

August 23, 2022

Agenda Item 10.5

To Honorable Mayor and City Council:

We thank you for the opportunity to hear our appeal of the decision to approve the 1212-1224 Winchester Hotel Project. We are sympathetic to the position you are in having to consider the complexity of the current situation. We are grateful to our District 1 Councilmember Vice Mayor Jones for all the hours he has spent listening to us and being supportive of our efforts as citizens and residents of the Hamann Park neighborhood.

Many of us in the neighborhood were involved in the Winchester Urban Village Plan from the beginning. We participated in the community workshops planning the urban village, supported the Plan and continue to do so. We took note of the Urban Village Plan's description of the two-block section of Winchester which includes 1212-1224 S Winchester. The description emphasized the special circumstances of these parcels because of their size and proximity to single family homes. It called for an appropriate urban form that supported walking, transit use and public interaction, suggesting neighborhood retail and small businesses to provide services and amenities for the community.

Although the Memorandum dated 8/4/22 from San Jose Planning Director Christopher Burton to the Honorable Mayor and City Council recommends denial of the environmental appeal and the permit appeal and upholding the Director's decision, we respectfully request your consideration of our arguments on their merits.

Sincerely,

Tom & Gail Morman, 1242 Redoaks Dr, San Jose

Gaz Salihue & Shehana Marikar, 1204 S Winchester, San Jose

Jeffrey and Jacqueline Williams, 1216 Castlemont Ave, San Jose

Mike & Galina Drabkin, 1234 Redoaks Dr, San Jose

Brian & Helen Matsumoto, 1247 Redoaks Dr, San Jose

Mabel Cheng and John Griswold, 1235 Redoaks Dr, San Jose

David Moller-Gunderson and Kathleen Brockdorf, 1227 Redoaks Dr, San Jose

WE SUPPORT THE WINCHESTER BOULEVARD URBAN VILLAGE PLAN

The Winchester Urban Village designated the land use for a two-block section of Winchester where the Winchester Hotel Plan is located, 1212-1224 S. Winchester, as Neighborhood/Community Commercial Land Use.

"This designation is applied to smaller, shallow parcels fronting Winchester Boulevard and abutting single-family residences. Given the size of the parcels, parking requirements in the zoning code and the urban design step down policies, these properties are appropriate for the location of smaller commercial businesses. Neighborhood/Community Commercial should have a strong connection to, and provide services and amenities for, the community. These uses should be designed to promote this connection with an appropriate urban form that supports walking, transit use and public interaction. Also this designation supports the neighborhood servicing retail and small businesses along Winchester Boulevard."

(Winchester Urban Village Plan, p.19)

We are appealing the Winchester Hotel Plan as inconsistent with what was clearly written in the Winchester Urban Village Plan.



**CARPEN
DESIGN
GROUP
COMPANY**

CARPEN DESIGN GROUP
1000 ALICE STREET
LOS ANGELES, CA 90015
TEL: 310.754.4500
WWW.CARPENDESIGN.COM

OWNER
ADRIAN BERRY
2001 HUNTERS BLVD. STE. 100
LOS ANGELES, CA 90024
WWW.ABERRY.COM

CIVIL ENGINEER
JERRY W. WILSON, INC.
1201 HUNTERS BLVD. STE. 100
LOS ANGELES, CA 90024
TEL: 310.754.4500
WWW.JERRYWILSON.COM

LANDSCAPE DESIGNER
WILL & WILSON
2001 HUNTERS BLVD. STE. 100
LOS ANGELES, CA 90024
TEL: 310.754.4500
WWW.WILLANDWILSON.COM

REVISIONS

NO.	DATE	DESCRIPTION
1		REVISION 1
2		REVISION 2
3		REVISION 3
4		REVISION 4
5		REVISION 5
6		REVISION 6
7		REVISION 7
8		REVISION 8
9		REVISION 9
10		REVISION 10



**PROPOSED
BIRD VIEW
RENDERING**
A.27

The Winchester Urban Village Plan: hotels are an appropriate use in Urban Village Commercial Land Use

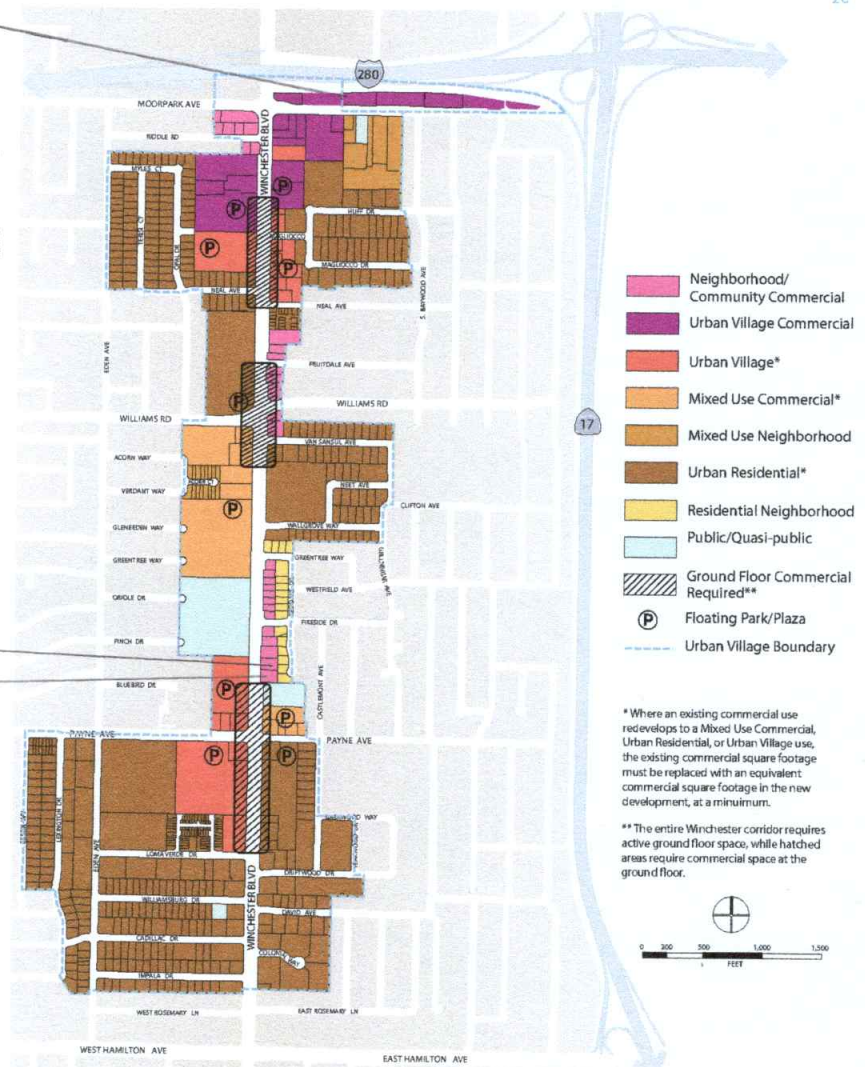
"The Urban Village Commercial land use designation is applied to properties on Winchester Boulevard and Moorpark Avenue adjacent to, and on the south side of Interstate 280. This area was identified as an opportunity for new commercial development that could build off the success and vibrancy of the commercial development in the adjacent Santana Row/ Valley Fair Urban Village. **This designation supports commercial activity that is more intensive than that of the Neighborhood/Community Commercial land use designation. Appropriate uses in this designation include a variety of commercial uses, mid-rise office buildings and hotels...**" (Winchester Urban Village Plan, p19)

Winchester Urban Village Plan Land Use Map (Figure 3:1)

Urban Village Commercial
(Appropriate for hotels per
Winchester Urban Village Plan)

1212 S. Winchester
1224 S. Winchester
(Appropriate for smaller
commercial businesses per
Winchester Urban Village Plan)

FIGURE 3-1: LAND USE MAP

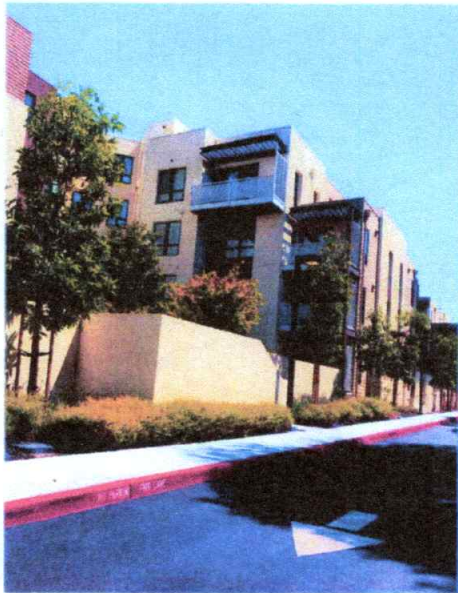


FIRE SAFETY

We remember the Santana Row Fire
The Hotel Plan "Fire Layout" (C5.0):
HOSE PATHS in place of side/rear FIRE LANES

Nearby properties with marked Fire Lanes:

1399 S Winchester - Business Complex (Dental, Chiropractic, Spa)
1366 S Winchester - Winchester Auto Parts
1324 S Winchester - Village of Taxco Apartments
1250 S Winchester - A Grace Subacute
1245-1275 S Winchester - Solar Row (Comerica Bank, etc)
1201 S Winchester - Bethel Church
1058 S Winchester - Raintree Apartments
1030 S Winchester - OCC Church (Oriental Christian Center Church)
919 S Winchester - Lynhaven Apartments
828 S Winchester - El Camino Health Primary Care
801 S Winchester - Villa Cortina Condominium Complex



Memorandum dated 10/11/19 (Section 1 – Actions/Revisions Required) from Gordana Sabatelli, Fire Department to Michelle Flores, Planning Dept: “2. The applicant has the option to apply for a Fire Department Variance to mitigate deficiencies noted in this Section. **The Variance must be approved prior to Planning Approval.**”

Memorandum dated 8/4/22 from Planning Director Christopher Burton to Honorable Mayor and City Council: “Staff confirmed with the Fire Department **that the project may proceed to a hearing prior to the approval of a fire variance.**” (p14, Fire Safety)

Project was approved without an approved Variance...
WHY WAS THIS REVERSED?

Pedestrian- and Bicycle-Friendly Environment Policy 3-20

"Pedestrian- and Bicycle-Friendly Environment Policy 3-20: New development should support and enhance the pedestrian and bicycle environment and provide greater connectivity to the overall network."

(Planning Dept Review Letter 7/22/19, p2)

ADJACENT HOTEL DRIVEWAYS SPANNING 43' WIDE DO NOT ENHANCE THE PEDESTRIAN AND BICYCLE ENVIRONMENT

Hotel Plan Garage driveway could block the sidewalk warning signals recommended

*"Based on the estimated trip generation, a maximum of 37 inbound trips would need to be served at the proposed guest and valet drop-off/pick-up zone along Winchester Boulevard during the PM peak-hour, or **approximately one vehicle every 1.5 minutes...**it is recommended that **a minimum of two to three valet staff** be present during the peak arrival/departure periods for the hotel." (Hexagon Transportation Analysis, p.49)*

*"There may be brief moments when vehicles exiting and entering the parking garage would **block the sidewalk**. However, it is anticipated that **delays to pedestrians on the sidewalk** would be relatively brief and it **would generally not impact traffic** operations on Winchester Boulevard...**Recommendation: Appropriate visible and/or audible warning signals should be provided at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the parking garage.**" (Hexagon Transportation Analysis, p46)*

Photos from the Front Cover of Winchester Boulevard Urban Village Plan

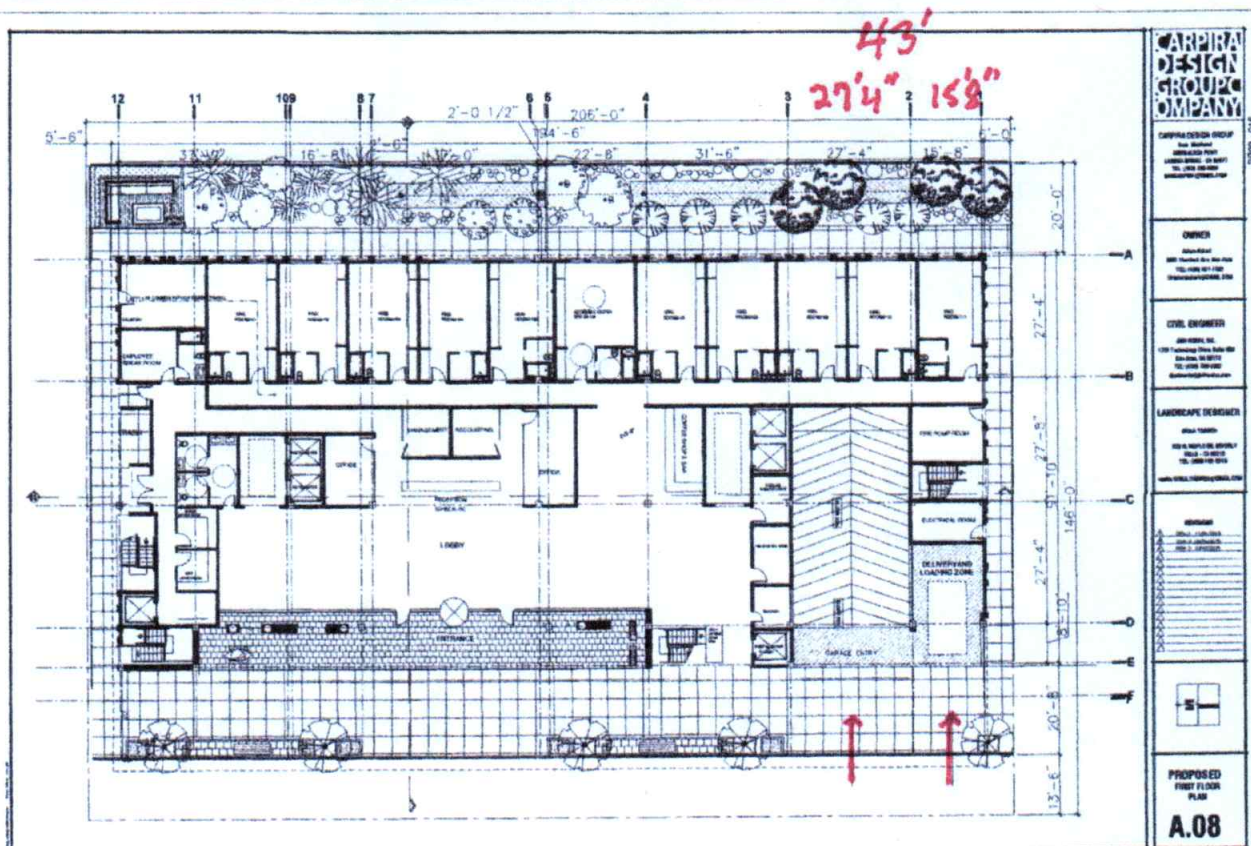


Hexagon Transportation Analysis SHOULD HAVE BEEN UPDATED to assess the impact of the revised Hotel Plan (REV-3; 02.01.21) on Pedestrian/Bicyclist Safety

- 1) Delivery and Loading Zone moved from the street to the first floor of the hotel with a 15'8" wide driveway adjacent to the garage driveway. (Hotel Plan, Rev-3, A.08)
- 2) Passenger Pick-up/Drop-Off Operations: moved from the street to the garage. "All guests will proceed to the parking garage for hotel check-in to the parking garage for hotel check-in." (Aug 4 Memorandum, p14)
- 3) "...passenger pick-up/drop off for ride share vehicles and taxis will occur inside the garage." (Aug 4 Memorandum, p14)
- 4) Adjacent garage and Delivery Zone driveways are 43' wide across the sidewalk. (Hotel Plan, Rev-3, A.08)

Hexagon Transportation Analysis **assessment before the revision**: "There may be brief moments when vehicles exiting and entering the parking garage would block the sidewalk. However, it is anticipated that delays to pedestrians on the sidewalk would be relatively brief and it would generally not impact traffic operations on Winchester Boulevard...Recommendation: Appropriate visible and/or audible warning signals should be provided at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the parking garage." (Hexagon, p46)

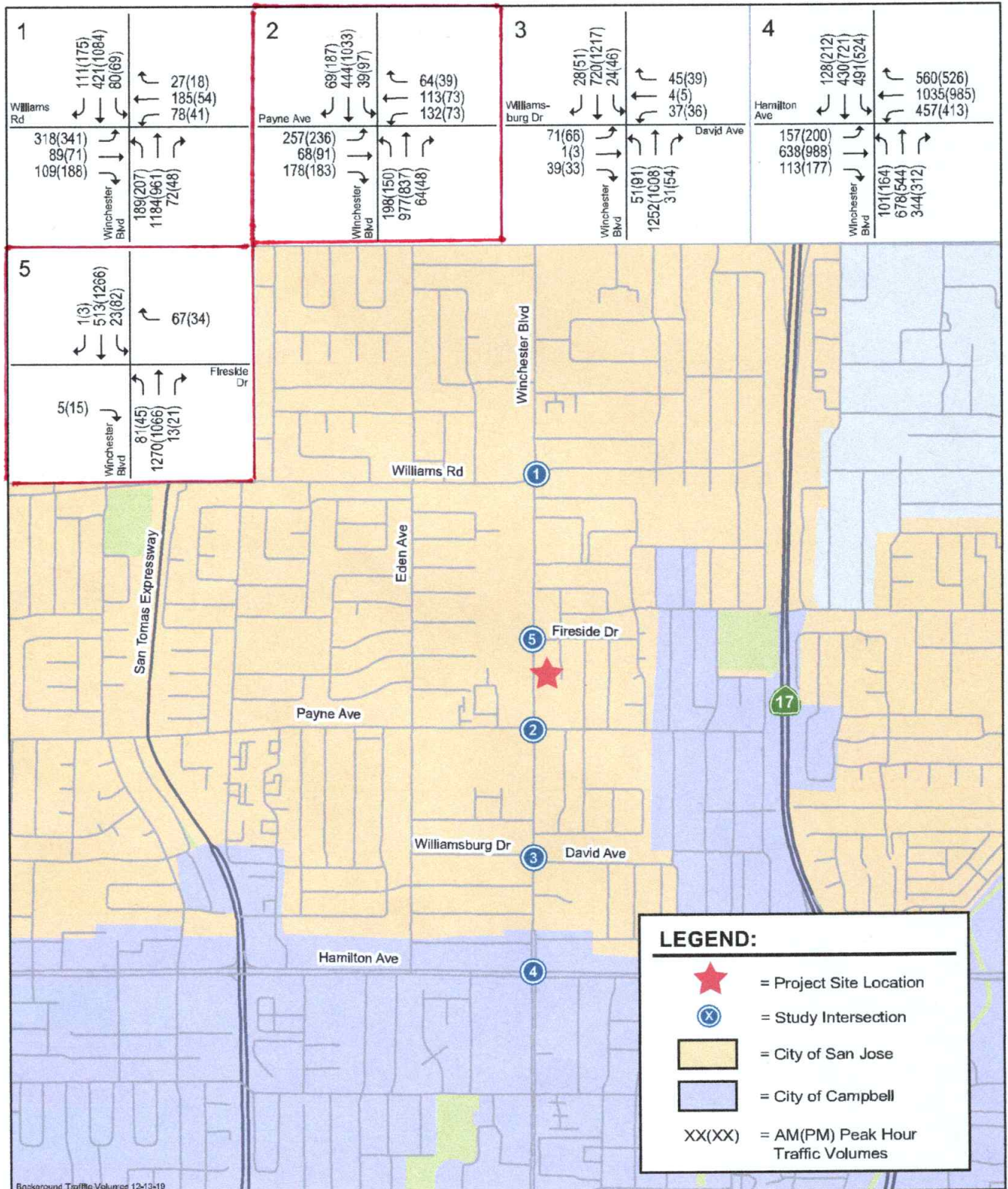
Winchester Hotel Plan, REV-3, 02/01/21



INCREASE IN TRAFFIC FROM THE HOTEL PROJECT

Trip Generation After applying the ITE trip rates, and appropriate trip reductions, it is estimated that **the project would generate an additional 1,455 daily vehicle trips**, with 64 trips (37 inbound and 27 outbound) occurring during the AM peak hour and 75 trips (37 inbound and 38 outbound) occurring during the PM peak hour. (Hexagon Transportation Analysis, 6/18/20, p57)

Background Traffic Volumes



Parking Impact on Neighborhood Streets

Surrounding On-Street Parking

"The project site is located just outside the perimeter of the Cadillac Residential Parking Program (RPP) zone, where a permit is required to use on-street parking from 10:00 PM to 6:00 AM every day except on holidays....With the implementation of the required TDM plan, the project will provide adequate parking spaces on site to satisfy its parking demand and will not have an effect on the Cadillac RPP." (Hexagon Transportation Analysis, p51)

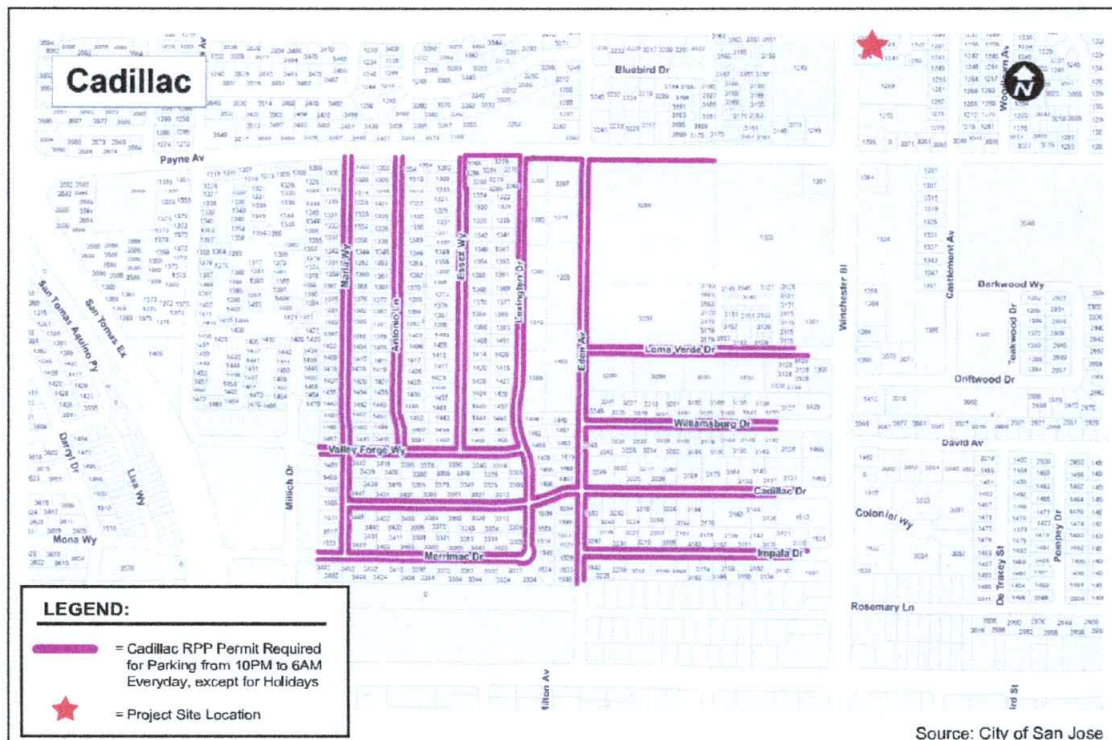
"For any project that requires a TDM program:

ii. The decision maker for the project application also shall first find that the project applicant will provide replacement parking either on-site or off-site within reasonable walking distance for the parking required if the project fails to maintain a TDM program. "

(Hexagon Transportation Consultants, Inc, Draft Transportation Demand Management, (TDM) Plan, Jan 27,2021; p12)

1. Was this requirement met?
2. Where is the site for the replacement parking

Figure 19
Cadillac Residential Parking Program



THE DEVELOPER'S PARKING REDUCTION REQUEST IS NOT ACCURATE

Upon completing a common-sense review of the documents submitted for this Hotel Project, we believe that the number of workers on-site used in the parking reduction request calculation has been purposefully manipulated and is materially understated. This understatement of the number of workers on-site results in the developer's parking reduction request of 49% also being understated. These two understatements make this Hotel Project out of compliance with Section 20.90.220.A.1 of the City of San Jose Parking Code.

How do we know this? The developer has been perfectly transparent and tells us so in the footnote on Page 2 of the Operations Plan. **"Employee staffing plan above is intended to minimize employee parking to no more than 10 parking spaces."**

Why is no more than 10 workers on-site important? If there are more than 10 workers on-site the project would exceed the maximum allowable parking reduction request allowable under the City of San Jose Parking Code and would not be eligible for approval.

Here are three specific areas where we believe the number of workers on-site during any shift have been purposefully manipulated.

1. This project has a total of 6 housekeeping staff to support the hotel. However, to **reduce the number of workers on-site** during any shift to 10, the developer has **3 of the 6 housekeeping staff working during the hours from 3:00PM to 12:30AM** rather than the morning shift. All major hotel chains operate using the common industry standard that all rooms are serviced and ready by 4:00 PM. Under the project's Operations Plan approximately 25% of this hotel's rooms would not be serviced and ready until after 9:00 PM at night. To be in alignment with common hotel industry standards, those **3 housekeeping staff should be included as part of the morning shift and not the after/evening shift.**
2. On Page 49 of the Transportation Analysis, Hexagon recommends that a **"minimum of two to three valet staff be present** during the peak arrival/departure periods for the hotel". The **Operations Plan only includes 1 valet during each shift.** To be in compliance with the Transportation Analysis requires that **an additional 1 to 2 valets be added to both the morning shift and the afternoon shift.**
3. The project's Transportation Demand Management (TDM) Plan commits on page 13, that as part of the developer's mitigation measures **"the proposed project would offer free shuttles to guests"**. However, the Operations Plan **does not include any Shuttle Drivers and does not comply with the submitted TDM Plan.** To comply with the TDM Plan the hotel will **need to add at least 1 shuttle driver, most likely 2, added to both the morning shift and the afternoon shift.**

To comply with the Transportation Analysis, the TDM Plan and common industry standards used by the major hotel chains at least **5 additional workers (1 valet, 1 shuttle driver, 3 housekeepers) are required to be on-site during the morning shift** bringing the total workers on-site up to 15. Those 5 additional morning shift workers means that the number of workers on-site used in the parking reduction request calculation is understated by at least 33%. When those additional morning shift workers are properly included in the parking reduction request calculation, the reduction required for this project exceeds the amount allowable under Section 20.90.220.A.1 of the City of San Jose Parking Code and therefore, this Hotel Project is not eligible for approval as it stands.

NEGOTIATIONS

This is the first HOTEL PROJECT DESCRIPTION we were given, dated 11/01/2019

If items like a swimming pool or roof top restaurant were removed from the plan, it was done prior to our community engagement.

Hotel Project Description from Hotel Plan, REV-1, 11/01/2019 (A.02)

PROJECT DESCRIPTION

The project proposes to develop an 6-story hotel (up to a height of 64'7" feet) with up to 119 guestrooms.

The first floor would contain the main lobby reception area, guest luggage storage, coffee station and bar area, 2 office rooms , accounting, management, employees break room, men locker room, women locker room, fire control room, laundry, security, fire pump room, electrical room, and 11 guest rooms.

Common outdoor areas for hotel guests are proposed to be located on 2nd floor that contain gym and lockers, jacuzzi, steam room, restaurant area and kitchen.

18 guest rooms would also be located on 2nd floor.

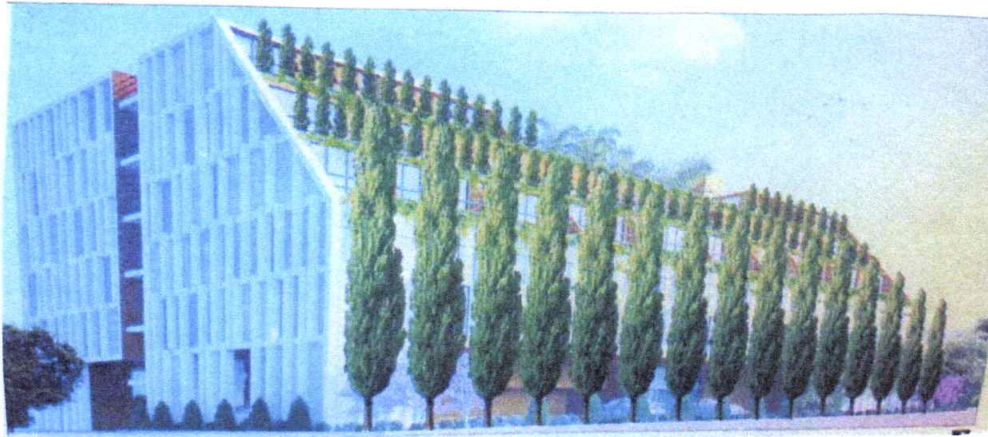
Floors 3 through 6 would contain guest rooms that would range from approximately 270 to 770 square feet in size.

A total of 69 parking spaces are provided.

Parking is provided by one underground parking level which is using double parking system , which will be supported by a TDM plan.

A 20 feet rear setback and 6 feet side setback is provided, and additional sidewalk easements will be provided to allow for 26 feet sidewalk are provided on Winchester avenue.

There was an offer by the Developer to negotiate by putting trees on balconies and across the back of the hotel. There were multiple concerns about fire and placing large trees in the 20 ft setback where there is a hose path for the Fire Department.



The Developer offered a proposal for a 5 story mixed use building that would include condominiums for seniors, which could be less impactful. However, we were told we would have to sign a statement of complete support for the idea and have the statement recorded against the title of our properties. The Developer said the statement would be drawn up by his attorney and we had the right to have it reviewed by our own attorney or use his.