107-5	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 107-6	Any new job opportunities created are likely to be counterbalanced by job losses experienced by other establishments, given that the arrival of a new Costco does not inherently stimulate overall demand but rather alters consumer shopping preferences. The closure of businesses like Smart & Final and Goodwill serves as initial evidence of this trend, with more to follow.
Response 107-6	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 107-7	In addition, non-Costco members will see their choice shrink or their need to drive further increase, another factor not taken into account when looking at traffic in the DEIR. Consequently, the actual net increase in tax revenue remains uncertain, contrasting starkly with the evident and documented strain experienced by residents in the area. Thank you for your time and consideration.
Response 107-7	Refer to Topical Response C for a discussion of the standards and requirements for the Project's Transportation Analysis. 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 page 21 of Appendix I, Transportation Analysis, of the Draft EIR for the methodology used to determine Project VMT. In transportation analyses, travel forecasts are developed in part based on surveys of travel behavior (United States Census and State and local surveys). The analysis models generally do not distinguish between unique retail uses, such as the specific retailers currently operating in the Westgate West shopping center that would be displaced by the Project. Models consider the degree of demand for commercial activity in a given area and assign trips to the network according to demand. In the short term, some area residents may travel to different destinations to fulfill needs that at present are served by businesses currently at the Project site. Surveys of travel behavior show that people tend to make most of their retail trips (i.e., get their shopping done) within certain time budgets and

distances. Some residents will switch to different stores that are more convenient to meet their needs. If there is a strong demand for certain businesses closer to residents, it is typical that businesses will locate where they can better serve residents within a reasonable distance. After the initial adjustment, it is expected that most residents will travel similar times and distances to meet their commercial needs as they do today.

Comment Letter 108. Ernie LeBlanc (dated February 9, 2024)

Comment 108-1

I attended the meeting on Monday, Dec. 7 whereupon some of the EIR was presented. I feel that the EIR is flawed in many ways especially in regards to transportation and student safety. I do understand the “rules” that were followed BUT I don’t think enough thought or investigation went into the safety impact upon students going to and from school at both Prospect High School and Country Lane school.

1) With about 11,000 cars using the Costco parking lot per day and going and coming using Prospect and Lawrence Exp., the hundreds of students walking to and from school are vulnerable and at a high risk of being hurt or killed by the volume of traffic surrounding the Costco site.

2) It’s ironic that the city of San Jose has gone to great lengths “improving the Saratoga Ave. corridor to minimize traffic issues for bicycles and pedestrians, while very little was presented to improve the area around the proposed Costco parking lot and the entrances and exits.

3) The minimal project that was presented for the Lawrence entrance and exit does little to minimize the enormous risks presented to students who cross there. Furthermore, the short left turn lane will be constantly over filled so cars will be blocking the fast lane on Lawrence Exp thus creating a high risk for traffic accidents and blocking traffic from getting to the left hand turn lanes ahead on to Prospect Ave. Was this studied or is it out of the purview of the EIR.

4) While congestion is not a major issue according to the EIR, IT is the major issue to the safety of the students and the quality of life for the people who live in our area. Has there been a discussion about the impact on side streets surrounding the area and any ideas to slow down the hundreds of cars using the streets from Doyle Ave. to get to the Costco site because Lawrence Exp. will be gridlocked. The speed limit is 25 mph on these streets but I will guarantee that many drivers will be quite frustrated with the amount of traffic and will speed down these side streets to get to their destination. My biggest concern if for the area around Country Lane School which is only a few blocks from the Costco site and which has it’s own issues with the amount of parents picking up their children by car and by walking the young ones home.

Response 108-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response B for a discussion of Project site access and circulation. 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 108-2 5) While I understand that there is the law regarding “saving gas” as more important than congestion, I completely disagree with it as it has become one of the “excuses” to rationalize why the Westgate site is viable. But with traffic congestion being what it currently is and what it will be, which will be a nightmare, how much gas will be wasted and how much pollution will be entering our environment while cars sit in traffic due to too many cars using streets not engineered to have so much traffic. Also, traffic lights will need to be adjusted to accommodate 11,000 more cars per day which will also lead to gridlock and multiple waits to get through surrounding intersections. Does the EIR have any references to the expected impact on traffic using the major intersections surrounding the Costco site? From what I heard at the meeting, I don’t think enough study or discussion has been made regarding my concerns.

Response 108-2 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. Refer to Topical Response C for a discussion of the scope of the Transportation Analysis for the Project. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR found that the Project would not result in any significant impacts due to generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or due to conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. 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 108-3 6) I am not normally a pessimistic person, BUT I do believe, if this project is ok’d, it will lead to students being injured or killed, multiple car accidents, road rage, and gridlock which will have a hugely negative impact on this area. I also believe that if this project is ok’d, the people giving its approval will look back and wish they had NOT approved it due to the damage it will cause. There are so many valid reasons to disapprove of this project than to approve it. With a Costco already so close, there is NO reason to approve the Westgate Costco other than for the city of San Jose to take in more tax revenue. Is raising tax revenue so important that it is MORE important than the safety of its constituents. I think NOT!

Response 108-3 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 D for a discussion of pedestrian and bicyclist safety in the Project area. 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 108-4	7) Does the EIR compare other Costco locations to the Westgate project to evaluate whether any other Costco is located so close to two schools, one a diagonal location away, and a very close residential area? If the EIR doesn't do a comparison to other Costco locations, then the City of San Jose should do so and inform the public accordingly.
Response 108-4	Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR includes a discussion of Project alternatives, including an Alternative Site Alternative. 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. 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 108-5	8) I know that you are only doing your job, but I would venture that YOU would not be happy if a Costco would be built near your home, near your neighborhood school, near where the traffic will become a disaster waiting to happen. I hope anyone on the planning commission or the city council would feel the same way and NOT approve this ill fated project.
Response 108-5	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 154 through 156 in Section 3.11, Land use and Planning, of the Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. 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 109. Jill Hagenlocher (dated February 9, 2024)	
Comment 109-1	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 West Valley area of San Jose for over 35 years. Living within walking distance to the post office, library, shopping mall, and grocery stores has

made my day to day life so convenient. It has made it easy for me to do my part in living environmentally responsible as I have been able to cut down on time spent driving on nearby roads.

However, the area is changing dramatically. The proposed building projects to El Paseo as well as the addition of a Costco are extremely concerning to me for these reasons:

Response 109-1 Refer to Topical Response B for a discussion of impacts to other businesses 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, including the Mixed-Use project on El Paseo. 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 109-2 Traffic

Prospect Road between Saratoga Avenue and Lawrence Expressway is already a mess. There is gridlock at many times throughout the day, making it impossible to safely and timely get through the area. The recent removal of one of the lanes on Saratoga Avenue has made this even worse. The gridlock generated by the addition of 11,000 cars creates pollution and wasted energy that is detrimental to our environment.

Response 109-2 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 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 96 through 104 in Section 3.6, Energy, of the Draft EIR included an analysis of the Project's energy impact. The Draft EIR found that there were no significant and unavoidable impacts to energy as a result of 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 109-3 Safety

Because of the gridlock and traffic nightmare, I am gravely concerned about the safety of the area for bicyclists and pedestrians. Particularly high school students who use these streets to get to and from school.

Adding more cars and delivery trucks to this area is a safety concern for everyone. THIS IS A MAJOR CONCERN FOR ME.

- Response 109-3 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 109-4 Local Businesses
- The other shops and businesses that are in the area will suffer greatly. Not only will they lose business to Costco as people will shop there instead, their parking areas will be affected. People will not be able to access entry to their shops so consumers will avoid shopping there altogether.
- Response 109-4 Refer to Topical Response B for a discussion of parking 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 109-5 Urban Village
- If the City of San Jose is genuinely interested in creating an Urban Village for the West Valley neighborhood, the addition of Costco clearly is not in alignment with this concept. Although I love the area and enjoy the benefits of many local amenities, the one thing that is missing is a community. Other local areas such as Campbell, Saratoga, and Los Gatos all have some components of a community, such as Parks and Rec facilities and downtown shops/restaurants, we have none of these. A large warehouse such as Costco does not meet the goals of an Urban Village, in my opinion.
- Thank you for your consideration and your care in responding to these serious concerns.
- Response 109-5 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 Letter 110. Trudy Jones (dated February 9, 2024)**
- Comment 110-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.
- I also attended the Webinar on Monday, February 5th and heard a few very concerning items.
- First, that Costco is not closing all entrances on Graves Ave. I live just a block behind Graves and realize that hundreds of additional cars per day will be cutting through our quiet residential neighborhood. I was also very surprised that there

	wasn't a study done on the impact to the Country Lane neighborhood with the entrance still remaining.
Response 110-1	Refer to Topical Response B for a discussion of Project site access and Graves Avenue. Refer to Topical Response C for a discussion of 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 110-2	I walk in the neighborhood daily, and do not want cars racing through to get out to Saratoga Ave. or Doyle Road. Also, Country Lane elementary school is a block away where students will be walking and crossing Teresita Dr. which will become a thoroughfare to Doyle Rd. This is not a safe situation!
Response 110-2	Refer to Topical Response D for a discussion of pedestrian safety in the Project area. Refer to Topical Response B for a discussion of Project site 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 110-3	Secondly, I am astonished that you are removing the current sidewalk along the current storefronts that give access to the area safely and not replacing it in the scope of this project. How am I and other neighbors to SAFELY walk to Trader Joes, Starbucks, House of Bagels, and other shops that will be behind the new Costco. Since the entrance is open to Graves, is it possible to have a sidewalk on the east side Costco. I did not see that in the plan. If I cannot walk safely down that section of the parking lot, I will have to start driving then. I thought the idea was to reduce driving. I have walked to those stores for the last 30 years and would hate to have to start driving now! The closeness to the stores was one of the selling point when I bought my home. It had a grocery store, drug store and a hardware store. It was great, one stop shopping for all my needs. No driving, I had a wagon. The whole family used to walk to shop! A box store like Costco does not bring that back.
Response 110-3	Page 15 in Section 2.5, Uses of the EIR, in the Draft EIR includes Figure 2.5-2: Proposed Overall Site Plan, as a figure for the Project site plan. The site plan includes a pedestrian crossing from the north side of Grave Avenue to the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist access and safety in the Project area. Refer to Topical Response B for a discussion of Project site access and 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 110-4	Lastly, I was surprised that the report did not take into consideration the traffic backups that happen during drop off and pickup at Prospect High school. It was horrible 20 years ago when I had to drive my kids to school, and it has only gotten worse. Trying to get through the intersection of Prospect and Lawrence is already 2+ cycles of lights now, I can't imagine what it will be like after Costco is in. Also with that many vehicles, it will not be safe for pedestrians. Currently, there is minimal traffic out of Westgate West, but I remember when OSH was there and it was very congested, with Costco there it will be terrible. I will be force to drive

farther for everyday items because I won't go through that intersection.

In closing, as a long time Costco member, I go monthly, if not bi-weekly and also fill up with gas when I shop. I will still be going to the Sunnyvale location. It's not that far away. This will only add a lot of congestion to the area and little, if no benefit to my family. This is not a place for a Costco!

I hope you take these serious concern in consideration.

Response 110-4 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 D for a discussion of pedestrian 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 111. Bobi Levine (dated February 10, 2024)

Comment 111-1 Please vote NO on the proposed Costco project to be built at West Valley West Shopping Center, corner of Lawrence Expressway and Prospect Ave. across from Prospect High School. This warehouse belongs in an industrial area - not a residential area!!!

Response 111-1 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 Draft EIR found that there are no significant impacts related to Land Use and Planning for the Project. Moreover, the Project is an allowed use within the site's zoning designation. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 111-2 I have lived in this residential area for 50 plus years and have seen many accidents or near accidents over the years at that corner. I live off of Doyle Road in the Country Lane Area. Presently, it is almost impossible for me to access Doyle Road at certain times of the day!!! Traffic has already increased in the past year - by allowing this project to proceed, people will use our Country Lane area as a short cut thoroughfare to get to the back side of the shopping center.

Allowing 11,000 additional cars per day to use Prospect Rd. and Lawrence Expressway, you are jeopardizing the lives of the students that attend Prospect High School, Country Lane Elementary and EDS as they walk, bike or drive to school as well as seniors in our neighborhood who walk to the West Valley West Shopping Center.

Response 111-2 Refer to Topical Response B for a discussion of internal circulation and congestion for the Project site. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 111-3	The EIR report does not take into consideration the additional traffic that the new 1700 housing units that are planned to be built on Prospect Road across the street from the proposed Costco site. Another future housing project is considered for the corner of Doyle Road and Saratoga Ave. adding more traffic onto Saratoga Ave.
Response 111-3	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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, which does include the Mixed Use development on Saratoga 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 111-4	The present stores located at the West Valley West shopping center will be greatly impacted by the parking for these businesses and those in our neighborhood who shop there will be greatly jeopardized - we will have to drive additional miles to shop at a store that we were able to shop at in the past!!!!
Response 111-4	Refer to Topical Response B for a discussion of parking and impacts to other businesses in the Project area. 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 111-5	Costco is a membership warehouse business that does not meet the needs of all our residents. We need to align with San Jose's Envision 2040 plan and Urban Village plan with neighbor friendly businesses.
Response 111-5	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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 111-6 Please, please do not allow this proposed project to be built in my neighborhood shopping center!!!! Stop Costco from taking over the Westgate West Shopping Center!!! This is an over sized project on an undersized site.

Response 111-6 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 Letter 112. Jim and Diana Malone (dated February 10, 2024)

Comment 112-1 We have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

We live in the Rainbow West area and travel through the Lawrence/Prospect intersection frequently in our car and on bikes.

It would be worthwhile for decision makers to observe the Westgate West area while Prospect High School is beginning or ending the school day. There are young people on foot and on bike (and scooter) in large numbers, as well as an abundance of cars and other traffic. If you allow the addition of Costco traffic, as an addition to the other large-scale development projects in San Jose and Saratoga (El Paseo, etc.), and consider the lack of transit options, you can only anticipate a traffic situation that will not simply include severe congestion, along with abundant cut-through traffic in surrounding neighborhoods, but also create a substantially heightened safety risk for Prospect students, who understandably regard the Westgate West area as an extension of their home neighborhood.

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

Response 112-1 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 C for a discussion of the 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. 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, refer to Topical Response E for why the proposed El Paseo de Saratoga Urban Village is not required to be analyzed by the Project's cumulative analysis. 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 Letter 113. Christine Lyon (dated February 11, 2024)

Comment 113-1 I've reviewed the draft Environmental Impact Report for the proposed building of a Costco at the intersection of Lawrence Expressway and Prospect Road in West San Jose (file # CP21-022), and I would like to submit the attached comments as a local neighbor of the proposed development.

While I support the redevelopment and revitalization of this portion of the Westgate West Shopping Center, I'm concerned that the project raises significant safety hazards and impacts that are not fully acknowledged or addressed in the DEIR, particularly related to pedestrian safety. I hope the attached comments are helpful as perspective from a resident who has lived nearby for over 15 years, and who knows the immediate area well as a driver, pedestrian, and community member.

Thank you in advance for reading and considering my comments, and please let me know if you would like to discuss any of this further.

Response 113-1 Refer to Topical Response D for a discussion of pedestrian 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 113-2 I live on Lyle Drive and school traffic is already gridlocked, even without the Costco. I need to schedule my morning commute to be able to get off our street in the morning. Traffic

- Traffic backs up at the light at Lyle and Prospect as cars sit and wait to be able to turn left on to Prospect when there are kids
- Live on Lyle Drive and need to schedule my morning commute to be able to get off our street in the morning. Backed up with kids crossing Prospect at both sides, parents pulling into Lyle and trying to do U-turns to drop off their kids, cars lined up a block or more down the street because someone is trying to turn left on to Prospect.

Response 113-2 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 C for a discussion of the scope of the Transportation Analysis for the Project. 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 114. Raluca Abrahami (dated February 11, 2024)

Comment 114-1	After participating in the community meeting on February 5th, I just realized how the safety of our children was completely overlooked. SAFETY for the high school students is paramount, and yet the Costco proposal will create a complete unsafe environment for our kids. As a parent I would be scared to have my child try to cross a street in the middle of a heavy traffic intersection. God forbid, one minor accident and lawsuits will follow, and neither the city nor Costco will have the funds to fight these lawsuits, beside the moral burden.
Response 114-1	Refer to Topical Response D for a discussion of pedestrian 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 114-2	As for the DEIR, we were presented with all kinds of formulas and methodologies that didn't make much sense. In my opinion it appeared that the data was manipulated in such a way to allow the project to go ahead.
Response 114-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. 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 114-3	Disregard for the air pollution, noise pollution and above all the heavy traffic that will choke any car movement are still a major concern. If the people will wait for 30 minutes just to get into the parking lot, circle for another 30 minutes to find a parking spot and wait another 30 minutes to get out of the parking lot, people will not use this Costco facility and it will be an empty store and a failure for the entire community.
Response 114-3	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. Refer to Topical Response B for a discussion of parking and 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 115. Roberta Witte (dated February 11, 2024)

Comment 115-1	The proposed Costco is too big for Westgate West shopping center and will generate too much traffic at an already heavily impacted and dangerous intersection. A warehouse is not appropriate for this property. This is not what an Urban Village plan that was promised for our West Valley citizens, should look like. This will forever change west San Jose, in a negative way. From City of SJ web site: Urban villages are areas that include residential and jobs-based developments; have access to transit; and are walkable and bicycle-friendly.
Response 115-1	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 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 E for a discussion of the Paseo de Saratoga Urban Village plan status. 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 115-2	Concerns: Traffic at intersection of Prospect and Lawrence Expressway
Response 115-2	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 internal circulation and congestion 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 115-3	Unsafe pedestrian crossing and Prospect and Lawrence Expressway Unsafe pedestrian and traffic patterns at Lyle and Prospect Ave, in front of a high school Traffic congestion getting to other stores on Prospect and Saratoga Ave
Response 115-3	Refer to Topical Response D for a discussion of pedestrian 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 115-4	Emergency Vehicle access to Senior facilities in English Estates NA
Response 115-4	Refer to Topical Response B for a discussion of 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 115-5	My name is Roberta Witte and I am a resident of English Estates Neighborhood Association and have been here for 39 years. My neighborhood has only two exit/entrances and they both intersect at Prospect Rd, in front of Prospect High School. The ability to turn left out of my neighborhood and then again to turn left on to Lawrence Expressway is already heavily impacted with traffic. And that is with many stores closed and shuttered. The additional traffic that will be generated by a Costco warehouse attempting to enter or exit Lawrence Expressway near the Taco Bell and the proposed Costco parking lot will complicate traffic patterns and potentially cause accidents with people, bikes and vehicles. An accurate and updated traffic study is needed. The addition of a Costco warehouse at this intersection will become dangerous and time consuming as I attempt to drive to my job as a teacher in downtown SJ and return home. Backups on Prospect and the Lawrence intersection during popular business hours and student pedestrian traffic, will prevent me from getting out of my neighborhood and possibly getting back home. An updated traffic study needs to take into consideration not only the many Prospect high school students walking & biking but future proposed housing projects at El Paseo and the potential Saratoga housing element that has been discussed for the opposite corner of Prospect and Lawrence. Traffic also impacts my ability to get to the shops I prefer at Saratoga and Prospect, the other end of the Westgate shopping center. An accurate and updated traffic study is needed. A traffic study that includes the traffic that comes and goes from the stores at the opposite end of Westgate West need to be considered in a NEW traffic study. In addition, the recent “traffic calming” changes on Saratoga Ave near Prospect Rd has affected the traffic flow and the traffic patterns of shoppers and residents. An accurate and updated traffic study is needed. Traffic for fire and ambulance to access the Westwood Post-Acute facility, Westgate Villa Assisted Living and the Villa Fontana Retirement Community (right on Prospect frontage Road) will be affected by traffic conges on. My home is next door to the Westwood Post-Acute facility and we witness emergency vehicles entering our neighborhood 3-6 times each and every day, at all times of the day and night. A traffic study needs to include the need and access for emergency vehicles to all of our neighborhood senior facilities. An accurate and updated traffic study is needed.

It is important for everyone to have thorough, accurate, impartial, and up-to-date information when making such a permanent decision and it is imperative for the city to rerun the traffic study to ensure that it addresses these factors and the impacts on traffic in the area.

Issues with Kimley-Horn study - short duration of study (24 hours), data not collected during school dismissal hours

This is NOT the right location for a Costco warehouse project.

Response 115-5

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. Refer to Topical Response B for a discussion of Project site access, circulation, and emergency vehicle access. 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. Refer to Topical Response C for a discussion of the standards and scope of the Project's Transportation Analysis. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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. Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives 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 Letter 116. Winston Singh (dated February 11, 2024)

Comment 116-1

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 Winston 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 to school via Graves Ave and the West Shopping Complex.

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 116-1** 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 B for a discussion of Project site access and circulation in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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, refer to Topical Response E for why the proposed El Paseo de Saratoga Urban Village is not required to be analyzed by the Project's cumulative analysis. 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 116-2** The project's scale 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.
- Response 116-2** 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. 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 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. 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 Letter 117. Yan Li and Zhongxiao Jiang (dated February 11, 2024)**
- Comment 117-1** 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 concerned about the safety of our children and high school students induced by the 11000 Costco trips per day. I remind you that mishap to a teenage who was killed by a truck in Oct 2014 on McClellan Road, Cupertino. I do not want

to any of our kids become another victim of the heavy traffic and rushing customers to and from the Westgate Costco. This Costco project would be the 1st one that is in residential area with two schools. I urge Costco as a responsible company and the Planning Commission who cares the community and safety of our children, please consider a better site farther away from residential area. It will be proven wrong and endangering people's live to build a Costco that brings such a magnitude of traffic concentration in such a small area with already very congest traffic.

Response 117-1

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. 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 addresses 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 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives 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 117-2

If you still want to proceed with this project, as a resident on Cameo Dr directly facing Costco Access B and attached parking lot, I request you provide a satisfactory solution to avoid Cameo Drive become an extension of Costco parking lot. How would you control the traffic directly going from Cameo to Costco? How would you prevent Costco customers parking on Cameo Drive? If you do not do any thing, I think it will be unavoidable that Cameo Drive becomes an extension of Costco's Access B and Costco's parking lot as well. It will be disaster to all residents on Cameo. If Costco's customers can freely drive from Cameo to Costco via Access B, it also would greatly increases the risk of traffic accidents to pupils in Country Lane Elementary and their parents/caregivers, especially during 2:30-5pm when the school ends.

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

Response 117-2

Refer to Topical Response B for a discussion of Project site access, circulation, and parking at the Project site. Refer to Topical Response C for a discussion of the scope, standards, and peak school hour counts used in 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 Letter 118. Crystal Carroll (dated February 12, 2024)

Comment 118-1

I would like to thank the city planners for listening to feedback from the communities that make up the West Valley, and moving both the date for posting

the DEIR and the length of time so that residents have had time after the holidays to read and comment on the various documents.

I appreciate that the city planners' time is valuable, and I thank you for your consideration and your care in responding to resident concerns

Since my comments on this project are quite long and detailed, I am attaching a pdf that contains my comments in full to this email, and providing a high level summary of comments here. Additionally, I have mailed a copy of my comments to go to:

Department of Planning, Building, and Code Enforcement

Attn: Kara Hawkins

200 East Santa Clara St., 3rd Floor

San José, CA 95113

Response 118-1

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 118-2

I have lived in the West Valley for 12 years. I support San Jose's goals towards urban village planning, zero serious accidents, and carbon neutral planning. My family and I frequently walk and bicycle around the region.

I am deeply concerned that because the city of San Jose's environmental impact standards focus on the point of view of vehicles and do not incorporate risk analysis concepts such as likelihood x severity = risk, the DEIR's analysis for significance of impact does not adequately predict how this proposed project could endanger the health and lives of pedestrians and cyclists in the neighborhoods that adjoin Westgate West.

The traffic that is predicted to go through this area will pass many schools, and the risk that a child will be seriously injured or killed will inevitably go up if more mitigating safety controls are not put in place.

I am urging the city of San Jose to supplement the existing transportation study with an additional study that includes the following:

- Scenarios that focus on the risks to pedestrian and cyclist safety. This should include not only main roadways, but neighborhoods around the affected roads given that vehicle traffic will re-reroute to avoid gridlock.
- Analyzes the peak times of day when pedestrians and cyclists are active.
- Instead of examining the proposed Costco and each of the regional housing projects separately, examines how the cumulative vehicle trips for both Costco and all the proposed housing projects in the immediate vicinity will increase the lik

- Examines the effectiveness of existing mitigating controls and proposes new controls.

Response 118-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and how the VMT analysis for the Project accounts for cumulative projects. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project and how the Project accounts for cumulative projects. 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 118-3	I am also quite concerned that if this Costco goes into the proposed location, that the existing walkable and cyclable businesses will be forced to close.
Response 118-3	Refer to Topical Response B for a discussion of impacts to other businesses in the Project area. Specifically, Topical Response B states that the Project would not impact existing businesses as a result of insufficient on-site parking causing Costco shoppers to use parking spaces intended for use by customers of other businesses. 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 118-4	Given that this is a building that will be in place for decades, the current design does not adequately support San Jose, and the state of California's, carbon neutral goals.
Response 118-4	The Draft EIR addressed consistency with local and statewide carbon neutral goals on pages 130 and 131 in Section 3.8, Greenhouse Gas Emissions, with supporting data provided in Appendix F, Greenhouse Gas Emissions Assessment, of the Draft EIR. Through evaluation of the Project against Appendix G of the CEQA Guidelines, the Project was determined to have a less than significant impact on greenhouse gas emissions. In fact, the Project results in a net decrease in emissions as compared to the baseline conditions. Consistency with the statewide 2022 CARB Scoping Plan Update, regional MTC/ABAG Regional Transportation Plan/Sustainable Communities Strategy, and local City Greenhouse Gas Reduction Strategy Compliance Checklist was fully evaluated and disclosed within Appendix F, Greenhouse Gas Emissions Assessment, of the Draft EIR. The comment has not otherwise provided further explanation for why the Project is not adequate. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-5	I do not believe that the potential benefits of this project to the city of San Jose outweigh the risks to resident safety, or the financial impact to other businesses

in the area. As you move forward with your analysis, please review my specific comments in the attached pdf.

Thank you for your time and consideration.

Response 118-5

Refer to Topical Response B for a discussion of impacts to other businesses in the Project area. Specifically, Topical Response B states that the Project would not impact existing businesses as a result of insufficient on-site parking causing Costco shoppers to use parking spaces intended for use by customers of other businesses. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-6

Additionally, when examining existing mitigating Controls in place (such as traffic lights or intersection pork chops barriers), the methodology defined for use in the DEIR does not examine how Effective those mitigating Controls are at reducing Risk to pedestrians and cyclists.

The traffic that is predicted to go through this area will pass many schools, and the risk that a child will be seriously injured or killed will inevitably go up if more mitigating safety controls are not put in place.

I am urging the city of San Jose to supplement the existing transportation study with an additional study that includes the following:

- Scenarios that focus on the risks to pedestrian and cyclist safety. This should include not only main roadways, but neighborhoods around the affected roads given that vehicle traffic will re-reroute to avoid gridlock.
- Analyzes the peak times of day when pedestrians and cyclists are active.
- Instead of examining the proposed Costco and each of the regional housing projects separately, examines how the cumulative vehicle trips for both Costco and all the proposed housing projects in the immediate vicinity will increase the lik
- Examines the effectiveness of existing mitigating controls and proposes new controls.

Response 118-6

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and how the VMT analysis for the Project accounts for cumulative projects. Refer to Topical Response C for a discussion of the scope and requirements Transportation Analysis for the Project and how the Project accounts for cumulative projects. 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 118-7	Also, while I understand Westgate West is zoned for commercial use, there is a qualitative difference between types of commercial use. I am concerned that by building a project far better suited to an industrial area immediately next to a freeway, this project will cause existing businesses to close, and will not promote a walkable, bicyclable urban village environment -- as proposed in San Jose's Urban Village 2040 plan ¹⁸ -- that supports both San Jose, and the state of California's, climate goals.
Response 118-7	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, which is an allowed use under the current zoning. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status and applicability 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 118-8	Given that this is a building that will be in place for decades, the current design does not adequately support San Jose, and the state of California's, carbon neutral goals.
Response 118-8	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 118-9	I do not believe that the potential benefits of this project to the city of San Jose outweigh the Risks to resident safety, or the financial impact to other businesses in the area. Again, I appreciate the city planners reviewing my comments, which have been divided into the following sections: 4. Risk to Safety Review in General and Additional Data to Consider 4.1. Framing Risk Safety Review 4.2. Elements of Risk to Safety Review

¹⁸ <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/urban-villages>

4.3. Safety Recommendations in the DEIR Must be Required

4.4. Cumulative Impact of of Other Projects Vehicle Trips

4.5. Additional Hours to include in the Traffic Data in the DEIR's Traffic Study

4.6. Analyzing Traffic Diversion

5. Specific Risks to Safety

5.1. Risk to Safety: Intersection of Prospect and Lawrence, and Prospect to SR85

5.2. Risk to Safety: English Estates - Emergency Access to Retirement Communities 5.3. Risk to Safety: Graves Ave

5.4. Risk to Safety: Prospect Road in front of Westgate West

5.5. Risk to Safety: Johnson Avenue

5.6. Risk to Safety: Saratoga Ave to SR85

5.7. Risk to Safety: Quito Road

5.8. Risk to Safety: Bollinger Road, Doyle, and Moorpark Ave

5.9. Risk to Safety: Lawrence to/from 280

5.10. Risk to Safety: Hamilton and/or Campbell to/from the direction of City of Campbell

6. Health of Local Business / Community Stores

6.1. Issues with the Proposed Parking Lot 6.2. Walking or Cycling to Shop

6.3. No Plan to Protect Other Businesses 6.4. Improve Local Public Transit

7. Clean Energy & Water Usage

Response 118-9

Refer to Topical Response B for a discussion of impacts to other businesses in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-10

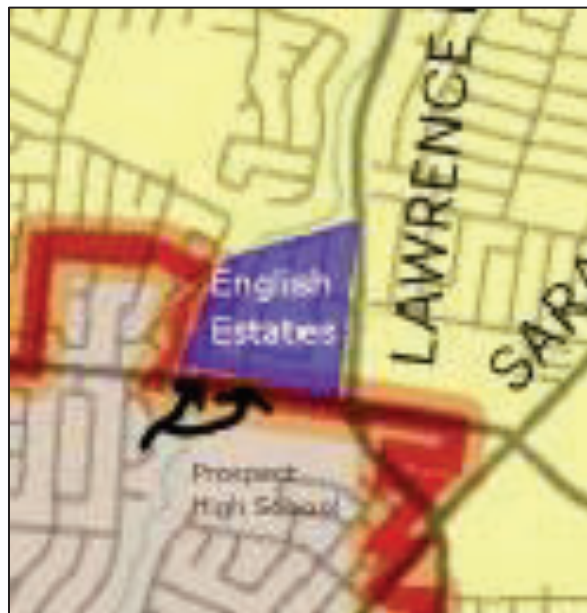
3. Background on Myself

I have lived in the English Estates neighborhood for 12 years. Additionally, I lived in West Valley when I went to high school in the late 1980s.

Prior to purchasing our home in English Estates, one of my family's key criteria was we wanted to live in a place where we could walk to neighborhood shops. This is something we do several times a week, either as a family or individually.

My specific neighborhood, English Estates, has unique challenges in that it is bounded on the west and north sides by Saratoga Creek and Lawrence Expressway on the east. As a result, English Estates has only two points of vehicle entry/exit into the neighborhood, which are both from Prospect Road: English Drive and Lyle Drive with a traffic stop at Lyle Drive. Additionally, there is a pedestrian and bicycle accessible trail on Saratoga Creek at the northern end of the neighborhood that is parallel to Lawrence Expressway.

For reference, I am including a map as pulled from the Santa Clara County map¹⁹, which notes the 2 exit/entry points into the neighborhood, and the city lines between San Jose (yellow) and Saratoga (pink). English Estates is in purple.



English Estate

Response 118-10	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 118-11	Because of traffic flow issues at Prospect High School that affect how students can be dropped off, every school day, and any time there is an event at the high school, English Estates sees many additional cars either dropping off or picking up students, or parking for an event. In each of these cases, there is considerable foot traffic from English Estates, across Prospect Road, onto the Prospect High School campus.
Response 118-11	The comment focuses on existing traffic patterns rather than impacts associated with 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 C for a discussion of peak school hour counts and the

¹⁹ https://santaclaralafco.org/sites/default/files/SantaClaraLAFCO_Map_August2019_forWeb.pdf

	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 118-12	I work at home at least once a week and often walk/bike ride in the surrounding neighborhoods of West Valley. I use my bicycle for both recreation and transportation when the route is safe and reasonable. For example, when I need to get to either the West Valley Branch Library or the Payne Ave Post Office, I ride my bicycle across Lawrence, go across Westgate West, exit onto Graves, and go north through the Country Lane neighborhood on a route parallel to Saratoga Ave, which is a very dangerous road for cyclists. The safety issues on Saratoga Ave are the reason the city of San Jose's Vision Zero Project has been adding mitigating Controls on Saratoga Ave.²⁰
Response 118-12	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 118-13	I have worked in regulated industries for the last twenty-five years. So I very much understand that when defining the requirements for the DEIR, the city planning committee has been guided by existing legal requirements. However, I am also familiar with the ways examining the Risk landscape is an ever evolving process, and requires constant updates to meet best practices and the safety of the individuals impacted by a project.
Response 118-13	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 118-14	4. Risk to Safety Review in General and Additional Data to Consider 4.1. Framing Risk Safety Review When I read the DEIR, and associated Transportation Study, I was specifically looking for a Risk review that focused on the project's impact to the safety of pedestrians and bicyclists.
Response 118-14	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.

²⁰ San Jose city Vision Zero Saratoga Ave Project:

<https://www.sanjoseca.gov/your-government/departments-offices/transportation/projects/saratog>

Comment 118-15	While I understand that the city of San Jose has defined and reviewed Risk as based on LOS, with an associated significant/not significant score, I do not believe that this methodology is adequate to prevent the Risk of serious injury or death to pedestrians or cyclists, nor does the data gathered incorporate information about the traffic patterns by pedestrians and bicyclists.
Response 118-15	Pages 219 through 221 in Section 3.17, Transportation, of the Draft EIR analyzed transportation impacts associated with transportation hazards, including potential hazards to pedestrians and cyclists, due to geometric design features or incompatible uses. The Draft EIR found that there were no significant impacts resulting from transportation hazards related to the proposed Project development. 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. Specifically, that the pedestrian and cyclist safety analysis in Topical Response D is the appropriate safety analysis methodology for the Project. The evaluation of roadway or intersection geometry and traffic controls for roadway users are typical transportation engineering factors of consideration when evaluating roadway safety. These factors were considered when evaluating the Project for a potentially substantial increase to hazards in the study 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 118-16	4.2. Elements of Risk to Safety Review In this section, I'm going to describe some elements of the type of Risk review²¹ that I am urging the city planners to add to your review of this project's potential impact. When I've done / been involved in Risk analysis in my professional life, at a high level that evaluation has involved: • Identifying a series of Risk scenarios for a Risk register, • Establishing a Severity score if that scenario were to occur, • Establishing a Likelihood score for how probable it is that the scenario will occur, and • Multiply the Severity by the Likelihood to get an initial Risk score. The next steps are: • Review the existing Controls that could mitigate that Risk • Calculate the % by which those Controls may reduce the Risk score based on the Effectiveness of each Control. • Obtain a Residual Risk score.

²¹ Department of Transportation: Guide for Scalable Risk Assessment Methods:
https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa18032/fhwasa18032.pdf

If this Residual Risk score is higher than a defined Risk tolerance, then identify and apply additional mitigating Controls to further lower the Risk into an acceptable range before removing forward. Note: I understand this is inherent in the significant / not significant score in the Transportation Study, but because that study does not look at specific Risk scenarios and incorporate Severity, the existing analysis is inadequate to evaluate Risk.

The study needs at minimum to incorporate the following scenarios:

An example of the kind of metrics I would expect to see are:

- Severity:
 - 1 = Negligible,
 - 2 = Moderate
 - 3 = Serious
 - 4 = Critical
 - 5 = Catastrophic
- Likelihood:
 - 1 = Very Unlikely
 - 2 = Unlikely
 - 3 = Possible
 - 4 = Likely
 - 5 = Frequent
- Initial Risk and Residual Risk scores
 - 1 to 5 = Very Low
 - 6 to 10 = Low
 - 12-15 = Moderate
 - 16-20 = High
 - 25 = Very High
- Evaluations for the Effectiveness of mitigating Controls:
 - 0) Not done = no reduction
 - 1) Done Informally. Reduce Risk by 20%
 - 2) Planned and tracked. Reduce Risk by 30%
 - 3) Well defined. Reduce Risk by 50%

- 4) Monitored metrics. Reduce Risk by 70%
- 5) Control metrics demonstrate continual improvement. Reduce Risk by 95%

Response 118-16

Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by 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 118-17

Some examples of specific scenarios I would expect to see in such a Risk review are:

- An individual crossing a street for an event at Prospect High school
 - is seriously injured by a vehicle
 - a) running a red light at the intersection of Lawrence and Prospect or at Prospect and Lyle Drive or b) speeding over 25 miles an hour by a school when children are present.
 - is killed by a vehicle,
 - a) running a red light at the intersection of Lawrence and Prospect or at Prospect and Lyle Drive or b) speeding over 25 miles an hour by a school when children are present.
- An individual riding a bicycle down a street in the Country Lane neighborhood or a pedestrian crossing a street in the Country Lane neighborhood (e.g. Teresita Drive)
 - is seriously injured by a vehicle that has diverted into the neighborhood to avoid traffic congestion,
 - a) ignores a posted stop sign, b) is speeding over 25 miles an hour
 - is killed by a vehicle that has diverted into the neighborhood to avoid traffic congestion,
 - a) ignores a posted stop sign, b) is speeding over 25 miles an hour

	Then repeat these types of scenarios above for each of the streets that the DEIR projected to have increased traffic, and for any roadways or neighborhoods where residents' comments have identified an increased Risk.
Response 118-17	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. 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 118-18	When examining whether to move forward with this project, incorporate the results of this type of study in city planning,
Response 118-18	Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase transportation hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts, including potential hazards to pedestrians and cyclists, associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by 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 or issues requiring evaluation in the Draft EIR and therefore, no further response is required.
Comment 118-19	and if the project does move forward, incorporate additional traffic mitigation.
Response 118-19	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 or necessary mitigation measures for 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 118-20	4.3. Make Safety Recommendations in the DEIR a Requirement If this project is approved, please make the recommendations on page ix of the Transportation Analysis requirements.
Response 118-20	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As stated on page 33, in Appendix I, Transportation Analysis of the Draft EIR, the Transportation Analysis is included for non-CEQA purposes. The City of San José may apply conditions of approval to the Project through the Site Development review process. These conditions of approval may require the Project to lengthen or contribute to lengthening the left-turn pockets. The comment did not provide new, substantial

	evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-21	4.4. Cumulative Impact of of Other Projects Vehicle Trips When examining the Risk to the safety of residents, please re-examine the cumulative impact that other proposed building projects in the area will have in combination with projected Costco vehicle trips. While individually these projects may result in a less than significant impact as it applies to LOS, cumulatively the residents' vehicle trips + the Costco trips will increase the Likelihood that a vehicle accident will cause a severe injury or death for a pedestrian and/or cyclist.
Response 118-21	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and how the VMT analysis for the Project accounts for cumulative projects. Refer to Topical Response C for a discussion of the scope and requirements Transportation Analysis for the Project and how the Project accounts for cumulative projects. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-22	Since severe injury and death have the equivalent Severity score of Catastrophic, I do not see how it would be possible for the cumulative effect of existing traffic + ~11,000 vehicle trips + ~3000 car trips from housing projects can result in anything other than a High or Very High Risk score without significant numbers of mitigating Controls beyond what's already in place.
Response 118-22	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and how the VMT analysis for the Project accounts for cumulative projects. Refer to Topical Response C for how the LTA analysis for the Project accounts for cumulative projects. Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-23

For reference, I have compiled the size of the housing projects for each of the locations closest to Westgate West for discussion on how many cumulative vehicle trips these projects would add.

Table: Other Building Projects' Impact on the Area

	Project	Location	Description of Size of Project	Estimate of Vehicle Trips Added*
1	El Paseo and 777 Saratoga Avenue ⁷ (San Jose)	El Paseo and 777 Saratoga Avenue	994 multifamily units	1988
2	Quito Village Development ⁸ (Saratoga)	Quito Village Shopping Center	90 units	180
3	Saratoga Avenue Project ⁹ (Saratoga)	13025 Saratoga Avenue Pumpkin Patch and 12900 Saratoga Avenue Office Center)	597 units	1194
	Total		1681 housing units	3362

*Here I've multiplied by 2. I.e., 1 to and 1 from vehicle trips daily per household unit. Realistically, many multi-family households will have more than one car, because they will have more than one adult working. This certainly was the case when I lived in an apartment. So it would be reasonable to predict that this number of housing units will more likely result in something like 4000-5000 extra vehicle trips on local roads. However, in my comments, I am using the more conservative estimate of ~3000.

For visual reference, here is a screenshot of a map (from Google maps) for the projects listed above.

Response 118-23

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. Projects considered by the cumulative analysis in the Draft EIR are listed in Table 3.20-1: Cumulative Projects within 2.5 Miles, on pages 240 through 243. The El Paseo and 777 Saratoga Avenue Project listed by the commentor is listed as the El Paseo &

²² <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/major-development-projects/el-paseo-and-saratoga-ave-mixed-use-village>

²³ <https://www.saratoga.ca.us/467/Quito-Village-Development-Project>

²⁴ <https://www.saratoga.ca.us/DocumentCenter/View/3090/Housing-Element-Draft-Environmental-Impact-Report>

1777 Saratoga Avenue Mixed-Use Project in Table 3.20-1. The Quito Village Development listed by the commentor is listed as the Quito Village Development, 18764 Cox Avenue project in Table 3.20-1. The Saratoga Avenue Project listed by the commentor is listed as the Palm Villas Saratoga, Saratoga Creek Drive in Table 3.20-1. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts and how the VMT analysis for the Project accounts for cumulative projects. Refer to Topical Response C for how the LTA analysis for the Project accounts for cumulative projects. 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 and included a discussion of the methodology in Appendix I, Transportation Analysis. Further, pages 5 through 7 and page 49 of Appendix I, Transportation Analysis, of the Draft EIR present the industry-standard and accepted methodology used to determine transportation impacts and the non-CEQA analysis presented in the Draft EIR for informational purposes. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. The 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 118-24

I have also include #4, which is a possible location proposed by the city of Saratoga's Housing Plan²⁵ to be rezoned for a ten story multi-family building. City of Saratoga projects are in gray. City of San Jose projects are in pink.

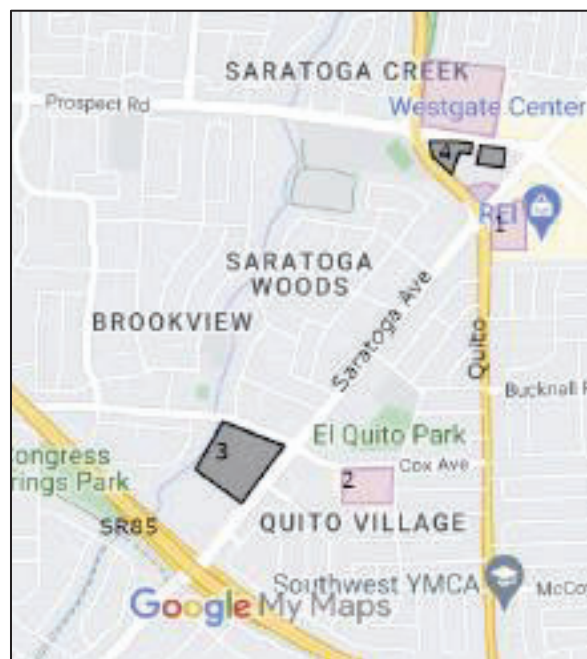


Figure: Additional Housing Projects

²⁵ <https://www.saratoga.ca.us/499/Housing-Element-Update>

Response 118-24	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. 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, refer to Topical Response E for why the proposed Saratoga Housing Element is not required to be analyzed by the Project's cumulative analysis. Also note that the City of Saratoga's Housing Element EIR included the Costco Project in its analysis of 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 118-25	4.5. Include Pedestrian and Cyclist Peak Hours While I understand that the city planning guidelines are the reason that in section 3.17 (pages 209-211 and page 14 of the Transportation Study) the transportation study was only conducted at two 2-hour peak periods: 7:00-9:00 AM and 4:00-6:00 PM. However, while the Likelihood that drivers -- frustrated by stop and go traffic -- results in unsafe driving that endangers pedestrians and cyclists at peak times, any analysis really needs to focus on times pedestrians and cyclists are on the road. I am concerned that the times of day the transportation study examines does not capture the peak times when pedestrians and cyclists are going to be sharing the road with cars. Studied hours should minimally include noon to 4 p.m. on weekdays (students leaving school campuses), and 11 a.m. to 2p.m. on weekends (pedestrians & cyclists going to / leaving houses of worship). For reference, per page 221 of the DEIR, the Costco store hours will be 9:00 AM and 8:30 PM. Weekend 9:30 AM or 10:00 AM to 6:00 PM, which means that the proposed Costco would be open during the hours listed above, and can be expected to draw increased car trips to the neighborhoods around Westgate West.
Response 118-25	Refer to Topical Response C for a discussion of why peak weekday hours are used for traffic studies, the scope of the Transportation Analysis for the Project, and additional peak school hour counts. 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 118-26	Since different roadways will experience different levels of increased car trips, I am including for reference, based on the percentages listed in the Transportation Study, page 37, Figure 8, the increased numbers of expected car trips per roadway:

Table: Vehicle Trip Breakdown by Road

	Total Vehicle Trips	% of Traffic	Increase To/From Vehicle Trips
Prospect Road to/from SR85	11,000	17%	1870
Saratoga Ave to/from SR85	11,000	21%	2310
Lawrence to/from 280	11,000	27%	2970
Saratoga Ave to/from 280	11,000	10%	1100
Hamilton and/or Campbell to/from Campbell	11,000	25%	2750

Response 118-26

Table 19, Project Trip Generation, in Appendix I, Transportation Analysis, of the Draft EIR presents the expected trip generation of the Project. As documented in the table in the Draft EIR, the Project is expected to generate 11,017 total daily trips, of which 2,250 would be pass-by trips and 2,667 would be diverted trips already on the roadway network today. The commentor appears to have performed a computation of total daily trips (~11,000) times the trip distribution percentages provided in Figure 8, Proposed Trip Distribution, in Appendix I, Transportation Analysis, of the Draft EIR. The numbers summarized in the commentor's table represent total trips expected on the noted roadways over the course of a typical day. As such, the commentor's numbers do not take into account the portion of those trips that already are traveling on the roadway network today and that would stop by the Costco warehouse if the Project were developed. Thus, the commentor overcounts net new trips. Further, Figure 8 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 also to Topical Response C for a discussion 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 118-27

4.6. Analyzing Traffic Diversion

Since a number of neighborhoods will be affected by diverted traffic going through residential streets to avoid congestion on larger roads, traffic data gathered by the city should consider supplementing information with traffic diversion data from digital map services such as Waze or Google Maps. This would provide a more complete picture for how vehicles are moving in response to congestion.

Response 118-27

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts in the Project analysis. Refer to Topical Response C for a discussion of the scope and traffic data requirements of the Transportation Analysis for the Project. Refer to pages 5 through 18 in Appendix I, Transportation Analysis, of the Draft EIR for a discussion of the analysis methodology, data requirements, and existing traffic conditions

	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 118-28	This data could also be correlated with Vision Zero data about accidents that have occurred in those areas to get a more accurate understanding for how increased traffic will affect safety based on past behavior.
Response 118-28	Refer to Topical Response C for a discussion of the scope and traffic data 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 118-29	Note: This is an area where West Valley has unique problems as a Gateway community, because Vision Zero accident data covers the city of San Jose, but does not include the cities of Saratoga and Campbell, which will be affected by the increased traffic.
Response 118-29	Transportation impacts in relation to the City's Vision Zero initiative were analyzed in Appendix I, Transportation Analysis, and pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. Refer to Topical Response C for a discussion of the scope and traffic data 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 118-30	5. Specific Risks to Safety In the following sections, I will provide more detail on my experience as a resident for specific roadways and neighborhoods, potential Risk scenarios, and possible Risk mitigating Controls that the regional municipalities should consider before approving this project and, if approved, address before implementing this project. 5.1. Risk to Safety: Intersection of Prospect and Lawrence, and Prospect to SR85 I frequently cross the intersection of Prospect and Lawrence on foot. I either commute to work via car to work on Lawrence Expressway or down Prospect Road to De Anza.
Response 118-30	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 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, and therefore, no transportation mitigation measures are required. 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 118-31	Because of students being dropped off/picked up, each morning and afternoon at peak pedestrian hours, it is very difficult to leave the area via Lyle Drive with vehicle traffic backed up through the Lawrence Expressway and Prospect Road intersection all the way to Westgate Mall, and pedestrians crowded on the Lyle Drive crosswalk.
Response 118-31	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. As noted by the commentor, these conditions are existing and not 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 118-32	Something to consider is that Prospect High Students can get off campus passes ²⁶ and when this is the case, I have seen groups of students in the middle of the day walking (or running) across Prospect and Lawrence Expressway and are endangered by passing cars.
Response 118-32	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 118-33	While the DEIR proposes expanding the traffic porkchops at the corner of Westgate West on Lawrence and Prospect, please consider expanding these traffic protections on all four sides. Prospect High School is catty-corner to Westgate West, and student foot traffic goes in all directions.
Response 118-33	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. Specifically, the Project does not introduce a new geometric feature that would create hazardous conditions for pedestrians and cyclists requiring additional improvements to the intersection cited by the commentor. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-34	Because this is a high school, there are evening and weekend events that draw considerable numbers of people to campus. When high school parking overflows, parents and students often park in the English Estates neighborhood and then cross Prospect Road on foot to get to the high school. In this case, pedestrians may include small children, teenagers, adults, elderly and other individuals with mobility issues.

²⁶ Page 8, <https://prospect.cuhsd.org/apps/pages/StudentParentHandbook>

Response 118-34	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 118-35	Any traffic going down Prospect Road from SR85 to get to Westgate West, will have to pass Christa McAuliffe Elementary School. As a pedestrian, bicyclist, and individual who commutes past both schools, I have seen cars speeding well above 25 miles per hour on practically a daily basis. Often cars will swerve around other vehicles traveling at the posted speed limit.
Response 118-35	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-36	Additionally, there are a church, a synagogue, and a community center on Saratoga Road, which vehicles pass when traveling on the road. When conducting a traffic study for Risk to the safety of pedestrians and cyclists, times that the study should be conducted should include days when either any of these locations are holding services, and there should be some sort of research into the level of foot traffic on at least one high holy day when attendance may be expected to be higher, and when Costco will be open. e.g., Easter or Yom Kippur.
Response 118-36	Refer to Topical Response C for a discussion of why the PM peak hour analyzed by the Draft EIR is the correct time period to study, as opposed to weekend periods, representing a conservative projection of typical operation days and the scope of the Transportation Analysis for the Project. The analysis methodologies outlined in the TA Handbook do not focus on analysis of infrequent events, such as special services or activities on holidays, since these conditions do not represent the typical conditions along the roadway network. 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 118-37	I have many times seen cars go through red lights in all directions at the Lawrence Expressway and Prospect Road intersection, and also through the light at Lyle Drive. I have seen accidents, near accidents and almost been hit many times over the years. As I am sure is true for any resident who uses these intersections. I am concerned that the current safety issues at these intersections and on Prospect Road in general will only get worse if, per page 37 figure 8 of the Transportation Study, a projected ~1870 additional vehicles trips + however many folks travel to/from the El Paseo / 777 Saratoga multi-family site go up/down Saratoga Road on a daily basis.
Response 118-37	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 conditions 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 118-38 As part of city planning, please work with the city of Saratoga and the county of Santa Clara and consider additional traffic safety Controls, which could include:
- To reduce the Risk of vehicles running red lights:
 - Red light cameras and signage in all four directions as allowable by California Vehicle Code section 21455.5.²⁷ to warn motorists that the cameras are there. I.e., The point isn't to collect moving violation tickets, but to encourage drivers to obey basic traffic safety.
 - Apply these mitigating Controls to the intersection of Lawrence and Prospect, the intersection of Prospect and Lyle, Prospect Road and Johnson Avenue, and Prospect Road and Miller Ave.
 - Provide metrics from the red light cameras to the Vision Zero Task Force and the city of Saratoga so that additional Controls can be added if necessary. This will improve the Effectiveness of the mitigating Control.
 - To reduce the Risk of vehicles driving in excess of the speed limit when children are present
 - Add signage that displays the speed of cars going past both schools in both directions.
 - Provide metrics from signs to the Vision Zero Task Force, and the city of Saratoga, so that additional Controls can be added if necessary.
 - If these are not effective, consider appropriate street calming measures²⁸ to reduce the speed of cars going past Prospect High School and Christa McAuliffe Elementary School.

Response 118-38 CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to

²⁷ <https://codes.findlaw.com/ca/vehicle-code/veh-sect-21455-5/>

²⁸ <https://www.ite.org/technical-resources/traffic-calming/traffic-calming-measures/>

conduct every test or perform all research, study, and experimentation recommended or demanded by commenters” and lead agencies are not required to “provide all information requested by reviewers.” (*Id.*, § 15204.) Adherence to roadway regulations by roadway users is not subject to CEQA review or analysis and CEQA analysis should not assume non-compliance with regulations. 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. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 , , of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The analysis in the Draft EIR and this Final EIR fully capture the scope of transportation impacts related to safety in the Project area for CEQA purposes. Thus, there is no need for the additional research suggested by the comment. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-39

- To improved pedestrian safety,
 - Some sort of pedestrian passthrough either over Lawrence or under Lawrence. Note : If this is not possible at the intersection, please also consider access points along the Saratoga Creek Trail, which does provide a pedestrian and bicycle exit from English Estates, and by extension for pedestrian traffic going north from Prospect High School.
 - Some sort of pedestrian walkway either over Prospect or under Prospect perhaps by leveraging Saratoga Creek.

Response 118-39

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 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 118-40

Additionally, as someone who regularly commutes on Prospect Road, LOS aside, I am concerned that this project will increase my overall carbon footprint by causing me to sit idle in traffic on a daily basis when I come home from work.

Response 118-40

The Draft EIR addressed traffic-related carbon monoxide emissions on pages 54 and 55 in Section 3.3, Air Quality, with supporting data provided in Appendix B, Air Quality Assessment, and Appendix I, Transportation Analysis, of the Draft EIR. The Project would not increase traffic volumes above the associated Bay Area Air Quality Management District (BAAQMD) thresholds. As a result, the Project would not have the potential to create a CO hotspot and the impact would be less

	than significant. 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 118-41	It is dangerous to drive out of English Estates from English Drive onto Prospect Road heading towards Lawrence Expressway. This is because the trees and shrubbery on the median west of Prospect High School allow for a very short range of visibility to see on-coming traffic. While the shrubbery and trees have recently been trimmed, this is an on-going problem. If traffic is going to be increased, please work with the city of Saratoga, and incorporate plans for how to improve visibility on the median. This could take the form of replacing the existing shrubs with lower growing plants and more frequent tree trimming.
Response 118-41	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 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. CEQA requires mitigation of potentially significant impacts generated by the Project; it does not require a Project to address existing conditions or that are not exacerbated by the Project. Because the Project would not result in significant impacts related to hazards, there is no nexus to require the Project to modify existing vegetation which is not a result of the Project. CEQA does not require the Project to mitigate existing impacts it does not cause or exacerbate. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-42	5.2. Risk to Safety: English Estates - Emergency Access to Retirement Communities I, like all residents in our neighborhood, frequently hear the emergency vehicles that visit the Villa Fontana Retirement Community and Westwood Post-Acute Westgate Villa Assisted Living center several times a week. Additionally, I know someone who had to stay at Westwood Post-Acute while recovering from surgery and going through physical therapy, so I am particularly sympathetic to the needs of the residents based on first hand observation.
Response 118-42	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. Refer to Topical Response B for a discussion of Project site access, circulation, emergency vehicle access, and impacts to other businesses in the Project area. 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 118-43 While it is understandable that the review for emergency access for the DEIR on page 221 focuses solely on Westgate West, I am urging the city planners to think more broadly.
- As I've previously stated, English Estates only has 2 access points. Both of which are from Prospect Road.
- For this project to move forward, I am asking city planners to include an analysis for:
- How increased traffic on Prospect Road at peak vehicle traffic times will affect the ability of emergency vehicles to reach Villa Fontana Retirement Community and the Westwood Post Acute,
 - In a Risk to safety analysis, determine the Likelihood that residents of these facilities could die or experience serious consequences of injury as a result of increased traffic preventing emergency vehicles from reaching those facilities in a timely manner,
 - If the Risk is Moderate +, or a comparable Risk rating equivalent, consider what mitigating Controls could be implemented to ensure that this does not occur.
- Response 118-43 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR also found that the Project would not result in any significant impacts due to conflicts with circulation system policies or interrupting emergency access. Refer to Topical Response B for a discussion of Project site access, circulation, and impacts to other businesses in the Project area. 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 118-44
- As part of this analysis, please verify that this project meets Policy CD-2.3: "Accommodate the physical needs of elderly populations and persons with disabilities."

Response 118-44	General Plan Policy CD-2.3 is intended for uses particularly in Downtown, Urban Villages, and Main Streets, and includes seven design techniques including, “Accommodate the physical needs of elderly populations and persons with disabilities” cited by the comment. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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. Specific to accommodating the physical needs of elderly populations and persons with disabilities, as stated on pages 10 through 11 of Section 2.3, Proposed Development, of the Draft EIR, the Project would construct Americans with Disabilities Act (ADA) compliant curb ramps and crosswalks at the Lawrence Expressway access and across Graves Avenue to provide access to 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 118-45	5.3. Risk to Safety: Graves Ave As I mentioned when talking about my background, I ride my bicycle through the Country Lane Neighborhood to avoid the dangers of riding a bicycle on Saratoga Avenue. The name of the neighborhood is perfect, because this neighborhood is currently made up of quiet bicycleable streets that are a pleasure to cycle on.
Response 118-45	Refer to Topical Response B for a discussion of Graves Avenue access. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-46	That said, I am fairly aware of the level of traffic around the schools in the neighborhood, because parents dropping off / picking up their children present their own hazards to a cyclist.
Response 118-46	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 118-47	It is understandable that the city planners, as non-residents, did not include this neighborhood in the Transportation Study. However, as a resident, I am urging city planners to include this neighborhood in a Risk to safety analysis.
Response 118-47	Refer to Topical Response C for a discussion of the scope and traffic data 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 118-48 Given the proposed location for the Costco, the issue of how the city of San Jose can protect the safety of residents of the Country Lane neighborhood is a particularly tough problem to crack.

Response 118-48 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. 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 118-49 For reference, I am including a map of the entire Westgate West site. I have noted where vehicles can (and do) enter and exit from Westgate West both from Saratoga Ave and into the neighborhood immediately to the north of Westgate west. Also, the maps currently incorporated in the DEIR only cover the west side of the Westgate West complex of buildings and do not include the east side. While I understand this may be because the east side of Westgate West and the Dentists offices behind it are owned by other property owners, a wider map is necessary to fully explain the safety issues this neighborhood will face if this project moves forward.

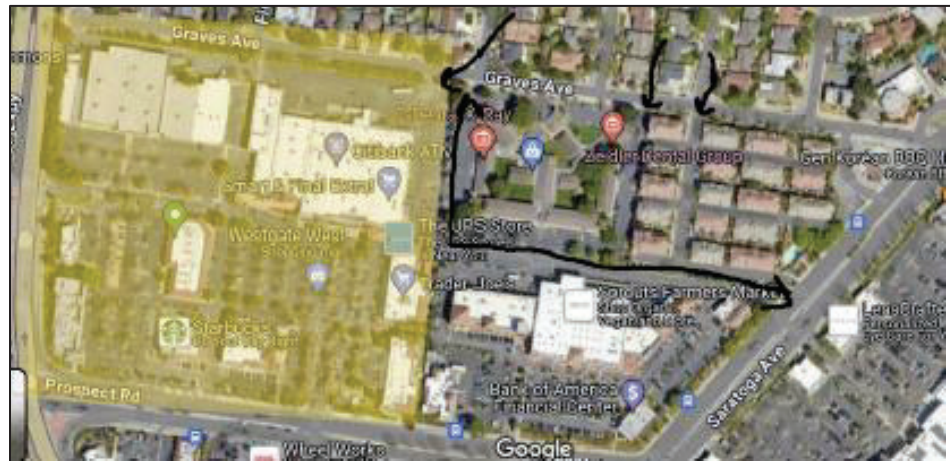


Image: Map of Westgate West + Dentists Offices

Response 118-49 The figures included in the Draft EIR correspond to the Project and Project site. As shown on page 24 in Section 1.3, Project Information, the Draft EIR includes a figure to portray the Project site. Refer to Topical Response B for a discussion of Project site access, circulation, and impacts to other businesses in the Project area. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project, including the selection of intersections studied 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 118-50	When the Smart and Final and Goodwill were in operation, and even before that when the OSH was in operation, it was very common for vehicles to park behind these stores and drive out of the parking lot onto Graves. Customers do this because it's easier to park in the back and going out that way avoids some of the traffic on Saratoga Avenue. However, this practice routes traffic down residential streets that have a speed limit of 25 miles per hour. When the Costco is in place, customers to Costco will do the same thing as other people have done before them. Based on the DEIR's projections, they will be doing this in far greater daily numbers than has ever occurred in the past.
Response 118-50	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 118-51	I'll discuss later in my comments how the parking is inadequate based on Costco's own comments submitted for proposals in other areas, but I'll mention here that the inadequate parking will directly affect how many vehicles will park behind the Costco and drive into the Country Lane neighborhood.
Response 118-51	Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation, which limits overflow outside of 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 118-52	While I understand that the plan is to block one of the entrances onto Graves from the Westgate West lot, this will only push the problem down Graves, and not even that far. There are three entrances from Westgate West and the dentist's offices that are separately owned and cannot be blocked off. It's simply not possible, or even reasonable, to block all the access points between Graves into / out of Westgate West, but if city planners do not, then this project will put the residents, and nearby visitors such as myself, at Risk of being hit by a vehicle traveling over the posted speed limit and not observing posted stop signs.
Response 118-52	Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. 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 118-53	Quite frankly, the only absolute solution to protect resident safety in this neighborhood is to not move forward with the Costco project, and instead encourage the property owners to support smaller individual businesses that bring in traffic at more diverse hours. E.g. a person going to after work yoga/exercise, a grocery store, a chiropractor, a yogurt shop, or a nail salon visit at different times of day and in diverse traffic patterns.

Response 118-53	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 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 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives 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 118-54	If the city of San Jose moves forward with this project, I understand the city of San Jose is planning on adding crosswalks across Graves. This will not be adequate to mitigate the Risk to the safety of pedestrians and cyclists with the increased traffic that will go through this neighborhood.
Response 118-54	As noted on page 216 in Section 3.17, Transportation, of the Draft EIR, the project will facilitate pedestrian and bicycle access and safety. As discussed on page 60 and 61 in Appendix I, Transportation Analysis, the proposed pedestrian improvement of a pedestrian crossing with curb extensions along Graves Avenue aligns with the City of San Jose's Complete Streets Design Standards and Guidelines. 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 evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-55	For reference, I am including a map of the neighborhood, and have outlined 1 example for how customer traffic could flow through this neighborhood past two schools. However, I suspect all north-south roads in Country Lane will have increased Risk if the project moves forward. Based on the data in the Transportation Study, page 37, Figure 8, 21% of the traffic is predicted to go up and down Saratoga Avenue to/from Westgate West, and 27% of the traffic will go to/from Westgate West on Lawrence Expressway. Cumulatively this would be over 5000 vehicle trips traveling on these roads on a daily basis. If even only 5% of that traffic ends up going up and down streets that are zoned for 25 miles an hour, the resulting increase of 500 vehicle trips a day would raise the Likelihood of a severe accident or death from Unlikely to Possible or Likely, which would make the Risk to safety High or Very High.

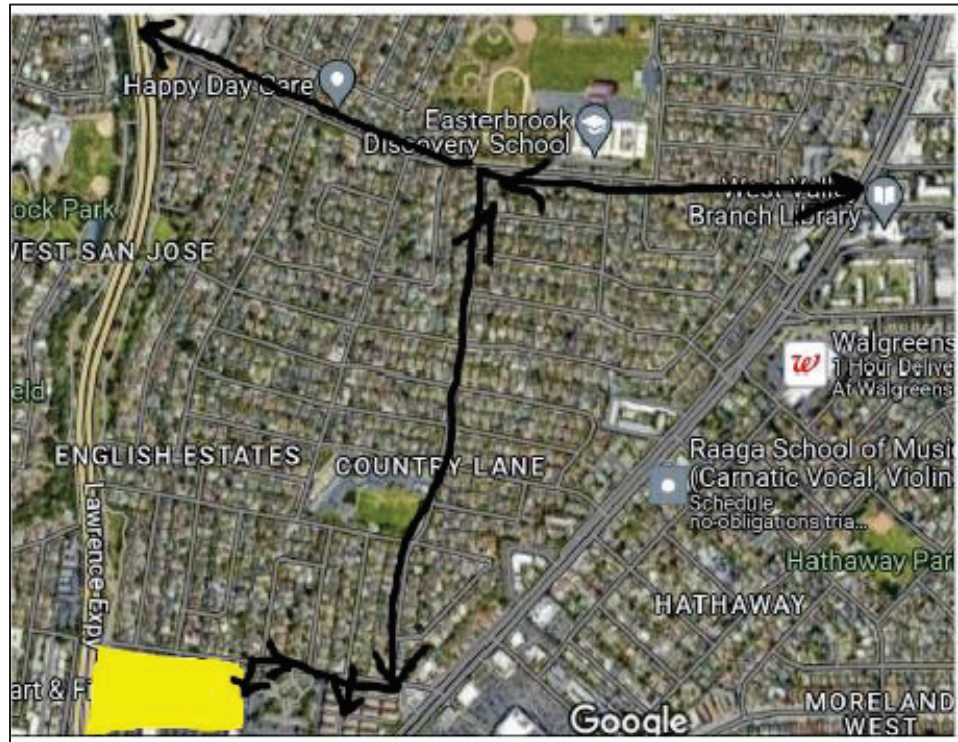


Image: 1 Example of Traffic from Westgate West thru the Country Lane Neighborhood

Response 118-55

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Figure 8 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 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 118-56

If this project moves forward, some methods that could be used to prevent customers from using the parking behind the proposed Costco:

- Require that shopping carts lock if they go into the back parking areas and onto Graves.
- Have bollards or some other method physically block individuals from pushing shopping carts into the back parking areas and any other route to Graves.
 - Costco customers typically buy large quantities of items, and do not walk or cycle to shop at Costco, so if there is no way for shopping carts to get to any vehicle parking behind that Westgate, this could be a good mitigation.

- However, I will note that a mitigating Control that lacks metrics or proof of Effectiveness can only mitigate so much. E.g., one way a customer could circumvent either suggested Control would be to bring their own personal shopping cart that is the width of a human

Response 118-56	Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow into neighborhood streets. 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 evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-57	Since its difficult to predict how successful these measures would be, I am also urging the city planning committee to: • Study the possible routes through this neighborhood and evaluate the intersections with the most possible Risk as a result of vehicles taking back pathways through the neighborhood.
Response 118-57	Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by 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 118-58	• Evaluate the Risk to the safety of pedestrians and cyclists on the streets in this neighborhood during hours when pedestrians and cyclists are most active and Costco is open.
Response 118-58	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 118-59

- If the Risk is Moderate or higher, or some comparable measurement, consider what mitigating Controls could be implemented to ensure that severe injury or death does not occur as a result of speeding over the posted limit and ignoring posted stop signs.
- Implement the appropriate mitigating Controls.

Response 118-59

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. 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 evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-60

Additionally, since Graves Avenue will be the street with the most increased traffic overall,

- Evaluate the current foot and cycle traffic, especially to the dog park.

Response 118-60

Refer to Topical Response B for a discussion of access to Graves Avenue and sufficient on-site parking limiting overflow into neighborhood streets. Refer to Topical Response C for a discussion of the scope of the Transportation Analysis for the Project and the purpose of LOS as a metric. Refer to Topical Response D for a discussion of pedestrian and cyclist safety in the Project area. Specifically, Topical Response D details that more trips do not directly relate to more pedestrian and vehicle conflicts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-61

- Calculate the Risk to those groups as a result of increased traffic.
- If the Risk is greater than Moderate, or some comparable measurement, consider what mitigating Controls could be implemented to ensure that severe injury or death does not occur as a result of vehicles speeding over the posted limit and ignoring posted stop signs.
- Implement the appropriate mitigating Controls.

Response 118-61

Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR

	found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. No mitigation measures are required for impacts related to transportation as the Project will not result in any significant 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 118-62	5.4. Risk to Safety: Prospect Road in front of Westgate West As someone who has walked this section of roadway, I wanted to call out some of the special concerns I have for the strip of Prospect Road in front of Westgate West.
Response 118-62	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-63	When conducting a Risk to safety analysis, please consider the specific Risks involved in this area of the street: • Every Sunday morning, and for high holy days, there is a considerable amount of traffic that comes out of the Westgate Church Saratoga campus.
Response 118-63	As discussed in Appendix I, Transportation Analysis, the appropriate traffic analysis methodology utilizes data collected during weekday AM and PM peak periods (7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM, respectively). Refer to Topical Response C for a discussion of why peak hours are used to study traffic and additional traffic counts in the Project area. 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 118-64	• If number of trucks needed to service a Costco will use this section of roadway, special consideration needs to be made to accommodate pedestrians and cyclists.
Response 118-64	As discussed on pages 219 and 220 in Section 3.17, Transportation, of the Draft EIR, the Project would not substantially increase hazards due to a geometric design feature related to truck access to the Project site. Refer to Topical Response B for a discussion of Project site access. 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 118-65

- The way traffic routes on Prospect Road going west is slightly confusing, because all rightmost traffic heading west must turn right on Lawrence Expressway. Vehicles merging onto Prospect from Saratoga sometimes have issues with changing lanes and I've seen/had several near and actual accidents over the years as a result.

Response 118-65

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-66

- The pedestrian crossing from the Saratoga side of the street to Westgate West by the church has a lot of foot traffic, particularly after events get out at the church or the school. The Risk to the safety of pedestrians is exacerbated by drivers who are paying attention to changing lanes and not to the traffic light for the turn into Westgate West.
- The way the parking lot is laid out on the east side of Westgate West does not promote good traffic flow, and often drivers going in / out of this lot are very aggressive leaving the site, and since Costco customers will likely park in this area, this needs to be considered when thinking about the impact of the project.

Response 118-66

Refer to Topical Response B for a discussion of Project site access and circulation. Refer to Topical Response D for a discussion of the Project's effects on safety risk. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-67

Some mitigating Controls that may help with these issues would be to:

- Improve signage to warn drivers about how they will be affected by the turn lane. This should include both on Prospect Road and to drivers leaving the Westgate West parking lots.
- Track vehicles going through red lights at Prospect and the church exist with the appropriate warning signage.

Response 118-67

Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the

Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR analyzed other transportation impacts associated with the Project. The Draft EIR found that there were no significant impacts to transportation as a result of the Project. No mitigation measures are required for impacts related to transportation as the Project will not result in any significant 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 118-68

5.5. Risk to Safety: Johnson Avenue

I frequently ride my bicycle in the neighborhoods west of English Estates, and up/down Johnson Avenue. As an English Estates resident, Johnson Avenue is a great route because it loops (via Bollinger) to the Saratoga Creek Trail and connects to locations in Cupertino via Bollinger Ave and Tantau Ave. Additionally, I also drive up/down this road after visiting the shopping center on the corner of Miller and Bollinger.

Response 118-68

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-69

Local vehicle traffic frequently uses this road to get around traffic congestion on Saratoga Ave or Lawrence Expressway, because it's the first street after Lawrence to connect the two roads. Local traffic also leverages Rainbow Drive, because it cuts all the way to De Anza Boulevard.

This road in particular and this neighborhood in general will have an increased number of vehicle trips on very residential streets, I am asking the city planner to include this area in the DEIR, and in a Risk to Safety analysis.

Response 118-69

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. 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 118-70

For reference, I am including a map of the area and the region's traffic flows when traversing the area. This image also includes Miller Ave. Schools are in red. Parks are in green.

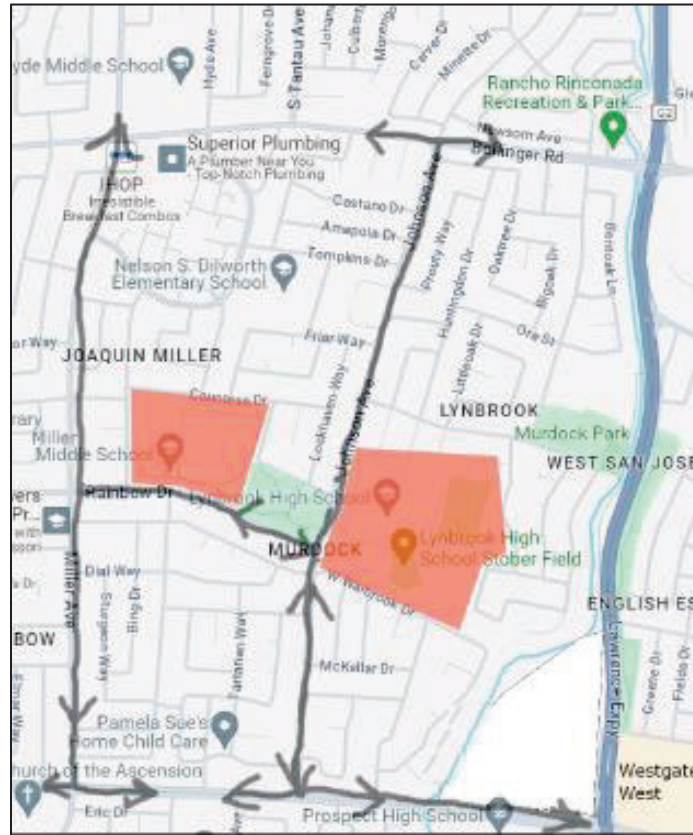


Image: Johnson Ave and surrounding neighborhood

On Johnson are two schools: Lynbrook High School and Miller Middle School, and Rainbow Park. With increased mail in voting, the following may be less of an issue, but locations on both sides have been used for in person voting over the years, and personally have voted at both the annex in the park and at Lynbrook High School.

Unlike Prospect High School, which experiences a surge of pedestrian traffic in a particular direction -- towards the high school and away from the high school in the afternoon -- area around Lynbrook and Miller Middle School has foot traffic in all directions in the morning and afternoon. It is very chaotic

Response 118-70

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 the scope and requirements of the Transportation Analysis for the Project. Refer to Figure 8 on page 36 of Appendix I, Transportation Analysis, of the Draft EIR for the intersections studied. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-71	I encourage city planners to include a Risk to Safety analysis for pedestrians and cyclists on Johnson Ave and Rainbow Drive where it connects between Johnson Ave and Miller Ave. This Risk to safety study should include: • How many vehicles use these streets currently from a Risk to safety perspective, and potentially should include how often maps services direct vehicles down this route.
Response 118-71	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 118-72	• How many pedestrians and bicyclists use Johnson road at peak hours for the schools and for school events.
Response 118-72	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 118-73	• Based on this information, Calculate the Risk to Safety if that % of the projected Costco traffic: Lawrence (27% of 11,000 = 2970) or the Saratoga Ave traffic (17% of 11,000) ends up directed up/down Johnson Avenue. • If the Residual Risk score is Moderate or higher, or some comparable scoring system, identify additional mitigating Controls. • Implement additional Risk controls.
Response 118-73	Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. 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 118-74	5.6. Risk to Safety: Saratoga Ave to SR85 I frequently drive on the section of Saratoga Ave that goes from Westgate West to SR85 if I'm planning on taking SR85 south. Also, one of the neighborhoods that I cycle is is between Saratoga Ave and Prospect Road.
Response 118-74	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-75	There are several things going on with Saratoga Avenue that will cause serious Risks to the safety of pedestrians and cyclists, and for that matter even LOS, that are not addressed by the DEIR.
Response 118-75	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 118-76	Of the various other housing projects in the area, the ones referenced in section 5.4 of my comments will cumulatively add 1681 housing units, and a minimum of ~2000-3000 vehicle trips to the section of Saratoga Ave between Westgate West and SR85. This traffic would be on top of the 21% (2310 vehicle trips) of the additional daily vehicle trips that will be added to Saratoga Ave according to page 37, Figure 8, of the Transportation Study.
Response 118-76	Section 5.4 of the comment letter (Comments 115-62 through 115-67) does not reference projects other than the proposed Project, rather the comment general expresses safety concerns related to the existing condition and speculates on the safety area should the Project be implemented. 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, refer to Topical Response E for why the proposed El Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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. 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.
Comment 118-77	The DEIR does not address the cumulative Risk to the safety of pedestrians and cyclists, nor even really the LOS, that all of that traffic will create.
Response 118-77	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 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 118-78

Because there has been considerable work on Saratoga Ave north of Westgate West, towards 280, the roadway may possibly be safer, but traffic is much more congested and slower. It is simply human nature that when the vehicles that have been slowly traveling down Saratoga Ave reach the section of roadway that isn't modified, they are going to speed up and that's going to increase the Risk of accidents on the unmodified section of Saratoga Ave in the city of Saratoga. The DEIR does not address the effects of the modifications on Saratoga Ave at all.

Response 118-78

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 Transportation Analysis for the Project. The comment refers to potential impacts resulting from the Saratoga Avenue road diet, not the Project. The modifications to Saratoga Avenue were subject to their own CEQA review that included projections from Project 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 118-79

As a resident of the area, I'm familiar with the traffic patterns in the area. I often see trucks going from Saratoga Ave, crossing Cox, and up Miller Ave to get onto Prospect Ave to avoid traffic on Saratoga Ave. Any plans for the proposed Costco, need to address:

- Preventing any trucks headed for Costco - owned by Costco or not - taking this route.
- Mitigating the Risk presented by Costco customers that are routed through the neighborhood to avoid traffic on Saratoga Ave by a map service.

For reference, I am including a map of the area showing the streets that will be affected when there is increased traffic in the area. Schools are in red, houses of worship and community centers are in blue, parks are green.

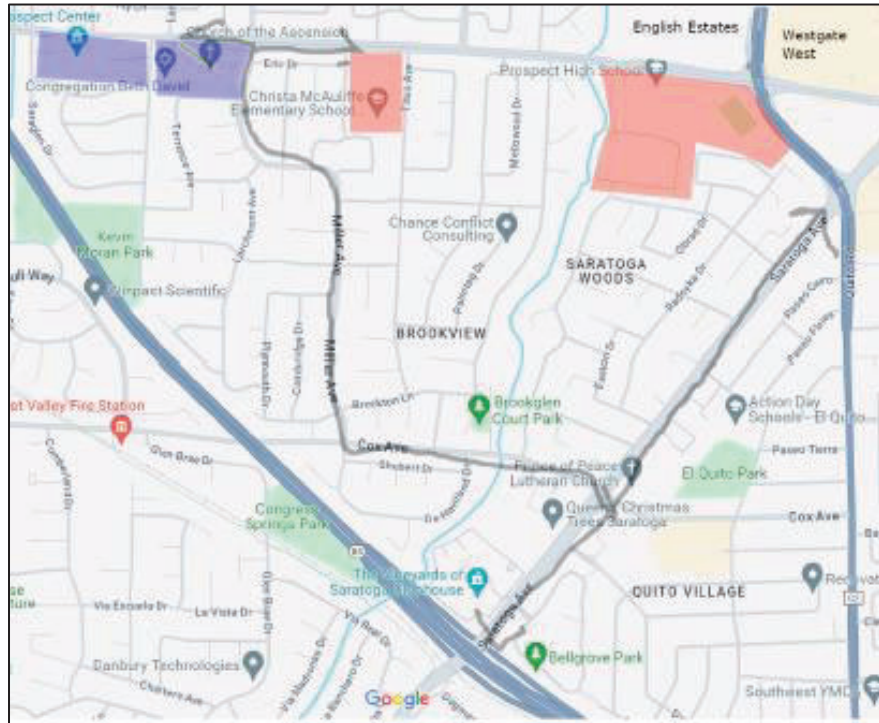


Image: Neighborhood between Saratoga and Prospect

Response 118-79

As discussed on pages 219 and 220 in Section 3.17, Transportation, of the Draft EIR, the Project would not substantially increase hazards due to a geometric design feature related to truck access to the Project site. The Project would not result in any other significant transportation impacts due to conflicts with circulation system policies, 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 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 access. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Figure 9 on page 39 of Appendix I, Transportation Analysis, of the Draft EIR for the Project trips anticipated at the referenced intersections. Generally, trucks associated with the Project construction and operation activities will use major roads to access the Project site at the Lawrence Expressway and Westgate West Shopping Center Driveway intersection, as noted on page 67 in Appendix I, Transportation Analysis, of the Draft 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 118-80

A Risk to safety study for Saratoga Ave should:

- Gather data for the average speed of cars driving down Saratoga Ave to/from SR85.
- Gather data for how often cars run red lights.

Note: Data should include not only peak rush hour traffic times, but during times when the Prince of Peace church is letting out service, and high holy days when the Costco will be open. E.g. Easter.

Response 118-80 Refer to Topical Response C for a discussion of the scope, traffic data requirements, and peak school hour counts 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 118-81

- Calculate the Risk to the safety of pedestrians and cyclists with both the increased traffic from the proposed Costco and the proposed housing projects.
- If the Residual Risk score is Moderate or higher, or some comparable measure, identify the appropriate mitigating Controls.
- Implement those mitigating Controls.

Response 118-81 Refer to Topical Response C for a discussion of the scope, traffic data requirements, and peak school hour counts in relation to the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Specifically, Topical Response D details that more trips do not directly relate to more pedestrian and vehicle conflicts. 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 118-82 5.7. Risk to Safety: Quito Road

The DEIR references Quito Road in combination with various other local roads, but has not been studied on its own. It needs to be.

Response 118-82 Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Figure 9 on page 39 of Appendix I, Transportation Analysis, of the Draft EIR for the Project trips anticipated at the intersection that accesses Quito Road. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-83 However, Quito Road is the most direct path for residents living in the neighborhoods between Saratoga city center and Los Gatos to get to Westgate West, and visa a versa. When I visit Los Gatos, I take Quito Road.

Response 118-83 Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Figure 9 on page 39 of

Appendix I, Transportation Analysis, of the Draft EIR for the Project trips anticipated at the intersection that accesses Quito Road. 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 118-84

According to Figure 7, page 24 of the Transportation Study, it is expected that existing Costco customers will come from the areas that will travel down Quito Road.

I am attaching a zoomed section of Figure 7 with a map, from Google maps, overlaid on the figure to show Quito Road in red, and where I think traffic from the surrounding regions will flow into Westgate West using Quito based on my familiarity with the area.

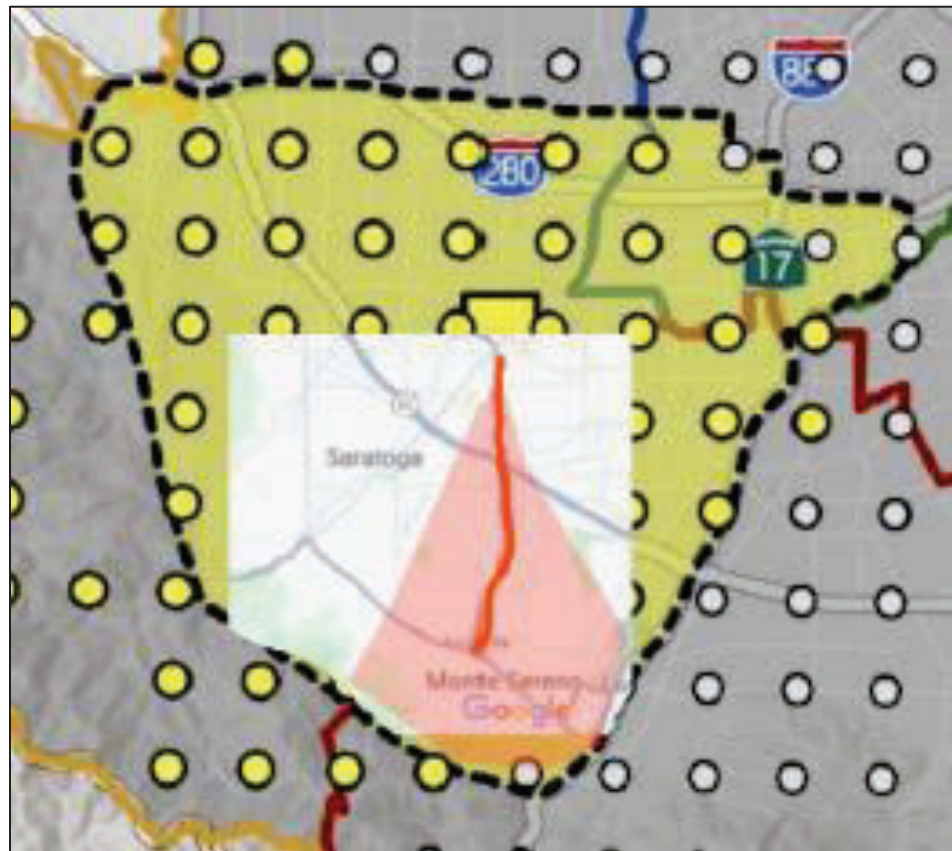


Image: Quito Road in combination with Figure 7 from Transportation Study

Response 118-84

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. Refer to Figure 9 on page 39 of Appendix I, Transportation Analysis, of the Draft EIR for the Project trips anticipated at the intersection that accesses Quito Road. Refer to Topical Response C for a discussion of the scope 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 118-85	Quito Road becomes very small, curvy and wooded very quickly, and I am always careful if driving by night to watch for deer, which do come down from the hills into that area. There's also a number of blind outlets from driveways onto the road with low visibility.
Response 118-85	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 118-86	I am concerned that this very small road will see a very large increase in additional traffic based on the data from Figure 7 of the Transportation Study that has not been studied or addressed by the DEIR.
Response 118-86	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. Refer to Figure 9 on page 39 of Appendix I, Transportation Analysis, of the Draft EIR for the Project trips anticipated at the intersection that accesses Quito Road. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-87	Additionally, several of the diagrams on the Transportation study, such as Figure 9 to Figure D-6 show Lawrence Expressway as continuing south of Westgate West past the intersection with Saratoga. This may give the impression to individuals who do not live in the area that the road is still at the standard of an expressway, which Quito Road is not.
Response 118-87	As noted on page 3 in Section 1.3, Project Information, of the Draft EIR, the Project site is adjacent to Lawrence Expressway. Existing conditions and roadways within the Project area are accounted for as described in Appendix I, Transportation Analysis, of the Draft EIR. Refer to Topical Response C for a discussion of the scope 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 118-88	With all of the above being the case, I am urging the city planners to include Quito Road in a Risk to safety analysis, which should include: • Calculate the increased Risk to the safety of vehicles (if hitting a deer), and cyclists and pedestrians (if hit by a car) given an increased level of traffic. • If the Residual Risk score is Moderate or higher, or some equivalent scoring, identify the appropriate mitigating Controls to lower the Residual Risk score. • Implement the mitigating Controls.
Response 118-88	Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm

equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. No mitigation measures are required for impacts related to transportation as the Project will not result in any significant transportation impacts. 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 118-89

5.8. Risk to Safety: Bollinger Road, Doyle, and Moorpark Ave

When for transportation reasons I need to go east-west on my bicycle, I use the Bollinger, Doyle, and Moorpark. Although, I am now more aware of the dangers to cyclists on Moorpark having looked at the Vision Zero data.

As a vehicle driver, when I get off 280 on Saratoga Ave to head home, I frequently have a digital map service turned on to help me navigate traffic better. About 50% of the time this service directs me to go down Moorpark Ave to get to Lawrence Expressway. The other 50% of the time I am directed to take Doyle to get to Lawrence Expressway. I am never directed to stay on Saratoga Ave.

Response 118-89

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 page 26 of Appendix I, Transportation Analysis, of the Draft EIR for the methodology used to determine trip distribution for the Project and Figure 8 on page 27 of Appendix I, Transportation Analysis, of the Draft EIR for the trip distribution analyzed by the Draft EIR. 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 118-90

Given that the Transportation Study page 37, Figure 8, states that 27% of the additional vehicle trips, which amounts to 2970 vehicle trips a day, will be going up/down Lawrence to/from 280 to Westgate West and 10% of the vehicle trips (1100) will go up/down Saratoga Ave for a cumulative 4070 vehicle trips, I am urging the city planners to consider the Risk to the safety of pedestrians and cyclists on these roads. Traffic will divert onto these east-west roadways when congestion is high.

Response 118-90

As stated on page 36, in Section 4, Transportation Analysis of the Transportation Analysis Report, "Kittelsohn obtained transaction data at these four locations for the month of April 2019. The data included the total number of transactions made at each Costco warehouse, separated spatially into 1-square-mile zones based on the home address of the member who made the transaction. These data were overlaid with Costco's anticipated market area of the new warehouse to

determine the general trip distribution of the project, shown in Figure 8.” To clarify, Figure 8 shows general trip distribution rather than trip numbers on each road and is not intended to be used as the commentor has to determine how many trips would use individual roads. 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 118-91

A Risk to safety study should:

- Gather data for how much traffic is currently routed onto these roads to understand via digital maps services like Waze or Google Maps. This can then be used for calculating future % of traffic that may be expected to be rerouted.

Response 118-91

The traffic count and Transportation Analysis methodology is addressed in Appendix I, Transportation Analysis, of the Draft EIR. 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 118-92

- Conduct a Risk to safety analysis for how bicyclists and pedestrians will be affected by X% of Saratoga Ave (2970) vehicles or Lawrence Expressway (2970) being routed onto these roads to/from Westgate West.

Response 118-92

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 118-93

- Gather data on the speed of cars and the number of cars running red lights going by the following locations and determine the Likelihood that moving violations will increase with increased traffic. This should in particular examine the safety near the areas schools, parks and houses of worship.
- If the Residual Risk score is Moderate or higher, or some comparable Risk scoring system, identify the appropriate mitigating Controls to lower the Residual Risk.
- Implement the identified mitigating Controls.

Response 118-93

CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project’s environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the

public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.) Adherence to roadway regulations by roadway users is not subject to CEQA review or analysis. Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. No mitigation measures are required for impacts related to transportation as the Project will not result in any significant 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 118-94	5.9. Risk to Safety: Lawrence to/from 280 I often drive on Lawrence Expressway when going to and from work. While the posted speed on Lawrence Expressway is 50 miles an hour, drivers often exceed this speed limit.
Response 118-94	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-95	I understand that the DEIR has already made a determination about the effect on Lawrence Expressway traffic as a result of LOS. However, given that the current score on Lawrence Expressway for LOS is a D, I am concerned that the cumulative traffic from the proposed Costco and the other projects will cause Lawrence Expressway's score to go down to F.
Response 118-95	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation 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 118-96	Also, while pass throughs for pedestrians are rare on Lawrence there is one at Lawrence and Bollinger/Moorpark.
Response 118-96	The location of pedestrian pass throughs is noted. 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 118-97	I would urge the city planners to include a study on the Risk to safety of pedestrians and cyclists crossing from the Saratoga Creek Trail across Lawrence Expressway to Moorpark or continuing down Bollinger. In addition to normal foot and bicycle traffic, because homeless individuals often make their homes on Saratoga Creek Trail, the Risk study should address safety issues for individuals crossing with heavily laden bicycles and shopping carts.
Response 118-97	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 118-98	Per the proposed plan, there are going to be additional mitigating Controls added to the crosswalk of the west entrance of Westgate West for pedestrians and cyclists. However, a mitigating control without metrics is minimally Effective at mitigating Risk. Please add methods to track how often cars turn on the red to better mitigate Risk.
Response 118-98	The commenter is requesting a method for assessing the number of vehicles which turn right on the red signal at the western entrance of the Project. 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 the CEQA requirements for the transportation analysis and thresholds related to the Project. 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 evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-99	When the OSH was still there, the turn lane into Westgate West often backed up. I would also urge the city planners to turn the recommendation in the DEIR to lengthen the turn lane on Lawrence into the Westgate West into a requirement.
Response 118-99	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. As stated on page 33, in Appendix I, Transportation Analysis of the Draft EIR, the Transportation Analysis is included for non-CEQA purposes. 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 City of San José may apply conditions of approval to the Project through the Site Development review process. These conditions of approval may require the Project to lengthen or contribute to lengthening the left-turn pockets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-100	Something to consider is that this part of Lawrence Expressway has many tall trees. Under inclement conditions it is very common for these trees to shed widowmaker branches onto the roadway, which will be an additional hazard as drivers swerve to avoid obstacles. As the amount of traffic on this stretch of road goes up, the Risk of vehicle-vehicle accidents will go up, particularly in the winter.
Response 118-100	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. 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. 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 118-101	A Risk to safety study should: • Gather data for how fast vehicles travel on Lawrence Expressway from Moorpark to Prospect Avenue.
Response 118-101	Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. 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 118-102	• Consider the Risk to the safety of pedestrians and bicyclists crossing at Moorpark.

	- Calculate the Risk to the safety of pedestrians crossing the entrance into Westgate West, and to vehicles if there is a long backup at both the turn lanes from Lawrence into Westgate West and Prospect Avenue. - If the Residual Risk score is Moderate or higher, or some comparable Risk scoring system, identify the appropriate mitigating Controls to lower the Residual Risk. - Implement the identified mitigating Controls.
Response 118-102	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 118-103	5.10. Risk to Safety: Hamilton and/or Campbell to/from the direction of City of Campbell I primarily walk in this direction when going to the complex with the AMC theater and REI, or cycling farther afield or driving towards Campbell.
Response 118-103	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. As noted on page 15 in Appendix I, Transportation Analysis, of the Draft EIR, the intersection of Campbell Avenue and Hamilton Avenue was included as a Study Intersection in the Project analysis. 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 118-104	Based on the Transportation Study, page 37, Figure 8, 25% of the increased traffic will travel on Hamilton Avenue or W Campbell Avenue (2750 additional trips).
Response 118-104	As stated on page 36, in Section 4, Transportation Analysis of the Transportation Analysis Report, "Kittelsohn obtained transaction data at these four locations for the month of April 2019. The data included the total number of transactions made at each Costco warehouse, separated spatially into 1-square-mile zones based on the home address of the member who made the transaction. These data were overlaid with Costco's anticipated market area of the new warehouse to determine the general trip distribution of the project, shown in Figure 8." To clarify, Figure 8 shows general trip distribution rather than percentages on each road. 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 118-105	There are several schools in the area that will be impacted by this additional traffic.

Response 118-105 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-106 For reference, I am including a map from Google maps with the schools highlighted in pink.

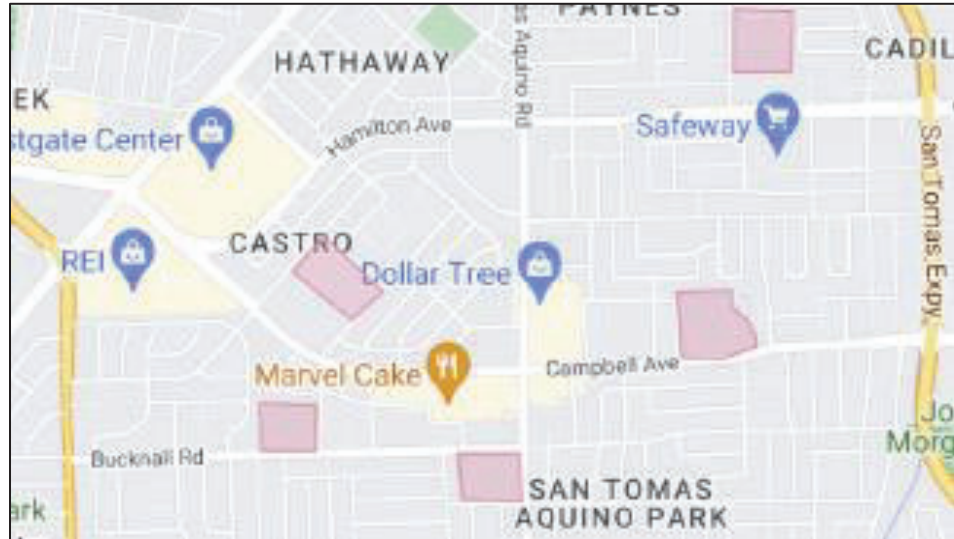


Image: Areas north and south of Campbell Ave and Hamilton Ave east of Westgate West

Additionally, there is a farmers market held in downtown Campbell that sees considerable foot and cyclist traffic every weekend.

Response 118-106 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. 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 118-107 I am asking city planners to conduct a Risk to safety analysis that would:

- Gather data on foot traffic around the schools, and downtown Campbell.

Response 118-107 Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with

supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. The Project does not propose design features or introduce an incompatible use to downtown Campbell, located approximately 2.5 miles east of the Project site. Thus, no additional data collection or analysis is warranted. 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 118-108

- Calculate the Residual Risk to the safety of pedestrians and bicycles along these roads given the expected increase in traffic.
- If the Residual Risk score is Moderate or higher, or some comparable Risk scoring system, identify the appropriate mitigating Controls to lower the Residual Risk.
- Implement the identified mitigating Controls.

Response 118-108

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 118-109

6. Health of Local Business / Community Stores

I appreciate the focus of the DEIR is on the environmental impacts of the proposed Costco. But an element of this project is the overall health of the area, and several of the goals of the project relate to the economic health of the region, and San Jose.

Response 118-109

Refer to Topical Response B for a discussion of impacts to other businesses in the Project area. This comment is noted for the record and will be provided to the decision makers for review and consideration. CEQA does not require the preparation of an economic market or risk analysis, and such economic or social factors are not considered environmental impacts for CEQA purposes. The 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 118-110

6.1. Costco Parking Insufficient for Size

The amount of parking that Costco has proposed is inadequate to meet the requirements of the site.

However, according to page ES-5 of the DEIR, the square footage for the proposed Costco is total of 165,148 square feet with, while according to page 9, it will have 687 parking stalls dedicated to Costco.

For reference, in this Costco 11-13-2015²⁹ proposal to build a Costco in Central Point Oregon it states that, "Costco is proposing to build a warehouse having roughly 163,000 sq. ft. For a warehouse of this size Costco has discovered through their experience from building over 600 warehouses that 800 parking stalls (+/-) are needed to effectively handle the volume of members that use their facilities."

Therefore, according to Costco's own previous experience with building Costcos, 687 parking spaces are ~120 too few parking spaces for a Costco of comparable size.

For comparison, according to file number 18-0151³⁰ from the Sunnyvale city council use permit review, the Sunnyvale Costco, which occupies a 12.8-acre site and is a 137,450 square foot building, there 740 parking spaces. I have also seen references that indicate that the Sunnyvale site has 838 parking spaces and is a 140,000 square foot building, but I haven't been able to find an official use permit that says either way. Whether it is 740 or 838 parking spots, and whether the Sunnyvale Costco is 137k or 145k square feet, the Sunnyvale Costco is smaller than the proposed Costco, has more parking spaces, and does not share the site with any other businesses, and still has a very busy / full parking lot.

Response 118-110

The commentor references other Costco locations outside of the City. Refer to Topical Response B for a discussion of applicable parking requirements for the Project and parking sufficiency at the Project site. As discussed on pages 220 and 221 in Section 3.17, Transportation, of the Draft EIR, the Project would meet the minimum parking requirements and would not create or increase hazardous roadway conditions, on- or offsite, as a result of vehicle queuing and congestion from insufficient parking. 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 118-111

Of those dedicated parking spaces, 381 of the dedicated Costco parking spaces will be on the roof, which will only be accessible by a single ramp up and down the building, which will inevitably will cause traffic flow issues that will make shoppers at Costco less inclined to use this space and more likely to try to park

²⁹ https://www.centralpointoregon.gov/sites/default/files/fileattachments/community_development/project/934/costco_findings_11-6-2015.pdf

³⁰ <https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=3352424&GUID=D84AA800-CF32-4495-B2-42-9F99F2F83607&Options=&Search=&FullText=1>

in other areas, either behind the Costco or in front of other businesses. If Costco wants the roof parking spaces to be utilized, it would be a good idea to:

- Have two ramps: one to go up, and one to go down. This will help ease congestion issues and make it more likely that the provided spaces will be used.
- Incentivize shoppers to use this parking lot in some way. Something like having shoppers tap their Costco cards and after X# of times using the roof parking, they get Y reward.

Response 118-111 Refer to Topical Response B for a discussion of Project site parking sufficiency and sufficient on-site parking limiting overflow in the Project area. Additional ramps or a rewards system as proposed by the commentor are not required to provide sufficient on-site parking and limit overflow 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 118-112 While I understand that the Costco proposal adds an additional 280 parking spaces, per page 9, beyond the existing parking spaces, the amount of traffic that came to the various businesses when all spaces were full was never the equivalent of the number of customers that the DEIR is predicting.

In part because they drew customers that were local to the area, who could walk. In part because multiple business of different types draw customers at different times of day, instead of having of roughly the same types of day. E.g., a yoga studio or nail salon gets traffic at a different time of day than a grocery store, etc.

Response 118-112 As discussed on pages 220 and 221 in Section 3.17, Transportation, of the Draft EIR, the Project would provide the necessary amount of parking spaces and not create or increase hazardous roadway conditions, on- or offsite, as a result of vehicle queuing and congestion. 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 at 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 118-113 Because the amount of dedicated parking that Costco is proposing is both inadequate, and as currently designed a portion of the parking will be harder to get to, this means that:

- Customers will park in the parking lots behind the shopping center, and in the neighborhood bordered by Graves Ave, unless they are prevented. This will increase the Risk to the safety of residents in the Country Lane neighborhood.
- Costco shoppers will take up parking spaces that are not dedicated to the proposed Costco.

Response 118-113	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, impacts to other businesses, and internal circulation limiting overflow 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 118-114	Because of the traffic flow issues in the parking lot, congestion in the parking lot is also going to result in safety issues crossing the parking lot on foot.
Response 118-114	Refer to Topical Response B for a discussion of site access, parking sufficiency, circulation, and congestion in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety and circulation in the Project area. Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR include discussion of pedestrian access on the Project site. The Draft EIR determined that the Project is consistent with 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 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 118-115	The DEIR mentions that the 300 employees will have access to public transit passes, but there's no information on the % rate that such benefits tend to be used. The plan should define an employee parking Plan that clearly articulates things like: ○ Dedicated parking for staff. ○ Defined monetary perks for staff who carpool. ○ Would Costco be open to providing staff with shuttle service from Caltrans and/or Light Rail to coincide with shift changes.
Response 118-115	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. As such, no Transportation Demand Management mitigation measure is required for the proposed Project. Refer to Topical Response B for a discussion of parking sufficiency at 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 118-116	I'll talk a bit more about what San Jose, or more specifically VTA, could do to bring additional public transit to the region to make the public transit benefit more useful in a later section.
Response 118-116	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 118-117	I realize that the DEIR explored alternatives of: Reduce the size of the Costco so the amount of dedicated parking is adequate.
Response 118-117	Refer to Topical Response B for a discussion of parking sufficiency at the Project site. As discussed on pages 220 and 221 in Section 3.17, Transportation, of the Draft EIR, the Project would meet the minimum parking requirements and would not create or increase hazardous roadway conditions, on- or offsite, as a result of vehicle queuing and congestion from insufficient parking. Pages 253 through 264 in Section 8.0, Alternatives, of the Draft EIR evaluates alternatives to the Project. The Reduced Size Alternative addressed pages 260 and 261 in Section 8.2, Project Alternative Analysis, of the Draft EIR could result in greater impacts to transportation and air quality as the resulting VMT may not be as decreased as compared to the proposed Project. Further, the Reduced Size Alternative would not meet Project Objective 9 to “Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members.” The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-118	Add more parking by building underground parking.
Response 118-118	Refer to Topical Response B for a discussion of parking sufficiency at the Project site. As discussed on pages 220 and 221 in Section 3.17, Transportation, of the Draft EIR, the Project would meet the minimum parking requirements and would not create or increase hazardous roadway conditions, on- or offsite, as a result of vehicle queuing and congestion from insufficient parking. The Subterranean Parking Alternative addressed on pages 255 and 256 in Section 8.0, Alternatives, of the Draft EIR does not lessen the Project’s already less than significant transportation impacts related to 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 118-119	Building somewhere else
Response 118-119	As discussed on page 254 in Section 8.0, Alternatives, of the Draft EIR, an Alternative Site Alternative would result in potential new VMT impacts for the Project. 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 118-120	However, the DEIR has not proposed the fairly obvious option to increase parking. Build a 2 story above ground parking garage to double the parking to the west of the Costco.
Response 118-120	Refer to Topical Response B for a discussion of parking sufficiency at the Project site. As discussed on pages 220 and 221 in Section 3.17, Transportation, of the

Draft EIR, the Project would meet the minimum parking requirements and would not create or increase hazardous roadway conditions, on- or offsite, as a result of vehicle queuing and congestion from insufficient parking. As noted on page 252 in Section 8.0, Alternatives, of the Draft EIR, State CEQA Guidelines Section 15126.6, subd. (a) state that "An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluate the comparative merits of the alternatives." The entirety of the Draft EIR and appendices for the Project analysis found that there were no significant and unavoidable impacts. Thus, there are no significant and unavoidable impacts related to parking sufficiency for the commentor's proposed alternative to lessen. However, the Draft EIR did consider alternatives with the objective of trying to avoid or further reduce the already less than significant impacts. The alternatives that were considered and the reasons that certain alternatives were rejected from further detailed analysis are discussed on pages 253 through 256 in Section 8.0, Alternatives, of the Draft EIR. The provision of additional above ground parking spaces via an above ground parking garage was not considered as additional parking is not required to lessen an impact and additional development on-site would not be anticipated to lessen any other identified Project impacts. Rather, additional development on-site (i.e., a parking garage) may actually increase impacts related to topics like aesthetics or air quality that are related to development footprint or construction duration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

- Comment 118-121 I appreciate that zoning makes no differentiation between a box warehouse store and the nail salon where I get my nails done before a big family event or the Trader Joes where I buy my everyday food staples, but I think anyone looking can see that there is a big difference between them.
- Response 118-121 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 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 118-122 6.2. Issues with the Proposed Parking Lot
- The parking in front of the Trader Joes side of Westgate West and on the Sprouts side is already very difficult to use and has terrible traffic flow with multiple pockets where cars stack up.
- While I appreciate that the flow of traffic from the turn light on Saratoga Ave will now curve as opposed to going at a straight angle, but the proposed changes

don't entirely resolve the existing flow issues within the parking lot, which currently result in, admittedly minor, accidents.

Response 118-122

Refer to Topical Response B for a discussion of site access, parking sufficiency, circulation, and congestion in the Project area. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. CEQA requires mitigation of potentially significant issues generated by Project implementation and does not expand to existing issues which are not a result of the Project. As such, the Project is not required to mitigate for existing impacts it does not cause or exacerbate. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in or substantially exacerbate 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 118-123

Here are the issues that I have observed over the last 12 years of using and going through this parking lot:

- The way traffic in front of Building B & C intersects with cross traffic trying to enter/get out of the parking lot has low visibility in places
- Contentious right of way between Building B & C traffic and traffic entering / leaving the parking lot results in fender benders.
- Because the flow of traffic is north-south between Building A & B, but east-west on the east side of pad G, this causes flow problems through that area of the parking lot.
- Cars parked in the lot immediately in front of Buildings D are trapped, and will sometimes aggressively drive to escape, which brings cars into conflict from cross traffic with cars leaving the east side of the parking lot and into the west side of the parking lot. See the screenshot of Westgate West that I included early in my comments.
- Cars continually compete for parking in front of the Trader Joes, a store a fraction of the size of the Costco, and pedestrians crossing from even one a row back have to be very careful not to be hit.

Response 118-123

Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible

uses introduced by the Project. Refer to Topical Response B for a discussion of site access, parking sufficiency, circulation, and congestion in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-124

- Although the proposal removes building F, the proposed Bioretention basins recreate the inherent problem of Building F, it creates an island in the middle of the parking lot that vehicles have trouble getting around.
- The traffic barriers in front of Pad G create right of way conflicts as vehicles entering and leaving the Taco Bell contend with cross traffic attempting to enter/leave via Lawrence Expressway.

Response 118-124

Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. Refer to Topical Response B for a discussion of site access, parking sufficiency, circulation, and congestion in the Project area. 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 118-125

- The entire lot in front of Sprouts and Total Wine is a mess and continuously has fender benders. This project can't do anything about that lot, because it's owned by different people, but given that the proposed parking is inadequate for the size of the Costco, the Costco customers will go over to the east side to park, which will only exacerbate the problems in the lot.

Response 118-125

Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow 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 118-126

For reference, I am including a map of both the west side of Westgate West, and the east side from Google maps, which is not included in the DEIR, but will be impacted by this project. I have highlighted in red the areas where there is bad

flow that results in accidents and that will not be resolved by the proposed changes in the DEIR.



Image: Parking issues at Westgate West

Response 118-126

As noted on page 8 in Section 2.3, Proposed Development, of the Draft EIR, Figure 2.5-2: Proposed Overall Site Plan displays the Project site, which does not include the area outside of the Project site. Consistent with Appendix G of the CEQA Guidelines, the adopted CEQA thresholds for the City of San José require that an EIR evaluate whether a project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Pages 219 through 221 in Section 3.17, Transportation, with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR analyzed transportation impacts associated with hazards introduced by the Project due to geometric design features or incompatible uses. The Draft EIR found that there are no hazards resulting from a design feature or incompatible uses introduced by the Project. Refer to Topical Response B for a discussion of site access, parking sufficiency, circulation, and congestion in the Project area. 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 118-127

6.3. Walking or Cycling to Shop

I am concerned that if the Costco goes into Westgate West, I will no longer be able to walk or cycle to the businesses at Westgate West. Either because it won't be safe to cross in front of Westgate West on foot, or because those businesses cease operation.

Response 118-127

Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety and 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 118-128

That means that going forward, I will drive more to go shopping. The DEIR does not currently capture that kind of vehicle miles traveled (VMT), which should be

	part of the analysis when calculating the VMT gained by adding a Costco in this location.
Response 118-128	The Project's VMT analysis and methodology is addressed on pages 21 of Appendix I, Transportation Analysis, of the Draft EIR. Refer to Topical Response A for additional discussion of VMT methodology. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The Project does not create hazardous conditions for pedestrians or cyclists in the Project area. Thus, the commentor's hypothetical need to drive to avoid introduced hazardous conditions would not result from the Project or require VMT 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 118-129	As the city planners are evaluating whether or not to move forward with this project, I urge the city planners to think about the city of San Jose's goals to encourage the use of non-automobile transportation modes, improve walking and bicycling, and facilitate non-automobile trips.
Response 118-129	The Draft EIR addressed transportation planning goals and policies on pages 212 through 216 in Section 3.17, Transportation, with supporting analysis in Appendix I, Transportation Analysis. The proposed Project is consistent with 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 transportation impacts associated with 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 118-130	On page 217, the DEIR acknowledges that this project, "Due to the function and operational characteristics of the Project site as a retail warehouse building, the Project is not anticipated to add substantial trips to the existing pedestrian, bicycle, or transit facilities in the area." This makes sense, Costco sells bulk products. While the proposed Costco will have 10 bicycle racks, they won't be usable by anyone shopping at the proposed Costco.
Response 118-130	Refer to Topical Response D for a discussion of bicycle parking spaces on the Project site. 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 118-131	The sort of planning that your office does has to be very forward focused, and think about not just next year, but twenty years from now. If this Costco goes in, that means that entire area will never be able to transition to a walkable or cyclable space for use by local residents.
Response 118-131	The Draft EIR addressed transportation planning goals and policies on pages 212 through 216 in Section 3.17, Transportation, with supporting analysis in Appendix I, Transportation Analysis. The proposed Project is consistent with

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

Comment 118-132

6.4. Actual Economic Benefit of the Project Unclear

Given the predicted number of customers on a daily basis, it is probable that the other businesses in Westgate West will struggle to stay in operation. Whether we are talking about small businesses that have narrow profit margins, or corporate locations that will see a dip in profits for that location, that will put both types of business at risk of closing.

When reviewing the economic benefits of the project, I am asking the city planners to look at all the existing businesses in Westgate West and consider the economic benefits or deficits of moving forward with this project. E.g.,

- Add up the amount that the other businesses bring in to the city.
- Include the amount from the businesses that have been closed because of the project.
- I.e., Good Will and Smart and Final, or will close Dominos, Dance studio, health clinic, etc.
- Identify if the amount the proposed Costco will bring in.
- Determine if it's actually going to be value add to the economic health of the region.

Response 118-132

Refer to Topical Response B for a discussion of sufficient on-site parking to prevent impacts to other businesses in the Project area. There is no evidence to support the commentor's assertion that Costco would cause other stores to close or that closed retail spaces in the shopping center would sit vacant. This comment is noted for the record and will be provided to the decision makers for review and consideration. CEQA does not require the preparation of an economic market or risk analysis. As such, The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-133

6.5. No Plan to Protect Other Businesses

Even without such a study, the plan should include mitigating Controls to prevent Costco customers from harming the other businesses at Westgate West.

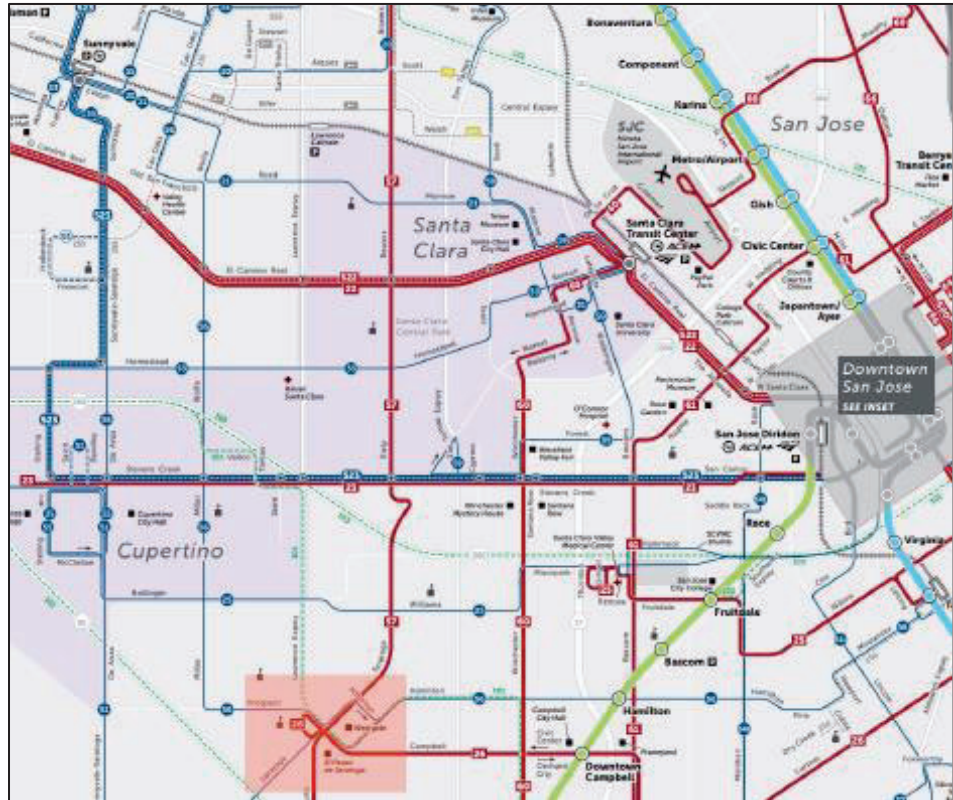
Changes to the parking lot to ensure non-dedicated parking spaces can't be used by Costco shoppers. e.g.,

- Put in barriers
- Have Costco shopping carts lock if they outside of dedicated parking areas.

Response 118-133	Refer to Topical Response B for a discussion of Project site parking sufficiency and sufficient on-site parking to prevent impacts to other businesses in the Project area. No additional measures like those proposed by the commentor are required to prevent parking overflow and related 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 118-134	6.6. Improve Local Public Transit Since the proposed Costco projects to have 258-300 employee trips traveling to and from the site, and has mentioned that Costco will provide staff with public transit benefits, and separately there are multiple housing projects coming into the area, the city of San Jose should consider how to work with the Valley Transit Authority (VTA) to bring more public transit to the area.
Response 118-134	Pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR analyzed whether the Project would conflict with a program, plan, ordinance or policy addressing the circulation system, including those regarding transit. The Draft EIR found that the Project is consistent with goals, policies, and programs adopted by the City and would not conflict with adopted policies, plans, or programs regarding public transit. Thus, there were no significant impacts related to public transit as a result of the Project. As such, no Transportation Demand Management mitigation measure is required for the proposed 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, refer to Topical Response E for why the proposed El Paseo de Saratoga Urban Village is not required to be analyzed by the Project's cumulative analysis. 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 118-135	There have been occasions where I've looked at taking public transit to downtown San Jose, or to work along the Caltrans route, and it's never been feasible because it always takes too many connections to get anywhere in a reasonable amount of time.
Response 118-135	A description of transit facilities near the proposed Project site is included on pages 211 and 212 in Section 3.17, Transportation, of the Draft EIR. 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 118-136

While page 211 of the DEIR references the public transit that visits the region, and mentions the frequency of the buses, I am including a map for reference based on the region wide VTA map³¹ with Westgate highlighted in red.



None of the buses that visit the region go directly to the various city centers in the region that have a concentration of jobs or affordable housing. The 56 and 57 buses crosses the Caltrans lines, but do not stop at a Caltrans station. Taking the 25 or the 56 does go to the light rail, but that means anyone coming in / out of downtown San Jose has to take a bus, the light rail, and then given the location of San Jose Diridon, another connecting bus or light rail to get where they need to go.

Response 118-136

A description of transit facilities near the proposed Project site is included on pages 211 and 212 in Section 3.17, Transportation, of the Draft EIR. 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 118-137

Given both the increased housing going in the area, the Costco employees, and considering San Jose's Urban Village plan, San Jose should work with the VTA to:

- Conduct a study to identify what new bus routes to city centers and rapid transit could be expanded. I suspect that should include:

³¹ Map of VTA System. <https://www.vta.org/sites/default/files/2024-01/VTA-System-Main-Map.pdf>

- an express bus along Lawrence Expressway to/from a Caltrans station, and that stops at the Kaiser in Santa Clara.
- If possible with existing right of ways and or leveraging an elevated rail on an expressway, consider expanding one or more of the various light rail options into the West Valley.

Response 118-137 As discussed on page 243 in Section 4.0, Cumulative Impacts, the Project would result in less than significant cumulative impacts to transportation. 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 118-138 7. Clean Energy & Water Usage

I have a lifelong interest in clean energy and energy efficiency.

While I appreciate that the site will be opting into "PG&E's Solar Choice Program," as described on page 41 and 103 of the DEIR; however, what can be opted into may be opted out of at a later time once the building is in place. There needs to be some sort of enforcement mechanism to ensure that Costco continues to opt into this program.

Given this is new construction, Costco should be required to implement on-site generation of renewable energy. This would be in support of Policy MS-2.2 "Encourage maximized use of on-site generation of renewable energy for all new and existing buildings," as referenced on page 94 of the DEIR and page 4 of the Envision San José 2040 General Plan³² and help San Jose's meet our goals are articulated in the San Jose's Climate Smart Plan³³ .

Ways this new construction could incorporate on-site power generation,

- Solar panels over some or all of the new parking that will be built after the demolition of the old OSH building.
- Solar panels on top of the roof parking.
- A new building is an opportunity for improvement.
- Look into the feasibility of the site investing in power bank batteries to support energy needs when the power goes out. This investigation should include a study that:
- Gets data on the number and length of power outages in the last five years for that section of the power grid.

³² <https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000>

³³ <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart- san-jos>

- Based on that data, calculates the number and length of power outages that might occur for the next 20 years,
- Determines the amount of fuel that would be required to run emergency power at the proposed Costco site based on the potential power outages.
- Based on the potential cost of the fuel and the amount of emissions that would be made as a result of power outage, identify if power bank batteries should be required or merely recommended.

Response 118-138

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 96 through 104 in Section 3.6, Energy, of the Draft EIR analyzed energy impacts associated with the Project and found that there were no significant impacts to energy as a result of the Project. The comment misrepresents the ability for the Project to opt out of the program committed to in the Draft EIR. There is a condition of approval referenced on page 129 of the Draft EIR which states that proof of enrollment in PG&E Solar Choice will need to be provided prior to issuance of any Certificate of Occupancy for the Project as part of the development review process. If the occupant, or any future occupant, is not implementing the PG&E Solar Choice Program, the occupant shall provide the City evidence that it is securing electricity from a similarly sustainable source. This ensures that the Project will continue to utilize renewable energy beyond the start of Project operation.

The Project is committed to use of renewable energy, which aligns with local (City), regional, and state objectives. Based on the totality of the project design considerations, the approach to use utility provided solar is the most effective and efficient approach to achieving renewable energy for this project site and design. Notably the rooftop of the building will need to be designed with parking, and additional design for rooftop solar creates additional engineering burdens on the structure which make it less practical to include. Similarly, the design for parking lot solar was initially evaluated and contemplated by the project applicant, however, the availability of the utility provided renewable energy is a better design for the electric utility and the site design. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-139

- Look into the feasibility of recycled water wherever feasible and cost-effective to serve existing and new development," as referenced on page 96 of the DEIR
 - Calculate the water usage of the plants and trees as proposed in Figure 2.5-4 of the DEIR for the next twenty years.
 - Identify the potential cost and amount of water for the next twenty years.

- Obtain information on the amount of water that could be potentially reclaimed for gray-water use at a comparably sized Costco facility over the course of year.
- Uses this information to calculate the potential amount of gray water that could be reclaimed from the Westgate West site for
- Determine if there is a sufficient benefit to San Jose water savings, and cost efficiencies for Costco over time, to require or recommend that gray-water reclamation infrastructure be included in the building design.

Response 118-139 As stated on page 10 of Section 2.3, Proposed Development, of the Draft EIR, the proposed landscape plan would meet the City of San José's Water Efficient Landscape Requirements. Pages 232 and 233 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts related to water supply and wastewater and associated infrastructure and found that there were no related significant impacts. Thus, the grey water use proposed by the commentor is not warranted. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 118-140

- Consider the incorporation of underground geothermal heat pumps, also referred to as geoexchange systems, as described on the attached department of energy website³⁴ if they could be built in a way that doesn't cause the various health hazards the DEIR discussed with regards to underground parking.

Note: I appreciate that the design, as described on page 103 of the DEIR, incorporates, "Reclaim tanks are used to capture heat released by refrigeration equipment to heat domestic water in lieu of venting heat to the outside." However, this is building that will be there twenty, thirty, forty years from now. We need to be forward planning.

Response 118-140 Pages 96 through 104 in Section 3.6, Energy, of the Draft EIR included a discussion of renewable energy. The Draft EIR found that there were no significant and unavoidable impacts to energy as a result of the Project. Project energy use impacts would be less than 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 118-141 8. Summary

I don't believe that a Costco is a good fit for the Westgate West location for all of the reasons that I've articulated in detail above.

Response 118-141 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

³⁴ <https://www.energy.gov/energysaver/geothermal-heat-pumps>

	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 118-142	It will increase the danger to myself, my family and every other pedestrian and cyclist in this area, will present a particular danger to the children in the region, and move West Valley away from becoming an Urban Village rather than towards it.
Response 118-142	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 118-143	Given San Jose's commitment to be a Vision Zero city that "reduces and eventually eliminate traffic deaths and severe injuries³⁵", the simplest course of action would be to not approve a box warehouse for this location. If the city of San Jose does move forward, • Please upgrade the existing mitigating Controls to ensure the safety of residents as articulated in each detailed section.
Response 118-143	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 118-144	• Add protections to preserve walkable businesses
Response 118-144	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. This comment is noted for the record and will be provided to the decision makers for review and consideration. CEQA does not require the preparation of an economic market or risk analysis. As such, The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 118-145	• Improve the proposed plan to better support climate change planning
Response 118-145	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.

³⁵ <https://www.sanjoseca.gov/your-government/departments-offices/transportation/safety/vision-zero>

Comment 118-146	I want to thank you for taking the time to read my comments for any efforts that you expend incorporating those comments into the review of the finalized EIR.
Response 118-146	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 118-147	9. Tables and Images • Image: English Estates • Table: Other Projects Size • Image: Additional Housing projects • Table: Vehicle Trip Breakdown by Road • Image: Map of Westgate West + Dentists Offices • Image: 1 Example of Traffic from Westgate West thru the Country Lane Neighborhood • Image: Johnson Ave and surrounding neighborhood • Image: Neighborhood between Saratoga and Prospect • Image: Quito road in combination with Figure 7 from Transportation Study • Image: Areas north and south of Campbell Ave and Hamilton Ave east of Westgate West • Image: Parking issues at Westgate West 10. Definitions • Control¹⁹ : A measure that is modifying Risk. (Note: controls include any process, policy, device, practice, or other actions that modify risk.) • Effectiveness²⁰ : The extent to which planned activities are realized and planned results achieved. • Gateway²¹ : Gateways are locations which announce to a visitor or resident that they are entering the City, or a unique neighborhood. • Likelihood²² : Chance of something happening. A weighted factor based on a subjective analysis of the probability that a given threat is capable of exploiting a given vulnerability or a set of vulnerabilities. • Residual Risk:²³ Portion of Risk remaining after controls/countermeasures have been applied. • Risk²⁴ : A measure of the extent to which an entity is threatened by a potential circumstance or event, and typically a function of: (i) the adverse

impacts that would arise if the circumstance or event occurs; and (ii) the likelihood of occurrence.

- **Severity/Impact²⁵** : The magnitude of harm that can be expected to result from the consequences of the occurrence of an incident.
- **Urban Villages²⁸** : Areas that include residential and jobs-based developments; have access to transit; and are walkable and bicycle-friendly.

Comment Letter Footnotes:

¹⁹ <https://csrc.nist.gov/glossary/term/control>

²⁰ <https://csrc.nist.gov/glossary/term/effectiveness>

²¹ From page 20 of the DEIR

²² <https://csrc.nist.gov/glossary/term/likelihood>

²³ https://csrc.nist.gov/glossary/term/residual_risk

²⁴ <https://csrc.nist.gov/glossary/term/risk>

²⁵ <https://csrc.nist.gov/glossary/term/impact>

²⁶ <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/urban-villages>

Response 118-147

The references in this comment are for the balance of the comment letter. The associated comments are responded to in the responses to comments in above. 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 119. Jay and Debra Remley (dated February 12, 2024)

Comment 119-1

I am writing to provide feedback on the proposed Westgate West Costco project. I have reviewed the issues raised by the Save West Valley Citizens Group and fail to see the validity of its concerns.

We have lived in the Rancho Rinconada neighborhood & shopped at Westgate West businesses for the last 40 years. There were previously 5 or more businesses, open to the public, within the proposed Costco project area. Costco is for members only, not the general public, and will probably only serve citizens in the immediate area, who are willing to pay the annual membership fee. This will likely generate far less traffic than the traffic from the number of businesses that previously occupied the site. There appears to be adequate safety measures already in place for pedestrians and bicyclists.

I would much rather see a development where the neighbors have the option to shop than high density housing which typically creates more traffic issues than a business.

Response 119-1 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 120. Jean DeVera (dated February 12, 2024)

Comment 120-1 I have reviewed the draft EIR for the proposed Costco and am providing my feedback.

Background

As a point of reference, I have been a resident of Country Lane, the neighborhood which borders the north side of the Costco project, for over 30 years. I have also been a Costco member for over 10 years.

General Neighborhood Information

When I moved to this neighborhood, one of the things I loved most about it was that it offered so many products and services right in the neighborhood. I could walk or drive less than one mile for items such as groceries, hardware, office supplies, auto repairs, medications, package mailing, restaurants, exercise, and even AAA service. Since the planned redevelopment of El Paseo and the sale of Westgate West, nearly all of the nearby businesses that I used to frequent for shopping or services have closed - or will soon do so. I now drive out of the area for most of these things. About the only remaining neighborhood store I continue to patronize is Trader Joes. However, I am concerned that if the Costco goes in, parking and traffic will make that location unusable and once again, I will be driving out of the area for a similar store.

Response 120-1 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. 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, internal congestion, 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 120-2 While I am a Costco member, my shopping trips there occur once a month or less. When I do go, I also usually get gas. I am unlikely to change my Costco shopping location due to the presence of the proposed new Costco So, in my case, the proposed Costco won't result in fewer miles driven and I am actually increasing my miles driven to replace the stores and services that no longer exist in the neighborhood.

Response 120-2 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. 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, internal congestion, and impacts to other businesses in the Project area. 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 120-3

Envision San Jose 2040

I know that San Jose has a long-range plan for the city that includes a vision for Urban Villages which would support “live, work and shop” in the same area. The goal of these villages would be such things as reduced traffic, increased pedestrian and bike access, and improved safety. I strongly support such a concept for our city. It is my understanding that the west San Jose area where the Costco is proposed to be built is targeted to become one of these areas. However, the addition of a big box warehouse store like Costco to the exclusion of smaller, more diverse businesses is not moving in the right direction. In fact, my neighborhood has moved further and further away from such an idea in the years I’ve lived here. Additionally, Costco is a membership store and as such, will not serve all members of the community but all residents will be affected. If Costco is allowed to build here, its lasting impact on the neighborhood and its future will long outlast the 2040 vision goal. I know that the planning for the Costco development began before Envision 2040 was finalized but in my understanding is that the decision to greenlight the project is still not final. There is time to develop a better plan which incorporates the city’s goals. This is the time to take the right action for San Jose’s long term benefit.

Response 120-3

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 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 120-4

Area Traffic and Safety Concerns

I have many concerns regarding the impact of this proposed store, including environmental impact, noise, and pollution.

Response 120-4

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

Comment 120-5 However, my most significant concern is around the issues of traffic and safety. The EIR indicates that the proposed store would add 11,000 additional auto trips per day. This is in an area that has been designated a Priority 1 Safety corridor and one where traffic is already an issue. The two major access roads that would serve this facility, Lawrence Expressway and Saratoga Avenue, are already overloaded. Level of Service on Lawrence is already at D and E level without Costco.

Response 120-5 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 120-6 Additional burden will be put on these roads by the planned redevelopment of El Paseo to add approximately 1,000 new residential units as well as additional retail stores. Other new residential units are also planned in the area. It is unclear if the impact of the El Paseo changes and others development projects were adequately factored into the EIR.

Response 120-6 Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status and what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, why the proposed Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the Project's cumulative analysis. 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 120-7 Very recently, the portion of Saratoga Avenue nearest the project was reduced from 6 lanes to 4 as a safety measure. This was done because of existing concerns about bicycle and pedestrian safety. Adding 11,000 more vehicle trips per day to an already congested area, now with fewer traffic lanes, will certainly not make

	this area safer. Also, these changes were not incorporated into the traffic assessment done as part of the draft EIR.
Response 120-7	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 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 120-8	Also, the EIR traffic study looked at peak traffic during what is considered to be rush hour. However, there is a high school diagonally across from the site that generates significant traffic congestion, especially upon school dismissal. The EIR did not evaluate traffic during this time on both Prospect Road and Lawrence Expressway.
Response 120-8	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 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 120-9	Country Lane Specific Concerns As a resident of the area just north of the proposed Costco, I also have significant concerns regarding adverse impact on my immediate neighborhood. It is quite possible that the increased traffic congestion on Lawrence Expressway and Saratoga Avenue will cause drivers to divert through the Country Lane residential area to reach Costco. This is even more of a concern if the driveways along Graves Avenue are allowed to remain open for customer and truck access. Drivers, many using traffic apps, will seek the point of least congestion, regardless of the fact that it might take them down residential streets not designed for that level of traffic flow. If this happens, it will put too much traffic in a residential area, endangering students at several schools including Country Lane Elementary as well as other pedestrians, bicyclists and motorists. As a frequent pedestrian and motorist in the neighborhood, this gives me significant safety concerns for both me and my neighbors. Also, in questioning the team that drafted the EIR, they indicated that this possible impact of the project on adjacent neighborhoods was not included in the EIR.
Response 120-9	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 B for a discussion of access to Graves Avenue and internal circulation in the Project area. 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 120-10	Suggestions/Mitigations
	Given that this project does not fit with the city's goals and causes major traffic and safety concerns, I believe that the best solution is NOT to approve the Costco project. Please understand that I am not against development of this site for retail and other services. In fact, I would very much like it to be developed. However, a membership warehouse store like Costco does not belong adjacent to a residential area. This is particularly true here where we do not have the necessary traffic infrastructure to support it. And in the long term, it goes completely against ideas such as the Urban Village concept and other future goals for the city of San Jose.
Response 120-10	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. 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 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. 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 120-11	While I very strongly believe this project should not go ahead at all, if it is still approved, I believe the following mitigations/changes need to be added: • Close all vehicle access from Graves Avenue. This will help to minimize diversion of traffic through residential neighborhoods. • Redo the traffic study done in the Draft EIR to include the impact of the reduction in the number of traffic lanes on Saratoga Avenue by one third. • Perform an assessment of the traffic impact on Prospect Avenue and Saratoga Avenue during school dismissal time. • Consider a pedestrian overcrossing for students and pedestrians crossing Prospect Avenue to increase safety on a very busy corner. • Add additional pedestrian safety measures throughout the site and along Lawrence Expressway and Prospect Ave. • Evaluate impact of potential traffic increase in residential neighborhoods to the north caused by customers trying to avoid congestion on Saratoga Avenue, Lawrence Expressway and Prospect Road.

- Provide measures to minimize/reduce traffic, speed and safety risks in residential neighborhoods caused by traffic diverting around major roads. These might include such things as permitted neighborhood parking, traffic calming measures, and other actions to minimize traffic flow and reduce the risk of accidents.
- Ensure that the EIR adequately projects additional traffic from all planned developments in the area.

I know that you share my desires for a safe and thriving city. Thank you very much for your consideration of my serious concerns as we work toward that goal.

Response 120-11

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 are required for impacts related to transportation as the Project will not result in any significant 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 Project site access and circulation. 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 Letter 121. Karen Klaas (dated February 12, 2024)

Comment 121-1

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.

My spouse and I frequently cross Lawrence on foot from Saratoga into San Jose to go shopping for groceries. We are now concerned for our safety given the expected traffic increase. Please reconsider allowing this proposal to be accepted without further consideration of pedestrian safety on Prospect and Lawrence in this region.

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. The many students who take public VTA buses are forced to walk across this intersection at least twice a day in order to reach their stops.

Response 121-1 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 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 Letter 122. Barbara Bailey (dated February 13, 2024)

Comment 122-1 Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) and attended Vice Mayor Rosemary Kamei's meeting held at Prospect High School. I am writing to share my feedback, concerns, and requests.

Response 122-1 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.

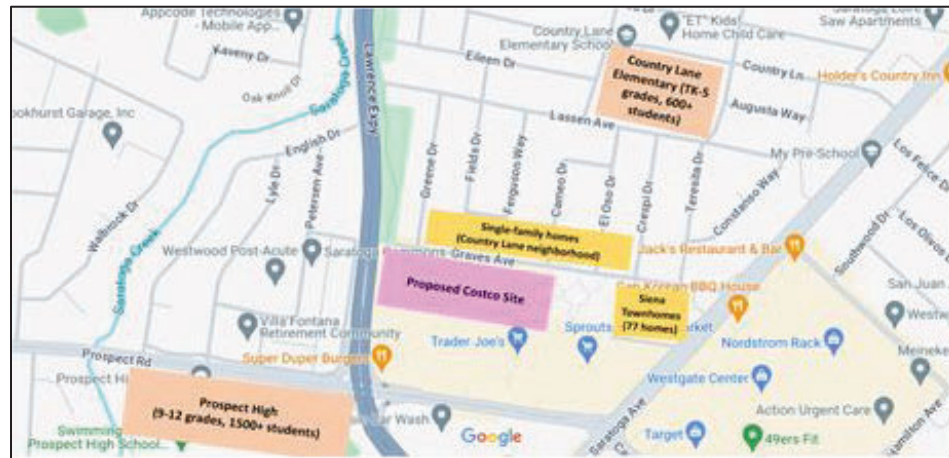
Comment 122-2 1. The DEIR Omits Pedestrian and Cyclist Safety Data

As a parent of both current and future Prospect High School students who daily walk and ride their bikes from our home, in the Country Lane neighborhood behind the proposed Costco project, to school daily, the greatest concern 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 (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. 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 José.

Response 122-2

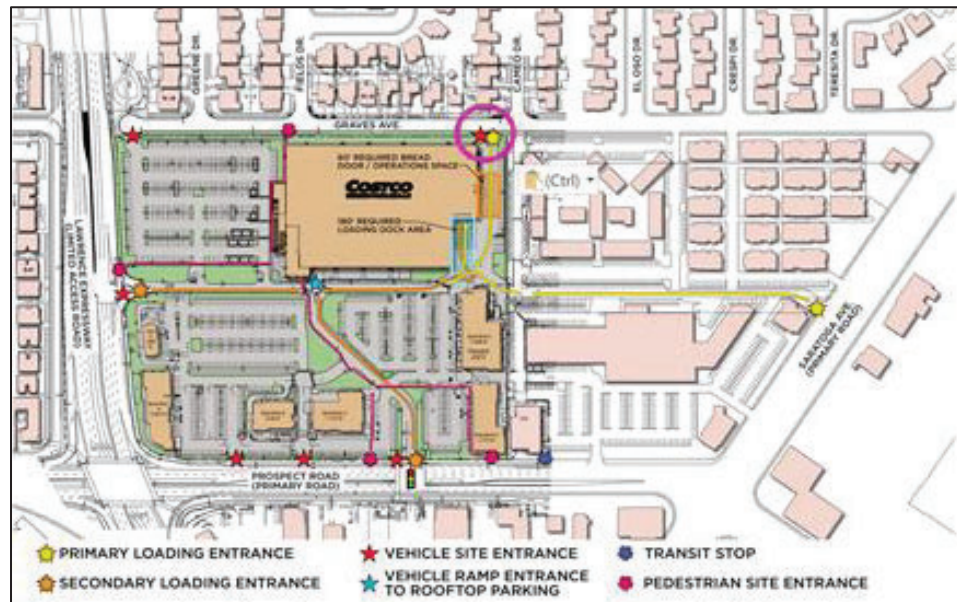
The commentor mis-represents what was stated at the community meeting. At the February 5 community meeting, Danae Hall of Kimley-Horn and Amy Lopez of Kittelson clarified what CEQA evaluates as thresholds of significance in relation to transportation impacts. First they clarified that LOS and VMT are 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 122-3

2. The DEIR omits data from areas directly 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 122-3

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 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 122-4

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 122-4

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.³⁶

Comment 122-5

Potential pedestrian and cyclist safety improvements must include the closing off the full-access point at Graves Avenue and Cameo Drive for Costco trucks,

³⁶ "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.*)

shoppers, and vendor vehicles. As a crossing guard for 19 years, I am well aware of the risks students take just to walk to their elementary school. Even with a freshly painted crosswalk, speed tracking sign, cone in the middle of the street, and crossing guard, cars still sped by if they were in a hurry. Many times I, with my adult frame and held up stop sign, would have to jump back in order to not be hit. The only way to truly protect walking students is to do everything possible to limit neighborhood traffic to the neighborhood only. In this case that means eliminating access to Costco from Graves Avenue and Cameo Drive.

- The residential roadways should not be used to access Costco development. Other Costco warehouses in the Bay Area do not access residential streets. Examples (Costco – Almaden, Costco – San Leandro, Costco – Danville).
- Remove Vehicle Driveway access through Graves Avenue: The proposed development should have no vehicle access or driveways along Graves Avenue. This is Alternative B as studied in the DEIR Appendix I - Transportation Analysis which excludes access through Graves Avenue.
- A traffic study should include neighborhood protections if Graves Avenue access remains. A more thorough analysis of mitigations required to prevent impacts to the residential community should be identified in the DEIR to include traffic calming and
- A full perimeter fence should be installed (with no pedestrian access directly into Costco) along Graves to prevent Costco members or employees from intruding into the neighborhood for parking.

See examples of perimeter fencing at Walmart Superstore protecting neighborhood intrusion and soundwall at Almaden Costco which prevents vehicle access through residential. Similar requirement for Walmart Superstore

This fence or soundwall should continue along the easterly property line to the medical offices to protect the neighboring business from parking intrusion and provide additional visual and noise mitigation. Examples in San Jose below.



Perimeter Fence for Neighborhood Protection: Walmart Superstore (5095 Almaden Expwy) perimeter fence on Cherryview Lane with no vehicle driveways into Walmart.

A full perimeter fence or soundwall should be installed (with no pedestrian access into Costco) along Graves Avenue. This will prevent Costco members or employees from intruding into the neighborhood for parking.



Almaden Costco sound wall separating residential neighborhood.



Danville Costco, full length perimeter sound wall and large landscape to screen warehouse from residential.

Response 122-5

Refer to Topical Response B for a discussion of access to Graves Avenue in the Project area. 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. Specifically, Topical Response D discusses that the Project does not introduce a new geometric design feature that would create hazardous conditions for pedestrians in the Project area. The Project does include a new wall along Graves Avenue that extends from the corner of the proposed Costco building to the

western edge of the Project site. This wall would discourage pedestrian access between the Project site and Graves Avenue and would direct pedestrians to the path that runs adjacent to the western Project site edge along Lawrence Expressway for access to the Project site. 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. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzes the Project's noise impacts on the environment and includes applicable mitigation measures to reduce potential noise impacts to a less than significant level. Pages 22 through 26 in Section 3.1. 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 122-6 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
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 122-6 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 122-7 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 122-7	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 122-8	3. 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 122-8	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 122-9	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 122-9	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 122-10	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 Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete data, the studies and predictions in the DEIR are invaluable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 122-10	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 122-11	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 122-11 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 122-12 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 122-12 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 122-13	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 122-13	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 122-14	4. 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 122-14

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 122-15

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 122-15

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 122-16

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 volatiles and dust 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 122-16 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 122-17 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 122-17 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” 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.³⁷ The closest sensitive receptors to the Project site 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 School³⁸. These non-residential sensitive receptors were included in

³⁷ 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>.

³⁸ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site was not studied as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive

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.³⁹ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 122-18 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 122-18 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.

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.

³⁹ BAAQMD CEQA Thresholds of Significance. 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 122-19

5. 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 122-19

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 122-20

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 122-20 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 122-21 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 122-21 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 122-22 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 122-22 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 122-23 6. 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 122-23 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 122-24	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 122-24	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 122-25	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 122-25	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 122-26 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 122-26 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 123. Irene Economou (dated February 13, 2024)

Comment 123-1 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 123-1 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 123-2 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

(Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. 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 José.

Response 123-2

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 123-3

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 123-3 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 123-4 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 123-4

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.⁴⁰

⁴⁰ "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.*)

Comment 123-5	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 123-5	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 123-6	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
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla
- Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

Response 123-6 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 123-7 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 123-7 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 123-8 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 123-8 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 123-9 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 123-9 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 123-10 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 Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete data, the studies and predictions in the DEIR are invaluable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
- Response 123-10 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 123-11 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 123-11 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 123-12	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 123-12	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 123-13	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 123-13

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 123-14

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 123-14

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 123-15	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 123-15	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 123-16	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 volatiles and dust 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 123-16	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 123-17	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 123-17

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.⁴¹ 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.⁴² 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.⁴³ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 123-18

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

⁴¹ 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>.

⁴² 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.

⁴³ 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.

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 123-18 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 123-19 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 123-19 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 123-20

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 123-20

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 123-21

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 123-21	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 123-22	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 123-22	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 123-23	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 123-23	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 123-24	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 123-24	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 123-25	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 123-25 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 123-26 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 123-26 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 124. June Ong (dated February 13, 2024)

Comment 124-1 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 writing to express my grave concerns regarding the proposed Costco site in our West Valley neighborhood. As a resident of Country Lane since 2010 and a parent of two children, aged 12 and 15, who attended Country Lane Elementary, I feel compelled to address the potential implications of this development.

Response 124-1 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 124-2 I want to emphasize the personal impact that the proposed Costco project would have on my family's daily activities. I drive regularly through the areas of Lawrence Expressway, Prospect, Saratoga, Doyle regularly and it is already quite congested. My kids walk and bike to Prospect High School and to the shopping center with their neighborhood friends. We also enjoy family bike rides along Saratoga/Prospect. If this Costco warehouse project is approved, we will no longer feel safe to engage in these activities. The increased traffic congestion and potential safety hazards posed by the project would significantly diminish our quality of life and restrict our ability to enjoy our neighborhood. This underscores the urgency of thoroughly assessing the project's impacts and prioritizing the safety and well-being of residents."

Response 124-2 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 124-3 While I have been a Costco customer for over 20 years, I strongly believe that adding another Costco warehouse in such close proximity to existing ones raises significant issues. Our neighborhood already enjoys access to five Costco locations within a 15-mile radius, with the nearest being just 5 miles away.

Response 124-3 Refer to Topical Response A for a discussion of VMT reductions from 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 124-4 The proposed site's proximity to Country Lane Elementary, Creekside Park, and Prospect High School raises serious concerns about increased traffic congestion,

	particularly during school drop-off and pick-up hours.
Response 124-4	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 peak school hour data 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 124-5	Moreover, the proposed Costco Warehouse site utilizes Saratoga Avenue as a primary loading entrance and main road, impacting the intersection of Saratoga Avenue and Prospect Road, designated as Horizon #3. The warehouse's oversized structure on an undersized lot with insufficient parking, generating over 11,000 vehicle trips per day, contradicts the vision for an Urban Village in the Westgate and West Valley areas. This car-centric nature undermines the pedestrian- and bicycle-friendly environment sought in an Urban Village. Costco's projected traffic volume, minimal bicycle parking provision, and lack of transit accessibility further illustrate its incompatibility with the Urban Villages concept.
Response 124-5	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. Refer to Topical Response B for a discussion of parking sufficiency. 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 124-6	Additionally, the Costco project fails to align with Urban Villages' goals of job-based development and community engagement. Despite claims of job creation, the net impact falls short of Urban Villages objectives, and the proposal neglects to address housing needs or promote community involvement. This discordance with Urban Villages principles undermines the project's validity and highlights its adverse impact on traffic, safety, and community cohesion.
Response 124-6	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 D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 124-7	The California Alcoholic Beverage Control Act imposes 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, making it an "area of undue concentration."

Response 124-7	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 124-8	In conclusion, I urge the City Council to: • Prioritize safety and well-being by conducting thorough traffic assessments during school peak hours to accurately gauge the impact of the Costco development. • Assess traffic in the Happy Valley neighborhood and extend the analysis to Saratoga/ Quito, Saratoga / Highway 85, which was not adequately addressed in the Draft Environmental Impact Report (DEIR).
Response 124-8	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 on peak school hour counts and the Transportation Analysis scope and requirements 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 124-9	• Develop detailed solutions to ensure the safety of pedestrians and cyclists, a crucial aspect not addressed in the DEIR.
Response 124-9	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 124-10	• Must take into account the effects of the upcoming El Paseo urban village project and the proposed future housing projects on Quito and Prospect which will cause significant impacts on the environment, community, and traffic.
Response 124-10	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 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 124-11	• Acquire more data around the Costco project to facilitate informed public review and leadership decisions, considering the significant gaps in the current DEIR.

Response 124-11	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. Refer to Topical Response C for a discussion of 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 124-12	Thank you for considering my perspective on this matter.
Response 124-12	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 125. Karen Wilcox (dated February 13, 2024)	
Comment 125-1	My name is Karen Wilcox and I have lived on English Court just off of Prospect Ave for almost 13 years. One of the main reasons we purchased this house was the neighborhood and its walkability.
Response 125-1	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 125-2	As a resident, I go to Westgate West a couple of times per week to shop at Trader Joe's, Bev Mo, and Sprouts. Unless I am buying something particularly heavy (or it's pouring rain), I walk because the parking lot is already overcrowded and badly laid out. I have witnessed several fender benders between cars and many, many near misses between cars and pedestrians. We also walk to many other businesses in the neighborhood (less so during Covid but we're getting back in the habit now) including Tomatina and Jack's (actually all of the restaurants in that location since we moved here) for family dinners. When we grab lunch on the weekends at Boudin, MOD Pizza, or Chipotle, we usually walk. When we see movies, we walk to the AMC Theaters and stop in at Rojos Wraps for dinner on the way. When I need a pair of shoes or some leggings or a spatula, I walk to Target. If I need a weird light bulb or some caulk, I walk to Ace Hardware. For a while, I worked at the H&R Block in El Paseo de Saratoga and walked there everyday. During that time, I was nearly hit by a car while walking along Prospect.
Response 125-2	Refer to Topical Response B for a discussion of parking sufficiency and internal circulation of 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 125-3	For the most part, the changes we have seen over the past 12 years have improved the usability of the neighborhood - moved it closer to a true Urban

	Village - but a bulk warehouse store would detract and set us back instead. I do not think the Westgate West site is appropriate for a store the size of Costco. One giant store (famous for being overcrowded at all times) replacing up to 12 smaller stores that used to be in that space is a bad decision for many reasons.
Response 125-3	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, 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. Refer to Topical Response B for a discussion of 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 125-4	Adding a Costco with (according to the DEIR) an additional 11000 car trips a day without any changes to the streets or traffic flow would make this shopping center unusable to me and my family. We need traffic changes to make it minimally safe for me (and the hundreds of kids I see everyday from Prospect High School). We would need pedestrian bridges for Lawrence and Prospect, better turn lanes (right and left) for the same intersection and the entrances into the shopping center, changes to traffic lights, and enforcement of the 25MPH school zone. Without these changes, I will always drive to a farther shopping center instead of walking (another car on the road that could have been a pedestrian).
Response 125-4	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 B for a discussion of Project site access and circulation. 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. 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 evaluated in the Draft EIR and therefore, no further response is required.
Comment 125-5	If there's a Costco at Westgate West, I will not be able to find parking to shop at any of the other stores, because the new Costco will be larger than the Sunnyvale one with less parking. Again, I will always drive to a further shopping center adding more car miles multiple times per week.
Response 125-5	Refer to Topical Response B for a discussion of parking 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 125-6	Also, I was disappointed to see that the traffic studies in the DEIR focused only on commute or rush hour traffic instead of looking at traffic throughout the day. There are hundreds of kids walking along Prospect and Lawrence and dozens of kids and parents in cars just before school starts and after school ends. Adding hundreds more cars of Costco traffic to these already congested times needs to be analyzed and compensated for in the plan. As someone who lives across the street from the high school, I know that other increased traffic times (like school events such as graduation) force cars and people into the adjoining neighborhoods where they block driveways and make it difficult for residents to get in and out. We track the school calendar for the dates of the big events so that we can leave our house before it starts and come back well after it ends because it is such a hassle. I am very concerned that the increased traffic from the Costco could make this an every weekday occurrence and there is no analysis in the current DEIR that contradicts this.
Response 125-6	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 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 125-7	Additionally, while the DEIR mentions some of the other projects in the neighborhood, there seems to be no attempt to calculate how the compound effects of these multiple projects will affect things such as traffic, pollution, and safety. The Costco will not be built in a vacuum - the El Paseo de Saratoga project with hundreds of residences and a Whole Foods grocery store is only two blocks away, already approved, and about to break ground. The final EIR should base the analysis of the effects of the Costco project on projections with the El Paseo project completed, not how it was a few years ago when the DEIR was started.
Response 125-7	Refer to Topical Response E for a discussion of 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 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 125-8	I also have health concerns with this level of added traffic. I have asthma and I necessarily track the daily air quality quite closely in the warmer months and during fire season. This many additional cars on the roads directly surrounding my home will likely mean an increase in the number of days every year where I am unable to go outside, let alone walk to the shopping center in question. Additionally, there are three different care facilities in my neighborhood, closer to the streets and the proposed Costco site than my house, full of people who will also be affected by poor air quality from the increased traffic.
Response 125-8	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, as informed by 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. ⁴⁴ The Project relied on the conservative risk estimates for the Draft EIR analysis. As such, the Project was not found to have any significant and unavoidable impacts related to air quality and health on sensitive receptors with incorporation of the applicable mitigation measures during Project 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 125-9	The DEIR mentions mitigations such as encouraging public transit and bicycle use but I question the legitimacy of these mitigations for a store such as Costco which deals mainly in bulk goods that cannot practically be carried by a person traveling by bus or bicycle. Even if someone could actually shop from Costco and carry the result on their bicycle, the plan does nothing to improve bicyclists' safety. Dedicated bike lanes on all of the surrounding streets should be the bare minimum, but only Saratoga Avenue has them due to the Vision Zero safety project. Overall, I found the DEIR lacking in any serious analysis of safety, especially pedestrian and bicyclist safety. I understand that this is generally not part of the DEIR template, but it is the job of the planning department to consider that. This intersection of roads around Westgate West is a challenging area from a jurisdictional standpoint (Lawrence is a county road while Prospect is split between San Jose and Saratoga), but that is no excuse not to provide residents with the safety measures that should be in place. These safety measures, as detailed by the Vision Zero Plan, must be in place before adding hundreds to thousands of cars to these roads everyday.

⁴⁴ 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.

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

Response 125-9

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.