



Country Lane Neighborhood Association

City of San Jose
Department of Planning, Building, and Code Enforcement
Attn: Maira Blanco, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
Via email: maira.blanco@sanjoseca.gov

February 11, 2022

Re: Notice of Preparation Draft Environmental Impact Report for the Westgate West Costco Warehouse Project

File No. CP21-022

The Country Lane Neighborhood is a community located in San Jose's District 1, bordered by Doyle Road, Saratoga Avenue, Graves Avenue, and Lawrence Expressway. It comprises over 1,000 single family homes, a townhome complex, multiple two-story apartment buildings, and several duplexes.

Our well established, family friendly neighborhood includes Country Lane Elementary School, the Saratoga Creek Dog Park, and the Saratoga Creek Park. It is immediately north of the proposed Costco Warehouse site at the Westgate West retail center. Homes in the neighborhood are separated from the site only by the approximately 25-foot-wide undivided Graves Avenue and a five-foot-high wall with openings for through traffic into Westgate West.

We have been monitoring the proposed Westgate West Costco Warehouse Project (Project) since it first came to our attention in November 2021. We have numerous concerns about aspects of the Project that we would like addressed in the DEIR. **Our primary concerns are impacts on traffic and circulation, noise, and pedestrian and bicyclist safety.**

General Process Concerns

Access to Communications and Documentation

To enhance the public's ability to meaningfully participate in the City of San Jose's planning permit and environmental review processes the public requires efficient access to communications and documentation regarding the Project in adherence to San Jose's Open Government Provision. Accordingly, we request that all correspondence and information provided to or sent from the City of San Jose regarding the Project be made available to the public online in one central location on the Planning Division website. Today, such information is not readily available.

Agency Guidance, Review, and Comment

To ensure all relevant agencies have awareness of the potential environmental impacts of the project, please provide a complete list of all local, state, and federal agencies to which the City of San Jose noticed the NOP DEIR such that they have been given the opportunity to provide guidance as to the scope and content of the environmental information for inclusion in the DEIR for this Project.

Specific Environmental Impact Concerns

We request the DEIR address the following potential concerns:

1. Aesthetics & Visual Resources

- The rooftop parking level design needs to consider the impact of the following:
 - The effect of rooftop lighting glare on the neighborhood and San Jose's light pollution guidelines.
 - The effect of glare from car headlights on neighboring residences.
 - The effect on the privacy of neighboring residences.
- To avoid these and other significant impacts of rooftop parking, parking for the Project should be required to be underground.
- To preserve the neat appearance of the neighborhood and avoid visual blight, all outdoor operations for the Project, 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 to neighbors and surrounding businesses.

3. Air Quality

- The Villa Fontana Retirement Community and Prospect High School, both located across Lawrence Expressway from the site, and Country Lane Elementary School 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 if necessary.
- Possible aerosolization of contaminants in existing buildings and soil during demolition, excavation, and construction needs to be evaluated and mitigation measures such as encapsulation taken if necessary.

4. Biological Resources

- A comprehensive wildlife survey for the green area adjacent to the site and the neighboring Saratoga Creek Park should be undertaken and any concerns mitigated.
- The impact of the Project on the Saratoga Park Dog Park also needs to be evaluated and any concerns mitigated.

6. Energy

- Ensure the increased energy usage of the Project does not make the adjacent neighborhood and businesses more susceptible to power outages.
- To offset increased demand for energy on-site and to adhere to the San Jose city plan of carbon neutrality by 2030, solar energy generating technology should be required for this Project.

8. Greenhouse Gas Emissions

- The effects of cars sitting and idling due to under provisioned parking, ingress, egress, and street carrying capacity needs to be evaluated, including any issues related to the San Jose city plan of carbon neutrality by 2030.
- Ensure the San Jose prohibition of natural gas for new construction as of August 2021 applies to this Project and will mitigate the outsized effect of natural gas on greenhouse gas production.

9. Hazards and Hazardous Materials

- The former site use as agricultural land requires evaluation for possible herbicide and pesticide residues in the soil with remediation as necessary.
- The former Midas Muffler shop site slated to be demolished requires evaluation for hazardous waste on site and in the soil with remediation as necessary.
- 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 with remediation as necessary.
- The former Orchard Supply Hardware and auto parts store site(s) slated to be demolished should require evaluation for possible chemical waste on site or in the soil with remediation as necessary.

- The age of the existing buildings slated to be demolished requires evaluation for asbestos, lead based paint, and other possible contaminants with remediation as necessary.

10. Hydrology and Water Quality

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

13. Noise and Vibration

- Demolition and construction should only take place during normal business hours.
- Noise levels during demolition, construction, and excavation should be continually measured and should not exceed applicable limits.
- The 10/29/21 Operations Plan and Project Narrative [attached] submitted to San Jose calls for receiving between 2AM to 1PM every day which is a significant impact and an ongoing, unreasonable annoyance directly adjacent to a residential neighborhood. To mitigate this, 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 Project's ongoing outdoor operations, including, but not limited to, the use of forklifts, scissor lifts, trash compactors, garbage disposal and collection, etc.

15. Public Services

- Access and use of the Saratoga Creek Dog Park, particularly regarding parking, should be evaluated so as to 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.
- Access, use, and the safety of students and staff of Country Lane Elementary School should be evaluated so as not to be adversely affected. The school is located between two arterial roads - Brenton Ave and Teresita Dr - that would be used to access the Project site. This can be mitigated if vehicle access is closed to the Project via Graves Avenue.

16. Recreation

- The Project 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.

17. Transportation and Circulation

- 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] [\[link\]](#)

- ***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 from San Jose Project Manager, Alec Atienza, to Erik Schoennauer and Urban Planning Partners [attached] that "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." We believe this issue can be further mitigated by construction of a wall that extends between the West Valley Professional Center and the Project site, eliminating access from Graves Avenue to the Project.***
- The intersection of Lawrence Expressway and Prospect Road is insufficiently designed to safely support vehicle and pedestrian traffic when increased traffic is added by the proposed Project. The aggregate increase in traffic from new traffic from the Project, plus new traffic from the proposed housing project across Prospect Road from the Project, 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 unacceptable levels at an already unsafe intersection.
- The safety of students walking through and adjacent to the site to and from Prospect High and Country Lane Elementary must be ensured.
- The effect of Costco Hub (home delivery) drivers must be included in any traffic studies.
- 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.
- Evaluate the effect of Project traffic if access to the Project from Graves Avenue is allowed, particularly with regard to ease of access to and from surrounding businesses and homes such as the retail complex at the southwest corner of the intersection of Graves Avenue and Saratoga Avenue, the West Valley Professional Center directly adjacent to the Project site, and homes along Graves Avenue, including the Siena at Saratoga townhome complex.
- 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 requiring redesign of the Project 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.

19. Utilities and Service Systems

- The site should 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.

21. Alternatives

- We recommend a No Project alternative. This Project is an oversized warehouse shoehorned into an undersized and under provisioned site when compared to other infill development Costco projects. It is an inappropriately sized business for the proposed location.

23. Cumulative Impacts

- In violation of CEQA, it appears this DEIR is piecemealing the impact of the project. The DEIR should include the cumulative impacts of past, 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, the 1312 El Paseo & 1777 Saratoga Avenue Mixed Use Project, San Jose's Housing Element projects, Saratoga's Housing Element projects, and projects along the Saratoga Avenue and Lawrence Expressway corridors and Prospect Road.



- Allowing the Project 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 Project in isolation will result in significant irreversible environmental changes and is an area of known controversy.

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

24. Other Sections

- The Project needs to be evaluated in the context of the San Jose plan to transform this area into a pedestrian and bicycle friendly, transit-oriented, mixed use Urban Village and all traffic and circulation requirements should align with San Jose's Vision Zero task force.

Thank you for your consideration of our comments.

Members of the Country Lane Neighborhood Association

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Email: countrylaneneighborhood@gmail.com

Website: countrylaneneighborhood.com

CC: District 1 Council Member and Vice Mayor Chappie Jones: Chappie.Jones@sanjoseca.gov