



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: See Below

DATE: October 9, 2024

COUNCIL DISTRICT: 1

SUBJECT: CP21-022 & ER21-280 - Conditional Use Permit to Allow Construction of a New Approximately 165,148 - Square Foot Commercial Retail Building at 5287 Prospect Road

RECOMMENDATION

On September 25, 2024, the Planning Commission voted 7-0-2 (Cantrell and Young absent) to recommend that the City Council take all of the following actions:

1. Adopt a resolution certifying the Westgate West Costco Warehouse Project Environmental Impact Report, make certain findings concerning mitigation measures and alternatives, and adopt a Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended; and
2. Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the demolition of three single-story buildings within an existing shopping center totaling approximately 188,265 square feet and the removal of 115 trees (73 ordinance-size, 42 non-ordinance-size, 198 replacement) for the construction of an approximately 165,148-square foot commercial retail building (Costco), off-sale alcohol (Type 21 ABC License) with a Determination of Public Convenience or Necessity, and extended construction hours (Saturdays 7:00 a.m. to 7:00 p.m.) with up to five 24-hour concrete pours on an approximately 19.80-gross acre site.

SUMMARY AND OUTCOME

If the City Council approves all of the actions listed above as recommended by the Planning Commission, the applicant would be allowed to demolish three existing single-story buildings totaling 188,265 square feet, remove 115 trees, and construct an approximately 165,148-square foot commercial retail building (Costco) with off-sale alcohol in conjunction with a Type 21 ABC License on an approximately 19.80-gross acre site.

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BACKGROUND

On September 25, 2024, the Planning Commission held a public hearing to consider the Final EIR and Conditional Use Permit for the Westgate West Costco Project. An overview of the public hearing is provided below. Commissioner Oliverio made a motion to approve the staff recommendation. Commissioner Lardinois seconded the motion. The motion passed 7-0-2 (Cantrell and Young absent). The Planning Commission recommended that the City Council approve the staff recommendation.

ANALYSIS

Analysis of the proposed CEQA clearance and Conditional Use Permit, including conformance with the General Plan, Municipal Code, Citywide Design Standards and Guidelines, and City Council Policies, are contained in the attached staff report.

Climate Smart San José Analysis

The recommendation in this memorandum aligns with one or more Climate Smart San José goals. The project facilitates job creation within City limits. In addition to the construction-related jobs created, the Costco will employ 250-300 employees.

EVALUATION AND FOLLOW-UP

Should the City Council adopt the resolution certifying the Final Environmental Impact Report and adopt the resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity, the applicant would be allowed to develop the project and conduct the uses as described above.

COORDINATION

The preparation of this memorandum has been coordinated with the City Attorney's Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the October 22, 2024 City Council meeting.

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Council Policy 6-30: Public Outreach Policy was implemented in order to inform the public of the project. On-site signs have been posted on the project frontage since January 21, 2022. A formally noticed Joint EIR Scoping/Community Meeting was held on January 24, 2022, via Zoom, to introduce the project to the community. Approximately 196 members of the public attended the meeting. The [Costco Westgate West webpage](#) was created for the project on the City's Planning Division website to further inform the public of the development proposal and to provide updates on the planning process. In addition to the formally noticed, city-sponsored community meeting, the applicant and their representatives held approximately 27 outreach meetings with stakeholder groups and members of the public.

In addition to the public comment received at the Community Meeting, and during the public comment period of the EIR circulation, staff received approximately 120 written public comments prior to this staff report being posted. See Exhibit K of the attached Staff Report for the public correspondence provided prior to the Planning Commission Meeting on September 25, 2024. Major concerns raised by members of the public included traffic congestion, truck traffic, cut-through traffic, lack of vehicle parking, potential negative impacts to existing businesses, pedestrian and bicyclist safety, alcohol sales, light pollution, noise, and air quality.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on September 12, 2024. The staff report and draft hearing documents were posted on the City's website seven days prior to the Planning Commission hearing. Staff has also been available to respond to questions from the public.

COMMISSION RECOMMENDATION AND INPUT

The project was heard at the Planning Commission hearing on September 26, 2024, on the Public Hearing portion of the agenda, as follows:

Staff Presentation

Alec Atienza, staff planner, provided a presentation on the project, which included an overview of the project and conformance with the General Plan, Titles 13 and 20 of the San José Municipal Code, the Citywide Design Standards, and City Council Development Polices. Kara Hawkins, Environmental Project Manager, provided a presentation on the environmental review process, public outreach, and project compliance with the California Environmental Quality Act (CEQA).

Applicant Presentation

The project applicant Mike Okuma, and the applicant's representative Lynette Dias, provided a presentation on the proposed project. Mr. Okuma noted that the project will bring 250-300 jobs with an average wage of \$29 per hour. The City's Office of Economic Development and Cultural Affairs estimates that the project will provide \$2 million in sales tax revenue to the City annually. Ms. Dias provided a list of changes that the project made in response to the community's concerns. Ms. Dias explained that Costco will close one of two existing driveways along Graves Avenue, close off pedestrian access to Graves Avenue entirely, construct a 6-foot-high wall along the northern portion of the property near Graves Avenue, add a roof and wall at the loading dock, increase the parapet height, reduce the height of light poles, and prohibit Costco trucks from accessing the site from Graves Avenue. Ms. Dias also noted that the project will be required to construct off-site public improvements, including frontage improvements and modification of the crosswalk and pathway along Lawrence Expressway. Costco also committed to voluntarily contributing \$1,000,000 towards improvements to the Prospect Road and Lawrence Expressway intersection.

Public Hearing

Chair Tordillos opened the public comment portion of the agenda. During this time, 29 members of the public spoke on the project. The comments of the speakers are summarized below:

- The primary concerns of the majority of the public speakers were related to traffic congestion, pedestrian safety, and site access from Graves Avenue. Speakers noted concerns with the safety of Prospect High School students, traffic congestion, cut-through traffic in the Country Lane neighborhood, and bicyclist safety. Multiple speakers requested that all vehicle access to Graves Avenue be closed.
- Multiple speakers spoke about the incompatibility of a Costco with the surrounding neighborhood. Concerns included adjacency to existing residential uses, proximity to schools, daycares, and senior living facilities, and the overall size and scale of the building. Concerns also included the incompatibility of a Costco with the General Plan, Urban Village concept, Zoning, and the City's Vision Zero plan.
- Multiple speakers also spoke against the lack of parking, including the number of parking spaces provided compared to other Costco stores in the region. Speakers were also concerned with the viability of other businesses within the shopping center if not enough parking is provided.
- Two speakers stated that previous tenants were driven out of the shopping center by the property owner and stores were kept vacant on purpose.

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- Two members of the public spoke in support of the project. One of the speakers was a business owner in the existing shopping center. The second speaker was a resident adjacent to the project site on Graves Avenue who requested the Commission approve the proposal.
- One speaker raised concerns about the noise that the project will cause, including noise from the tire center, loading docks, and trash compactors.
- One speaker spoke out against the proposed lighting, particularly the lighting that is proposed for the rooftop parking area and its incompatibility with Title 24 of the San Jose Municipal Code.
- One speaker questioned the need to grant an additional alcohol license to another off-sale establishment in the area. The area already has multiple grocery stores that sell alcohol and a specialty liquor store (BevMo!).

Chair Tordillos closed the public comment portion of the agenda and invited the applicant team to respond to comments or provide any closing statements.

Commissioner Discussion

Commissioner Oliverio opened the commissioner discussion by asking staff if the project is required to provide solar panels. Planning staff responded that the project is required to provide solar panels; however, that will not be reviewed and approved until the building permit stage. The applicant also confirmed that the project would provide solar, however, they had not yet determined if the solar panels would be placed on the roof or in the parking area.

Commissioner Oliverio also asked the applicant about the proposed lighting plan. The applicant responded that all lighting fixtures will be LED and fully cutoff. Rooftop lighting will not exceed 10 feet in height and will be placed away from the edge of the roof. Planning staff confirmed that the project does conform with the lighting standards of the Citywide Design Standards and Guidelines.

Commissioner Oliverio asked Public Works staff to discuss the post-construction traffic study. Public Works Staff responded that the project is subject to City Council Policy 5-6 for Traffic Calming for Residential Neighborhoods. Staff noted that if traffic volumes or speeds exceed the policy's requirements, staff may request a \$50,000 contribution towards traffic calming measures.

Commissioner Oliverio explained that no minimum parking would be required if the project were submitted under the current standards.

Commissioner Oliverio asked the applicant what the anticipated cost of construction is. The applicant responded that the total cost is \$60,000,000. Commissioner Oliverio noted that the project will be required to pay the Building and Structure Construction

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Tax and the Commercial, Residential, and Mobile Home Park Construction Tax. Staff noted that the project is exempt from the Commercial Linkage Fee for Affordable Housing as the project is a commercial project within a West San Jose Urban Village. Additionally, Commissioner Oliverio stated that the project would require payment of sales, property, and utility taxes.

Commissioner Oliverio noted that this type of development has been one of the long-term goals of the General Plan, which is to place retail at the border of the city so that people from other cities shop in San Jose. He mentioned that the project would work to strengthen the City's economic base while offsetting the cost of providing necessary services to residents. Commissioner Oliverio stated that he would support the project.

Commissioner Bickford asked staff to speak to the traffic concerns that were brought up during public comment, particularly the comparison between the baseline traffic condition and the future condition with Costco. Public Works staff explained that the project would produce approximately 11,000 trips while the existing building produced approximately 600 trips. Along Lawrence Expressway, the projected daily traffic volume is around 37,000 vehicles, while the expressway has a capacity of approximately 55,000 vehicles per day. Public Works staff responded that Level of Service (LOS) is no longer a CEQA issue. Instead, the metric used to study traffic is Vehicle Miles Traveled (VMT). Commissioner Bickford asked if this project would reduce VMT within a five-mile radius. Public Works staff responded that the analysis showed that overall VMT would be reduced by approximately 2,500.

Commissioner Bickford asked the applicant if Costco evaluated different sizes and footprints for the proposed building. The applicant responded that the proposed Costco is about 12,000 square feet larger than the seven other Costco's in the surrounding area. Commissioner Bickford also asked why they provided parking on the roof. The applicant explained that because this is an existing shopping center, they wanted to maximize the parking area as much as possible.

Commissioner Bickford asked if this Costco will have home delivery. The applicant responded that this store, and San Jose stores in general, do not have home delivery as it generally takes away from the efficiency of Costco. Commissioner Bickford thanked the members of the public who attended and spoke. Commissioner Bickford expressed her support for the project.

Commissioner Rosario mentioned that his two main concerns were access to Graves Avenue and safety concerns at the intersection of Prospect Road and Lawrence Expressway. Commissioner Rosario asked how much can be done to prevent cut-through traffic in the Country Lane neighborhood and to limit access to the site from Graves Avenue. Public Works staff explained that the City cannot require the complete closure of Graves Avenue as there are existing ingress/egress easement rights granted by the property owner to all tenants in the shopping center. Any changes to that

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agreement would need to be done between the private parties. Additionally, there are two existing access points to Graves Avenue from the adjacent medical offices to the east, which would also need to agree to relinquish access in order to completely close off Graves Avenue from vehicular traffic. The applicant also responded that the property owner will post signs on the property and will communicate with all tenants not to use Graves Avenue. The applicant explained that the property owner would need permission from all tenants in the shopping center to block access to Graves Avenue entirely.

Commissioner Rosario asked what can be done to improve pedestrian safety at the Prospect Road and Lawrence Expressway intersection, possibly constructing a pedestrian overcrossing. Public Works responded that staff generally does not support pedestrian overcrossing as they do not support the City's multimodal goals, are cost prohibitive, require significant land dedication, and often extend the distance pedestrians and bicyclists must travel across intersections. Public Works also noted that there are plans to remove pork chop islands at the Prospect Road and Lawrence Expressway intersection. Commissioner Rosario noted that he would like to see the pork chop islands removed and as many driveways along Graves Avenue as possible closed.

Commissioner Tordillos asked about the project being within an identified urban village but not yet having an adopted urban village plan. Commissioner Tordillos asked if the staff felt comfortable that the City could still meet its housing goals for this urban village. Planning staff stated that in urban villages that do not have adopted plans, commercial projects are allowed to proceed ahead of a plan being prepared. Staff also noted that the General Plan only allows housing projects to proceed through the Signature Project process in unapproved urban villages if it is 100% affordable. Commissioner Tordillos questioned why a mixed-use Costco was not considered as an alternative in the EIR analysis. Planning staff responded that the applicant's objectives drive analysis of potential alternatives. The applicant stated that Costco is only a partner in the new mixed-use Costco in Los Angeles, however, they were not the lead of that project.

Commissioner Lardinois asked if the Saratoga Urban Village extends up to Stevens Creek Boulevard. Staff responded that the northern boundary of the urban village is Interstate 280. Commissioner Lardinois asked staff why a project like Costco is allowed within the Neighborhood/Community Commercial land use designation. Staff responded that the Neighborhood/Community Commercial land use designation is the broadest commercial land use designation and allows for a wide range of commercial uses.

Commissioner Lardinois asked if Level of Service (LOS) is still analyzed for projects. Public Works staff noted that while LOS is no longer a metric analyzed under CEQA, it is still analyzed for adverse effects. There were no LOS adverse effects identified for this project. Commissioner Lardinois also asked staff to clarify minimum parking requirements and shared parking arrangements for the project. Planning staff clarified

that the parking ratio used to analyze the project's minimum parking requirements was for a Neighborhood Shopping Center (1 space per 225 square feet of floor area). The project is required to provide 863 parking spaces and 1,312 spaces are provided. Staff also noted that the City is not a party to any shared parking arrangements between private property owners or businesses.

Commissioner Lardinois also asked staff to clarify the request for off-sale alcohol. Staff explained that if the project did not propose off-sale alcohol, the project would only require the issuance of a Site Development Permit, which would be heard at a Planning Director's Hearing. However, because the project proposes off-sale alcohol, and the Planning Commission cannot make all of the required findings for the issuance of a Determination of Public Convenience or Necessity, the City Council must make a determination that the project will provide a significant overriding public benefit. Commissioner Lardinois asked what would be considered a significant and overriding public benefit. Staff responded that grocery stores are generally considered to provide a public benefit. Christopher Burton, the Director of Planning, Building, and Code Enforcement, also clarified that the purpose of additional review for off-sale alcohol is to discourage uses that would result in a public nuisance in areas that are already overconcentrated for off-sale alcohol establishments or crime.

Commissioner Lardinois asked what the project requirements are for frontage improvements. Public Works staff responded that Costco would be required to construct improvements along Lawrence Expressway and to construct a crosswalk across Graves Avenue. Commissioner Lardinois asked if the \$1,000,000 contribution that Costco pledged towards public improvements at the intersection of Prospect Road and Lawrence Expressway was a condition of approval. Public Works staff responded that they were not aware of that contribution until this meeting. Staff clarified that Costco is meeting its obligation for public improvements and anything beyond that would be a voluntary contribution.

Commissioner Lardinois explained that the Planning Commission is an appointed body, not elected, and is required to make objective decisions based on whether or not a project meets the standards and requirements of the City. Commissioner Lardinois expressed his support for the project.

Commissioner Oliverio made a motion to approve the staff recommendation. Commissioner Lardinois seconded the motion. The motion passed unanimously 7-0-2 (Cantrell and Young absent).

CEQA

The City of San José, as the lead agency for the Project, prepared a Draft Environmental Impact Report (Draft EIR) for the Westgate West Costco Project in

compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations and policies of the City San José, California. The Notice of Preparation (“NOP”) was circulated from January 12, 2022, to February 11, 2022. The Draft EIR was circulated for public review and comment from December 15, 2023, to February 20, 2024.

Summary of Environmental Impacts Reduced to Less than Significant with Mitigation

The Draft EIR identified potential environmental impacts related to air quality during construction activities, nesting birds, hazards and hazardous materials from past uses on the site, and construction-related noise. With implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project, these impacts are reduced to less than significant levels.

The Draft EIR did not identify any Significant and Unavoidable Impacts.

Project Alternatives

The Draft EIR analyzed four Project alternatives: (1) No Project Alternative, (2) Alternative Placement On-Site Alternative, (3) Reduced Size Alternative, and (4) No Rooftop Parking Alternative. Alternatives that were considered but rejected include Alternative Site Alternative, Mixed Use Alternative, and Subterranean Parking Alternative. The four alternatives were crafted based on their ability to reduce the impacts summarized above and to identify an environmentally superior proposal. The analysis of the four alternatives in the Draft EIR includes discussion of the potential impacts of alternative and site layouts for the purpose of decision-making. Beyond the No Project Alternative, the Alternate Placement On-Site Alternative would be environmentally superior because it would reduce the noise and vibration impact for residences located to the east of the Project site. This alternative, however, would not fully realize the Project objectives and would result in similar impacts for the other resource areas to the proposed Project.

Summary of Comments Received

The City received 387 written comment letters during the public circulation period. Five public agencies commented, including the Santa Clara Valley Transportation Authority, the Santa Clara Valley Water District, the City of Saratoga, Caltrans, and the California Department of Toxic Substance Control. All remaining comments were submitted by other organizations, individuals, and businesses. Notable concerns that arose repeatedly in the 387 comment letters include:

- Site access and circulation through Graves Avenue;
- Safety of pedestrians and bicyclists;
- Traffic and parking;
- Perceived incompatibility with Urban Village goals;

- Alcohol sales;
- Air quality and hazardous materials concerns.

The City responded to all comments received on the Draft EIR and incorporated them into the First Amendment to the Draft EIR. None of the comments received identified substantive inadequacies of the Draft EIR and no new mitigation measures are required. The City incorporated the comments and responses into the First Amendment to the Draft EIR. Text edits have been made in the Final EIR to reflect suggested edits and correct typos.

First Amendment and Final EIR

The First Amendment, taken together with the Draft EIR, and the MMRP constitutes the Final EIR. The Draft EIR and First Amendment to the Draft EIR (FEIR) are available for review on the Project page on the City's Active EIR website. A copy of the signed MMRP is attached to the related CEQA resolution as Exhibit A.

EIR Recirculation Unnecessary

The comments received do not identify substantive inadequacies in the Draft EIR or new previously unidentified significant impacts that require recirculation. The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the Project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

In accordance with CEQA Guidelines Section 15088, the First Amendment to the Draft EIR for the Project includes written responses to all comments received during the public review period for the Draft EIR. As required by Section 15132 of the CEQA Guidelines, the responses in the First Amendment to the Draft EIR address significant environmental points and comments on the content and adequacy of the EIR. The responses and comments provide clarification and refinement of information presented in the Draft EIR and, in some cases, correct or update information in the Draft EIR. No significant new information has been added to the EIR since the publication of the Draft EIR; therefore, the Draft EIR does not need to be recirculated.

The Draft EIR and First Amendment to the Draft EIR (FEIR) are available for review on the project page on the City's Active EIR website at: <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>.

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PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

CHRIS BURTON

Secretary, Planning Commission

For questions, please contact John Tu, Planning Division Manager, Planning, Building, and Code Enforcement, at john.tu@sanjoseca.gov or (408) 535-6818.

ATTACHMENT

Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION
SUBJECT: File Nos. CP21-022 & ER21-280

FROM: Christopher Burton
DATE: September 25, 2024

COUNCIL DISTRICT: 1

Type of Permit	Conditional Use Permit
Proposed/Existing Land Use	Commercial Retail
New Residential Units	N/A
New Non-Residential Square Footage	165,148 square feet
Additional Policy Review Items	Off-Sale Alcohol (Type 21 ABC License)
Demolition	188,265 square feet
Tree Removals	115 trees (73 ordinance-size, 42 non-ordinance-size)
Project Planner	Alec Atienza
CEQA Clearance	Westgate West Costco Warehouse Project Environmental Impact Report (SCH# 2022010135)
CEQA Planner	Kara Hawkins

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Adopt a Resolution certifying the Westgate West Costco Warehouse Project Environmental Impact Report, make certain findings concerning mitigation measures and alternatives, and adopt a Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended; and
2. Adopt a Resolution approving, subject to conditions, Conditional Use Permit to allow the demolition of three single-story buildings within an existing shopping center totaling approximately 188,265 square feet and the removal of 115 trees (73 ordinance-size, 42 non-ordinance-size, 198 replacement) for the construction of an approximately 165,148-square foot commercial retail building (Costco), off-sale alcohol (Type 21 ABC License) with a Determination of Public Convenience or Necessity, and extended construction hours (Saturdays 7:00 AM to 7:00 PM) with up to five 24-hour concrete pours on an approximately 19.80-gross acre site.

PROPERTY INFORMATION

Location	Northeast corner of Prospect Road and Lawrence Expressway (5287 Prospect Road)
Assessor Parcel No. (APN)	381-36-014, 021, 023, 028, 029
Existing General Plan	Neighborhood/Community Commercial
Growth Area	Paseo de Saratoga Urban Village
Existing Zoning	CG Commercial General
Historic Resource	No
Annexation Date	January 19, 1956 (Easterbrook No. 3)
Council District	1
Acreage	19.80 gross acres
Proposed Density	Not Applicable

PROJECT SETTING AND BACKGROUND

As shown on Figure 1 below, the project site is located within the existing Westgate West Shopping Center, which is currently developed with nine commercial retail buildings, surface parking, and associated landscaping. Existing uses on-site include general retail, restaurant, and service uses. Vehicular access to the site is currently provided via seven driveways, one from Lawrence Expressway, three driveways from Prospect Road, two driveways from Graves Avenue, and two driveways from Saratoga Avenue internally accessed through the adjacent West Valley Shopping Center to the east. The site is surrounded by single-family residential uses across Graves Avenue to the north, a commercial shopping center and medical offices to the east, commercial retail across Prospect Road to the south, Prospect High School across the Prospect Road/Lawrence Expressway intersection to the southwest, and multifamily residential uses across Lawrence Expressway to the west.

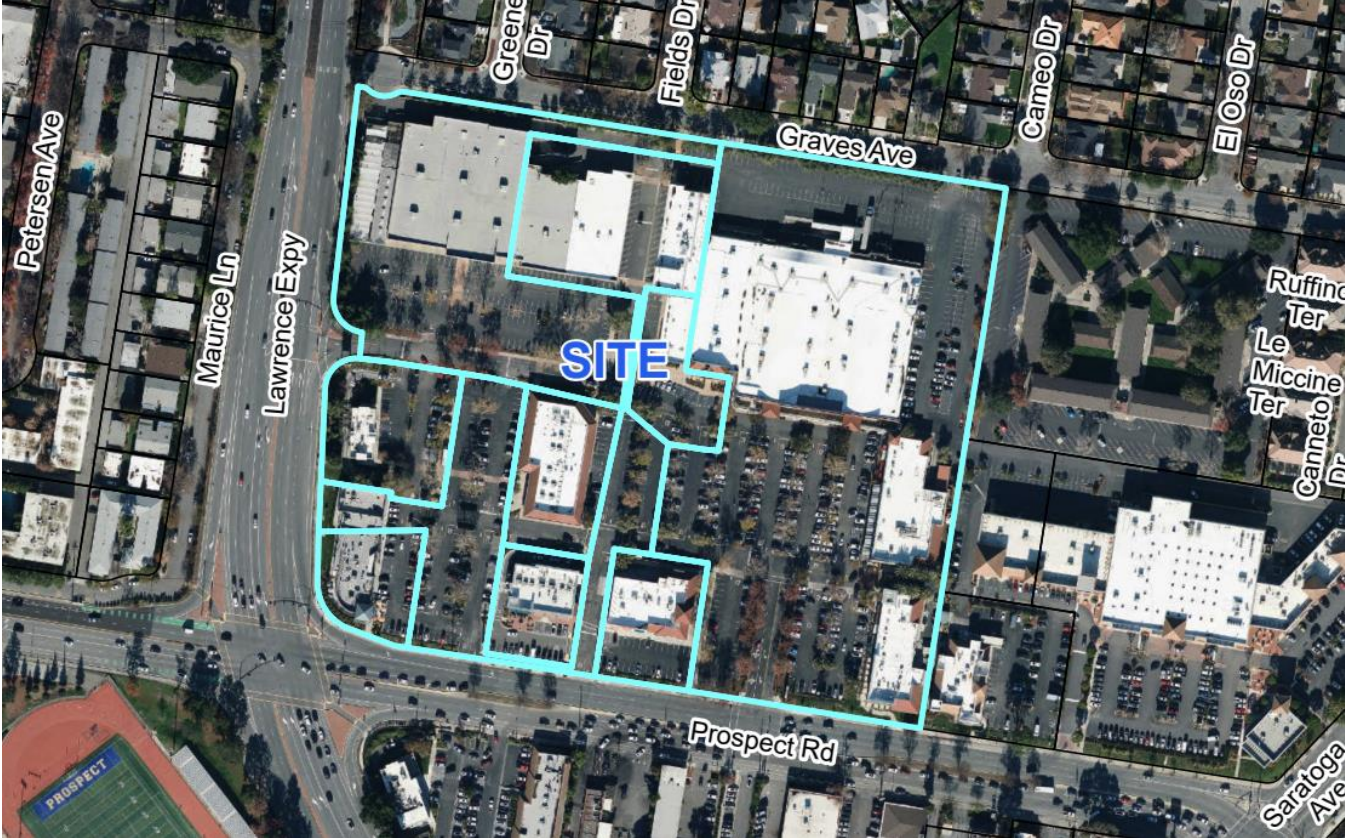


Figure 1 - Aerial Map

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residences
South	N/A (City of Saratoga)	N/A (City of Saratoga)	Commercial Retail
East	Neighborhood/Community Commercial	CG Commerical General & A(PD) Planned Development	Commercial Shopping Center, Medical Offices
West	Mixed Use Neighborhood	MUN Mixed Use Neighborhood	Multifamily Residential

On November 17, 2021, the applicant Mike Okuma submitted an application for a Conditional Use Permit to allow the partial demolition of three single-story buildings in an existing shopping center totaling approximately 188,265 square feet and the removal of 115 trees for the construction of an approximately 165,148-square foot Costco Wholesale on an approximately 19.8-gross acre site.

PROJECT DESCRIPTION

The project consists of the partial redevelopment of the existing Westgate West Shopping Center. The project includes the demolition of three single-story buildings in the north and central portion of the shopping center totaling 188,265 square feet and the removal of 115 trees for the construction of a new approximately 165,148-square foot single-story, 40-foot-high, Costco Wholesale.

The Costco would operate Monday through Friday from 9:00 AM to 8:30 PM, and on weekends from 9:00 AM to 7:00 PM. The store is expected to employ approximately 250 to 300 employees. Services include tire sales and installation at the west side of the building, a pharmacy, optical exams and optical sales, hearing aid testing and sales, food service preparation and sales, meat preparation and sales, bakery and sales of baked goods, alcohol sales (Type 21 ABC License for off-sale of a full range of alcoholic beverages), and propane and refueling sales. Temporary outdoor sales may occur within the surface parking area for seasonal sales such as Christmas Trees. Promotional vehicles may also be displayed occasionally, although no vehicle sales would occur on-site.

Vehicular access to the site would be provided from one driveway along Lawrence Expressway, three driveways along Prospect Road, two driveways along Saratoga Avenue internally accessed through the adjacent West Valley Shopping Center, and one driveway along Graves Avenue. An existing driveway along the cul-de-sac at the western end of Graves Avenue would be closed. Pedestrian access to the site would be provided along Lawrence Expressway, Prospect Road, Graves Avenue, and from Saratoga Avenue via internal walkways through the adjacent West Valley Shopping Center.

Vehicular parking is provided in the form of both surface parking and rooftop parking. Surface parking is provided in the existing shopping center as well as in a newly constructed surface parking area to the west of the new building. Rooftop parking is provided on top of the new building, with an access ramp provided at the southern end of the building. A total of 1,312 vehicle parking spaces are provided. Four delivery truck loading stalls are provided at the southeast corner of the building for trucks to access the shipping and receiving area of the building. Additional loading spaces for small trucks and vans are provided in surface parking spaces east of the receiving area. The project includes the partial reconfiguration of the existing surface parking area within the shopping center to accommodate an extension of the main access driveway from Prospect Road. The driveway would extend from Prospect Road to the rooftop parking access ramp on the south side of the newly constructed building. Additional site improvements include associated repaving, restriping, landscaping, and a new six-foot-high wall at the north side of the shopping center along Graves Avenue.

Loading and delivery operations will occur at the southeast corner of the building, facing away from residential uses to the north. The store is anticipated to receive an average of 10 truck deliveries per weekday, with trucks ranging in size from 26 feet for single-axle trailers to 70 feet for double-axle trailers. Receiving times for truck deliveries range from 2:00 AM to 1:00 PM, with most trucks completing their deliveries before store opening. Costco trucks will be restricted from using Graves Avenue, and will instead utilize existing access via Saratoga Avenue, Lawrence Expressway, and Prospect Road. The tire center, located on the west side of the building and oriented towards Lawrence Expressway, is expected to receive shipments of tires one to two times per week in single or double-trailer trucks up to 70 feet in length. The typical delivery time for tires is 6:00 AM.

Construction is expected to occur over approximately 21 months in one comprehensive phase. The applicant has requested extended construction hours on Saturdays (7:00 AM to 7:00 PM). The applicant has also requested up to five 24-hour periods of construction for concrete pours.

The project proposes the off-sale of alcoholic beverages in conjunction with a California Department of Alcoholic Beverage Control (“ABC”) Type 21 License. Costco would sell a full range of alcoholic beverages including beer, wine, and liquor. All alcohol would be packaged and sold for consumption off the premises. The proposed alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area. Pursuant to [Section 20.40.100](#) of the Zoning Code, the project requires the issuance of a Conditional Use Permit to allow off-sale alcohol, in addition to the issuance of a Site Development Permit for the construction of the retail building and associated site improvements. As described in the Permit Findings section below, the Planning Commission cannot make all of the findings for Off-Sale Alcohol pursuant to [Section 20.80.900](#) of the Zoning Code. The subject site is located within 1,000 feet of five other off-sale alcohol establishments, within 500 feet of a school (Prospect High School) and park (Saratoga Creek Dog Park), and within 150 feet of a residential property. As indicated in the San José Police Department Memorandum (Exhibit J) dated January 19, 2022, the proposed use is located in an area that is unduly concentrated with off-sale alcohol establishments but is not in an area of high crime. The number of ABC authorized licenses within Census Tract 5062.02 is three, while the number of existing licenses is seven. One license (Smart and Final) is no longer active and would be replaced by the Costco. Therefore, in addition to the issuance of a Conditional Use Permit for off-sale alcohol, the project also requires the issuance of a Determination of Public Convenience or Necessity. As the Planning Commission cannot make all of the findings for the issuance of a Determination of Public Convenience or Necessity pursuant to [Chapter 6.84](#) of the Municipal Code, the City Council must be the final decision-making body and must make a determination that the use will provide a significant and overriding public benefit.

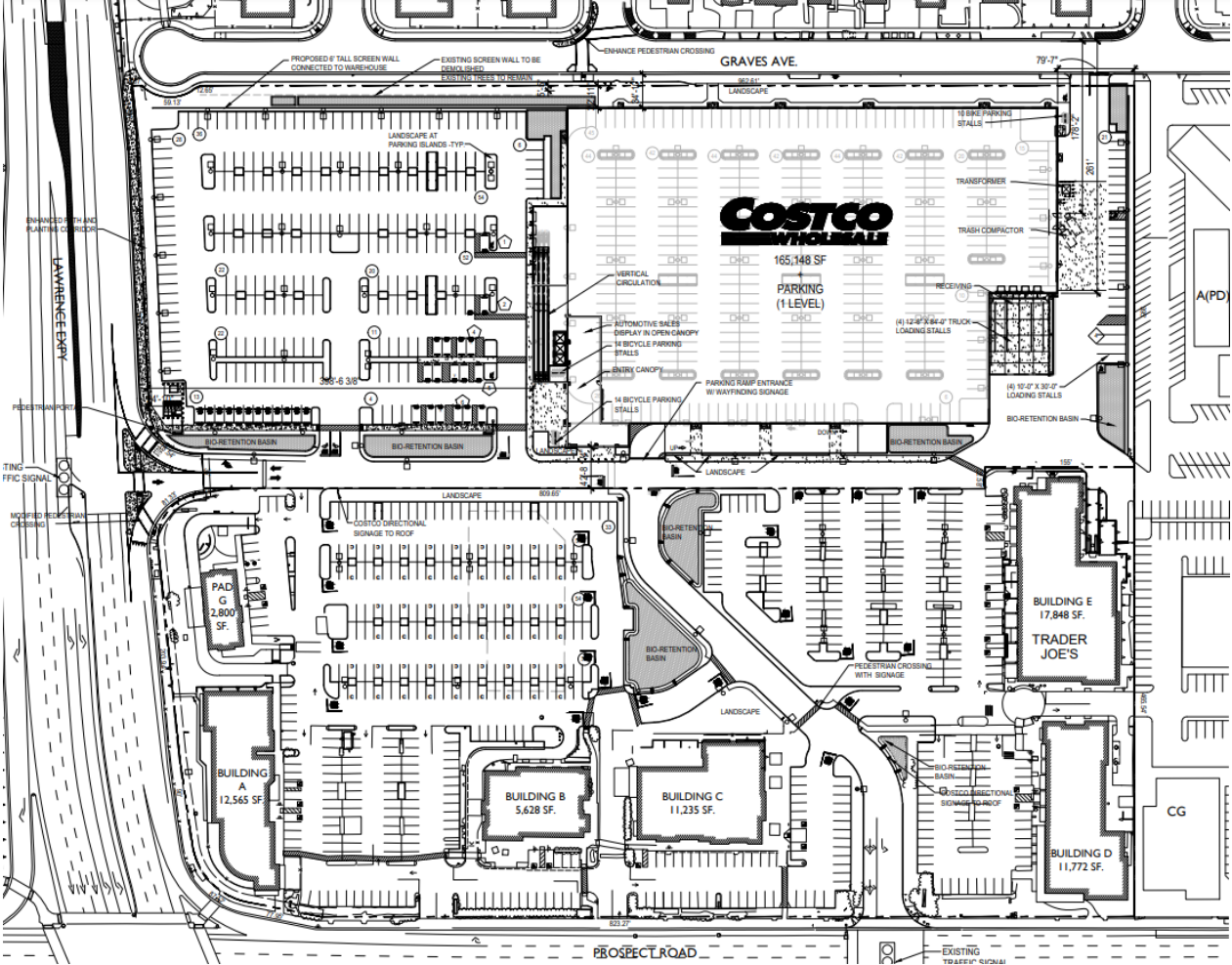


Figure 2 - Site Plan

ANALYSIS

The proposed project is analyzed with respect to conformance with:

- 1. Envision San José 2040 General Plan
- 2. Zoning Ordinance
- 3. Citywide Design Standards and Guidelines
- 4. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Land Use Conformance

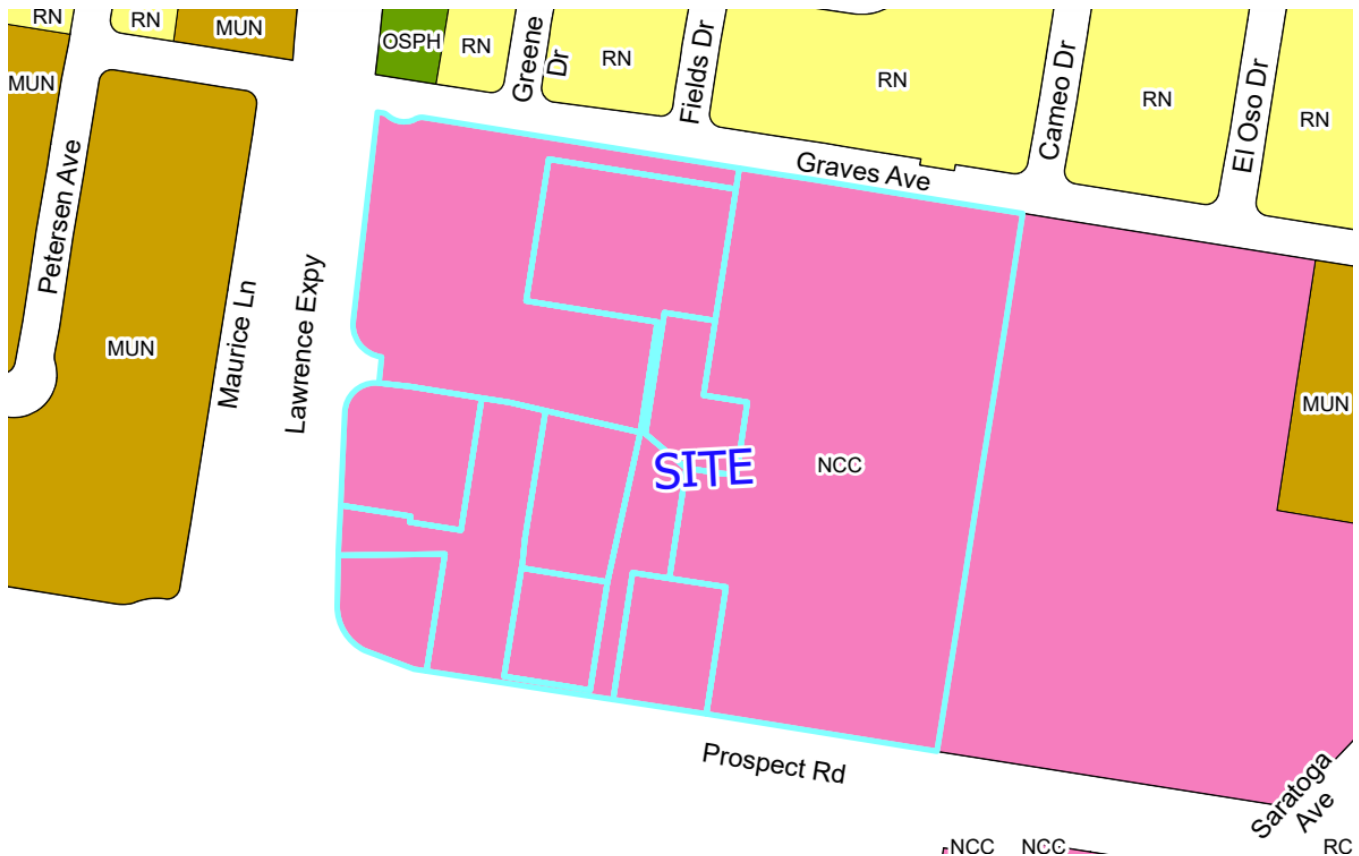


Figure 3 - General Plan Land Use Map

General Plan Land Use Designation

As shown in Figure 3 above, the project site, has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram designation of **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 neighborhood 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.

Analysis: The project consists of the partial redevelopment of an existing commercial shopping center to allow the construction of an approximately 165,148-square foot Costco within the existing 19.8-acre Westgate West Shopping Center. The subject site would continue to operate as a commercial shopping center. The Costco would provide an additional commercial retail option within a major commercial retail area of West San Jose. The store would provide a variety of retail services including groceries, household goods, a pharmacy, optical exams and optical sales, hearing aid testing and sales, and tire sales and installation. The store is expected to employ approximately 250 to 300 employees. The maximum allowed Floor Area Ratio (FAR) for a project with a Neighborhood/Community Commercial

land use designation is 3.5. With the demolition of the three existing buildings and the construction of the new building, the combined project area has a FAR of approximately 0.26, in conformance with this requirement.

General Plan Conformance

The proposed project is **consistent** with the following Envision San José 2040 General Plan policies:

1. Major Strategy #8 – Fiscally Strong City: Establish a land use planning framework that promotes the right fiscal balance of revenue and costs to allow the City to deliver high-quality municipal services, consistent with community expectations.

It is critical that San José makes wise fiscal policy decisions in order to provide high quality services accessible to all community members, to continue to create economic development, and to thrive as a community. San José will maintain a Fiscally Strong City, by providing adequate land for uses that generate revenue for the City and by focusing new growth in developed areas where existing infrastructure (e.g., sewers, water lines, and transportation facilities), and City facilities and services (e.g., libraries, parks and public safety) are already available, resulting in maximum efficiency. The fiscal impact of potential land use and policy options will be given serious consideration and priority in the land use entitlement process. Goals, policies, and implementation actions throughout the General Plan address this important concept. The General Plan incorporates policies from the City's Employment Lands Preservation Framework and several critical implementation policies to address the fiscal impacts of future land use decisions.

The Envision San José 2040 General Plan promotes a fiscally strong City, providing highquality municipal services and acting as an advocate for regional policies that promote the strengths of our diverse and successful population. The Plan incorporates policies that promote the City's fiscal health and which:

- Establish standards for the delivery of high-quality municipal services
 - Carefully manage existing fiscal resources
 - Encourage the cultivation of increased resources
 - Focus new growth so as to minimize its fiscal impacts
2. Business Growth and Retention Policy IE-2.6: Promote retail development to the maximum extent feasible, consistent with other General Plan goals and policies, in order to generate City revenue, create jobs, improve customer convenience, and enhance neighborhood livability.
 3. Cultivate Fiscal Resources Policy FS-2.1: Focus on economic development to sustain the fiscal health of our City, promoting land use development as a tool to support job growth, revenue generation, attractive place-making and the delivery of high quality government services to the community.
 4. Promote Fiscally Beneficial Land Use Policy FS-4.1: Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.

5. Promote Fiscally Beneficial Land Use Policy FS-4.4: Identify, designate and maintain an adequate number of suitable sites for a full range of commercial opportunities, including large-scale commercial centers and neighborhood-scale shopping opportunities, to serve the resident and visitor consumer population fully and to increase sales tax revenue in San José.

Analysis for #1-5: The project would provide an additional retail option within an area of the City primarily developed with other commercial retail establishments. The project includes the partial redevelopment of an existing aging commercial shopping center, which would fiscally strengthen the City by generating tax revenue, increasing jobs, and improving the City's ability to provide vital services to residents.

6. Growth Area Land Use Policy LU-2.2: Include within the Envision General Plan Land Use/Transportation Diagram significant job and housing growth capacity within the following identified Growth Area:
 - a. Urban Villages: Commercial Corridors and Centers - While Commercial Corridor and Center Urban Villages are less directly connected to transit, they contain large parcels which may have greater potential for redevelopment and are generally located in areas with a high degree of accessibility which is advantageous for intensified commercial development. Providing residential growth capacity in the Commercial Urban Villages is a potential catalyst for spurring the redevelopment and enhancement of existing commercial uses while also transforming them into Urban Village type environments. At the same time, their typically more suburban settings may create some challenge to such revitalization. The Commercial Urban Villages, with closer proximity to other Growth Areas and transit (e.g., North Bascom Avenue between West San Carlos and Southwest Expressway) or in proximity to established, more intense uses (e.g., De Anza Blvd.), may have greater near-term potential for transformation into Urban Village settings. A modest and balanced amount of new housing and job growth capacity is planned for the Commercial Urban Villages in order to support their intensification as both employment and housing centers, while also recognizing that transit-oriented sites should be given the greatest priority for locating new growth.
7. Implementation Policy IP-5.1: Prepare a comprehensive Urban Village Plan prior to the issuance of entitlements for residential development within any of the Urban Village areas identified on the Land Use/Transportation Diagram. Commercial projects, including those with ancillary residential uses, and "Signature Projects", as defined in Policy IP-5.10, may proceed in advance of the preparation of a Village Plan.
8. Urban Village Design Policy CD-7.1: Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
9. Urban Village Design Policy CD-7.3: Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with General Plan design policies and any other applicable design policies pertaining to the proposed use. Following adoption of an Urban Village Plan, review new development for consistency with design goals, policies, standards, and guidelines included within the Urban Village Plan.

Analysis for #6-9: The subject site is located within the Paseo de Saratoga Urban Village, which does not have an approved Urban Village Plan. The Paseo de Saratoga Urban Village is identified as a Commercial Corridor and Center Urban Village. Therefore, commercial projects such as new retail buildings and uses are allowed to proceed in advance of the preparation and approval of an Urban Village Plan. As there is no approved Urban Village Plan for the subject site, the project was reviewed for conformance with other applicable General Plan goals and policies, compliance with the Zoning Code, and applicable requirements of the Citywide Design Standards. The proposed single-story commercial retail building would intensify commercial development within the Urban Village area while maintaining appropriate heights and setbacks in comparison to the surrounding low-rise residential and commercial uses.

10. Commercial Lands Land Use Policy LU-4.2: In order to attract shoppers from throughout the region, encourage distinctive regional-serving commercial uses on sites near the City's borders. Give preference to locations having good access to freeways and major arterials or near multimodal transit stations.
11. Commercial Lands Land Use Policy LU-4.3: Concentrate new commercial development in identified growth areas and other sites designated for commercial uses on the Land Use/Transportation Diagram. Allow new and expansion of existing commercial development within established neighborhoods when such development is appropriately located and designed, and is primarily neighborhood serving.
12. Neighborhood Serving Commercial Land Use Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.
13. Neighborhood Serving Commercial Land Use Policy LU-5.3: Encourage new and intensification of existing commercial development, including stand-alone, vertical mixed-use, or integrated horizontal mixed-use projects, consistent with the Land Use / Transportation Diagram.
14. Neighborhood Serving Commercial Land Use Policy LU-5.6: Encourage and facilitate the upgrading, beautifying, and revitalization of existing strip commercial areas and shopping centers. Minimize the visual impact of large parking lots by locating them away from public streets.

Analysis for #10-14: The project includes the partial redevelopment of an existing aging commercial shopping center, located near the City's western border. The new Costco would replace multiple vacant and underutilized retail buildings with a new commercial retail use. In addition to constructing a new retail building, the project includes site upgrades to enhance and beautify the shopping center, including realignment of the primary driveways, relocation and repaving of parking areas, new site landscaping, updated stormwater control, and new lighting. The shopping center includes existing vehicular and pedestrian access points from each of the three streets serving the site including Lawrence Expressway and Prospect Road, which are major arterials. Additional access is provided with cross-access easements with the adjacent West Valley Shopping Center, which also provides access to and from Saratoga Avenue.

15. Vibrant Neighborhoods Policy VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
16. Vibrant Neighborhoods Policy VN-1.8: Include site planning, landscaping and architectural design features within all new retail development, including both small-format and large-format retail uses, to promote expanded pedestrian and bicycle activity on site and greater connectivity for pedestrians and bicyclists between adjacent uses.
17. Neighborhood Serving Commercial Land Use Policy LU-5.5: Encourage pedestrian and vehicular connections between adjacent commercial properties with reciprocal-access easements to encourage safe, convenient, and direct pedestrian access and “one-stop” shopping. Encourage and facilitate shared parking arrangements through parking easements and cross-access between commercial properties to minimize parking areas and curb-cuts.
18. Vibrant Neighborhoods Policy VN-1.9: Cluster parking, make use of shared parking facilities, and minimize the visual impact of surface parking lots to the degree possible to promote pedestrian and bicycle activity and to improve the City’s aesthetic environment.
19. Community Design Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
20. Community Design Policy CD-1.18: Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
21. Community Design Policy CD-3.9: Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.
22. Transportation Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

Analysis for #15-22: The project includes both the reconfiguration of existing surface parking and the construction of new structured parking. Both the reconfigured surface parking areas and the new structured parking would optimize space and reduce the visibility of parking from the surrounding area. The building includes a parapet and screenwall to screen all rooftop parking from adjacent uses. The newly reconfigured surface parking area west of the Costco building would be screened from view with a six-foot-high masonry wall and newly installed landscaping. Existing street trees along Graves Avenue would remain, and further screen the surface parking area. One existing driveway at the westernmost edge of the site, along Graves Avenue, would be closed. The

shopping center would continue to utilize a shared parking arrangement, with parking open to all patrons of existing and future tenants within the Westgate West Shopping Center. The Costco use encourages “one-stop” shopping by providing a wide variety of items including groceries, household goods, a pharmacy, eyecare, alcohol, and tire sales within a larger shopping center. Loading docks for the existing buildings in the shopping center are located at the rear of the buildings, nearest the residential uses across Graves Avenue to the north. The newly constructed Costco would reorient the loading docks to be at the southeastern corner of the building, facing south, approximately 260 feet from the nearest residence. As conditioned in the Conditional Use Permit Resolution, the permittee is required to construct public improvements including a new bike and pedestrian pathway along Lawrence Expressway, new bulbouts and a crosswalk at the intersection of Graves Avenue and Fields Drive, street improvements and signal modifications along the Lawrence Expressway project entrance, and closure of the existing driveway at the Graves Avenue cul-de-sac. Additionally, the Conditional Use Permit Resolution includes a condition that prohibits Costco trucks from utilizing Graves Avenue for loading and requires that Costco educate all vendors to utilize the other access points in the shopping center for loading and delivery operations.

23. Land Use Policy LU-5.10: In the review of new locations for the off-sale of alcohol, give preference to establishments that offer a full range of food choices including fresh fruit, vegetables, and meat.

Analysis for #23: Costco’s use includes the sale of packaged alcohol for off-site consumption (“off-sale alcohol”). Costco is an international chain of retail stores that offers a complete shopping experience including a full range of groceries, produce, meat, household products, as well as alcohol. Alcohol sales would be incidental to the larger retail/grocery store use. As conditioned in the Conditional Use Permit, the alcohol sales area is limited to no more than five percent of the sales floor area.

Zoning Ordinance Compliance

Land Use

The subject site is located in the CG Commercial General Zoning District. Pursuant to [Section 20.120.100](#) of the Zoning Code, the CG Zoning District is a conforming Zoning District to the Neighborhood/Community Commercial General Plan land use designation. The CG Zoning District is intended to serve the needs of the 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 automobile-accommodating and includes larger commercial centers as well as regional malls. Pursuant to [Section 20.40.100](#), [Table 20-90](#) of the Zoning Code, retail sales of goods and merchandise are a permitted use in the CG Zoning District. Therefore, the construction of the new retail building requires the issuance of a Site Development Permit pursuant to [Section 20.100.610](#) of the Zoning Code.

Additionally, the project includes the sale of alcohol for consumption off the premises (off-sale alcohol) in conjunction with a valid Type 21 License, which would be issued by the California Department of Alcoholic Beverage Control (ABC). Therefore, pursuant to [Section 20.40.100](#), [Table 20-90](#) of the Zoning Code, the project also requires the issuance of a Conditional Use Permit for off-sale alcohol. This staff report includes findings for both the issuance of a Site Development Permit and Conditional Use Permit.

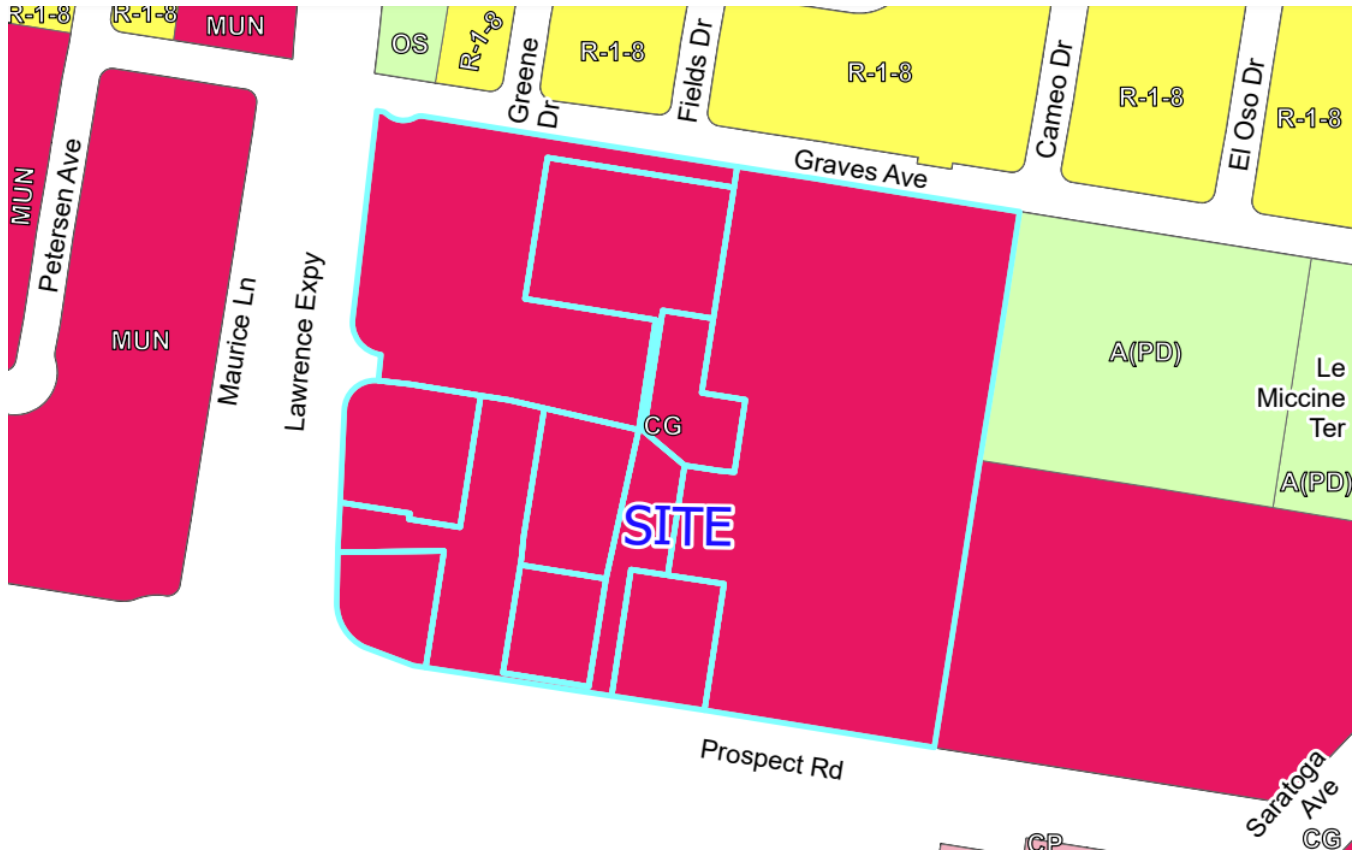


Figure 4 – Zoning Map

Setbacks and Height

The table below highlights the project conformance with applicable Development Standards of the CG Commercial General Zoning District pursuant to [Section 20.40.200](#), [Table 20-100](#) of the Zoning Code.

Development Standard	Required	Proposed
Minimum Lot Area (square feet or acreage)	1 acre (none if lot is located within a shopping center with shared access and shared parking among the lots)	19.80 acres
Front Setback	15 feet minimum	48 feet, 8 inches
Side, Interior Setback	None	79 feet, 7 inches
Side, Corner Setback	12.5 feet minimum	396 feet
Rear, Interior setback	None	21 feet, 11 inches
Maximum Height	120 feet (SJMC Chapter 20.85.020.E)	40 feet (top of screenwall), 45 feet (top of escalator awning)

As shown in the table above, the project conforms with all required height and setback standards pursuant to the CG Commercial General Zoning District.

Parking

Use: Neighborhood Shopping Center (Minimum 100,00 sf)	Floor Area	Ratio	Required	Provided
Vehicle Parking (Shopping Center)	194,142 sf	1 per 225 square feet of floor area	863 spaces	1,312 spaces
Bicycle Parking (Costco)	140,375 sf	1 per 3,000 square feet of floor area	47 spaces	48 spaces
Loading (Costco)		1 per 10,000 square feet of floor area plus 1 per each twenty thousand square feet of additional floor area	8 spaces	8 spaces

The project application was submitted on November 17, 2021, prior to the adoption of the current vehicle parking requirements which became effective on April 10, 2023. Therefore, the project is required to provide parking in accordance with [Chapter 20.90](#) of the Zoning Code as listed above. The project is required to provide 863 vehicle parking spaces for the entire shopping center site. The project provides 1,312 vehicle parking spaces, in excess of the minimum requirement. The project is required to provide 47 bicycle parking spaces. A total of 48 bicycle parking spaces are provided, in excess of the minimum requirement. The project is required to provide eight loading spaces (size 10-foot-wide by 30-foot-long by 15-foot-high). A total of eight loading spaces are provided in conformance with this requirement.

Noise

Pursuant to [Section 20.40.600](#) of the Zoning Code, the maximum noise level at the property line for a commercial use adjacent to a property zoned or used for residential purposes is 55 decibels. The maximum noise level for a commercial use adjacent to a property used or zoned for commercial or other non-residential purposes is 60 decibels.

A Noise Report (Exhibit H) was prepared by Kimley-Horn and Associates, Inc., dated June, 2023. Noise measurements were taken at multiple sites surrounding the proposed use, including the single-family residences across Graves Avenue to the north, the medical office building and townhouses to the east, the existing retail uses to the south and southeast, and Prospect High School to the west. The noise study evaluated the potential noise impacts of the proposed operations on the surrounding area, including mechanical equipment, loading activities, parking activity, landscaping maintenance, tire center operations, and trash/recycling pick-ups. The noise study found that the combined on-site noise

levels would range from 33.8 to 54 decibels at the nearest residential use and would reach a maximum of 58.8 decibels at the nearest commercial use. Therefore, the project would not exceed the maximum noise levels for a commercial use adjacent to any other residential or commercial use.

The project is required to adhere to the associated Mitigation Monitoring and Reporting Program, which includes mitigation measures to reduce construction-related noise. The project is required to prepare and implement a Construction Noise Logistics Plan which includes, but is not limited to, the prohibition of pile driving, prohibition of unnecessary idling of engines, utilization of quiet air compressors, ensuring all fixed and mobile equipment is equipped with properly operating mufflers, and neighborhood notification. The Conditional Use Permit also includes a condition for the appointment of a Construction Disturbance Coordinator to address any construction-related complaints.

Request For Extended Construction Hours

Pursuant to [Section 20.100.450](#) of the Zoning Code, construction hours are limited to 7:00 AM to 7:00 PM Monday through Friday for projects within 500 feet of residential uses, unless otherwise permitted with the issuance of a Development Permit. This Conditional Use Permit authorizes extended Saturday construction hours from 7:00 AM to 7:00 PM and up to five 24-hour concrete pours. Based on the applicant's estimation of construction time only, if the project were limited to weekday construction, the overall construction timeline would increase by approximately 18 weeks or 4 ½ months. With extended construction hours, construction is expected to take approximately 21 months. The Westgate West Costco Warehouse Project Environmental Impact Report included analysis of the extended construction hours. It was determined that even with the extended hours, the project would not have any significant impacts with the implementation of the associated Mitigation Monitoring and Reporting Program (MMRP). This Conditional Use Permit includes Standard Environmental Permit Conditions to reduce or eliminate any demolition and construction-related impacts on surrounding properties including conditions related to air quality, hazards and hazardous materials, hydrology and water quality, and noise. No significant and unavoidable impacts will result from the implementation of the project with the inclusion of the MMRP. Additionally, as a condition of this permit, the permittee shall provide written notices to all property owners and tenants a minimum of 15 days prior to commencement of the 24-hour concrete pours. The notification radius shall be 500 feet from the subject site. Finally, the permittee is required to appoint a Construction Disturbance Coordinator to address any construction-related complaints.

Citywide Design Standards Guidelines Consistency

The project is subject to the following provisions of the [Citywide Design Standards and Guidelines](#):

Section 2.2.1 – Pedestrian and Bicycle Access Location

- Standard 5 - Place the primary building entrance such that it can be accessed from a street, public open space, semi-private open space, or POPOS.

Analysis: The proposed building is located at the rear of the existing shopping center. The primary building entrance is accessible to pedestrians from dedicated walkways along Lawrence Expressway and Graves Avenue.

Section 2.2.3 – Services and Utilities Access and Location

- Standard 2 – Provide a covered area for solid waste collection when it is located outside the building envelope.
- Standard 4 – Provide access for utilities and waste collection from secondary streets, alleys, or private streets.
- Standard 5 – Place service yards, utilities, and their access at least 50 feet away from residential uses.
- Guideline 6 - Provide a minimum 22'-wide alley, driveway, or private street for waste collection vehicle access to servicing locations. Allocate the room required for waste collection vehicles to access the solid waste servicing locations and collect waste.

Analysis: Utility rooms, loading areas, and trash and recycle operations are provided within the interior walls of the building at the northeast and southeast corners of the building. The mechanical, fire, and electrical rooms are located in the interior of the building at the northeast corner. Trash compactors are provided outside the building footprint but are loaded from the interior of the building. All plastic and cardboard bailing is conducted indoors in designated areas. A minimum 40-foot-wide drive aisle is provided for trash truck pickup operations. The loading dock area is oriented towards the south, approximately 192 feet away from the northern property line, and approximately 261 feet from the nearest residential property to the north. The trash pickup are allocated approximately 178 feet from the nearest residential property line to the north.

Section 2.3.5 – Bicycle Parking Placement

- Standard 1 – Located at least 40 percent of the required bicycle parking on the ground floor with direct physical access to an elevator or building exit.
- Standard 2 – Place bicycle parking so that bicyclists do not have to cross vehicular parking or drive aisles to enter the building.
- Standard 4 – When located outside the building, connect bicycle parking to the pedestrian network by providing a minimum five-foot-wide pathway or walkway between them.

Analysis: A total of 28 (58%) of the bicycle parking is provided at the front entrance. Bicycle parking is placed so that pedestrians and bicyclists have direct access to either the sidewalk along Graves Avenue or a five-foot-wide path that leads to the pedestrian and bicycle pathway/trail along the eastern side of Lawrence Expressway.

Section 2.3.6 – Vehicular Parking Placement and Surface Parking Design

- Standard 1 - For medium and large sites, place the first parking stall at least 30 feet away from the driveway when accessing a parking lot from a primary street to allow cars to stack on site rather than in the street.
- Standard 2 - Place the first parking stall at least 20 feet away from the driveway when accessing a parking lot from a secondary street, alley, or private street.
- Standard 3 - Screen at least 75 percent of surface parking from primary streets, secondary streets, public open spaces, and adjacent sites with Mixed-Use and Residential General Plan land use

designations using landscaping or three-foot-tall architectural elements that (at least one of the following):

- Utilize the same materials, colors, and lighting fixtures as the site or building façades on the property for at least 75 percent of the area.
- Are covered with landscaping or public art for at least 75 percent of the total length along public open spaces, primary streets, and secondary streets.
- Standard 4 - Provide a five-foot-wide pedestrian walkway, at minimum, to connect buildings and parking or other walkways for at least every 200 feet.

Analysis: There are no parking stalls within 30 feet of any of the driveway entrances along Lawrence Expressway or Prospect Road (both primary streets). The newly configured central drive aisles are designed to funnel vehicles deeper into the site from either street before they turn into the parking areas. The nearest parking space is approximately 47 feet from the back of walk along Graves Avenue, a secondary street. The surface parking area, added at the northwest corner of the site, is screened for the entirety of the frontage along both Graves Avenue and Lawrence Expressway. A six-foot-high screen wall is provided along Graves Avenue. The existing mature trees along Graves Avenue would also remain. New trees would also be planted along the edges of the parking areas along Graves Avenue and Lawrence Expressway. Minimum five-foot-wide walkways are provided throughout the newly reconfigured parking areas for safe pedestrian and ADA access to the building.

Section 2.3.7 – Site Lighting

- Standard 1 – Orient all site lighting directly downwards to prevent light pollution and excess glare in the public realm.
- Standard 6 - All site lighting fixtures must be fully shielded (full cut-off) to prevent light from aiming skyward and light spillage and glare that can be seen from above.
- Standard 7 – Keep the maximum color temperature for outdoor lighting below 2700 Kelvin, except for outdoor decorative lighting from November 15 to January 15.
- Standard 8 – When adjacent to a residential development, lighting fixtures for commercial, industrial, or quasi-public developments must be less than 40-feet tall, irrespective of the distance from the common property line.

Analysis: As shown on the proposed project lighting plan, all proposed lighting fixtures are downward-facing and fully shielded. In the surface parking area, the pole-mounted lighting nearest the residences across Graves Avenue is a maximum of eight feet high. The tallest pole-mounted lighting in the surface parking area would not exceed 25 feet above grade. The wall-mounted lighting on the north side of the building, nearest the residences across Graves, would not exceed 20 feet in height. The rooftop parking is approximately 30-feet above grade, with no pole-mounted rooftop lighting exceeding 40 feet. As conditioned in this Conditional Use Permit, the color temperature for all outdoor lighting shall not exceed 2700 Kelvin.

Section 2.3.8 – Landscaping and Stormwater Management

- Standard 1 – Select trees which at maturity create a tree canopy cover that shades a minimum of

50 percent of each on-site surface parking area, common open space at the ground floor, and Privately-owned (and maintained) Public Open Space.

- Standard 5 – Provide the following minimum distances from the center of trees to the edges of buildings for all trees to reach maturity and to prevent unnecessary tree removal.
- Standard 6 – Provide a maximum distance of 20 feet on center for small trees, 25 feet for medium trees, and 35 feet for large trees, or 75 percent of the mature canopy size distance for each tree type measured from the center. Locate new street trees and new on-site trees in relation to existing street trees and on-site trees to be retained to meet these maximum spacing dimensions.
- Standard 7 – Provide minimum vertical clearance for tree canopies at maturity as follows:
 - 14 feet in and around service and loading areas and driveways,
 - 12 feet for parking lots, and
 - Eight feet for tree canopies immediately adjacent to sidewalks and patios.
- Standard 8 - Utilize at least 50 percent of the total landscaped area on a development site for LID site design measures, source controls, and green stormwater infrastructure, including but not limited to bioretention, rain gardens, LID planters, and permeable pavers.

Analysis: As shown on the project landscape plan, approximately 51% of the newly configured parking area is shaded. All trees meet the minimum distance requirements from buildings and have minimum vertical clearances to ensure that the newly planted trees will not be unnecessarily removed in the future. The project also complies with all spacing requirements for small, medium, and large trees. All landscaped area is designed as Low Impact Development.

Section 3.1.2 – Form, Proportion, and Scale

- Standard 1 – Buildings at street intersections with traffic signals, terminus points, and open space must include at least two of the following architectural features for a minimum of 20 percent of each building frontage along the street:
 - Articulated corner with vertical or horizontal projection
 - Taller massing or exaggerated roof elements.
 - Building entrances with a minimum entrance of three feet.

Analysis: The proposed building is located at the northern (rear) portion of the shopping center, away from a signalized intersection. Nevertheless, the project provides an exaggerated corner element with the building entrance highlighted through a tower element and an approximately 30-foot-deep recessed entrance.

Section 3.3.1 – Façade Design and Articulation

- Standard 1 - Articulate all building façades facing a street or public open space for at least 80 percent of each façade length. Articulate all other building façades for at least 60 percent of each façade length. Façade articulation can be achieved by providing material and plane changes or by providing a rhythmic pattern of bays, columns, balconies, and other architectural elements to break up the building mass.

- Guideline 2 - Design new buildings so that all sides of a building are coordinated and create a cohesive architectural idea.
- Guideline 3 - Incorporate special corner treatments, such as changes in façade treatments, material, or articulation, for buildings at street intersections or adjacent to public open spaces.
- Guideline 4 - Articulate building façades with material changes or art, such as murals, to create patterns of visual interest when a side of a building is built to property line and is visible from public realm.

Analysis: While the building does not have frontage on a primary street, all building façades are still fully articulated with changes in either color, material, wall plane, roof line, or a combination of these elements. The west façade includes two changes in wall plane, each approximately 30 feet deep. The west façade includes an approximately 60-foot-deep recess to break up the wall plane. The south façade is broken up with changes in color and material and two recesses that are approximately 27 and 120 feet deep, respectively. The rear, north façade includes changes in colors and materials with vertical metal panels of offsetting colors overlaid with tan split face CMU walls. Downward facing, cutoff, wall mounted light fixtures are provided approximately every 40 to 50 feet. Where recesses and changes in wall plane are provided, the building also incorporates changes in roof line with exaggerated corner elements to break up the building into smaller elements further.

Section 3.3.5 – Parking Garage Design

- Standard 5 – Design flare-out openings at garage entrances with a minimum width of 26 feet for two-way traffic and 20 feet for one-way traffic to provide line-of-site between vehicles and pedestrians.
- Guideline 2 – Conceal all ramped floors from the public realm and surrounding buildings.

Analysis: The parking garage entry/exit ramp is a minimum of 30-feet wide. The ramp is located along the southside of the building and is concealed with medium bronze colored perforated metal. The same material is used to screen the escalator and elevator towers.

Section 3.3.7 – Materials and Colors

- Guideline 2 – Use durable high-quality materials, such as tile, wood, masonry, brick, stones, terracotta, or metal.
- Guideline 4 – Employ reflective materials sparingly to reduce glare.
- Guideline 5 – Use bright accent colors minimally.

Analysis: The proposed building is single-story. Materials and colors include split-face cementitious masonry unit (CMU) wall, vertical ribbed metal panels, perforated metal screening for the parking ramp, escalator ramp, and elevator tower. The primary colors used are warm tones including tan, champagne, bronze, and sandstone. The only bright accent colors used are minor red accent line that are provided along the south, west, and east elevations roughly bisecting the bottom and top halves of the building.

Section 4.1.3 – Mitigating Blank Walls

- Standard 1 - Limit continuous blank walls on the ground floor to less than 30 feet along primary street façades and 50 feet along secondary street façades.
- Standard 3 - Do not create a blank wall longer than 25 feet in the 50 feet closest to a building corner fronting a secondary street, paseo, or alley
- Standard 5 - At the pedestrian level, use at least one of the following treatments mentioned for blank walls along property lines that are exposed to the public realm without another building located within 15 feet:
 - Architectural treatments such as reveals, projections, setbacks, indentations, lighting, awnings, etc.

Analysis: Blank walls are mitigated with changes in color, material, wall plane, and with the provision of architectural lighting in order to break up each elevation of the building. The building includes multiple projections and recesses, as well as changes in height at the roof level, in order to create smaller masses. Wall mounted lighting fixtures are provided roughly every 40-50 feet along all façades.

Permit Findings

For this application to be approved, the City Council must be able to make all required findings for a Planned Development Permit, Demolition Permit, and Tree Removal Permit, as follows.

Site Development Permit Findings

To make the Site Development Permit findings pursuant to San José Municipal Code [Section 20.100.630](#), and recommend approval to the City Council, the Planning Commission must determine that:

1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable Specific Plans and area development policies; and

Analysis: The project is consistent with the Neighborhood/Community Commercial General Plan land use designation. The proposed project consists of the partial redevelopment of the existing Westgate West shopping center to allow the construction of an approximately 165,148-square foot Costco building. The subject site would continue to operate as a commercial shopping center. The new Costco would provide an additional commercial retail option within a major commercial retail area of West San Jose. The store would provide a variety of retail services including groceries, household goods, a pharmacy, optical exams and optical sales, hearing aid testing and sales, and tire sales and installation. The store is expected to employ approximately 250 to 300 employees. The maximum allowed FAR for a project with a Neighborhood/Community Commercial land use designation is 3.5. With the demolition of the three existing buildings and construction of the new building, the combined project area has a FAR of approximately 0.26, in conformance with this requirement.

2. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project; and

Analysis: The project is consistent with all applicable provisions of the CG Commercial General Zoning District, including lot size, setbacks, height, and parking. The project is consistent with all noise requirements as well as all tree removal and replacement requirements.

3. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: The project is consistent with City Council Policy 6:30: Public Outreach Policy. The project is considered a Significant Community Interest Proposal. On-site signs have been posted on the project frontage since January 21, 2022. A formally noticed Joint EIR Scoping/Community Meeting was held on January 24, 2023 via Zoom to introduce the project to the community. Approximately 196 members of the public attended the meeting. The [Costco Westgate West webpage](#) was created for the project on the City's Planning Division website to further inform the public of the development proposal, and to provide updates on the planning process. In addition to the formally noticed, city-sponsored Community Meeting, the applicant and their representatives held approximately 27 meetings with members of the public and stakeholder groups. In addition to the public comment received at the Community Meeting, and the 387 written comments received during period of the EIR circulation, staff received approximately 120 written public comments prior to this staff report being posted. Major concerns raised by members of the public included traffic congestion, truck traffic, cut-through traffic, lack of vehicle parking, potential negative impacts to existing businesses, pedestrian and bicyclist safety, alcohol sales, light pollution, noise, and air quality. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on September 12, 2024. The staff report and draft hearing documents were posted on the City's website seven days prior to the Planning Commission hearing. Staff has also been available to receive comments and respond to questions from the public.

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The project consists of the partial redevelopment of the existing Westgate West shopping center. The proposed Costco building would replace three existing buildings located at the northernmost portion of the shopping center. The proposed building would be oriented towards the south and west, away from the existing residential neighborhood to the north, and in the same direction as the existing buildings within the shopping center. All buildings within the shopping center, including the proposed Costco, are single-story. The primary surface parking lot serving the Costco would be shifted to the northwest corner of the shopping center along Lawrence Expressway, while additional parking would be provided on the rooftop of the Costco building.

5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The site is surrounded by single-family residential uses across Graves Avenue to the north, a commercial shopping center and medical offices to the east, commercial retail across Prospect Road to the south, and multifamily residential uses across Lawrence Expressway to the west. The

existing site would continue to be used as a commercial shopping center, with the inclusion of the new Costco building. The project continues the design trend of the adjacent shopping center to the east, with the larger building located at the rear (northern) end of the site, and smaller retail buildings located along the adjacent street frontages.

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project is not located in an environmentally sensitive area and is already developed within an existing shopping center in an urbanized area. The building will be served by all necessary public and private utilities. The project includes mitigation measures, Standard Permit Conditions, Best Management Practices, and compliance with regulatory agency requirements to reduce or eliminate any demolition and construction related impacts on surrounding properties, including measures and conditions related to air quality, hazards and hazardous materials, hydrology and water quality, and noise. Additionally, as conditioned in this permit, the project is required to appoint a Construction Disturbance Coordinator to address any construction related complaints. All demolition and construction activity would be temporary and limited to demolition of the existing buildings and construction of the new building and associated site upgrades.

Additionally, this project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. Therefore, the project would not result in significant noise, vibration, drainage, erosion, stormwater runoff or odor impacts.

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The project includes numerous site upgrades to beautify the existing shopping center, and surrounding area. A six-foot-high masonry wall would be constructed at the northern end of the property to screen the building and surface parking areas from the existing residences across Graves Avenue to the north. Existing mature trees along Graves Avenue would be retained to further screen the new building. The project incorporates a detailed landscaping plan to ensure proper shading, stormwater control, and overall site beautification. Utility rooms, loading areas, and trash and recycle operations are provided within the interior walls of the building at the northeast and southeast corners of the building. The mechanical, fire, and electrical rooms are located in the interior of the building at the northeast corner. Trash compactors are loaded from the interior of the building, are fully enclosed, and located at the side of the building, away from view of the street or parking areas. All plastic and cardboard bailing is conducted indoors in designated areas. A minimum 40-foot-wide drive aisle is provided for trash truck pickup operations. The loading dock area is oriented towards the south, approximately 192 feet away from the northern property line, and approximately 261 feet from the nearest residential property to the north. The trash pickup area is located approximately 178 feet from the nearest residential property line to the north. The

Project is consistent with all applicable Citywide Design Standards and Guidelines regarding landscaping, lighting, utility location, and trash facilities.

8. Traffic access and pedestrian access are adequate.

Analysis: Pedestrian access to the site would be provided along Lawrence Expressway, Prospect Road, Graves Avenue, and from Saratoga Avenue via internal walkways through the adjacent West Valley Shopping Center. Vehicular access to the site would be provided from one driveway along Lawrence Expressway, three driveways along Prospect Road, two driveways along Saratoga Avenue internally accessed through the adjacent West Valley Shopping Center, and one driveway along Graves Avenue. An existing driveway along the cul-de-sac at the western end of Graves Avenue would be closed. Conditions of approval for the project require the permittee to construct public improvements including a new bike and pedestrian pathway along Lawrence Expressway, new bulb-outs and a crosswalk at the intersection of Graves Avenue and Fields Drive, street improvements and signal modifications along the Lawrence Expressway project entrance, and closure of the existing driveway at the Graves Avenue cul-de-sac.

Conditional Use Permit Findings

In order to make the Conditional Use Permit findings pursuant to San José Municipal Code [Section 20.100.720](#), and recommend approval to the City Council, the Planning Commission must determine that:

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

Analysis: The project use is consistent with and further the policies of the General Plan. The project conforms with General Plan Land Use Policy LU-5-10, which gives preference to off-sale alcohol establishments that offer a full range of food choices. The project allows off-sale alcohol (Type 21 ABC License) at a future retail establishment (Costco). Costco is an international chain of retail stores that offers a complete shopping experience, including a full range of groceries, produce, meat, household goods, clothing, electronics, tires, eyecare, and alcohol. Alcohol sales would be incidental to the larger retail use. As shown on the project plans, the proposed alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area. As conditioned in this Conditional Use Permit Resolution, alcohol sales would be limited to a maximum of five percent of the total floor area of the retail space that is open and accessible to the general public (i.e., excluding backroom storage and office space). Additionally, the store would employ 250 to 300 employees.

2. The Conditional Use Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project; and

Analysis: The retail use is a permitted use in the CG Commercial General Zoning District. The issuance of a Site Development Permit, in conformance with the requirements of the CG Zoning District is required, and the incidental off-sale alcohol use would also be authorized with the issuance of a Conditional Use Permit.

3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: The project is consistent with City Council Policy 6:30: Public Outreach Policy. The project is considered a Significant Community Interest Proposal. On-site signs have been posted on the project frontage since January 21, 2022. A formally noticed Joint EIR Scoping/Community Meeting was held on January 24, 2023 via Zoom to introduce the project to the community. Approximately 196 members of the public attended the meeting. The Costco Westgate West webpage was created for the project on the City's Planning Division website to further inform the public of the development proposal, and to provide updates on the planning process. In addition to the formally noticed, city-sponsored community meeting, the applicant and their representatives held approximately 27 outreach meetings with members of the public and stakeholder groups. In addition to the public comment received at the Community Meeting, and the 387 written comments received during the EIR circulation, staff received approximately 120 written public comments prior to this staff report being posted. Major concerns raised by members of the public included traffic congestion, truck traffic, cut-through traffic, lack of vehicle parking, potential negative impacts to existing businesses, pedestrian and bicyclist safety, alcohol sales, light pollution, noise, and air quality. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on September 12, 2024. The staff report and draft hearing documents were posted on the City's website seven days prior to the Planning Commission hearing. Staff has also been available to receive comments and respond to questions from the public.

4. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and

Analysis: As indicated in the San José Police Department Memorandum (Exhibit J) dated January 19, 2022, the use is located in an area that is unduly concentrated with off-sale alcohol sales but is not in an area of high crime. The allocated number of off-sale establishments in Census Tract 5062.02 is three, and currently there are six off-sale establishments with active licenses. One establishment, Smart and Final, is no longer operating, and would be replaced by Costco. The Police department is neutral regarding this off-sale alcohol establishment. Due to the concentration of alcohol sales within this census tract, a Determination of Public Convenience and Necessity is required. Alcohol sales would be incidental to the primary use as a retail store. The Operations Plan prepared by the applicant and submitted to the Director of Planning, Building and Code Enforcement on October 29, 2021, provides provisions for security and employee training. During opening hours, Costco employees are stationed at the entrance to the store checking all membership cards. Employees are trained in responsible alcohol sales and service and are responsible for checking IDs. While the store is closed, typical security measures will be implemented, including locking exterior doors, using electronic alarm system to monitor entrances, and providing downward facing security lighting at the exterior of the building. Hours of alcohol sales would coincide with hours of operation of the store (Monday through Friday 9:00 AM to 8:30 PM and Weekends 9:00 AM to 7:00 PM). Therefore, the off-sale alcohol use will

not adversely impact the surrounding area, impair the utility or value of property, or be detrimental to the public health, safety, or welfare.

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

Analysis: The sale of alcohol would not impact the ability of the retail store to conform with the required development regulations of a retail store in the CG Commercial General Zoning District. The building conforms to all applicable development regulations, including setbacks, height, screening, parking, and loading for a building in the CG Zoning District. The project is consistent with all applicable standards of the Citywide Design Standards and Guidelines for requirements for landscaping, lighting, utilities, and trash services. All alcohol sales and storage would occur indoors.

6. The proposed site is adequately served:

- a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
- b. By other public or private service facilities as are required.

Analysis: The subject site is adequately served by local and regional access routes, and is accessed from Lawrence Expressway, Prospect Road, Saratoga Avenue, and Graves Avenue. The subject site is served by VTA bus routes 26, 56, and Express 101. The site is regionally served by Lawrence Expressway, California State Route 85, and Interstate 280. The project includes the partial reconfiguration of the surface parking area within the shopping center. The newly configured central drive aisles are designed to funnel vehicles deeper into the site from either street before they turn into the parking areas. The project also includes public improvements to improve pedestrian and bicyclist safety and improve the flow of traffic. As conditioned in the Conditional Use Permit resolution, the permittee is required to construct public improvements including a new bike and pedestrian pathway along Lawrence Expressway, new bulb-outs and a crosswalk at the intersection of Graves Avenue and Fields Drive, and street improvements and signal modifications along the Lawrence Expressway project entrance.

7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: All alcohol sales would be conducted indoors. Therefore, there would be no unacceptable negative environmental impacts related to noise, vibration, dust, drainage, storm water runoff, or odor, and the project will not have any unacceptable negative environmental effect on adjacent properties with regards to alcohol sales.

Off-Sale Alcohol Findings

A Conditional Use Permit may be issued pursuant to the applicable provisions of this title for the off-sale of any alcoholic beverages only if the decision-making body first makes the following additional findings pursuant to [Section 20.80.900](#) of the Zoning Code, where applicable:

1. For such use at a location closer than five hundred feet from any other such use involving the off-sale of alcoholic beverages, situated either within or outside the city, that the proposed location of the off-sale alcohol use would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location.

*Analysis: As shown on the ABC Map (Exhibit L), the use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the subject site. Given the size of the project site and central location within a major commercial shopping area in San Jose, there are five off-sale establishments within a 1,000-foot radius of the subject property. Establishments within 1,000 feet of the subject site are Trader Joes, BevMo!, Sprouts, Target, and Rotten Robbie. Therefore, **this finding cannot be made.***

2. For such use at a location closer than five hundred feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the city, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location, that the resulting excess concentration of such uses will not:
 - a. Adversely affect the peace, health, safety, morals, or welfare of persons residing in or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the area; or
 - c. Be detrimental to public health, safety or general welfare

*Analysis: The use would result in more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the subject site. Three of the five uses located within 1,000 feet of the subject site are grocery stores (Trader Joes, Sprouts, Target). As indicated in the San José Police Department Memorandum dated January 19, 2022, the establishment is located in an area that is unduly concentrated with alcohol sales but is not in an area of high crime. The Police Department is **neutral** regarding this off-sale alcohol establishment. The project's alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area. As conditioned in the Conditional Use Permit, the alcohol sales area is limited to no more than five percent of the sales floor area.*

*Additionally, the Operations Plan includes provisions for security and employee training specific to alcohol sales. During opening hours, Costco employees are stationed at the entrance to the store checking all entering visitors membership cars. Employees are trained in responsible alcohol sales and service and are responsible for checking IDs. While the store is closed, typical security measures will be implemented, including locking exterior doors, using electronic alarm system to monitor entrances, and providing downward facing security lighting at the exterior of the building. Hours of alcohol sales would coincide with hours of operation of the store (Monday through Friday 9:00 AM to 8:30 PM and Weekends 9:00 AM to 7:00 PM). Therefore, given the primary use as a retail and grocery store and with the implementation of the applicant's Operation Plan, the use would not adversely affect the surrounding area. Therefore, **this finding can be made.***

3. For such use at a location closer than five hundred feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or one hundred fifty feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.

*Analysis: The subject site is not located within five hundred feet from a child care center, social services, agency, residential care facility, residential service facility, college or university. The project is adjacent to residentially zoned properties to the north. The existing shopping center is also located approximately 230 feet northeast of Prospect High School. However, the use is oriented in a manner that would not be detrimental to the adjacent uses including the residences to the north and school to the southwest. The primary entrance is located on the southside of the building and is primarily accessible from the internal portion of the shopping center. Costco is a members-only business. During opening hours, Costco employees are stationed at the entrance to the store checking all membership cards. The sale of alcohol occurs entirely indoors and would be incidental to the larger retail and grocery store use. As conditioned in the Conditional Use Permit, the alcohol sales area is limited to no more than five percent of the sales floor area. Therefore, **this finding can be made.***

Determination of Public Convenience or Necessity Findings

Under California Business and Professions Code Sections 23958 and 23958.4, the Department of Alcohol Beverage Control (ABC) must deny an application for a liquor license “if issuance of that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses in the area,” unless the City determines that the public convenience or necessity would be served by the issuance of the license (Determination of Public Convenience or Necessity, or PCN). An “undue concentration” is defined as follows:

1. The premises of the proposed license are located in an area that has 20 percent greater number of reported crimes than the average number of reported crimes for the City as a whole, or
2. The premises of the proposed license are located in a census tract where the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

Analysis: The project site is located within Census Tract 5062.02. According to the San José Police Department Memorandum January 19, 2022, the establishment is located in an area that is unduly concentrated with alcohol sales but is not in an area of high crime. The neighborhood does not report 20 percent more crimes above the city average. However, the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole. The allocated number of off-sale establishments in Census Tract 5062.02 is three, and currently there are six off-sale establishments with active licenses. This permit would be the seventh off-sale alcohol use in the Census tract. Therefore, for the California Department of Alcoholic Beverage Control (ABC) to be able to issue a license for this off-sale use, the City must grant a Determination of Public Convenience or Necessity. The analysis of the proposal is based on the required findings identified in [Title 6](#) of the San José Municipal Code and is described below.

[Chapter 6.84](#) of Title 6 identifies the process and findings related specifically to the off-sale of alcohol and specifies that the Planning Commission may issue a PCN only after first making all of the findings specified below (see San Jose Municipal Code section [6.84.030](#)):

1. The proposed use is not located within a Strong Neighborhoods Initiative or neighborhood revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs, or located within an area in which the chief of police has determined based upon quantifiable information that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and
 - a. Would be detrimental to the public health, safety, or welfare of persons located in the area; or
 - b. Would increase the severity of existing law enforcement or public nuisance problems in the area; and

*Analysis: The project site is not located within a Strong Neighborhoods Initiative (SNI) area, neighborhood revitalization area, or other area designated by the City for targeted neighborhood enhancement services or programs. According to the Police Department Memorandum dated January 19, 2022, the Police Department is **neutral** to the issuance of a Conditional Use Permit for the off-sale of alcohol at the subject site. Alcohol sales are incidental to the primary use as a retail and grocery store. The alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area. As conditioned in the Conditional Use Permit Resolution, the area in which alcoholic beverages are displayed or otherwise offered for sale shall not exceed five percent of the total floor area of the retail area that is open and accessible to the general public (i.e., excluding backroom storage and office spaces). Alcohol product displays shall not be placed outside the retail tenant space.*

*Additionally, the Operations Plan provides provisions for security and employee training specific to alcohol sales. During opening hours, Costco employees are stationed at the entrance to the store checking all entering visitors membership cars. Employees are trained in responsible alcohol sales and service and are responsible for checking IDs. While the store is closed, typical security measures will be implemented, including locking exterior doors, using electronic alarm system to monitor entrances, and providing downward-facing security lighting at the exterior of the building. Hours of alcohol sales would coincide with hours of operation of the store (Monday through Friday 9:00 AM to 8:30 PM and Weekends 9:00 AM to 7:00 PM). Therefore, given the primary use as a retail and grocery store, and with the implementation of the applicant's Operation Plan, the proposed alcohol sales would not be detrimental to public health, safety, or welfare of persons located in the area, or increase the severity of existing law enforcement or public nuisance problems in the area. Therefore, **this finding can be made**.*

2. The proposed use would not lead to the grouping of more than four off-premises sale of alcoholic beverage uses within a one-thousand-foot radius from the exterior of the building containing the proposed use; and

Analysis: As previously discussed, the use results in more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the subject

site. Trader Joes, BevMo!, Sprouts, Rotten Robbie, and Target all have active off-sale alcohol licenses and are all located within 1,000 feet of the subject site. Therefore, **this finding cannot be made.**

3. The proposed use would not be located within five hundred feet of a school, day care center, public park, social services agency, or residential care or service facility, or within one hundred fifty feet of a residence; and

*Analysis: The subject site is located within one hundred fifty feet of residences to the north and within five hundred feet of a park (Saratoga Creek Dog Park) and school (Prospect High School). Therefore, **this finding cannot be made.***

4. Alcoholic beverage sales would not represent a majority of the proposed use; and

*Analysis: The alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area. As conditioned in the Conditional Use Permit, the alcohol sales area is limited to no more than five percent of the sales floor area. Alcohol product displays shall not be placed outside the retail tenant space. Therefore, **this finding can be made.***

5. At least one of the following additional findings:

- a. The census tract in which the proposed outlet for the off-premises sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant adverse impact on public health or safety; or

*Analysis: The census tract is not unusually configured in shape. Therefore, **this finding cannot be made.***

- b. The proposed outlet for the off-premises sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety; or

Analysis: The project would provide an additional retail option within an area of the City primarily developed with other commercial retail establishments and would employ 250 to 300 employees. The project includes the partial redevelopment of an existing aging commercial shopping center, which would fiscally strengthen the City by generating tax revenue, increasing jobs, and improving the City's ability to provide vital services to residents. Costco is an international chain of retail stores that offers a complete shopping experience including a full range of groceries, produce, meat, household goods, clothing, electronics, tires, eyecare, as well as alcohol. The alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area that is open and accessible to the general public (i.e., excluding backroom storage and office spaces). Alcohol product displays shall not be placed outside the retail tenant space.

According to the Police Department Memorandum dated January 19, 2022, the Police Department is neutral to the issuance of a Conditional Use Permit for the off-sale of alcohol at the subject site. The subject site is located in San Jose Police Beat N6. The reported crime statistics as defined by B&P Section 23958.4(c) are not over the 20% crime index, thus the location is not considered unduly concentrated per B&P Section 23958.4 (a)(1).

*The Operations Plan provides provisions for security and employee training specific to alcohol sales. During opening hours, Costco employees are stationed at the entrance to the store checking all entering visitors membership cards. Employees are trained in responsible alcohol sales and service and are responsible for checking IDs. While the store is closed, typical security measures will be implemented, including locking exterior doors, using electronic alarm system to monitor entrances, and providing downward-facing security lighting at the exterior of the building. Hours of alcohol sales would coincide with hours of operation of the store (Monday through Friday 9:00 AM to 8:30 PM and Weekends 9:00 AM to 7:00 PM). Therefore, the off-sale alcohol outlet would enhance the vitality of an existing aging commercial shopping center without adverse impact on the public health of safety. Therefore, **this finding can be made.***

- c. The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over-concentration in the absolute numbers of outlets for the off-premises sale of alcoholic beverages in the area; or

*Analysis: The census tract in which the proposed outlet is located does not have a low population density in relation to other census tracts in the city. Based on the 2020 United States Census, the population density of San Jose is approximately 5,694 people per square mile. The population density of Census Tract 5062.02 is approximately 8,660 people per square mile. However, the project would result in an overconcentration in the number of outlets for the off-premises sale of alcoholic beverages. Therefore, **this finding cannot be made.***

- d. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

*Analysis: The project allows off-sale alcohol (Type 21 ABC License) at a future retail/grocery store (Costco). Costco is international chain of retail stores that offers a complete shopping experience including a full range of groceries, produce, meat, household goods, clothing, electronics, tires, eyecare, as well as alcohol. The proposed alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area that is open and accessible to the general public (i.e., excluding backroom storage and office spaces). Therefore, alcohol sales would be incidental and appurtenant to the larger retail use. Therefore, **this finding can be made.***

If the Planning Commission cannot make one or more of the first four findings (items 1 through 4) listed above, then the Planning Commission is required by San Jose Municipal Code [Section 6.84.030.D](#) to make a recommendation to the City Council as to whether the Council should make a determination for the proposed use.

Analysis: The second and third findings for the issuance of a Determination of Public Convenience or Necessity cannot be made for the off-sale of alcohol because the proposed use would result in more than four establishments providing off-sale alcohol within a 1,000-foot radius and because the project site is located within 150 feet of a residentially zoned property and within 500 feet of a public park and school. Therefore, City Council approval is required for the proposed use. The Planning Commission must make a recommendation on the proposed use to the City Council. The City Council may issue a determination if the Council identifies that the proposed use will provide a

significant and overriding public benefit or benefits.

Notwithstanding the foregoing provisions and requirements contained in Subsection D. above, the City Council may issue a determination in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-premises sale of alcoholic beverages where the City Council does all of the following:

- a. Makes a determination that not all of the required findings set forth in Subsection B. can be made; and

Analysis: Given the above-stated analysis, the Planning Commission cannot make the second and third findings for the Determination of Public Convenience or Necessity for the off-sale of alcohol because the use would result in more than four establishments providing off-sale alcohol within a 1,000-foot radius and because the subject site is located within 150 feet of a residentially zoned property and within 500 feet of a park and school. However, the Planning Commission can make two of the four findings. Moreover, the Commission and City Council can make findings 5.b and 5.d of the additional findings.

- b. Identifies and finds that a significant and overriding public benefit or benefits will be provided by the proposed use.

Analysis: While the Planning Commission cannot make all of the required findings for the Determination of Public Convenience or Necessity, there are significant and overriding benefits resulting from the project use. Off-sale alcohol would be appurtenant to a larger retail/grocery use that provides a complete, convenient, and diverse shopping experience. The retail use would revitalize an existing aging shopping center and fiscally strengthen the City by generating tax revenue, increasing jobs, and improving the City's ability to provide vital services to residents. The use would be oriented in a manner that would not be a detriment to the adjacent uses including the residences and park to the north or the school to the southwest. According to the Police Department Memorandum dated January 19, 2022, the Police Department is neutral to the issuance of a Conditional Use Permit for the off-sale of alcohol at the subject site. The proposed use is not in an area of high crime. The Operations Plan includes provisions for security and employee training specific to alcohol sales. During opening hours, Costco employees are stationed at the entrance to the store checking all entering visitors membership cards. Employees are trained in responsible alcohol sales and service and are responsible for checking IDs. While the store is closed, typical security measures will be implemented, including locking exterior doors, using an electronic alarm system to monitor entrances, and providing downward facing security lighting at the exterior of the building. Hours of alcohol sales would coincide with hours of operation of the store (Monday through Friday 9:00 AM to 8:30 PM and Weekends 9:00 AM to 7:00 PM).

Alcohol sales would be incidental and appurtenant to the larger retail/grocery store use. The proposed alcohol sales area is approximately 5,764 square feet, or 4% of the total floor area. As conditioned in this Conditional Use Permit, the area in which alcoholic beverages are displayed or otherwise offered for sale shall not exceed five percent of the total floor area of the retail area that is open and accessible to the general public (i.e., excluding backroom storage and office spaces). Therefore, the City Council may make the finding that the proposed use would provide a

significant and overriding public benefit.

Demolition Permit Findings

[Chapter 20.80](#) of the Municipal Code establishes evaluation criteria for the issuance of a permit to allow for demolition. These criteria are made for the project based on the above stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the Resolution:

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The project includes the demolition of three existing buildings within the shopping center totaling approximately 188,265 square feet for the construction of an approximately 165,148-square foot commercial retail building (Costco). The approval of the demolition permit will not result in the creation or continued existence of a nuisance, blight or dangerous condition nor would it jeopardize public health, safety, or welfare, as it will allow for the partial redevelopment of an aging shopping center with a retail use that is consistent with the allowable uses and development standards of the Neighborhood/Community Commercial General Plan land use designation and CG Commercial General Zoning District. The demolition permit will facilitate a partial redevelopment project that is compatible with the existing shopping center. As previously discussed, the project is consistent with all applicable General Plan goals and policies, CG Zoning requirements, applicable city council policies, and Citywide Design Standards and Guidelines. The project will not demolish any existing housing. Based on the historic resources survey conducted for the project site, the project does not meet the criteria for listing on the National Register of Historic Places, California Register of Historic Places or as a Candidate City Landmark on the City's Historic Resources Inventory, therefore, the project would not demolish any historic resources. The demolition of any existing buildings on-site will not occur until an application for a grading permit or building permit is submitted, whichever comes first. Therefore, a demolition permit may be granted for the project.

Tree Removal Permit Findings

The project is subject to the following tree replacement ratios as shown in the table below.

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

x:x = tree replacement to tree loss ratio
 Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
 A 38-inch tree equals 12.1 inches in diameter.
 A 24-inch box replacement tree = two 15-gallon replacement trees.

In order to make the Tree Removal findings pursuant to [Section 13.32.100](#) of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

Analysis: Based on the Arborist Report (Exhibit I) prepared by Leonardo Tuchman, ISA Certified Arborist, dated October 25, 2021, the project includes the removal of 115 trees. A total of 157 trees would be preserved on-site. Of the trees to be removed, 73 are ordinance-size and 42 are non-ordinance-size. The trees to be removed are located within the project building's footprint or the proposed drive aisles serving the site. One tree requires replacement at a 5:1 ratio. 72 trees require replacement at 4:1 ratio, 40 trees require replacement at a 2:1 ratio, and two trees require replacement at a 1:1 ratio. Based on the requirements listed in the table above, the removal of the 115 trees on-site requires the replacement of 375 15-gallon trees on-site. One 24-inch box planted on-site may count towards two required 15-gallon replacement trees. The total number of replacement trees to be planted on site is 198 24-inch box trees (equal to 396 15-gallon trees). The project includes the planting of 30 Emerald Vase Chinese Elms, 27 Interior Live Oaks, 26 Chinese Green Elms, 25 Forest Green Oaks, 25 Southern Magnolias, 21 Lacebark Elms, 19 Sky Climber Oaks, 16 Crape Myrtles, and 9 Southern Live Oaks. Therefore, the project conforms with the tree replacement requirements.

The City of San José, as the lead agency for the Project, prepared a Draft Environmental Impact Report (Draft EIR) for the Westgate West Costco Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations and policies of the City San José, California. The Notice of Preparation (“NOP”) was circulated from January 12, 2022, to February 11, 2022. The Draft EIR was circulated for public review and comment from December 15, 2023, to February 20, 2024.

Summary of Environmental Impacts Reduced to Less than Significant with Mitigation

The Draft EIR identified potential environmental impacts related to air quality during construction activities, nesting birds, hazards and hazardous materials from past uses on the site, and construction-related noise. With implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project, these impacts are reduced to less than significant levels.

The Draft EIR did not identify any Significant and Unavoidable Impacts.

Project Alternatives

The Draft EIR analyzed four Project alternatives: (1) No Project Alternative, (2) Alternative Placement On-Site Alternative, (3) Reduced Size Alternative, and (4) No Rooftop Parking Alternative. Alternatives that were considered but rejected include Alternative Site Alternative, Mixed Use Alternative, and Subterranean Parking Alternative. The four alternatives were crafted based on their ability to reduce the impacts summarized above and to identify an environmentally superior proposal. The analysis of the four alternatives in the Draft EIR includes discussion of the potential impacts of alternative and site layouts for the purpose of decision-making.

Beyond the No Project Alternative, the Alternate Placement On-Site Alternative would be environmentally superior because it would reduce the noise and vibration impact for residences located to the east of the Project site. This alternative, however, would not fully realize the Project objectives and would result in similar impacts for the other resource areas to the proposed Project.

Summary of Comments Received

The City received 387 written comment letters during the public circulation period. Five public agencies commented, including the Santa Clara Valley Transportation Authority (“VTA”), the Santa Clara Valley Water District, the City of Saratoga, Caltrans, and the California Department of Toxic Substance Control. All remaining comments were submitted by other organizations, individuals, and businesses. Notable concerns that arose repeatedly in the 387 comment letters include:

- Site access and circulation through Graves Avenue;
- Safety of pedestrians and bicyclists;
- Traffic and parking;
- Perceived incompatibility with Urban Village goals;
- Alcohol sales;
- Air quality and hazardous materials concerns.

The City responded to all comments received on the Draft EIR and incorporated them into the First Amendment to the Draft EIR. None of the comments received identified substantive inadequacies of the Draft EIR and no new mitigation measures are required. The City incorporated the comments and responses into the First Amendment to the Draft EIR. Text edits have been made in the Final EIR to reflect suggested edits and correct typos.

First Amendment and Final EIR

The First Amendment, taken together with the Draft EIR, and the MMRP constitutes the Final EIR. The Draft EIR and First Amendment to the Draft EIR (FEIR) are available for review on the Project page on the City's Active EIR website. A copy of the signed MMRP is attached to the related CEQA resolution as Exhibit "A."

EIR Recirculation Unnecessary

The comments received do not identify substantive inadequacies in the Draft EIR or new previously unidentified significant impacts that require recirculation. The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the Project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

In accordance with CEQA Guidelines Section 15088, the First Amendment to the Draft EIR for the Project includes written responses to all comments received during the public review period for the Draft EIR. As required by Section 15132 of the CEQA Guidelines, the responses in the First Amendment to the Draft EIR address significant environmental points and comments on the content and adequacy of the EIR. The responses and comments provide clarification and refinement of information presented in the Draft EIR and, in some cases, correct or update information in the Draft EIR. No significant new information has been added to the EIR since publication of the Draft EIR; therefore, the Draft EIR does not need to be recirculated.

The Draft EIR and First Amendment to the Draft EIR (FEIR) are available for review on the project page on the City's Active EIR website at: <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>.

PUBLIC OUTREACH

Council Policy 6-30: Public Outreach Policy was implemented in order to inform the public of the project. On-site signs have been posted on the project frontage since January 21, 2022. A formally noticed Joint EIR Scoping/Community Meeting was held on January 24, 2023 via Zoom to introduce the project to the community. Approximately 196 members of the public attended the meeting. The [Costco Westgate West webpage](#) was created for the project on the City's Planning Division website to further inform the public of the development proposal and to provide updates on the planning process. In addition to the formally noticed, city-sponsored community meeting, the applicant and their representatives held approximately 27 outreach meetings with stakeholder groups and members of the public.

In addition to the public comment received at the Community Meeting, and during the public comment period of the EIR circulation, staff received approximately 120 written public comments prior to this staff report being posted. See Exhibit K for the public correspondence. Major concerns raised by members of the public included traffic congestion, truck traffic, cut-through traffic, lack of vehicle parking, potential negative impacts to existing businesses, pedestrian and bicyclist safety, alcohol sales, light pollution, noise, and air quality.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on September 12, 2024. The staff report and draft hearing documents were posted on the City’s website seven days prior to the Planning Commission hearing. Staff has also been available to respond to questions from the public.

Project Manager: Alec Atienza

Approved by: /s/ John Tu, Division Manager, for Christopher Burton, Planning Director

Please click on the title of each Exhibit to view the document:

ATTACHMENTS:	
Exhibit A:	Aerial Map (page 37)
Exhibit B:	General Plan Map (page 38)
Exhibit C:	Zoning Map (page 39)
Exhibit D:	Draft CEQA Resolution and MMRP
Exhibit E:	Draft Conditional Use Permit Resolution
Exhibit F:	Conditional Use Permit Plan Set
Exhibit G:	Operations Plan
Exhibit H:	Noise Study
Exhibit I:	Arborist Report
Exhibit J:	SJPD Memo
Exhibit K:	Public Comments
Exhibit L:	ABC Map

Owner:	Applicant:
Ramona Vidales Authorized Agent for Owner DS Westgate West LP 200 East Baker Street, Suite 100 Costa Mesa, CA 92625	Mike Okuma Costco Wholesale Corporation 999 Lake Drive Issaquah, WA 98027

Exhibit A: Aerial Map

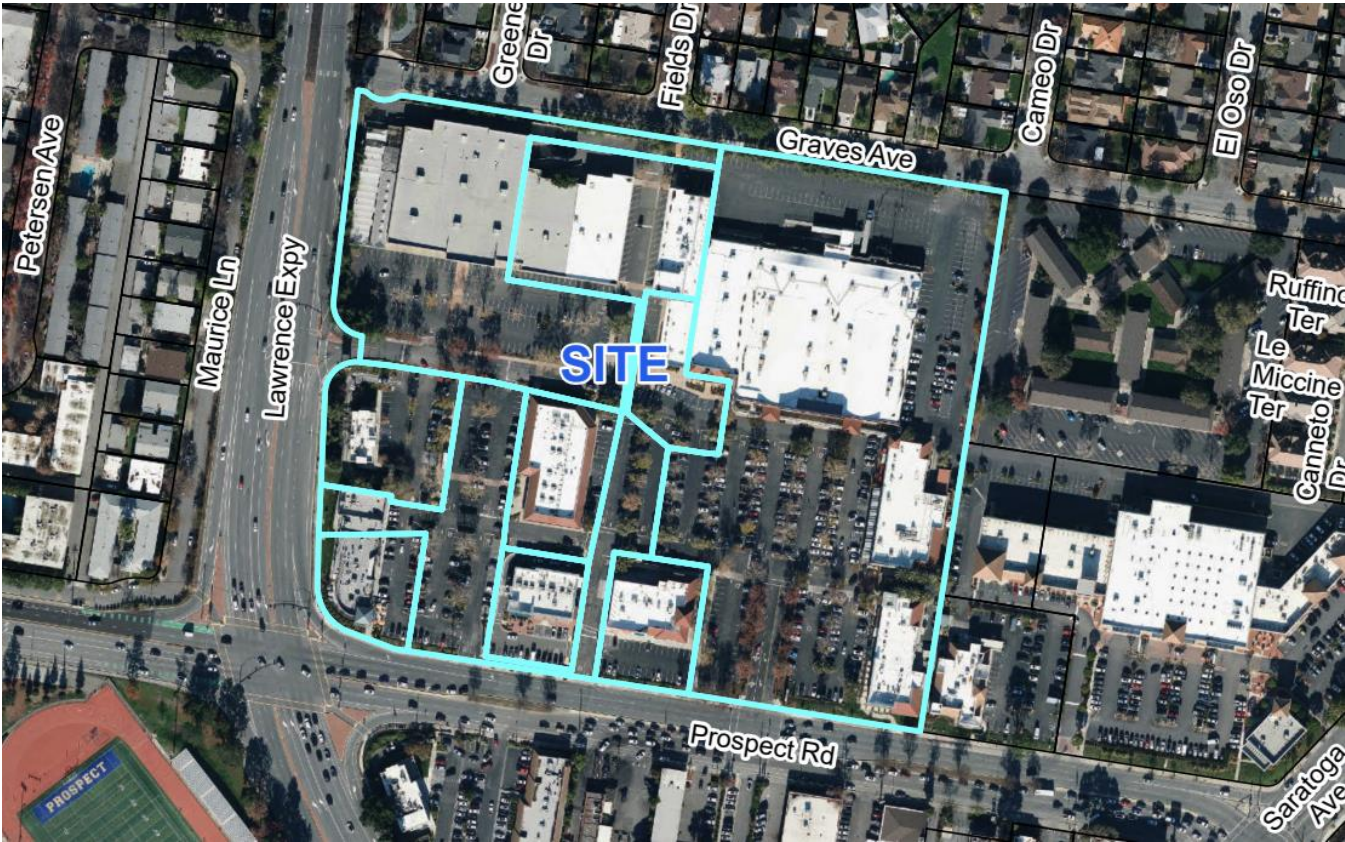


Exhibit B: General Plan Map

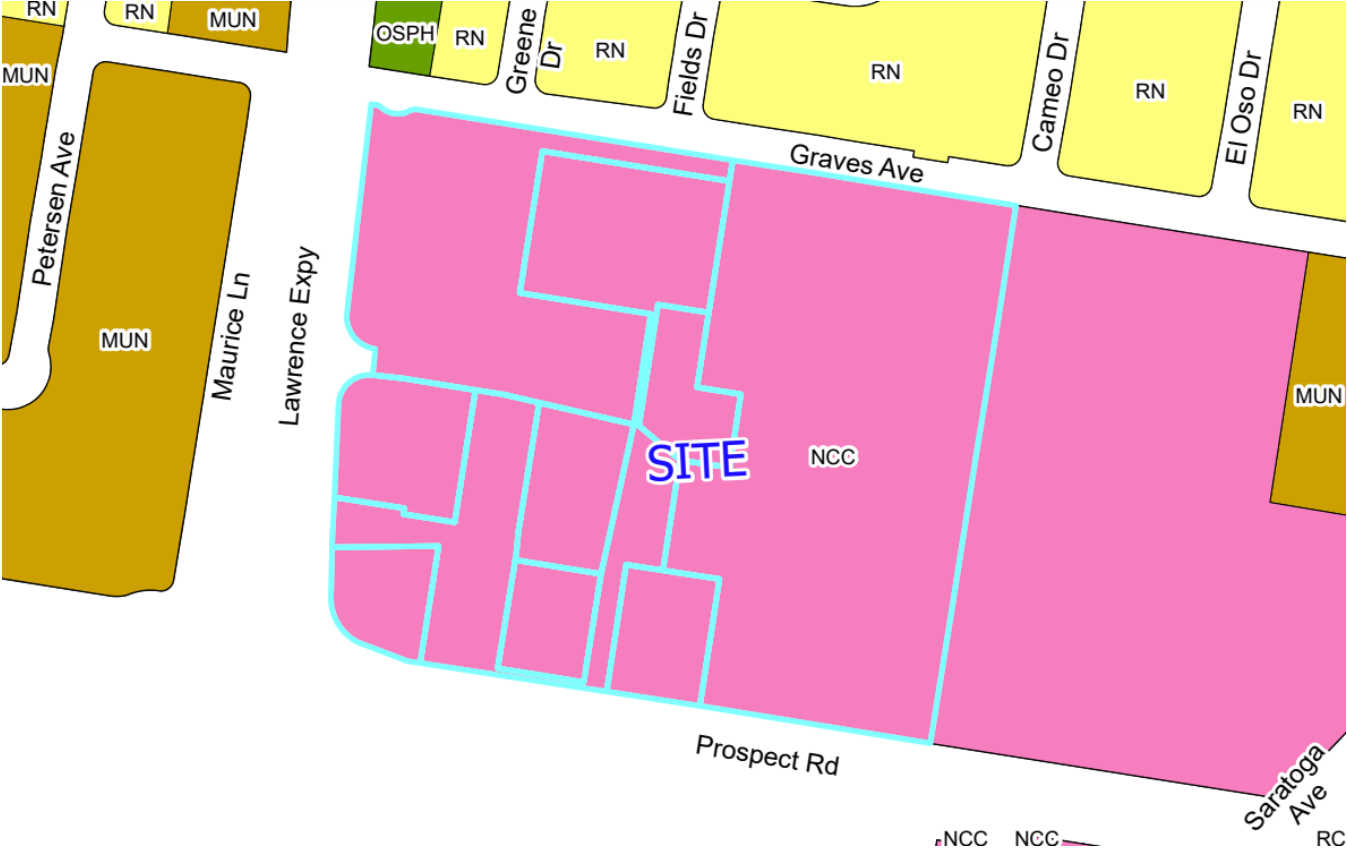
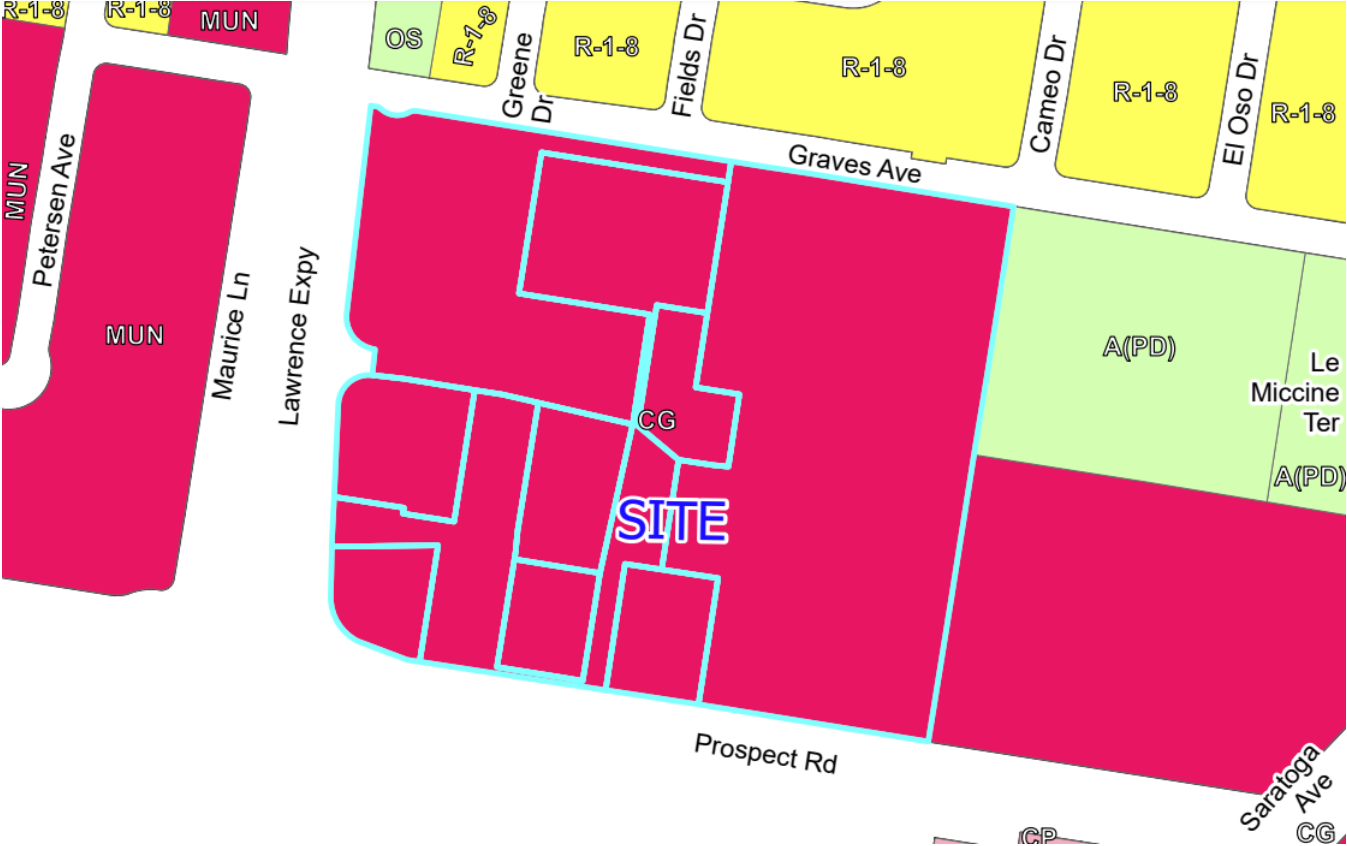


Exhibit C: Zoning Map



CP21-022 & ER21-280

Click on the title to view document.

[Correspondence received AFTER 9/18/24](#)