



Memorandum

TO: HONORABLE MAYOR AND
MEMBERS OF THE CITY
COUNCIL

FROM: Vice Mayor Kamei
Mayor Mahan
Councilmember Cohen
Councilmember Candelas

SUBJECT: Item 10.4 - 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.

DATE: October 17, 2024

Approved:

Rosemary Kamei Matt Mahan David Cohen Domingo Candelas

REASON FOR REPLACEMENT

Additional discussions with staff, the Applicant, and neighbors have yielded additional concerns and compromises. Given the length of the memo, a replacement offering clear guidance to all parties is preferable to a separate amendatory memorandum.

RECOMMENDATION

Accept the staff recommendations with the following conditions of approval agreed to by the Applicant in consultation with Vice Mayor Kamei and neighbors:

1. With respect to Graves Avenue access, traffic, and parking:

- a) Close the existing driveway at the end of the Graves Avenue cul-de-sac (across from the Saratoga Dog Park).
- b) Eliminate the existing pedestrian access point from Graves Avenue near Fields Drive.
- c) Costco trucks shall not utilize the driveway along Graves Avenue for ingress or egress.

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- d) Install a physical gate, or equivalent barrier, at the Graves driveway that will close nightly from 9pm to 6am to prevent any traffic exiting or entering from Graves during these hours.
- e) Post signage within the shopping center and conduct tenant education to discourage any non-Costco trucks from using the Graves Avenue driveway.
- f) Construct a new curb ramp, bulb-outs, and crosswalk striping across Graves Avenue at the intersection with Crespi Drive.
- g) Costco employees shall be restricted to parking within Costco-designated spaces and signage shall be provided to instruct Costco customers to park within Costco-designated spaces and not adjacent parking lots.
- h) Within twelve (12) months after building occupancy, provide, at Applicant's sole expense, a single preconstruction and post-construction daily traffic volume comparison study to identify potentially adverse effects from the project to the adjacent residential neighborhood directly north of the project site in accordance with the latest Council Policy 5-6 (Traffic Calming Policy for Residential Neighborhoods). Streets to be considered for the study are Cordelia Avenue, Happy Valley Avenue, Brenton Avenue, Lassen Avenue, Fields Drive, Teresita Drive, Graves Avenue, Country Lane, and Englewood Drive. If adverse effects to any of the six residential streets are found to meet the Policy's threshold criteria and are found to be attributable to the Project, the Applicant shall fully pay for the City to design and construct traffic calming improvements in mitigation of such impacts to the satisfaction of the Director of Public Works. In addition, the post-occupancy traffic study will evaluate the queuing adequacy of the left turn lane from southbound Lawrence Expressway into the project driveway on Lawrence Expressway per the City's Transportation Analysis Handbook. If adverse effects to Lawrence Expressway are found to meet the threshold criteria and are found to be attributable to the Project, the Applicant shall design and construct traffic improvements to the satisfaction of the Director of Public Works and County of Santa Clara within two years of the issuance of the aforesaid post-occupancy traffic study. Applicant shall obtain all necessary encroachment permits from the County of Santa Clara.
- i) Construction-related traffic on Graves Avenue shall be prohibited with the exception of traffic which may reasonably be necessary for the construction of improvements appurtenant to or required for the project as determined by the Director of Public Works. All construction workers and contractors shall utilize off-street parking.

2. With respect to noise impacts:

- a) Replace the 4-foot wall along Graves Avenue with a 6-foot wall set back to align with the Costco building and to increase the landscaped area and screen parking.
- b) Locate loading docks away from the neighboring residences, and add a roof and wall around the loading docks to contain noise and eliminate 10 loading access points along the rear of the existing buildings, immediately adjacent to Graves Avenue.

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- c) Restrict all construction activities occurring on Saturdays to the building interior after the first six months of construction activities on site.

3. With respect to aesthetics, privacy, light and glare:

- a) Preserve the 55 mature magnolia and olive trees along the Graves Avenue frontage and add additional landscaping to screen the building and wall.
- b) Increase the rooftop parking parapet wall from 5 feet to 6 feet to prevent noise and light spill-over.
- c) Modify the rooftop lighting to reduce visibility from neighbors and meet conservative dark sky compliance standards consistent, at a minimum, with the standards of neighboring Cupertino as described at Cupertino Municipal Code section 19.102.040.
- d) Construct the project in accordance with Title 24 energy standards in place at the time of building permit issuance.

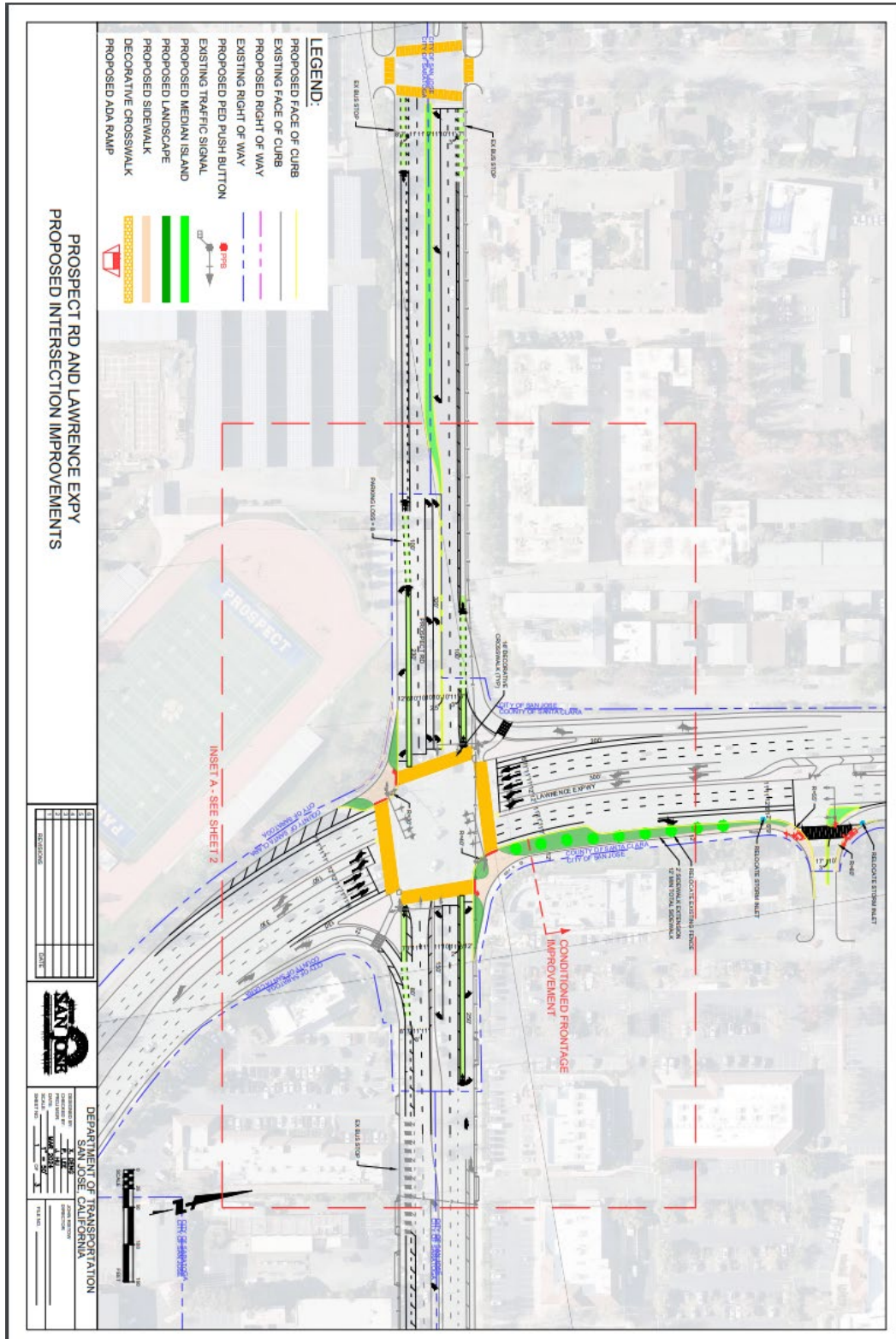
4. With respect to pedestrian safety:

- a) Improve the multi-use path on Lawrence Expressway between Graves Avenue and the Lawrence Expressway driveway to match the sidewalk south of the driveway.
- b) Direct staff to work with the County of Santa Clara to ensure that the Public Improvement Plans are approved in a timely fashion for the improvements at both the northeast corner of Lawrence Expressway/Prospect Road intersection and the project frontage.
- c) Improve the pedestrian crossing and modify the signal at the Lawrence Expressway driveway in accordance with the conceptual exhibit "Prospect Road and Lawrence Expressway Proposed Intersection Improvements" prepared by the City of San José Department of Transportation and dated March 2024.
- d) Contribute to the pedestrian safety improvements at Lawrence and Prospect, as follows:
 - i) Design and construct certain frontage and roadway improvements presented in the conceptual exhibit "Prospect Rd and Lawrence Expy Proposed Intersection Improvements" prepared by the City of San José Department of Transportation and dated March 2024, specifically those along the east side of Lawrence Expressway between the Westgate West Shopping Center driveway intersection up to the red dashed line indicated as "Conditioned Frontage Improvement" in the exhibit.
 - ii) In addition, provide a grand total \$2.5 million voluntary contribution to the City for design and construction of other multimodal improvements presented in the conceptual exhibit or for similar multimodal improvements in the vicinity of the Lawrence Expressway/Prospect Road intersection not shown in the exhibit.
 - iii) As a subset of the overall \$2.5 million voluntary contribution, the Applicant will design and construct the improvements presented in the exhibit directly south of the red dashed line and continuing along the Shopping Center frontage

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- around the northeast corner of the Lawrence Expressway/Prospect Road intersection. These improvements include:
- (1) Closing the Prospect Road westbound right-turn slip lane;
 - (2) Constructing sidewalk, curb ramps, curb, and landscaping;
 - (3) Installing a pedestrian push-button with a pole and signal system connection;
 - (4) Installing crosswalk striping on the north and east legs of the intersection;
 - (5) Installing roadway striping for northbound Lawrence Expressway on the north leg of the intersection and for westbound Prospect Road on the east leg of the intersection;
- iv) The total costs to the Applicant to design, obtain permits for, and construct the northeast corner improvements described above will be deducted from \$2.5 million overall voluntary contribution, and the Applicant shall contribute to the City the remainder amount for the City to design and construct the additional improvements presented in the conceptual exhibit or similar multimodal improvements in the vicinity of the Lawrence Expressway/Prospect Road intersection and/or for related crossing guard services no later than the completion of the aforesaid completion of the improvements to the northeast corner of the intersection.

Exhibit:



BACKGROUND

Major development projects inevitably involve significant tradeoffs between economic and social benefits on the one hand, and impacts—often very localized—on the other. The proposed Costco at Westgate West is no exception. After numerous community meetings, large and small, the lengthy list of conditions of approval in our Recommendation represents the sum of extensive community engagement in order to compromise and harmonize community concerns and desires. With this new Costco, our City will receive millions of dollars in new, annual tax revenues to support services from which we all benefit, from police and fire to public works and parks. With these meticulously negotiated conditions of approval, we also ensure that neighbors most acutely impacted see those impacts mitigated and unsafe public infrastructure dramatically improved.

As a Council we often only get to approve the project in front of us. We acknowledge that the existing conditions for all road users including cars, pedestrians, and cyclists around the Westgate West Shopping center need much more attention from the City and other local agencies. We will continue to collaborate with all stakeholders to make improvements in the area.

We thank both the neighbors for raising their concerns with civility, and Costco for its willingness to be a good neighbor. This project is genuinely better as a result of the efforts of all involved to meet, confer, and compromise.

Accordingly, we urge our colleagues to adopt the recommendation above.

For questions, please contact J.R. Fruen, District 1, at joseph.fruen@sanjoseca.gov.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.