

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE WESTGATE WEST COSTCO PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (FILE NOS. CP21-022 & ER21-280) AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the proposed Westgate West Costco Project includes a Conditional Use Permit for the construction of new wholesale warehouse retail center (“Costco building”) with associated rooftop and surface parking, tire center, and off-sale alcohol at 5287 Prospect Road (APN 381-36-012, 014, 018, 021, 023, 026, 028, 029, and 030) on an approximately 19.8-acre site in the City of San José, which real property is sometimes referred to herein as the “subject property”; and the proposed Westgate West Costco Project referred to herein as the “Project”; and

WHEREAS, approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related State and local implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, "CEQA"); and

WHEREAS, the City of San José (“City”) prepared, completed, and adopted in accordance with CEQA the Final Environmental Impact Report for the Westgate West Costco Project (“Westgate West Costco Project EIR”), and

WHEREAS, the City, acting as lead agency, prepared a Draft Environmental Impact Report (“Draft EIR”) for the Westgate West Costco Project (Planning File No. CP21-022) dated December 2023; and

WHEREAS, a First Amendment to the Draft EIR was prepared to include responses to comments received during the public comment period and to make any technical or text changes to the Draft EIR; and

WHEREAS, the First Amendment and the Draft EIR together comprise the Final Environmental Impact Report (“FEIR”) for the Project; and

WHEREAS, the FEIR concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would avoid or reduce each of those significant effects to a less-than-significant level; and

WHEREAS, on September 25, 2024 the Planning Commission of the City of San José reviewed the FEIR and recommended the City Council find the FEIR was completed in accordance with the requirements of CEQA and further recommended the City Council adopt a resolution certifying the FEIR; and

WHEREAS, as required under CEQA, a program to monitor and report on the implementation of measures to mitigate or avoid significant effects on the environment has been prepared for the Project (the “Mitigation Monitoring and Reporting Program”); and

WHEREAS, the decision-making body of a public agency is required under CEQA to make certain findings regarding potentially significant environmental impacts and adopt a statement of overriding considerations for any impact that may not be reduced to a less than significant level;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. The foregoing recitals are incorporated herein as if set forth in the body of this Resolution.
2. The City Council finds and certifies the FEIR has been prepared and completed in compliance with CEQA.
3. The FEIR was presented to the City Council, the City Council reviewed and considered the information contained therein prior to approving the Project, and, as lead agency for the Project, the City Council finds the FEIR reflects the independent judgment and analysis of the City of San José and designates the Director of Planning, Building and Code Enforcement at 200 East Santa Clara Street, 3rd Floor Tower, San José, California 95113 as the custodian of records on which the decision of the City is based.
4. The City Council recognizes the FEIR contains additions, clarifications, modifications, and other information in response to comments on the Draft EIR or obtained after the Draft EIR was issued and circulated for public review and hereby finds such changes and additional information would not result in: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the Draft EIR, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project, or (iii) any feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project.
5. The City Council finds and determines that recirculation of this FEIR for further public review and comment is not warranted or required under CEQA.
6. The City Council makes the following findings with respect to potentially significant environmental impacts, as identified in the FEIR, with the understanding that all the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR.

**WESTGATE WEST COSTCO PROJECT
ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT**

Through Project scoping and the environmental analysis contained within the FEIR, it was determined that the Project would not result in a potential significant effect on the environment with respect to aesthetics, agricultural resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. A summary of the reasons for this determination can be found in Chapters 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.10, 3.11, 3.12, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20 of the Draft EIR. No further findings are required for these subject areas.

Findings for Significant but Mitigated Impacts

Air Quality

Impact: **Impact AQ-1:** Construction activities associated with the proposed Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 30.4 (in a million) due to toxic air contaminants (“TAC”) emissions that could exceed the Bay Area Air Quality Management District (BAAQMD) threshold for annual cancer risk of 10 per million by 20.4 per million.

Mitigation: **MM-AQ-1:** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the Project applicant shall submit verification, from a qualified air quality specialist, that documents the Project will achieve a fleet-wide average of a 80 percent reduction or more in diesel particulate matter (“DPM”) exhaust emissions during construction. Specifically, the Project would achieve this by using:

- All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (“EPA”) Tier 4 emission standards for particulate matter (PM10 and PM2.5), if feasible, otherwise:
- If use of Tier 4 equipment is not available or feasible, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to California Air Resources Board (CARB) Level 3 verifiable diesel emission control devices that altogether achieve a 80 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).

The verification documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director’s

designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

Finding: With implementation of Mitigation Measure MM-AQ-1, the Project's air quality impact to DPM would be below the BAAQMD significance threshold of 1.0. and would result in a less than significant. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: The cancer risk and chronic hazards in the Health Risk Assessment (HRA) prepared by Ramboll in September 2023. for the Project construction activities were based on diesel particulate matter (DPM) emissions from off-road diesel construction equipment, on-road vendor vehicles, and on-road diesel hauling trucks. The BAAQMD threshold for cancer risk is 10 in one million. Without mitigation, the project analysis indicated 30.4 in one million cancer risk for residents, exceeding the BAAQMD threshold. Implementation of Mitigation Measure MM-AQ-1 would reduce the Project's maximum cancer risk during construction to 6.76 per million from 30.4 per million, which would be below the BAAQMD thresholds of 10 in one million.

BAAQMD's chronic hazards threshold has a maximum estimated chronic hazard index of 1.0. The HRA found that the Project's non-cancer chronic hazards index for DPM without mitigation would be 0.06, which is below the BAAQMD threshold, and 0.01 with mitigation. Therefore, chronic hazards would be below the BAAQMD significance threshold of 1.0, thereby having a less than significant impact.

Biological Resources

Impact: **Impact BIO-1:** Construction activities on the Project site could potentially result in disturbance of the American peregrine falcon, nesting raptors, or other migratory birds.

Mitigation: **MM-BIO-1:** Avoidance: Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), the Project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

Nesting Bird Surveys: If the start of construction activities is scheduled to occur between February 1st and August 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to

ensure that no nests shall be disturbed during Project construction. This survey shall be completed no more than 14 days prior to the start of demolition and construction activities. During this survey the ornithologist shall inspect all trees and other possible nesting habitats for nests within 250 feet of the construction areas.

Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Reporting: If the start of construction activities is scheduled to occur between February 1st and August 31st (inclusive) and pre-construction survey are required, prior to issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.

Finding: With implementation of mitigation measure MM-BIO-1, the Project's impact related to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: The American peregrine falcon is mapped by the California Natural Diversity Database (CNDDB) as having the potential to occur on the Project site. Falcons could use mature trees and isolated stands of vegetation on or near the site for foraging and buildings in the area for nesting. The Project would demolish existing structures and remove approximately 115 existing trees. Some existing trees on site would be preserved, and removed trees would be replaced pursuant to section 13.32 of the San José Municipal Code and the City's General Plan tree removal/replacement policies. A new building would also be constructed on-site. Site disturbance from construction activities would be intensive and could disturb falcons and other migratory birds should any be using the site, which would result in a significant impact prior to mitigation if such birds are present. Implementation of Mitigation Measure BIO-1 would require Project

construction to be scheduled to avoid the nesting or, should construction be required during the nesting season, pre-construction surveys and the implementation of avoidance measures should birds be found. Implementation of Mitigation Measure BIO-1 would avoid and minimize Project impacts to birds by avoiding construction activities during the nesting season, thereby avoiding the potential to disturb active nests, and by requiring avoidance measures should active nests be present during construction activities. Therefore, after consideration of Mitigation Measure BIO-1, impacts to special status species as a result of construction would be less than significant.

Hazards And Hazardous Materials

Impact: **Impact HAZ-1:** Documented concentrations of volatile organic compounds (VOCs) in soil vapor in excess of preliminary San Francisco Bay Regional Water Quality Control Board screening levels could impact future Project occupants.

Mitigation: **MM-HAZ-1:** Prior to the issuance of any grading or demolition permits, the Project Applicant shall either provide DTSC's No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly.

A copy of either the DTSC's No Further Action letter or the approved Site Management Plan and Health and Safety Plan, if required by DTSC, shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to the issuance of any grading or demolition permits.

Finding: Implementation of mitigation measure MM-HAZ-1 will reduce the significant impacts resulting from historic hazardous materials that may be found on the site to a less than significant level. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: A Phase I Environmental Site Assessment (ESA) was conducted for the Project site by Kleinfelder in July 2021. The Phase I ESA prepared for the Project identified three on-site sources of contamination from listed hazardous materials sites; Midas Muffler, Dean's Goodyear, and Holiday Cleaners. Both the Midas Muffler and Dean's Goodyear contamination sources are considered closed cases by the San Francisco

Bay Regional Water Quality Control Board (SFBRWQCB) while remediation of the Holiday Cleaners site is on-going as of publication of this EIR. The Phase I ESA found that contamination from Dean's Goodyear or Holiday Cleaners does not pose a risk to the public or Project occupants as a result of the Project. Further, for the open Holiday Cleaners case, no impact is expected for the site's active Soil Vapor Extraction wells, relative to site demolition. Affected soil vapor probes would be properly abandoned prior to beginning demolition activities and subsequently reinstalled under the direction of the Department of Environmental Health (DEH). Since all activities related to the site are contractually required to be reported to the DEH, the DEH would be notified in advance of work done for the Project.

The site will continue to comply with all requirements, if any, of the open case prior to the attainment of a No Further Action Letter. Moreover, although the Midas Muffler site was considered a closed case by SFBRWQCB, the Midas Muffler site was voluntarily enrolled with the DTSC in June of 2023 to evaluate concentrations of volatile organic compounds reported in excess of preliminary screening levels in the Phase II sampling. At the time the EIR was prepared, DTSC was still reviewing the Midas Muffler site. However, since publication of the Draft EIR, DTSC issued a No Further Action Letter on May 8, 2024, concluding that the remaining contaminants of concerns from Midas Muffler on the site "do not pose a threat to construction workers or future on-site receptors, so long as the property is developed for commercial uses, such as the proposed Costco."¹ Since the appropriate regulatory agency would ensure the prevention of potential hazardous exposure, there is a less than significant impact of volatile organic compound exposure risk on the Project with implementation of mitigation measure MM-HAZ-1.

Noise And Vibration

Impact: **Impact NOI-1:** Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial (to the east/south).

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https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F8838947892%2FDO2.0524%20-%20DTSC_Westgate%20West%20-%20Midas_NFA%20Determination_Final.pdf

Mitigation: MM-NOI-1: Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:

- Hours of construction as well as the noise and vibration minimization measures
- Prohibit pile driving.
- Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.
- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
- Property owners and occupants located within 500 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints.
- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 500 feet of the construction site and all signs posted at the construction site,

shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request.

- Prior to issuance of any demolition or grading permits, the Project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the Project applicant shall implement the requirements of the Construction Noise Logistics Plan during Project construction.

Finding: With implementation of mitigation measure MM-NOI-1, the Project Applicant would prepare and implement a Construction Noise Logistics Plan to maintain noise levels within the General Plan Policy EC-1.7 construction noise standards. The project would have a less than significant construction noise impact. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: The proposed Project construction would result in approximately 21 months of substantial noise generating activities, including phases such as demolition, grading, and building framing. Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial uses (to the east/south), which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7.

In compliance with General Plan Policy EC-1.7, Mitigation Measure NOI-1 requires the Project applicant to prepare and implement a Construction Noise Logistics Plan that includes measures to reduce potential construction noise effects to the adjacent residential and commercial uses. The Construction Noise Logistics Plan would include best management practices such as prohibiting pile driving, prohibiting unnecessary idling of internal combustion engines, and equipping all construction equipment mufflers, etc. Therefore, with implementation of the required MM NOI-1, the Project would comply with General Plan Policy EC-1.7 and would ensure that temporary construction period noise effects would be less than significant.

Impact: **Impact NOI-2:** Nighttime Project construction activities and 24-hour concrete pours over a 5-day period, could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the

residences located north of the Project site and 1.7 dBA at the residences located east of the Project site.

Mitigation: MM-NOI-2: The Project includes overnight concrete pours during the extended construction hours of 7:00 p.m. to 7:00 a.m., Monday through Friday, within 500 feet of existing residential land uses. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project Applicant shall implement the following measures:

- For informational purposes, the Applicant shall provide the City's Supervising Environmental Planner with a proposed overnight construction schedule, list of equipment to be used during concrete pours, and the equipment specifications (including noise level information generated by such equipment) for equipment to be used during extended construction hours. Additionally, the Applicant shall provide an example notification template for the evening hour pours that will occur at the Project site.
- To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment).
- The northern, eastern, and western Costco building walls shall be erected prior to the commencement of nighttime concrete pouring, which would provide an approximate 15 dBA Leq reduction in nighttime construction noise levels.
- Prohibit concrete trucks from accessing the Project site via Graves Avenue and/or Saratoga Avenue during all nighttime activities.
- Any idling trucks utilized during nighttime construction shall only queue on the southern façade of the Costco building. In addition, all concrete trucks shall only enter the Costco building from the southern building façade.
- Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project applicant shall submit

documentation to the Director of Planning, Building and Code Enforcement or Director's designee documenting the above requirements are met.

Finding: With implementation of mitigation measure MM-NOI-2 and standard permit conditions, nighttime construction noise impacts from the Project would be reduced to a less than significant impact to residential uses within 500 feet and commercial uses within 200 feet in accordance with General Plan Policy EC-1.7. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: An Acoustical Assessment was prepared by Kimley Horn in June 2023, and included in the DEIR as Appendix H. As described in the DEIR and Appendix H, to determine ambient noise levels in the project area, seven short-term (10-minute) noise measurements and two long-term (24-hour) noise measurements were taken from specific locations on the site using a Larson Davis SoundExpert LxT Type I integrating sound level meter on May 10 through May 12, 2022. Short-Term measurement 1 (ST-1), ST-2, ST-3, and ST-6 were taken to represent the ambient noise level at residences surrounding the Project site; ST-4 and ST-5 were taken to represent existing noise levels at the Project site; and ST-7 was taken to represent existing noise levels at Prospect High School. Long-Term measurement 1 (LT-1) and LT-2 were taken to represent existing noise levels at the Project site.

Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 55.8 dBA L_{eq} . According to the Noise Assessment prepared by Kimley Horn, 3-dBA increase is considered a just-perceivable difference to the average individual, while a 5-dBA change would potentially result in a noticeable change in community response. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq} , construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA and/or below an interior noise level of 45 dBA, would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} (i.e. existing nighttime ambient noise of 55.8 dBA L_{eq} plus increase of 3 dBA which is barely perceptible as discussed above) was used in the analysis. In addition to testing noise at outdoor receptors using a barely perceptible threshold, the analysis is conservative because outdoor noise of 58.8 dBA L_{eq} would result in interior noise levels well below the threshold of 45 dBA. The nearby commercial uses would not be impacted by nighttime construction since operational hours of these buildings would occur during daytime hours only.

Nighttime construction activities will require concrete trucks accessing and pouring within the footprint of the proposed Costco building. The EIR used the Federal Highway Administration (FHWA) Roadway Construction Noise Model to calculate the hourly average noise levels during nighttime construction activities of the Project. The model showed that hourly average noise levels would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east and would exceed the nighttime noise standard of 58.8 dBA L_{eq} . Therefore, Mitigation Measure NOI-2 (MM NOI-2) would be required to would reduce potential nighttime construction noise impacts from the 5-day period of 24-hour concrete pours and extended construction hours

MM NOI-2 would prohibit concrete trucks along Graves Avenue within 90 feet of the nearest residential property line during all nighttime activities; require the queuing and idling of any trucks to be located on the southern façade of the Costco building; and prohibit nighttime concrete pouring activities until the northern, western, and eastern Costco building walls are constructed, providing a 14 dBA L_{eq} reduction in nighttime construction noise levels. With implementation of MM NOI-2, hourly average noise levels would be reduced to approximately 58.5 dBA L_{eq} at the nearest residences to the north of the Project site and 46.6 dBA L_{eq} at the nearest residences to the east of the Project site. Therefore, nighttime construction activities would not exceed the nighttime noise limit of 58.8 dBA L_{eq} or the interior noise limit of 45 dBA with implementation of MM NOI-2. Therefore, temporary impacts associated with nighttime construction activities would be reduced to a less than significant level with mitigation.

FINDINGS CONCERNING ALTERNATIVES

To comply with CEQA, it is important to identify alternatives that reduce any anticipated significant impacts from the Project and try to meet as many of the Project's objectives as possible. The CEQA Guidelines emphasize a common-sense approach, meaning the alternatives should be reasonable, "foster informed decision making and public participation," and focus on alternatives that avoid or substantially lessen significant impacts.

The alternatives analyzed in the Draft EIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects.

The objectives for the Project are as follows:

1. Positively contribute to the economy of the region through new capital investment and revitalization of an existing developed site.
2. Construct and operate a new Costco warehouse that serves the local community with competitively priced goods and services from both nationally known businesses but also more regional and local businesses.
3. Provide a state-of-the-art Costco warehouse to better serve the membership in the greater San José area in a location that is convenient for its members, the community, and employees to travel to shop and work.
4. Provide a Costco warehouse in a location that is serviced by adequate existing infrastructure including roadways and utilities.
5. Improve the Westgate West Shopping Center to support the development and operation of the Costco development.
6. Employ architectural and landscaping designs that soften the scale and mass of the building, create a pleasant and attractive appearance, and complement the surrounding area.
7. Develop building[s] that meet new state and City sustainability and green building standards and reduce energy use for building operations.
8. Promote economic growth and diverse new employment and retail/service opportunities for City residents.
9. Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members.
10. Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity.
11. Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways.
12. Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other business and nearby residences.
13. Maximize placement of the warehouse building in close proximity to designated truck routes and the State highway system in order to minimize truck-trip and commute distances on other roadways.
14. Improve the City's retail base to increase municipal revenues through increased sales taxes.

The following alternatives were considered and rejected:

- **Alternate Site Alternative:** This alternative was rejected from further consideration because it could result in new significant impacts as compared to the proposed Project. Further, while it is possible that an alternative site could be selected for the Project, the Project applicant does not control other sites in the City of similar size and General Plan designation. For these independent reasons, an alternative location was not analyzed.
- **Mixed-Use Alternative:** The Mixed-Use Alternative was explored to consider how the site could be used to increase the availability of housing within the City while also maintaining some job opportunities on-site. But this alternative would not allow for the development of a Costco on-site as Costco warehouses are required to be a certain size in order to encompass the necessary business functions, which is not conducive to a mixed-use development. Though several Project objectives may be met by this alternative, none of the Project objectives related to the provision of Costco services could be met by this alternative. Further, the alternative could also result in new significant impacts as compared to the proposed Project. Thus, this alternative was not included for further consideration.
- **Subterranean Parking Alternative:** The Subterranean Parking Alternative would require increased construction activity from soil exporting, which results in more noise, air quality emissions, and increased risk of exposure to hazardous material for construction workers throughout the construction process in comparison to the proposed Project. Additional construction would cause potentially similar or worse impacts from noise and vibration to nearby sensitive receptors. For these reasons, this alternative was rejected and was not analyzed further.

The following are evaluated as alternatives to the proposed Project:

1. No Project Alternative
2. Alternate Placement On-Site Alternative
3. Reduced Size Alternative
4. No Rooftop Parking Alternative

1. No Project Alternative

- A. Description of Alternative:** The No Project Alternative would retain the current Neighborhood Community Commercial (NCC) General Plan land use designation and Commercial General (CG) zoning district, maintain existing buildings, and continue the current operations on the Project site. No development of the proposed Project would occur, nor would other new development occur. Should Project development not occur and existing conditions persist, there would be no impacts regarding air quality, biological resources, hazardous materials, or noise.

- B. Comparison of Environmental Impacts:** If the Project site were not to be redeveloped, re-occupancy of the partially unoccupied spaces in Buildings F, H, and J with uses allowed by the existing NCC designation and existing CG zoning district may well occur. Possible uses include but are not limited to retail, driving or post-secondary educational facilities, certain indoor recreation activities, catering or restaurant uses, veterinary or medical offices, and financial services. There would be no construction period impacts associated with this alternative because there would be no construction, apart from the potential for minor tenant improvements. As identified in Section 3.17 of this EIR, the proposed Project would result in an overall reduction in VMT. Under this alternative, that VMT reduction may not be realized depending on the amount of and which uses are introduced to the site, should Buildings F, H, and J be re-occupied by allowed uses. Operation of the site at full occupancy, at a minimum, would result in no VMT reduction. Based on the City's retail VMT threshold, which requires a VMT reduction to avoid a CEQA impact, the re-occupancy of the partially unoccupied spaces in Buildings F, H, and J, allowed under the No Project Alternative, would result in a new VMT impact.
- C. Findings:** Implementation of the No Project Alternative would avoid the potentially significant Project impacts to or from air quality, biological resources, hazardous materials, and noise and vibration and all other less than significant impacts identified in this EIR as no development would occur. However, the No Project Alternative would not meet any of the Project objectives listed above and could result in a VMT impact compared to the Project.

2. Alternative Placement On-Site Alternative

- A. Description of Alternative:** The Alternate Placement On-Site Alternative considers locating the proposed Costco building on a different portion of the Project site to locate construction period emissions and noise further from sensitive receptors, thereby minimizing the Project's potentially significant construction period air quality and noise impacts. Under this alternative, the development would maintain a similar building footprint and layout, including the positioning of loading docks on the south side of the Costco building. However, the Costco building would be located on the northwestern portion of the Project site, along the Lawrence Expressway frontage. Site access would be provided by the existing driveway on the Lawrence Expressway frontage and the existing eastern driveway along Graves Avenue. This alternative could reduce further the effects of lighting and glare on the surrounding neighborhood though lighting impacts of the proposed Project are reduced by implementation of standard permit conditions.

- B. Comparison of Environmental Impacts:** The Alternate Placement On-Site Alternative would locate the Costco building. The additional distance between the proposed building and the residences to the east would minimize the construction noise and air quality impacts for the residences to the east. However, the residences to the north of Graves would remain the nearest sensitive receptors and those considered for evaluation under the CEQA thresholds. Therefore, the Project mitigation measures would still apply to this alternative to mitigate noise and vibration impacts and air quality impacts. Therefore, this alternative could reduce the potentially significant impacts to air quality, noise and vibration for residents to the east, but it would not avoid impacts for residences to the north because of the construction noise and emissions .

Lighting and glare effects on the surrounding residential areas would also be lessened with this alternative. The additional distance between the proposed building and the residences to the east would minimize the construction emissions to the residences to the east, however, the residences to the north of Graves would remain the nearest sensitive receptors and those considered for evaluation under the CEQA thresholds. The Alternate Placement On-Site Alternative also would not avoid the Project's potentially significant impact to biological resources. Building demolition would remain the same and tree removal would likely be to a similar scale as the proposed Project. The On-Site Alternative would still require that the known hazardous materials from the Midas Muffler be disturbed by site development.

Due to the placement of the Costco Building along the Lawrence Expressway frontage, primary vehicle site access would be provided directly off the Lawrence Expressway, with limited internal drive aisles for vehicle queuing. As a result, this alternative would result in greater potential for queuing along the Lawrence Expressway, which can lead to congestion and safety issues in the form of decreased access for emergency vehicles on Lawrence Expressway and increased emissions from greater VMT as vehicles maneuver around and through queues. Further, due to reconfiguration of on-site circulation, this alternative would not provide adequate turning radii and access for delivery trucks to the site, which would constitute a hazard as a result of geometric design features and result in a greater impact to transportation as compared to the proposed Project.

Mitigation measures related to air quality, biological resources, hazards and hazardous materials, and noise and vibration would still be required to reduce impacts to less than significant.

- C. Findings:** The Alternate Placement On-Site Alternative would not have the potential to avoid or further reduce the Project's impacts related to air quality, biological resources, hazardous materials, and noise and vibration. Additionally,

this Alternative would result in a greater impact to transportation as a result of hazards related to geometric design features. Further, this alternative would not meet Project Objective 12 to “Minimize potential access and circulation conflicts between automobiles and pedestrians.”

3. Reduced Size Alternative

A. Description of Alternative: The Reduced Size Alternative was considered to lessen the Project construction period impacts to air quality, noise and vibration, and biological resources. The Reduced Size Alternative considers the development of a Costco with its building size reduced by 27 percent, from 165,148 square feet to 108,000 square feet. The reduced building size on-site would shorten the construction timeline and length of nighttime concrete pours, allow construction to occur slightly further from existing sensitive receptors, and could require fewer trees to be removed. Additionally, a reduced size alternative could generate fewer operational vehicle trips and associated air quality emissions though operational impacts of the proposed Project are already less than significant.

B. Comparison of Environmental Impacts:

The Reduced Size Alternative may require removal of fewer trees than with the Project as the development footprint on-site would be smaller. The Project’s potential impact related to hazardous materials is related to the known hazardous materials on-site from soil disturbance, and therefore would not change. Although the reduced size Project may shorten the construction timeframe and decrease the length of time for noise affecting sensitive receptors during Project construction, the same equipment with the same noise levels would be used in the construction process.

Additionally, Costco warehouses are required to be a certain size to encompass its business uses. A reduced size Costco would not meet the basic Project objectives to provide the goods and services expected by Costco members and would likely not be developed by Costco. Further, a reduced size Costco would also require more frequent restocks, and therefore more frequent truck delivery trips, as product storage space would be decreased, which may cause some customers to travel to other regular-sized Costco locations further away in this region. As such, the VMT decrease for this alternative may be smaller than the VMT decrease for the proposed Project, resulting in increased impacts to transportation and air quality as compared to the Project.

Mitigation measures related to air quality, biological resources, hazards and hazardous materials, and noise and vibration would still be required to reduce impacts to less than significant.

- C. Findings:** The Reduced Size Alternative would represent a 27 percent reduction compared to the existing Costco warehouses in the Bay Area and a 32.5 percent reduction compared to any new Costco warehouses in the Bay Area. This alternative would potentially have a shorter construction period. Even with a reduced size, the furthest boundary of the Project site from the sensitive receptors to the north is located 500 feet away from the receptors and is still within the 1,000-foot impact analysis area recommended by BAAQMD.

The Reduced Size Alternative would not have the potential to avoid or further reduce the Project's potentially significant impacts related to air quality, biological resources, hazardous materials, and noise and vibration. Additionally, this alternative could result in greater impacts to transportation and air quality as the resulting VMT may not be as decreased as compared to the proposed Project. Further, this alternative would not meet Project Objective 9 to "Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members."

4. No Rooftop Parking Alternative

- A. Description of Alternative:** The No Rooftop Parking Alternative considers removing the proposed rooftop parking, screening, and associated circulation infrastructure from the Costco building, while maintaining the same building footprint as the proposed Project. With the required size of the building, no parking stalls beyond those proposed by the Project would be developed. Alternative site configurations would also not provide sufficient parking stalls to satisfy ITE or the City's shopping center requirements.
- B. Comparison of Environmental Impacts:** The No Rooftop Parking Alternative would entail similar construction-period effects as the Project, as construction activities would still require use of construction equipment for ground disturbance activities, including earthmovers, material handlers, and portable generators. Construction activities would occur throughout the Project site, would disturb similar amounts of soil and remain proximate to nearby sensitive receptors.

The No Rooftop Parking Alternative would also not avoid the Project's already less than significant impacts concerning tree removals and construction-period impacts to nesting birds associated with site redevelopment. The Project's potential impact related to hazardous materials is related to the known hazardous materials on-site, and would not change. Any soil disturbing development on-site would result in

similar potential for hazards impacts. The construction schedule for this alternative would not reduce any of the potentially significant impacts of the Project since construction would neither be lessened nor moved further from sensitive receptors.

Due to the absence of rooftop parking, this alternative would not meet the City of San José parking requirements, which require 1 space/225 square feet of gross building area. Due to this deficiency, the Project would have greater potential to result in air quality impacts concerning mobile source emissions associated with vehicles queuing and circling the parking lot for parking spaces. Additionally, off-site parking within surrounding neighborhoods might occur, as well as resulting traffic delays on surrounding roadways due to greater queuing.

Mitigation measures related to air quality, biological resources, hazards and hazardous materials, and noise and vibration would still be required to reduce impacts to less than significant.

C. Findings: The No Rooftop Parking Alternative would not have the potential to avoid or further reduce the Project's potentially significant without mitigation effects to air quality, biological resources, hazardous materials and noise and vibration.

Further, the No Rooftop Parking Alternative would result in conflicts with City of San José parking requirements due to insufficient on-site parking, leading to queuing on nearby roadways and potential off-site parking impacts resulting in greater transportation impacts compared to the Project. The removal of rooftop parking would result in both the Costco and the Westgate shopping center being under parked as compared to ITE requirements. Due to the functional characteristics of the proposed retail warehouse building and member demand for services, a reduced building footprint to address parking deficiencies would not be feasible. The mobile source emissions associated with vehicles queuing and circling the parking lot for parking spaces could result in increased operational air quality emissions under this alternative. Further, this alternative would not meet Project Objectives concerning on-site circulation. Specifically, this alternative would not meet the following objectives:

12. Minimize potential access and circulation conflicts between automobiles and pedestrians.
13. Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other business and nearby residences

As mentioned above, the lack of available parking from the omission of rooftop parking spots would result in increased circulation of vehicles searching for parking. Increased

frequency of vehicles circling the parking lot would increase the opportunity for a pedestrian to encounter, be blocked by, or be followed by a moving vehicle. Moreover, limited parking may cause vehicles to park offsite or in unapproved parking spots, blocking pedestrian accessibility and creating traffic congestion.

Environmentally Superior Project

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative to the proposed project is the No Project Alternative because all of the project's significant environmental impacts would be avoided; however, it could result in an increase in VMT. However, Section 15126(e)(2) of the CEQA Guidelines states that "If the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. In addition to 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.

MITIGATION MONITORING AND REPORTING PROGRAM

Attached to this Resolution as Exhibit "A" and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program ("MMRP") for the Project required under California Public Resources Code Section 21081.6 and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation for responsibility for mitigation implementation and the agency responsible for the monitoring action.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3rd Floor Tower, San José, CA 95113.

ADOPTED this ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

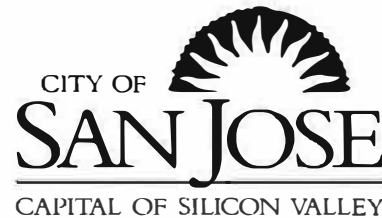
MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

Westgate West Costco Project
File No. CP21-022
September 2024



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

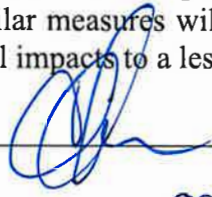
The Environmental Impact Report prepared for the Westgate West Costco Project concluded that the implementation of the Project could result in significant effects on the environment and mitigation measures were incorporated into the proposed Project or are required as a condition of Project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

The mitigation measures enumerated in this document would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

This document does *not* discuss those subjects for which the Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.

I, MICHAEL OKUMA, the applicant, on the behalf of COSTCO WHOLESALE, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an Environmental Impact Report for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature



Date

09/12/24

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
Air Quality					
Impact AQ-1: Construction activities associated with the proposed Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 30.4 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 20.4 per million.					
<p>MM-AQ-1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall submit verification, with equipment verified by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 80 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by using:</p> <ul style="list-style-type: none"> All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM₁₀ and PM_{2.5}), if feasible, otherwise: If use of Tier 4 equipment is not available or feasible, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 80 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). <p>The verification documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the</p>	<p>Construction equipment greater than 50 horsepower shall meet Tier 4, or, if Tier 4 is not available, Tier 3 emission standards.</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest)..</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Approve verification documentation requiring such construction equipment.</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).</p>

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issuance of any demolition, grading, or building permits (whichever occurs earliest).					
Biological Resources					
Impact BIO-1: Construction activities on the Project site could potentially result in disturbance of the American peregrine falcon, nesting raptors, or other migratory birds.					
MM-BIO-1: Avoidance: Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), the Project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).	Schedule demolition and construction activities outside of February 1 st through August 31 st , if feasible.	Prior to issuance of any grading, demolition, tree removal or building permits (whichever occurs first).	Director of Planning, Building and Code Enforcement or the Director's designee.	Confirm that demolition and construction activities are scheduled outside of the nesting season, if feasible.	Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first).
Nesting Bird Surveys: If the start of construction activities is scheduled to occur between February 1st and August 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project construction. This survey shall be completed no more than 14 days prior to the start of demolition and construction activities. During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.	If construction is scheduled February 1st through August 31st (inclusive): Complete a pre-construction survey for nesting birds. Ornithologist shall inspect all trees and other possible nesting	No more than 14 days prior to the initiation of construction activities.	Director of Planning, Building and Code Enforcement or the Director's designee.	Confirm a pre-construction survey is completed by a qualified ornithologist.	If construction is scheduled February 1st through August 31st (inclusive): pre-construction survey for nesting birds must occur no more than 14

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	habitats within 250 feet of the construction areas for nests.				days prior to the start of demolition and construction activities.
Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.	If active nests are identified within 250 feet of work areas, a construction free buffer zone shall be established around the nest to ensure that raptor or migratory bird nests are not disturbed during project construction.	Until the ornithologist determines the nest is no longer active or the nesting season ends.	Director of Planning, Building and Code Enforcement or the Director's designee.	Confirm that a construction free buffer zone is maintained until the ornithologist determines the nest is no longer active or the nesting season ends.	Throughout the duration of construction activities.
Reporting: If the start of construction activities is scheduled to occur between February 1st and August 31st (inclusive) and pre-construction survey are required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.	Submit a report indicating the results of the survey and any designated buffer zones.	Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), if the start of construction activities is scheduled to occur between February	Director of Planning, Building and Code Enforcement or their designee.	Approve report and designated buffer zones.	Prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), if the start of

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		1st and August 31st and pre-construction survey are required.			construction activities is scheduled to occur between February 1st and August 31st and pre-construction survey are required.
Hazards and Hazardous Materials					
Impact HAZ-1: Documented concentrations of volatile organic compounds (VOCs) in soil vapor in excess of preliminary San Francisco Bay Regional Water Quality Control Board screening levels could impact future Project occupants.					
<p>MM-HAZ-1: Prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC’s No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly.</p> <p>A copy of either the DTSC’s No Further Action letter or the approved Site Management Plan and Health and Safety Plan, if required by DTSC, shall be provided to the Director of Planning, Building, and Code Enforcement or Director’s designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to the issuance of any grading or demolition permits.</p>	<p>Obtain regulatory oversight from DTSC. Submit a No Further Action Letters from DTSC or a Site Management Plan (SMP) or equivalent document prepared, as deemed necessary by DTSC.</p>	<p>Prior to issuance of any demolition/grading permit (whichever comes first).</p>	<p>Director of Planning, Building, and Code Enforcement or their designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.</p>	<p>Review No Further Action Letter, SMP, or equivalent document prepared, to the extent required by the DTSC, as evidence of regulatory oversight.</p>	<p>Prior to issuance of any demolition/grading permit (whichever comes first).</p>

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Noise and Vibration					
Impact NOI-1: Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial (to the east/south).					
<p>MM-NOI-1: Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:</p> <ul style="list-style-type: none"> • Hours of construction as well as the noise and vibration minimization measures • Prohibit pile driving. • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site. • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • Property owners and occupants located within 500 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, 	Submit Construction Noise Logistics Plan that complies with listed requirements and comply with all listed requirements	Prior to issuance of any grading or demolition permits and at all times during construction.	Director of Planning, Building and Code Enforcement or the Director's designee	Approve Construction Noises Logistics Plan.	Prior to issuance of any grading or demolition permits and at all times during construction.

<p>regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints.</p> <ul style="list-style-type: none"> • Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 500 feet of the construction site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request. <p>Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.</p>					
<p>Impact NOI-2: Nighttime project construction activities and 24-hour concrete pours over a 5-day period, could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the residences located north of the Project site and 1.7 dBA at the residences located east of the Project site.</p>					
<p>MM NOI-2: The project includes overnight concrete pours during the extended construction hours of 7:00 p.m. to 7:00 a.m., Monday through Friday, within 300 feet of existing residential land uses. Prior to the issuance of any demolition, grading, and/or building permits (whichever</p>	<p>Comply with all listed requirements.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) and at all</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee</p>	<p>Approve proposed construction schedule, list of equipment to be used during concrete pours, and</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>

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<p>occurs earliest), the Project Applicant shall implement the following measures:</p> <ul style="list-style-type: none"> • For informational purposes, the Applicant shall provide the City’s Supervising Environmental Planner with a proposed overnight construction schedule, list of equipment to be used during concrete pours, and the equipment specifications (including noise level information generated by such equipment) for equipment to be used during extended construction hours. Additionally, the Applicant shall provide an example notification template for the evening hour pours that will occur at the Project site. • To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or “smart alarms” that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment). • The northern, eastern, and western Costco building walls shall be erected prior to the commencement of nighttime concrete pouring, which would provide an approximate 		<p>times during construction.</p> <p>Implement during construction.</p>		<p>the equipment specifications.</p>	<p>and at all times during construction.</p>

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<p>15 dBA L_{eq} reduction in nighttime construction noise levels.</p> <ul style="list-style-type: none"> Prohibit concrete trucks from accessing the Project site via Graves Avenue and/or Saratoga Avenue during all nighttime activities. Any idling trucks utilized during nighttime construction shall only queue on the southern façade of the Costco building. In addition, all concrete trucks shall only enter the Costco building from the southern building façade. <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit documentation to the Director of Planning, Building and Code Enforcement or Director's designee documenting the above requirements are met.</p>					

Source: *Westgate West Costco Environmental Impact Report. (September 2024).*