



First Amendment to the Draft Environmental Impact Report Volume V

Westgate West Costco Project

File No. CP21-022
SCH# 2022010135

September 2024



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Report

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Prepared by



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Comment Letter 328. Kimngan Nguyen (dated February 20, 2024)

Comment 328-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

While I am a Costco member for 2 decades, I believe its presence will damage the community feel of the Westgate West area and its neighborhood.

Most if not all of the Costco existing locations in California and elsewhere (IE: Portland), they're situated in an industrial zone -- not bordering a high school and residential area. A Costco will completely ruin the character of the area being a warehouse with gas stations.

They're better situated in the southern part of El Paseo area .

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

Response 328-1 Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include gas station. 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 329. Kranti Singh (dated February 20, 2024)

Comment 329-1 As a resident of the Country Lane neighborhood, I am concerned about the safety of children in both the elementary school and Prospect High School. There is a danger of an accident happening with cars going to Costco cutting through the neighborhood. I see a lot of elementary school kids walking to school alone and if there is an increase in the number of cars going to Costco, this will directly lead to accidents. The city has rushed this project in spite of the warnings on multiple parents and the situation is an accident waiting to happen. If something happens, this will be considered wilful negligence on the part of the city officials who have not taken the effort to understand the situation on the ground. If you really want to see what the risk is, I would kindly suggest folks to drive by the neighborhood when school is in session or the kids are walking back home. It is very clear that these streets cannot accommodate the additional traffic that impatient Costco drivers will bring.

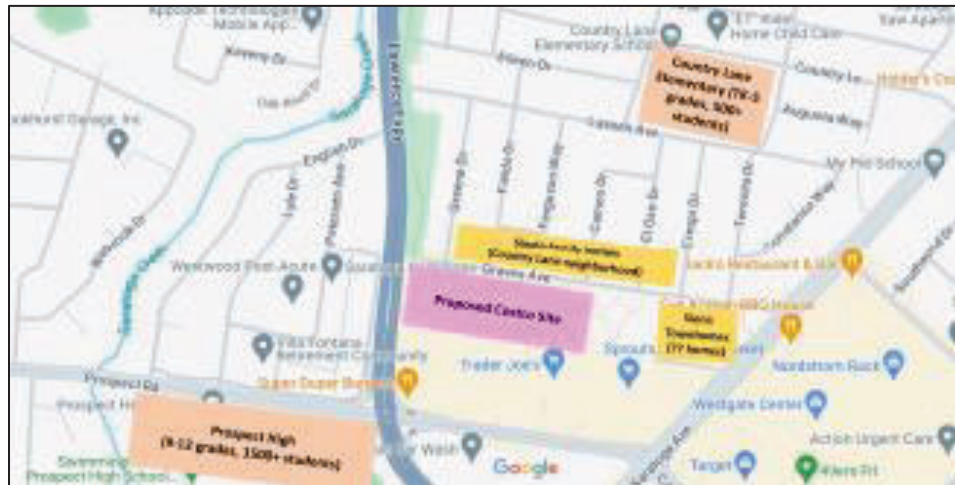
Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.

Response 329-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 329-2

1. The DEIR Omits Pedestrian and Cyclist Safety Data

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



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

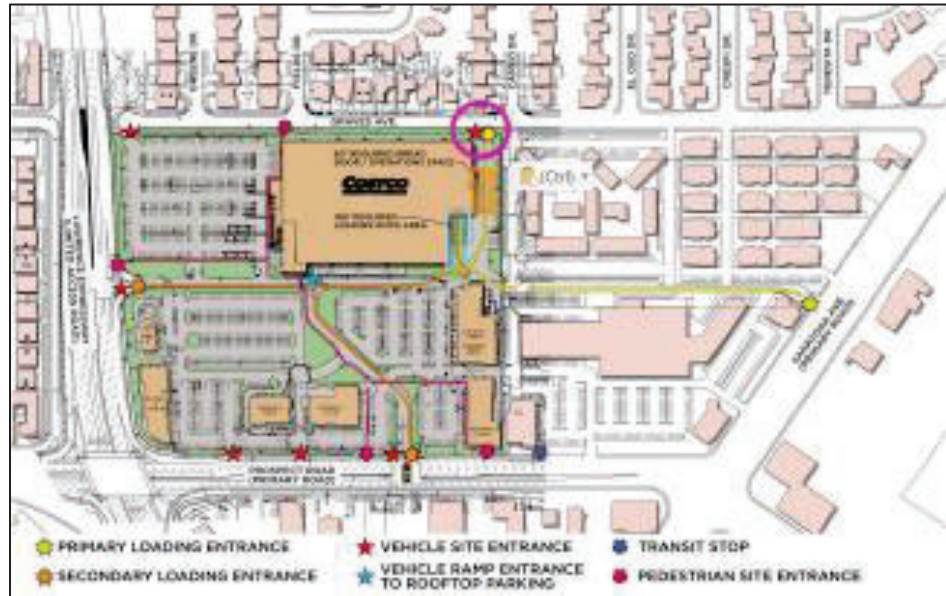
Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 329-2

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 329-3

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 329-3

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 329-4

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

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

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

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

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

Response 329-4

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

Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.¹

Comment 329-5

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 329-5

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

¹ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

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

Comment 329-6

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

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

Response 329-6

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 329-7

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 329-7	<p>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.</p>
Comment 329-8	<p>2. The Traffic Conditions Study in the DEIR is Inadequate</p> <p>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.</p>
Response 329-8	<p>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.</p>
Comment 329-9	<p>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.</p>

Response 329-9	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 329-10	There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
Response 329-10	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 329-11	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 329-11 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 329-12 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 329-12 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 329-13 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 329-13 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 329-14 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 329-14

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.

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| Comment 329-15 | 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 329-15 | 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 329-16 | The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply |

	to equipment less than 50 horsepower should be proposed and detailed.
Response 329-16	<p>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.</p> <p>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.</p>
Comment 329-17	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 329-17	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. ² 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. ³

² 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>.

³ 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

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.⁴ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 329-18 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 329-18 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 329-19 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

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.

⁴ 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.

“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 329-19

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 329-20

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

	<p>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.</p>
Response 329-20	<p>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.</p>
Comment 329-21	<p>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.</p>
Response 329-21	<p>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.</p>
Comment 329-22	<p>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.</p>

- Response 329-22 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 329-23 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 329-23 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 329-24	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 329-24	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 329-25	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 329-25	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 329-26	<p>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.</p> <p>Thank you for your serious consideration and care in responding to these significant concerns.</p>
Response 329-26	<p>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.</p>
Comment Letter 330.	Kristin Gan (dated February 20, 2024)
Comment 330-1	<p>I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.</p> <p>I am a Costco shopper who lives a mile from the project. I am NOT eager to have a Costco at Westgate West. The project doesn't provide a great benefit for the community.</p>
Response 330-1	<p>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.</p>
Comment 330-2	<p>My concerns:</p> <p>First, there are a lot of teens traversing the parking lot to get home to Country Lane neighborhood, as well as meeting their parent in the lot. The youth are</p>

walking in the parking lot, as far as the AAA building to meet their parents. The increased traffic, along with distracted drivers eager to exit the parking lot, is literally an "accident waiting to happen". Youth from Prospect support the local businesses by making purchases at Starbucks, Happy Lemon, all the way down to MOD Pizza. We need to control the traffic. An estimated 11,000 trips a day, spread over 8 hours translates to more than 1,000 vehicles entering the lot at any given hour.

Response 330-2 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 330-3 Second, I am concerned about the impact on local businesses if the Costco-bound cars spread into the parking spaces near the other businesses. It's not just cars, but the abandoned shopping carts taking up valuable parking spaces. It will definitely inconvenience local residents who shop at Trade Joe's for those few quick items. The footprint of Costco is too big for the character of the area. This is bigger than Sunnyvale with a smaller parking lot. Costco will take away business from so many other local stores....why make space for a giant business that will create more empty store fronts by driving out others?

My suggestions:

If Costco comes in, they can afford to be the best neighbor.

I would recommend giving Costco a dedicated entrance directly from Lawrence. They would not share the existing driveway. This would corral the Costco customers to a dedicated parking area. Shopping carts would lock after a certain distance, so that they are not abandoned near Starbucks.

Redesign the medians in the parking lot, so that Costco shoppers will not impede on those who are shopping at Trader Joe's or dining at the local SuperDuper Burgers, Ike's, Starbucks, Taco Bell, or Happy Lemon. Make a solid median that people can walk across but not push shopping carts. Extend the median down past where Trader Joe's is located.

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

Response 330-3 Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 331. Leah Mah (dated February 20, 2024)

Comment 331-1 I live in the Country Lane neighborhood and am a 6th grader at Moreland Middle School. I live on Teresita, which I think Costco shoppers will use to get to the new Costco to avoid traffic on Lawrence and Saratoga. My Mom and Dad are very worried about the new Costco coming into the neighborhood and the traffic it

will bring in. I am very worried too. My mom walks our dog Bruno every day in our neighborhood. On the weekends, my mom and I walk our dog Bruno in our neighborhood. I am afraid we will get hit by a car going through our neighborhood to get to Costco.

I will be a freshman at Prospect High School in Fall 2026. I will be walking to Prospect High School and back home every day. I will be crossing the intersection at Prospect and Lawrence. Costco will bring in a lot more traffic at this intersection.

I am very worried and nervous about crossing it. I am afraid that either I or my friends will get hit. I have heard from my friends that already 4 students have been hit in this intersection. That is very scary to me.

Thanks for letting me write to you about this. I hope you understand and will listen.

Response 331-1 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 Letter 332. Lindsay Starek (dated February 20, 2024)

Comment 332-1 Thank you for the opportunity to continue providing feedback on the proposed Westgate West Costco project. I have already submitted a letter describing my concerns, but I wanted to add two points that I did not address in the previous letter.

1. I would like to propose that if Costco is to go in it does not have the tire center. There is already a well reputable tire center across the street that serves more people in the community. The Costco tire center is only available to Costco members and the Big O Tires center serves the larger community (including the low-income folks who cannot afford a Costco membership).

Response 332-1 This comment expresses general opposition for the Project. Page 9 in Section 2.3, Proposed Development, of the Draft EIR lists the tire center as part of the Project and, as such, it was evaluated throughout the Draft EIR. As stated on page 250 in Section 7.0, Significant and Unavoidable Impacts, of the Draft EIR, there were no significant and unavoidable impacts identified as a result of the Project. Thus, removal of the tire center as part of the Project would not avoid any significant and unavoidable impacts. 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 332-2 2. Please include a new traffic study that includes the increase in traffic that will be expected from the new El Paseo community.

Thank you!

Response 332-2 Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 333. Lisa and Dietrich Rathjens (dated February 20, 2024)

Comment 333-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

While I understand the interest in developing / revitalizing Westgate, I am very concerned that the DEIR shows only cursory traffic study and has made inadequate provisions for the safety impact to this area. The intersections at Prospect/Lawrence and Saratoga/Lawrence are very congested, already considered unsafe for bike traffic, and have especially high pedestrian traffic due to the proximity of Prospect High School. Considering that Prospect High School students cross that intersection en masse every school day (at least four times), we need to see the city do more to avoid injuries to pedestrians and cyclists. In light of the increased car traffic that Costco will surely generate, I would like to see additional details re how the city plans to upgrade/ improve these streets and intersections to ensure safety for pedestrians and cyclists, as well as improve traffic flow. There are also three other elementary and middle schools very close to this location, and the safety and well-being of those students and families as they go to and from school should be planned for and ensured BEFORE any construction begins on the addition of a large retail destination. This impacts Lawrence Expwy and Prospect and Saratoga Aves, as well as Graves Ave.

Please do the work to ensure these streets are safe for pedestrians and cyclists (widening, adding lights or speed bumps, blocking entry, and / or other options) before allowing the Costco work to begin.

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

Response 333-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 334. Lisa Palumbo (dated February 20, 2024)

Comment 334-1 I have reviewed the DEIR and here are my comments: Thank you for taking me and my family's comments into consideration!

- Policy CD-1.8 Create an attractive street presence with pedestrian-scaled buildings - provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of a smaller building footprint, to promote pedestrian activity throughout the City

I see in this explanation of what the DEIR looks for is not what this Costco will adhere to. With over 10,000 cars daily going in and out of this Costco, that is not what any of this CD Policy supports. The Costco will not PROMOTE pedestrian activity. The traffic itself is a major concern. I have lived next to this area for over 25 years. During that time they tried to build a pedestrian bridge. They can NOT. The ground will not support a bridge. They have done the studies already. Like, the Prospect High School's buildings just built, which wanted to go up to 2 stories (by the football field) they had to abort that design and do a one story. The traffic will be a major factor in creating a NON pedestrian friendly area after Costco is built. It is already very dangerous.

I have personally seen 4 major accidents at the intersection of Lawrence and Prospect. This intersection has given me lots of anxiety - even PTSD. The 100's of students and community members that use this crosswalk will give way to so many more accidents with people driving in and out of Costco. This brings me anxiety to know these students and neighbors will be subjected to this type of traffic each day. I have anxiety and this will further it to know this is happening everyday that an extra 10,000 plus cars will be coming and going from this area near me.

Response 334-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, 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. The proposed Costco is categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise, a use permitted by the Commercial General zoning district of the Project site. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 334-2

I also am an avid athlete and work out in this area. The pollution that this will bring will create a very unhealthy atmosphere and give way to many health problems for me. I have allergies and pollution will makes this worse.

Response 334-2

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to

	air quality and health with incorporation of the applicable mitigation measure.
Comment 334-3	<p>I am not opposed to an appropriate project for this space. Policy CD 1.8 seems to protect big business from coming in to destroy local communities. We need well thought out spaces for mental health and community engagement.</p> <p>Thank you for your time and consideration on these points that are serious to me and my family. Health and mental wellness are at stake.</p>
Response 334-3	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 335. Lori Ronning (dated February 20, 2024)	
Comment 335-1	Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests. I hope you will consider these when you make a determination for or against the Costco proposal. I have similar concerns that many have about the safety and risks of the increased traffic by this Costco project for the areas near to the site. However, I will not elaborate as I believe others will have covered that extensively. Here are some other points to consider from my viewpoint.
Response 335-1	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 335-2	<p>1. Envision 2040 San Jose General Plan</p> <p>Here is a quote from the Envision San Jose: "In terms of the City's physical form, the General Plan outlines a wide variety of living and working environments; continued development of the Downtown; preservation and improvement of existing residential neighborhoods; and creating new, vibrant urban villages." This physical form is attractive to San José's diverse population and meets the needs of two growing segments of the population: young professionals and aging seniors." And this plan received a reward of excellence. So I am wondering, how this Costco will help this plan by being plopped down in the midst of two new urban village developments and existing well-developed neighborhoods. Costco demands cars, to take home the large amounts of things to be bought. Costco also assumes a membership that excludes many people from shopping there, and it also is normally a place where people go once a month or maybe twice, not somewhere that is frequented regularly by the local people like typical grocery stores. It doesn't encourage any other kind of transportation and is not a place for community or typical use that enhances either village or enhances the existing residential neighborhoods.</p> <p>2. Urban Village Concept</p>

An Urban village sounds like a great idea. It will still bring in much traffic, but not quite the same as a Costco. And everyone won't be funneling into the same two entrances, and up the same parking ramp. Different shops, housing, and restaurants could service the neighbors and visitors, and wouldn't discriminate like a Costco member warehouse would.

I see that Paseo de Saratoga and Saratoga Ave are considered Urban Village areas. I'm not sure how Saratoga Ave will accomplish this with the amount of traffic that will be on it for Costco and other developments. It already is a mess at times, I try my best to not use it. It sounds like Westgate West is not considered part of the urban village and instead will bring in things that may support the village. So the neighbors that already live in an area that could expand the urban village, too bad for them. I don't see a vision for providing a place where people go for many things (food, entertainment, shopping, relaxing), building a sense of community and pride for their area as well as inclusion, jobs, and continued income growth for many businesses. Not walking around a big warehouse amongst the thousands of other paying members and then leaving again, to come back many weeks later.

Response 335-2 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 335-3 3. Risk to the kids of Country Lane and other outlying neighborhoods

The neighborhoods around the Costco proposed site will change for the worse, as cars will be routed to go through the neighborhoods when Lawrence Expressway and Saratoga Ave get backed up. People will just use their GPS to route them there, and it will find the path of least resistance, even if it is a 25 mph road like Teresita Dr, Benton, Happy Valley Ave (to name a few). All of them run from Doyle down to Graves. With this will come some accidents, people harmed, even killed, and then speed bumps, roundabouts, and other things will be put in place to keep people safe after accidents have already occurred. A few streets go right by Country Lane School, which already gets lines of cars from parents dropping off and picking up their kids, as well as teachers and coaches parking on the streets for quick access into the building. Costco shoppers will be focused on getting where they need to go, and not on the residential street and happenings they are being routed through.

I myself cut through neighborhoods to get to my Pilates classes, as Saratoga is too backed up most times, and my GPS routes me differently. So if this Costco is built and Lawrence Expressway and the access to Doyle backs up more and more, I will choose to cut through a neighborhood to the north, to find my way home. Which means that the traffic problems both pollution and accident risks start to expound out to the adjacent communities.

Response 335-3 The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk

Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 335-4

4. Other factors to pollution than VMT

It was determined that since the VMT will be lower if all the members close to this proposed site go there, so there will be less pollution. And if you just look at those numbers it appears to be right. However I think many more factors need to be weighed against this. What about the cars idling waiting to turn into the store because there will be lines from the increase of 11,000 more cars each day. Or the line of cars going up and down a ramp to parking. Or Idling in the parking lot to snag a parking space right outside Trader Joes, because who really wants to go up the one ramp to rooftop parking.

The removal of stores (Smart & Final, Goodwill, etc.) also have caused people to drive out to find those products elsewhere. Costco will not service those needs. So the pollution will go up for those trips to new stores farther away, and have already started since these stores have left. Plus these stores may service a more frugal population that won't be buying a membership to Costco, and now have been pushed out to drive farther to meet their needs. Costco is not inclusive at all for many people that can't afford it or don't live in homes that can afford the space needed for the many bulk items. Urban villages usually have smaller footprint homes and don't provide much storage.

Response 335-4

The Draft EIR addressed idling emissions from vehicles on pages 44 through 55 in Section 3.3, Air Quality, with supporting data provided in Appendix B, Air Quality Assessment, of the Draft EIR. The mobile emissions from passenger vehicles were estimated within CalEEMod® and include idling along with running exhaust, tire wear, brake wear, and starting exhaust emissions. These emissions are presented within the CalEEMod® output of Appendix B of the Draft EIR.

Regarding the stores that will no longer be in place at the site, the trips to these stores form the baseline conditions, which were assessed in accordance with the BAAQMD CEQA guidelines. There was no other information available to substantiate how these trips may otherwise change 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 335-5

5. Recent upgrades to Saratoga to slow down traffic

You may be aware or were even part of the planning process for Saratoga Ave and that new bike lanes and other changes have been made. Though it has

confused and annoyed many people, I have heard that it is slowing cars down, hoping to bring some ease to the accident rate. So now Costco is going to bring 11,000 new cars a day and one of the main roads is slowing traffic down. Saratoga already gets backed up during key times of day, and this will not help. These plans seem to be conflicted.

Response 335-5 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 335-6 6. Ulterior motives

These may be rumors or just negative thinking but I (and many others) believe that Costco has bigger plans to expand more and potentially take over much of Westgate West. Costco has proposed to be placed right next to Trader Joe's and other stores, those stores will have no choice but to leave. Their shoppers will not want to wait in a line to Costco and circle and wait for parking, so they will go elsewhere. So these businesses will have to move. This means less jobs and less community. And even more pollution as those shoppers will drive farther away to shop. This may be what Costco hopes so they can later expand and bring in gas, and other services. These are again not conducive to a neighborhood area.

I saw a cool rendering of a Costco with a mixed use area : <https://www.sfgate.com/local/article/new-california-costco-store-looks-different-17751432.php>. This would have been a great proposal for the development going on in El Paseo that I believe will have a Whole Foods. There is enough space there and separation from the neighbors already that it would have fit better. It also looks a lot nicer than a warehouse and includes other services/shops that are more inclusive. Also the traffic, though still way too much for 2 already busy roads, wouldn't be so close to schools and pedestrians as they will be now. I believe an alternative solution and placement would be the best recommendation, or really just enhancing the current three Costcos that are already within 10-15 minutes of me and another two within 20 minutes.

In Summary, I hope you see from the points above that building a Costco at Westgate West is not the best solution. Definitely bringing in more stores, restaurants and housing would be great for the area to bring it life, community, jobs and growth. Right now it looks like a ghost town since leases aren't being renewed because the property owner hopes to bring in an easy "sure thing" even if disruptive to the area. These appear to be deliberate decisions made to keep other stores out of Westgate West.

In closing I do want to say I am a Costco member and still will plan to shop at the one closer to my work that is well established and provides gas. It is convenient for me when I am going to / coming from work. Though busy at times, it is manageable and still has room for growth.

If you decide to move forward with the Costco proposal I hope the city works with Costco to be more innovative on its look, fit, and thoughtful to the risks presented and the community it will greatly negatively impact. This includes closing all entrances and traffic into Costco on a neighborhood street (Graves Ave), enhancing all the crosswalks across busy roads within a 1/4 mile radius as this is an area of pedestrian usage - unlike other Costcos (maybe even pedestrian overpasses). And encouraging other shops and protecting parking for the current stores for supporting the community needs.

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

Response 335-6 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. Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses 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 provide new, 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 336. Lucy Sun (dated February 20, 2024)

Comment 336-1 I've reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco Project and I writing to give you my feedback.

For 52 years, my family has lived on a street right off Graves Avenue. As you are probably aware, Graves Avenue borders the back of the proposed Costco project. From our house, we can see the existing parking lot of the proposed site adjacent to the doctor's office complex.

I have many concerns, as well as suggestions, about the proposed project.

Response 336-1 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 336-2 Construction & Home Values:

- The amount of time it will take to tear down existing businesses is long.
- The constant noise, dirt, construction vehicles carrying supplies, and heavy equipment will disturb residents and their pets, disrupt patients in the doctor's offices, disrupt local birds and wildlife.
- The Costco building will stand less than 150 feet from the homes on Graves Avenue. It will tower over these homes, block their view, and block the sun from

their South-facing yards for the majority of every day. Costco would likely drive home values down, make it even harder to live

- The Costco building will stand less than 150 feet from the Saratoga Creek Dog Park on Graves Avenue. It will disrupt residents and their dogs walking to/from the park.

Response 336-2 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 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 23 through 24 in Section 3.1, Aesthetics, of the Draft EIR addresses whether the Project would conflict with applicable zoning and other regulations governing scenic quality. The proposed building is within the height limitation applicable 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 336-3 SUGGESTIONS:

- On Graves Avenue: close the driveway nearest Cameo Drive to the parking lot; build a 10-12 foot wall for privacy to residents, to block view of blight from trash, pallets, equipment, deliveries, and to mitigate noise.

Response 336-3 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 336-4 - Attract businesses that would benefit the community, support the environment.

- Bring back Smart & Final (affordable prices) and Goodwill (promotes reuse, recycled materials).

Response 336-4 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 336-5 Urban Village and Accessibility:

Building Costco here goes against San Jose's strategies to build an Urban Village.

- Strategy: A mix of housing and employment to reduce traffic. Costco will not build housing and will increase traffic.

- Strategy: Densities that support transit use, bicycling, and walking. Costco will increase traffic on a residential street and crowd bicyclists and pedestrians.

SUGGESTIONS:

- Attract businesses that welcome employees who get to work in shared family vehicles, by bike or on foot. Offer employees shifts with varied start times to allow for flexibility in how they get to work. Encourage businesses that will compensate employees with a realistic living wage.

Response 336-5

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 336-6

Safety and Traffic:

The intersections at 1) Prospect & Lawrence Expy 2) Prospect & Saratoga Avenue and 3) Graves & Saratoga, are the busiest, most dangerous, most congested spots around the proposed Costco site. Costco would bring an estimated 11,000+ more cars to the area.

- My family has disabled members who need safe, ADA compliant walkways in and around the site to get to doctor's offices, Sutter Health Clinic and Trader Joe's.

- I've personally seen Prospect High student bicyclists almost get hit by a cars twice in 2023 at Prospect & Lawrence Expy.

- There were two actual accidents between students and cars in 2023 at Prospect & Lawrence Expy.

- Hundreds of students cross each of the three above intersections every single day.

- The same students walk to/from home and Prospect High through the parking lot of the proposed site.

- Hundreds of Country Lane Elementary and Easterbrook Discovery School students walk to/from home and school through the neighborhood between Graves Ave, Lawrence Expy, Doyle Rd and Saratoga Ave.

- The 11,000+ added cars coming to this area will back up traffic at peak hours, 7 days/week.

- Three other Costcos nearby in Sunnyvale, Santa Clara, and North San Jose. They are on bigger lots with a lot more parking spaces that already accommodate the traffic.

SUGGESTIONS:

- Build safety corridors for pedestrians, bicyclists along the above intersections.

- Require Costco to build safe, ADA compliant passageways (during and after construction) through the parking lot for the disabled, people with strollers, students, dog walkers and anyone on foot.

Thank you very much for your consideration, time and care in responding to these serious concerns.

Response 336-6 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 337. Lynne Radevic (dated February 20, 2024)

Comment 337-1 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 been a resident of the west valley area since 1980. My children attended both Country Lane and Prospect High School.

Response 337-1 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 337-2 I am extremely concerned for the safety and health of the current residents in my area, both school age and seniors. Many walk to school and to shopping. This would not be a safe with a Costco on the corner of Prospect and Lawrence. The amount of increased traffic would be hazardous to all who tried to navigate their way through. This would apply to cyclists too. I don't know if you have personally observed drop off and pick up times at Prospect High School, but it is already a mess and traffic is backed up on Lawrence as well as Prospect. Costco traffic would only exacerbate this problem.

Response 337-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 337-3 Another concern I have is about pollution from additional traffic, any lubricants required for hoists and machinery, noise pollution from impact wrenches and noxious odors from stored tires all from the proposed tire center.

Response 337-3 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 measure. 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 337-4 I am also wondering if the ‘big picture’ is being considered in this case. The proposed Paseo Saratoga development , the new housing on Cox, further development proposed to north Saratoga will all be of great consequence to the quality of life for the current residents of this area. The roadways are sure to become parking lots adding stress and accidents. The extra consumption on our utilities is sure to break the current systems. The resources of our community are already stretched ie. power outages, brownouts, restricted times for power consumption, water resources are precious few and prices are high and amount is also restricted. No where do I see that any of these concerns are being addressed. (* restrictions in this case are cost incentives and cut backs of allotments)
- Response 337-4 Pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project’s impacts on utilities and found that there were no related significant and unavoidable impacts. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. 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 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 337-5 In conclusion, I would submit an idea for the Costco site. A community center including a pool, tennis and or pickle ball courts., soccer fields, rooms for afterschool or adult education, a track, and a par course. Any of these would enhance the life of the residents and could be enjoyed by all ages.
- Thank you for your consideration.
- Response 337-5 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment Letter 338. Margaret and Arthur Mori (dated February 20, 2024)**
- Comment 338-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my comments.
- A). West Valley Japanese Americans Citizens League Community Center is on Graves.
- It's been there for over 50 years.

It doesn't have a parking lot: seniors ages 50-102 park on Graves Avenue, close to the back entrance to where Costco hopes to be. Seniors depend on lunches there; weekly bridge games; weekly card games; meetings; socialization.

They've managed to find close street parking for over 50 years; agreeing to a gigantic warehouse will make safe parking & access impossible.

Response 338-1

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 338-2

B). It's setting a bad example to have a monster warehouse with PRIVATE membership take away stores we, the public, needed & used. Seniors depend on S.S. & most don't have \$ for private club fees just to shop or carry & store jumbo packs of supplies.

Statistics show we will have a large senior population.

If younger residents choose to pay membership fees & load up large vehicles with heavy supplies, fine. But they're also the ones who can drive 10-15 miles to 1 of the other Costcos, located off freeways & very wide streets.

C). The area, for miles in each direction, has above-ground PGE equipment. The power goes out for days at a time, multiple times each year.

If Planning Department & all City Council members had to try to reach Saratoga, Campbell, West San Jose; or urgent clinics, medical/dental/ vision; markets; schools at the intersections of Prospect Road, Lawrence Expressway, Campbell Avenue, Saratoga Avenue, Quito Road, & Hamilton Avenue during these outages you'd realize what a dangerous, dark nightmare it is as all those cities & roads meet in that one-block-intersection.

D). We've grown up & lived near here so we know there's no way to further widen the main roads leading to the proposed site. Residents are already aware there will be heavily-increased traffic with needed housing.

That's a necessity as the population grows.

But housing & senior housing is not the same as a private warehouse need for profit.

E). It is hugely unfair to long-established medical, dental, vision professionals & urgent care clinics & their patients; to established markets & their patrons; to local businesses; to school staff, students, & parents who bought in a basically residential area for the schools' access; to 2 important Community Centers; to established churches; to seniors who need reasonably quick access to their long-established community center meals, events, safe parking; why are they being forced to give up quality of life?

F). Because our elected officials & planning commission are juggling something that will greatly and adversely impact children, parents, elders, & all the established professionals, businesses, churches, schools, & community centers we would expect that every single person with a voice come sit at the intersections (Prospect Road/ Lawrence Expressway/ Campbell Avenue/ Saratoga Avenue/ Quito Road/Hamilton Avenue) during 3 major traffic times.

During rainy season and during one of our 98° summer days.

Please do come during peak traffic, heat, bad-air quality (which San Jose & Santa Clara County already rate badly & need to mitigate not wosen) & power outages because this is our children's, parents,' & our life.

G). In every city's planning there are (limited) opportunities to determine quality of life for it's residents; chances to lower not increase pedestrian tragedies & vehicle accidents; ways to minimize traffic congestion; foresight to reduce bad-air quality rather than ensure it; ethical responsibilities to maintain the fastest safest access to medical professionals; vision to balance the lives of all ages in their chosen residential areas with pushes from conglomerates & corporations whose incentive is profit.

For all of us who already live and work here...this is that time when we need our city to remember it's residents above all.

Our elected officials are able to set boundaries when a privately corporation's profits endanger the residents' quality of life.

Please don't forget all us residents' quality of life and the forever negative consequences a private membership-only warehouse would entail.

Thank you for your attention to our serious concerns,

Response 338-2 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 339. Mariko Lalwani (dated February 20, 2024)

Comment 339-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Response 339-1 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 339-2 There are multiple schools nearby, especially Prospect High School just across the street. Adding Costco will create more traffic and cause accidents.

Response 339-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with

	respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 339-3	Also, there's a dog park nearby, and it has already caused parking and littering problems in the neighborhood.
Response 339-3	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 339-4	Adding a bike lane on Saratoga and nearby streets has created heavier traffic on already congested roads. It makes no sense to build a mega store like Costco in our neighborhood.
	Thank you for your consideration and your care in responding to these serious concerns.
Response 339-4	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the analysis 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 340. Mark (dated February 20, 2024)	
Comment 340-1	<p>I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.</p> <p>I am concerned about the drive lane at Saratoga Ave (between the Sienna townhome wall and behind Chipotle). This looks like that drive lane will continue from Saratoga Ave to Lawrence Expressway.</p> <p>If that is the case then the diagonal parking on the outer South end of West Valley Professional Center will be greatly impacted by delivery trucks and cars that will block vehicles that need to park and back out in those parking stalls.</p> <p>Now that Saratoga Ave between Graves Ave and Prospect Ave is reduced from 6 to 4 lanes, the traffic will certainly get worse having delivery trucks and vehicles using that drive lane at Saratoga Ave.</p> <p>There is no proposed barrier between the parking strip by the east-facing side of the Costco park strip and the west-facing side of the West Valley Professional Center.</p> <p>This may create a pedestrian and vehicle problem for shoppers who will park at the West Valley Professional Center since there is no barrier.</p> <p>Westgate West and West Valley Shopping Center shoppers and employees park in the West Valley Professional Center regularly. With Costco shoppers and employees, this will get worse. Shopping carts are left at the West Valley Professional Center constantly.</p>

Response 340-1	Refer to Topical Response B for a discussion of Project site parking and circulation sufficiency. 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 340-2	With the proposed Costco with a height of 40 ft and pushed 50 ft East towards West Valley Professional Center, there will be a significant loss of sunlight during the day. Thank you for your consideration and your care in responding to these concerns.
Response 340-2	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 341. Mary Chiao (dated February 20, 2024)	
Comment 341-1	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 Country Lane area for over 40 years. I am really concerned for Westgate and the surrounding areas if this project is passed.
Response 341-1	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 341-2	The traffic at Lawrence Expressway and Prospect Avenue and the traffic at Saratoga Avenue and Graves and Saratoga Avenue and Hamilton/Campbell is already is already at a gridlock during commuting hours and hours when Prospect High School starts and ends. I hope each one of you have taken the responsible step of driving here at those times so that you can experience the frustration that we do already. The high estimate of cars expected daily at Costco will exacerbate the problem.
Response 341-2	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 341-3	We can expect drivers who cannot find spaces to park at Costco to take spaces away from the surrounding businesses, thereby causing them to consider whether they will leave the area, and more small businesses will be lost. We can expect drivers who cannot find spaces to park at Costco to park on our residential streets.
Response 341-3	Refer to Topical Response B for a discussion of Project site parking sufficiency, internal circulation limiting overflow into neighborhood streets, 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 341-4	I am concerned for our neighborhood children who will not be safe crossing the already hazardous Lawrence Expressway.
Response 341-4	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 341-5	Large trucks will speed down Graves like they have already been doing even though they are not supposed to.
Response 341-5	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 341-6	<p>We can forget being able to park at the dog run area next to the proposed Costco site that San Jose just put a lot of money into.</p> <p>Graves Avenue currently is a challenge for those of us who cross it to visit our medical professionals. I also expect those parking spaces will be taken up by Costco customers.</p>
Response 341-6	Refer to Topical Response B for a discussion of Project site parking sufficiency, internal circulation limiting overflow into neighborhood streets, 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 341-7	The new Costco will increase both noise and light pollution, not to mention the unhealthy smells from auto and truck exhaust we already have to suffer in the area.
Response 341-7	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. Pages 55 through 56 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including odor. The Project was not found to have any significant and unavoidable impacts related to air quality and odor with incorporation of the applicable mitigation measure. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 341-8	<p>There are already several Costcos within driving distance. Why put another one here?</p> <p>Costco is a member only business. I can't walk in there without joining and paying a fee to do so. I can walk into all the other businesses in Westgate without joining</p>

and giving them money just to be able to shop there. Couldn't you have found a way to support our local businesses?

I urge you to vote against Costco at Westgate.

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

Response 341-8

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

Comment Letter 342. Mary Tanner (dated February 20, 2024)

Comment 342-1

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.

While I initially supported this project, I now have some major concerns due to the other construction projects planned within the same few blocks. The El Paseo De Saratoga project which includes 10 and 12 story high-rise buildings at the corner of Saratoga Avenue and Prospect Road and the Paseo de Saratoga Urban Village at the corner of Lawrence and Prospect will have a huge impacts on traffic and infrastructure, yet cumulative conditions have not been considered. It seems foolish to approve this project without considering the impact that all three projects will have.

Please study the effects of all three projects before approving any of them.

Thank you for your serious consideration.

do not include cumulative conditions from this improvement project. There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments.

Response 342-1

Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further

response is required.

Comment Letter 343. Megan and Kevin Gazard (dated February 20, 2024)

Comment 343-1 We have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and are writing to provide our feedback.

We live one block behind the Westgate West shopping center and have lived here 18 years. We are 100% opposed to the Costco project. Don't get me wrong, are not opposed to the property being redeveloped for new retail. We loved it when Orchard Hardware was open and operating.

Response 343-1 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 343-2 But trying to shoehorn Costco into this location will bring too much traffic, noise and threaten the safety of students and pedestrians, not to mention greatly reduce the our quality of life as a nearby resident.

Response 343-2 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 Draft EIR found that there are no significant impacts related to land use and planning 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 343-3 First major concern: 11,000+ vehicles a day using the entrance and exit points on Doyle/Graves/Saratoga/Lawrence Expressway that we use to get to and from our house. It will severely impact our ability to reach our home. Every. Single. Day.

Response 343-3 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 343-4 Second major concern: privacy because of roof parking in the shopping center. The public will be able to see into our backyards and homes. This feels violating.

Response 343-4 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 343-5	Third major concern: parking. Will there be enough of it? Will parking overflow onto the adjacent streets where I live? Will lack of parking make us prisoners at home and not want to leave the house because of traffic and congestion?
Response 343-5	Refer to Topical Response B for a discussion of 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 343-6	Fourth major concern: the already approved housing projects and increased population in this immediate area, specifically the El Paseo project and the residential building for the corner of Saratoga and Doyle.
Response 343-6	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. 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 343-7	You know, we could go on and on. But we feel like we're wasting our breath. We are the only neighbors at the end of Lassen writing to you because the others don't think it will matter and this is a "done deal". This feels like a losing battle as a resident. I know Costco means big dollars but putting it at Westgate West is STEAMROLLING the residents in favor of appeasing a corporate behemoth.
Response 343-7	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 343-8	THIS SITE IS TOO SMALL.
Response 343-8	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 343-9	Tell Costco to go find a larger property, one where the regular joes, who are already paying more than they can afford on mortgages and property tax, don't

get pushed out.

If any of you would like to come by our home and see the impact of the project on our immediate area, you are welcome anytime for a cup of tea and a chat.

PLEASE, we beg of you, look for another retailer other than Costco to occupy this space.

Response 343-9

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 344. Minh (dated February 20, 2024)

Comment 344-1

As a member of the Bicycle Pedestrian Advisory Committee (BPAC) of the City of San Jose. I oppose the above Costco Project at the Westgate West location regarding the safety of our community. Especially the welfare of the children who walk, ride bicycle, being dropped off or picked up from the two nearby schools:

1) Prospect High School (PHS):

The children from Prospect High School (18900 Prospect Rd, Saratoga, CA 95070) ride their bicycles/scooters, walk across Prospect Rd and Lawrence Expw to/from school. Some of them are dropped off or picked up from nearby shops at Westgate West: (Yogurtland, Taco Bell, Trader Joe's, Mod Pizza, Sprouts', Domino Pizza, etc..).

The PHS Track and Fields Team trains in a nearby residential neighborhood. They enter the trail along Lawrence Expressway where the Costco trucks would enter/exit from its warehouse.

2) Country Lane Elementary School (K-5th grade):

I live in The English Estate Neighborhood (EEN) in San Jose, directly across from Prospect High School. The children in our neighborhood walk along Prospect Road, cross Lawrence Expressway, then cross the same entrance/exit that Costco Trucks/Customers would be turning into from Lawrence Expressway.

An elementary school aged child walking or riding their bicycles across this street while sharing it with delivery trucks whose drivers might not see the child – because she or he were in the truck drivers' blind spots???

Could you imagine what could/might happen?

These kinds of incidents happen across the nation. PLEASE protect our children by denying Costco Warehouse to have its new facility at the risk of our young and voiceless community safety. All my family members have been Costco members for more than 30 years. We shop wherever their warehouses are located. We do not want convenience at the expense of our children's safety.

As a member of The Bicycle Pedestrian Advisory Committee, a member of The League of American Bicyclists, and a League Cycling Instructor, I respectfully ask for your support in protecting our children by denying Costco's request in having its new warehouse built at Westgate West.

Response 344-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 345. Michele Hemeryck (dated February 20, 2024)

Comment 345-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback, which is attached.

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

I have lived on Bela Drive in the Country Lane neighborhood for 31 years. I have invested significant time reading the Draft Environmental Impact Report. I have attended multiple community meetings, the meeting hosted by Vice Mayor Rosemary Kamei and the Vice Mayor's office hours to gather information and understand how to submit my comments.

I am opposed to the construction of a Costco Warehouse in our residential neighborhood.

Response 345-1 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 345-2 Should this project go forward, I believe significant mitigations should be implemented:

1. Reduce the disturbance to residents, Prospect High School Students and Country Lane Elementary Students from increased and dangerous traffic, air, light and noise pollution

Response 345-2 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. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. 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

	<p>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.</p>
Comment 345-3	2. Improve pedestrian safety for residents and Prospect High School Students
Response 345-3	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 345-4	3. Ensure all local government parties are engaged to coordinate and provide appropriate planning and infrastructure to accommodate thousands of new residents based on proposed nearby construction projects not included in the scope of the DEIR
Response 345-4	Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, 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 345-5	4. Align with the City of San Jose's stated objectives, including but not limited to Urban Villages and the 2040 Plan, Vision Zero, Climate Smart and Off Sale Alcohol Seller Density Limits
Response 345-5	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. 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 345-6

While the DEIR may conform to the limited scope of technical reporting requirements under CEQA, exhaustively citing regulations and data, the analysis that concludes this project has a “less than significant impact” on most matters covered clearly ignores the true impact of this project on the human beings and living creatures that comprise our community. It measures things that are statutorily required but does not measure other things that are significant. As often happens in our society, it fails to recognize that which is not easily measured or is simply not quantitative. The DEIR does not assess the project with a holistic view of the impact to the surrounding neighborhoods and key stakeholders such as residents, local businesses and students.

When we purchased our home in 1993, we could easily walk to satisfy our shopping, service, dining and entertainment needs. We found ourselves in a “walkable urban village” before the term was widely used. We continue to highly value the ability to fulfill our needs by walking, as our Silicon Valley traffic is frustrating and draining. Over time, the retail options in the Westgate West Shopping Center have suffered. For over a decade, the vacancies at Westgate West have increased. We lost our walkable pharmacy and most importantly our local hardware store. We very much welcome quality re-development at this property. We would most appreciate development that would be a welcoming part of the neighborhood, featuring a variety of businesses, including some that are locally owned, and offering an attractive place to meet and relax.

A previous owner of Westgate West had the vision of a mixed-used space that would have an inviting entrance facing the neighborhood. Lacking any such thing in walking distance, we often drive to Main Street in Cupertino. While it is not perfect, it’s success is apparent when you visit. Families and friends meet and enjoy the open plaza, which occasionally hosts small community events. Parking was planned to allow pedestrians to stroll. The buildings are varied and attractive. The landscaping provides a relaxing feel. Some of the businesses have come and gone, but the spaces appear to re-lease and provide new concepts that appeal to the community.

Our West Valley area is on the precipice of dramatic growth. The El Paseo De Saratoga redevelopment as currently proposed will bring close to 1,000 new housing units, including buildings that will be 10 stories tall. It may be entitled for 1,500 additional units. This will bring a dramatic number of new neighbors, all of whom will need places to gather and enjoy their new neighborhood. Considering the dearth of green space in our corner of District 1, which is itself deficient in open space, a development that could function like the community living room would be welcoming for newcomers and a benefit for all of us absorbing the significant change.

Putting this valuable, limited real estate to its highest and best use for the community at large would require vision by the developer and the City of San Jose. Building for the future community involves significantly more risk and operating skill than simply building a warehouse.

Response 345-6	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 345-7	It seems an aberration in San Jose's zoning that a warehouse is allowed in a residential neighborhood. Perhaps the Commercial General zoning in San Jose pre-dates the popularity of retail warehouses. Many areas are now breaking from the devastating impact zoning has imposed on urban planning. Modern plans are stepping away from the environmentally unfriendly and isolating car focused approach. https://www.theatlantic.com/ideas/archive/2024/02/american-street-grid-cityplanning/677432/ .
Response 345-7	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, 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. The Project site is not within a residential zoning district or land use designation. The Project site is within 500 feet of residential uses. Chapter 20.50.130 of the City of San José Municipal Code defines a warehouse retail land use as one where the display of large items, including but not limited to furniture, appliances and machinery, occupies a minimum of ninety percent of the retail display floor area. As stated on page 9 in Section 2.3, Proposed Development of the Draft EIR, the proposed Costco includes many more uses than the display of large items, preventing the display of large items from occupying ninety percent or more of the retail display floor area. Thus, the proposed Costco does not meet the definition of a retail warehouse use under the City of San José Municipal Code. Rather, the proposed Costco is most accurately categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise, a use permitted by the Commercial General zoning district of the Project site. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 345-8	<p>The City of San Jose's professed plan for Urban Villages makes it seem the City may be recognizing the mistakes of the past, at least in concept.</p> <p>Unfortunately, despite the transformation our area is facing, it has not yet been designated as an Urban Village by the City of San Jose. If the City of San Jose were engaged in a holistic planning process to shape the future of this area, it would be evident this proposed warehouse is not compatible with San Jose's Urban Village vision, which aims to create communities that prioritize public transportation, walking and biking over car traffic. A massive, four-story warehouse is a barrier to walking and biking. Walkers and bikers are forced to circumnavigate the massive structure or navigate a dangerous, precarious parking field, depending on their destination.</p>

Response 345-8	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 345-9	Understandably, neighbors nearest Graves Avenue wish for bike and pedestrian access to be limited to prevent Costco parking in the neighborhood, among other concerns. Unfortunately, this makes travel more difficult for neighbors who enjoy accessing shopping and services walking or biking. Should this project go forward, Costco and the City of San Jose need to provide for access from the neighborhood to the shopping center for bikes, pedestrians and safe passage for students. With or without the project, Graves Avenue needs to feature multiple crosswalks from the neighborhood to the shopping center to improve safety for pedestrians, bicycles and motorists.
Response 345-9	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 across Graves Avenue, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 345-10	<p>For some, pedestrian access is geographically necessary. The shopping center is directly in the path between our neighborhood and Prospect high school. Students from our neighborhood walk and bike through the shopping center to the high school. Although this project exists in a “Priority Safety Corridor #1” and the City of San Jose touts its commitment to “Vision Zero”, there is no evidence of planned safety improvements. Minor improvements contemplated for the sidewalk along Lawrence Expressway cannot change the unwelcoming and dangerous experience of walking alongside the fast-moving car traffic. The need for improvements is paramount at the Lawrence Expressway and Prospect Avenue intersection which must be navigated by all students either by car, bike or foot. It is inexcusable that this intersection functions as it currently does, let alone to add traffic.</p> <p>My son graduated from Prospect High School in 2021. When he started high school, I drove him to school on my way to work. As it was overly stressful and time consuming to navigate into the school parking lot, we parked in a nearby Saratoga residential area, where he walked the remaining distance. Each day, we first sat in the long backup on Doyle Avenue. We then fought our way down Lawrence Expressway. We had to navigate very carefully turning right onto Prospect. There is a very small crosswalk near the apartments where students might cross. Students using a skateboard or scooter could appear very suddenly. It was very easy to not see them because we were looking left to fight our way onto Prospect via right hand turn. We’d look at all the students who waited at the concrete islands at various points in the intersection, or on the sidewalks. There were often too many students to fit on the areas available for pedestrians. Daily, a driver would run a red light. Daily students wouldn’t make it across the</p>

	intersection in the allotted time. Daily drivers would get angry, cut each other off and generally add danger to an already bad situation. This is the main entrance to the school. The only other place a vehicle can drop off a student is in the back of the school, in a residential area. Should the Costco project go forward, this neighborhood will surely suffer.
Response 345-10	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 345-11	Later, my son drove himself to high school. He concluded taking Saratoga Avenue to Prospect helped him avoid the dangerous and frustrating right hand turn from Lawrence onto Prospect. Unfortunately, I don't believe that strategy would be useful today due to the recent limitation placed on right hand turns from Graves to Saratoga. Graves now backs up significantly at school drop off and release times.
Response 345-11	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 a discussion of the Saratoga Avenue road diet updates in relation to Project analysis. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 345-12	A pedestrian bridge across the Lawrence Expressway and Prospect intersection was mentioned at a local meeting regarding the DEIR. A community member shared that this had once been explored but was found to be impossible due to the soil conditions. If prohibitive cost was part of this decision, it should be reconsidered. The municipal parties planning growth for this area must at the same time provide infrastructure for the growth. The students and the community deserve improved safety at this important intersection.
Response 345-12	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 345-13	The DEIR does not adequately address the impact of the project's increase in traffic on the already congested and extremely dangerous intersection of Lawrence Expressway and Prospect Avenue. The DEIR limits its traffic analysis to the regulatorily favored Vehicle Miles Traveled (VMT) approach. While this is data that may contribute to understanding the traffic impact, it is recognized as flawed as it does not adequately measure the level of gridlock at peak times.
Response 345-13	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 345-14	To begin, the VMT analysis provided is hypothetical by its very nature. While it considers a forecasted savings in VMT for Costco members, it does not

contemplate the additional VMT that will result from businesses that close due to Costco and the impending El Paseo project. Already, AAA, Smart & Final and Goodwill have left the area, causing our community members to drive further to satisfy these needs. When one considers the Costco's general merchandise, grocery, bakery, alcohol sales, vision and optical center, hearing aid, pharmacy and tire sales and service operations it is apparent that many of the local businesses now functioning in our neighborhood's diverse retail environment will be placed at risk of closing. Further, businesses co-located will suffer from congestion and parking issues caused by Costco, placing them at risk. It takes little imagination to foresee Costco VMT savings will be offset by VMT added for community members that choose not to patronize Costco and seek goods and services that once were available in the neighborhood.

Response 345-14 Refer to Topical Response A for a discussion of the VMT analysis methodology and calculations for the Project. Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 345-15 The traffic studies relied upon are inadequate. They are outdated. Aside from being from several years ago, not recognizing the increased traffic in the area under present conditions, they most certainly don't reflect the new traffic patterns caused by the changes to Saratoga Avenue. Further, they don't consider key traffic corridors such as Doyle Avenue. They also don't consider the impact of traffic consequences on the neighborhood, Country Lane Elementary, Moreland Middle School and EDS Middle School. They also do not appear to have tested the Lawrence Expressway and Prospect Avenue intersection and surrounding intersections at times when school traffic is heaviest. Adding to the inadequacy of this analysis, the DEIR, probably by design, doesn't consider the impact of the El Paseo and other projects adding thousands of homes to this area.

A more robust analysis of the traffic needs to be completed. The City of San Jose, the City of Saratoga, Santa Clara County and other involved parties must coordinate to determine the infrastructure that is necessary for the growth planned for this area. Infrastructure improvements need to be made before the completion of the contemplated projects causes further deterioration of already wasteful and dangerous traffic.

Response 345-15 Refer to Topical Response C for a discussion of the scope and requirements, Saratoga Avenue road diet updates, and additional peak school hour data 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 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 345-16	Part of that infrastructure should include a more robust approach to public transportation. The DEIR cites the few VTA bus routes available as proof that there is reliable public transportation available in our West Valley neighborhood. Any human experience with this system will quickly prove otherwise.
Response 345-16	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 345-17	The DEIR does not appear to include an analysis of the impact of Costco on students at Prospect High School or Country Lane Elementary School. Air pollution will increase both during construction and operations. The students at these schools are “sensitive receptors”. The high school athletic field shares the intersection with Costco. The elementary school is a few blocks away. The report dismisses the impact of increased diesel fuel and auto exhaust air pollution. The existing condition does not feature the level of diesel pollution that will result with Costco. It also does not feature car exhaust emitted by vehicles four stories in the air. This new source of airborne pollution will impact the schools, the neighborhood and our limited green spaces at the park and creek. High school students use the field regularly for athletic activities and this furthers their vulnerability to the pollutants. Elementary school students eat lunch outside daily, weather permitting and play outdoors for recess. Rooftop parking does not seem an appropriate strategy at the property.
Response 345-17	The Draft EIR addressed potential health risk impacts to surrounding receptors from both construction and operation of the Project on pages 44 through 57 in Section 3.3, Air Quality, with supporting data provided in Appendix B, Air Quality Assessment, of the Draft EIR. The construction health risk assessment included DPM emissions from off-road diesel construction equipment and hauling and vendor trucks during construction of the Project. The operational health risk assessment includes DPM emissions associated with Costco warehouse delivery truck travel and idling and TRU travel and idling. Contrary to the comment, the nearby worker, residential, and sensitive receptors were assessed, and the maximally exposed receptor risks were disclosed in Tables 3.3-9 and 3.3-10 of the Draft EIR. The Draft EIR specifically evaluates the potential impacts at the Prospect High school and Country Lane Elementary School, through inclusion of the closest receptors to the Project sources intended to capture the maximum impacts within the analyzed receptor grid. As noted in the Draft EIR, the health risk impacts from Project construction and operation were less than significant with mitigation. In addition, a cumulative health risk assessment was performed which includes surrounding sources, such as nearby stationary sources, major roadways, and railways, and the cumulative health risk is less than significant. The BAAQMD guidance does not require the dispersion modeling of vehicles in a parking lot and thus the Draft EIR has not performed dispersion modeling of the gasoline vehicle parking lot sources of emissions. Based on the results of the existing health risk assessment and the emissions estimated from vehicles in the parking lot, including the vehicle emissions from the parking lots in the health risk assessment is not anticipated to change the conclusion in the Draft EIR as the

vehicle emissions from cars in the parking lots are relatively small. Furthermore, the concern that an elevated source would have an increased impact is unfounded, as the impact to the surrounding receptors would be lower due to greater dispersion from the elevated parking area compared to that at the ground 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 345-18

Noise pollution will also impact the nearby students, senior housing, neighborhood and green spaces during construction and operations. Exposing students to the construction noise for two years is at odds with the community's education goals. It is documented that consistent exposure to noise, even of automobiles, has a negative impact on concentration and wellbeing.

While the DEIR claims noise will not escape into the neighborhoods, I can say from experience this is not true. Our home was constructed in 1958 and is typical of our neighborhood housing stock. It was not built with air conditioning as this was likely unavailable at the time and it was unnecessary. In the summer, the temperature drop allows us to cool our home by opening the windows. Unfortunately, the very early morning delivery noise at El Paseo would often wake me, forcing me to shut my windows. El Paseo is much further from our home than Costco. It is very expensive to add air conditioning to these homes. To be done properly, it requires a permit. Further, using air conditioning adds to energy usage and pollution. The DEIR does not consider this increased usage of energy in the surrounding neighborhoods. I have no desire to be locked in my home with closed windows, but the increased noise, light and air pollution are likely to force this upon us.

The tire center is a particular worry for the students, seniors, neighbors and wildlife living nearby. The tire center should either be eliminated or constructed as a closed shop.

Response 345-18

The Project site is an existing shopping center that has historically been occupied with commercial uses with truck deliveries. As noted on pages 256 and 257 in Section 8.2, Project Alternatives Analysis, of the Draft EIR, the Project site could be reoccupied by another commercial use by-right under the No Project condition, which could also entail commercial truck deliveries. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. Pages 96 through 104 in Section 3.6, Energy, of the Draft EIR included a discussion of the electrical demand associated with the Project. The Draft EIR found that there were no significant and unavoidable impacts to energy as a result of the project. As discussed on page 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 would be less than significant as they do not exceed operational noise level thresholds established by the City's General Plan, even with the introduction of new potential noise sources. Specifically, truck loading area noise at the proposed

Costco on the Project site was analyzed as part of the Project's operational noise on pages 187 through 188 in Section 3.13, Noise and Vibration, of the Draft EIR. Truck and loading dock noise is typically 70 dBA at 50 feet. The nearest residences are located approximately 105 feet to the north of the dock-high doors. The loading dock doors would be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior Costco building activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, noise from interior loading and associated activities would not be perceptible at the nearest sensitive receptors. Therefore, closing windows would not be necessary to mitigate truck delivery noise as it would not be perceptible at the nearest residences 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 345-19 As a bird enthusiast, I appreciate the mitigation measures contemplated to protect nesting and migratory birds during construction. Measures during operation are also necessary. Our bird populations across North America are under threat. A well-documented primary factor causing the decline is light pollution.
- Response 345-19 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 operations. Project impacts to biological resources during Project operations were found to be less than significant without the need for mitigation measures to be incorporated.
- Comment 345-20 The DEIR states there is a less than significant impact on light pollution, as light pollution already exists in the area. This does not put us on a path to restoring our environment, which most people now support. Forward thinking jurisdictions around the world, in the United States and in the Bay Area are recognizing the devastating impact light pollution has on the living creatures in the environment, human and otherwise. When we moved into our home in 1993, and up until only a few years ago, I was able to view the stars from my front yard driveway and back yard. Sadly, the City of San Jose has inexplicably loosened its commitment to maintaining our dark sky resource. If the Costco project advances, light pollution mitigation strategies used by other local municipalities should be included. https://www.mercurynews.com/2023/12/26/collisions-with-buildings-are-killing-millions-of-birds-nationwide-a-dark-sky-movement-to-save-them-is-sweeping-the-bayarea/?utm_email=C40D64C824A5743D645515C251&utm_source=listrak&utm_medium=email&utm_term=https%3a%2f%2fwww.mercurynews.com%2f2023%2f12%2f26%2fcollisions-with-buildings-are-killing-millions-of-birds-nationwide-a-dark-sky-movement-to-save-them-is-sweeping-the-bayarea%2f&utm_campaign=bang-mult-nl-morning-report-nl&utm_content=manual.
- Response 345-20 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

	<p>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.</p>
Comment 345-21	<p>Many new projects are keenly focused on environmentally friendly, green construction and operation. This does not seem to be the case for this project, which does not even make mention of solar panels. Why isn't Costco more environmentally oriented? Why doesn't the City of San Jose ask more of new projects? New projects are the opportunity to build a more sustainable future. They should not repeat mistakes of the past.</p>
Response 345-21	<p>Page 104 in Section 3.6, Energy, and Appendix E, Energy Assessment, of the Draft EIR addressed Project consistency with state or local plan for renewable energy or energy efficiency. The Draft EIR found that there are no significant impacts related to Project consistency with state or local plan for renewable energy or energy efficiency. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases, including solar requirements. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 345-22	<p>The City of San Jose needs to consider what happens to this four-story concrete warehouse building when Costco fails. A planful and sustainable approach requires the City of San Jose to consider what happens when Costco no longer occupies this warehouse. This is a large plot of land in an area that is currently slated for significant residential growth and has been touted as a potential "Urban Village". Dedicating this precious space to one large retailer is a questionable strategy for this valuable resource. What other types of businesses that are compatible with a residential neighborhood would lease this space? We have seen protracted vacancies and blight because of Orchard Supply Hardware's demise, as well as the demise of Lucky and the other big box retailers at El Paseo. The same condition exists at the former Walmart location at West Gate. Our community has been left to languish with these large, empty spaces and apparently the only fix is redevelopment. Our community would be better served by development that is more judicious with our land resources and provides for flexibility as markets and habits change.</p> <p>Although the West Valley community will bear the negative consequences of this inappropriate project, only Costco Members will benefit. This is inequitable. Our area is often touted as affluent, and that may be true for some, by some metrics. There are significant numbers of our community that struggle against the extremely high cost of housing and living in general. Statistics regarding food insecurity in our area are alarming. This proposed development has already eliminated shopping options that are accessible for many, including Smart and Final and Goodwill. This makes it more difficult for the community to fulfill their needs. Existing development plans in the area will bring thousands of new</p>

residents. The City of San Jose must recognize that neighborhoods deserve to have ready access to nearby goods and services for all.

Of course, there is a proper place for a membership warehouse. Perhaps this is what justifies people taking a bit more of a drive from their local community to access such a business. Members can choose the inconvenience of going a small distance to fulfill their consumption desires at a large warehouse located on less prime real estate. Alternatively, they can enjoy access to a diverse line up of retail and service offerings in their neighborhood, available to all that make up the community.

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

Response 345-22

CEQA requires analysis of the physical environmental impacts of the proposed Project. CEQA does not require speculative analysis of a future scenario in which the proposed Project ceases operation. However, it could reasonably be assumed that the building could be reoccupied by another use, or the site could potentially be redeveloped by an allowed use. 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 346. Pamela Sloan Underwood (dated February 20, 2024)

Comment 346-1

Thank you for this opportunity to respond to the proposal. 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 on Happy Valley Avenue for over 25 years and am deeply concerned about multiple issues regarding this project, chiefly safety, traffic, air pollution, noise, quality of life, and that it is wholly inconsistent with the City of San Jose's own Urban Village plan.

Response 346-1

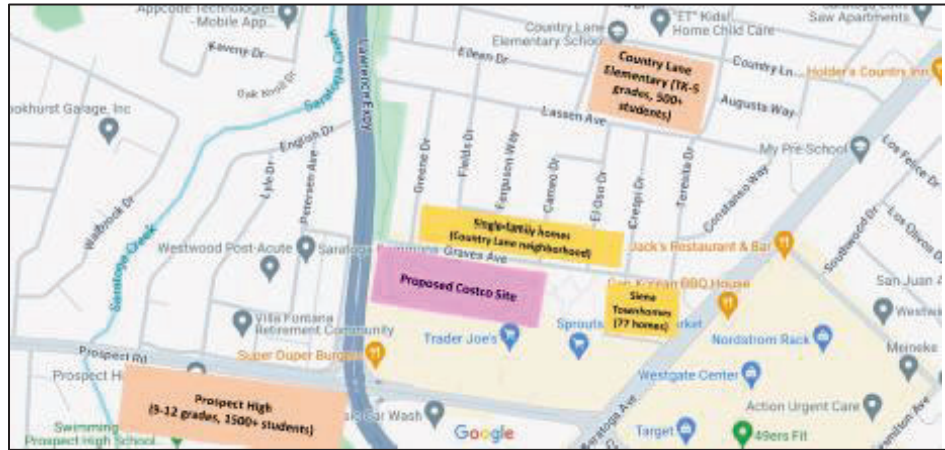
Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level. 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 346-2	Let me first tell you a bit about my neighborhood. It is a quiet, culturally diverse neighborhood where neighbors know each other. On many warm summer nights, my husband and I will sit out in our front garden and greet neighbors as they walk by. We are not alone in that. The park, dog park and general walkability of the area is something to strive for in all areas. The lot in question has the possibility of extending our wonderful neighborhood to the many new residential projects proposed in the immediate vicinity.
Response 346-2	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 346-3	<p>This project, as proposed, will only deteriorate the area and its livability through traffic congestion, pollution and reduced traffic safety. Many of the 11,000 additional trips in the area from this Costco, will end up weaving through our neighborhood streets to avoid the general traffic congestion.</p> <p>Besides the impact to the immediate neighborhood, you should also understand that I have an elderly parent living in Saratoga. It is vital that we are able to reach his house in a reasonable amount of time in case of any emergencies. The distance is short, just a few miles, but at times during the day, this journey of 4 miles can already take 20+ minutes if I forget that school lets out at a certain time and take the "wrong route". Now imagine another projected 11,000 daily trips in the area and the impact.</p>
Response 346-3	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of emergency vehicle access in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 346-4	Air and noise pollution is also a concern. My sister has bad asthma. The projected impact to the air quality, which can already be a challenge in the Bay Area, will render her ability to use the outdoor recreation areas impossible.
Response 346-4	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. 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 346-5	I implore you to take another detailed look at the proposal, especially in light of all the changes already proposed for the area and find a way to use this lot to enhance the area and join these neighborhoods rather than rendering them merely a pathway to the Costco for others outside the area.
Response 346-5	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 346-6	Ensure traffic safety and minimize congestion within the neighborhood and surrounding areas so we can reach destinations in a reasonable amount of time using the major access areas not residential streets.
Response 346-6	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 346-7	Keep our air breathable.
Response 346-7	The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 346-8	Prevent the constant ring of air jacks from becoming the background noise in our everyday lives.
Response 346-8	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 346-9	Minimize truck access in the feeder streets.
Response 346-9	Refer to Topical Response B for a discussion of truck 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 346-10	Review the proposal in light of existing laws and urban development plans.
Response 346-10	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

	<p>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.</p>
Comment 346-11	<p>You will find further details about my concerns in the attached letter.</p> <p>Thank you for your consideration and your care in responding to these serious concerns.</p>
Response 346-11	<p>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.</p>
Comment 346-12	<p>Thank you for the opportunity to provide feedback on the proposed Westgate West Costco project. I am a 25+ year Country Lane neighborhood resident who strongly opposes putting a too-large Costco into the too-small site at Lawrence Expressway and Prospect Avenue.</p> <p>I have lived on Happy Valley Avenue for over 25 years and am deeply concerned about multiple issues regarding this project, chiefly safety, traffic, air pollution, noise, quality of life, and that it is wholly inconsistent with the City of San Jose's own Urban Village plan.</p> <p>I have reviewed the Draft Environmental Impact Report (DEIR) generated by Kimley-Horn and am writing to share my feedback, concerns, and requests.</p>
Response 346-12	<p>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.</p>
Comment 346-13	<p>Let me first tell you a bit about my neighborhood. It is a quiet, culturally diverse neighborhood where neighbors know each other. On many warm summer nights, my husband and I will sit out in our front garden and greet neighbors as they walk by. We are not alone in that. The park, dog park and general walkability of the area is something to strive for in all areas. The lot in question has the possibility of extending our wonderful neighborhood to the many new residential projects proposed in the immediate vicinity. This project, as proposed, will only deteriorate the area and its livability through traffic congestion, pollution and reduced traffic safety. Many of the 11,000 additional trips in the area from this Costco, will end up weaving through our neighborhood streets to avoid the general traffic congestion.</p> <p>Besides the impact to the immediate neighborhood, you should also understand that I have an elderly parent living in Saratoga. It is vital that we are able to reach his house in a reasonable amount of time in case of any emergencies. The distance is short, just a few miles, but at times during the day, this journey of 4</p>

	<p>miles can already take 20+ minutes if I forget that school lets out at a certain time. Now imagine another projected 11,000 daily trips in the area and the impact.</p>
Response 346-13	<p>Refer to Topical Response B for a discussion of internal congestion and emergency vehicle access 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.</p>
Comment 346-14	<p>Air and noise pollution is also a concern. My sister has bad asthma. The projected impact to the air quality, which can already be a challenge in the Bay Area, will render her ability to use the outdoor recreation areas impossible.</p> <p>Below are more specific details about the plan of which I have concerns.</p>
Response 346-14	<p>The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. 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.</p>
Comment 346-15	<p>1. The DEIR Omits Pedestrian and Cyclist Safety Data</p> <p>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.</p>



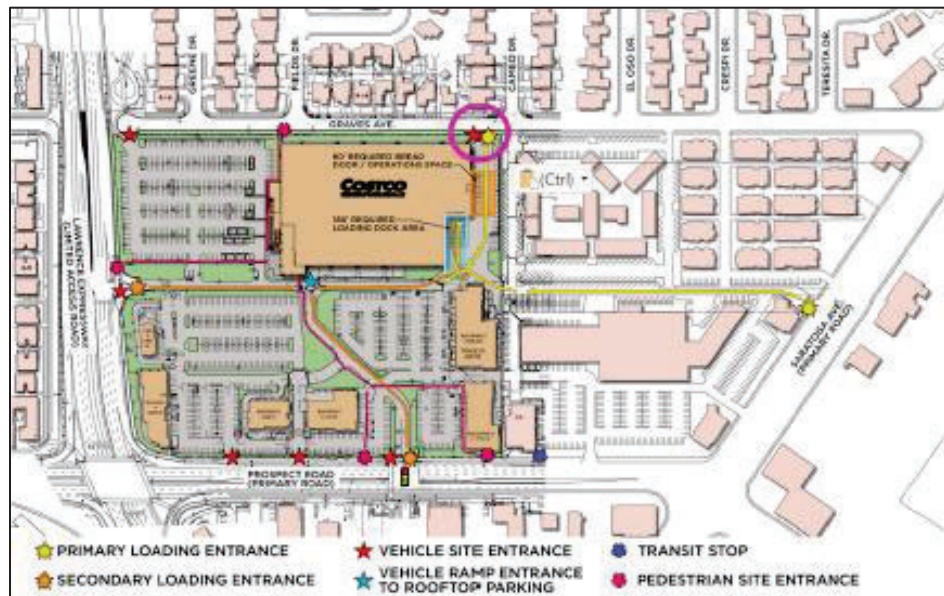
Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City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

Response 346-15

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 346-16

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 346-16

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

	<p>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.</p>
Comment 346-17	<p>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:</p> <ul style="list-style-type: none"> • 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) <p>The Envision San José 2040 General Plan also includes the following:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
Response 346-17	<p>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</p>

Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.⁵

Comment 346-18

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

⁵ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

bumps and a speed radar sign on Graves Avenue and nearby streets; h) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and i) Reducing the speed limit to 15 mph by Country Lane Elementary, a TK-5 school that serves over 500 of the youngest public school students, who often walk unaccompanied to and from school.

Response 346-18

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 346-19

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

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla

	<ul style="list-style-type: none"> • Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves
Response 346-19	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 346-20	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 346-20	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 346-21	<p>2. The Traffic Conditions Study in the DEIR is Inadequate</p> <p>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.</p>
Response 346-21	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 346-22 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 346-22 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 346-23 There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.

Response 346-23 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 346-24 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 346-24 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response 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 346-25 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 346-25 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 346-26 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 346-26	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 346-27	<p>3. The DEIR Improperly Describes and Mitigates Pollution that Impacts Communities of Color</p> <p>The DEIR states the construction of a Costco Warehouse would “result in substantial noise-generating activities” (page 180) for 21 months (almost 2 years) and the origin of the noises would occur within 500 feet of residential housing. San Jose Municipal Code 20.100.450 allows construction from 7:00AM - 7:00PM Monday through Friday, but the Costco construction plan violates this ordinance by including Saturday work. Additionally, the DEIR notes night hours begin at 10:00PM and Kimley-Horn slides from February 5 show some construction takes place over 24 hours. The DEIR also states that because the “noise is temporary, the Project would not result in a cumulatively considerable impact” (page 246) and the noise is reasonable because it does not exceed “airport- or airstrip-related noise levels” (page 245). At the February 5 meeting, Hall and Lopez declared noise levels inside homes would be moderate (around 60db), typical to the level of conversations. Most individuals cannot tolerate over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. Babies, young children, seniors, and those with special needs would be negatively affected every day. The study proposes some mitigations such as preventing pile driving and controlling noise from workers’ radios (page 180) and defers others until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow the public to ascertain whether they are able to remain in their homes for 2 years. Daily operations after construction would also create incessant noise, especially from the tire center (air impact guns), cars (doors slamming, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), and mechanical equipment (HVAC equipment, transformers, trash compactors). Much of the noise generated by daily operations, which can be broadcast into surrounding homes, schools, and the nearby senior retirement community, occurs throughout the day and night and some (e.g. HVAC equipment) are continuous, even when the Costco is not open for business.</p>
Response 346-27	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 346-28

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

	<p>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.</p>
Response 346-28	<p>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.</p>
Comment 346-29	<p>The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.</p>
Response 346-29	<p>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.</p> <p>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.</p>
Comment 346-30	<p>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.</p>

- Response 346-30 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.⁶ 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.⁷ 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.⁸ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 346-31 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

⁶ 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>.

⁷ 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.

⁸ 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.

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 346-31 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 346-32 4. The Project is in Conflict with the City of San José Urban Village Plan

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

Response 346-32 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 346-33 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 346-33 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 346-34 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 346-34 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,

	<p>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.</p>
Comment 346-35	<p>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.</p>
Response 346-35	<p>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.</p> <p>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.</p>
Comment 346-36	<p>5. Alcohol Sales in an Area of Undue Concentration</p> <p>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</p>

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 346-36 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 346-37 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 346-37 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 346-38 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 346-38

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 346-39

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

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

Response 346-39

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 347. Pat Stempski (dated February 20, 2024)

Comment 347-1

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

Section 15126.6 notes that an EIR “describe a reasonable range of alternatives to the proposed Project that could feasibly attain most of the Project objectives.” In fact, Costco fails to meet almost all of these Project objectives which are listed in the EIR as follows:

1. “Positively contribute to the economy of the region through new capital investment and revitalization of an existing developed site.”

Please note that previously this site did not need revitalization. Many of the existing businesses were forced out to make room for Costco. Costco is a destroyer of small businesses and leaves the surrounding communities no other shopping options. How is this a positive contribution to the economy of the region?

2. “Construct and operate a new Costco warehouse that serves the local community with competitively.”

Costco is a members only commercial business that only offers aggressive lower pricing for its paying members on a limited number of items in any category. It uses member dues to keep prices lower than other stores in the area, thus driving out competition. However, those of us who choose not to shop daily at what will be essentially a monopoly and a killer of small businesses will be forced to drive to other communities to shop.

The small businesses that do survive in Westgate West will do so by serving only Costco customers--and the largest portion of these customers will be coming from outside the local community-- because no one else will be able to find a place to park. I can't see myself swinging by Happy Lemon to pick up drinks when that tea shop is located in the Costco parking lot.

Most people go to Costco for specific reasons. I don't know anyone who wants Costco to be the only store available in their neighborhood.

3. “Provide a state-of-the-art Costco warehouse to better serve the membership in the greater San Jose area in a location that is convenient for its members, the community and employees to travel to shop and work.”

Please note that Costco by its own admission views this area as its prime marketing target—not because it will serve San Jose customers, but because it allows them closer access to their customers in Saratoga, Cupertino and Campbell. Our West Valley community does not need a more convenient Costco shopping experience. We already have two existing Costco Warehouses within five minutes of the Westgate West location.

Response 347-1	Contrary to what the commenter's statement, the Project would meet Project objectives as it would construct a Costco warehouse in the City. Operation of the project would include a functioning business at the Project site. As indicated on page 198 in Section 3.14, Population and Housing, of the Draft EIR, the Project would result in a net increase of 42 jobs. 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 347-2	<p>4. "Provide a Costco warehouse in a location that is serviced by adequate existing infrastructure."</p> <p>Please note that a Costco warehouse will not be adequately serviced by the existing roads. The Lawrence Expressway is not a major freeway. At Prospect Rd it intersects with the local high school and student foot traffic in that area. Lawrence and Prospect and Saratoga Ave will be overwhelmed by an additional 11,000 car trips per day. The traffic analysis ignores the human factor. Last month my husband was hit by a car while riding his bicycle within the bicycle lane on Sunnyvale-Saratoga Road near the entrance to the Safeway shopping center. He is still convalescing. How many biking and pedestrian accidents should we anticipate if Costco moves into Westgate West?</p>
Response 347-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 347-3	<p>5. "Improve the Westgate West Shopping Center to support the development and operation of the Costco development."</p> <p>I can't think of any way that Westgate West will or can be improved enough to support the addition of Costco.</p> <p>6. Employ architectural and landscaping designs that soften the scale and mass of the building, create a pleasant and attractive appearance, and complement the surrounding area.</p> <p>Please note that in no way can architecture or landscaping soften the impact or complement the surrounding area on Graves Ave and other near-by streets in the Country Lane grade school neighborhood which borders Westgate West on the north side of the property. Graves Ave., which is directly across from the proposed warehouse, is a residential street. Its houses will now face the back of a tall warehouse with a parking garage on top.</p>
Response 347-3	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 347-4	<p>7. “Develop buildings that meet new state and City sustainability and green building standards and reduce energy use for building operations.”</p> <p>Costco has been given an exemption from installing roof top solar panels.</p>
Response 347-4	<p>Page 104 in Section 3.6, Energy, and Appendix E, Energy Assessment, of the Draft EIR addressed Project consistency with state or local plan for renewable energy or energy efficiency. The Draft EIR found that there are no significant impacts related to Project consistency with state or local plan for renewable energy or energy efficiency. Pages 126 through 131 in Section 3.8, Greenhouse Gas Emissions, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gases, including solar requirements. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 347-5	<p>8. Promote economic growth and diverse new employment and retail/service opportunities for city residents.</p> <p>Costco will not provide diverse new employment and retail/service opportunities to the area. It is replacing a hardware store, an auto parts store, a automobile repair shop, a Smart and Final, a furniture store, a Goodwill, a Chocolate Shop and restaurant, a barbecue eatery, a dance studio, a UPS shipping store, a pottery shop and a neighborhood bar, to name a few of the displaced small businesses and other stores, many of which were priced out of the center to make room for a Costco. It was those businesses that promoted economic growth and diversity in employment and retail/ services to our community. A members-only big box monopoly such as Costco can never do that!</p> <p>There never was a shortage of businesses interested in locating at Westgate West.</p>
Response 347-5	<p>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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 347-6	<p>“Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members.”</p> <p>Why should the city be more solicitous of Costco Corporation and the needs of Costco members than it is for the health, safety and well-being of the average residents of the area?</p>
Response 347-6	<p>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</p>

	<p>air quality and health with incorporation of the applicable mitigation measure. 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.</p>
Comment 347-7	<p>What many Costco members want is a Costco gas station. Is that the next gift we are going to get in this area?</p>
Response 347-7	<p>Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include gas station. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 347-8	<p>10/11." Provide safe, efficient, and assessable multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity."</p> <p>Pedestrian traffic and a Costco Warehouse do not go together. People drive to Costco. They arrive in their big vans and drive back out loaded with bulk or large items, usually entering, and exiting onto a major freeway that is free of pedestrian and school traffic. That will not be the case at Westgate West. With 11,000 new car trips a day being added to our existing streets, accidents involving pedestrians, cyclists and students will happen.</p> <p>Public transportation is a joke in the West Valley. Unless they live in the neighborhood, store employees are going to have to drive.</p>
Response 347-8	<p>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.</p>
Comment 347-9	<p>12. "Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other businesses and nearby residences."</p> <p>I do not believe this requirement can be met by Costco in the area provided. It is difficult to find parking at Trader Joe's currently. I think it will be impossible if Costco has a warehouse at Westgate West. Unless prevented from doing so by physical barriers Costco customers will be parking in every available space from Lawrence Expressway to Saratoga Ave., and will be abandoning their shopping carts throughout the area. Initially, Costco promised to collect their shopping carts daily from all of the surrounding areas within a mile of their warehouse. That area would encompass nearly the entire County Lane neighborhood that already includes a dog park and a grade school. We are not prepared to also provide parking for a members-only big box store. Costco claims the lot is big enough to accommodate all their parking needs. If that is the case they need to prove it by taking measures to contain their traffic on their business lot and on the surrounding commercial streets.</p>

To date, consideration of putting a Costco in Westgate West has generally ignored the special circumstances of the County Lane neighborhood which is directly to the north of the development. Any entry/exit to and from the Costco site onto Graves Ave will allow traffic to travel through neighborhood streets between Doyle Rd and Graves Ave where Doyle connects further down the road to both Lawrence Expressway and Saratoga Ave. Many years ago, the entry/exit to Westgate West at Fields and Graves was closed to calm traffic travelling through the neighborhood. There will be a major increase in neighborhood traffic if Costco members are using our neighborhood to escape the congestion the warehouse has created on Prospect Rd., Saratoga Ave., and the Lawrence Expressway at or near the location of their business. Further, this traffic will impact both Country Lane grade school and Easterbrook Discovery School which is located on Doyle Rd.

If a Costco is allowed at this location, Graves Ave should be closed to Costco traffic and Costco shopping carts should have wheel locks to keep them in the designated Costco parking area.

Response 347-9 Refer to Topical Response B for a discussion of Graves Avenue access, parking sufficiency, internal circulation limiting overflow into neighborhood streets, 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 347-10 A Costco at this location will fail to meet almost all of the objectives stated in the EIR. Westgate West is simply the wrong place for a Costco Warehouse which has too big of a footprint for such a small space.

Section 8.0 ALTERNATIVES

Viable alternatives might be building a mixed-use development on the urban village model, or to simply to return the land to a general retail shopping area. We are going to need more diverse shopping to meet the needs of all of the new residents who will live in the housing planned at Prospect Road opposite Westgate West and Saratoga Ave on the site of the former El Paseo de Saratoga shopping center.

Response 347-10 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 348. Parent Teacher Student Association (PTSA) of Prospect High School (dated February 20, 2024)

Comment 348-1 The Prospect High School Parent Teacher Student Association (PTSA) has serious reservations about the proposed Costco Warehouse development across the street from our school. This project poses a significant threat to the safety of our

diverse student body, particularly those who walk, bike, or take public transportation due to the already congested and dangerous Prospect/Lawrence intersection, designated a "Priority Safety Corridor" by San Jose's Vision Zero initiative.

The predicted 11,000 additional daily car trips associated with Costco will significantly endanger our students, especially during peak school hours. The proposed minor walkway improvement is insufficient protection, and relying on an outdated 2019 traffic study that fails to consider crucial developments like Vision Zero, pandemic-induced traffic changes and massive high density housing projects planned in the same area along with no consideration that a high school is less than 800 feet away is irresponsible. We demand a comprehensive, up-to-date study focused on student safety concerns.

Response 348-1	Refer to Topical Response C for a discussion of the scope, data collection timing requirements, and 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. 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 348-2	Beyond traffic, noise pollution from the development could disrupt learning and athletic activities, while potential hazardous materials on the site raise safety concerns during construction.
Response 348-2	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 348-3	The lack of sustainable features like solar panels and EV chargers contradicts San Jose's own Climate Smart goals, making this project incompatible with the city's environmental vision.
Response 348-3	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,

	<p>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.</p>
Comment 348-4	<p>The PTSA urges a comprehensive traffic analysis considering recent developments and student safety, implementation of effective pedestrian safety measures, incorporation of sustainable features, and open communication with the community to address these critical safety and environmental concerns. We stand with our students in demanding immediate action before approving this development. Prioritizing pedestrian safety, implementing traffic management solutions, and conducting comprehensive environmental assessments are essential before moving forward.</p> <p>Thank you for your attention to this matter.</p>
Response 348-4	<p>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.</p>
Comment Letter 349. Rachel Hunter (dated February 20, 2024)	
Comment 349-1	<p>My family moved into our home kitty-corner to Country Lane Elementary School in 1980. We're invested in this neighborhood and love it.</p> <p>I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.</p>
Response 349-1	<p>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.</p>
Comment 349-2	<p>I've been dismayed about this proposal since I first heard about it – and the more I learn, the more confused I am that it is even being discussed as a possibility due to its obvious divergence from San Jose's Urban Village and 2040 Plans, Vision Zero, and Climate Smart laws.</p>
Response 349-2	<p>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 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 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.</p>

Comment 349-3	Original concerns regarding traffic in an already difficult to navigate area (walking, biking, bus, and driving!) and safety of children remain top of mind.
Response 349-3	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 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 349-4	Well, also light, sound, and emissions pollution and the loss of so many trees!
Response 349-4	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. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. Pages 69 and 70 in Section 3.4, Biological Resources, of the Draft EIR includes a discussion of trees on the Project site. The Draft EIR found that there are no significant impacts related to biological resources for the Project with the proposed mitigation measures incorporated. The Project is required to replace removed trees. 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 349-5	<p>In addition, the DEIR does not consider my neighborhood – Country Lane - even although it borders the proposed Costco and is bound to be impacted by the huge increase in cars which will cut through from Doyle Ave to Graves Ave (a road totally unsuitable to be an entrance to a huge warehouse.) There's bound to be horrible consequences – especially in the area of the elementary school, which is only a block from the proposed Costco and its traffic.</p> <p>Even now, our corner (Lassen and Brenton Aves), is a cut-through for traffic and weekly we see speeders, close calls, and people running the stop signs next to the school.</p> <p>As we consider the increase in traffic in the Country Lane neighborhood, I'm not just concerned over additional cars of Costco shoppers – it will also be people living in the vicinity who are frustrated by gridlock along Saratoga, Doyle, Lawrence, and Prospect roads who will be looking for a short cut.</p>
Response 349-5	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 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 349-6 My hope is that common sense will prevail, and the Country Lane neighborhood can remain residential and a safe place for families.

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

Response 349-6 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 350. Ramesh Gunna (dated February 20, 2024)

Comment 350-1 I have reviewed the DEIR for the proposed Westgate West Costco and I writing you to provide my feedback after being involved in tracking this project for more than 2 years since it was announced to the public. I am attaching a pdf version of the letter as a backup. Thank you for the opportunity to allow us to participate in the process, provide feedback and help build a better San Jose.

File No. CP21-022

I am a 20 year country lane neighborhood resident, who has enjoyed living in the western corridor of San Jose. This is my one and only home that I have purchased. I love the corridor and the neighborhood, good local businesses, excellent to walk around, I commute by bike to work, very familiar with bicycling related aspects on the city streets.

I understand that development and change is inevitable but one needs to look at development in the right context and make sure it is done in a responsible manner without up ending the quality of life.

The debate of a large development like Costco has its supporters and detractors, as a responsible San Jose resident, I want to look into the details of the project and I have many concerns based on data that leads me to believe that this proposed project is not a right fit for the community at large at this location.

Please review my comments, address the issues and help us San Jose residents to contribute towards the development of the city by bringing in meaningful projects that enhance the quality of life.

Response 350-1 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 350-2 LAND USE/ZONING ISSUES

Throughout the DEIR, there are various references to Envision San Jose 2040 General Plan, guidelines, frame work, how the rules are being met & how the

project is satisfying the GP 2040., however there is a significant deficiency that the GP land use criteria is not being met. Please see the brief below, I would like the city to address the issue.

The proposed Costco Wholesale Membership Club development is incompatible with Envision San Jose 2040 General Plan Land Use Designation.

The Westgate West property is designated as Neighborhood/Community Commercial (NCC) in GP 2040 land use and zoned as commercial general (CG zoning).

New development and land uses must conform to the Land Use/Transportation Diagram and the Land Use goals and policies of the Envision San José 2040 General Plan. (This is verbatim from the city page)

“If the zoning district and land use designation differ, the land use designation trumps the zoning district.”, see ALIGNMENT PROJECT FAQS

Neighborhood Community Commercial :

- This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighboring serving retail and services and commercial/professional office development. Neighborhood / Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. This designation also support one hundred percent (100%) deed restricted affordable housing developments that are consistent with General Plan Policy H-2.9 and Policy IF-5.12.

Big Box warehouse developments are permitted and constructed in Industrial Zones, or Commercial Industrial Zones. Membership club warehouses are not appropriate for neighborhood serving retail zones.

- This designation is supported in San Jose Title 20 Zoning Code 20.50.130 and designates Warehouse Retail which is a conditional use for IP industrial park, LI light industrial, and HI heavy industrial districts.
- Costco Retail Membership Warehouse clubs are developed in Industrial Zones in the cities of San Jose, Sunnyvale, Mountain View, Santa Clara.
- Please see the land use designation listing below
- 2201 Senter Road, San Jose - Heavy Industrial
- 1709 Automation Pkwy - Combined Industrial/Commercial Zone 5301 Almaden Expressway - Regional Commercial

- 6898 Raleigh Rd, San Jose - Combined Industrial/Commercial Zone
- Sunnyvale – Industrial and Service
- Santa Clara – Medium Heavy Industrial
- Mountain View – General Industrial

The Westgate West zoning designation is Commercial General and Warehouse Retail is NOT an allowed use.

- See Chapter 20.40.100, Table 20-90
- “Commercial Zoning Districts and Public/Quasi-Public Zoning District Use Regulations” for approved uses. Warehouse Retail is not listed as an allowed use.
- However Chapter 20.50.100, Table 20-110 lists Warehouse Retail as the allowed use for Industrial Zoning Districts

Development plan submitted does not align with San Jose General Plan land use designation.

- San Jose Planning has provided guidance to property owners “Aligning zoning districts and land use designations reduces confusion. Property owners have a clearer understanding of how their property can be used for future projects, and this will save time and costs for owners who are interested in developing their property”. See Rezoning and General Plan Alignment.
- “REZONING & GENERAL PLAN ALIGNMENT PROJECT. Per state law, we are undertaking an extensive rezoning of properties in San José to align zoning districts with the land use designations of the Envision San José 2040 General Plan. This does not affect your current use of your property. San José is a charter city that — until now — had land use designations in the City's General Plan that were separate from zoning districts as identified in the Zoning Ordinance. Wherever the two policies have been inconsistent, the General Plan designation has superseded. In 2018 with the passage of Senate Bill 1333, charter cities must align and match zoning districts and General Plan land use designations. For example, if a property's land use designation is PQP (Public Quasi Public) and its zoning is LI (Light Industrial), then the City will rezone the property to PQP to align with the land use designation. Aligning zoning districts and land use designations reduces confusion. Property owners have a clearer understanding of how their property can be used for future projects, and this will save time and costs for owners who are interested in developing their property.”

Response 350-2

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

Comment 350-3

AIR QUALITY

- The DEIR references to WESTGATE WEST COSTCO PROJECT AIR QUALITY TECHNICAL REPORT which is based on BAAQMD 2017 guidelines On April 20, 2022, the Air District Board of Directors adopted CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans.
- Shouldn't the project be evaluated to the new 2022 Guidelines, I see the AIR QUALITY TECHNICAL REPORT used "CalEEMod Version: CalEEMod.2020.4.0".
- Did the analysis use the latest version of the guidelines from 2022 ?
- If the analysis is not using the latest version, shouldn't it be evaluated against the latest 2022 guidelines ?, how can it be ensured that the application of the newer guidelines would not produce a different conclusion regarding AQ impact.
- 2022 CEQA Guidelines from the BAAQMD provides the reason and what's changing for 2022.
- The CEQA Air Quality Guidelines were published in 2012 and revised in 2017 to address the CA Supreme Court's opinion on the new receptor thresholds. (California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369.) The 2017 revision did not address outdated references, analytical methodologies, or technical information improvements. Additionally, the Air District adopted new Climate Impact Thresholds on April 20, 2022, using performance-based standards requiring new guidance on evaluating the climate impacts of land use projects and plans.

- The 2022 Guidelines include a new chapter with best practices for centering Environmental Justice, health, and equity; a new appendix with the rationale for the recommended climate impacts thresholds of significance; a new appendix to assist with developing community-scale greenhouse gas (GHG) reduction strategies aligned with the State CEQA Guidelines and the Air District’s plan-level thresholds; an appendix with guidance on using the California Emissions Estimator Model (CalEEMod 2022) for Bay Area projects; and a new criteria pollutants and precursors screening tool for mixed land use projects.
- The 2022 Guidelines include updated chapters on thresholds of significance, air quality and climate impacts, and mitigating impacts; updated criteria air pollutant and precursor impacts screening tables for single land use projects; updated basic and enhanced best management practices for construction-related fugitive dust; and an updated appendix with guidance for conducting individual project and cumulative cancer risk and hazards analysis.

Response 350-3

The Draft EIR air quality analyses were performed in accordance with the latest guidelines available at the time of preparation. Upon release of the updated guidelines, the analyses were reviewed to determine if any changes to methodology were necessary based on the updated guidelines. The overall findings are summarized below.

Regarding the CalEEMod® version, the newest version 2022.1 contained many technical issues upon first release, so version 2020.4 was relied upon for the analyses. However, the latest version of mobile emission factors from EMFAC2021 was utilized for the analyses presented in the Draft EIR, which is also the basis for the newest CalEEMod® version. Given this and based on the changes in the CalEEMod® versions, the conclusions of the analysis are not expected to change. Furthermore, the emissions presented in the Draft EIR are conservative as changes to emission factors between the CalEEMod® versions are expected to result in lower emissions. This occurs because of changes such as reductions in energy emission factors which are based on the latest Title 24 2022 in the newest CalEEMod® version.

The greenhouse gas analyses presented in the Draft EIR address local greenhouse gas reduction strategies through demonstrated consistency with the City of San Jose 2030 Greenhouse Gas Reduction Strategy, which is consistent with the approach included in the 2022 BAAQMD CEQA Guidelines. In addition, the cumulative health risk analyses utilize the latest available resources published by BAAQMD for stationary, roadway, and railway sources. Thus, the analyses published in the Draft EIR do not conflict with the 2022 BAAQMD CEQA Guidelines. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 350-4

SITE PARKING

- Bicycle Access

- The preliminary site plan shows the project proposes 10 bicycle parking stalls be installed adjacent to the entry canopy. Based on the square footage of the project, the proposed bicycle parking is 37 stalls fewer than the City's requirement
- How is the reduced bicycle parking not a violation of the minimum requirements ?

Response 350-4

Refer to Topical Response B 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 350-5

Vehicular Parking

- The number of parking spaces for the proposed project is 687 dedicated stalls for Costco
- Why does the proposal have less parking spots when compared to Sunnyvale Costco which has 838 parking spots and is a smaller store at 137,450 square footage
- It seems like the developer is not looking at the requirement using the most current data & usage pattern of its existing warehouses in the vicinity (Sunnyvale)
- Costco Sunnyvale application for additional parking as of 9/26/2020
- Costco cited the need for more parking from an existing number of 762 adding 102 more parking spots to make it 868 Sunnyvale Costco site is smaller at 137,450 square foot compared to 165,148 square footage
- So, the developer is clearly underselling the parking requirements for the new location (687 here vs 868 at Sunnyvale)
- Here is a Costco proposal in Central Point Oregon that states
- https://www.centralpointoregon.gov/sites/default/files/fileattachments/community_development/project/934/costco_findings_11-6-2015.pdf
- Costco Building & Site Design: With over 30 years of building membership warehouses Costco has 686 warehouses worldwide. This experience has allowed Costco to develop a carefully thought out program for constructing new facilities.
- 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. The size of the property under consideration, about 18.28 acres, is large enough to accommodate these improvements.

- All this points to an inadequate site for a retail warehouse with insufficient parking, the project should not be accepted & approved as proposed in its current form.

NOT MEETING SAN JOSE PARKING REQUIREMENTS

- In the DEIR on pages 220 and 221, Costco claims to meet/exceed San Jose minimum parking requirements. This is not correct.
- Out of the 862 parking spots shown in table 3.17-2, 175 parking spots are claimed from stalls that are not dedicated to Costco.
- Costco has only 687 dedicated slots, see page-9 of DEIR and Table 2.3-1
- So, the non dedicated stalls of 175 should not be counted by Costco to establish parking requirements.
- The minimum required parking stalls is 702 and 687 falls short of the required minimum, this is a CLEAR VIOLATION of the requirement, so this project cannot be approved without a resolution towards meeting the requirement.
- If there is another way the project is meeting the requirement, please provide the details in the DEIR

Response 350-5

Refer to Topical Response B for a discussion of the number of parking stalls to be 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 350-6

CLEAN ENERGY

- Why isn't solar energy not part of this project ?
- DEIR page 41 is misleading
- Project proponent has committed to the community "Solar Choice" program with PG&E, which is PG&E's program to provide 100% solar to customers, which is a zero-carbon electricity source. Therefore all electricity used by the project would be from zero-carbon sources . Envision San José 2040 General Plan says
- Policy MS-2.2 Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- However, the following from PGE website says it is
- PGE website (<https://www.pge.com/en/clean-energy/solar/community-renewable-programs.html>)

- In the Solar Choice program, you can elect to purchase solar energy to match either 50% or 100% of your energy use. Joining the waitlist is easy – sign in to your PG&E online account or call us at 1-877-743-8429.
- If you were previously enrolled on Solar Choice and feel you have been unenrolled in error, please call us at 1-877-743-8429 to be re-enrolled on the program.\
- 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
- This should NOT be a choice option for a new development to just opt-into PGE, who will monitor that a business stays in the program and does not opt-out, where are the compliance enforcement rules ?
- Given PGEs statement that Solar Choice enrollment is on hold & is dependent on capacity, there should be onsite Solar power generation and this should be a requirement for the project of this magnitude
- DEIR on page 42 - Gas water heaters will be direct vent and 94% efficient or greater.
- As of March 2023, BAAQMD adopted amendments for residential and commercial natural gas and water heater appliances to be zero Nox Is the current project in compliance with this regulation ?, if not why - Please explain.
- This would be a great opportunity for a new development to take the lead and become compliant even though the regulation kicks in 2027

Response 350-6

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. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project. 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. 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.⁹ Therefore, the Project would be compliant with a renewable energy program that eliminates the need for electricity generated by fossil fuels and solar panels are not required on-site to ensure the Project uses renewable energy. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project.

Comment 350-7

TRAFFIC ANALYSIS ISSUES

Lawrence Expwy / Bollinger Rd-Moorpark Ave (Intersection 5) (Page 56 of Appendix I - Transportation analysis)

Options are provided to mitigate adverse effect

No commitment from the city to say these will be implemented

What is the city's commitment - shouldn't a mitigation or remedy plan be part of the DEIR before the project is sought for approval

Saratoga Ave / Graves Ave (Intersection 6) (Page 56/57)

Why isn't option B the default option

Report says option A has adverse affect under all conditions

Options are provided to mitigate adverse effect

No commitment from the city to say these will be implemented

What is the city's commitment - shouldn't a mitigation or remedy plan be part of the DEIR before the project is sought for approval

Lawrence Expwy / Prospect Rd (Intersection 11) (Page 57)

There are adverse effects and no mitigations possible

What is the remedy here ?? (None have been identified in the DEIR)

Prospect Rd / Westgate West shopping center signalized driveway (Intersection 12) (Page 57)

There are adverse effects and no mitigations possible

What is the remedy here ?? (None have been identified)

During the 5% of the peak hour when this condition may exist, shopping center patrons will likely use other driveways along Lawrence Expressway, Prospect Road, and Saratoga Avenue to spread out the demand at this location.

⁹ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

This is speculative in nature, not a solution, how can one rely on such speculative measure to be a mitigating solution - what is the real solution here ?

Saratoga Ave / Prospect Rd-Campbell Ave (Intersection 13)

Adverse effect identified

Possible solution identified but it is not clear whether that is recommended or a suggestion ?

No commitment from the city to say this will be implemented

What is the city's commitment - shouldn't a mitigation or remedy plan be part of the DEIR before the project is sought for approval

In Summary

for the all above issues where options exist for remedy

What is the city plan ?

Is there a commitment from the city on implementing the plan ?

What are the detailed implementations ?

Please list the necessary & required details as part of the required clauses for project approval.

for all the issues where no options exist for remedy

What does the city plan to do ?

What are the consequences if they are not remedied ? Please list in detail of any and all the impacts

Please elaborate all the details , residents need to be aware of such shortfalls for project approval and it is important for project approvers as well.

Response 350-7

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 for CEQA purposes. 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 transportation. Any required conditions of approval that may be imposed by the City of San José would be required to be implemented by the Project in order to receive the Conditional Use Permit. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in

Comment 350-8

the Draft EIR and therefore, no further response is required.

SAN JOSE VISION ZERO CONSIDERATION

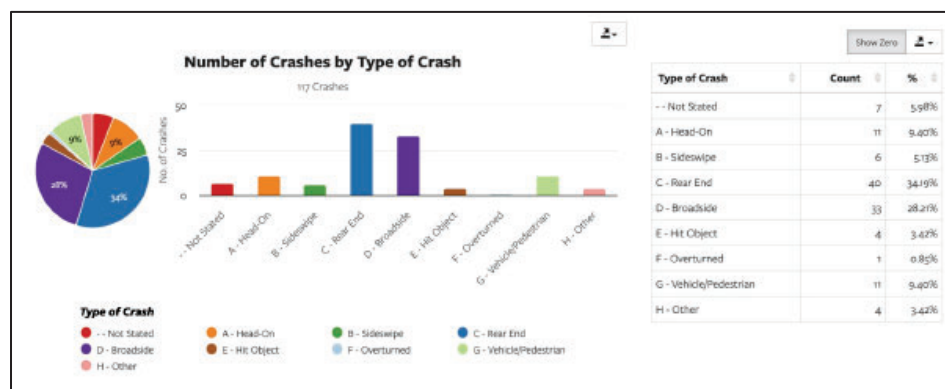
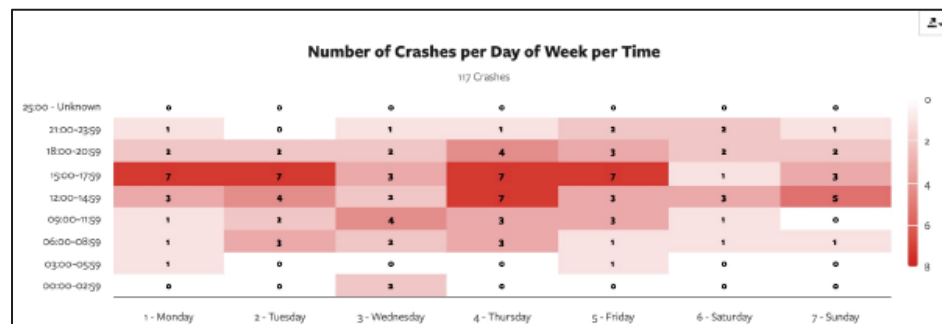
The City of San José takes traffic safety seriously. In 2015, we became the fourth U.S. city to officially adopt a Vision Zero initiative. The goal of Vision Zero is to reduce and eventually eliminate traffic deaths and severe injuries.

- Saratoga Ave from 280 to Lawrence Expressway is a city identified Priority Safety Corridor.
- City data points to 42 crashes for year 2022, this is the most current data available from vision zero crash data
- Transportation Analysis report (page 37, Fig-8) shows the assigned trip distribution. At 10% for Saratoga Ave, this equates to 1100 car trips added. How does the safety get impacted on Prospect Ave with 17% (page 37, Fig-8) increase of 1870 cars, please study this and detail the impacts.
- As far as I am aware, there was no evaluation from a safety perspective on this corridor ?, the city has only done an LoS evaluation on Saratoga, this was communicated as such by EIR & Traffic consultants at the Feb-5, 2024 Vice Mayor Rosemary meeting
- Isn't it imperative that the safety aspects also be evaluated and what impacts it has on the users of this stretch of a priority safety corridor.
- Traffic study completion date is October 2023, prior to San Jose's Saratoga Avenue safety improvements and lane reductions. Has the EIR sufficiently analyzed the revised configuration on Saratoga Avenue? Will the Costco development increased traffic counts trigger a role back on these safety and bike lane improvements?
- The City/Costco should go back, evaluate the safety impacts and publish a report before the project is sought for approval.

STUDENT SAFETY

- The proposed Costco location is within 800 feet of Prospect high school
- There is no other Costco that is right across from a high school, why are we proposing a retail warehouse in a school zone ? The retail warehouse business highlights how car centric the project is at 11K daily vehicle trips
- There is no meaningful discussion of safety issues related to prospect high school students in the DEIR which is a significant deficiency

- Please explain if there was any crash data analysis that was done in the radius zone (1/4 mile, 1/2 mile) of Prospect high school and how the proposal with its car centric approach alleviates safety concerns.
- Please explain what traffic calming measures have been explored and what are the detailed plans to implement ?
- The city needs to have evaluation and answer the questions related to safety before the project can proceed further.
- Another important aspect is that the traffic analysis is done during peak hours. According to the DEIR: “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)
- Plotting a 1/2 mile radius of crash data for Prospect high school (Jan-1-2012 - Dec-31-2022) shows the impacts happen in an extended time period window (a) 15:00 - 17:59 hours and (b) 12:00-14:59, source is Transportation Injury Mapping System: TIMS
- It is incorrect to draw conclusions based on assuming what the peak periods for traffic and what the critical periods for a school zone are leads to fundamental errors. This needs to be rectified, please reevaluate the traffic study and crash impact potential from having this project within 1000 feet proximity of a school



Response 350-8

Refer to Topical Response C for a discussion of the scope and City data timing requirements, Saratoga Avenue road diet updates, and additional 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 350-9

COUNTRY LANE NEIGHBORHOOD ISSUES

- Residents on Graves Ave and the Country lane neighborhood right behind the Costco have the highest burden
- The current access to the site from Graves being open allows for potential cut through traffic done from country lane neighborhood
- Once Lawrence, Saratoga, Prospect arterial roads experience traffic backups, there is a very high likely hood of access from Doyle road using Teresita Dr, Happy Valley Ave or Brenton Ave landing at Graves Ave.
- Country Lane Elementary School sits right on these streets and will be in the cross hairs
- From my understanding, there was no evaluation of traffic access studies done from country lane neighborhood, this is just poor planning.
- Any evaluation on the impacts to the neighborhood from traffic issues and traffic related safety issues cannot be an after thought, it has to be done before the project is approved and evaluated as part of the DEIR if Graves Avenue access to Costco site remains.
- Please evaluate traffic issues and traffic related safety concerns for the country lane neighborhood from the Costco proposal, please advise and detail what traffic calming measures will be implemented in the DEIR
- All access points to the sites from Graves should be cut off (see Alternative "B" as studied in EIR Appendix I - Transportation Analysis which excludes access through Graves)
- Residential Roadways should not be used to access Costco warehouse site. No other Costco location that we are aware of provides such an access. 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.

Response 350-9

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

Comment 350-10

NOISE IMPACTS

-
- The DEIR mentions that the construction would last for 21 months, this long of a proposed project with many sensitive receptors identified in the vicinity ranging from 50 feet to 1000 feet is not an acceptable solution. This has the potential to cascade into long term effects.
 - Where are the studies showing that such a long term construction length with sensitive receptors in close proximity do not pose health risks, please publish data so that the residents understand.
 - The DEIR simply points to noise ordinances, none of the city ordinances or project proponents have put together data to show there aren't health risks associated while residents continue to live within 50 feet of such a major construction.
 - Post construction, where is the data that shows that the retail warehouse noise is acceptable for residents from ordinances, this is a significant risk in allowing a retail warehouse operations 50 feet from residential homes. There is a reason why Costco or retail warehouses are limited to industrial areas or regional commercial areas, the 2040 GP plan specifically excludes the retail warehouse from NCC zoned areas and for a good measure. A regular retail store operation is orders of magnitude different than a retail warehouse operation, the impacts and effects that come with it are why retail warehouses are excluded in NCC.
 - It would be almost impossible to create a 1 dB environment outside of scientific labs and we are within 1dBA of the limit threshold !, this is very clear that the project is right on the threshold of noise levels with no room for margin and noise is logarithmic scale.
 - How are we guaranteeing that the data is accurate with barely any margin to say that the thresholds are acceptable ?
 - What happens when memberships increase, more goods & services are introduced as the site evolves even from Costco projection ?
 - This clearly makes it with such narrow margins that the warehouse is not a good fit right against residential neighborhood with residences within 50 feet.
 - Page 190 of the DEIR states the following
 - Section 20.30.700 of the City's Municipal Code establishes a limit of 55 dBA for commercial areas adjacent to residential areas and 60 dBA for commercial uses adjacent to commercial areas. As shown in Table 3.13-14: Project Operational Noise Levels, Project-generated noise levels at the nearest residential uses would range from 33.8 dBA Leq to 54.0 dBA Leq and would not exceed the City's Municipal Code noise limit of 55 dBA for residential

areas. Further, Project-generated noise levels at the nearest commercial uses would reach a maximum of 58.8 dBA Leq and would not exceed the City's Municipal Code noise limit of 60 dBA for commercial areas. As shown in Table 3.13-15, it is anticipated that Project operations would comply with City's Municipal Code.

Response 350-10

Pages 177 through 193 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's construction and operational noise impacts on the environment relative to the applicable thresholds. Appendix H, Acoustical Assessment, of the Draft EIR includes the noise studies and noise data associated with the Project. The Draft EIR, in conjunction with the data in the Acoustical Assessment, found that there were no significant and unavoidable noise impacts during operation as the operational noise level is below the applicable threshold and included applicable mitigation measures to reduce potential noise impacts to a less than significant level during Project construction. 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 of 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, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 350-11

PROJECT CONTRADICTS SAN JOSE URBAN VILLAGE

-
- 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.
 - Urban villages are areas that include residential and jobs-based developments; have access to transit; and are walkable and bicycle-friendly.

Creating urban villages is the fifth of 12 major strategies in San José's General Plan. The urban village strategy fosters:

- Engagement of local residents in planning the urban village;
- A mix of housing and employment to reduce traffic;
- Revitalizing underutilized properties;
- Densities that support transit use, bicycling, and walking; and
- High-quality urban design.
- The DEIR on page 217 says the following
- 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. Therefore, the Project would not create an adverse effect to the existing pedestrian, bicycle, or transit facility operations.
- The project is adding 687 parking spots plus a rooftop parking
- The DEIR itself is self revealing in many ways that this project is not meeting the Urban Villages concept as it is not meeting the criteria as listed above, it fails short of almost all of the goals.
- The proposed project is in direct conflict with the Urban villages policy framework

Response 350-11 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 350-12 ALCOHOL SALES IN AN AREA OF UNDUE CONCENTRATION

-
- Everyone including the city is aware of the census specific tract limitations for off-sale alcohol for the proposed area is 3 and it is currently over that threshold limit & the distance regulations to residences, parks will necessitate a city council vote.
 - There is an exclusive alcohol retailer in BevMo in the census tract, so there is no need to justify adding more off sale alcohol retailers which is what Costco attempts here !. There is no overwhelming convenience factor that supports the neighborhood in the decision for planning/city council to override the alcohol census tract limits.
 - As this goes to city council, I urge every single member of the city council to strongly think through all the issues as to why the current development does not add convenience that outweighs all the issues associated with such a

development. It is imperative that the city council not override the off sale alcohol limit with an ill planned and unwarranted development that is being forced upon this community.

Response 350-12 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 350-13 SITE ALTERNATIVES

-
- As stated in the DEIR (page 254), the city should go back to the MIXED USE ALTERNATIVE This better aligns with the vision of the Mixed Use multifamily residential and commercial uses, in addition to associated parking and circulation, landscaping, and infrastructure improvements.
 - The Mixed Use alternative also aligns with the San Jose 2040 General Plan, a retail warehouses should not accommodated next to residential neighborhood.

Response 350-13 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. As discussed on pages 254 and 255 in Section 8.0, Alternatives, of the Draft EIR, the Mixed-Use Alternative to the Project would potentially not reduce the potentially significant impacts to air quality, noise and vibration, and biological resources and could result in a new potentially significant impact to VMT. As a result, the Mixed-Use Alternative was not analyzed further. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 350-14

- Reduced VMT is an anomaly in that there is no end to it as one can keep adding Costco retail warehouses as an in fill into many of the designated commercial zone areas and there would be a reduction of VMT for a certain percentage of its paying customers.
- This particular location serves to extract the sales tax revenue from the adjacent cities of Saratoga, Campbell, Cupertino while burdening the population of its own citizens - namely San Jose residents. Eliminating local businesses from the site and vicinity within San Jose jurisdiction accomplishes nothing as it is revenue shifting.

Response 350-14 Pages 253 and 254 in Section 8.0, Alternatives, of the Draft EIR include a discussion of an Alternate Site Alternative. The Project site's location in proximity to existing Costco customers results in a net decrease in VMT where another site further from the existing Costco warehouses may not offer a VMT reduction benefit. Per the applicable City VMT threshold for retail uses; discussed on page 218 in Section 3.17, Transportation, of the Draft EIR; a reduction in VMT is

required to avoid a significant impact. Therefore, an alternative site could result in a new significant VMT impact as compared to the proposed 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 350-15

- This is a dangerous ploy by Costco to dangle revenues to the city while burdening San Jose residents with majority if not all of the impacts.

Response 350-15

Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and any applicable mitigation measures. The Project analysis found that there were no significant and unavoidable impacts on 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 350-16

- In many ways, It is better for the city of San Jose to ratify this parcel to align with its Envision San José 2040 General Plan and make it a true gateway to the Western corridor of San Jose along with the El Paseo de Saratoga village plan.

SUMMARY

In my overall reading of the DEIR, understanding all the pitfalls, having been involved in this project for over a period of more than 2+ years, I cannot advocate for this project to be approved as it violates many of the requirements, does not advance Envision San Jose 2040 General Plan, it is antithetical to Urban villages concept, does not lend itself promoting pedestrian or bike friendly environment, drives the car centric bulk retail warehouse concept deeper into the residential neighborhoods attracting customers from far and near for bulk shopping which will not enrich the lives of anyone who live in the vicinity.

The residents deserve pedestrian, bicycle friendly, variety of local businesses, as the cities push for higher density housing.

As the world moves towards online shopping, relying on such a brick & mortar business economy model for city's sales tax revenue is not a good long term vision, it does not enhance the quality of life for its residents, does not align with the city's mixed-use urban villages theme, does not promote vibrant life in the suburban areas which we would want to transform to attract folks into higher density housing like the El Paseo project, it does not promote local businesses nor have a bike or pedestrian friendly appeal.

	<p>Do we really want to stand up and say - a bulk retail warehouse is the best that we have got to offer & please come to our district area, I sure hope that is not the case.</p> <p>If approved, a Costco warehouse would forever deteriorate the Westgate and West Valley areas, ensuring that the City's vision for its Western gateway and the Paseo de Saratoga Urban Village will not be achieved.</p>
Response 350-16	<p>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.</p>
Comment 350-17	<p>Despite all of the above objections, if and when the city finds a remedy to all the issues raised and it does decide to approve, at a bare minimum, the condition of approval needs the following without any exceptions, please enforce them.</p> <p>(A) Shut off complete access to the Costco site from Graves Ave for vehicular traffic except for controlled emergency vehicle access</p>
Response 350-17	<p>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.</p>
Comment 350-18	<p>(B) No home delivery services ever from the proposed Costco warehouse</p> <p>(C) No gas station and/or expansion of the site to bring in a Costco gas station proposal from the warehouse in the future.</p> <p>(D) No piece meal expansion of the warehouse or services from the warehouse detriment to the current EIR approval</p>
Response 350-18	<p>Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include gas station. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 350-19	<p>(E) No eviction of businesses or further parking expansion at the site due to warehouse increase in foot-traffic or services, this would prevent surface lot area expansion and keep local businesses accessible to the community.</p>
Response 350-19	<p>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.</p>

Comment 350-20	Thank You for giving us residents an opportunity to participate in the process, provide our feedback. I look forward to further participation and hearing back from the concerned authorities with regard to all the questions that have been posed in the comments and as to how we can make San Jose a better city for its residents.
Response 350-20	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 351. Richard Brown (dated February 20, 2024)	
Comment 351-1	<p>I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.</p> <p><your comments go here> I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.</p> <p>></p> <p>></p> <p>> I am extremely concerned about the safety of pedestrians and motorists of all ages that will be jeopardized by the increases in traffic and congestion with a Costco at Westgate West. The area is already subject to delays and gridlock especially at peak hours and worse on school days. One need only look at the two Costco Warehouse stores that are within a few miles of this site to see the potential impacts: delays, accidents and injuries.</p> <p>></p> <p>Thank you for your consideration and your care in responding to these serious concerns. Thank you for your consideration and your care in responding to these serious concerns.</p>
Response 351-1	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 352. Robert LoPresto (dated February 20, 2024)	
Comment 352-1	I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. The negative project impacts of the Costco at Westgate are many!
Response 352-1	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and any applicable mitigation measures. The Project analysis found that there were no significant

	and unavoidable impacts on 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 352-2	They include danger to students, pedestrians and cyclists, traffic gridlock, increased pollution and the negative impact on existing businesses and homes!
Response 352-2	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 measure. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. 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 352-3	This project goes against San Jose's own mandates, regulations and future goals and will permanently impact the safety and wellbeing of our children, seniors, residents and the community at large. I strongly object to the proposed Costco expansion in Westgate. Thank you for your consideration and your care in responding to these serious concerns.
Response 352-3	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment Letter 353. Ron Tietze (dated February 20, 2024)	
Comment 353-1	I am a 35-year resident of the Country Lane neighborhood. I have read the Draft Environmental Impact Report (DEIR) for the proposed Westgate West Costco warehouse project and am writing to provide my comments.
Response 353-1	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 353-2	I oppose Costco's proposed plan to shoehorn a 40-foot high, 4 acre warehouse with first of its kind (in the US) rooftop parking on a undersized 9.69 acre lot (Costco's own builder (MG2 Corporation, states that Costco likes it's warehouses on a 15 acre site with parking for 750 cars, this proposed plan has parking for 687 cars). This site is totally inappropriate for multiple reasons as described below for this proposed plan. The site is directly across from Prospect High School, two blocks from Country Lane Elementary School and only 50 feet from the front yards of a long established residential neighborhood.

Following are my specific comments on the DEIR.

- Response 353-2 Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 353-3 Air Quality
- The DEIR has no adequate mitigation measures stated in regard to the toxins and contaminants in the soil that will be airborne during construction. Cancer causing dust particles will expose all sensitive receptors thru-out the surrounding residential communities and the adjacent Medical/Dental buildings of West Valley Professional Center(WVPC). Just using Water Trucks twice a day as stated will not be sufficient considering that residential properties are as close as 50 feet from the project site. CalEEMod assumes only a 55% reduction in “Fugitive dust” by watering twice a day. Of great concern are the levels of asbestos and lead based paint particles released into the air as the sites existing buildings are being demolished. (D-46) Considering the scale of the project site and the DEIR’s findings of these toxins in the soil, a reduction of only 55% of “Fugitive dust” is not acceptable. How will the project applicant encapsulate the remaining 45% of this cancer causing dust?
- Response 353-3 As described in the Draft EIR mitigation measure, MM HAZ-1, prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC’s No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. DTSC’s oversight ensures that there will be no impacts from the contaminants in the soil, as DTSC as an agency is charged with this responsibility. The comment suggests that the current fugitive dust controls are not adequate, however, the comment has not provided any substantial evidence to support this assertion. The Draft EIR addressed fugitive dust during construction on pages 44 through 50 in Section 3.3, Air Quality with supporting data provided in Appendix B, Air Quality Assessment, of the Draft EIR. The construction fugitive dust emissions are disclosed within the CalEEMod® output for Project construction in Appendix B of the Draft EIR. Fugitive dust was also modelled within the construction health risk assessment. The construction health risk assessment assessed the impact to sensitive receptors, residential receptors, and worker receptors surrounding the Project. The Project will follow the BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions, which stipulate that all exposed areas shall be watered two times per day. In addition, BAAQMD rules, including Regulation 6, Rule 1 (General Requirements) and Regulation 6, Rule 6 (Prohibition of Trackout), require dust generating operations to limit particulate matter emissions. The comment

suggests that there should be a 100% control of fugitive dust. The comment has not provided any substantial evidence regarding why such absolute control is required or necessary. The BAAQMD has not established this type of control requirement, and the analysis as completed in the Draft EIR demonstrates that further fugitive dust controls are not necessary to meet the health protective limits established by the BAAQMD. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-4 The DEIR stated that “there were no non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the project site.” However, the DEIR fails to recognize that 60 feet from the project site is the West Valley Professional Center (WVPC -where medical and dental patients are having procedures done) and the other businesses in Westgate West and West Valley Shopping Center are within the stated 1000 foot grid and should have been evaluated in the Air Quality study. All the Employees, Patients, Doctors and patrons of those properties were given no consideration in the air quality studies.

Response 353-4 The text on pages 30 and 31 in Section 3.3, Air Quality, of the Draft EIR currently states that “There were no non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site. However, in performing the 1,000 foot buffer search, one additional sensitive receptor was identified just outside the 1,000 foot radius. Specifically, a non-residential sensitive receptor, Prospect High School, is located approximately 1,033 feet to the southwest of the Project boundary and was included in the analysis to be conservative even though it is beyond the BAAQMD recommended 1,000 foot radius.” However, the sensitive receptor analysis on page 20 in Appendix B, Air Quality Assessment, states that “Non-residential sensitive receptor locations were identified within a 1,000 feet radius of the modeled Project sources, based on publicly available databases and per BAAQMD guidance.” The Project analysis did identify Prospect High School as a non-residential receptor and included it in the Project analysis.¹⁰ As such, the text on pages 30 and 31 in Section 3.3, Air Quality, of the Draft EIR have been revised to reflect the analysis in Appendix B, Air Quality Assessment. See Section 5.0, Draft FEIR Text Revisions, in this Final EIR. The Draft EIR addressed potential health risk impacts to surrounding receptors from both construction and operation of the Project on pages 44 through 57 in Section 3.3, Air Quality with supporting data provided in Appendix B, Air Quality Assessment, of the Draft EIR. BAAQMD Guidelines identifies non-residential sensitive receptors as schools, daycares, hospitals or adult/elderly care facilities where people sleep or spend the majority of their day. As reflected in Figure 08 in Appendix B, Air Quality Assessment, of the Draft EIR, the health risk assessment performed evaluated the West Valley Professional Center as a worker receptor, in accordance with BAAQMD CEQA guidance. The health risk for receptors at this property were less than significant. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental

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

	impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 353-5	The DEIR has not considered the fueling type/source(gas, propane, electric) to be utilized by the Forklifts and the impacts on air quality and energy etc. Does this site still plan to have a propane refueling and sales component, and, if so, have the hazards and impacts of storing and handling propane been studied for this project in this residential area?
Response 353-5	The fuel type of forklifts has been considered and assessed in the Draft EIR. Any operational forklifts used by the Project will be electric. Regarding construction forklifts, these will be used during building construction and are assumed to be diesel fueled. The Draft EIR included the construction emissions and construction health risk from these diesel-fueled forklifts used during building construction within the Project construction air quality and health risk analyses presented in 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 353-6	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. The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes.
Response 353-6	Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis, adequacy of the applicable mitigations, and information on soil watering. As discussed on pages 138 and 139 in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR, the generation of limited hazardous materials and substances from the tire center associated with the Project would be subject to all applicable health and safety requirements. As such, impacts were determined to 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 353-7	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. 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 353-7

As described in the Draft EIR mitigation measure, MM HAZ-1, prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC's No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The Draft EIR also includes Mitigation Measure AQ-1 to reduce the construction health risk to below significance. The majority of equipment utilized for construction of the Project is greater than 50 horsepower. Regarding the impact of construction emissions, operational VOC emissions, and particulate matter emissions, all of these were assessed on pages 44 through 50 in Section 3.3, Air Quality of the Draft EIR through the health risk assessments performed for construction and operation of the Project. The operational health risk assessment included an evaluation of the DPM from warehouse delivery trucks and associated transport refrigeration units (TRU) operations. The construction and operational health risk results were less than significant. Refer to Topical Response F for a discussion of the validity of the Hazards and Hazardous Materials analysis and adequacy of the applicable mitigations. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-8

Stormwater Management.

The DEIR has inadequately analyzed hazardous Storm Water run-off

The City of San José's Environmental Services Department is responsible for stormwater management within the City. The Project would install bioretention basins throughout the proposed surface parking lots that feed into the City storm drain system. Underground 12 or 24 inch piping would convey stormwater from the bioretention basins to pipe that would connect to the existing storm drain under Graves Avenue.

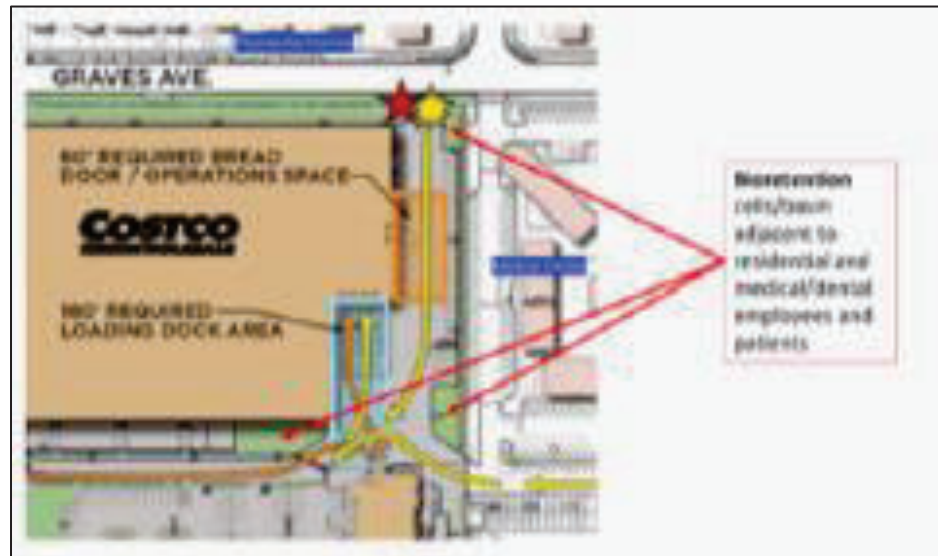
1. The Bioretention Basins as shown on the site plans must be compliant (including size) and located elsewhere on the site. Essentially they are Toxic Waste collectors adjacent to a Medical / Dental Facility and its patients and residential housing of senior citizens and children! These Bioretention Basins collect pollutants such as phosphorus, hydrocarbons, nutrients, heavy metals, harmful bacteria, pathogens, sediment, oils, grease and other types of organic

material. OSHA's website has information on all the negative human health effects of these materials.

A bioretention basin can overflow and potentially pose harm to humans under certain circumstances. A bioretention basin, also known as a rain garden or bioinfiltration swale, is designed to capture and treat stormwater runoff from impervious surfaces like roads, parking lots, and rooftops. The basin contains vegetation and engineered soil media that help filter pollutants and absorb water, promoting infiltration and groundwater recharge.

However, several factors could lead to an overflow scenario, which may have adverse effects:

- **High Intensity Rainfall Events:** During intense or prolonged rainfall events, the capacity of the bioretention basin to capture and store runoff may be exceeded, leading to overflow. This can result in excess water flowing out of the basin and potentially causing localized flooding, erosion, and property damage.
- **Clogging or Blockage:** Accumulation of debris, sediment, or pollutants within the basin's vegetation, soil media, or drainage infrastructure can impede water flow and reduce storage capacity.
- **Contaminant Transport:** overflow from a bioretention basin can carry the aforementioned Toxins, which can be harmful to human health and the environment. Contaminant transport can occur if the basin's treatment capacity is overwhelmed or if pollutants are not adequately retained and filtered.
- **Public Health Risks:** Depending on the nature and concentration of pollutants present in the overflow water, there can be potential health risks to humans exposed to contaminated runoff. This could include direct contact with polluted water, ingestion of contaminated soil or groundwater, or inhalation of airborne contaminants.



Bioretention Cell locations near homes and medical center

The California Stormwater Quality Association also states that “by design, bioretention, BPMs, have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water.” Touching these materials directly as well as the issues of Phytovolatilization and Evapotranspiration pose a potential danger to those at the Medical/Dental Facility and the residential community at large. This entire Westgate West site has been used for years as a pathway for students walking between their homes and Prospect High School. The 10ft wall as proposed (see Figure 1-W) would help mitigate and minimize possible exposure if children, including our local students, or adults were to leave the sidewalk and venture into or across the proposed Bioretention area next to Graves Avenue.

What provisions have been made for all the storm water that drains from the proposed rooftop parking area? The square footage of proposed parking, especially considering the rooftop area parking, will more than double from the existing surface parking. The concern is whether the planned Bioretention Basins connected to the current San Jose City storm drains, and those installed on the project site, are big enough to handle the projected flow of stormwater without backing up and overflowing, especially with climate change increasing the rate of rainfall projected in the future? This contaminated and toxic water could flow out of these Bioretention Basins creating immediate health hazards for the surrounding communities and businesses. Two of these Basins are located on the Northeast side of the proposed project, only 50 feet from residences to the North housing senior citizens and young children and 50 ft to the East where West Valley Professional Center resides)

(Please see picture (Figure W-2) that shows the type of wall that could help protect the neighboring community, pedestrians young and old, cyclists and WVPC, from this potential issue, as well as block the sights and sounds of Costco’s

back wall operations as was done at the Almaden Costco when it was built. Please see Figure W-1 which maps the possible placement of a wall to solve this problem)

The DEIR has failed to study the hazardous placement of these Bioretention Basins and the potential of a Wall to help mitigate these issues should the City choose to move forward with this project.

Figure W-1 - Proposed Wall





Figure W-2

Wall and side gate used at Almaden Costco to protect Neighbors in 1996 from the sights and sounds of Costcos Operations/Work side of their warehouse. Please note sign and San Jose City Code 10.16.10 (Disturbing the Peace)

Response 353-8

As discussed on page 148 in Section 3.10, Hydrology and Water Quality, of the Draft EIR, the Project would be required to comply with the C.3 Provision “New Development and Redevelopment” of the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (NPDES Permit No. CAS612008) which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit also requires that stormwater treatment measures are properly installed, operated and maintained. As such, the Project would contain on-site treatment facilities in the form of unlined bioretention basins that would be numerically sized and required, as a condition of Project approval, to have sufficient capacity to treat the Costco building’s and all parking lots’ runoff entering the storm drainage system. The bioretention basins would be consistent with the National Pollutant Discharge Elimination System requirements for stormwater treatment. Pages 147 and 148 in Section 3.10, Hydrology and Water Quality, of the Draft EIR found that the Project would not have any significant impact related to the violation of water

quality standards and substantial degradation to surface or ground water quality during Project 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 353-9

The DEIR does not adequately Mitigate Noise Impacts

Project Construction Noise Level - Table 3.13.11

The construction noise levels on this Table do not reflect the noise levels that all sensitive receptors will experience during construction. . Each construction phase listed shows -“Distance is from the nearest receptor to the main construction activity area on the project site. Not all equipment would operate at the closest distance to the receptor.” The “Distance(feet)” shows the “nearest receptor” to the North side residences(Graves Avenue) for each Construction Phase is 330 feet, when in fact it’s 50 feet. Because the proposed building is located with the length of it’s entire North side up against Graves Avenue, a major portion of “construction activity” using all it’s noise making equipment will be within 50 feet of the homes of Country Lane neighborhood. Consequently, the closer the receptor is to the source, as in this case, results in a much higher dBA. The long term average of 68.2 dBA Leq does not reflect the amount of “instantaneous maximum” limits that will be attained during construction. The City of San Jose’s General Plan Policy EC-1.7 states anything over 80dBA Leq for residences is unacceptable. The DEIR’s own reference data (Table 3.13-11) shows that some individual pieces of equipment will generate maximum noise levels between 80 and 90 dBA Lmax when used 50 to 150 feet from the nearest residences, West Valley Professional Center and Westgate West businesses. There will be so much sporadic excess noise over 80 dBA for such a long period of time and exceed in such a large margin that it constitutes a temporary significant noise impact. The DEIR states that “Construction will last approximately 21 months of “Substantial noise generating activities.” The Construction Noise Logistics Plan(MMNO1-1) as stated does not mitigate this major issue. The construction noise over that duration of time can bring significant health risks to the surrounding residential communities, especially for people who already have ongoing health problems. The National Library of Medicine (10/26/2016) published an article assessing the health impairment risks associated with construction noise for individuals living adjacent to construction sites. They classified these noise induced health impairments into four distinct categories from their research: cardiovascular disease, cognitive impairment, sleep disturbance and annoyance. The results have shown that construction noise can bring significant health risks to the neighboring resident community.

Operational Noise - Acoustical Assessment

The DEIR fails to take into account that of the 6 references used to determine dBA levels of Operational on site Sources, one was published in 1993, 4 were done in 2015 and only one done in 2022 was recent enough to be valid. Did the DEIR show studies of the continuous beeping noise made by the Forklifts when they

are used - particularly outside? The DEIR states that Forklifts are the loudest mechanical equipment at 85dBA used on site! Its stated that Forklift use will be from 4am til closing at 8:30pm! The DEIR also did not include in the Forklift use hours, the work also being done between 8:30 at night and 4am in the morning - restocking the complete Warehouse, moving merchandise displays and bringing empty pallets, shelving, displays, etc. outside to the Operations side of the building to be stored. Consequently, at any time of the night or day, the 85 dBA beeping from the Forklifts will be heard throughout the Neighborhood of Country Lane and the West Valley Professional Center. The DEIR does not show any mitigations for this public annoyance. Has the DEIR measured the dBA for the Trash trucks and Recycling trucks picking up their loads? How often will they be picking up a new load? Ideally, these rolling trash dumpsters can be rolled into the South facing loading dock area on pick up days to help protect the surrounding neighborhoods from more excessive noise early in the morning. The Operations/Work side of the building(East) side has 4 - 30 ft long parking spaces designated as truck loading/unloading - all unprotected from sight or sound from the residential areas to the North and East and the West Valley Professional Center. (Please see Figures W-3 and W-4)

Figure W-3

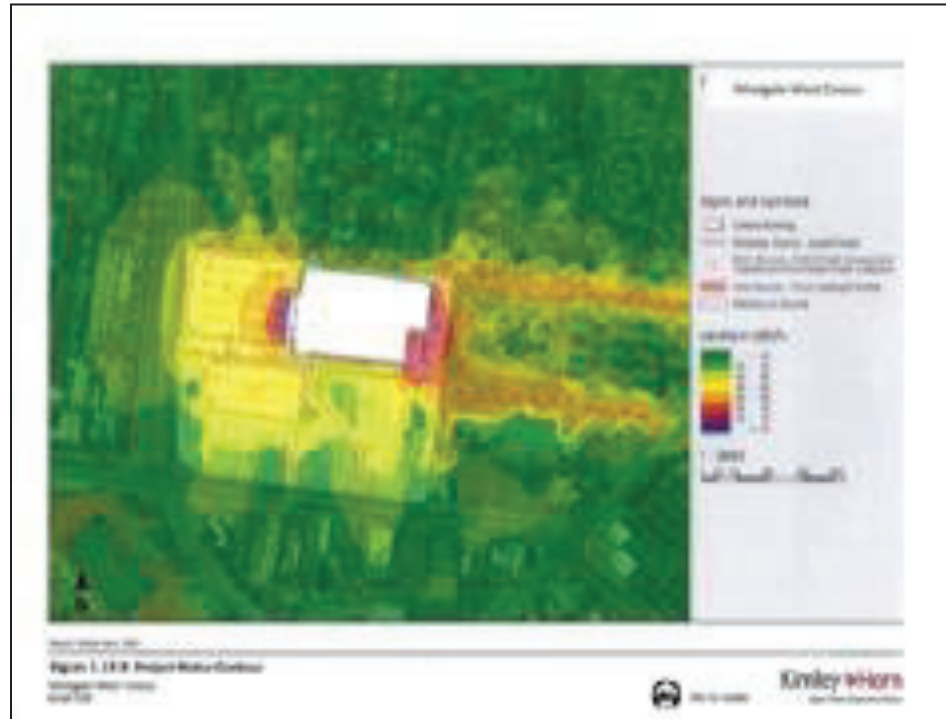
Pictures W-3 and W-4 show just some of the activity and storage that is done every day in the Operations/Work area of every Costco. The proposed plan for the Westgate West site does not have near enough space on their Operations side to handle their every day work load and it's all open and exposed - sights and sounds - directly to the North residential neighborhood and to the East the West Valley Professional Center.



Figure W-4

Please see - Figure 3.13-3: Project Noise Contour

DEIR - Figure 3.13-3: Project Noise Contour



Please note - the loudest noises that will continue to come 358 days a year and at least 20 hours a day from this site are depicted on this Project Noise Contour. All that sound/noise comes from -Point Source - HVAC - Trash Compactors - Transformer - Trash Collection Area Source - Truck Loading and Unloading - Forklifts - All of these sounds and noise take place on the East side - Operations/Work Area.

Notice how the sound radiates strongly outward into the surrounding neighborhood and the West Valley Professional Center! The DEIR fails to have any mitigations for this issue . . . however, once again rises the need for a continuous WALL (please see Figure 1W)

On the West side of the building the sound will also be radiating out of the Tire Center the same 358 days a year and out to the surrounding neighborhoods all the way past Lawrence Expressway.

The DEIR fails to mention the use of Parking Lot Sweepers - how often do they clean the parking lots and what time of day? What is the loudest dBA level when the sweepers are going? Sweeping of the rooftop parking areas will be especially loud in the adjacent residential area. Sweeping of the rooftop parking should not be done between the hours of 10:00 pm to 8:00 am and never on weekends.

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

How has the DEIR tested SoundPlan’s results for accuracy based on the following information:

Overall, SoundPlan can be a valuable tool for predicting noise impacts during construction projects near residential properties. However, like any modeling software, its accuracy is subject to limitations and uncertainties, and it should be used judiciously in conjunction with other assessment methods and professional judgment. Additionally, local regulations and guidelines may dictate specific requirements for noise assessment, which should be considered in conjunction with the use of modeling software.

SoundPlan is a software tool commonly used for noise modeling and prediction in various scenarios, including construction projects near residential properties. Its accuracy in modeling real-life circumstances depends on several factors:

Input Data Quality: The accuracy of SoundPlan’s predictions relies heavily on the quality of input data provided by the user. This includes information such as the

geometry of the buildings, properties of the materials involved, topography of the area, and characteristics of the surrounding environment.

- **Noise Source Characteristics:** SoundPlan considers various factors related to noise sources, such as construction equipment, machinery, and activities. Accurate characterization of these sources, including their emission levels, operating patterns, and frequencies, is crucial for realistic modeling.
- **Propagation Modeling:** The software uses algorithms to simulate how noise propagates through the environment, including reflection, diffraction, and absorption effects. While these algorithms are based on scientific principles, their accuracy depends on the assumptions made and the complexity of the modeling scenarios.
- **Site-Specific Conditions:** Real-life circumstances can vary widely depending on factors such as local regulations, weather conditions, time of day, and the presence of obstacles or barriers. SoundPlan allows users to input site-specific parameters to account for these factors, but the accuracy of predictions may still be affected by uncertainties or variations.
- **Validation and Calibration:** Validating and calibrating the model against real-world measurements is essential for assessing its accuracy. This involves comparing predicted noise levels with actual measurements taken at the site under similar conditions. Calibration helps identify any discrepancies and fine-tune the model parameters for better accuracy.

Have any of these “actual measurements” and tests been done at different times on different days in different weather conditions? Did the DEIR reference the effect atmospheric pressure has on sound influenced by factors such as air temperature, relative humidity, air velocity and direction as well as temperature inversion. The DEIR should reference all of the times and ways that SoundPlan did their test samples. Especially since most all dBA reference numbers were submitted using SoundPlan data.

Response 353-9

As stated on page 179 of Section 3.13, Noise and Vibration of the Draft EIR, modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment. the Project’s exterior construction noise levels during construction on weekdays and Saturdays would range from approximately 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the nearest receptors and would not exceed the FTA’s 8-hour construction noise standards of 80 dBA L_{eq} for residential uses and/or 85 dBA L_{eq} for commercial uses. The commentor misstates the requirements of City of San José General Plan Policy EC-1.7. General Plan Policy EC-1.7 states that the City of San José considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise generating activities continuing for more than 12 months and requires projects with significant construction noise impacts to implement a construction noise logistics plan. The City of San José does not use an instantaneous maximum threshold. Implementation of mitigation measure MM NOI-1, which requires the implementation of a construction noise

logistics plan, would reduce the potentially significant construction noise impact of the Project to less-than-significant and implements the requirements of General Plan Policy EC-1.7. As stated on page 178 of Section 3.13, Noise and Vibration of the Draft EIR, Project construction would not exceed the FTA's 8-hour construction noise standards of 80 dBA L_{eq} for residential uses and/or 85 dBA L_{eq} for commercial uses. The applicable FTA noise standards are established as such that projects in compliance with the standards would not have an impact on human health. The cited references are the most current, professionally recognized references for the noise analysis they inform. As stated on pages 186-187 of Section 3.13, Noise and Vibration of the Draft EIR, forklift noise was modeled as a source of operational on-site noise. The Draft EIR found that Project operational noise would not exceed the applicable residential or commercial thresholds. As stated on page 188 of Section 3.13, Noise and Vibration of the Draft EIR, trash/recycling truck pickups were modeled as a source of operational on-site noise. The Draft EIR found that Project operational noise would not exceed the applicable residential or commercial thresholds. As stated on pages 187 and 188 of Section 3.13, Noise and Vibration of the Draft EIR, truck loading area and parking area, inclusive of the four truck docks, noise was modeled as a source of operational on-site noise. The Draft EIR found that Project operational noise would not exceed the applicable residential or commercial thresholds. As stated on page 189 of Section 3.13, Noise and Vibration of the Draft EIR, the estimates of Project noise used by the analysis are conservative estimates. Even with the use of these conservative estimates, the Draft EIR found that Project operational noise would not exceed the applicable residential or commercial thresholds. The Project does not propose the use of parking lot sweepers. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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.

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}) With the Costco building walls in place prior to concrete pours, the walls would provide an approximate 15 dBA L_{eq} reduction in nighttime construction noise levels...so the nighttime noise that would be experienced by surrounding sensitive receptors would not be noticeable.

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.

As discussed on page 175 in Section 3.13, Noise and Vibration of the Draft EIR, empirical observations that include the collection of noise data from the Project site, reference noise data, SoundPLAN models, and the FHWA Highway Noise Prediction Model were used to calculate the predicted operational noise 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 353-10

Proposed Parking

DEIR - 2.4 Project Objectives (pg. 12)

#12 - Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other business and nearby residences.

The DEIR needs to confirm the number of parking spots this proposed plan has on its 9.69 acres.

The applicant has proposed Rooftop parking for 381 vehicles, Surface parking for 306 vehicles - Total 687 parking spaces, which is less than the 702 the City of San Jose requires. The applicant is erroneously trying to add to their total the 175 parking spaces for Pad F, which the other businesses in Westgate West pay for in their lease for their customers. Also, the applicant should not be counting the 4 - 30' long parking spaces on the East side/Operations side of the building for their Delivery trucks in their 687 total? Why does the proposed plan show no evidence of EV parking with charging stations?

The applicant has stated they will have 250-300 employees -where will the designated Employee on site parking be? Where are the motorcycle parking spots? Where are the additional Bicycle parking spots? The Sunnyvale Costco

has parking with signs “Employee Parking Only” on the back/Operations side of the building. Because this site is too small for this project, there is no room on the Operations side for Employee parking. The City of San Jose should mandate that there should be no Employee or Customer parking on Graves Avenue or Country Lane neighborhood streets, once again, the need for a wall to block off access to the Costco from Graves Avenue completely.

Response 353-10 Refer to Topical Response B for a discussion of parking sufficiency to avoid impacts to other businesses or spillover into neighborhoods in the Project area. 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 353-11 Subterranean Parking Alternative vs Rooftop Parking

The DEIR should do a more thorough analysis of Subterranean Parking which meets the same criteria as Rooftop parking and solves many of this proposed projects issues. The only issues the DEIR really addressed was the additional soil removal during construction, noise, potential hazardous materials and additional time. These are still the same basic issues that construction of rooftop parking will incur. However, the positive results of parking under the building far outweigh using rooftop parking - there would be no rooftop fugitive lighting glaring into the neighborhood, the building doesn’t have to be so tall looming over the neighborhood, so the overall aesthetic will be improved, there will be no noises broadcast over the neighborhood(especially at night)from the elevated surface - did the DEIR study the acoustic assessment of vehicles and patrons noise from the proposed rooftop parking? Rooftop parking doesn’t adhere to San Jose’s Green Vision Building Standards.

Using Subterranean Parking - Costco will be able to use their normal heat reflecting roofing materials(see costco.com - Operations - Construction), they can use their normal energy saving Solar panels(currently they have no Solar planned for this site) and they can employ their normal touted software controlled Skylight system for lighting that also saves energy - all of which the applicant does not have in its current plans but would be in keeping with San Jose’s Green Vision Building Standards if the proposed project designs are revised. Should the City of San Jose choose to move forward with this project, the surrounding community understands that the Subterranean Parking will add some time during construction, however, as evidenced above it solves many of the “forever” issues that face the local residents with the current proposed design.

The DEIR does not include a study of the proposed Rooftop parking which will be a first of its kind in the United States. This study is needed to determine the extent of noise/sound levels that will be broadcast over the adjacent residential neighborhood from the top of this 40 foot tall structure, especially at night.

	Rooftop and Subterranean parking both have one inherent flaw, one way in and one way out in the middle of an undersized site crowded with vehicles creating gridlock and backing up traffic on all surrounding roadways.
Response 353-11	As discussed on pages 255 and 256, in Section 8.1, Alternatives Considered and Rejected from Further Consideration of the Draft EIR, subterranean parking would offset some aesthetic impacts of the Project but would exacerbate air quality impacts and associated health risks due to the increased earth moving activities. Additionally, impacts associated with exposure to buried hazardous materials and noise due to expanded periods of earth moving. Refer to Topical Response B for a discussion of Project site parking sufficiency and internal circulation limiting overflow into neighboring streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 353-12	Project Objectives - DEIR - 2.4 pg. 12 DEIR has no Mitigations for: #4 - there are no plans for upgraded infrastructure to support the additional 11,000 car trips per day expected at or near the proposed site location.
Response 353-12	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 353-13	#6 - Project style and design does not comply - proposed building is too tall and oversized for the location, signage facing residential homes is not “attractive” or “complement the surrounding area.”
Response 353-13	Pages 23 through 24 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to conflicts with regulations governing scenic quality as a result of the Project. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 353-14	#7 - Proposed project is not in compliance with San Jose’s Green Building Standards. Project has made no provisions for Solar Energy, for EV charging, etc. (please see Subterranean Parking Alternative)
Response 353-14	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 353-15	#11 - the proposed project will create circulation gridlock onsite and a traffic nightmare on all surrounding roadways for anyone passing thru these roadway corridors.
Response 353-15	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 353-16	Of special concern are the student pedestrians and cyclists from Prospect High School and Country Lane Elementary. The DEIR studies did not analyze the magnified safety issues that will be created by this proposed project. Keeping these children and ALL pedestrians and cyclists safe should be priority #1 in keeping with the premise of Vision Zero. (Please see picture Figure W-5)
Response 353-16	The comment letter did not include an image for Figure W-5. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 353-17	#12 The proposed project does not provide even close to the number of parking spaces that the City of San Jose requires. (Please reference Proposed Parking above)
Response 353-17	Refer to Topical Response B for a discussion of parking on the Project site. As discussed on page 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 comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 353-18	Envision San Jose 2040 General Plan DEIR has no Mitigation plans for: Policy MS-1.1 - the proposed project is not in compliance with San Jose's Green Building policies for energy and water conservation. Please confirm that like other locations, the proposed plan uses an on-site treatment plant where treated water is then used for site irrigation and flushing of toilets. Are they installing a "water capture system" and "underground cisterns" for storage and use as they do at other Costco locations?

Policy MS-2.3 - Proposed plan has no intent to use Solar power as they do at other locations and the “Solar Choice” program they are “enrolled” in with PG&E is not currently operational.

Action MS-2.11 - Proposed plan is not in compliance - (Please see Subterranean Parking Alternative’s explanation of what energy saving methods have been left out of this proposed plan)

Response 353-18

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 146 through 151 in Section 3.10, Hydrology and Water Quality, of the Draft EIR found that the Project would not have any significant impact related to substantial decreases in groundwater supplies, the violation of water quality standards, site drainage, and substantial degradation to surface or ground water quality. Pages 96 through 104 in Section 3.6, Energy, of the Draft EIR included a discussion of renewable energy, energy consumption, and compliance with local plans. The Draft EIR found that there were no significant and unavoidable impacts to energy as a result of the Project. The proposed Project would integrate Green Building goals and policies such as reducing impervious structures creating new pervious landscaping areas, and installing bioretention basins to help filter stormwater, which would be consistent with Policy MS-1.1. Project consistency with Policies MS-2.3 and MS-2.11 are addressed on Table B-2 in Appendix E, Energy Assessment, of the Draft EIR. 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.¹¹ As such, solar panels are not required on-site to ensure the Project uses renewable 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 353-19

Policy MS-3.1 - not compliant - Please see Policy MS-1.1

Policy MS-14.4 - Please see all of above.

Policy MS -17.2 - Please see Policy MS -1.1

Response 353-19

As described on page 43 in the Draft EIR, the Project will include the planting of mostly low water use trees, with some moderate water use trees, and a variety of trees will be planted in order to prevent monocultures. A substantial amount of the proposed plant material for the Project site is climate adapted to the region and will use less water than other common species. The irrigation system will be a water efficient low flow, point source system designed to provide adequate

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

watering to support plant growth and insure deeply rooted plant material while avoiding excess water application. The irrigation system includes the use of deep root watering bubblers for parking lot trees to minimize usage and ensure that water goes directly to the intended planting areas. The Project would be consistent with Policy MS-3.1. Additionally, the Project would meet or exceed the Title 24 energy efficiency standards in effect at the time of building permit application. 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. 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. As such, the Project would be consistent with Policies MS-14.4 and MS-17.2. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-20 Policy LU-5.4 - Proposed circulation plan creates havoc for all Pedestrians and cyclists, project site is too small to accommodate the daily traffic on top of current existing traffic.

Response 353-20 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 D for a discussion of bike parking and pedestrian and bicyclist safety in the Project area. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-21 City of San Jose General plan
The applicant is not compliant with:
Policy CD-1.12
1.18
1.24

1.2.3

4.9

Response 353-21

Pages 23 through 24 in Section 3.1, Aesthetics, of the Draft EIR analyzed the Project's potential to conflict with applicable zoning and other regulations governing scenic quality. 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. The Draft EIR found that on 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 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, consistent with Policy CD-4.9. 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. The Project would be consistent with Policy CD-1.12. 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 as a result of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. As discussed on pages 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 and would satisfy minimum parking requirements. In combination with the information above, the Project would be consistent with Policy CD-1.18. Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. As noted in on pages 152 through 156 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. In combination with the

information above, the Project would be consistent with Policy CD-2.3. As explained on pages 69 and 70 in Section 3.4, Biological Resources, of the Draft EIR, 375 trees would be planted on the Project site, consistent with Policy CD-1.24. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-22

Operational Traffic Noise

The DEIR fails to address that the increase in traffic count will amount to 18 times what it is currently and nothing has been planned to mitigate this issue. The DEIR's traffic and safety studies were not done on weekends when traffic is historically the heaviest and not done during the peak hours when Prospect High School students travel to and from school. Consequently, overall dBA would be considerably louder than indicated - new Traffic and safety studies must be made. The DEIR did not study many of the important intersections surrounding the proposed site... these need to be re-evaluated. Especially the intersection of Lawrence Expressway and Prospect Road.

Response 353-22

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 C for a discussion of peak school hour counts, the scope, and data collection timing requirements as related 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 353-23

Its very dangerous to pedestrians, cyclists, students from PHS and vehicles themselves - partially due to the 50 mph speed limit on Lawrence Expressway.

Response 353-23

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 353-24

Noise from On-Site Vehicle Circulation

The DEIR cites employee, customer, semi trucks, delivery trucks, heavy trucks, etc. accessing the site will happen "between 7:00 am and 10:00 pm and 2:00 am and 10:00 am. This means that the local and surrounding community will be subjected to loud, annoying, unhealthy noise for 20 HOURS A DAY! 358 days a year! ONCE AGAIN, should the city approve this preposterous affront to quality of life and common sense, all of the communities around this site and anyone traveling thru this corridor's lives will be forever negatively changed!

Response 353-24

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 353-25	<p data-bbox="475 178 678 210">Recreation 3.16</p> <p data-bbox="475 233 1443 302">The DEIR shows this proposed site to be too close to a City Park. (Saratoga Creek Park and Dog Park)</p> <p data-bbox="475 329 1443 667">The city has recently completed a renovation of the dog park for over \$750,000 located at the end of Graves Avenue across from the proposed site. Once again, there should be no access to the proposed Costco site from Graves Avenue. No employee or customer parking should be allowed on Graves Avenue. Another reason for the aforementioned wall to be built. Without the wall there will be no parking spaces for all the people using the Park and newly renovated Dog Park. A wall 10-12 feet tall such as the wall built behind the Almaden, San Jose Costco, must be in this plan should the City of San Jose choose to go forward with this project.</p>
Response 353-25	<p data-bbox="475 695 1443 869">Refer to Topical Response B for a discussion of Graves Avenue access, Project site parking sufficiency, and internal circulation limiting overflow into neighborhood streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 353-26	<p data-bbox="475 892 1094 974">City of San Jose Envision San Jose 2040 General Plan Policy TR-6.7</p> <p data-bbox="475 1001 1078 1033">The DEIR doesn't have an answer for this problem:</p> <p data-bbox="475 1060 1443 1822">The DEIR hasn't addressed the design flaw on the East side of the proposed building. Because this site is too small for this project, the operations area (normally the back side of a Costco building) is only about a quarter the size of other Costcos. The average (it's higher in CA) Costco location pulls in over \$550,000 to a \$1,000,000 in sales EVERY DAY! That takes a huge amount of merchandise to be shipped into the store every day. ALL of these deliveries come through the Operations side of the building. Because the proposed Operations side is way too small, by the time they store all the normal items that stay in this area outside (pallets, shelving, storage containers, shopping carts, rolling trash bins, recycle bins, forklifts, employees cars, etc.) then while Semi-trucks, Delivery truck, Venders vehicles, Bread trucks, refrigerated trucks, etc. need to be there to unload, they want customer vehicles, pedestrians, cyclists and the local Students to traverse this area too! Graves Avenue will be gridlocked every day with customers trying to navigate into this back entrance, there will be accidents and injuries. As traffic backs up, both driveways to West Valley Professional Center(WVPC) will be blocked and Costco shoppers will be cutting thru their property to try to get to the store. Once again, the area behind Costco and between the property of WVMC needs to be walled off with no entrance to the site from Graves Avenue and a controlled gate added at the end of the wall at Trader Joe's for delivery trucks to enter coming down the easement. (Figure W1)</p>



Figure W-1

- Response 353-26 Refer to Topical Response B for a discussion of Graves Avenue access, Project site parking sufficiency, and internal circulation limiting overflow into neighboring streets. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
- Comment 353-27 The DEIR fails to adequately assess this project's impacts on:
Policy TR-1, TR-1.1, TR-1.4, TR-1.5, TR-2, TR-2.8, TR-6.1, TR-6.7, TR-9.1, CD-2.3, CD-3.3 Goal TR-2, Goal TR-5, Goal TR-8, Goal TR-12
- Response 353-27 As stated on pages 212 through 214 in Section 3.17, Transportation, of the Draft EIR, Goal TR-1, Policy TR-1.1, Policy TR-1.4, Policy TR-1.5, Goal TR-2, Policy TR-2.8, Goal TR-5, Policy TR-6.1, Policy TR-6.7, Goal TR-8, Policy TR-9.1, Goal TR-12, Policy CD-2.3, and Policy CD-3.3 are identified as relevant General Plan goals and policies related to the Project. As addressed on pages 216 and 217 in Section 3.17, Transportation, of the Draft EIR, 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 and would have a less than significant effect. While the project is compliant with the aforementioned policies, it is worth noting that projects are not required to comply with every single General Plan 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 353-28 The DEIR Omits Pedestrian and Cyclist Safety Data
The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as

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



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

Response 353-28

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

that CEQA analysis considers potential impacts to pedestrian and cyclist safety in the context of whether a Project would introduce a new geometric design feature that would create a hazardous environment. Refer to the discussion of Threshold of Significance TRANS-3 on pages 219 through 221 of Section 3.17, Transportation, of the Draft EIR for a discussion of whether the Project would introduce a geometric feature that would create a hazardous environment. The analysis in the Draft EIR concluded that the Project would not introduce a new geometric design feature that would create a hazardous environment and impacts are less than significant. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in Section 4.0 which found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-29

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 will be used as a “cut through” for vehicles who want to avoid traffic on larger streets if access to the Costco site is left open. Cars and trucks will dangerously speed down the small two lane residential street trying to get to the back entrance. Once again showing the need for a Wall (see figure W-1) if the City chooses to move forward with this project.

There is one crosswalk located on one end of the 2000 ft. street, near Lawrence Expressway. Many young children from the 77-unit Sienna townhomes. 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 353-29

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

	<p>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.</p>
Comment 353-30	<p>Due to the insufficient pedestrian and cyclist safety data in all surrounding streets, the DEIR does not include any meaningful road safety improvements. Two of Costo's project objectives state they want to increase pedestrian activity and decrease vehicular conflicts:</p> <ul style="list-style-type: none"> • 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) <p>The Envision San José 2040 General Plan also includes the following:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
Response 353-30	<p>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</p>

Project area. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. As discussed on pages 10 and 11 in Section 2.3, Proposed Development, of the Draft EIR, the project would include improvements to Project site access at Lawrence Expressway, construction of ADA compliant curb ramps, roadway median reconstruction and extension, pedestrian crosswalk installation, updates to striping, and widening of Saratoga Avenue access to the north of the Project site. As illustrated in Figure 2.5-2: Proposed Overall Site Plan on page 15 of the Draft EIR, the Project includes connections from sidewalks around the Project site to sidewalks within the Project site to be used by pedestrians and cyclists to safely access the proposed Costco and other, existing businesses. As stated on pages 60 and 61 of Appendix I, Transportation Analysis, of the Draft EIR, Project improvements at the Project site access at Lawrence Expressway, Graves Avenue at Fields Drive, and the main signalized access point from Prospect Road are intended to enhance pedestrian access and improve safety. With construction of the improvements identified in the Draft EIR, the Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.¹²

Comment 353-31

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) use a wall to Close 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

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

along Graves Avenue and throughout the Country Lane neighborhood; g) Restrict large trucks from parking on Graves Avenue, obstructing the view of pedestrians and cyclists; and h) 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 353-31

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 353-32

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

- Prospect High - Prospect/Lawrence, Saratoga/Prospect
- Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen
- Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla

	<ul style="list-style-type: none"> • Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves
Response 353-32	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 353-33	Westgate West is 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 353-33	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 353-34	<p>The Traffic Conditions Study in the DEIR is Inadequate</p> <p>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.</p>
Response 353-34	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 353-35 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 353-35 Refer to Topical Response C for a discussion of the Saratoga Avenue road diet updates in relation to the Transportation Analysis for the Project. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR include a discussion of projects considered by the cumulative analysis of the Project. The Draft EIR found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-36 There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.

Response 353-36 The commentor mis-represents what was stated at the community meeting. Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. As explained therein, the potential future Paseo de Saratoga Urban Village and the Saratoga Housing Element are not required to be analyzed by the

Project's cumulative analysis because they were not reasonably foreseeable when the Project's NOP was released. Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of the Project's potential cumulative impacts in consideration of other reasonably foreseeable projects, including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project. The aforementioned analysis found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-37 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 353-37 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 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 353-38 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 353-38

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

Comment 353-39

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 353-39	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that transportation impacts were less than significant. As such, no mitigation measures are needed for transportation impacts related to the Project. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 353-40	<p>Table 3.17-4: Intersection Operation Summary for Background Plus Project Conditions</p> <p>DEIR has stated statistics from the City of San Jose Citywide Traffic Database which is dated December 1, 2016. Data is outdated and numbers calculated from 8 year old traffic counts need to be updated.</p>
Response 353-40	Refer to Topical Response C for a discussion of the scope and City data timing 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 353-41	<p>Water demand</p> <p>DEIR has underestimated the water usage for this proposed project by comparing it to the former tenants - these numbers need to be reassessed. Water consumption from the use of the Restrooms will now be for thousands of people daily. The kitchen facility and food court use - the kitchen area cooks chickens from 6 am all day, and food prep resulting from items that haven't sold to be packaged differently - consequently they are using the dishwashers throughout the day - all consuming water that wasn't used in this manner previously.</p> <p>The DEIR doesn't state but should check - if the applicant's proposal has on-site treatment plants to treat water for site irrigation and flushing of toilets with a "water capture system" and underground cisterns for storage. In an effort to be Green, these water saving systems are used at other Costco Warehouses. (Please see costco.com -Operations)</p>
Response 353-41	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 146 through 151 in Section 3.10, Hydrology and Water Quality, of the Draft EIR found that the Project would not have any significant impact related to substantial decreases in groundwater supplies, the violation of water quality standards and substantial degradation to surface or ground water quality. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-42

SITE CIRCULATION

The DEIR has failed to thoroughly study how traffic will move through the proposed parking lots to get to the rooftop parking and then out again. The design has vehicles needing to cross the area right in front near the entrance to the warehouse to get to the one lane up to the rooftop parking. This is the busiest area of any Costco, people waiting to get into the store, pushing shopping carts in the parking lot, into the store and back out with full carts, vehicles going both ways and in and out from the rooftop parking, It's a four way stop right there! Gridlock will ensue, it will back up four different directions with people trying to walk thru, push their carts through, drive thru, etc.

With the rest of the West Gate West's businesses customers vying for a parking spot, there will be no "I'll just park way out in the North 40 and walk in". There is NO NORTH FORTY! That's why on this undersized lot, Costco is trying (for the first time in the United States) to utilize parking on the roof! Common sense should dictate while looking at this site plan that the outcome will be a nightmare of frustration for the end users. The internal back up of vehicles will keep getting worse, as people search for a parking spot or wait for someone to unload their cart, take the cart to a cart corral, go back to their car and then back out of the spot, all the while blocking the impatient cars lining up behind them also looking for a parking spot. This will spill out and affect traffic adversely on Lawrence Expressway, Saratoga Avenue, Prospect Road and any other small "feeder street" surrounding the site that people think is a shortcut.

Response 353-42

Refer to Topical Response B for a discussion of 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 353-43

City of San Jose - GREEN VISION

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. "Environmental sustainability and an enhanced quality of life for San Jose residents and businesses."

Response 353-43

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 353-44

The DEIR has not considered that important issues pertaining to this proposed project are cited from references that are out of date and not necessarily accurate given the changes that have happened since published.

SECTION 9.0 REFERENCES

Caltrans (California Department of Transportation). 1987. California Vehicle Noise Emission Levels.

Caltrans (California Department of Transportation). 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol.

Cyril M. Harris. 1979. Handbook of Noise Control, Second Edition.

Cyril M. Harris. 1994. Noise Control in Buildings – A Practical Guide for Architects and Engineers.

Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden. June 2015. Noise Navigator Sound Level Database with Over 1700 Measurement Values. FHWA (Federal Highway Administration). 2006. Roadway Construction Noise Model.

FHWA (Federal Highway Administration). 2006. Roadway Construction Noise Model User's Guide Final Report.

Federal Interagency Committee on Noise. 1992. Federal Agency Review of Selected Airport Noise

Analysis Issues.

National Electrical Manufacturers Association. 1993. Transformers, Regulators, and Reactors TR 1-1993.

RECON. July 2015. Noise Analysis for the Centerpointe 78 Project. U.S. EPA (United States Environmental Protection Agency). 1979. Protective Noise Levels (EPA 550/9-79- 100). Urban Crossroads. 2015. Lake Elsinore Walmart 2015 Noise Impact Analysis.

Response 353-44 The cited references are the most current, professionally recognized references for the noise analysis they inform. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 353-45 The DEIR doesn't state how local businesses will be compensated by Costco for their lost business during the construction phases?

Response 353-45 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 353-46 Thank you for your time and consideration in responding to my concerns.

Response 353-46 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.

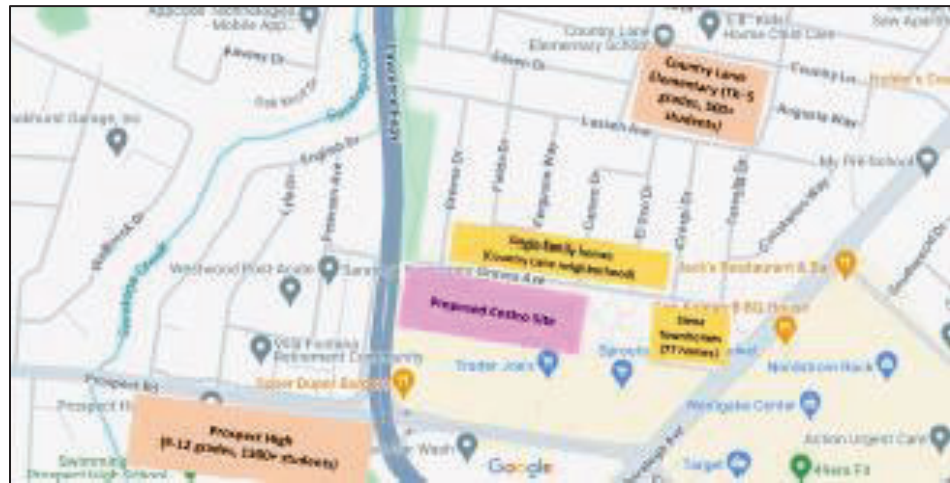
Comment Letter 354. Sean Worley (dated February 20, 2024)

Comment 354-1 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.

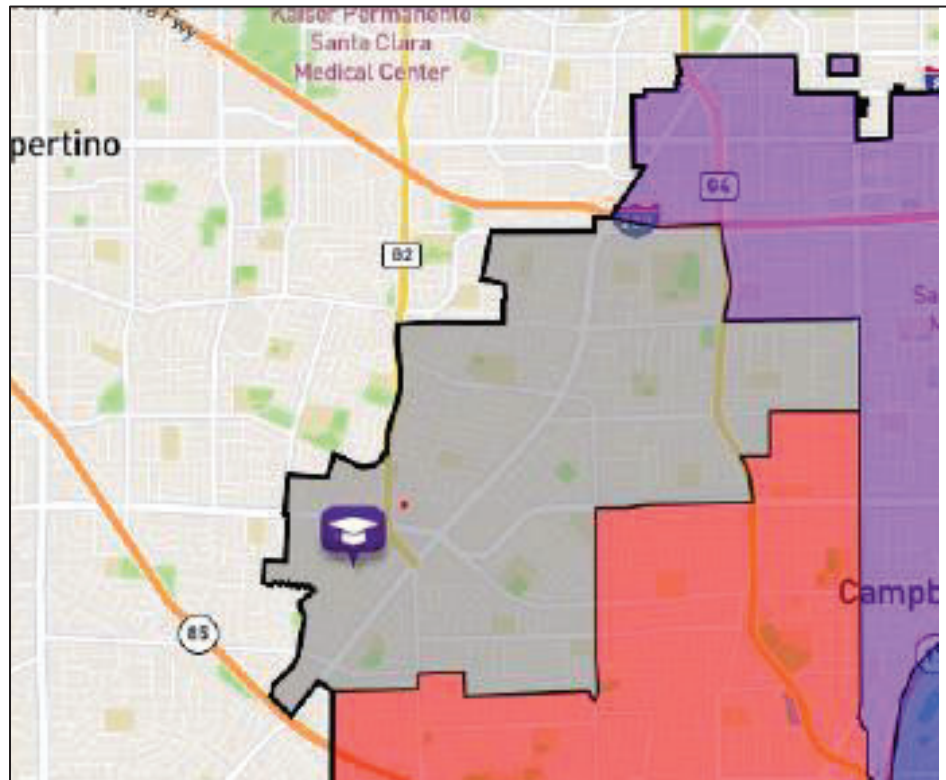
Response 354-1 This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 354-2 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 and my alma mater, 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.



It isn't just students who take the bus who need to cross the street. Prospect High is in the very southwest corner of its district, rather than in the center. The vast majority of students who do not drive to school have to cross at that intersection. I've obtained this map from the CUHSD website and marked the location of the proposed Costco with a red dot:



During my time at Prospect High, every day after school let out, I remember clumps of students larger than the traffic islands waiting at the intersection to cross the street. About half (myself included) had to cross both streets to reach the corner diagonally opposite the school. On most days, the crosswalk was full for three full cycles of the traffic light as students slowly filtered out of the school. Due to the long delays at the light, and the impatience of high school students, jaywalking was not only common but encouraged. If a group of students arrived at the crosswalk and the 30-second countdown timer was higher than 10 seconds, you could bet at least one student would sprint across. It should go without saying that increasing the number of cars at that intersection by even half as much as building a Costco would, would greatly increase the chances of teaching the student body a deadly lesson.

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

Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

Response 354-2

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 354-3

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 354-3

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 354-4

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

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

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

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

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

Response 354-4

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

Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.¹³

Comment 354-5

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 354-5

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

¹³ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

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

Comment 354-6

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

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

Response 354-6

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 354-7

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 354-7	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 354-8	<p>2. The Traffic Conditions Study in the DEIR is Inadequate</p> <p>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.</p>
Response 354-8	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 354-9	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 354-9 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 354-10 There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
- Response 354-10 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 354-11	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 354-11	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 354-12	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 354-12	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 354-13

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 354-13

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 354-14

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 354-14

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.

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| Comment 354-15 | 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 354-15 | 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 354-16 | The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and |

	<p>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.</p>
Response 354-16	<p>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.</p> <p>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.</p>
Comment 354-17	<p>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.</p>
Response 354-17	<p>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.¹⁴ 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</p>

¹⁴ 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>.

the Project site, Prospect High School and Country Lane Elementary School.¹⁵ 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.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 354-18 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 354-18 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

¹⁵ 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.

¹⁶ *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.

	evaluated in the Draft EIR and therefore, no further response is required.
Comment 354-19	<p>4. The Project is in Conflict with City of San José Urban Village Plan</p> <p>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.</p>
Response 354-19	<p>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.</p>
Comment 354-20	<p>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</p>

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 354-20 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 354-21 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 354-21 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 354-22 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 354-22 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 354-23 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 354-23	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 354-24	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 354-24	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 354-25	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 354-25	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 354-26 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 354-26 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 355. Shani Kleinhaus (dated February 20, 2024)

Comment 355-1 Please find Santa Clara Valley Audubon Society comments on the Westgate West Costco Warehouse Project attached.

Santa Clara Valley Audubon Society (SCVAS) thanks the City of San Jose for the opportunity to submit comments on the Environmental Impact Report (EIR) Westgate West Costco Warehouse Project (Project).

SCVAS was founded in 1926 and is one of the largest National Audubon Society chapters in California. SCVAS’s mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. SCVAS works to protect wildlife and habitat, endangered (and common) species in natural and in urban environments. Our members have a strong interest in projects that could impact biological resources.

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”). Rooftop parking is anticipated.

The EIR identifies no biological impacts despite the loss of 115 trees, and the likely introduction of additional lighting, including lighting on the roof of the building.

Response 355-1

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 355-2

1. Loss of trees

As stated on the City of San Jose Community Forest Master Plan¹, “Trees are a critically important part of our city's infrastructure. Trees make the city a healthier, more beautiful place. They provide shade, beautify the city, and improve air and water quality.” Yet the City of San Jose has been suffering a reduction in its tree canopy. Citywide tree canopy cover has decreased from 15.36 percent in 2012 to 13.54 percent in 2018² and the loss of trees continues. An outcry from the community has led to a recent Audit³ and the formation of a Community Forest Advisory Committee⁴. However, at this time, there is no clear path to show that in-lieu fees paid to mitigate the loss of trees and canopy actually result in new trees and canopy.

1.1 The Final EIR should provide analysis to show how the mitigation fees will be used, specifically, to accomplish the recommendations of the Audit, including but not limited to the recommendations in Finding #3 and associated recommendations:

<p>Finding 3: DOT Has Not Been Spending In-Lieu Fee Revenues Timely. The City collects in-lieu fees when applicants remove a tree and do not have room to plant a new tree on their property. DOT staff then use the in-lieu fee revenues to plant trees on the applicant's behalf. We found:</p> <ul style="list-style-type: none"> • DOT has spent only a small portion of the in-lieu fees collected. Between FY 2018-19 and FY 2021-22, the City collected over \$1.5 million in in-lieu fees. By the end of FY 2021-22, staff had spent \$88,000 (about 6 percent). • Though staff used fee revenues on planting and watering costs, DOT staff should improve how they track in-lieu fee spending. • Staff also do not have clear guidelines on where or how to spend in-lieu fee revenues, and DOT does not regularly review information about where fees were collected during the fiscal year. 	
<p>RECOMMENDATIONS:</p> <p>To better spend in-lieu fees, DOT should:</p> <ul style="list-style-type: none"> → Identify planting locations or uses for accumulated fees → Create guidelines for how fees should be spent → Regularly review information on fee collection 	

Response 355-2

Pages 69 and 70 in Section 3.4, Biological Resources, of the Draft EIR includes a discussion of trees on the Project site. The Project would remove 115 existing

	<p>trees and replant 375 trees on the Project site as required by the City's standard permit conditions. The Draft EIR found that there are no significant impacts related to Biological Resources for the Project with the proposed mitigation measures incorporated. The Project would not utilize in-lieu fees related to tree canopies. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 355-3	<p>1.2 The EIR should evaluate an alternative that retains all the trees on the perimeter of the property. This should help mitigate aesthetic, noise and air quality impacts to nearby residences and roadways.</p>
Response 355-3	<p>Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation. The Draft EIR did not conclude that there were significant and unavoidable impacts to aesthetics, noise, and air quality. Therefore, CEQA does not require the addition of an alternative to address these topic areas.</p>
Comment 355-4	<p>2. Nesting birds</p> <p>All migratory bird species are protected by the Migratory Bird Treaty Act (MTBA) with prohibited "take" of nesting birds and active nests. A nesting bird survey is needed prior to removing trees or demolition and other construction related activities that could result in "take".</p> <p>2.1 The Bay Area official bird nesting season extends from February 1st through August 31st, inclusively. This is also the date range for which preconstruction bird surveys should be conducted prior to any tree removal, demolition, and/or construction activities. Preconstruction bird nesting surveys should be conducted no more than 14 days prior to any tree removal, demolition, and/or construction activities during the entire nesting period. This is because many of the locally common migratory bird species nest late in the season or repeatedly in these months (Mourning Dove, Dark-eyed Junco, Anna's Hummingbird, House Finch, and others). Furthermore, birds can build a nest, lay eggs, and start raising young within two weeks, and an entire reproductive cycle may start and end within 30 days.</p>
Response 355-4	<p>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, including birds. Project impacts to biological resources were found to be less than significant with the applicable mitigation measure, BIO-1, incorporated, which outlines the requirements for preconstruction bird surveys. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 355-5	<p>3. Outdoor lighting</p> <p>The evidence that Artificial Light At Night (ALAN) causes pervasive harm to human health, our ecosystems and our planet is overwhelming⁵. Most birds migrate at</p>

night and nocturnally migrating birds are attracted to light⁶. The National Audubon Society's Lights Out program⁷ is a national effort to reduce the attraction of these birds to inhospitable locations. We believe that mitigations to reduce light pollution and harm to migratory birds should be provided, including a curfew on all night lighting on the roof.

Response 355-5

Pages 23 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 conflicts with regulations governing scenic quality and substantial light or glare 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, including birds. Project impacts to biological resources were found to be less than significant with the applicable mitigation measure, BIO-1, incorporated. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 355-6

4. Energy

The installation of solar panels on the roof is needed to mitigate Greenhouse Gas emissions and help the City accomplish its pledge to become carbon neutral by the end of the decade.

SCVAS thanks you for allowing us the opportunity to provide comments on the EIR.

Response 355-6

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 and generation of greenhouse gas emissions. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project and no mitigation is required. 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.¹⁷ As such, solar panels are not required on-site to ensure the Project uses renewable 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.

¹⁷ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

Comment Letter 356. Sharlene Wong (dated February 20, 2024)

Comment 356-1 I have reviewed and tried to understand the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback. I have concerns about both Westgate West Costco and the Paseo de Saratoga Urban Village projects.

Response 356-1 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 356-2 Westgate West Costco

- Why is another Costco needed in this area?
- From Mountain View to Costco Senter Road, there is a distance of 17 miles (using Google Maps) - there are already 6 Costco locations from the proposed location:
- Lawrence Station 5.8 miles
- Coleman 7.6 miles
- Almaden 9.5 miles
- Senter Road 11 miles
- Automation Parkway 11.7 miles
- Mountain View 13.8 miles
- From Mountain View to San Francisco, there is a distance of 34 miles and there are 5 Costco locations. Here are the distances between the Costco locations:
- Mountain View to Redwood City 10.1 miles
- Redwood City to Foster City 9.1 miles
- Foster City to South San Francisco 11.5 miles
- South Airport to El Camino 3.8 miles
- El Camino to San Francisco 11.4 miles
- With this proposed location, there is a higher concentration of Costcos in this limited land area where more housing is needed instead of another warehouse.
- Have the local residents asked for another Costco or is this proposal coming from Costco?

Response 356-2 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 356-3

- LOS (Level Of Service) is rated D
- From what I can see from the Transportation Report (Appendix I), D is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective, or the cycle length is long. Many vehicles stop and individual cycle failures are noticeable.
- Traffic is already unsustainable in this area - do we not want to improve and not maintain the same LOS situation?
- Queuing for left turns from Prospect onto Saratoga is already long - sometimes one must wait two light cycles.
- Saratoga Ave has now been reduced from 3 lanes to 2 with the new rubber posts added in the slow lanes so there is already increased congestion.
- Table 3.17-3: Estimated Project Trip Generation shows a projected 18x increase in the number of car trips per day:
- Current number of Westgate West Shopping Center trips per day = 601
- Projected number of Westgate West Costco trips per day = 11,017

Response 356-3

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

Comment 356-4

- Impact of proposed Paseo de Saratoga Urban Village
- My understanding is that there is no adopted urban village plan so the Paseo traffic impact is not figured into this Report.

Response 356-4

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 356-5

- Increased queuing on Lawrence Expressway to get in / out of Costco

Response 356-5

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 356-6

- Increased emissions
- Not everyone can afford an Electric Vehicle so increased emissions will be inevitable in this area with idling engines waiting in traffic.

Response 356-6

Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 356-7

- Graves Avenue impact
- Noise for residents north of Graves will be unavoidably increased.
- Graves Avenue is a narrow street and was not designed for large warehouse truck traffic.

Response 356-7

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 B for a discussion of truck 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 356-8

- Local favorite business impact
- The following businesses were forced to move so people will have to drive (using more gas) to farther locations:
 - Smart and Final
 - Goodwill
 - Ethan Allen
 - Other buildings to be demolished
- the following businesses will be impacted forcing people to find other businesses and locations:
 - Domino's
 - UPS Store

- Bikram Yoga
- Businesses at risk
- The following businesses are at risk because of Costco's competitive offerings:
- Wheel Works
- BevMo
- Sprouts - this would be a loss because the Cupertino location has already closed
- Trader Joe's - this location has better parking than the Bollinger location

Response 356-8

The Draft EIR addressed the partial occupancy of the Project site on page 8 in Section 2.1, Existing Project Site of the Draft EIR. The Project would not require relocations requiring new construction as existing businesses could find existing buildings to relocate to. Further, the relocation of existing businesses is not included in the Project. Thus, any vehicle trips to businesses that choose to relocate independent of the Project are not part of the Project and are not required to be analyzed under CEQA. Vehicle trips that are associated with the Project are addressed on pages 221 through 224 in Section 3.17, Transportation with supporting data provided 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 356-9

- Westgate West Costco will be another congested Costco location
- I live in the 95129 zip code and I am a very frequent Costco shopper (twice a month).
- Because of the close parking spaces and congestion at the Sunnyvale Costco location, I never shop there and travel to the Mountain View (and sometimes Almaden) store instead.
- If Costco is built at this Prospect location, I will not patronize this Costco and will still drive to the Mountain View or Almaden because it is more efficient and less frustrating than to deal with all the people, close parking, undesirable parking in a parking structure, dings on my car, traffic, etc.
- Alternative location
- In my opinion, if a Costco is really needed in this area (which I do not agree with), the El Paseo de Saratoga location is more suitable than the Prospect location. The surrounding roadways (Saratoga Ave and Lawrence Expressway/Quito Road) are more major thoroughfares than Prospect Road.

Response 356-9	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 356-10	<p>Paseo de Saratoga Urban Village</p> <ul style="list-style-type: none"> • Was everyone in this area notified about this project? • I was not aware of this housing project and just recently learned about its approval in 2022 on the Nextdoor social platform. • Were residents in the nearby zip codes notified before this proposal went to the Planning Commission or do citizens have to dig around for each project? • Residential units • 1777 Saratoga • 280 multifamily units • Are there 150 affordable units? • What is considered affordable? What would be the sale price of one unit? • Mixed Use • 1x 12-story building (this is very high for that block) • Building 4: 7 stories (120 senior units) • Lack of parking may affect Westgate Church • El Paseo • 820 market-rate units • What is the proposed pricing for these units? • Are there any guidelines to prevent these units from becoming investments for landlords (not homeowners) to charge high rents? • Mixed use (no Education use) • Building 1: 12 stories (279 units) • Building 2: 10 stories (302 units) • Building 3: 1 story with 1 level of underground parking (239 -> 0 units) • Whole Foods • What is the final distribution of the 239 residential units from Building 3 to Buildings 1, 2 and 4? • I could not find this documented in the Paseo Addendum.

- This distribution will likely have traffic impact.
- 7, 10, 12 story buildings are not a fit for the area
- From the renderings, the height of these buildings does not seem to fit the landscape of the area. I am not aware of any buildings with the same height nearby.
- This area will become urban in a suburban neighborhood.

Response 356-10

The Westgate West Costco Project Draft EIR evaluates the project included in State Clearinghouse number 2022010135. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project (State Clearinghouse number 2020090521), is a separate project evaluated in the El Paseo & 1777 Saratoga Avenue Mixed-Use Project Draft EIR. 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 356-11

- Keep it middle class
- I rarely shop at Whole Foods because it is more expensive - Sprouts would be a better choice.
- Please do not consider high-end stores like at Santana Row. I no longer shop at Valley Fair or Santana Row because the merchandise is too high-end and expensive.
- Exceptions: I have done online pickup at Macy's or Best Buy because non-Valley Fair locations do not have an item.

Response 356-11

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 356-12

- No approved Urban Village Plan
- As of December 2023, Paseo de Saratoga Urban Village does not have an approved Urban Village Plan.
- October 2023 report needs to be updated to include the Urban Village impact.

Response 356-12	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 356-13	<ul style="list-style-type: none"> • Alternative location • In my opinion, the Westgate West location seems more suitable for residential buildings because the area north of Graves includes the Country Lane neighborhood and medical offices. • In addition, Prospect High School students would be walking past a more residential neighborhood instead of a busy Costco parking lot. There would be better access to an El Paseo Costco than Westgate because of the two major thoroughfares - Saratoga Ave and Lawrence Expressway.
Response 356-13	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 356-14	<p>General Comments about Silicon Valley Growth</p> <ul style="list-style-type: none"> • Infrastructure • Water • This area is still susceptible to drought conditions. • Can water supply be sustained with the increased number of residents?
Response 356-14	Pages 232 through 235 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on water and wastewater infrastructure 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 356-15	<ul style="list-style-type: none"> • Utility bills are getting expensive and there is no control over or limit to the increases. • San Jose Water is a profit-making company which means increased bills paid by customers for mismanagement of funds and to please the shareholders. • Somehow the City of Santa Clara is able to manage their finances and maintain reasonable water expenses - San Jose needs a more customer-minded water company.
Response 356-15	This comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts

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

Comment 356-16

- Gas and Electric
- PG&E cannot even support current power requirements during Category 1 storms or during hot summers.
- Utility bills are outrageously expensive with multiple increases during the year and there is no control over or limit to the increases. PG&E is another profit-making business with high-paid executives and shareholders. Customers are now paying high utility bills to pay for the poorly managed and failed power lines which caused the California fires.
- How can California go green by 2035 if the lights and air conditioning cannot stay on all year now?
- Not everyone can afford to go solar. I looked into it but roof replacement and solar installation are too expensive. How are we going to handle or recycle solar panel and EV cell e-waste?

Response 356-16

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 96 through 104 in Section 3.6, Energy, of the Draft EIR included a discussion of the electrical demand associated with the Project. 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 202 through 205 in Section 3.15, Public Services, of the Draft EIR analyzed the Project's impacts to provision of public services, including fire protection, and found that there were no significant and unavoidable impacts related to the Project. Page 234 in Section 3.19, Utilities and Service Systems, of the Draft EIR analyzed the Project's impacts on electrical power 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 356-17

- Affordability
- There may be very affluent people with very high salaries and stock options who live here in Santa Clara County but many of us did not benefit from such windfalls.
- Some of us are in the former upper middle class which I now consider middle class.

- Many people are in the lower middle class, did not have the advantage of an advanced education even though many were born and raised in San Jose.
- If the objective is to get the less affluent and seniors to move out of Silicon Valley, this has been effective for many cases.
- Sand Hill Properties
- This developer needs to think about the local residents and about the best use at the property. This location is better suited for Costco as a commercial zone and the developer seems to have a personal disinterest in Costco instead of considering the traffic, residents, fit and needs of the vicinity.
- My perception is that this developer has also a bad track record with the lack of progress at the Vallco Cupertino location.
- Costco
- I love Costco and have been a member since 1991.
- However, the corporation must also consider the needs of and impact on the local residents over additional profits.
- There are undoubtedly other communities in the US without Costco which can be explored instead of this Costco-dense county.

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

Response 356-17 This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 357. Shoba Iyer (dated February 20, 2024)

Comment 357-1 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 been a resident of the country lane neighborhood for the past 24 years. The neighborhood abuts the proposed Costco site and I am less than 1000 feet away from it. I have a child who is a sophomore at Prospect . She is part of the cross country and track team that runs through the Saratoga Creek park. My sophomore also walks back home on many occasions.

Response 357-1 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 357-2 I am gravely concerned about the over 11,000 car trips the project will generate (per Appendix L Transportation Analysis pages 13, 41) especially at the already

	<p>super congested intersection of Lawrence and Prospect Ave. There have been 4 pedestrian/car accidents in the past year alone.</p> <p>The Costco project does not plan for any major traffic controls or mitigations, only minimal changes like sidewalk improvements and road striping.</p>
Response 357-2	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 357-3	The project alone generates more traffic than the roads can handle. Add in traffic from the thousands of new units across Prospect Road and along Saratoga Avenue and there is a recipe for disaster, increasing gridlock and unacceptable risk for students, pedestrians and cyclists.
Response 357-3	Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. Specifically, 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 357-4	Furthermore, this gridlock will force frustrated shoppers through the residential lanes of the Countrylane neighborhood, again driving right by Country Lane Elementary. The Country Lane neighborhood should be protected by closing off access from Graves Ave. The risk is not contained to just Countrylane elementary as there are many schools (EDS, Queen of Apostles, Mitty, Prospect High) in the area and the increased traffic poses increased concerns to our most vulnerable population - our children.
Response 357-4	Refer to Topical Response B for a discussion of access to Graves Avenue and internal congestion in the Project area. 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 357-5	There are no viable transit options to alleviate the traffic concerns. The only bus stop is 500 meters away, with buses running every 30 mins. The nearest rail service is 2 miles away. This is in contradiction to Costcos claim on their website that the site is "locally and regionally" accessible by multiple transport connections.
Response 357-5	As discussed on pages 211 and 212 in Section 3.17, Transportation, of the Draft EIR, our bus lines operate near the Project site: 56 (Local Bus), 26 (Frequent Bus), 57 (Frequent Bus), and 101 (Express Bus). The 26, 56 and 101 bus lines run along

	Prospect Avenue in the site vicinity while the 57 bus line runs along Saratoga Avenue. Service frequency is approximately every 15 minutes for frequent buses (26 and 57), 30 minutes for local buses (56) and around 60 minutes for express buses (101). The closest bus stops for the 26, 56 and 101 bus lines are located on Prospect Road, approximately 340 feet east of Prospect Road/Westgate West shopping center signalized driveway; and the 57 bus line is located on Saratoga Avenue, 200 feet north of Prospect Road/Campbell Avenue. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 357-6	The proposed Costco is also a member only store. So it is accessible only to those who pay to use the store. This is in direct contrast to Smart and Final that also provides wholesale prices which was forced to relocate. The other store that bears mention is the Goodwill store that does job training, community service and a place for the neighborhood to drop of their gently loved treasures to be used for a good cause.
Response 357-6	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 357-7	The city of San Jose has a wonderful vision of an “Urban Village” concept. The city wants Urban villages that are walkable, bicycle-friendly, transit-oriented developments in mixed-use settings that provide both housing and jobs; The proposed Costco Warehouse is located within the designated Urban village area and meets none of these goals. The neighborhood would welcome mixed-use neighborhood scaled projects that would meet these goals.
Response 357-7	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 357-8	There are 4 Costco warehouses in the immediate area already. Two are within a 10-15 min drive - Almaden and Sunnyvale. The other two are about the same - Coleman and Senter. All are in light commercial and industrial neighborhoods more suited to a warehouse. So is there really a need to have a Costco in a residential neighborhood?
Response 357-8	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 357-9	If the city insists on approving this dangerous project then before granting approval, it MUST create, fund and put in place specific traffic and pedestrian mitigation measures to address student, pedestrian and cyclist safety.

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

Response 357-9 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 Letter 358. Shveta Bagade (dated February 20, 2024)

Comment 358-1 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 20+ year resident of the Country Lane neighborhood, I have some serious concerns.

Response 358-1 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 358-2 My primary concerns are about pedestrians and traffic around our neighborhood and Prospect High School. My youngest and third child is a junior at Prospect High School (PHS). One of the things we appreciate about PHS is its accessibility to pedestrians and convenience. To see hundreds of students walking and bicycling across Lawrence and Prospect Road to get to school is truly a sight. You see kids talking, laughing and getting ready for the school day. And when you see them leaving PHS, it is a similar sight. Many of these same students go to Starbucks, Super Duper, Mod Pizza, House of Bagels, Five Guys, Yougurtland and many of the businesses in the area. They walk and cycle through the shopping plaza where these businesses are located.

It should be the number 1 priority to think about these students. As a Costco member, I shop at the Lawrence Expressway location. It is clear that Costco does not think about the same pedestrians who spend their money at this location. There are no stop signs in the parking lot, virtually no safe walking space for shoppers, and minimal access to the parking lot and the store entrance, which impacts the drivers and shoppers.

It is prudent to hold Costco accountable for keeping the students who will be walking and cycling in the area during school hours AND those who will be shopping at the Costco location. I am sure there are ways to help increase the safety of pedestrians, cyclists, and shoppers. So please hold them accountable to the highest standards of safety. With increased traffic, it will be necessary for the city of San Jose and Costco to do everything possible to think of the neighborhood and the residents. An investment in safety will be needed to minimize costly issues later. Thinking about the future now is key!

There are many other concerns but the traffic and its definite impact on pedestrians and cyclists is my number one concern. The short-term gains should not outweigh the long-term and short-term issues.

Please take this into consideration along with the other concerns I know are being brought to your attention.

Thank you for taking the time to consideration of the concerns of many residents in our neighborhood.

Response 358-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 359. Siena at Saratoga Family and Resident Community (dated February 20, 2024)

Comment 359-1 Please find attached a letter from the residents at Siena at Saratoga, a 77-unit townhome complex located in West San Jose.

The letter discusses our concerns and responses to the DEIR for the proposed Westgate West Costco project. We look forward to your response and continued discussion!

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report for the proposed Westgate West Costco project.

We are families and individuals who reside in the 77-unit Siena at Saratoga Townhomes, located on 5 streets at the northeast corner at the intersection of Graves Avenue and Saratoga Avenue. We would like to share some background information, concerns, and requests regarding the proposed Westgate West Costco project to illustrate who this project directly and permanently impacts. The signers of this letter oppose the proposed industrial-sized, membership-only Costco Warehouse requiring nearly 2 years of construction only 500 feet away from our homes.

Young, first generation immigrant families of color comprise the majority of our community. Households typically have one or more children under the age of 10 and many families have babies and children under 5. The residents living here have grown in closeness, both figuratively and literally, as have our children. There are countless impromptu, outdoor “play dates” that occur throughout the year within our community due to the ease and convenience of living so close together. There is always an open invitation of hearing other children playing outside, and having your children join in. The parents co-mingle and genuinely care and look out for one another. We have built and continue to grow a very unique community at Siena at Saratoga. A Costco at Westgate West will permanently ruin our community.

Our Concerns:

Response 359-1 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 359-2

1. The safety of our children and loved ones are our highest priority. Children who live at Siena attend Country Lane Elementary School, which is one block North and a short walk away from our community. Country Lane Elementary serves over 500 TK-5 grade students. It is impossible for children at Siena to reach the school without crossing Graves Avenue, which currently does not have a crosswalk for us to use. Children walk on this street every weekday between the hours of 8:00AM – 8:30AM and 12:00PM – 3:30PM as the school day ends at different times for different grade levels. The DEIR states 11,000+ vehicle trips per day will be generated from the Costco Warehouse (Appendix I - Transportation Analysis, p. 22 and 35), yet no data on pedestrian safety data was collected from the Country Lane neighborhood. This year, a 6th grade Moreland Middle student was struck by a vehicle at the intersection of Graves Avenue and Saratoga Avenue as he was riding his bicycle home to the Country Lane neighborhood.

Response 359-2

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

Comment 359-3

The DEIR describes a project change to close off the existing Western driveway at the end of Graves Avenue and touts this as an example of Costco 'listening' to residents, but this decision only trades away one problem and creates another. The closure of the Western driveway (Site Access A in the Transportation Analysis report) will funnel traffic through the single Eastern entrance on Graves Avenue at Cameo Drive (Site Access B), which does not provide additional safety for pedestrians. See figure below for locations.



A document titled SW SAN JOSE COSTCO TRANSPORTATION ANALYSIS – FINAL REPORT by Kittelson & Associates prepared for Costco includes a section titled GRAVES AVENUE VEHICLE & TRUCK ACCESS which includes outdated data from two years ago. A statement on page 63 somehow concludes that if the project were to be approved, it would result in a 5% increase in existing traffic at Site

Access B. This 5% value is near comical, implying that for every 100 cars that create traffic on Graves Avenue today, there would be an increase of just 5 additional cars driving on Graves Avenue if Costco was approved. We can use data collected for the report as an example. Kittelson & Associates indicates the number of vehicles using Site Access B averaged over two days was 2,107 cars. A 5% increase would be 105 cars, resulting in 2,212 cars. The DEIR from Kimley-Horn states that 11,000+ vehicle trips a day will be generated by Costco (Appendix I - Transportation Analysis, pages 22 and 35). The 11,000+ number includes car trips to and from Costco, which means 5,500+ additional cars are expected due to the warehouse each day, yet Graves Avenue's sole entry/exit point Site Access B will somehow only see a 5% increase in traffic of 105 cars. This increase also does not take into account Costco's regional and local vendor trucks, who are permitted to use Site Access B (page 64 from Kittelson & Associates report). The conflict between the DEIR and the 5% value needs to be further analyzed and scrutinized, as it minimizes and misrepresents the actual potential impact of traffic on safety.

Response 359-3

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 and the number of vehicle trips at each intersection in the Project area. As noted on page 64 of Appendix I, Transportation Analysis, of the Draft EIR, the existing ADT is 1,188 vehicles leaving the site and 919 vehicles entering the site. The total existing ADT at the site access is 2,107 vehicles. Of the Project trips, 64 site trips are distributed leaving from Site Access B and 55 site trips are distributed entering at Site Access B. The Project would contribute a 5% increase to the existing traffic at Site Access B on Graves Ave. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 359-4

Pedestrian safety is our largest concern because we know drivers are often distracted by phones or rushing and speeding. Please see APPENDIX A at the end of this letter for a sample of the types of comments people are having about the Westgate West Costco project. We ask the City Council and Planning Commission to consider if all of these people will drive with safety as their top priority for every car trip they make. Please help protect us from Costco shoppers, vendors, and drivers instead of leaving our safety in the hands of individuals who do not care about us.

2. The Siena at Saratoga community has only two small entry/exit points for 77 homes, as illustrated by the green stars in the figure below. One driveway is on Graves Avenue (Entry/Exit 1) and the other is on Saratoga Avenue (Entry/Exit 2). These entry/exit points are utilized multiple times each day by residents driving to their garages and shared parking spaces. The accessways are also used by pedestrians and cyclists in our community, as concrete walls, buildings, and fences prevent us from entering and exiting at other locations. These two access points are often used by non-residents to 'cut through' and avoid the traffic light at the intersection of Graves and Saratoga Avenue. Non-residents have been less



likely to obey the posted 15mph speed limit on our streets or exercise caution with children, pedestrians and cyclists, putting residents at risk for physical harm. The increased traffic from Costco vendors and shoppers will significantly exacerbate this problem. We can spend money to install signage and deterrents, but there is no way for our community to restrict public access to these driveways.







APPENDIX A. Sample of Different Reddit User Comments about proposed Westgate West Costco from r/SanJose Usernames have been redacted to respect their privacy.

1.	<p>I feel like costco would be good if this intersection wasn't already a driving hellhole.</p> <p>I also like how everyone is casually ignoring the climate change concern in this thread lol.</p> <p>Like having another poi here without proper transportation isn't an issue?</p>	2.	<p>That parking area is going to be so crowded.</p> <p>Haha gonna suck for that neighborhood.</p> <p>I don't care as long as I can get my toilet paper and bottled water packages.</p>
3.	<p>No gas. But Costco's MO is to sneak in, then force out other occupants and put in a gas station later. Money hungry and don't care about the residents or near by schools and kids.</p>	4.	<p>No. I'd prefer to have it occupied by other businesses than a fucking Costco. With the planned development at El Paseo de Saratoga the areas already going to turn into a shit show.</p>
5.	<p>I pity Prospect HS traffic.</p>	6.	<p>Car dependency at its finest</p>
7.	<p>That Trader Joe's parking lot is already absolute hell. With the Costco right there and everyone hauling giant packages of TP and paper towels into their oversized ridiculous SUVs? Gonna be an injury a week at that parking lot.</p> <p>Plus, because there's still no real drop off plan at Prospect High School, you're going to have all those parents dropping off their kids in a parking lot that just got exponentially busier.</p>	8.	<p>Holy fuck, all of that parking 😬</p> <p>Guess it's too late to put housing on top of it, right? Maybe a transit line? You can build a 10 story building over that lot with several hundred units.</p> <p>No? Y'all still married to your fucking cars? That parking lot is bigger than the store itself.</p> <p>So glad I left this fucking dump. What a nightmare.</p>

9.	<p>I love Costco to death and the convenience off having one so close would be pretty sweet....</p> <p>However, this location is objectively terrible. The residential area less than 100 ft away, the proximity to the foot-traffic of Prospect HS, and the clusterfuck of that parking lot's ingress and egress. There has got to be ways to mitigate traffic in that area or alter the plan to make it less impactful.</p> <p>But I guess those arguments make me a NIMBY, so bring on the downvotes</p>	10.	<p>If you'd ever been in that parking lot you would understand why. Estimates are that a Costco there will create 11K more cars going in and out of the parking lot daily.</p> <p>It already gets congested as it is with just a Trader Joe's, a bunch of small restaurants/ businesses and a yoga studio in there. If they were to build a triple decker parking garage or maybe underground parking, okay. However, I don't see that being part of the plan.</p>
11.	<p>It's the little things that impact... Like half of Prospect high school either park there or get dropped off in that parking lot and walk to the school.</p>	12.	<p>Honestly, I'd prefer costco be over at west gate mall. There's already tons of parking. Turn the old OSH and the other bldg into homes.</p>
13.	<p>This is going to completely destroy that shopping center. I already don't go to that Trader Joe's because of the parking situation.</p>	14.	<p>Parking will be terrible especially after 12pm when prospect highschool kids go across the street here for starbucks and burgers</p>
15.	<p>How dare you not want a Costco in an already over crowded area. You're a bad person and you should feel bad.</p>	16.	<p>Except Costco is a wholesale retailer. Think big, heavy items. Not geared towards those solo travelers taking public transportation with just a carton of milk and 12 eggs.</p>
17.	<p>Yay, more of our planet dedicated to car infrastructure..</p>	18.	<p>Of course a bunch of old ass people are against it. NIMBYs are clowns 🤡.</p>
19.	<p>But Costcos are inherently designed around the extremes of car culture unless they build a multi-story car lot. There will never be enough parking. Most of the stuff bought at Costco ✓ too big to carry home in public trans. So the car is the only option....</p>	20.	<p>I'm big on transit, but there's no way you can convince me to lug 36 rolls of toilet paper and my rotisserie chicken on transit when I can barely carry my laptop as is.</p>
21.	<p>OMG.. Tell me more about this parking lot. Now imagine more pick-up trucks and SUVs occupying so much spaces, blocking roads..</p>	22.	<p>that shopping center is going to be a shit show when that opens.</p> <p>LoI, sucks for them. Glad I don't live near there.</p>

23.	<p>There are 7 costco in the santa clara area.</p> <p>I guess they are trying to make a web of costcos that are a similar distance from each other. West San Jose is the only location that doesn't have one.</p> <p>Although it's kinda a nightmare driving around areas with costcos around.</p>	24.	<p>Other Costcos have parking garages such as the SF Costco as well as the brand new Newark Costco</p> <p>: ↩ ↑ 6 ↓</p> <p> Ahhh good point. Yeah I wish they could've done that instead. I can tell the current design is going to leech off the parking for the rest of the plaza.</p>
25.	<p>Old people reaching per usual, would be cool to have an outdoor area for kids to enjoy the hot dogs, chicken bakes, and pizzas from there. Easy cheap food for them</p> <p>: ↩ Reply ↑ Vote ↓</p> <p> You need a membership to get the food.</p> <p>Kids under 18 can't have a membership card. So no chicken bakes after school :(</p>	26.	<p>Anyone who has been to the Sunnyvale or any of the other San Jose Costco's knows how hectic they get. And this planned warehouse is larger than Sunnyvale's with about 3/4 the parking, except that parking in the proposed location will be shared between many stores and not just Costco. This is in addition to the already back to back traffic that Lawrence experiences for the 1-2 hours of rush hour in the morning and evenings, as well as the school traffic from the school literally across the street from this proposed location. It will be an absolute disaster if this goes through.</p>
27.	Fuck NIMBYs	28.	Losers! Build it, that'd be the closest costco to me
29.	I swear everybody always seems to complain about how shitty drivers are around here but keep wanting to make areas more congested.	30.	I agree with you, the parking/ space situation at El Paseo is far better than it is over at the Trader Joe's location. Omg.
31.	It's hard to find Costco drivers figure out a roundabout, now add the unpredictability of teenagers who think they'll live forever, I can imagine this will be a giant shitshow. El Paseo is a better location.	32.	I kinda disagree with this. Imo high density housing would be a far better option, won't cause as much traffic. Although it might be a good idea to have a real transportation system in the area, like light rail.

33.	I love trolling these NIMBYs on ND. They get soo mad.	34.	I have family and friends that left that area and noted both of those projects as part of the reason.
35.	It's honestly my major criticism for this Costco. There is no public transportation. And the bike lane on Prospect Lane between Lawrence and Saratoga is just terrifying to bike on. The amount of traffic that goes through that area is pretty wild, depending on the day.	36.	This site is such a bad fit that Costco originally had delivery trucks driving through residential streets at 2 AM for deliveries, and 25 ft tall light poles directly across the street shining light into the houses on Graves the entirety of the night. This is not nimbyism, this is strictly just a piss poor location for something that will inevitably become a shit show if it gets built.
37.	 That Westgate area is already a shit show, I try to avoid it at all costs. That parking lot specifically with the Trader Joe's and yoga studio is insane. With a Costco there, I don't envy anyone that tries to shop there. : ← Reply ↑ 24 ↓  Agreed. Grew up in that area. As they pieced together Westgate West to what it is now, the parking lot only got worse. : ← ↑ 11 ↓  LoL well it's only gonna get worse with this new development and redevelopment of El Paseo	38.	I mean traffic in that area is already kinda bad around school hours. I can't imagine what the Costco traffic would bring. I think it would do better over by the movie theater. That old luckys or whatever it was has a larger area for cars and multiple exits out of that parking lot. The parking by Trader Joe's is pretty small. : ← Reply ↑ 23 ↓  Parking is so bad at that location that the proposed building has a ramp to the roof where there will be a few hundred stalls.
39.	I would say rare NIMBY W. It would have worsened traffic on Saratoga and Lawrence. All you have to do is look at Great Oaks Blvd near 85.	40.	But if there's inadequate/no space for parking, then shoppers will have to be forced to take public transportation. While I encourage alternative means of transportation including public transportation, there's a reason why Costco stores tend to have huge parking lots.

41.	This will pass. Money talks.	42.	What a bunch of idiots.
43.	<p>Actually, since you brought up the tire shops...</p> <p>It might also be the tireshop businessmen and workers against the plan. So they won't have a major competitor across the street.</p> <p>Although I do have to say that if costco gets built, I have a feeling the tire/body shops might go out of business since they can't compete against a giant like costco.</p>	44.	<p>No one commenting here appears to actually be from the affected area. The Prospect /Saratoga cross street from this Costco was identified by San Jose as one of the most dangerous stretches of road in all San Jose (calculated by fatalities). You can find their data, their mitigation plans, and their justification on San Jose's Vision Zero site, and building this Costco will go directly against those initiatives:</p> <p>https://www.sanjoseca.gov/your-government/departments-offices/transportation/safety/vision-zero</p>
45.	<p>Erm, not necessarily true. I loath the Almaden Costco, and drive allllll the way to great oaks or up to Coleman instead. Both 15 ish minutes away, just to avoid Almaden. As a 30 something west San Jose home owner, I get not wanting a Costco in your backyard. The traffic at these places, especially if there is a Costco gas station, is bananas. Even worse on weekends. Adding ANOTHER Costco feels unnecessary, IMO, because I feel like we already have many locations in the South Bay. And it would absolutely attract a ton of ppl. Ppl traveled far and wide to snag heavily discounted Vuori, 49ers meet n greets, caviar steals, etc from the new Newark Costco. They promote the heck out of new Costco locations.</p>	46.	<p>There's also a high school right across the street and kids get out of school and are walking across that road all the time. It is not a good location for Costco. The parking lot is just not big enough, unless pretty much every other store in that shopping center would close down. Imo, across the street at Westgate could work but neither of their anchor stores (Target and Nordy's Rack) are leaving anytime soon that I'm aware of.</p> <p>Plus there's already a Costco about 12 minutes down the road off Lawrence Expressway as well as another Costco off Almaden Expressway about 10 minutes away.</p>

Response 359-4

Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include gas station. 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 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. 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 El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included on page 240 in Section 4.0, Cumulative Impacts, of the Draft EIR. 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, impacts to other businesses, and internal 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. This comment expresses general support and 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 359-5

Additionally, it is not uncommon for these two entry/exits to be obstructed or impacted by other vehicles. The Graves Avenue driveway is often blocked during commute hours and school dismissal times (see image and video link below). This poses a risk for our community members in the event of an emergency, such as a fire, rapid evacuation, or health issue.



Video Link of Graves Avenue Traffic Blocking Siena Driveway

Response 359-5

The 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 359-6

3. Another significant concern is regarding noise and air pollution impacts due to the proposed Costco project. One of Costco's main loading truck entrances is off of Saratoga Avenue and is mere feet away from the Siena driveway (see figure above). The noise and vibrations from massive trailer trucks will disrupt all the homes facing Westgate West. Homes facing Graves Avenue will also suffer from the effects of vendor trucks accessing Costco from the North.

The DEIR states the construction of a Costco Warehouse would "result in substantial noise-generating activities" (page 180) for 21 months (almost 2 years). The proposed Costco site is only 500 feet from the closest townhome in our community and the furthest townhome is within 1000 feet of the warehouse. There are Costco parking spots in the proposed project that are further in

distance than our homes. 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 the DEIR shows some construction takes place over 24 hours. Kimley-Horn states noise levels inside homes would be moderate (around 60db), typical to the level of conversations. This would be very disruptive for the babies, toddlers, and children in our community, who will most struggle with over 12 hours of conversation noise in their homes, 6 days a week, for almost 2 years. The DEIR proposes some mitigations such as controlling noise from workers' radios (page 180) but it defers describing other mitigations until the project has been approved. The absence of a complete, detailed set of noise and vibration mitigations in the DEIR does not allow us to prepare for how to manage the noise and whether we are forced to relocate from our homes for almost 2 years.

Response 359-6

The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure.

Pages 184 through 194 in Section 3.13, Noise and Vibration of the Draft EIR discussed potential operation Project impacts as a result of truck access and loading/unloading on-site and on adjacent roadways. Neither operation Project noise nor vibration would exceed the applicable standards at the nearest residential or commercial receptors.

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.

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 Leq. In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA Leq, construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA Leq is used in this analysis.

Nighttime construction would only occur on up to 5 nights, to allow for concrete pours. The Draft EIR conservatively modeled the nighttime construction noise without consideration of northern, eastern, and western Costco building walls being erected prior to the commencement of nighttime concrete pouring, and the maximum nighttime noise modeled would be approximately 73.5 dBA Leq at the residences to the north and 60.5 dBA Leq at the residences to the east (exceeding nighttime noise standard of 58.8 dBA Leq) With the Costco building walls in place prior to concrete pours, the walls would provide an approximate 15 dBA Leq reduction in nighttime construction noise levels...so the nighttime noise that would be experienced by surrounding sensitive receptors would not be noticeable.

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 359-7

Demolition and construction for this project will release human-harming, carcinogenic chemicals such as heavy metals right near our homes. These chemicals were left from a former auto repair shop and 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. The DEIR does not provide details about mitigating the vaporization of contaminated soil or the effects of soil vapor intrusion on the health of children and adults through the inhalation of volatiles and dust in outdoor air and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), additional mitigations for soil vaporization and construction equipment emissions should be proposed and described in the DEIR.

Response 359-7

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

Comment 359-8

The increased number of vehicles and ensuing gridlock generated from the Costco Warehouse after it is built will result in poor outdoor air quality due to vehicle emissions. The State of California, Environmental Protection Agency, and the International Agency for Research on Cancer (IARC) all recognize car fumes as a carcinogen. As mentioned at the beginning of our letter, Siena at Saratoga is a thriving community with many young children who regularly meet and play outdoors. It is unthinkable to require children to remain indoors for almost 2 years to protect them from the effects of demolition and construction. Even if the children in our community remain indoors, we do not know if the heating, ventilation, and air conditioning (HVAC) systems on all 77 homes can filter out the massive amounts of construction exhaust, volatile organic compounds (VOCs), and particulate matter in the air. Please help protect the children and residents in our community from shouldering the burden of exposure to potentially

	disabling, permanent, or life-altering consequences. We should be able to be safe in our residential, family-based neighborhood.
Response 359-8	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 found to have less than significant impacts related to air quality and health risks with incorporation of the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 359-9	Our Requests: The residents of Siena at Saratoga oppose the approval of the project and the construction of a Costco Warehouse at Westgate West.
Response 359-9	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 359-10	If the Planning Commission and City Council choose to move forward, we respectfully request the preparation of a detailed study on the health effects of air, soil, and noise pollution as well as a comprehensive health plan describing substantial mitigations to reduce human-harming matter and chemicals.
Response 359-10	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation measures. The Draft EIR found that there were no significant and unavoidable impacts 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 359-11	Additionally we request adequate pedestrian and traffic studies and substantial mitigations to be included in the DEIR. While the current studies are acceptable according to Kimley-Horn, we urge the City of San José to hold the City to a higher standard than the minimum required so the public can meaningfully review and engage with the data.
Response 359-11	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 359-12	Finally, we ask for the safety improvements below. <ul style="list-style-type: none"> ● Close off the full-access point at Graves Avenue to Costco trucks, shoppers, and vendor vehicles (Site Access B); ● Restrict Costco-related access to the West Valley Professional Center medical office parking lots, which are often used as 'cut throughs' to reach Graves Avenue;

- Increase the number of lighted crosswalks along Graves Avenue (see examples below) and throughout the Country Lane neighborhood;
- Install speed bumps and a stop sign on Graves Avenue;
- Put up speed radar signs on Graves Avenue and Country Lane neighborhood streets so drivers can see how fast they are going;
- Restrict large vehicles and trucks from parking on Graves Avenue, which obstructs the view of pedestrians and cyclists;
- Reduce the speed limit to 15 mph by Country Lane Elementary



Response 359-12

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 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 359-13	The Siena at Saratoga community includes many Costco members who are against this project because we recognize a large warehouse belongs in an industrial area, not in an already congested, residential neighborhood.
Response 359-13	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 359-14	We are NOT “NIMBY” residents - we welcome development at Westgate West that is aligned to Urban Village and Vision Zero policies and plans.
Response 359-14	Refer to Topical Response C for a discussion of Vision Zero initiative as accounted for in the Transportation Analysis 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 359-15	Residences allow families to build beautiful memories; a Costco Warehouse will build substantial hazards. The City of San José’s decision on this project will permanently negatively impact our lives for decades to come, and once the Costco is built, it will not be “un-built.” Costco will have strong control of the area, and they can decide to change their minds at any point for semi-truck access on Graves Avenue or work with developers to push out other businesses in order to install a gas station.
Response 359-15	Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include gas station. Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project’s impacts on the environment and applicable mitigation measures. The Draft EIR found that there were no significant and unavoidable impacts as a result of the Project. 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 359-16	The City of San José, Costco, and land owners and developers have substantial resources and are well-versed in the practices and processes that will get projects approved, including hiring lawyers and firms to produce documents aligned with their goals. Siena at Saratoga children and residents do not have the financial resources, language abilities, time, expertise, or opportunity to “sit at the table” with major decision-makers. Even if we did, we would likely not be included. There is a considerable imbalance of power in this situation and we can only advocate for ourselves and our families with our voices.
Response 359-16	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 359-17	Please hear our concerns and do what is right by honoring our requests - it is not an exaggeration to say a Westgate West Costco Warehouse will irreversibly ruin our community of 77 homes.
Response 359-17	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation measures. The Draft EIR found that there were no significant and unavoidable impacts 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 359-18	<p>Many of us have been at Siena at Saratoga for a long time and are intimately aware of our community and neighborhood, unlike people who do not spend their daily lives here. Children, seniors, and residents should be able to attend school and use neighborhood streets without fear of being struck by a vehicle or substantially risking their health. Even one injury, disability, or fatality is too many, and no business or tax revenue is worth considerable jeopardy to human health, life, and well-being. Our lives are not the 'cost of doing business' and we are real people. Please care for us as if we were one of your own family members. Please do not approve this project - it is wrong for far too many people.</p> <p>Thank you for your serious consideration and care in thoroughly responding to these significant concerns.</p>
Response 359-18	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 360. Stephanie Lu (dated February 20, 2024)	
Comment 360-1	<p>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.</p> <p>I am a resident of one of the single-family homes on Graves Avenue, directly opposite the street from the proposed Costco site. I grew up on Graves Avenue and have lived here for over 20 years. I attended local public schools and still remember when the Westgate West center was home to Orchard Supply, a fencing center, Midas, and various small businesses; I have always valued the variety and convenience of having these businesses nearby.</p>
Response 360-1	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 360-2

However, the Costco project concerns me deeply because it is simply not suitable for the Westgate location, given its size, traffic/public safety impact, and close proximity to residential areas and schools (especially Prospect High School). As a resident of Graves Avenue who can see the proposed Costco site from my home window, the addition of a Costco would affect me and my neighbors immensely. The proposed plan would bring the Costco wall just a stone's throw from my front door — significantly closer and higher than the current building, blocking out views of the Santa Cruz mountains. The raised parking garage would create light pollution and invade privacy, with shoppers directly overlooking homes on Graves Avenue. This is not to mention the 21 months of construction work that would disrupt the neighborhood, creating a noisy and miserable living environment. The proposed site is at the crossroads of several busy intersections frequented by students and pedestrians like myself; with 11,000 projected car trips a day, an increase in collisions is almost guaranteed. And with an entrance/exit to the Westgate West Center on Graves Ave, and more limited proposed parking than the Costco Sunnyvale, we will see an unwanted and unsafe increase in cars trying to shortcut through residential neighborhood streets.

Considering that we already have two existing Costcos within 6 miles away, in more appropriate industrial areas, a Costco here would bring more harm than benefit to the community.

Response 360-2

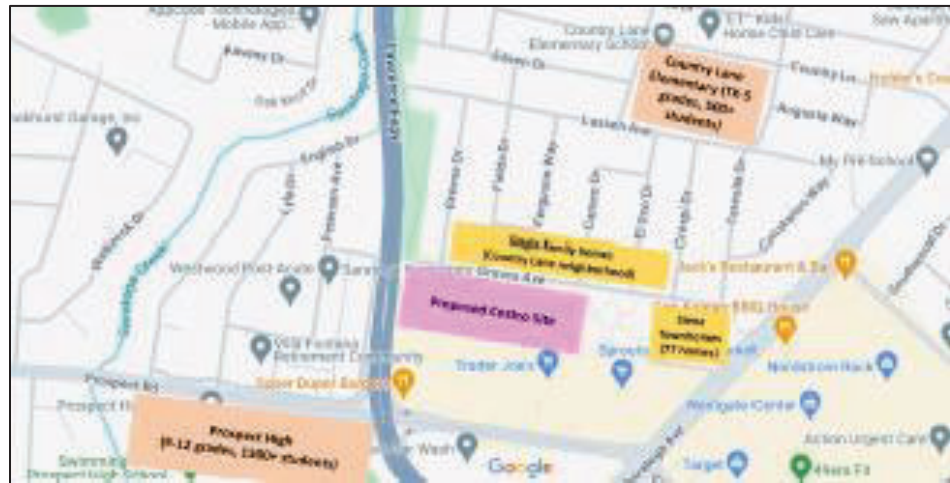
Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, regulations governing scenic quality, and substantial light or glare as a result of the Project. 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. 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. 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 360-3

1. The DEIR Omits Pedestrian and Cyclist Safety Data

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

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



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

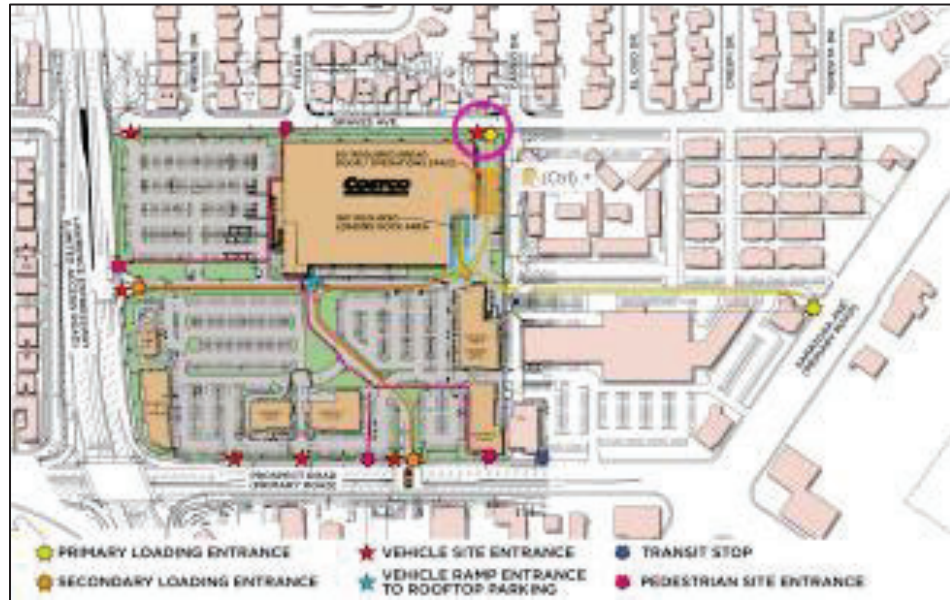
Response 360-3

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 360-4

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 360-4

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 360-5

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 360-5

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

Project would improve pedestrian and cyclist access and safety both on-site and in the Project area, meeting the Project objectives 10 and 11. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with the applicable land use plans, policies, and regulations. Thus, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.¹⁸

Comment 360-6

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 360-6

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

¹⁸ “Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816.) A project “is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Ibid.*) To the contrary, courts recognize that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Ibid.*)

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

Comment 360-7 Over 3,650 students attend 4 public schools all within ½ mile of the proposed Costco site: Prospect High, Country Lane Elementary, Easterbrook Discovery, and Moreland Middle. Therefore, longitudinal data should include morning commute and school drop-off hours, student lunch hours, afternoon school dismissal hours, and evening commute hours. Data should also be collected and shared for the intersections most utilized by students at the four schools:

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

Response 360-7 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 360-8 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 360-8	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 360-9	<p>2. The Traffic Conditions Study in the DEIR is Inadequate</p> <p>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.</p>
Response 360-9	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 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 360-10	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 360-10 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 360-11 There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor.
- Response 360-11 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 360-12	Due to the lack of data, few mentions of road improvements and mitigations are supplied in the DEIR. Even when concerns are noted (such as the adverse queuing impact on left turns from Lawrence Expressway to Prospect Road), there are no proposed improvements. There are also no solutions for the one-lane left turn from Prospect Road to Saratoga Avenue, which is already heavily gridlocked.
Response 360-12	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The Draft EIR addressed Level of Service on pages 214 and 215, and pages 223 and 224 in Section 3.17, Transportation with supporting data provided in Appendix I, Transportation Analysis, of the Draft EIR. 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 360-13	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 360-13	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 360-14 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 360-14 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 360-15 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 360-15

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.

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| Comment 360-16 | 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 360-16 | 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 360-17 | The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and |

- nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed.
- Response 360-17 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 360-18 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 360-18 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.¹⁹ 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

¹⁹ 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>.

the Project site, Prospect High School and Country Lane Elementary School.²⁰ 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.²¹ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 360-19

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 360-19

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

²⁰ 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.

²¹ *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.

	evaluated in the Draft EIR and therefore, no further response is required.
Comment 360-20	<p>4. The Project is in Conflict with City of San José Urban Village Plan</p> <p>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.</p>
Response 360-20	<p>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.</p>
Comment 360-21	<p>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</p>

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 360-21 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 360-22 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 360-22 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 360-23 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 360-23 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 360-24 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 360-24	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 360-25	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 360-25	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 360-26	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 360-26	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 360-27 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 360-27 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 361. Stephanie Sierra (dated February 20, 2024)

Comment 361-1 My name is Stephanie Sierra and I am a 14 year resident of the Country Lane Neighborhood which is right next to the proposed Costco Warehouse at Westgate West. 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 the parent of a sophomore and incoming freshman at Prospect HS, which is located less than 1,000 feet from the proposed Costco site. We reside on Cordelia Ave so my son must cross Lawrence Expressway at Prospect to get to school. My daughter will do the same when she starts Prospect next year. In addition, my husband cycles regularly through the Lawrence/Prospect intersection.

Response 361-1 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 361-2	<p>My feedback is regarding the safety of anyone who must cross through the intersection of Lawrence Expressway and Prospect, especially if the proposed Costco is approved as is.</p> <p>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 Expressway and Prospect Ave. There have been 4 pedestrian/car accidents involving students at that intersection in the past year alone.</p> <p>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 dangerous situation for students, pedestrians, and cyclists.</p>
Response 361-2	<p>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.</p>
Comment 361-3	<p>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.</p>
Response 361-3	<p>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.</p>
Comment 361-4	<p>If the city does decide to move forward with this project, before granting approval I would ask that the city create, fund, and put in place specific traffic and pedestrian mitigation measures to address student, pedestrian, and cyclist safety. Can there be a traffic study during peak school hours to see how our children might be impacted? Can improvements be made to traffic patterns on Prospect and also Lawrence? Can medians be added to provide landing areas for our students when they cross the intersection? If San Jose is truly a Vision Zero city, surely something can be done to improve the safety of our students, pedestrians, and cyclists.</p> <p>Thank you for your consideration and your care in responding to these serious concerns.</p>

Response 361-4 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 362. Susan Kauffman (dated February 20, 2024)

Comment 362-1 For 63 years my family and I have been grateful homeowners on a quiet street in the Graves Ave/Country Lane neighborhood. My parents chose to buy a home on Greene Dr because it was the last street down on Graves Ave, a no-thru street, and would therefore be the most peaceful and quiet, and would be a safe street and neighborhood to raise young children. They were right. There were almost no cars, other than those who lived on our block. Us kids could safely play games out in the street for hours after school.

During my elementary school years at Country Lane in the 1960s, the area now known as Westgate West, was a huge tranquil orchard with an old wooden farmhouse hidden deeply amongst the fruit trees. Our family knew the area would eventually change over the years but we had faith in the land use planning process, the City Council and Planning Commission guided by the General Plan. We trusted that the City Planning officials would listen to their constituents and make wise land use decisions, compatible with the healthy, safe and peaceful quality of life that they would want for their own families and neighborhoods.

Today, 63 years later, the days of being surrounded by more orchards and rustic farmhouses than stores is long gone. The orchards are gone and shopping centers abound. However Greene Dr has remained a pretty calm, quiet street and is still a nice safe neighborhood for kids to play. Our children don't deserve any less than that.

Unfortunately, the project you are considering today could change all that. The proposal to construct a ginormous 165,000 sq ft Costco Warehouse at the end of our street would put an end to the good life, a safe and mostly calm and quiet life in our residential neighborhood and in countless other quiet, almost traffic-free residential neighborhoods in the broader Costco project vicinity.

Response 362-1 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 362-2 Please DO NOT CERTIFY THE EIR. It is INADEQUATE in addressing the project's countless negative impacts and contains INADEQUATE and INSUFFICIENT mitigation measures.

Response 362-2 Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation measures. The Draft EIR did not find any significant and unavoidable impacts 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 362-3	<p>Please DO NOT APPROVE this totally INAPPROPRIATELY LOCATED project proposal. The proposed institution-sized Costco Warehouse generating 11,000 CAR TRIPS PER DAY is as far from neighborhood compatible as can be. It is clearly and blatantly inconsistent or noncompliant with the goals, objectives and measures of the following adopted City documents which you were charged to uphold, comply with, and guide you in making WISE land use planning decisions, not ones that would destroy the safe and peaceful lives we cherish in our sweet neighborhood residential areas.</p> <p>The proposed 165,000 sq ft Costco WAREHOUSE is GROSSLY INAPPROPRIATELY located. Just because the zoning ordinance allows for behemoth warehouses in the general commercial zone district, which it should not, does not mean it's a wise use immediately adjacent to quiet residential neighborhoods where children play and attend schools. Remember this is a discretionary, not a ministerial project. Please do not approve this project as it does not comply with the following City Land Use Planning documents:</p> <ul style="list-style-type: none"> • the City of San Jose General Plan • the City of San Jose Municipal Code • the City Zoning Ordinance
Response 362-3	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.
Comment 362-4	<ul style="list-style-type: none"> • the California Environmental Quality Act (CEQA),
Response 362-4	Page 1 in Section 1.0, Introduction of the Draft EIR detail the purpose and intended use of the EIR in compliance with CEQA Guidelines. The Draft EIR and appendices comprise 5,336 pages of Project analysis and represent a robust and thorough 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 362-5	<ul style="list-style-type: none"> • the Urban Village Plan,
Response 362-5	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 362-6	<ul style="list-style-type: none"> • Envision San Jose 2040,

Response 362-6	Pages 152 through 156 in Section 3.11, Land Use and Planning of the Draft EIR discusses Project compliance with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including the Envision San José 2040 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 362-7	<ul style="list-style-type: none"> the City Climate Smart Plan, and
Response 362-7	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 the City Climate Smart Plan. The Draft EIR found that there are no significant impacts related to greenhouse gas emissions for the Project.
Comment 362-8	<ul style="list-style-type: none"> the City's Vision Zero Action
Response 362-8	Refer to Topical Response C for a discussion of the Vision Zero initiative as accounted for in 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 362-9	<p>The proposed humungous Costco Warehouse belongs in a light industrial area, not across the street from our homes and our families.</p> <p>I am not opposed to growth and development or Costco (I'm a longtime Costco member), however I am strongly opposed to the proposed CostCo warehouse immediately adjacent to our residential neighborhood, rather than on a parcel designated for this light industrial use.</p>
Response 362-9	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The 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 362-10	The environmental impacts of the proposal would not only create unhealthy and unsafe conditions for our families and completely and permanently degrade our quality of life for those living in residential neighborhoods surrounding in the project vicinity. Please be guided by the goals, objectives and policies in the City's aforementioned land use planning documents and decide wisely.
Response 362-10	Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation measures. The Draft EIR did not find any significant and unavoidable impacts 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 362-11	! Too Large and Too Close to peaceful quiet residential neighborhoods. The size and scale of the proposed 165,000 sq ft Costco Warehouse is way too large for this undersized neighborhood/community commercial designated site. It belongs on a large light industrial zoned parcel, not across the street from a large neighborhood. Please take the following issues into consideration in make sure wise decision on this proposed Costco
Response 362-11	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that 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 362-12	! Project Not Needed. Our area is already "Costco Warehouse Saturated" with 4 Costco warehouses, 3 of which are within 7 miles of the proposed West Valley Costco.
Response 362-12	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 362-13	! Neighborhood incompatibility/ inappropriate location: Our elected, planning officials, the city council should use wise and reasonable land use planning principles to know better than to allow for a 165,000 sq ft warehouse immediately adjacent to a residentially zoned calm and quiet residential child-dense, neighborhood with an elementary school.
Response 362-13	Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 362-14	! Huge projects such as the proposed 165,000 sq ft warehouse that would result in numerous life-quality degrading environmental impacts, belong in light industrial zoning, not on parcels such as these, with Neighborhood/Community General Plan designations. All 4 other Costco

warehouses in this area are in light industrial and commercial areas more appropriate for a Warehouse.

Response 362-14

Pages ES-1 through ES-11, Executive Summary, of the Draft EIR include a discussion of the Project's impacts on the environment and applicable mitigation measures. The Draft EIR did not find any significant and unavoidable impacts as a result of the Project. Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.50.130 of the City of San José Municipal Code defines a warehouse retail land use as one where the display of large items, including but not limited to furniture, appliances and machinery, occupies a minimum of ninety percent of the retail display floor area. As stated on page 9 in Section 2.3, Proposed Development of the Draft EIR, the proposed Costco includes many more uses than the display of large items, preventing the display of large items from occupying ninety percent or more of the retail display floor area. Thus, the proposed Costco does not meet the definition of a retail warehouse use under the City of San José Municipal Code. Rather, the proposed Costco is most accurately categorized as a general retail use for the sale of food, beverages, groceries, goods, and merchandise, a use permitted by the Commercial General zoning district of the Project site. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 362-15

!! !! Traffic/Safety.

From Congestion to Gridlock

Our nearby streets/roads, are already congested and can be gridlocked at peak hours. If we add in Costco's 11,000 daily car trips to the traffic that will be generated by the 1,700 new housing units planned across the street from the Costco project site, the ginormous increase in traffic will undoubtedly create the "perfect storm" traffic-wise or "a recipe for disaster" for cars and the all day Costco serving trucks, but also for bicyclists, pedestrians and the 1,500 Prospect High School students, and for emergency vehicles.

Response 362-15

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 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 additional peak school hour counts and the requirements of the

	<p>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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 362-16	<p>! Safety for our students.</p> <p>Even without Costco's additional 11,000 car trips per day,</p> <p>there have already been 4 pedestrian/car accidents involving students at the Lawrence</p> <p>Expressway/Prospect Road intersection in the past year alone. How many more students and others</p> <p>(drivers, bicyclists and pedestrians) will be injured or killed in traffic accidents by the 11,000 car trips generated by Costco each day and the additional cars from 1,700 proposed housing units across the street from Costco? What is more important, our safety and ability to travel to and from our home without increased nightmarish traffic, or yet another Costco when we already have 4 others within a reasonable distance?</p> <p>! Safety of our Students. This project is inconsistent with the City's Vision Zero Plan : The most recent Costco Warehouse plan would add 11,000 car trips per day, but it does not</p> <p>include any significant road safety improvements for cars, bike, and pedestrians. This is especially dangerous since the Costco Warehouse would sit across a busy intersection that's crowded with students going to school and after school each day.</p>
Response 362-16	<p>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.</p>
Comment 362-17	<p>! Project Alternatives. We need a much better option than a hugely oversized warehouse which belongs in an industrial zone, not in our front yards or next to our quiet residential</p> <p>neighborhood. We need a project that is consistent with wise planning policies, a mixed use neighborhood-compatible SMALL SCALE, LOW IMPACT project proposal, primarily affordable housing with light, neighborhood commercial uses, such as office commercial, three-stories maximum.</p>
Response 362-17	<p>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</p>

	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. Further, Section 15126.6 of the State CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the proposed Project that could feasibly attain most of the Project objectives, while avoiding or considerably reducing any of the significant impacts of the proposed Project. In addition, the No Project Alternative must be analyzed in the document. Refer to pages 251 through 264 in Section 8.0, Alternatives, of the Draft EIR for a discussion of considered Project alternatives. 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 362-18	<p>! More and better traffic calming measures and bike and pedestrian safety measures</p> <p>are needed. The Costco proposal would generate 11,000 additional car trips per day accessible the site from our roads and streets, but it does not adequately address the increased need to provide for better vehicle, bike and pedestrian safety measures. If I was a traffic , i would suggest the most effective measures, but i am not. This should be adequately addressed by the Costco's traffic engineer consultants and by the City's traffic engineers. As a cyclist, I do know that protected bike lanes work and should be required in such a dangerous, heavily congested area.</p> <p>! Prevent cut-through traffic through our neighborhoods due to hugely increased traffic from the proposed Costco Warehouse. Since surrounding streets are already gridlocked,</p> <p>frustrated shoppers will seek easier ways to get to the Warehouse Store through the Country Lane Neighborhood, driving right by Country Lane Elementary School. Traffic calming and bicycle safety measures need to be implemented along Saratoga Avenue to existing traffic safety issues. Saratoga Ave is designated the most dangerous street for bike traffic by the Valley Transportation Authority.</p>
Response 362-18	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 362-19	The Country Lane/Graves Ave Neighborhood should be protected from all cut-through traffic as well as Costco and West Valley Shopping Center shoppers, deliveries, trucks by completely closing off Graves Avenue to and from the proposed Costco/West Valley West shopping center with a solid wall.
Response 362-19	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 362-20	! Transit, Designated Urban Village area. The project site is in a designated Urban Village area. This requires projects to provide access to transit, be walkable and

	bicycle-friendly". The proposed Costco Warehouse site meets none of these requirements, and should be subject to comply with the Urban Village objectives, including safe and accessible transit options.
Response 362-20	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 362-21	<p>! Transit</p> <p>The project proposal lacks viable transit options. The only nearby bus stop is 500 feet away and buses only run every half hour. Fully protected (from cars) bike paths are needed to access the project along Saratoga Ave and Prospect Rd. The nearest rail service is miles away. Costco states that the site is locally and regionally accessible by multiple transport connections" on their project website, but this is untrue. A project of this magnitude should be required to provide viable, safe and efficient transit options.</p>
Response 362-21	As discussed on pages 211 and 212 in Section 3.17, Transportation, of the Draft EIR, there are multiple transit options in the Project vicinity. Four bus lines operate near the Project site: 56 (Local Bus), 26 (Frequent Bus), 57 (Frequent Bus), and 101 (Express Bus). The closest bus stops for the 26, 56 and 101 bus lines are located on Prospect Road, approximately 340 feet east of Prospect Road/Westgate West shopping center signalized driveway; and the 57 bus line is located on Saratoga Avenue, 200 feet north of Prospect Road/Campbell Avenue. Bike facilities include bikeways along Prospect Road, Saratoga Avenue, Hamilton Avenue and a portion of Campbell Avenue. Refer to Topical C Refer to Topical Response C for a discussion of the Saratoga Avenue road diet and bike lane updates in relation to the Project.
Comment 362-22	<p>! Require Energy Savings Measures/Climate Solutions</p> <p>The City's Climate Smart goal is to have San Jose be Carbon Neutral by 2030. The proposed</p> <p>Costco warehouse lacks clean energy options like solar panels on the roof with energy storage. Project design should be revised to include these features. The City's Clean Energy Advisory Commission recommended that the City should require Costco to add these energy saving equipment however the City refused to ask or require them and other energy savings equipment and practices. This needs to be addressed.</p> <p>! Protect our Health. Prevent us from pollution (water and air) resulting from project</p> <p>construction and daily operations.</p> <p>Pollution disproportionately affects, children, youths, seniors and/or infirm, and nearby neighbors, particularly those with asthma and other respiratory conditions. Address and mitigate the chemical, hazardous materials, air and water pollution from decades-old Midas and Firestone auto repair site and the</p>

dry cleaner and from grading, earth moving, excavating and from any construction and operating activities.

Response 362-22

The Draft EIR described energy measures 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 indicates that the Project lacks clean energy options, however, the Project is committed to the use of renewable energy through the PG&E Solar Choice program or a similarly sustainable program as a condition of approval. 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. In addition, included on page 103 of the Draft EIR is a list of eight energy efficiency best practices that the Project would implement, which would reduce energy demands (i.e. for lighting, heating, ventilation, and air conditioning, and transformers). Through these Project features and completion of the City of San José Greenhouse Gas Reduction Strategy Compliance Checklist, the Project demonstrated compliance with Climate Smart San Jose and the goals of the City of San Jose.

Regarding air pollution from Project construction and operation, the Project construction and operational emissions were evaluated against the Bay Area Air Quality Management District thresholds to assess significance. The Project construction and operational emissions are less than significant with mitigation. A construction health risk assessment and operational health risk assessment were also performed for the Project, which were less than significant based on BAAQMD health risk thresholds which are intended to be protective of human health and require assessment of sensitive receptors, which were included and were below the significance thresholds.

Regarding the comment on the pre-existing contamination, as described in the Draft EIR mitigation measure, MM HAZ-1, prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC's No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 362-23

! Noise, Vibration, Air Pollution: Our Health and our Quality of Life. Protect nearby and neighboring residents and businesses from disturbing, annoying and harmful noise, vibration and air pollution generated from the project sites' demolition, grading, compacting, construction, vehicles and heavy equipment activities and operations of the project. The noise and vibration generated and needing to be addressed by the proposed Costco includes noise from the tire center (air impact guns), cars (doors slamming, loud voices, radios playing), delivery trucks (air brakes, idling), forklifts (constant beeping while in motion), the beeping of vehicles in reverse, trucks, mechanical equipment including all HVAC and refrigerators equipment, transformers, trash compactors). Much of the noise generated by construction and daily operations broadcasts into our adjacent and surrounding neighborhoods. This occurs throughout the day and night and some

(e.g. HVAC/refrigeration equipment) is continuous 24/7. Prevent this from permanently degrading our quality of life.

Do not allow construction activities, cement, pours, truck deliveries and pick-ups, ANY vehicle idling outside normal business hours: 8-5pm.

! Post profuse signs in all locations where vehicles (cars, operations vehicles, and trucks) are allowed, including all parking areas and on all sides of the proposed

warehouse, clearing stating that "This is a quiet zone" and that "Vehicle idling is not permitted. Pollution kills!"

Response 362-23

The Draft EIR addressed health risks and air quality 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 Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measures during construction while Project operational emissions were found to be less than significant. 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. 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 362-24

! Shielding needed to prevent Visual Blight in our residential neighborhood

Shielding of all Costco, supplier or vendor visual blight, storage, merchandise, operations from public view, for the residents and residential areas to the north, businesses and their clients to the east, and the Graves Ave/Country Lane neighborhood. This applies to visual blight generated by Costco, its operations, its on-site vendors, and those serving or being served by Costco, including but not limited to pallets, merchandise, storage and containers, storage racks and shelving, shopping carts, forklifts, compactors, recycling materials, vehicles and trailers, equipment, trash/garbage of any kind, trucks, pick-up or delivery vehicles, on-site lighting, and semi-trailers left near, at or outside loading areas, etc.

! Shielding shall be provided by a 12-foot high sturdy, solid sound wall (not fencing), neutral colored, permanently and continuously maintained and kept free of graffiti.

! All operations areas of the proposed Costco should be shielded from view for the neighbors, neighboring residential areas, businesses and their clients and customers.

Response 362-24

Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR discusses whether the Project would result in 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 in compliance with the thresholds from Appendix G of the CEQA Guidelines. No potentially significant impacts requiring mitigation were identified. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 362-25	<p>!! !! Traffic and Parking.</p> <p>IMPERATIVE!!!! Close off ALL access for pedestrians, bikes, delivery vehicles, cars and</p> <p>trucks from entering and exiting Costco to or from the adjacent Graves Ave/Country Lane residential neighborhood. These closures must be mandatory and non-negotiable, in order to preserve and protect our safe and quiet neighborhoods, our quality of life, and peace of mind, if we are to be subject to living adjacent to a massive and inappropriately located 165,000 sq ft Costco Warehouse.</p> <p>-- Complete closure of Graves Ave access to and from the proposed Costco is the only way to prevent our residential neighborhood from inundation by thousands of daily car and trucks driving to and from Costco and the entire West Gate West shopping center and for the prevention of neighborhood cut-through traffic.</p> <p>Complete closure is the only way we can prevent our small, safe, quiet residential streets in our child-dense neighborhood from becoming Costco shoppers, truck drivers, and delivery persons preferred Costco parking area.</p> <p>!!!! Increased Traffic, Neighborhood Cut-Through Traffic, Safety, Parking. IMPERATIVE!!! Close off ALL access for pedestrians, bikes, cars, delivery vehicles, and trucks from entering and exiting Costco to or from our Graves Ave/Country Lane residential neighborhood.</p>
Response 362-25	Refer to Topical Response B for a discussion of access to Graves Avenue and parking sufficiency 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 362-26	<p>Prevent spillover parking on our residential streets.</p> <p>Due to a smaller than usual parcel and an exceedingly oversized Costco Warehouse proposal, significantly less parking spaces than much smaller Costco warehouses is planned. A congested parking lot and parking shortage will result in shoppers parking on our quiet neighborhood residential streets. Many of Costco's parking spaces will be on the roof, which will be inadequately accessed by a congested one-lane in and one-lane out ramp. Costco shoppers will find it easier and more convenient to park in our residential neighborhood, especially cut-through drivers from Doyle Road and other areas. Please block all access for pedestrians, bikes, cars, trucks, and delivery vehicles from entering and exiting Costco to and from our Graves Avenue / Country Lane residential neighborhood. prevent spillover Costco parking on our residential streets.</p>

Response 362-26	Refer to Topical Response B for a discussion of 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 362-27	! Emergency vehicle access shall be allowed (to and from Graves Ave) during emergencies only.
Response 362-27	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 362-28	<p>! Displacement of a worthy cause.</p> <p>The proposed Costco Warehouse would result in the displacement of our local Goodwill store</p> <p>in Westgate West. Goodwill stores provide community-based programs and job training to a challenged population. Our local store also has provided a convenient place for residents/</p> <p>neighbors to donate their unwanted items to a good cause, rather than needlessly discarding (i.e. burying) usable items in our City's ever-growing landfill.</p>
Response 362-28	The Draft EIR addressed the partial occupancy of the Project site on page 8 in Section 2.1, Existing Project Site of the Draft EIR. The Project would not require relocations requiring new construction as existing businesses could find existing buildings to relocate to. Further, the relocation of existing businesses is not included in the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 362-29	<p>! Alcohol sales at Costco would be a clear Violation of the City Code (in number, concentration and location (within 150 ft of residences on and near Graves Ave.)</p> <p>Costco's proposed alcohol sales would clearly violate San Jose City's Municipal Code which restricts the number and concentration/density of stores which sell alcohol for off-site consumption. The City code also limits the proximity of alcohol sales to residences. The Municipal Code clearly restricts the concentration/density (number) of vendors which sell alcohol for off-site consumption to 3 stores for that area. This limit is already exceeded since there are currently 7 stores selling alcohol in that area, even without the proposed Costco warehouse. Therefore, the Westgate West area is defined as an</p> <p>“area of undue alcohol sales concentration”.</p> <p>The City Code also prohibits alcohol sales within 150 feet of a residence or within 500 feet of a park, however the Costco site is much less than 150 feet from many of the homes on and nearby Graves Ave. (It just barely meets the distance requirement from Saratoga Creek Park.) Per these Municipal Code restrictions,</p>

the proximity and density shall prevent the City of San Jose Planning Dept from giving approval to the Costco proposal. It also means that the City Council cannot approve alcohol sales at Costco since it would be in clear and blatant violation, and would be a grant of special privileges to allow the Costco Warehouse with its alcohol sales. The case for an exception to the City Code restriction cannot be made since the criteria for "public convenience/necessity" can't be cited when there are already 7 other nearby stores where consumers can buy alcohol in an area where 3 are allowed. Costco is the largest seller of alcohol in the U.S. (\$5 billion in sales per year) but it should not be "above the law".

Also, the City Code requirement prohibiting alcohol sales for off-site consumption within 150 feet of a residence was established for the purpose of safety and protection of the public. This City Code requirement should also not be circumvented to accommodate the approval of this Costco Warehouse proposal in an inappropriate and neighbor-UNfriendly location.

The City Council should not somehow "accommodate" and approve the proposed Costco Warehouse with its alcohol sales (density and location) clearly in violation of the City's Code requirements.

Response 362-29 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 Letter 363. Susan Yamashita (dated February 20, 2024)

Comment 363-1 We oppose the proposal to build a Costco in the (District 1) Westgate West shopping center.

My name is Susan Yamashita, I'm writing for many concerned Japanese-American seniors who attend a beloved senior clubhouse (West Valley JACL). This clubhouse is over 50 years old and is smack in the middle of Graves Avenue, which is behind the proposed Costco.

The future onslaught of frenzied Costco drivers will jeopardize our safety, this will affect our ability to access our Community Center. I have lived in this area over 50 years, and do not believe the proposed (gigantic) Costco is a good fit in a safe residential area.

We are hopeful the City of San Jose will use their better judgment for social concerns such as ours. Sustainable growth with seniors in mind is appreciated.

Response 363-1 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 Letter 364. Tammy Cook (dated February 20, 2024)

Comment 364-1 Thank you for the opportunity to review the DEIR for the proposed Costco at Westgate West shopping Center in San Jose. I have reviewed it and my comments are below. But first, I'd like to give you a little background on me.

I am a 19-year resident of the Country Lane neighborhood. Country Lane neighborhood is a child dense neighborhood that sits just 50 feet north of the proposed Costco. This neighborhood has sidewalks and beautiful trees that our residents enjoy daily with families out walking dogs, riding bikes, pushing babies and toddlers in strollers. I see this everyday all day long! Our elementary school, Country Lane, sits 1000 feet directly behind Costco and is home to 500 students.

Response 364-1 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 364-2 I do not believe a Costco belongs in a residential area so close to students walking/biking to school and families out walking/biking in the neighborhood. This is a huge safety concern. My daughter is currently a 6th grader at Moreland Middle School and will be attending Prospect High School in Fall 2026. She will walk to/from Prospect High every day. With the 11k new vehicle trips coming into the project site, we are very concerned for her safety crossing the Lawrence Expwy/Prospect intersection. Additionally, she will walk down Teresita Drive which is a major cut through street that shoppers will take to bypass traffic on the main roads into Costco.

With the increased traffic that Costco will bring, the main student pedestrian path of Prospect/Lawrence Expressway intersection will be increasingly more dangerous and become an accident hotspot. I fear this will result in children and student injuries and fatalities. There have already been 4 students hit this school year at this intersection.

We as a community are talking, texting, emailing, holding community meetings to discuss the impact of the project, talking with the impacted Home and School Clubs in the area, and handing out flyers to neighbors, shoppers at Westgate West and parents at the schools. My biggest concern, and the one I have heard the most from others, is student safety. Although safety was not an issue in the DEIR it is of the utmost concern for parents. Student safety was also a big issue raised by parents and students at the Vice Mayor Rosemary Kamei Community Meeting on February 5th. I am thankful to Vice Mayor Kamei for holding this meeting and listening to our concerns.

Please - from a family and children safety perspective, Costco does not belong at Westgate West.

Response 364-2 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 364-3	There are many other business/retail options that will serve the area better, that will satisfy business profitability and city urban village goals.
Response 364-3	Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 364-4	<p>I would like the city council to reject the proposal and evaluate other options for the parcel.</p> <p>Thank you very much for your consideration of my family's concerns regarding the proposed Costco at Westgate West.</p>
Response 364-4	This comment expresses general opposition for the Project. The comment is noted for the record and will be provided to the decision makers for review and consideration. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 364-5	<p>Traffic Study Feedback:</p> <p>1.) Traffic Study does not account for the Saratoga Lane Safety Changes. Saratoga Avenue is designated as a Priority Safety Corridor through the city's Vision Zero Plan. The traffic study was done prior to the Saratoga Avenue safety improvements for pedestrians and bicyclists. The Saratoga lanes nearest the project went from 6 to 4 lanes. Per Costco analysis, 11,000 new vehicle trips a day will be brought in by the project. These trips include cars, SUVs, and delivery trucks. This will increase traffic and congestion. The Transportation analysis should be redone to account for this change and its impact.</p>
Response 364-5	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 364-6	<p>2.) Traffic Study did not include the afternoon hours when students get out of school. The traffic study was done during peak rush hour traffic 7-9am and 4-6pm. It was not done during the times when the schools let out in the afternoon and hundreds of students are walking/biking home from school. It should be redone to include the hours when students get out of school. There are 4 schools totaling 3,650 students all within ½ mile of the project:</p> <ul style="list-style-type: none"> Prospect High School (1500 students) is 1000 feet directly across Lawrence Expwy/Prospect intersection. Hundreds of students a day cross this intersection to walk home or get picked up by parents at Westgate West shopping center. 11k new vehicle trips will make this intersection even more dangerous. I know of no other Costco built so close to a high school. Country Lane Elementary (500 students) is 1000 feet north of Costco sitting between Teresita Drive and Brenton Avenue. Shoppers will use Traffic apps

to soon learn they can cut through our neighborhood on Teresita and Brenton to bypass traffic on Lawrence Expwy and Saratoga. This will put these elementary school children at great risk of being hit by cars speeding through our neighborhood

- Easterbrook Discovery School (EDS) (950 students) is a K-8 school located on Doyle Road. Students from this school cross Doyle to walk/bike home. Many of them cross at Doyle/Teresita Drive and walk down Teresita to go home. I live on Teresita and see this every day. Shoppers turning on Doyle from Saratoga and Lawrence Expwy to bypass traffic put these children at great risk of being hit.
- Moreland Middle School (700 students) is ½ mile east of Costco. These students cross Campbell, Hamilton, and Saratoga to walk/bike home. Increased traffic on these major roads leading into the new Costco puts these students at increased risk of being hit. A 6th grade friend of my daughter at Moreland Middle School was hit this school year at the Graves/Saratoga Ave intersection while riding his bike home from school.

Response 364-6	Refer to Topical Response C for a discussion of peak school hour counts and the 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 364-7	3.) Traffic study did not consider the impact of cut through traffic in the Country Lane neighborhood. Cut through traffic in Country Lane neighborhood impacts the safety of students and families walking/biking. All Graves Ave access including pedestrian access should be cut off to the project to prevent Costco shoppers and employees from driving through the neighborhood. A wall should completely block access from Graves to Costco. This will help to address cut through traffic but will not completely eliminate it. Shoppers will still cut through the neighborhood, turn left on Graves and then right on Saratoga to avoid traffic. Calming measures will still be needed in the neighborhood to address speeding cut through traffic. There are no Costco warehouses in the Bay Area that allow traffic to drive through the residential neighborhoods into the Costco parking lot. Cutting off Graves access will help to protect those students at the 4 schools mentioned above who walk/bike home through the Country Lane neighborhood.
Response 364-7	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 364-8	4.) Traffic Study did not include the intersections of Lawrence Expwy/Doyle Road and Saratoga Ave/Doyle Road. As already stated, Costco shoppers will use Traffic apps to figure out they can bypass traffic on Saratoga and Lawrence Expwy by

	<p>turning onto Doyle and cutting through the Country Lane neighborhood. These intersections will backup and cause congestion and accidents. They should be included in the analysis. Note, even with all Graves Ave access cutoff to Costco, they will still cut through the neighborhood to turn left on Graves Ave and then right on Saratoga, bypassing the main artery traffic.</p>
Response 364-8	<p>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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.</p>
Comment 364-9	<p>5.) Lawrence Expwy / Prospect Rd (Intersection 11).</p> <p>Page 57 of Appendix I Transportation Analysis states the EBL and the WBL turn queues exceed storage in all scenarios of the weekday PM peak hour. See the below cut/paste. The response is 'There is not enough room to extend the existing left-turn pocket'. Not addressing this adverse effect will allow traffic to back up here creating hazardous conditions for students at Prospect High School who cross this intersection when walking/biking home immediately after school or later after events/practices. I think it is unacceptable to do nothing about this traffic hazard given the safety impact to students. Mitigations should be in place to address this.</p> <p>The eastbound left-turn lane queue exceeds the storage in all scenarios during the weekday PM peak hour. This movement would have an adverse effect from the project as project trips add one vehicle length to the queue in the Background Plus Project scenario and two vehicle lengths to the queue in the Cumulative Plus Project scenario. There is not room to extend the existing left-turn pocket as there is assumed to be a similar demand for queue space during peak school times for the westbound left-turn at the adjacent signalized intersection of Prospect Rd / Lyle Drive.</p> <p>The westbound left-turn queue exceeds the storage in all scenarios during the weekday PM peak hour. This movement would have an adverse effect from the project as project trips add eight vehicle lengths to the queue in the Background Plus Project scenario and nine vehicle lengths to the queue in the Cumulative Plus Project scenario. There is not room to extend the existing left-turn pocket as there is a similar demand for queue space for the eastbound left-turn at the adjacent intersection of Prospect Rd / Westgate West shopping center signalized driveway.</p>
Response 364-9	<p>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.</p>

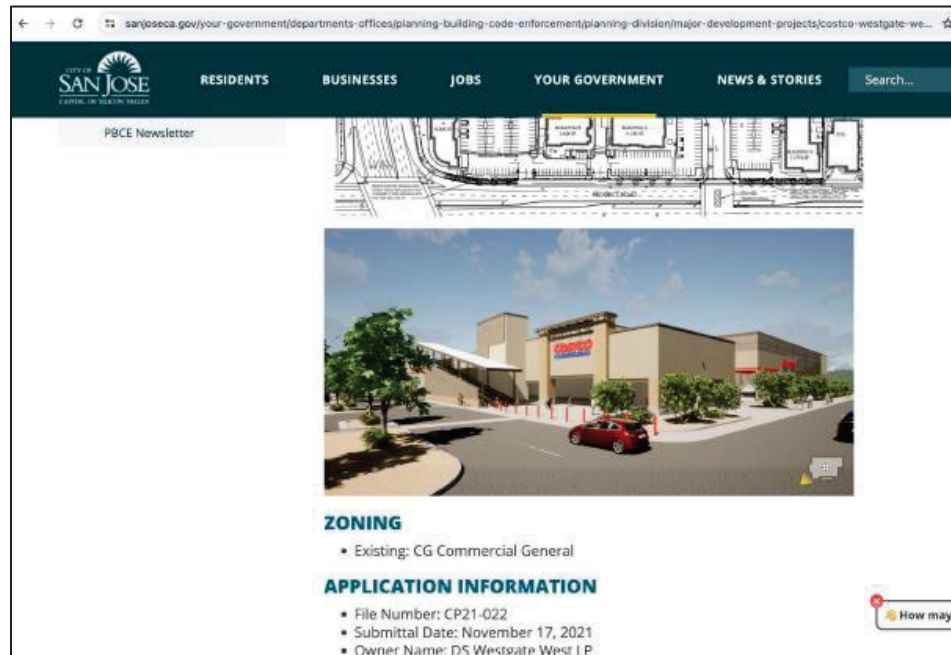
Comment 364-10	<p>6.) Prospect Rd / Westgate West shopping center signalized driveway (Intersection 12)</p> <p>Page 57 of Appendix I Transportation Analysis states the EBL turn queue exceeds storage in all scenarios of the weekday PM peak hour. See the below cut/paste. The response is ‘There is not enough room to extend the existing left-turn pocket’. A traffic backup here will cause further back up at the EBL turn pocket at Prospect/Lawrence Expwy. This makes the Lawrence Expwy/Prospect intersection extremely dangerous for students who cross this intersection when walking/biking home immediately after school or later after events/practices. I think it is unacceptable to do nothing about this traffic hazard given the safety impact to students. Mitigations should be in place to address this.</p> <p>The eastbound left turn queue exceeds the storage length in all scenarios during the weekday PM peak hour. This movement would have an adverse effect from the project as 86 project trips are added to this movement. There is not room to extend the existing left- turn pocket as there is a similar demand for queue space for the westbound left-turn at the adjacent intersection of Prospect Rd / Lawrence Expwy.</p>
Response 364-10	<p>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.</p>
Comment 364-11	<p>7.) Saratoga Ave / Prospect Rd-Campbell Ave (Intersection 13)</p> <p>Page 57 of Appendix I Transportation Analysis states the NBL turn queue exceeds storage in all scenarios of the weekday PM peak hour. See the below cut/paste. The response is ‘There is not enough room to extend the left-turn pocket’. Prospect High School students and Moreland Middle School students cross this exit daily when walking/biking home. Not addressing this adverse effect will allow traffic to back up here creating hazardous conditions for students. I think it is unacceptable to do nothing about this traffic hazard given the safety impact to students. Mitigations should be in place to address this.</p> <p>The northbound left-turn queue exceeds the storage in all scenarios during the weekday PM peak hour. This movement would have an adverse effect from the project as project trips add four vehicle lengths to the queue in the Background Plus Project and Cumulative Plus Project Alternative A scenarios; five vehicle lengths to the queue in the Background Plus Project (Alternative B); and six vehicle lengths to the queue in the Cumulative Plus Project (Alternative B). There is not room to extend the left-turn pocket without reducing through lanes or reducing queue area needed for southbound left-turns at the adjacent retail center driveway.</p>

Response 364-11	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 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 364-12	<p>8.) Saratoga Ave / Graves Ave (Intersection 6)</p> <p>Page 56 of Appendix I Transportation Analysis states the following:</p> <p>The northbound left-turn lane queue exceeds the storage in all scenarios during the weekday PM peak hour. This movement would have an adverse effect from the project only for Alternative A – With Graves Access which adds trips to that movement; Alternative B -Without Graves Access would not have an adverse effect as no project trips are added. Lengthening the left-turn pocket or reviewing traffic signal timing plans to reduce queues are potential options to address queues.</p> <p>Graves Ave access will be the back way into Costco. This intersection is crossed by students biking/walking home from Moreland Middle School into Country Lane neighborhood. As previously mentioned, a 6th grader biking home from school this school year was hit at this intersection. All access from Graves Ave to Costco must be closed from a safety perspective for students. Alternative B in Transportation analysis should be done to block off all Graves Ave access to Costco.</p>
Response 364-12	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response 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 364-13	<p>9.) DEIR says Traffic Impact is Less Than Significant</p> <p>All of these issues at the intersections surrounding the proposed new Costco have a significant impact on traffic congestion and pedestrians/bicyclists/students' safety. I do not understand why the DEIR on pg. 219 states the following:</p> <p>Trans-3 Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p> <p>Less Than Significant</p> <p>These intersections surrounding the proposed Costco are hazardous not due to a sharp curve or geometric design feature, but due to an adverse effect from increased traffic. The transportation analysis acknowledges there is adverse impact at these intersections but can't do anything about it due to no room to</p>

	extend the turn pockets. These issues should be addressed before Costco is allowed to be built there. If the Costco goes in with no mitigations for these issues, it puts our students at great risk of being hit which could result in severe injuries or fatalities.
Response 364-13	Refer to Topical Response D for a discussion of existing safety on the Project site and the Project's effect on safety conditions 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 364-14	<p>10.) Appendix G Cumulative Traffic Conditions – TRAFFIX Reports</p> <p>Maybe I am reading this Appendix incorrectly, but to me it shows absolutely no change at any intersection with the new Costco in place. I do not understand how 11,000 new vehicle trips a day in and out of Westgate West will have no impact on LOS. The traffic analysis acknowledges adverse impacts at the Costco intersections due to increased traffic but the inability to do anything about it due to no room to extend left turn lanes. Can you please explain how 5,500 new cars sitting idling at these clogged intersections around Costco will not have a negative impact on LOS and air quality?</p>
Response 364-14	Refer to Topical Response C for an explanation of Level of Service as a metric and its purpose in the analysis of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 364-15	<p>Other Concerns:</p> <p>11.) Personal Safety Concerns for the Students Walking to/from School</p> <p>As I have already stated, Costco shoppers will cut through the Country Lane neighborhood to bypass traffic on Saratoga and Lawrence Expwy. This will happen even with Graves Ave access to Costco cutoff. Introducing 11k new vehicle trips into our area increases the personal safety of our students walking home. Some Country Lane Elementary 4th and 5th graders walk home alone without a parent. We have Moreland Middle School students walking/biking to their home in Country Lane neighborhood without a parent. And of course, the Prospect High students walk home without a parent. 11k new vehicle trips in our neighborhood increases the likelihood a student could be forced into a stranger's car and abducted. As much as I hate to think about this or even say it, it is a very real possibility with that many new people coming into our neighborhood. Please consider the safety of the students in our community when deciding on this issue.</p>
Response 364-15	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 364-16	12.) Not Enough Parking for Costco

The proposed Westgate West Costco is bigger than the Sunnyvale Costco on less land with less parking. I go to the Sunnyvale Costco and parking is always a problem there. Clearly, parking will be an issue at the proposed Westgate West Costco if it goes through. Westgate West Costco will have 381 Rooftop parking stalls and 306 surface stalls. This is a total of 687 parking spots for Costco shoppers. However, per the Costco analysis, it will generate 300 new jobs. I did not see an employee parking plan in the DEIR. I assume the 300 employees will be using these new 687 Costco parking stalls. This will result in even less parking for shoppers. What does this mean? It means Costco shoppers are going to park in the unprotected parking spots for Trader Joes, Mod Pizza, UPS, Happy Lemon, Yogurt Land, and Super Duper. All of our favorite local businesses will be losing business because their loyal customers can no longer park there. This is very sad and may force them out of business. I will no longer go to Trader Joes or Yogurt Land with my daughter. Instead, we will go to Trader Joes in Cupertino and the Yogurt Land in Cupertino, increasing our VMT. Your VMT analysis does not consider the impact of local residents not going to their favorite stores in Westgate West due to parking/traffic congestion brought in by the new Costco.

- Response 364-16 Refer to Topical Response B for a discussion of parking sufficiency and impacts to other businesses in the Project area. 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 364-17 13.) Does not align with Envision San Jose 2040 Plan and Urban Villages
- The Westgate West shopping center is included in Paseo de Saratoga which is a designated Urban Village located in Horizon #3. Urban villages are areas that include residential and jobs-based developments; have access to transit; and are walkable and bicycle-friendly. Costco is not urban village compatible because it is not pedestrian and bicycle friendly. Costco shoppers are in cars/SUVs to buy and transport in bulk. If the Costco is approved and built, Westgate West will never be an Urban Village.
- Response 364-17 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 364-18 14.) Westgate West is zoned as Commercial General (CG) and Neighborhood/Community Commercial (NCC) General Plan Land Use designation Westgate West is zoned as Commercial General. This is on the Sanjoseca.gov website, see below cut/paste.

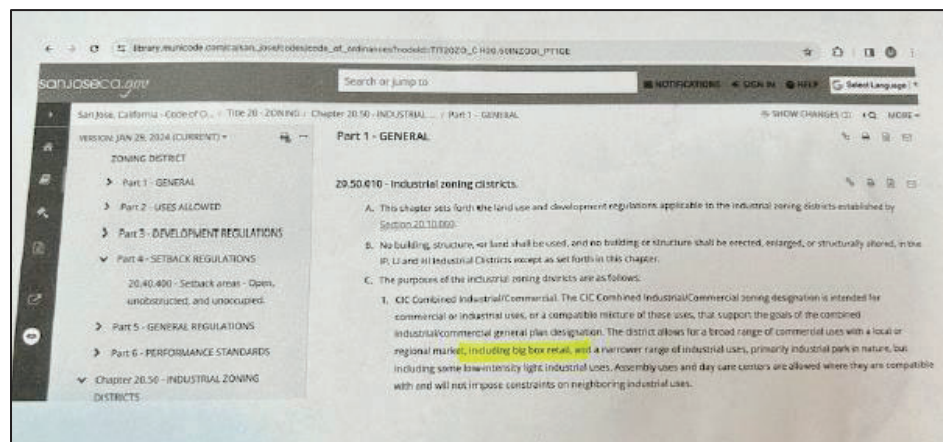


This is also on pg. 4 of the Draft EIR, see below cut/paste:

ZONING DISTRICT AND GENERAL PLAN DESIGNATION

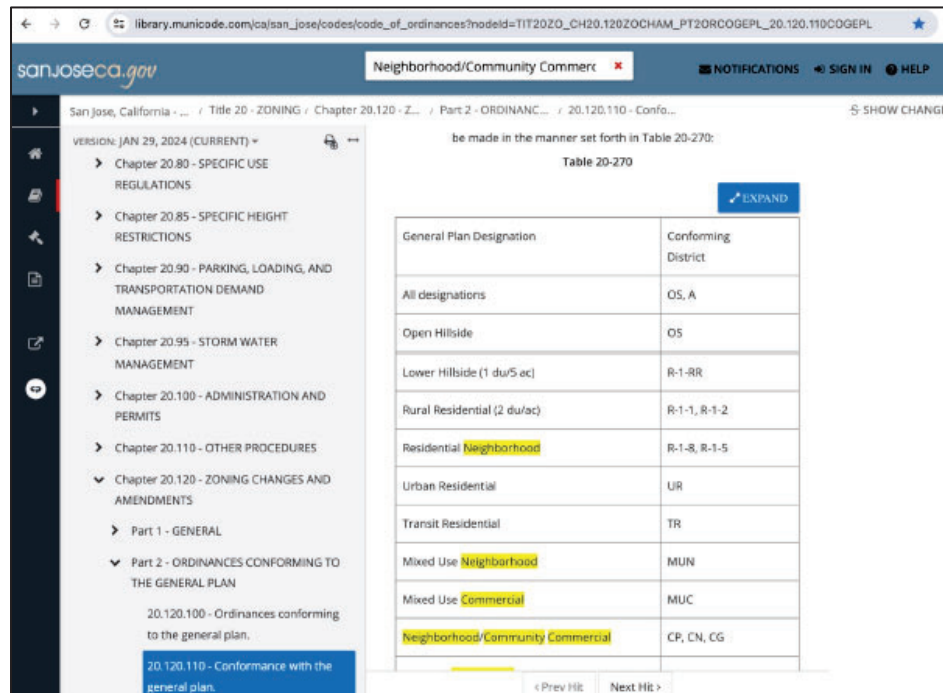
General Plan: Neighborhood/Community Commercial (NCC)
Zoning: Commercial General (CG)

Costco does not fit in a Commercial General (CG) zoned area. Costco is Big Box Retail which fits under 20.50.10 – Industrial zoning districts. See below cut/paste from the sanjoseca.gov website on this.



I do not understand why Costco is considered at this location. It does not fit with the CG zoning of this property. Furthermore, Costco does not fit in with the Envision San Jose 2040 plan because it does not comply with the Neighborhood/Community Commercial (NCC) District General Plan Use designation. NCC land use designation is for Commercial Pedestrian (CP),

Commercial Neighborhood (CN), and Commercial General (CG) district zoned areas. See the below two cut/pastes on this from the sanjoseca.gov website. If Costco goes in, then Westgate West can NEVER be an Urban Village as per the Envision San Jose 2040 Plan.



San Jose, California - Code of Ordinances - Title 20 - ZONING - Chapter 20.120 - ZONING - Part 2 - ORDINANCES - 20.120.110 - Conformance with the general plan.

VERSION: JAN 29, 2024 (CURRENT)

Chapter 20.80 - SPECIFIC USE REGULATIONS

Chapter 20.85 - SPECIFIC HEIGHT RESTRICTIONS

Chapter 20.90 - PARKING, LOADING, AND TRANSPORTATION DEMAND MANAGEMENT

Chapter 20.95 - STORM WATER MANAGEMENT

Chapter 20.100 - ADMINISTRATION AND PERMITS

Chapter 20.110 - OTHER PROCEDURES

Chapter 20.120 - ZONING CHANGES AND AMENDMENTS

Part 1 - GENERAL

Part 2 - ORDINANCES CONFORMING TO THE GENERAL PLAN

20.120.100 - Ordinances conforming to the general plan.

20.120.110 - Conformance with the general plan.

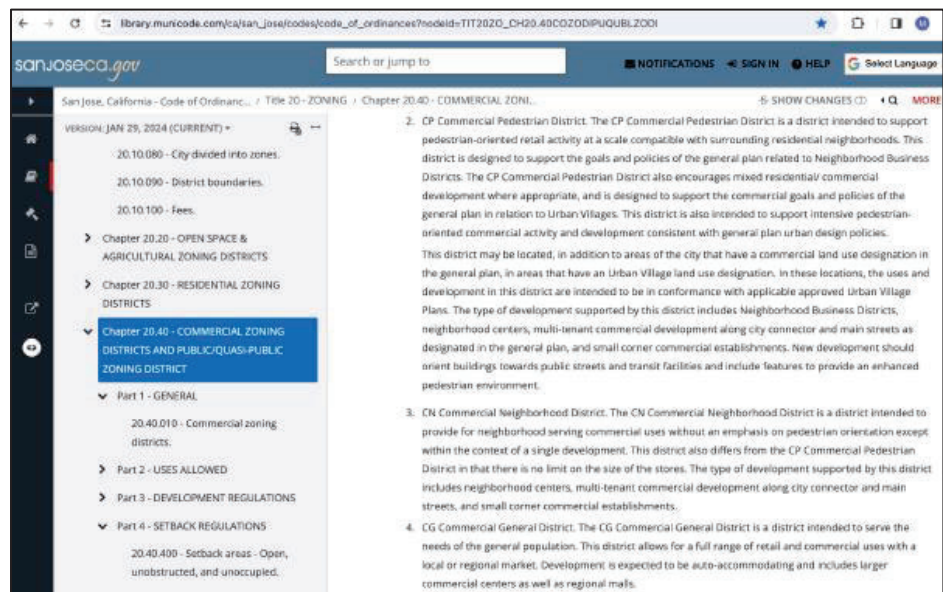
be made in the manner set forth in Table 20-270:

Table 20-270

General Plan Designation	Conforming District
All designations	OS, A
Open Hillside	OS
Lower Hillside (1 du/5 ac)	R-1-RR
Rural Residential (2 du/ac)	R-1-1, R-1-2
Residential Neighborhood	R-1-8, R-1-5
Urban Residential	UR
Transit Residential	TR
Mixed Use Neighborhood	MUN
Mixed Use Commercial	MUC
Neighborhood/Community Commercial	CP, CN, CG

EXPAND

Prev Hit Next Hit



San Jose, California - Code of Ordinances - Title 20 - ZONING - Chapter 20.40 - COMMERCIAL ZONING - Part 2 - ORDINANCES - 20.40.010 - Commercial zoning districts.

VERSION: JAN 29, 2024 (CURRENT)

20.10.080 - City divided into zones.

20.10.090 - District boundaries.

20.10.100 - Fees.

Chapter 20.20 - OPEN SPACE & AGRICULTURAL ZONING DISTRICTS

Chapter 20.30 - RESIDENTIAL ZONING DISTRICTS

Chapter 20.40 - COMMERCIAL ZONING DISTRICTS AND PUBLIC/QUASI-PUBLIC ZONING DISTRICT

Part 1 - GENERAL

20.40.010 - Commercial zoning districts.

Part 2 - USES ALLOWED

Part 3 - DEVELOPMENT REGULATIONS

Part 4 - SETBACK REGULATIONS

20.40.400 - Setback areas - Open, unobstructed, and unoccupied.

2. CP Commercial Pedestrian District. The CP Commercial Pedestrian District is a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the general plan related to Neighborhood Business Districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate, and is designed to support the commercial goals and policies of the general plan in relation to Urban Villages. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies. This district may be located, in addition to areas of the city that have a commercial land use designation in the general plan, in areas that have an Urban Village land use designation. In these locations, the uses and development in this district are intended to be in conformance with applicable approved Urban Village Plans. The type of development supported by this district includes Neighborhood Business Districts, neighborhood centers, multi-tenant commercial development along city connector and main streets as designated in the general plan, and small corner commercial establishments. New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

3. CN Commercial Neighborhood District. The CN Commercial Neighborhood District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.

4. CG Commercial General District. The CG Commercial General District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

Response 364-18

The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.40.010.C.4 of the City of San José Municipal Code reflects that Commercial General zoning supports a "full range of retail and commercial uses with a local or regional market" and "includes larger commercial centers as well as regional malls." 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 of 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, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. 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 364-19

15.) Off-sale Alcohol Seller Density Limits

(SJ Muni Code Title 6, Muni Code Title 20) to ensure sufficient space between off-sale alcohol sellers in the Westgate region. The limit is 3 sellers in the Westgate area. We already have 7. We do not need another off-sale alcohol seller within ½ mile of 4 public schools (3,650 students) and just a little over 500 feet from the Saratoga Creek dog park. And within 50 feet of residences on Graves Ave. This raises safety concerns for students walking/biking home.

Response 364-19

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 364-20

16.) Vision Zero Initiative

I am proud that my city San Jose was the 4th city in the US to adopt the Vision Zero Initiative. In the past, my daughter and I felt safe to bike to Target and to local restaurants for lunch on her early school dismissal days on Wednesday. But with the 11k new vehicle trips a day per the Costco Transportation analysis,

we will rethink these bicycle trips due to safety. With no meaningful planned road safety improvements or pedestrian bridge for the safety of

Prospect High School students, this does align with the Vision Zero Initiative that San Jose has adopted.

Response 364-20

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 365. The Members of Save West Valley (dated February 20, 2024)

Comment 365-1 We, the members of Save West Valley, urge the San Jose Planning Commission and San Jose City Council to choose to reject the proposed Westgate West Costco Warehouse project. We represent thousands of residents and businesses in the West Valley where the communities of San Jose, Saratoga, and Campbell come together.

Members of Save West Valley have been following the proposed Westgate West Costco Warehouse Project since it first came to our attention in November 2021. As we did then, we continue to believe San Jose city leadership should choose to outright reject the proposal. As proposed, the Warehouse project is unsafe, inappropriate for the site, will be detrimental to our city's own visions and aspirations, and be a disservice to the students, residents, and businesses of the West Valley.

The city of San Jose is known for its leadership on crucial issues: safety, equity, climate action and its visionary General Plan. With a project as visible and impactful as this, let's not take a step backward – or even look like we are taking a step backwards – on these commitments.

Response 365-1 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 365-2 The Costco Warehouse proposal misses opportunities to advance several of our city's visions:

- Climate Smart, meant to bring San Jose to carbon neutrality by 2030: The Warehouse project has no solar panels, relies on natural gas, and the expected traffic gridlock from the 11,000+ vehicle trips per day it will generate contradicts our carbon neutrality goal. [Details found in the Energy section our response]

Response 365-2 The Draft EIR addressed consistency with the City of San Jose's Climate Smart Plan on page 126 in Section 3.8, Greenhouse Gas Emissions with supporting data provided in Appendix F, Greenhouse Gas Emissions Assessment, of the Draft EIR. Through completion of the City of San Jose Greenhouse Gas Reduction Strategy Compliance Checklist, the Project demonstrated compliance with Climate Smart San Jose. The Project would meet utilize PG&E's Solar Choice program for renewable energy or a similarly sustainable program, 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. 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. In addition, the Project results in a reduction in VMT and a reduction in

greenhouse gas emissions as compared to the baseline conditions and is thus in line with the carbon neutrality goal. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-3

- Vision Zero, meant to eliminate pedestrian deaths and prioritize pedestrian safety: The Warehouse’s lack of pedestrian and cyclist safety improvements jeopardizes our commitment to zero traffic fatalities. [Details in the Transportation and Circulation section]

Response 365-3

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 the Project would be consistent with programs related to circulation systems, such as Vision Zero, and would not substantially increase hazards. Thus, 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 365-4

- Urban Villages: meant to bring mixed-use, transit, pedestrian, and bicycle friendly live-work areas across the city: The Warehouse lacks the mixed-use, walkable, and transit-accessible design envisioned in our General Plan. It is the antithesis of the Urban Village. If it is built, it will eliminate any hope for an Urban Village in the area.

Response 365-4

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 365-5

We are especially deeply concerned about the potential impact of the proposed Costco Warehouse project on the safety of students at Prospect High School, located just 1,000 feet away from the proposed site. A reported 42.5% of Prospect’s students are classified as “Socioeconomically Disadvantaged”. Due to a lack of school district bussing, hundreds of Prospect’s 1,496 students walk or bike to school and need to cross the busy intersection where the proposed Warehouse would be to access subsidized public transportation. The current Warehouse plan fails to adequately address student pedestrian and cyclist traffic, especially during peak school hours when the Costco Warehouse will be in full operation.

Response 365-5

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

Comment 365-6	San Jose city leadership has a choice whether to approve the Warehouse Project or not. If the city chooses to approve the project, it will be against the explicit wishes of thousands of West Valley residents, as evidenced by the Stop Costco at Westgate West petition signed by 650 residents in person and over 3,500 online.
Response 365-6	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 365-7	Save West Valley maintains that San Jose leadership should choose to reject this Warehouse project. Our main concerns are focused on the city priorities embodied in the Warehouse Project, and that San Jose: <ul style="list-style-type: none"> • Must prioritize student, pedestrian, and bicyclist safety
Response 365-7	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 365-8	<ul style="list-style-type: none"> • Must address the expected significant impacts on traffic and circulation that take into account not only the major effect the Warehouse Project would have on the area, but also the effects of known future growth in the West Valley
Response 365-8	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 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 365-9	<ul style="list-style-type: none"> • Must address noise issues, both during construction and during Warehouse operation
Response 365-9	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 365-10	Save West Valley deeply appreciates the positive changes to the Warehouse project facilitated by Vice Mayor Kamei, her District 1 staff, and multiple San Jose

	city departments. We are in strong alignment with the Vice Mayor's expressed concerns that safety must be a paramount goal of the Warehouse project (video of the Costco DEIR community meeting at 1:36:14).
Response 365-10	Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 365-11	<p>If San Jose intends to approve the project, to best serve the interests of West Valley residents, students, visitors, and consumers, we believe that the city should make the following conditions of approval of the Warehouse project:</p> <ul style="list-style-type: none"> • Conduct new traffic pedestrian safety studies during hours when Prospect High School is in session, particularly when it lets out at 1:40pm M and 4pm T–F. Current studies ignored these crucial times which means safety issues from hundreds of students crossing the Lawrence Expwy / Prospect Rd intersection are not included in the Warehouse plan.
Response 365-11	Refer to Topical Response C for a discussion of peak school hour counts and the 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 365-12	<ul style="list-style-type: none"> • Conduct new traffic analysis examining cut-through traffic in the Country Lane, Mitty, and English Estates neighborhoods taking into account the expected gridlock on Saratoga Ave, Prospect Rd, and Lawrence Expy that will force traffic onto local streets.
Response 365-12	Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response C for a discussion of the scope and requirements of the Transportation Analysis for the Project. Specifically, the City staff review and determination of study intersections. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 365-13	<ul style="list-style-type: none"> • Limit the site from ever having a Costco gas station. Per Costco's own studies, a gas station would increase vehicle traffic by an additional 50%, to a total of 16,500 daily trips for this Warehouse. That would bring the West Valley and particularly the intersection of Lawrence Expy and Prospect Rd to a standstill, cause frustrated drivers, pedestrians, and cyclists to take unsafe maneuvers, and would further go against the San Jose vision of an Urban Village in this area. • Limit the Costco from ever running a home delivery service. A delivery service was removed from the operating plan early in the EIR cycle. For safety in and

around the Westgate West and West Valley area delivery drivers should be prohibited. Delivery drivers are usually not trained drivers, are constantly under extreme time pressure, all of which could bring additional aggressive driving through the Warehouse site as well as adjoining neighborhoods like Country Lane.

Response 365-13 Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include neither a gas station nor a delivery 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 365-14

- Permanently close all access from Graves Ave to the site per the city's own recommendation of 12/17/21 [see attachment Attachment_A_-_Costco_EIR_Comment_Letter_012924.pdf]²² and per Costco's own "Alternative B" embodied the DEIR. Closing all Graves access will ensure safety for Country Lane Elementary school students by limiting cut-through traffic in the Country Lane Neighborhood. It will eliminate blight from customers leaving shopping carts on the street. It will ensure adequate parking for users of the Saratoga Creek Park and Saratoga Creek Dog Park.

Response 365-14 There is no "Alternative B" included in the discussion of Project alternatives on pages 251 through 264 of Section 8.0, Alternatives, within the Draft EIR. The second alternative discussed on page 257 in Section 8.2, Project Alternatives Analysis, of the Draft EIR, the Alternate Placement On-Site Alternative does not close all access from Graves Avenue as the existing eastern driveway along Graves Avenue would remain open. The Alternate Placement On-Site Alternative would not have the potential to avoid or further reduce the Project's less than significant with mitigation effects related to air quality, biological resources, hazardous materials, and noise and vibration. 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 365-15

- Require adherence to noise limits during construction. Multiple residences are less than 100 feet from the proposed Warehouse site and 21 months of noise exceeding San Jose and Saratoga limits will adversely affect their quiet enjoyment of their homes. Further, the noise limits during construction exceed the standards for both San Jose and Saratoga (which is less than 1,000

²² Commenter attached a copy of the City of Saratoga's Comment Letter attachment on the Draft EIR, dated January 29, 2024. This Comment Letter attachment is included as Comment Letter 3 in this Final EIR document. See Appendix A for a copy of Comment Letter 3.

feet away) for both amount of noise and expected sound level. [See the Noise and Vibration section later in this document]

- Require adherence to noise limits during operations. Multiple residences are less than 100 feet from the proposed Warehouse site and operational noise, even with proposed directional noise mitigations, will adversely affect their quiet enjoyment of their homes. Further, noise limits in the DEIR are just barely below acceptable levels, which leads to concern the daily noise levels will cause annoyance with the expected constant operation of the store with no noise barrier between it and residences.

Response 365-15

Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise impacts on the environment and included applicable mitigation measures to reduce potential noise impacts to a less than significant level during construction. The operational noise analysis found that the impacts from operational noise 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 365-16

- Enforce parking stall ratios for the Costco Warehouse and other Westgate West businesses as were in effect when those projects were approved. The current parking stall inventory is inadequate for the square footage of the Costco Warehouse plus other existing Westgate West businesses. Costco is attempting to double-count parking stalls when those stalls will be used by other Westgate West businesses, leading to dangerous parking lot conditions, gridlock, and pollution.

Response 365-16

Refer to Topical Response B for a discussion of parking and internal circulation sufficiency 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 365-17

Lastly, though not explicitly stated in the DEIR, we are concerned that the zoning and land use designations of the proposed Warehouse site do not support Retail Warehouse development as a permitted use:

- The proposed site is zoned General Commercial (search here)
- The Envision San Jose 2040 General Plan designates the site as Neighborhood Community Commercial (NCC) (search here)
- Per SJ Muni code 20.40.100, NCC does not support Retail Warehouse as a permitted use. Section 20.50.100 does list Retail Warehouse as a permitted use within an Industrial Zone Combined Industrial/Commercial (CIC) zone
- SJ's website says about new development "New development and land uses must conform to the Land Use/Transportation Diagram and the Land Use goals and policies in the Envision San José 2040 General Plan" and "If the

zoning district and land use designation differ, the land use designation trumps the zoning district”

- The Envision San Jose General Plan 2040 land use should take priority here, which means the site is NCC. Since NCC does not list Retail Warehouse as an allowed use, then the use is not permitted.

All other Costco Warehouses in San Jose are built in areas zoned Commercial, Industrial, or a mix of the two where Retail Warehouse is a permitted use. None are NCC.

Response 365-17

The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.40.010.C.4 of the City of San José Municipal Code reflects that Commercial General zoning supports a "full range of retail and commercial uses with a local or regional market" and "includes larger commercial centers as well as regional malls." 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 of 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, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project.

Comment 365-18

Save West Valley and all our West Valley neighbors and businesses look for strong advocacy from our representatives on the planning commission and the city council, particularly so for our underserved residents. We believe our underserved residents and the West Valley would be safer, and would be better served, by a project that advances the Urban Village vision of San Jose, rather than one that winds San Jose’s visions backward, most likely permanently.

Response 365-18

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 365-19

Our Specific DEIR Concerns

We note the following concerns with the DEIR :

Aesthetics & Visual Resources

- The rooftop parking level design needs to eliminate any impact of the following:
- Rooftop lighting glare on the neighborhood and violation of San Jose's light pollution guidelines.
- Glare from car headlights on neighboring residences.
- Privacy of neighboring residences in the Country Lane neighborhood.
- Parking for the Warehouse should be required to be underground to completely avoid these and other significant impacts of rooftop parking,

Response 365-19

Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR found that there were no significant and unavoidable impacts related to adverse effects to scenic vistas, substantial damage to scenic resources, regulations governing scenic quality, and substantial light or glare as a result of the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-20

- All outdoor operations for the Warehouse, including, but not limited to, the storage of shopping carts, shelving, pallets, forklifts, scissor lifts, garbage dumpsters, unloaded or loaded tractor trailers, storage sheds, etc. should be completely enclosed and not visible or audible to neighbors and surrounding businesses to avoid disruptive noise and avoid visual blight.

Response 365-20

Pages 22 through 26 in Section 3.1, Aesthetics, of the Draft EIR discusses whether the Project would result in 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 in compliance with the thresholds from Appendix G of the CEQA Guidelines. No potentially significant impacts requiring mitigation were identified. 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. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-21

Air Quality

- Any detrimental effects on sensitive receptors needs to be completely mitigated. The Villa Fontana Retirement Community and Prospect High School, both located just across Lawrence Expressway from the site, and Country Lane Elementary School nearby are all sensitive receptor populations and are all less than ¼ mile from the site. The potential effect of air quality changes due to site-generated emissions (including during demolition,

construction, and on-going operations), as well as auto and truck exhaust from increased traffic density, need to be measured and mitigated.

Response 365-21 The Draft EIR addressed potential health risk impacts to surrounding receptors from both construction and operation of the Project on pages 44 through 57 Section 3.3, Air Quality with supporting data provided in Appendix B, Air Quality Assessment, of the Draft EIR. The construction health risk assessment included DPM emissions from off-road diesel construction equipment and hauling and vendor trucks during construction of the Project. The operational health risk assessment includes DPM emissions associated with Costco warehouse delivery truck travel and idling and TRU travel and idling. Contrary to the comment, the nearby sensitive receptors were assessed and the maximally exposed receptor risks for sensitive receptors were disclosed in Tables 3.3-9 and 3.3-10 of the Draft EIR. As noted in the Draft EIR, the health risk impacts from Project construction and operation were less than significant with mitigation. Thus, the Project has properly mitigated the potential impacts as requested 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 365-22

- Aerosolization of contaminants from existing buildings such as the Midas / Firestone auto shop and the closed dry cleaner need to encapsulate or contain soil and waste during demolition to eliminate potential harmful effects of any contaminants during excavation and construction.

Response 365-22 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. Refer to Topical Response F for further discussion of the Project analysis for Hazards and Hazardous Materials and the applicable mitigation measure. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-23

Biological Resources

- A comprehensive wildlife survey for the green area adjacent to the site and the neighboring Saratoga Creek Park should be undertaken to remove detrimental effects on local wildlife.
- Any detrimental effects to local bat colonies that live in the trees along Graves Ave need to be eliminated in addition to studying whether the bats are rare or endangered.

Response 365-23 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-24

- The impact of the Warehouse on the Saratoga Park Dog Park also needs to be evaluated and any issues mitigated.

Response 365-24

Pages 207 and 208 in Section 3.16, Recreation, of the Draft EIR included an analysis of Project related impacts to recreational facilities and found that there were no significant and unavoidable impacts related to recreational facilities, including dog parks, 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 365-25

Energy

Ensure the increased energy usage of the Warehouse does not make the adjacent neighborhood and businesses more susceptible to power outages.

- To adhere to the San Jose city Climate Smart plan of carbon neutrality by 2030, solar energy generating technology and energy storage should be required for the Warehouse.
- In fact, the city was approached by the San Jose Clean Energy Advisory Commission in November of 2022 noting Climate Smart will be a difficult goal to attain and that it would be a missed opportunity if Costco installed solar and energy storage to advance Climate Smart. However as we understand it, the city declined to even ask the client Costco about the possibility of installing solar and energy storage.

While Costco has said in the 2/5/2024 DEIR Community Meeting that they “intend to purchase “clean energy” from PG&E” that does not, in aggregate, change the overall energy carbon production by PG&E. In fact, it appears that PG&E is no longer enrolling customers in the Solar Choice program and that the program itself is on indefinite hiatus. There also appears to be no language in the DEIR or in the project description that would ensure compliance with Costco advancing the goals of Climate Smart or using cleaner energy at all.

Instead, the Costco Warehouse project could far more advance Climate Smart with solar and/or energy storage on site. The city should take the opportunity to have Costco cover the voluminous surface parking they plan to build with solar panels and install on site energy storage to shift energy load away from peak usage times.

Response 365-25

The Draft EIR energy analyses assess the Project’s potential for impacting peak and base period demands for electricity and other forms of energy. The energy use for the Project is not expected to result in a greater susceptibility of the surrounding neighborhoods to power outages.

The comment misrepresents the extent by which the Project will be held to the

commitment to use of renewable energy made in the DEIR. There is a condition of approval included on page 129 of the Draft EIR which states that proof of enrollment in PG&E Solar Choice, or similarly sustainable program, will need to be provided prior to issuance of any Certificate of Occupancy for the Project. 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. As such, solar panels are not required on-site to ensure the Project uses renewable energy.²³ The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-26

Greenhouse Gas Emissions

- The Appendix I Transportation Analysis pages 13 and 41 say the Warehouse will generate over 11,000 daily car trips. Though CEQA only calls for VMT analysis for traffic, the level D and E LOS data and the Transportation Analysis stating inadequate road capacity and turn pocket capacity all over the site and at surrounding intersections mean there will be cars sitting and idling far in excess of levels seen today. The clouds of emissions and pollutants need to be evaluated for their effects on sensitive receptor populations.
- The city should apply the prohibition of natural gas for new construction as of August 2021 to the Warehouse to mitigate the outsized effect of natural gas on greenhouse gas production.

Response 365-26

The Draft EIR addressed idling emissions from vehicles on pages 44 through 55 in Section 3.3, Air Quality with supporting data provided in Appendix B, Air Quality Assessment, of the Draft EIR. The operational emissions inventory included idling emissions from vehicles as well as running exhaust, starting exhaust, tire wear, and brake wear emissions. These operational emissions were below the BAAQMD significance thresholds. An operational health risk assessment was also prepared which evaluated DPM emissions associated with Costco warehouse delivery truck travel and idling and TRU travel and idling. The comment characterizes the project emissions as “clouds” without substantiation or further analysis to support that assertion. The Draft EIR has fully evaluated and properly characterized the potential air quality emissions. The Draft EIR includes analysis of the potential impact to nearby sensitive receptors and these results are disclosed in Section 3.3-10 of the Draft EIR. As noted in the Draft EIR, the health risk impacts from Project operation were less than the BAAQMD significance thresholds and therefore less than significant.

The comment also raises a concern regarding the GHG impacts, notably as it relates to natural gas usage. The Draft EIR addressed consistency with the City of San Jose’s Climate Smart Plan on page 126 in Section 3.8, Greenhouse Gas Emissions with supporting data provided in Appendix F, Greenhouse Gas

²³ Personal communications with Curtis Johnson, CALPINE Energy Solutions, dated May 11, 2024.

Emissions Assessment, of the Draft EIR. Through completion of the City of San Jose Greenhouse Gas Reduction Strategy Compliance Checklist, the Project demonstrated compliance with Climate Smart San Jose. Based on this analysis, the elimination of natural gas was not required per the GHGRS. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-27

Hazards and Hazardous Materials

- The effects of herbicide and pesticide soil residues from former farming use need to be evaluated for the hazardous effects aerosolization will have on the surrounding neighborhoods.
- The effects of hazardous chemical residues from the former Midas Muffler shop site slated to be demolished requires evaluation for hazardous waste on site and in the soil.
- The former dry cleaners site slated to be demolished, whose occupant was previously cited for improper hazardous waste disposal, requires evaluation for chemical waste on site or in the soil.
- The former Orchard Supply Hardware and auto repair store site slated to be demolished should require evaluation for possible chemical waste on site or in the soil.
- The age of the existing buildings slated to be demolished requires evaluation for asbestos, lead based paint, and other possible contaminants.

Response 365-27

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

Comment 365-28

Hydrology and Water Quality

- Due to possible contamination from brake dust and other chemical waste, wastewater from the tire store, as well as other Warehouse operations, should not flow to the bay.

Response 365-28

Pages 147 through 149 in Section 3.10, Hydrology and Water Quality, of the Draft EIR found that the Project would not have any significant impact related to the violation of water quality standards and substantial degradation to surface or ground water quality. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-29

Noise and Vibration

- The DEIR does not adequately mitigate noise and vibration impact. It is not consistent with San Jose's nor Saratoga's noise ordinances. Saratoga is

located just across the street from the proposed Warehouse site so its ordinances must be taken into consideration.

Response 365-29 The City of San José is the lead agency for the proposed Project. San José noise and vibration ordinances and policies are applicable to 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. A City of Saratoga construction and operation noise analysis is included on pages 184 through 194 in Section 3.13, Noise and Vibration, 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 365-30

- Demolition and construction hours are inconsistent with San Jose's noise ordinances. San Jose allows construction from 7am – 7pm M–F when within 500 feet of residences. The Warehouse project is less than 60 feet from residences at some points. The DEIR and statements at the Feb 5th Community Meeting state construction will be 7am – 7pm M–Sa which is outside the allowable limits. The project must adhere at least to San Jose's limits.

Response 365-30 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 365-31

- Demolition and construction should also only take place during Saratoga's more restrictive allowable noise hours: 7:30am – 6pm M–F and 9am – 5pm Sa. This is in contrast to the DEIR and statements at the Feb 5th Community Meeting where construction was said to be from 7am – 7pm M–Sa.
- In aggregate, allowable construction times must be at most 7:30am – 6pm, M–F.

Response 365-31 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 construction 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR

and therefore, no further response is required.

Comment 365-32

- Given the DEIR states the project will take 21 months, the amount of noise will have a significant detrimental effect on the large number of neighboring houses in Country Lane neighborhood directly to the north of the site as well as businesses in Westgate West and the West Valley Professional medical center adjacent to the site to the east of the site.
- Noise levels during demolition, construction, and excavation must be continually measured and should not exceed applicable limits.
- The 10/29/21 Operations Plan and Project Narrative submitted to San Jose calls for receiving between 2am – 1pm every day which is a significant impact and an ongoing, unreasonable annoyance directly adjacent to a residential neighborhood. Business hours should be limited to 8AM – 8PM, including all receiving, deliveries, and pickup involving the warehouse.
- In addition to the noise impacts noted above, the DEIR needs to evaluate the cumulative impacts of noise generated by the Warehouse's ongoing outdoor operations, including, but not limited to, the use of forklifts, scissor lifts, trash compactors, garbage disposal and collection, etc.

Response 365-32

Pages 175 through 196 in Section 3.13, Noise and Vibration, of the Draft EIR analyzed the Project's noise and vibration impacts on the environment, during construction and operation, 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 365-33

Public Services

- Access and use of the Saratoga Creek Dog Park, particularly regarding parking, should not be adversely affected. To avoid traffic and congestion, customers will park on Graves Avenue and walk to and from the store, eliminating the possibility of Dog Park users having a location to park adjacent to the facility. This could be mitigated if pedestrian access is not possible between the Project and Graves Avenue and shopping carts access is limited to Graves Ave by the use of wheel locks or physical barriers such as bollards.

Response 365-33

Refer to Topical Response B for a discussion of 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 365-34

- Access, use, and the safety of students and staff of Country Lane Elementary School should not be adversely affected. The school is located between two

	arterial roads - Brenton Ave and Teresita Dr - that would be used to access the Warehouse. Completely closing access to Graves Ave would address this.
Response 365-34	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 365-35	<p>Recreation</p> <ul style="list-style-type: none"> The Warehouse should not adversely affect use and enjoyment of the Saratoga Creek Park and the Saratoga Creek Dog Park, particularly regarding trails and bike paths to access these parks.
Response 365-35	Pages 207 and 208 in Section 3.16, Recreation, of the Draft EIR included an analysis of Project related impacts to recreational facilities and found that there were no significant and unavoidable impacts related to recreational facilities, including dog parks, 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 365-36	<p>Transportation and Circulation</p> <ul style="list-style-type: none"> The San Jose General Plan policies “discourage inter-neighborhood movement of people and goods on neighborhood streets. Streets are to be designed for vehicular, bicycle and pedestrian safety. Neighborhood streets should discourage both through vehicular traffic and unsafe speeds”. [General Plan Transportation Impact Policy 5-3] [link] To support the General Plan policies, ensure safety for Country Lane Elementary school students, and address issues of cut-through traffic in the Country Lane neighborhood immediately north of the proposed Warehouse, Save West Valley is in alignment with Costco for their “Alternative B” that closes off all access to Graves Ave, and is agreement with city staff comments from the Planning Division as set forth in the communication dated December 17, 2021 ([link] and attached) from San Jose Project Manager, Alec Atienza, to Erik Schoennauer and Urban Planning Partners that <p>“... supports the closure of vehicular ingress/egress from the site to Graves Avenue (except for emergency vehicles). All vehicular and truck ingress/egress should occur from Prospect Road or Lawrence Expressway.”</p> <p>This is embodied in the DEIR as “Alternative B” where all access from Graves Ave is closed off</p> <p>We believe this issue can be further mitigated by construction of a wall that extends between the West Valley Professional Center and the Warehouse site, eliminating all access from Graves Avenue to the Warehouse.</p>

Response 365-36	Refer to Topical Response B for a discussion of access to Graves Avenue and internal circulation in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 365-37	<ul style="list-style-type: none"> The intersection of Lawrence Expressway and Prospect Road is insufficiently designed to safely support vehicle and pedestrian traffic when the forecast 11,000 daily car trip are added by the proposed Warehouse. The aggregate increase in traffic from new traffic from the Warehouse, plus new traffic from the housing element projects across Prospect Road from the Warehouse and documented in Saratoga's RHNA plan, plus existing traffic from Prospect High School, plus new traffic from the proposed El Paseo mixed use project ¼ mile away along Prospect Road, all exacerbate the situation to unsafe and unacceptable levels at an already unsafe intersection
Response 365-37	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 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, 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 365-38	<ul style="list-style-type: none"> The city must prioritize the safety of students walking through and adjacent to the site to and from Prospect High and Country Lane Elementary school.
Response 365-38	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 365-39	<ul style="list-style-type: none"> The city must perform traffic and pedestrian safety studies during normal Prospect High School hours when students let out Mondays at 1:40 pm and T – F at 4:00 pm. Existing studies as documented in the DEIR were done completely ignoring these crucial times. Traffic studies need to be undertaken on normal weekdays, evaluated at pre-COVID conditions, while Prospect High and Country Lane Elementary schools are in session.
Response 365-39	Refer to Topical Response C for a discussion of the scope, peak school hour counts, and City data requirements for the Transportation Analysis for the Project. The comment did not provide new, substantial evidence with respect to

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

Comment 365-40

- The DEIR, and comments from EIR preparer Kimley Horn at the Feb 5 DEIR Community Meeting note that no traffic studies were conducted in the County Lane, English Estates, Mitty, or Moreland West neighborhoods to simulate and evaluate cut-through traffic and consequent safety issues. San Jose must commission studies to ensure safe neighborhoods where students from Prospect High School and Country Lane Elementary school walk and bike every school day.

Response 365-40

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 365-41

- We are in alignment with the staff comments from the City of San Jose Planning Division as set forth in the communication dated December 17, 2021 [see attachment Attachment_A_-_Costco_EIR_Comment_Letter_012924]²⁴ requiring redesign of the Warehouse to adhere to city guidelines regarding pedestrian and bicycle traffic, etc. The San Jose General Plan policies and Citywide Design Guidelines support the use of paseos and encourage a safe, direct and well-maintained bicycle network that links residences with employment centers, schools, parks, and transit facilities. Bicycle lanes are considered appropriate on arterials and major collectors. Bicycle safety is to be considered in any improvement to the roadway system undertaken for traffic operations purposes per applicable General Plan Transportation Policies.

Response 365-41

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. 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 proposed 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. Refer to Topical Response D for a discussion of bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the

²⁴ Commenter attached a copy of the City of Saratoga's Comment Letter attachment on the Draft EIR, dated January 29, 2024. This Comment Letter attachment is included as Comment Letter 3 in this Final EIR document. See Appendix A for a copy of Comment Letter 3.

	disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 365-42	<p>Utilities and Service Systems</p> <ul style="list-style-type: none"> The site must be held to the same water reduction requirements as the whole of San Jose to mitigate the effects of the drought. This means initially holding the site to a base allocation of a 15% reduction from the 2019 baseline measure.
Response 365-42	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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.
Comment 365-43	<p>Alternatives</p> <ul style="list-style-type: none"> Save West Valley recommends a No Project alternative. This Warehouse is an oversized Warehouse shoehorned into an undersized and under provisioned site when compared to other infill development Costco's. It will create unsafe pedestrian patterns for students and residents alike. It creates inequality for our underserved population. It is an inappropriately sized business for the proposed location.
Response 365-43	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. As discussed on page 257 in Section 8.2, Project Alternatives Analysis, the No Project Alternative would not meet any of the Project objectives listed above and could result in a VMT impact compared to 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 365-44	<p>Cumulative Impacts</p> <ul style="list-style-type: none"> In violation of CEQA, it appears this DEIR is piecemealing the impact of the project. The DEIR must include the cumulative impacts of current and planned future projects in the City of San Jose and in the neighboring jurisdictions of the City of Saratoga, the City of Campbell, and the city of Cupertino; including, but not limited to: 1312 El Paseo & 1777 Saratoga Avenue Mixed Use Project that was recently significantly revised
Response 365-44	Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR includes a discussion of projects considered by the cumulative analysis of the Project. The El Paseo & 1777 Saratoga Avenue Mixed-Use Project is included in

Section 4.0 which found that found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of what constitutes a project required to be considered by the cumulative analysis of an EIR. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-45

- San Jose's Housing Element projects along Saratoga Ave all the way to Interstate 280
- Westgate Church across from the proposed Warehouse site plans for a mixed-use building on Saratoga Ave
- A high density housing development at Saratoga Ave and Doyle Rd
- Saratoga's Housing Element projects on Prospect Road across from the proposed Warehouse site, which should be known to San Jose as the same consultant is working on Saratoga's General Plan as well as the proposed Costco Warehouse
- Saratoga's Housing Element projects on Saratoga Rd by Cox Ave and Highway 85 per their housing element roadmap Projects along the Saratoga Avenue and Lawrence Expressway corridors and Prospect Road
- Any aggregate plans for the Paseo de Saratoga Urban Village

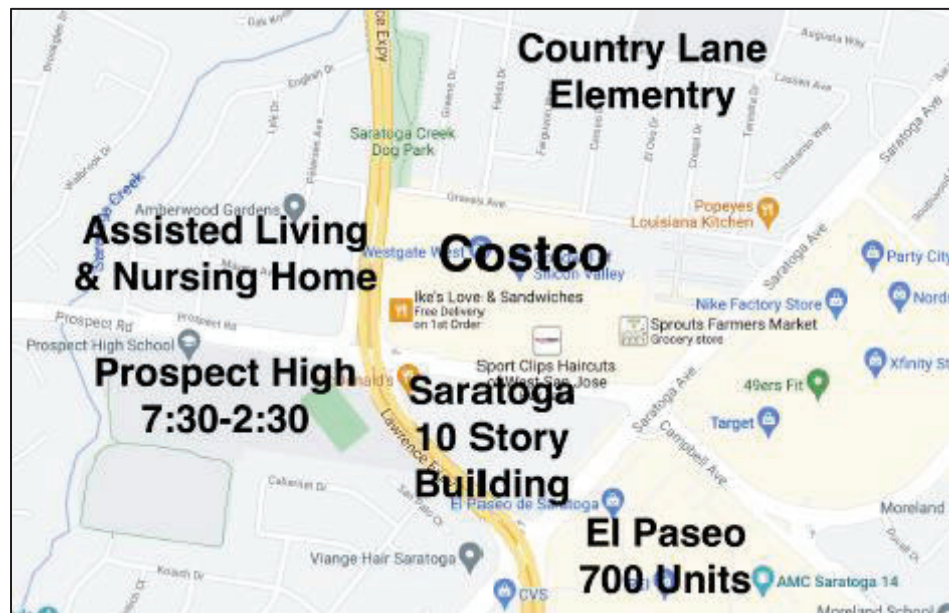
Response 365-45

Response 273-6 The Notice of Preparation was circulated from January 12, 2022, to February 11, 2022. 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 The 1200 El Paseo de Saratoga project mentioned by the commenter refers to City planning application H22-002, which approved the demolition of the existing commercial building and construction of a smaller commercial retail building on October 26, 2022. The Saratoga Avenue & Doyle Road development mentioned by the commenter refers to City planning application H23-023 on September 11, 2023, which is associated with a Builder's Remedy project at 1175 Saratoga Avenue. The project proposes to demolish two existing commercial buildings and construct 60 multi-family units. The Lawrence Expressway & Doyle Road project mentioned by the commenter likely refers to a General Plan Amendment application received by the City on March 14, 2023, for development of future affordable housing at Assessor's Parcel Number 381-19-015. However, as of May 14, 2024, a site development permit was received by the City for the parcel to allow perimeter fencing and on-site bus parking. All three of these projects were applied for after circulation of the Notice of Preparation for the Draft EIR of the Project. Per State CEQA Guidelines, Section 15125(a)(1), generally, the lead agency should describe

physical environmental conditions as they exist at the time the NOP is published, including relative to the proper baseline for cumulative impacts analysis. Thus, the projects do not reflect the conditions at the time of the preparation of the Draft EIR. 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 lists every project accounted for in the Project's cumulative analysis. This table includes the El Paseo & 1777 Saratoga Avenue Mixed-Use Project. The 1312 El Paseo & 1777 Saratoga Avenue Mixed-Use Village Signature Project and Westgate Church projects mentioned by the commenter are included as part of the El Paseo & 1777 Saratoga Avenue Mixed-Use Project (PDC19-049 and PD20-006). Pages 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR contain an analysis of Project impacts combined with all the developments listed in Table 3.20-1. 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 365-46

Factors such as aggregate traffic, noise, and pollution must be modeled.



Response 365-46

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. As noted on page 239 in Section 4.0, Cumulative Impacts, of the Draft EIR, the cumulative analysis does not need to in the same level of detail as the Project impacts but is to be “guided by the standards of practicality and reasonableness.” The comment did

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

Comment 365-47

- Allowing the Warehouse to be evaluated separately from the above projects allows for the impacts of each project to be minimized and potentially mitigated in isolation thereby circumventing the requirement of evaluating the cumulative impacts. Approval of this Warehouse in isolation will result in significant irreversible environmental changes and is an area of known controversy.

Response 365-47

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

Comment 365-48

- The Warehouse must be limited to the footprint as defined or any proposed expansions be added as part of the proposal. Any approval of the Warehouse needs to be provisioned on not expanding the Warehouse site now or in the future, including, but not limited to, the addition of traffic-generating businesses expansions such as a Costco gas station.

Response 365-48

Section 2.3, Proposed Development, of the Draft EIR included a description of the Project. The Project does not include a gas station nor a delivery service. Changes to operations or physical development beyond what is included in the final permit, if approved, would require the applicant to obtain additional permits and CEQA clearances at that time. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-49

Other Concerns

- The Warehouse as proposed does not conform to the Envision San Jose 2040 General Plan. In fact it is directly contradictory to the goals of that plan for a pedestrian and bicycle friendly, transit-oriented, mixed use Urban Village. A Costco Warehouse is none of those things. It encourages vehicular customer traffic, discourages bicycle traffic due to the bulk nature of the products it sells, and does not have any practical transit alternative with the nearest bus stations over 500 feet away from the store, and then for bus lines that run very infrequently.

Response 365-49

Refer to Topical Response E for a discussion of the Paseo de Saratoga Urban Village plan status. The Project site is zoned as Commercial General and has a land use designation of Neighborhood/Community Commercial. Chapter 20.40.010.C.4 of the City of San José Municipal Code reflects that Commercial

General zoning supports a "full range of retail and commercial uses with a local or regional market" and "includes larger commercial centers as well as regional malls." 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 of 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, zoning policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR found that the Project would be consistent with zoning districts and land use designations and, as such, there are no significant impacts related to land use and planning for the Project. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment 365-50

- The Warehouse as proposed is an exclusive members-only club store and works against San Jose's goals to be inclusionary.

Response 365-50

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 365-51

- If this Warehouse is approved as proposed, San Jose's hope of an Urban Village in the area will never come to pass.

Response 365-51

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 365-52

Overall, this DEIR lacks sufficient specificity in too many areas to be considered complete. The impacts and feasibility of the plan cannot be effectively and comprehensively evaluated with so much missing, incomplete, or consisting of out of date information. This results in an understated amount of environmental impact. The only feasible solution is for San Jose to create a revised and updated EIR that includes updated information. The revised EIR needs to be circulated for public comment and feedback.

Thank you for your consideration of our comments and for your advocacy for projects that make for a well-planned, equitable, and climate-positive San Jose. We believe that this project is not such a proposal.

We look forward to your response.

Response 365-52

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.

Email: [REDACTED]
Website: savewestvalley.org

CC: District 1 Council Member and Vice Mayor Rosemary Kamei: rosemary.kamei@sanjoseca.gov

1 The Country Lane Neighborhood Association (CLNA) submitted their NOP DEIR response on February 11, 2022. Since that time, the CLNA has allied with the Save West Valley organization. For the purposes of this response, consider that the CLNA's concerns are represented here.

2 Online petition: <https://www.change.org/p/save-west-valley-stop-costco-from-destroying-our-neighborhood>
Circulated paper petition: <https://drive.google.com/file/d/1reexVZa0Vy23yowkLqCIIIRi-9qYpdNF1/view>

Comment 365-53

Response 365-53

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 366. Vipool Prajapati (dated February 20, 2024)

Comment 366-1

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

Response 366-1

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 366-2

The warehouse will create a traffic hazard for high school students for Prospect High across the street and for primary school students for EDS. There are no meaningful measures in the latest plan for traffic safety.

Response 366-2

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

Comment 366-3

There are already 3-4 Costco warehouses within 15 min driving. We have local shops like Trader Joe's that are sufficient for our immediate needs. There is no need for another warehouse in the area.

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

Response 366-3

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

LATE COMMENT LETTERS

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 following comments were received after the close of the 67-day public circulation period of February 20, 2024, at 5:00 pm. Regardless, responses to each of these comments are provided below for informational purposes.

Comment Letter 367. Celia Chang (dated February 20, 2024)

Comment 367-1 The results of several polls conducted in recent months in Nextdoor showed ~60% in favor of Costco Westgate.

I'm a 35 year resident living nearby so I know the gross exaggeration and inaccurate information from the opposition; which they said have been provided to your commission.

I trust you will approve this project for public good, i.e. tax revenue, job creation, help families to save grocery bills, and ease traffic leading to the Costco Sunnyvale which is way over capacity to the point I shop there less often for quite some time now. I rather have my sales tax go to my city - not Sunnyvale.

Please note there are tenants who chose to live at the luxury Prado apartment right across from Costco Sunnyvale and they pay up to \$5.600/month rent; I haven't read about any complaints.

Response 367-1 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 368. Divya Sharma (dated February 20, 2024)

Comment 368-1 I am writing to provide my feedback about the proposed Costco project in Westgate. I stand firmly against this project.

I am very concerned about:

1. the adverse implications on the safety of children who will be attending nearby schools, including mine
2. the adverse implications due to increased day to day traffic of shoppers and corporate heavy duty vehicles
3. The adverse impact on local San Jose businesses that we love that have already been impacted like the Smart and Final, Goodwill and more.

As a resident of the neighborhood, I will find much greater value in using the premises for supporting local businesses that support the diverse needs of our community. We already have Costcos available within 10 mins of driving distance

and don't agree that building a Costco at Westgate is the best use of high value and scarce land resources.

Thank you for the opportunity to provide feedback and for your consideration.

Response 368-1

Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Refer to Topical 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 Draft EIR addressed the partial occupancy of the Project site on page 8 in Section 2.1, Existing Project Site, of the Draft EIR. The relocation of existing businesses is not included in the Project. The comment did not provide new, 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 369. Ilene Gehke (dated February 20, 2024)

Comment 369-1

I am a resident of the West San Jose “Happy Valley” neighborhood and live only blocks away from the proposed site for the Westgate West Costco project. I have reviewed the Kimley-Horn Draft Environmental Impact Report (DEIR) and have many, deep concerns. I appreciate the opportunity to share some of my concerns with you.

According to the DEIR, a Costco store at the intersection of Lawrence Expressway and Prospect Road would increase the number of car trips per day in this area by 11,000, an increase of 18 times today’s traffic. That is a staggering number. Even more staggering is what 11,000 more car trips per day portends in terms of impact on the surrounding community.

More car traffic means more risk to pedestrian and cyclist safety. The major roads surrounding the proposed Costco site (Prospect Road, Saratoga Avenue, Lawrence Expressway) have already been deemed “most dangerous for bike traffic” (per the Valley Transportation Authority) or “Priority Safety Corridors” (per San Jose’s Vision Zero plan). The safety risks to all pedestrians, cyclists and drivers who use these roads to get to school, work and do their day-to-day business would increase exponentially with the increased traffic a Costco Warehouse would bring. It is untenable.

It is also unthinkable that anyone would consider approving the Costco Warehouse project without conducting all the appropriate safety studies first. For example, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. This means the DEIR does not discuss future safety conditions including the approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. Please provide a traffic study during peak school drop-off and pick up hours and on weekends from 9 - 5.

I am also concerned about the additional traffic that a Costco Warehouse in the area would bring to the residential streets around my neighborhood. Costco shoppers would inevitably be routed through my neighborhood to bypass traffic on the major roads. There are people of all ages walking around the neighborhood during all parts of the day, including parents walking children to and from Country Lane Elementary School. I am concerned that quiet residential streets would become throughways for Costco shoppers looking for faster, easier access to the store. Again, it is a safety issue. The Costco Warehouse proposed is not a fit for my, or any, residential neighborhood. And by no means should access to the store be available via any residential street.

In addition to increased safety risks to thousands of pedestrians and cyclists, more car traffic on the roads surrounding the proposed Costco Warehouse site means more traffic congestion. We already have a frustrating traffic congestion problem. I work five miles from my home, but it takes 30 minutes to get to and from work due to the heavy morning and evening commuter traffic (including traffic related school drop off and pick up times). In the morning, it is nearly impossible to turn left onto Doyle Road from Saratoga Avenue. Then there is the wait to get through the light to turn onto Lawrence Expressway. The excessive traffic just leads to frustration and angry drivers who make poor driving choices that put everyone else at risk. Having a Costco down the road would only exacerbate this problem for me and for all the other people on the road, at any of the intersections in the area.

Finally, I am concerned about the noise and air pollution that a Costco Warehouse would bring to this area. The DEIR states that it would significantly impact air quality and noise and vibration. These by-products of a warehouse-type store are not appropriate for a residential area. The proposed Costco Warehouse just is not a fit for this area.

I am concerned the necessary studies have not been completed for anyone to be able to make a well-informed judgment about the proposed site being appropriate for a Costco. Please do these studies and consider the feedback of the people who live here and will bear the consequences of your decisions.

Response 369-1

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. 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 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. 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, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. Appendices B through I of the Draft EIR provide the fifteen (15) technical studies conducted for the Project and utilized by the analysis in the Draft EIR. This Final EIR presents and responds to all comments received during the comment period (and seventeen (17) letters received outside of the comment period) for this 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 370. Laura and Ken McNeil (dated February 20, 2024)

Comment 370-1 We have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and would like to provide some feedback and concerns in regards to pedestrian safety.

While we are Costco customers, we are very concerned about the proximity of the potential Westgate West Costco to Prospect High School, with many students biking and walking to and from school and having to cross at the Prospect/Lawrence intersection. We sincerely hope research is being done and efforts are being made to address pedestrian safety in the areas around Costco and this intersection. There is a path next to Lawrence Exp connecting Graves Ave to the shopping area that has very low visibility. My kids and I frequently run, walk, and bike in that area, and if we're heading South on that path and come toward the right hand turn lane that leaves the shopping center there, most vehicles do not even stop or even look to their right to see who is coming. This is been a problem for some time and is quite dangerous, and with the additional of Costco and more traffic, I am very concerned specifically about pedestrian safety in this area.

We support more research be done and solutions be implemented. Some ideas we've heard are: a pedestrian bridge, crossing guards there, raised crosswalks, and various other measures to protect pedestrian safety. We sincerely hope all of this is being looked at and addressed before a tragedy occurs.

Thank you all for all you do. We appreciate your consideration and efforts in this matter.

Response 370-1 Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

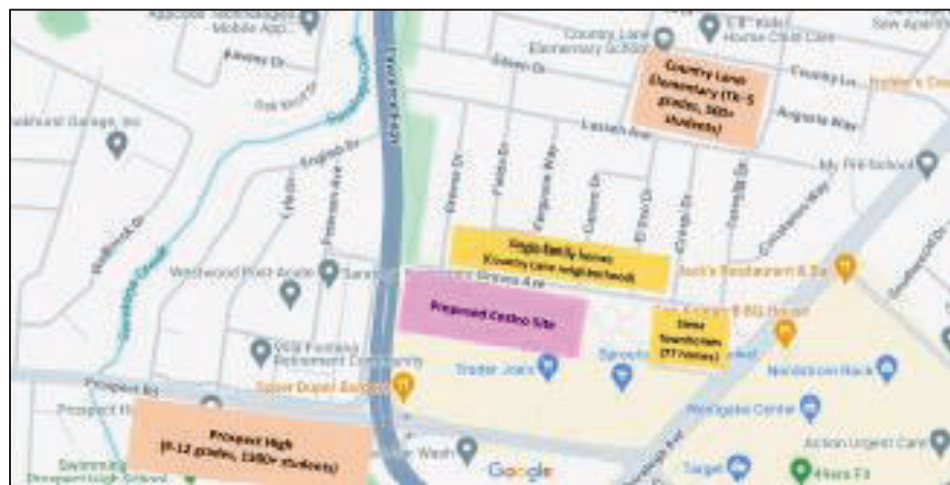
Comment Letter 371. Lavanya Shastri (dated February 20, 2024)

Comment 371-1

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.

1. The DEIR Omits Pedestrian and Cyclist Safety Data

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



Surprisingly, the study completed by Kimley-Horn includes no data on pedestrian and cyclist conditions. During a February 5 community meeting at Prospect High, two representatives from Kimley-Horn and Kittelson & Associates (Danae Hall and Amy Lopez) stated that this data was not required by the City of San José. This means the DEIR does not discuss future safety conditions including the approved

El Paseo and 1777 Saratoga Avenue Mixed-Use Village, which will include nearly 1,000 residential units. The public cannot meaningfully review the report when there is no mention of pedestrian or bicycle accident rates over the past decade, and how those rates would be affected by increased numbers of pedestrians and additional cars on multiple roads. The DEIR should include safety data during the most congested times for the intersections of a) Prospect Road and Lawrence Expressway, and b) Saratoga Avenue and Prospect Road. Both are Priority Safety Corridors according to the City of San José.

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.



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. 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.

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

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.

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. 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. There is no complete analysis for El Paseo de Saratoga, a 10-12 story high-rise project at the corner of Saratoga Avenue and Prospect Road because the project is still

undergoing refinement. Also, San José's full development plans for the Paseo de Saratoga Urban Village are not included in the DEIR because they are not complete. Hall and Lopez from Kimley-Horn stated they were not required to study the cumulative impact of these developments. Without complete information about current and future plans, the studies and predictions in the DEIR are not valuable to the public, who cannot accurately review the impacts of surrounding projects in this corridor. 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.

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.

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.

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.

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. The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details

about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed. 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.

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.

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.

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. 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.

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.

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.

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. 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.

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 371-1

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 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. Refer to Topical Response B for a discussion of access to Graves Avenue, anticipated cut through traffic, and internal congestion and circulation for the Project site. Refer to Topical Response C for a discussion of scoping, requirements, and intersection selection for the Transportation Analysis for the Project; anticipated cut through traffic; the Saratoga Avenue road diet and lane reduction project updates; and an explanation of Level of Service as a metric and its purpose in the analysis of the Project. Additionally, Topical Response C addresses afterschool peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for

an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area, CEQA requirements for the transportation analysis, and thresholds related to the Project. 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. The Project has been revised to satisfy the City's bicycle parking requirement. 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, and 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. Refer to Responses to Comment Letter 3, above. 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, adequacy of the applicable mitigation measures, and soil watering. Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales.

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. The Project includes a new wall along Graves Avenue from the western perimeter that connects to the Costco building. This would discourage pedestrian access to the Project site from Graves Avenue and would direct pedestrians along the path that runs adjacent to the western Project perimeter along Lawrence Expressway.

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 as required by BAAQMD. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to determine thresholds of significance for air

quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, BAAQMD requires inclusion of sensitive receptors for all sources subject to Rule 11-18 or Air Toxics “Hot Spots” Health Risk Assessments (HRAs) and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.²⁵ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were no non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site. There were two non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site, Prospect High School and Country Lane Elementary School.²⁶ These non-residential sensitive receptors were included in the analysis in the Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. 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. As discussed on pages 51 through 54, in Section 3.3, Air Quality, of the Draft EIR, mitigated cancer risk in relation to Project construction, Project operation, and cumulative effects were found to be below the appropriate City of San José required BAAQMD thresholds of significance.²⁷ The 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 MM AQ-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 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.

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.

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

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

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

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

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 likely provide additional attenuation from 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 an approximate 15 dBA L_{eq} reduction in nighttime construction noise levels... 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.

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.

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. Pages 216 through 224 in Section 3.17,

Transportation, of the Draft EIR found that the Project would not result in any significant impacts, including potential effects to emergency access and consideration of cumulative conditions, due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. 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 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. 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. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. 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.

The commentor misrepresents what was stated at the community meeting.

Rather than stating that the El Paseo & 1777 Saratoga Avenue Mixed-Use Project is not required to be considered in the cumulative analysis of the Draft EIR, Danae Hall and Amy Lopez clarified what constitutes a project required to be considered under CEQA in the context of the Paseo de Saratoga Urban Village and the Saratoga Housing Element. 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, which includes the Mixed-Use Village Project located at 1312 El Paseo and 1777 Saratoga Avenue. 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. As noted on page 240 in Section 4.0, Cumulative Impacts, of the Draft EIR, the El Paseo de Saratoga Mixed Use Project was considered in the cumulative setting. 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 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 Responses to Comment Letter 3 for City of Saratoga comments and responses. 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 372. Mike Giomi (dated February 20, 2024)

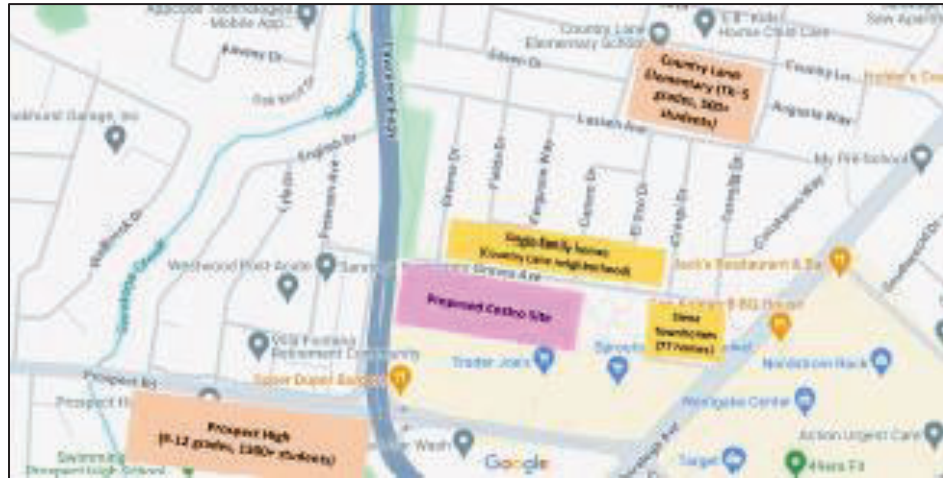
Comment 372-1

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.

1. The DEIR Omits Pedestrian and Cyclist Safety Data

The greatest concern regarding the proposed Costco Warehouse is the safety of pedestrians and cyclists if the proposal is approved. Based on San José Police Department reports on the City of San José website, Saratoga Avenue (east of the Costco site) alone had 42 crashes last year. This data does not include incidents that were not reported or crashes on other heavily-utilized streets such as Prospect Road (south of the site) and Lawrence Expressway (west of the site and an 8 lane, 50mph major thoroughfare). Saratoga Avenue is considered "most dangerous for bike traffic" by the Valley Transportation Authority and both Saratoga Avenue and Lawrence Expressway are designated as a Priority Safety Corridor through the city's Vision Zero plan due to existing dangerous conditions. Prospect Road connects the two streets and the intersection of Prospect and Lawrence (see map below) is where Prospect High, a 1500+ student high school, is located. This intersection is of serious particular concern due to the expected danger to hundreds of students who walk and bike to and from school each day,

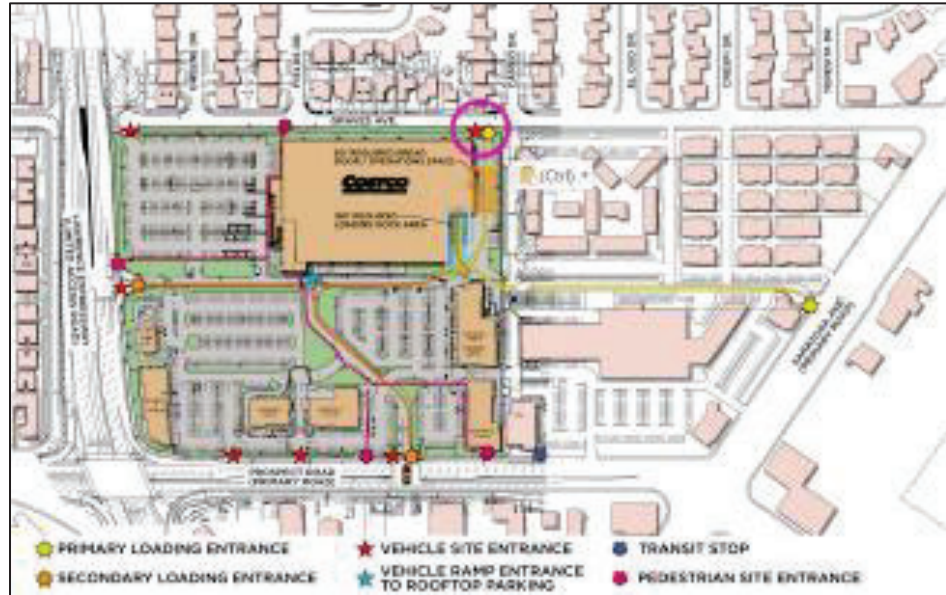
and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (because there is no district-provided transportation) are forced to walk across this intersection at least twice a day in order to reach their stops.



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

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.



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. 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.

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

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

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.

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

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.

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.

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.

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. The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed. 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.

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.

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.

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. 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.

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.

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.

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. 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.

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 372-1

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 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. Refer to Topical Response B for a discussion of access to Graves Avenue, anticipated cut through traffic, and internal congestion and circulation for the Project site. Refer to Topical Response C for a discussion of scoping, requirements, and intersection selection for the Transportation Analysis for the Project; anticipated cut through traffic; the Saratoga Avenue road diet and lane reduction project updates; and an explanation of Level of Service as a metric and its purpose in the analysis of the Project. Additionally, Topical Response C addresses afterschool peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area, CEQA requirements for the transportation analysis, and thresholds related to the Project. 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. The Project has been revised to satisfy the City's bicycle parking requirement. 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, and 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. Refer to Responses to Comment Letter 3, above. 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, adequacy of the applicable mitigation measures, and soil watering. Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales.

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. The Project includes a new wall along Graves Avenue from the western perimeter that connects to the Costco building. This would discourage pedestrian access to the Project site from Graves Avenue and would direct pedestrians along the path that runs adjacent to the western Project perimeter along Lawrence Expressway.

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 as required by BAAQMD. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to determine thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, BAAQMD requires inclusion of sensitive receptors for all sources subject to Rule 11-18 or Air Toxics “Hot Spots” Health Risk Assessments (HRAs) and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.²⁸ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were no non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from 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.²⁹ These non-residential sensitive receptors were included in the analysis in the

²⁸ 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>.

²⁹ The medical offices in the West Valley Shopping Center adjacent to the east of the Project site is not classified as a non-residential sensitive receptor, because the offices are not treatment facilities that meet the BAAQMD definition of a sensitive receptor. The Draft EIR does recognize and analyze the offices as a worker use in Section 3.3, Air Quality, and Appendix B, Air Quality Assessment.

Draft EIR in Section 3.3, Air Quality and Appendix B, Air Quality Assessment. 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. 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.³⁰ 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 MM AQ-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 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.

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.

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

³⁰ 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.

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 likely provide additional attenuation from 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 an approximate 15 dBA L_{eq} reduction in nighttime construction noise levels... 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.

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.

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. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts, including potential effects to emergency access and consideration of cumulative conditions, due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. 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 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. 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. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. 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.

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. 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, which includes the Mixed-Use Village Project located at 1312 El Paseo and 1777 Saratoga Avenue. 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. As noted on page 240 in Section 4.0, Cumulative Impacts, of the Draft EIR, the El Paseo de Saratoga Mixed Use Project was considered in the cumulative setting. 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 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 Responses to Comment Letter 3 for City of Saratoga comments and responses. 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 373. Sharon Kenzler (dated February 20, 2024)

Comment 373-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

<your comments go here>please allow the Costco warehouse to be built on this property as we have been waiting a long time for it to be approved! Yes my family and I approve for the building of Costco on this property! Thank You Sharon

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

Response 373-1 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 374. Joy Tani (dated February 21, 2024)

Comment 374-1 My name is Joy Tani and I live in the area.

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

Do we really need another Costco here? There are at least three within an easy drive from this location. The traffic at that intersection is already exceedingly congested and with an estimate of ~11,000 more car trips, this will become impossible to deal with. Not only will that be a risk for drivers, but it will be a serious danger to the many Prospect High School students just across the street. Do you want to wait for a serious accident to a pedestrian, bicyclist or car to demonstrate the danger? Then it will be too late. Unless a cross-over bridge or similar structure can be built, our kids and our community will be at risk.

The traffic on Prospect Rd, Saratoga Ave, and the on-ramps and off-ramps to Hwy 85 will become more congested impacting even those not going to Costco.

Also, the ~17,000 extra VMT may be a total for all drivers, but is another metric of the expected congestion.

I already avoid other retail stores locations (Target, Trader Joe's, Starbucks) due to traffic and parking congestion. I would avoid this parking lot and the surrounding intersections as they will quickly become overwhelmed. I want to support the local businesses, but not to support the "Monster Store". Small businesses need to be protected.

This is not even getting to the matter of the impact to local communities (like Graves Ave.) and how the increased traffic will increase air pollution and noise around the clock. That on top of the added residences across the street and in El Paseo will create total grid-lock. Don't wait until the problem is a reality.

Please consider more of an Urban Village approach to revitalizing Westgate West. That would be more attractive, in keeping with the neighborhood and safer for all.

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

Response 374-1

Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. Pages 36 through 57 in Section 3.3, Air Quality, of the Draft EIR analyzed air quality impacts as a result of the Project, including air pollution and health risk impacts. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. 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 239 through 246 in Section 4.0, Cumulative Impacts, of the Draft EIR analyzed potential impacts of the Project combined with other pending developments (including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project) and found that the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts. Refer to Topical Response E for a discussion of 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 375. Shireen Sheridan (dated February 21, 2024)

Comment 375-1

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.

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

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.



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.

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.

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

Prospect High - Prospect/Lawrence, Saratoga/Prospect

Country Lane Elementary - Country Lane/Teresita, Country Lane/Brenton, Lassen/Teresita, Lassen/Brenton, Lassen/Crespi, Lassen/El Oso, Happy Valley/Country Lane, Cordelia/Eileen

Easterbrook Discovery - Doyle/Teresita, Doyle/Priscilla

Moreland Middle - Fallbrook/Campbell, Sagemont/Hamilton, Saratoga/Graves

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.

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

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.

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.

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.

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. The DEIR does not describe plans or processes for bioremediation, oxidation, or stabilization of the contaminated land during construction. Page 46 mentions that soil will be watered twice a day to reduce dust emissions, but no details are provided for the effects of this act on chemical-laden soil. The DEIR also does not provide details about the effects of soil vapor intrusion on human health through inhalation of contaminated air in the proposed warehouse, outdoor air, and nearby homes. Because construction activities could expose humans to the maximum estimated cancer risk due to toxic air (page 51), mitigations that apply to equipment less than 50 horsepower should be proposed and detailed. 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.

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.

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.

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. 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.

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.

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.

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.

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.

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 375-1

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 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. Refer to Topical Response B for a discussion of access to Graves Avenue, anticipated cut through traffic, and internal congestion and circulation for the Project site. Refer to Topical Response C for a discussion of scoping, requirements, and intersection selection for the Transportation Analysis for the Project; anticipated cut through traffic; the Saratoga Avenue road diet and lane reduction project updates; and an explanation of Level of Service as a metric and its purpose in the analysis of the Project. Additionally, Topical Response C addresses afterschool peak hour traffic information. Due to interest from community members about the effects of Costco traffic in the area in the afternoon when students are leaving school, the City oversaw Kittelson's preparation of a supplemental traffic analysis to evaluate 11 intersections for a peak hour after the high school's final bell. Kittelson collected traffic counts at the intersections and evaluated traffic operations for an after school peak hour. The data showed overall traffic volumes are lower in the afternoon than during the PM peak hour. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area, CEQA requirements for the transportation analysis, and thresholds related to the Project. 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. The Project has been revised to satisfy the City's bicycle parking requirement. 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, and 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. Refer to Responses to Comment Letter 3, above. 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, adequacy of the applicable mitigation measures, and soil watering. Refer to Topical Response G for a discussion of the Conditional Use Permit required to allow Project alcohol sales.

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. The Project includes a new wall along Graves Avenue from the western perimeter that connects to the Costco building. This would discourage pedestrian access to the Project site from Graves Avenue and would direct pedestrians along the path that runs adjacent to the western Project perimeter along Lawrence Expressway.

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 as required by BAAQMD. The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin and is the appropriate agency to determine thresholds of significance for air quality impacts. As noted on page 30 in Section 3.3, Air Quality, of the Draft EIR, BAAQMD requires inclusion of sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health Risk Assessments (HRAs) and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent

centers, and retirement homes.³¹ The closest sensitive receptors are nearby single-family residences located 50 feet north of the Project site. There were no non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from 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.³² 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. 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. 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.³³ 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 MM AQ-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 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.

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.

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

³¹ 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>.

³² 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.

³³ 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.

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 likely provide additional attenuation from 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 an approximate 15 dBA L_{eq} reduction in nighttime construction noise levels... 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.

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.

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. Pages 216 through 224 in Section 3.17, Transportation, of the Draft EIR found that the Project would not result in any significant impacts, including potential effects to emergency access and consideration of cumulative conditions, due to conflicts with circulation system policies, increasing hazards, introducing incompatible uses, or interrupting emergency access. 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 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. 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. No mitigation measures would be required for impacts related to transportation as they were none found to be significant. 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.

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. 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, which includes the Mixed-Use Village Project located at 1312 El Paseo and 1777 Saratoga Avenue. 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. As noted on page 240 in Section 4.0, Cumulative Impacts, of the Draft EIR, the El Paseo de Saratoga Mixed Use Project was considered in the cumulative setting. 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 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 Responses to Comment Letter 3 for City of Saratoga comments and responses. 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 376. Terry Kearney (dated February 24, 2024)

Comment 376-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

The amount of traffic that this Costco will bring, plus with the addition on the El Paseo construction will make it all but impossible to be able to get around our streets. Plus with not widening but narrowing of Saratoga Avenue, people will not be patient in driving thru this area, which will I certain cause accidents and have unsafe conditions right across from Prospect High School. The added traffic will also cause a strain on Kosich Dr in that parents and students will use this street to access the back of Prospect High School. Additionally, students will be parking all along Kosich and the side streets to get to school and avoid traffic on Prospect Rd. This is a very quiet area with many residents walking these streets that have no sidewalks nor streetlights so during the winter months the people on foot in the neighborhood will be at risk because of the uptick in this unnecessary traffic. Please reconsider in putting a Costco in the old Orchid Supply building/area. You're effecting 3 other cities other than San Jose. Please be considerate of your city neighbors.

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

Response 376-1 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 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 Letter 377. Keswick (dated February 25, 2024)

Comment 377-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

The current information of the proposal is very concerning to me as it is adding a tire center and not the "light weight store" that was initially mentioned. Regardless, the proximity of such a high traffic retail outlet in the neighborhood with short walking distances to an elementary school, high school and a quiet neighborhood is extremely troubling and concerning to the safety and well being to all of us living here.

I live on Winding Way, only 10 minutes walk to the nice shopping area with very diversified selection of shops and services. It appears the landlord has been mismanaging their property that already causing several much loved stores and services to leave. This downward trends is not desirable for the neighbor that has wide variety of needs and appreciate the freedom of choice. Having a big box discounters like Costco will only further the limits and hardship on those of us.

traffic and safety has been mentioned and heavily discussed. however, look at all the other costco in the bay area and none are as close to a low commerce area and within a traditionally quiet residential area. this type of high traffic commercial installation will just destroy the neighborhood. I am sure you do not want your own neighborhood to be destroyed, or a commercial building towering over your own family friendly school area. This is what this Costco will be doing this development would be allowed. Please consider our life.

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

Response 377-1 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. 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 378. Lois Marella (dated February 26, 2024)

Comment 378-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

Westgate West is a particularly bad location for a Costco. The already approved plans for the El Paseo project brings a massive amount of car traffic, safety hazards to walking Prospect High School students and air/noise pollution to the

area. It is untenable that a Costco would be added to the area, further exacerbating all aforementioned problems. Costco at the Westgate West location does not make common or community sense. Because there are 3 other Costco's within a 15 minute drive from Westgate West, there is no need for another one to be built. The surrounding communities beg you to not approve it.

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

Response 378-1

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 (including the El Paseo & 1777 Saratoga Avenue Mixed-Use Project) 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 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 379. Mahesh M. (dated February 26, 2024)

Comment 379-1

Good day! I am not sure if it is too late to provide some additional input. If not, please include the below picture as part of the information already provided.

You will notice Costco carts quite far away for Almaden Costco location. The current plan allows access from Graves, which is bound to become an extended parking lot with carts all over.

Once again, given the situation, our request is to close all entrances from Graves for all access - vehicular or otherwise. Allowing access would mean more challenges like speeding and additional traffic throughout the Happy Valley Area.

We greatly appreciate your support in addressing the serious concern.



Response 379-1

Costco implements the following measures for shopping cart control: continuous on-site cart retrieval, daily off-site cart retrieval, and posted signage. In addition, Costco conducts a one-year cart monitoring program for the first year of operation. Additional control measures may be implemented should the listed measures fail to keep carts on-suite. 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 Letter 380. Ramesh B. (dated February 26, 2024)

Comment 380-1

Costco claimed they have observed Sprout trucks using graves ave entrance and was using it as a reason to keep Graves entrance open.

fyi - Email below from Sprouts translates to complying with site permit that their trucks should not use Graves ave.

See attachment for site permit for sprouts site.

In the past I already sent Trader Joe's commitment for their trucks to not use Graves ave.

Hi Ramesh,

Thank you for reaching out about this situation. We have contacted our Distribution Center to provide the feedback that the driver was not entering on the correct road. They have confirmed they have spoken with their drivers and will make sure they know going forward.



Response 380-1

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 Letter 381. Smita Garg (dated February 26, 2024)

Comment 381-1

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

1. I have a student at Prospect High School and I am very disturbed to find out that the kids and their well-being was not considered in the study. With an additional 11,000 cars daily, Costco is going to worsen the traffic on an already busy intersection, making it dangerous for the kids crossing that intersection to get to school or get to the bus stand.
2. The students frequent the restaurants and eateries in the immediate vicinity of the proposed Costco, and I fear for the safety of all our students and loss of easy access to the safe spaces they hang out in.
3. I worry that the school parking lot will be used as extra parking for Costco customers. Students are at school not just during regular hours but also beyond those hours for sports, theatre and music concerts, and club activities. The Costcos I have been to, always seem to be short on parking spaces.
4. I really don't see the need for a Costco in our area when we have other Costcos just around 15-20 mins away. Why build a megastore in the middle of a quiet neighborhood making it hard for residents and students of neighborhood schools to feel safe.

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

Response 381-1 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 parking in the Project area. 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 382. Diana Morgan-Hickey (dated February 28, 2024)

Comment 382-1 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 hopeful this project can go elsewhere, for it will back up traffic in both directions on Lawrence Expressway, and just cause general local congestion.

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

Response 382-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

Comment Letter 383. Robin and Don Zonic (dated February 29, 2024)

Comment 383-1 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 very close resident to the proposed Costco, and live in the in the Brookview area. We are adamantly opposed to having a Costco so close to our residential area! Already during drop-off and pick-up times at Prospect High School, which sits kitty-corner from the intended site, there are hundred's of students that cross the intersections at Lawrence Exwy and Prospect Rd. and high volume of cars that seriously clog those main arterial roads. If a Costco is added, it will not only add to the wait time for vehicles through the signals at that intersections that run from Johnson through Saratoga Ave, but it will increase the air pollution of the hundreds of cars that have to wait through multiple crowded traffic signals. Additionally, many juveniles will be at serious risk of being hit by passing cars crossing at the various intersections without additional safeguards!

I am a very long time Costco customer, and have utilized their warehouses from Sacramento to Los Angeles, but I can NEVER recall a Costco being built in a residential area. My husband and I and our neighbors are very upset that the City of San Jose has been so careless about allowing a site that jeopardizes the safety of children in the nearby neighborhoods and schools and increases substantially poor air quality by the increase of idling vehicles in the area.

My husband and I appreciate your consideration in responding to these most serious concerns.

Response 383-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. The Draft EIR addressed health risks and air quality on pages 36 through 57 in Section 3.3, Air Quality, with supporting data provided in the Health Risk Assessment from Appendix B, Air Quality Assessment, of the Draft EIR. The Project was not found to have any significant and unavoidable impacts related to air quality and health with incorporation of the applicable mitigation measure. Refer to Topical Response D for a discussion of pedestrian and bicyclist safety in the Project area. 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 384. Mark Tashima (dated March 14, 2024)

Comment 384-1 I have reviewed the Draft Environmental Impact Report for the proposed Westgate West Costco project and I am writing to provide my feedback.

If the drive lane for the Westgate West Costco at Saratoga Avenue (between the Sienna Townhouse wall and the back of Chipotles) will be a thoroughfare and continue West to the Lawrence Expressway, this will create serious traffic and parking concerns for the West Valley Professional Center.

Costco, bread, Sprouts, Trader Joe's and others that will use that driveline will limit the West Valley Professional Center diagonal parking on South facing side. Delivery drivers will tend to park by the diagonal parking which blocks the parking in that area.

The vehicles and shopping carts from Trader Joes, Sprouts employees and patrons that park the West Valley Professional Center is a daily problem. The proposed Westgate West Costco will make the problem worse.

All the other vehicles that cut through the Westgate West Shopping Center will need to find another way for ingress and egress. The vehicle path of least resistant maybe traveling through the West Valley Shopping Center and the West Valley Professional Center.

Having the Costco at 40 feet and expanded 50 feet to the East towards the West Valley Professional Center will have an significant impact on blocking sunlight at the West Valley Professional Center buildings 5, 10, and 12.

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

Response 384-1 Refer to Topical Response A for a discussion of VMT as the required CEQA metric to determine the significance of transportation impacts. Refer to Topical Response B for a discussion of parking sufficiency in the Project area. 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. 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. 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 on the Project site. 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, and conflicts with regulations governing scenic quality. The comment did not provide new, 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 385. Marc Pawliger (dated March 14, 2024)

Comment 385-1 As part of the NOP DEIR process for the Westgate West Costco project (CP21-022) I submitted feedback on behalf of the Country Lane Neighborhood Association (CLNA) to the city of San Jose. The email contained a top level cover letter as well as four attachments:

1. Country Lane Neighborhood Association Costco Warehouse NOP DEIR Response Letter.pdf
2. 2021-10-29 CP21-022 Operations Plan.pdf
3. 2021-10-29 CP21-022 Project Narrative.pdf
4. 2021-12-17 CP21-022 Initial Planning Comment Letter.pdf

The most recent document published by the city as the collected NOP DEIR comments can be found

here: <https://www.sanjoseca.gov/home/showpublisheddocument/107908/638382284073770000> That document is linked from the WESTGATE WEST COSTCO WAREHOUSE PROJECT (CP21-022) page found here: <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> This most recent NOP DEIR comment document is a 110 page PDF file.

The CLNA comment cover letter as submitted can be found on page 25 of the NOP DEIR comment document PDF. However none of the contents of the attachments are included in the comment document PDF. This means the significant details and work of the CLNA – as well as apparently any other NOP DEIR comment that was submitted with attachments – is unavailable to anyone needing to reference

or access that information and is effectively hidden from anyone needing to access it.

An archived copy of the NOP DEIR comment document PDF taken from the San Jose website on April 1, 2022 can be found here: https://drive.google.com/file/d/1POplOnnpY-MkDHqBdxRMfC_jSLzA_JAk/view. That file is a 130 page PDF. On page 25 you can see the contents of the CLNA comment as part of this earlier version of the PDF.

This contents of the attachment should be included in the most recent version of the NOP DEIR collected comments document.

Please take measures to:

1. Restore the contents of any attachments to again be made part of the collected NOP DEIR comment document, including the NOP DEIR comments from the CLNA
2. Place a note prominently in the NOP DEIR collected comments document that earlier versions omitted important information that has since been restored
3. Notify city personnel who might have used the NOP DEIR comments as part of their research or decision making process for the Westgate West Costco project that missing information has been restored to the file
4. Ensure that any attachments submitted as part of the recent DEIR comment process are included in the collected DEIR comments when they are made available to the public.
5. Inform us when the restored NOP DEIR comment document is available.

This should ensure the document is again made whole, and that the forthcoming DEIR document also has all relevant information included in attachments.

Response 385-1

Appendix A of the Draft EIR was inadvertently uploaded in an incomplete form that included the comment letter and one attachment mentioned by the commentor but not all of the mentioned attachments. Appendix A of the Draft EIR with all of the attachments from the Country Lane Neighborhood Association email was posted by the City on the Westgate West Costco Warehouse Project (CP21-022) website on March 20, 2024. Though the attachments were not published for the entirety of the Draft EIR public review period, the Draft EIR considered all the comments received during public circulation of the Notice of Preparation, including all attachments. The comment did not provide new, 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 386. Timothy Keliher (dated April 10, 2024)

Comment 386-1

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 today to comment on the possibility of a Costco in our area. Our streets will not be able to accommodate all the traffic that this will generate. There has already been a reduction to the lanes on Saratoga Ave, not increasing to accommodate more cars, instead putting in bike lanes.

Right now there are two Costcos within a short drive of our area, where one is right off Lawrence Expressway and one is off 85, for easy

Access in and out without having to go into neighborhoods, or to disrupt the area, ie., as they would with Prospect High School and the current small businesses

Nearby,

This Costco however, is not the only change to the traffic in our area. With the addition of "The Elm" Condo community on Cox, in small Neighborhood shopping center where Gene's Supermarket was, there are many units going in which will have to go out on Cox or surrounding Neighborhoods to get out to 85 or to Lawrence Expressway. The traffic flow there is already increasing, especially during dropping off and picking up children

In addition there are more large stores going into El Paseo Shopping Center, a Whole Foods store, along with more apartments/condos

To further add to the traffic

I do not think anyone who has studied the traffic patterns and the total effect on our area, would think this is a good idea. Surely there are better places to add a Costco

That will not be as disruptive

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

Response 386-1

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 Saratoga Avenue road diet updates in relation to 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. 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 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 contain an analysis of Project impacts combined with other developments, including the Quito Village Development at 18764 Cox Avenue. 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 Letter 387. Michelle Morgan (dated May 28, 2024)

Comment 387-1 As a long term resident of the Westgate area, I am strongly opposed to the Costco proposal. The area proposed is too small for a Costco and too close to residential. The proposed Costco would bring too much traffic, noise and congestion to an area where traffic is already a problem and would negatively impact the quality of life for the residents surrounding the site.

Thank you for your consideration.

Response 387-1 Pages 152 through 156 in Section 3.11, Land Use and Planning, of the Draft EIR addressed Project compliance with all applicable land use plans, policies, and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. The Project site is The Project site is designated as Neighborhood/Community Commercial (NCC) in the City's 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 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. 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. The comment did not provide new, substantial evidence with respect to the disposition of significant environmental impacts evaluated in the Draft EIR and therefore, no further response is required.

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 ~~line through the text~~.

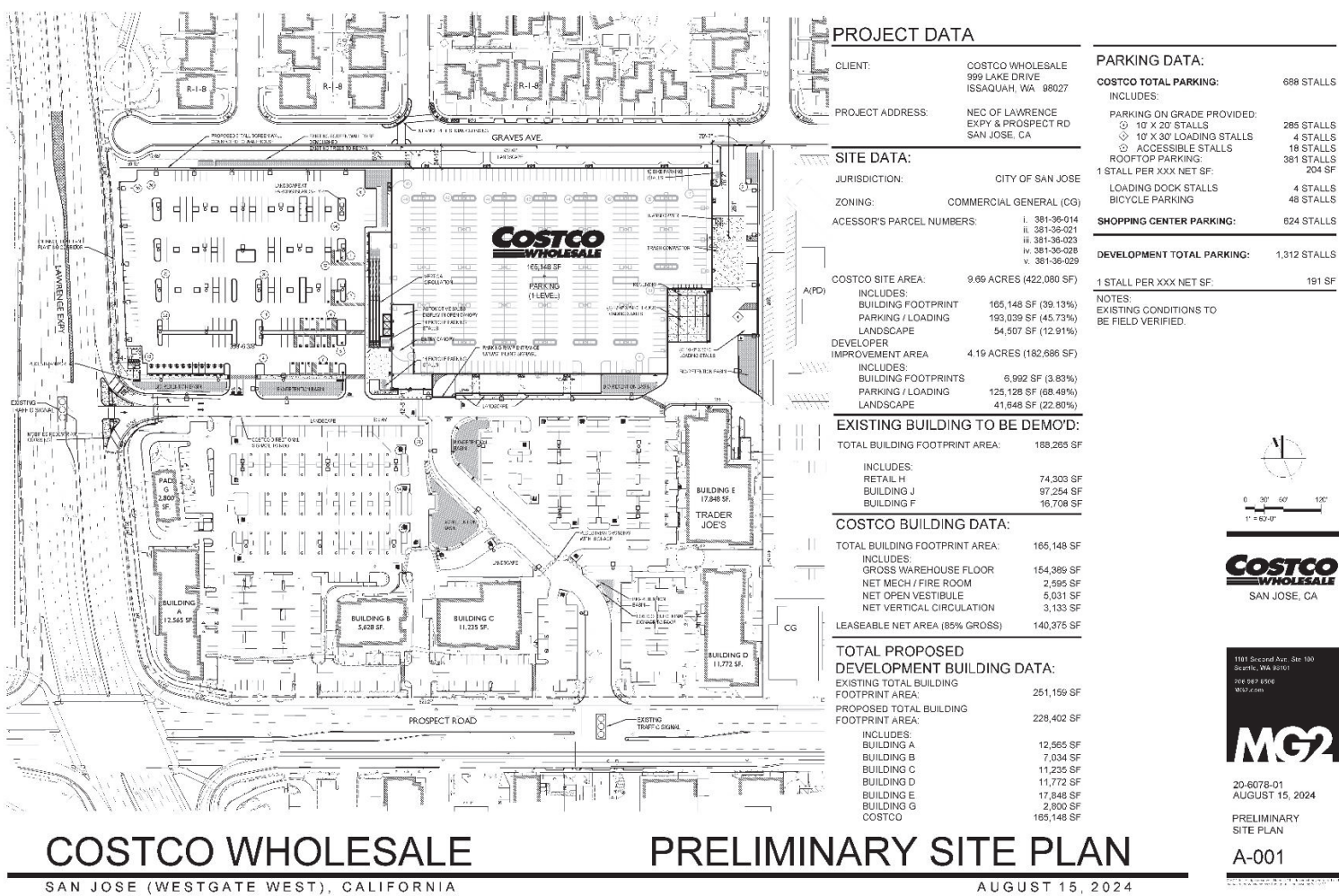
Draft EIR Section	Page Number	Text Revisions
Executive Summary	ES-1	The proposed Costco building would be located on the northwestern <u>northeastern</u> portion of the Project site and would comprise a total of 165,148 square feet, a 23,117 net decrease in square feet compared to the existing buildings to be demolished, with a net floor area ratio (FAR) of 0.4.
Executive Summary	ES-4 – ES-5	<p>MM BIO-1 Preconstruction Bird Surveys</p> <ul style="list-style-type: none"> • Avoidance: Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), the Project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). • Nesting Bird Surveys: If the start of construction activities is scheduled to occur between September 1st and January 31st <u>February 1st and August 31st</u> (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project construction. This survey shall be completed no more than 14 days prior to the start of demolition and construction activities. During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests. • Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present. • Reporting: If the start of construction activities is scheduled to occur between September 1st and January 31st <u>February 1st and August 31st</u> (inclusive) and pre-construction survey are required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist

Draft EIR Section	Page Number	Text Revisions
		shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.
Executive Summary	ES-6 – ES-7	<p>MM NOI-1: Construction Noise Logistics Plan</p> <p>Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:</p> <ul style="list-style-type: none"> • Hours of construction as well as the noise and vibration minimization measures. • Prohibit pile driving. • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site. • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • Property owners and occupants located within 300 <u>500</u> feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints. • Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 <u>500</u> feet of the construction

Draft EIR Section	Page Number	Text Revisions
		<p>site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request.</p> <p>Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.</p>
2.2, Project Vicinity	8	More specifically, the Project site is bounded by Graves Avenue to the north, the Westgate <u>West Valley</u> Shopping Center and West Valley Professional Center to the east, Prospect Road to the south, and the Lawrence Expressway to the west.
2.3, Proposed Development	8	The Costco building, located on the northwestern <u>northeastern</u> portion of the Project site, would comprise a total of 165,148 square feet, a 23,117 net decrease in square feet compared to the existing buildings, with a net floor area ratio (FAR) of 0.4.
2.3, Proposed Development	11	The Project would connect proposed utilities to existing off-site utility infrastructure in adjacent roadways, with the final sizing and design occurring during final building design and plan review. <u>The proposed warehouse building would meet LEED Silver standards.</u>
2.4, Project Objectives	12	11. Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate <u>West</u> Shopping Center and adjacent roadways.

Figure 2.5-2,
Proposed
Overall
Site Plan

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3.3, Air Quality	30 - 31	<p>There were no <u>was a</u> non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site. However, in performing the 1,000 foot buffer search, one additional sensitive receptor was identified just outside the 1,000 foot radius. Specifically, a non-residential sensitive receptor, Prospect High School, is located approximately 1,033 feet to the southwest of the Project boundary and was included in the Project analysis to be conservative even though it is beyond the BAAQMD recommended 1,000 foot radius. Receptor locations are illustrated in Figure 3.3 1: Modeled Receptors for Health Risk Assessment.</p>
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3.3, Air Quality	53-54	Emission Source	Unmitigated			Mitigated ¹		
			Cancer Risk Impact ² (in one million)	Chronic Non-Cancer Hazard Index ³	Annual PM _{2.5} Concentration ⁴ (ug/m ³)	Cancer Risk Impact ² (in one million)	Chronic Non-Cancer Hazard Index ³	Annual PM _{2.5} Concentration ⁴ (ug/m ³)
		Project Construction Impacts	30.4	0.06	0.30	6.8	0.01	0.01
		Project Operational Impacts	0.1	1.77E-04	0.01	0.1	1.77E-04	0.06
		Subtotal, Project Impacts	30.5	0.06	0.32	6.9	0.01	0.08
		Existing Stationary Sources ⁵	2.71E-03	0.02	0.00	2.71E-03	0.02	0.00
		Major Roadways ⁶	8.2	0.03	0.56	8.2	0.03	0.56
		Major Highways/Railways ⁶	N/A	N/A	N/A	N/A	N/A	N/A
		Railways Subtotal, Background Sources ⁶	13.8	0	0.33	8.2	0	0.56
		Subtotal, Background Sources-Total Cumulative Impact	44.4	0.06	0.65	15.1	0.04	0.64
		Total Cumulative Impact	0.1	1.77E-04	0.01	0.1	1.77E-04	0.06
		BAAQMD Significance Threshold	100	10	0.80	100	10	0.80
		Exceeds Threshold?	NO	NO	NO	NO	NO	NO
		Notes:						

		<p>1 Mitigated construction emissions assume the use of Tier 3 + Level 3 DPF mitigation for construction equipment greater than 50 hp (MM AQ-1).</p> <p>2 Project-related construction and operational cancer risks are reported at the maximally impacted receptor with the highest overall estimate. For both unmitigated and mitigated scenario, the receptor is a residential receptor with ID 4307.</p> <p>3 Project-related construction and operational chronic non-cancer hazard indices are reported at the maximally impacted receptor with the highest overall estimate. For both unmitigated and mitigated scenario, the receptor is a worker receptor with ID 6119.</p> <p>4 Project related construction and operational annual PM_{2.5} concentrations are reported at the receptor with the highest overall estimate. For unmitigated scenario, the receptor is a worker receptor with ID 6120. For the mitigated scenario, the receptor is a worker receptor with ID <u>5599</u> 6121.</p> <p>5 Consistent with BAAQMD guidance, Ramboll included all facilities within ~1,000 feet of the proposed Project as per the BAAQMD Stationary Source Screening Analysis Tool. Risk values obtained from BAAQMD's stationary source screening tool have been adjusted using BAAQMD's Distance Multiplier Tool based on the distance between each source and the location of receptor. Although there are sources within 1000 feet of the facility boundary, they are farther than 1000 feet from the location of the receptors in this table. It is also farther than the maximum evaluation distance (984 feet) of the Distance Multiplier Tool. As such, the risk impact from the stationary sources is assumed insignificant.</p> <p>6 Cancer risk and PM_{2.5} concentration values were determined using BAAQMD's raster tool which reports risks and impacts for <u>roadways</u> major highways, major streets and railways. Impacts were based on the maximum impact of a raster cell located near the maximally exposed receptor. <u>Railway rasters did not overlap with the maximally exposed receptors.</u></p> <p>7 Consistent with BAAQMD HRA guidance, this table considers all other nearby potentially concurrent construction projects up to 1,000 feet away from the Project's sensitive receptors as meaningful risk contributors. There were no other proximal proposed construction projects that met the BAAQMD criteria.</p>
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3.4, Biological Resources	67 - 68	<p>MM BIO-1 Preconstruction Bird Surveys</p> <ul style="list-style-type: none"> • Avoidance: Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), the Project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). • Nesting Bird Surveys: If the start of construction activities is scheduled to occur between September 1st and January 31st <u>February 1st and August 31st</u> (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project construction. This survey shall be completed no more than 14 days prior to the start of demolition and construction activities. During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests. • Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present. • Reporting: If the start of construction activities is scheduled to occur between September 1st and January 31st <u>February 1st and August 31st</u> (inclusive) and pre-construction survey are required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.
3.13, Noise and Vibration	180- 181	<p>MM NOI-1: Construction Noise Logistics Plan</p> <p>Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:</p> <ul style="list-style-type: none"> • Hours of construction as well as the noise and vibration minimization measures. • Prohibit pile driving. • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.

		<ul style="list-style-type: none"> • Utilize “quiet” air compressors and other stationary noise sources where technology exists. • Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the Project site. • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • Property owners and occupants located within 300 <u>500</u> feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director’s designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints. • Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 <u>500</u> feet of the construction site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator’s specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request. <p>Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director’s designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.</p>
Appendix H, Acoustical Assessment	38-39	<p>MM NOI-1: Construction Noise Logistics Plan</p> <p>Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:</p> <ul style="list-style-type: none"> • Hours of construction as well as the noise and vibration minimization measures. • Prohibit pile driving. • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the

	<p>State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.</p> <ul style="list-style-type: none"> • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site. • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • Property owners and occupants located within 300 <u>500</u> feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints. • Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 <u>500</u> feet of the construction site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request. <p>Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.</p>
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