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Subject	Feedback for Westgate West Costco DEIR, File no. CP21-022

<<The following is a template you may use for your letter. We apologize for its length - the letter describes for the City Council some of the most serious concerns of the project and report. You may use the parts you want, personalize it, or simply copy/download it, sign your name, and send. If you are unsure how you can add feedback, the [cheat sheet](#), [comment snippets](#), and [list of potential concerns](#) may be helpful. [Letters others have written](#) during the initial preparation period also available for you to view. Please delete the red text before you email your letter. Thank you for your support!>>

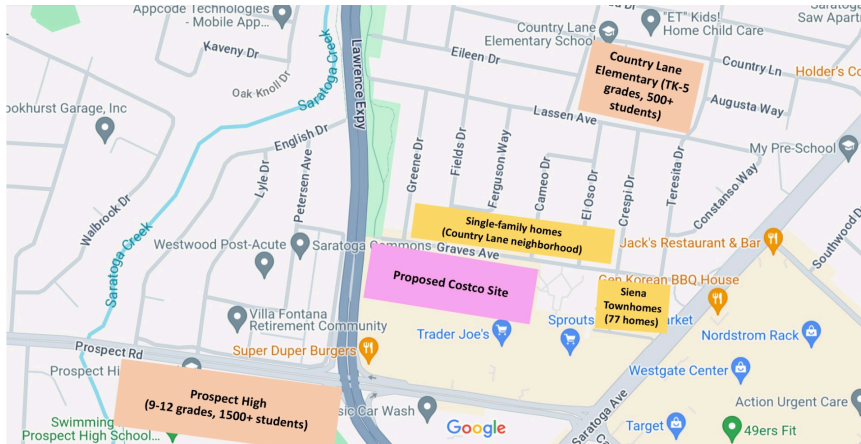
Dear Ms. Hawkins, Mayor Mahan, Vice Mayor Kamei, San José City Council members, and Planning Commission Chair Lardinois:

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

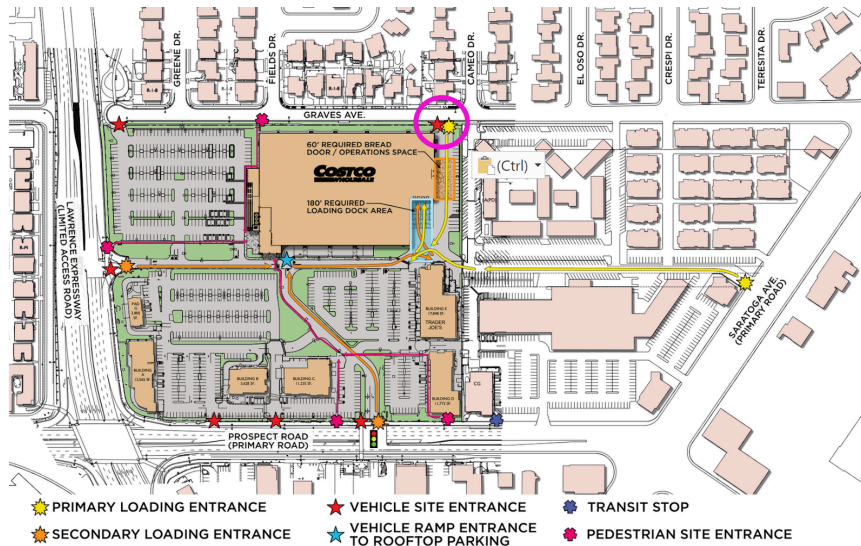
due to the expected danger to hundreds of students who walk and bike to and from school each day, and the athletes who train by running on the streets. Students must walk outside of crosswalk lines because there are too many children trying to cross the road. The many students who take public VTA buses (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.*

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- *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.

Sincerely,

Your Name

Neighborhood or zip code>>
