

1212-1224 South Winchester Boulevard  
Hotel Project

---

File Nos. C19-031 & SP20-016

Initial Study / Mitigated Negative Declaration

## **RESPONSES TO PUBLIC COMMENTS AND TEXT CHANGES**

October 2021

*CEQA Lead Agency:*



**City of San José  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, California 95113 Phone: (408) 535-3555**

In Consultation with:

EMC Planning Group  
Teri Wissler Adam, Vice President and Senior Principal  
[wissler@emcplanning.com](mailto:wissler@emcplanning.com)  
831-649-1799 ext. 203

## Table of Contents

SECTION 1	SUMMARY OF COMMENTS .....	3
SECTION 2	AGENCIES AND PERSONS COMMENTING ON THE IS/MND .....	4
SECTION 3	RESPONSE TO COMMENTS .....	5
A.	RESPONSE TO SANTA CLARA COUNTY ROADS AND AIRPORTS DEPARTMENT .....	5
B.	RESPONSE TO SANTA CLARA VALLEY WATER DISTRICT .....	8
C.	RESPONSE TO JEFFREY WILLIAMS .....	10
D.	RESPONSE TO SHEHANA MARIKAR .....	14
E.	RESPONSE TO DAN AND AMY BOYLE .....	18
F.	RESPONSE TO AISHAH SALIHUE .....	19
G.	RESPONSE TO MIKE DRABKIN .....	22
H.	RESPONSE TO MARLENE SCHWILK .....	23
I.	RESPONSE TO TOM AND GAIL MORMAN .....	24
J.	RESPONSE TO MONICA PAIGE JUMA .....	31
K.	RESPONSE TO STEPHEN JUMA .....	32
L.	RESPONSE TO ALI S .....	33
M.	RESPONSE TO HAL STONE .....	35
N.	RESPONSE TO MABEL CHENG .....	36
O.	RESPONSE TO HELEN MATSUMOTO .....	38
P.	RESPONSE TO JENNIFER MUSCHA .....	42
Q.	RESPONSE TO PACIFIC GAS AND ELECTRIC .....	44
R.	RESPONSE TO JOHN GRISWOLD .....	45
S.	RESPONSE TO CHAIRWOMAN QUIRINA GEARY, TAMIEN NATION .....	46
SECTION 4	TEXT CHANGES TO THE IS/MND .....	36
SECTION 5	PUBLIC COMMENTS .....	48

## Attachment

Attachment A – All Public Comments to IS/MND During Public Review Period

## SECTION 1

## SUMMARY OF COMMENTS

---

The 1212-1224 South Winchester Hotel Project Initial Study /Mitigation Negative Declaration (IS/MND) was circulated for public review for a 20-day review period, from May 26, 2021 to June 15, 2021. During the circulation period, the City of San José received 19 comment letters from:

- Santa Clara County Roads and Airports Department;
- Santa Clara Valley Water District;
- Jeffrey Williams;
- Shehana Marikar;
- Dan and Amy Boyle;
- Aishah Salihue;
- Mike Drabkin;
- Marlene Schwilk;
- Tom and Gail Morman;
- Monica Paige Juma;
- Stephen Juma;
- Ali S;
- Hal Stone;
- Mabel Cheng;
- Helen Matsumoto;
- Jennifer Muscha;
- Pacific Gas and Electric
- John Griswold
- Chairwoman Quirina Geary, Tamien Nation

In summary, the comments received on the draft IS/MND did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)].

Nevertheless, responses to the comments are included in this document to provide a complete administrative record.

The following pages contain a list of the agencies and persons that submitted comments on the IS/MND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). Copies of the actual comments submitted to the City of San José are included in Attachment A.

**SECTION 2****AGENCIES AND PERSONS COMMENTING ON  
THE IS/MND**

---

	<b>Comment Received From</b>	<b>Date of Letter</b>	<b>Response on Page</b>
A.	Santa Clara County Roads and Airports Department	June 10, 2021	5
B.	Santa Clara Valley Water District	June 10, 2021	8
C.	Jeffrey Williams	June 14, 2021	10
D.	Shehana Marikar	June 14, 2021	14
E.	Dan and Amy Boyle	June 14, 2021	18
F.	Aishah Salihue	June 14, 2021	19
G.	Mike Drabkin	June 14, 2021	22
H.	Marlene Schwilk	June 15, 2021	23
I.	Tom and Gail Morman	June 15, 2021	24
J.	Monica Paige Juma	June 15, 2021	31
K.	Stephen Juma	June 15, 2021	32
L.	Ali S	June 15, 2021	33
M.	Hal Stone	June 15, 2021	35
N.	Mabel Cheng	June 15, 2021	36
O.	Helen Matsumoto	June 15, 2021	38
P.	Jennifer Muscha	June 15, 2021	42
Q.	Pacific Gas and Electric	May 27, 2021	44
R.	John Griswold	June 15, 2021	45
S.	Chairwoman Quirina Geary	June 11, 2021	46

## SECTION 3

## RESPONSE TO COMMENTS

---

This memo responds to comments on the IS/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter. Copies of the comment letters are included in Attachment A.

### A. RESPONSE TO SANTA CLARA COUNTY ROADS AND AIRPORTS DEPARTMENT

**Comment A1: Please provide details for proposed TDM program management and any enforcement/fines for not meeting VMT goals, since this project is close to San Tomas Expressway.**

**Response A1:** As described in Transportation/Traffic, Section 4.17 of the Initial Study, the project will not have a VMT impact per the City's screening criteria for retail use. The City's VMT Evaluation Tool is limited to the evaluation of four general land use categories: residential, office, industrial, and retail. Thus, the use of the VMT evaluation tool for the evaluation of land uses other than the four general land uses described above, such as the proposed hotel, requires the conversion of the proposed land use to an equivalent amount (based on trip generation characteristics) of residential units, office space, industrial space, or retail space (Hexagon Transportation Consultants 2020). Since the characteristics of the proposed hotel would have similar trip generating characteristics to retail space, the proposed hotel was converted into an equivalent amount of retail space. If a project meets the City's screening criteria, the project is expected to result in less than significant VMT impacts and a detailed CEQA VMT analysis is not required (Hexagon Transportation Consultants 2020, p. ii). The transportation analysis determined that the proposed project is estimated to generate 1,455 daily trips, which is equivalent to the trips estimated to be generated by approximately 38,000 square feet of retail space. Pursuant to San José's VMT screening criteria, retail projects of 100,000 square feet or less are considered local-serving. Therefore, the proposed project does not require a detailed CEQA VMT analysis and would result in a less than significant VMT impact.

**Non-CEQA effects.** Nonetheless, the project will require a Transportation Demand Management (TDM) program that includes the following recommended measures to meet requirements outlined in Section 20.90.220 of the Zoning Ordinance for a reduction in required parking exceeding twenty percent:

- Bicycle Parking
- On-site bicycles for guest use
- Guest shuttle services
- On-site access to car-share vehicles for employees and guests
- Free annual Santa Clara Valley Transportation Authority (VTA) Smart Passes for employees
- Financial incentives for employees who bike or walk to work
- On-site TDM coordinator and services

Implementation of the measures outlined above would ensure the project meets the provisions for vehicle parking reduction.

Parking is no longer a CEQA issue and is discussed for informational purposes only<sup>1</sup>. The project proposes reduced parking and would be required to provide a total of 63 parking spaces, consistent with the City's requirement. Furthermore, as discussed in Appendices H and I, Transportation Analysis and Transportation Demand Management (TDM) plan, the future hotel operator would be responsible for ensuring that the TDM trip reduction measures are fully implemented and the TDM Plan is maintained for the life of the project. As a Condition of Project Approval, the project would implement a TDM plan. Any violation of the TDM plan would be subject to revocation, suspension, or modification of the permit.

This comment does not result in new or more significant impacts or additional mitigation and therefore, the IS/MND does not require recirculation.

**Comment A2: This project and the 1073-1087 South Winchester Boulevard Mixed-Use Project, are in close proximity to each other, combined will generate 100 AM and 116 PM peak hour trips, respectively. The County believes that the Local Transportation Analysis (LTAs) for both projects should include the three following intersections on San Tomas, which are County's intersections and are within one mile of the proposed projects:**

- **Hamilton Ave (CMP)**
- **Payne Ave**
- **Williams**

**Response A2:** As shown in the trip assignment figures for the nearby mixed-use project (Figure 14, page 34 of the 1073-1087 South Winchester Boulevard Traffic Analysis [Appendix H]) the mixed-use project is projected to generate a total of 437 daily vehicle trips, with 36 trips (20 inbound and 16 outbound) occurring during the AM peak hour and 41 trips (16 inbound and 25 outbound) occurring during the PM peak hour and the proposed project (Figure 11, page 29 of the 1212-1224 South Winchester Boulevard Traffic Analysis [Appendix H]), would generate a total of 1,266 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 for a combined total of 100 AM peak hour trips and 116 AM peak hour trips as indicated by the commenter. Per the Traffic Analysis, the peak-hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution pattern, with an emphasis on freeway access and project driveway location. The AM peak hour typically occurs between 7:00 AM and 9:00 AM and the PM peak hour typically occurs between 4:00 PM and 6:00 PM on a regular weekday.

As stated in the Local Traffic Analysis section of the traffic study prepared for the project, intersections were selected for study if the project is expected to add 10 vehicle trips per hour per lane to an intersection that meets one of the following criteria (as outlined in the

---

<sup>1</sup> In 2009, the California Natural Resources Agency deleted "parking availability" from the Transportation/Traffic section of the CEQA Guidelines Appendix G checklist consistent with *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002).

Transportation Analysis Handbook):

- Within a ½-mile buffer from the project's property line;
- Outside a ½-mile buffer but within a one-mile buffer from the project AND currently operating at D or worse;
- Designated Congestion Management Program (CMP) facility outside of the City's Infill Opportunity Zones;
- Outside the City limits with the potential to be affected by the project, per the transportation standards of the corresponding external jurisdiction with potential to be affected by the project, per engineering judgement of Public Works.

The following intersections located between a one-half mile and one-mile radii from the nearby mixed-use project (1073-1087 South Winchester) site were included in the study based on the above criteria:

1. Winchester Boulevard and Williams Road
2. Winchester Boulevard and Payne Avenue
3. Winchester Boulevard and Walgrove Way (unsignalized)

The proposed hotel project (1212-1224 South Winchester) included the following intersections in the study:

1. Winchester Boulevard and Williams Road
2. Winchester Boulevard and Payne Avenue
3. Winchester Boulevard and David Avenue/Williamsburg Drive
4. Winchester Boulevard and Hamilton Avenue
5. Winchester Boulevard and Fireside Drive

The San Tomás Expressway intersections with Hamilton Avenue, Payne Avenue and Williams Road do not meet the above the criteria and therefore were not chosen for the intersection study. Specifically, these intersections are outside of the 1/2-mile buffer from the project site and based on the estimated project trips, there would not be more than ten trips distributed to those intersections. As shown in the trip assignment figures for each of the proposed developments (Figure 14 for 1073-1087 South Winchester Boulevard and Figure 11 for 1212-1224 South Winchester Boulevard), the proposed projects are projected to add no more than six peak hour trips to the referenced San Tomas Expressway intersections on an individual basis or cumulatively combined. Therefore, the referenced intersections do not meet the ten trips per hour per lane criteria. Furthermore, the use of San Tomás Expressway is expected to be minimal since it does not provide access to I-280 as does Winchester Boulevard. Therefore, the referenced San Tomás Expressway intersections do not meet the City's selection criteria for study. This comment does not result in new or more significant impacts or additional mitigation and therefore, the IS/MND does not require recirculation.

## **B. RESPONSE TO SANTA CLARA VALLEY WATER DISTRICT**

**Comment B1:** On Sheet C4.1 of the project plans, the name of the receiving body listed in the project site information should be corrected from “Guadalupe” to “San Tomas Aquino Creek”.

**Response B1:** The IS/MND is corrected to show the receiving body of water as San Tomas Aquino, and is included in Section 4 (Text Changes to the IS/MND). This comment does not address the adequacy of the Draft MND. No further CEQA analysis is required.

**Comment B2:** 4.10.2 on page 101 should be revised to say that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin. Please refer to Section 1.2 and Figure 1-1 on page 1-2 of the Valley Water 2016 Groundwater Management Plan.

**Response B2:** The IS/MND is corrected to state that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin, and is included in Section 4 (Text Changes to the IS/MND). This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment B3:** Section 4.10.2 on page 101 and Part d of Section 4.10.4 on page 110 should define FEMA Flood Zone D as an area where flood hazards are undetermined, but possible.

**Response B3:** The IS/MND is corrected to state that FEMA Flood Zone D is an area where flood hazards are undetermined, but possible, and is included in Section 4 (Text Changes to the IS/MND). This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment B4:** Part b of Section 4.10.4 on page 108 needs to be revised to note that water service to the project site would be provided by San Jose Water Company, the retailer for this area, not Valley Water, who is the water wholesaler.

**Response B4:** The IS/MND is corrected to state that water service to the project site would be provided by San Jose Water Company, and is included in Section 4 (Text Changes to the IS/MND). This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment B5:** Part b of Section 4.10.4 on page 108 states that Valley Water has 18 major groundwater recharge facilities. While Valley Water has a complex and interconnected network of groundwater recharge facilities, the reference to the number of facilities should be removed as Valley Water does not categorize groundwater facilities by major or minor and therefore it is not clear how it was determined that there are 18 major facilities.

**Response B5:** The IS/MND is corrected by removing the reference to the number of groundwater recharge facilities, and is included in Section 4 (Text Changes to the IS/MND). This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.



**Comment B6: Section 4.16.2 on page 151 should be revised to reflect the correct distance of approximately 1 mile to the Los Gatos Creek Trail.**

**Response B6:** The IS/MND is corrected to show that the distance from the project site to the Los Gatos Creek Trail is approximately 1 mile, and is included in Section 4 (Text Changes to the IS/MND). This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment B7: Valley Water records do not show any wells on the project site (APN: 279-17-020 and -021); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.**

**Response B7:.** This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required. The project permit will include a condition of approval requiring the project applicant to coordinate with Valley Water prior to issuance of Grading Permit.

## **C. RESPONSE TO JEFFREY WILLIAMS**

**Comment C1:** Specifically, both of these studies provided by Hexagon were made with the assumption that there would be “a maximum of 10 employees on-site”. As the number of employees is a key figure in determining the impact of the project on transportation and parking, and no detail has been provided in the project documents as to how that number is derived, I believe this assumption needs to be thoroughly vetted prior to any conclusions being made.

My concern is that the number of employees listed in the planning documents is significantly understated. (In this analysis I consider employee to be anyone who is working at the hotel on a regular basis whether they be a direct employee, temp or contractor)

After reviewing the project plans and researching published hotel staffing requirements and standards, I believe the true staffing requirements to run this proposed hotel during its key business hours is at least 20 employees, and is most likely higher as the need for additional staffing required for the positions discussed below is fully vetted.

Based upon the calculated staffing levels listed above and the actual parking spaces provided, the project as proposed would require approval for at least a 53% TDM Parking Reduction which exceeds the percentage listed Section 20.90.220.A.1 of the City of San José Parking Code, as discussed on Page 10 of the Draft TDM Plan.

**Additional Staffing Positions:** Please note that I have not addressed the following employee positions in the above calculation as I did not find enough information in the planning documents to determine how the developer plans to address them: (a) Hotel Engineer/Facilities, (b) Security officer, (c) the plan specifies that there will be a coffee shop/bar, but it is not clear if it is a self-serve area or whether it will require an additional employee per shift, and (d) as the property will only have valet parking, and street parking directly in front of and adjacent to the hotel is extremely limited, it is not clear if a hotel porter(s) will be needed to assist guests and help prevent cars backing up into traffic on a very busy street. If any of the aforementioned positions are required to run the hotel, they would be additive to the employee count and increase the TDM Parking Reduction required.

Additionally, in the documents and reports I reviewed I did not see where shift changes are addressed. At those times the number of employees on-site could be double the amount listed above which puts an additional strain on the already insufficient parking situation. I believe this affects the critical numbers presented in the Transportation Analysis and the Draft Transportation Demand Management (TDM) Plan.

**Response C1:** As described in Section 4.14 (Population and Housing), the staffing plan for hotel operations includes 10 employees. The hotel plans to provide employee parking for up to ten employees anticipated to be on a shift at a time in addition to the required parking spaces for hotel guest rooms. Per the Operations Plan, the ten employee positions would be split into three shifts. Additionally, the project’s parking requirement, which includes a 49% parking reduction, would be supported by a TDM program which would encourage alternate

modes of access to the site including use of public transit by employees. As parking is not a CEQA issue and the project correctly considered the number of anticipated employees as outlined by the project description and further described in the Operations Plan (Attachment B), this does not raise new information that would not result in a change in analysis, impacts, or mitigation measures than those analyzed in the IS/MND and associated appendices. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment C2: Another assumption that affects both the Transportation Analysis, Appendix H, and the Draft Transportation Demand Management (TDM) Plan, Appendix I, is the true number of parking spaces. In the Transportation Analysis, Appendix H, as prepared by Hexagon, they identified a major issue with the parking area design. On page 50 of their document, under the “Adhere to City of San José Design Standards and Guidelines” section, they clearly state that “The proposed parking space dimensions, while not an unusual design, do not meet City standards”.**

In reviewing the parking plan on Sheet A-06 of the project plans, I noticed that the double stacking parking spaces designated as P4 through P45, do not meet the requirements of the City of San José Parking Code as defined in Section 20.90.060 - Number of parking spaces required Table 20-190 Parking Spaces Required by Land Use, Note 2 which states “Stacking shall be calculated at twenty feet per car”. In the project plans the aforementioned spaces are only 17 feet deep and do not meet the 20-foot requirement. Although the dimensions for the double stacking parking spaces designated as P47 through P51 are not marked on the plans, if one applies a scale to them, it can easily be seen that they also do not meet the 20-foot requirement as required by the City of San José Parking Code.

Additionally, the City of San José Parking Code, Section 20.90.060 - Number of parking spaces required, Table 20-215 Clean Air Vehicles, states that projects with 51-75 total parking spaces must provide 6 parking spaces be designated for non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles. The project plan as submitted only provides 4 designated spaces for Clean Air Vehicles and is not in compliance.

The above parking issues need to be addressed and corrected. The number of parking spaces that will be provided after the required design corrections are made, especially the required size for the double stacking spaces, mostly likely will be reduced to less than 66. Any reduction in the number of spaces provided will increase the TDM reduction required for this project and will also have a negative impact on the calculated numbers in the Transportation Analysis. These issues need to be fully resolved before any conclusion can be made regarding the project proceeding forward.

**Response C2:** Parking is no longer a CEQA issue and is discussed in the Initial Study and Transportation Analysis for informational purposes only. The project proposes reduced parking and would be required to provide a total of 63 parking spaces on-site, consistent with the City’s requirement after eligible reductions. The project would provide 66 on-site vehicle parking spaces. Additionally, prior to plan approval, project plans are reviewed for conformance with the City’s General Plan, Zoning Ordinance, and other applicable policies and requirements including Municipal Code requirements related to parking design. As shown in Appendix A (Project Plans, Sheet A.06) of the Initial Study, vehicular parking space dimensions are eight feet, six inches wide and seventeen feet in length which complies with

the Uniform Parking Space minimum dimensions (eight feet, six inches wide and seventeen feet long) described in Table 20-220 of the San José Municipal Code. Americans with Disabilities Act (ADA) parking space dimensions are 9 feet wide and seventeen feet in length. Per Section 20.90.060 3(a), the City may authorize all off-street vehicle parking spaces to be uniform-size car spaces which are 17-feet in length.

The project plans include a 26-foot-wide clearance behind the cars for circulation and maneuvering. All parking space sizes are based on City requirements as outlined in Chapter 20.90 (Parking and Loading) of Title 20 and are reviewed by the Planning and Building Departments prior to the issuance of any permits.

Pursuant to Table 20-190 in the Zoning Ordinance (Title 20), stacking shall be calculated at twenty feet per car for car wash uses; this calculation does not apply to parking spaces. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment C3: Another issue that may affect the Transportation Analysis is where the garbage pick-up is located. In the current plan the garbage area is located on the north side of the property approximately 75 feet from the street curb. As the easement on that side of the property is only 6 feet it is extremely unlikely that a garbage truck will be able to access that space. Therefore, the garbage bins will have to be rolled out onto the street for a pick-up to be made. This will affect how street parking will be laid out as enough room will have to be provided for the garbage truck to line up and pick up the bins. In effect this would be a designated loading zone on the street which I believe does not conform with the Urban Village and Flex Lane plans, as well as bike lanes. It also potentially impacts the flow of traffic in the area, as the garbage truck may temporarily block traffic flow.**

**Besides having to move the garbage bins to the street for pickup, the current plan does not provide sufficient space to store 2 standard 6 foot wide bins. 2 bins will be required, one for garbage and one for recycling to meet current standards. This deficiency needs to be addressed.**

**Response C3:** As described in the Transportation Analysis (Appendix H of the IS/MND), a designated trash collection area will be provided on site on the north end of the lot adjacent to residential use. As stated in the Operations Plan (Attachment B), on trash collection days, trash bins will be wheeled out by hotel employees to the trash staging area along the Winchester Boulevard project frontage where garbage trucks would perform their operations outside of the development at the curb. The trash bins will only be on Winchester Boulevard temporarily and will be moved back on site by hotel employees for storage. The trash enclosure as shown on the project plans (Appendix A of the IS/MND), is 13 feet by eight feet and would be located entirely interior to the building. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment C4: Hotels in general have frequent deliveries. In the current planning documents, the delivery and loading zone is placed next to the entrance to the parking garage and perpendicular to the street. This means as trucks arrive, they will be stopping in the flex lane and backing up across the sidewalk into the off-street delivery space provided. This has the potential for traffic disruptions, especially if a door has to be raised to allow them to enter. (Having a door to protect that space would be part of the security plan which has not yet been made available). As a curbside loading space was indicated in the plans that were used by**

**Hexagon when they prepared the Transportation Analysis, this potential blockage of the flex lane may have an impact on their calculations and should be reviewed with them prior to any conclusion being made to move forward.**

**Response C4:** The project is not proposing, nor will the City allow, an on-street loading zone on Winchester Boulevard given the planned complete street improvement which would provide two travel lanes with a Class IV bike lane and no on-street parking along the project frontage. As stated in the IS/MND, the project is anticipated to have one to two truck deliveries per day and would temporarily park and unload along South Winchester Boulevard; a drop-off area is proposed south of the parking access entry area where smaller trucks would conduct deliveries. Generally, loading zones are determined during the implementation phase in coordination with the City's Department of Transportation. Consultants would need to coordinate with the City's DOT to understand the needs, operations, and hours of the loading zone. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

## **D. RESPONSE TO SHEHANA MARIKAR**

**Comment D1: For 6 Months of the year, the 6-story building will block Sunlight to the surrounding Neighborhood, especially 1204 S. Winchester blvd, and other single-family homes on Red Oaks Drive.**

**Response D1:** A Shade Study included in Appendix A (Project Plans), Sheets A.28 and A.29, was prepared for the proposed project. The Shade Study analyzed shadows cast by existing buildings as well as shadows anticipated to be cast by the project. Based on the Shade Study depicted on Appendix A, Sheets A.28 and A.29, the longest shadows cast from the proposed project are to the adjacent residence immediately north (1204 South Winchester Boulevard) of the project site especially during the winter afternoon hours. Minimal amounts of shadows, as shown on the Shade Study, would also be cast onto the same residence during the autumn season. Based on the Shade Study, the proposed project would not cast significant shadows on any surrounding residences during the spring and summer seasons. Additionally, the Shade Study indicates the project would not cast significant shadows on the residences on Red Oaks Drive, located east of the project site, during the day; shading is shown to occur during the autumn, winter, spring and summer late afternoon hours. A building stepback at 35 feet in height is a design measure incorporated into the project to reduce shadows cast onto the single-family homes located east of the project site. Therefore, as summarized above, the shade cast on the surrounding residential land uses would not impair the use of the properties. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment D2: Who is going to compensate for the increased electric bills? The City and the Hotel should be held liable and made to pay on an ongoing basis for approving the project with is deviating from the Winchester Urban plan.**

**Response D2:** The comment is not clear as to what is meant by who will compensate for the increased electric bills. The IS/MND analyzed energy use of the project in Section 4.6. The hotel operator is responsible for payment of all utility bills for utilities generated by the project. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment D3: Privacy of the single-family homes will be affected by hotel guests/ staff peering into the neighborhood backyards, windows, pools etc. How does the city plan to protect the privacy of the single-family residences?**

**Response D3:** Pursuant to Chapter 20.40 of the San José Municipal Code, the project site is within the Commercial Pedestrian Zoning District, which allows for buildings to reach a height of 65 feet. As described in Section 3.0 (Project Description) of the IS/MND, the proposed project would be taller than nearby residences; however, the project meets the height restrictions and setbacks of this zoning district. Single-family residences to the north are single story; single-family residences to the east are a mix of one and two stories; the project would be six stories and therefore, four to five stories taller than the surrounding residences. As shown on the plan set (Appendix A of the IS/MND), there are no balconies



facing the residences to the north or east. The portion of the building facing residences to the east would have outdoor planters to further obscure the view out of the windows. The project would provide the required 20-foot rear setback and five-foot side setbacks. The project would also incorporate a building step back at a height of 35 feet to reduce shadows and maintain the privacy of existing adjacent residences. The project also includes the installation of landscaping (i.e., trees) along the eastern border of the project site which would enhance the privacy of the nearby residences. Therefore, this comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment D4: Fire Hazard - The Santana Row fire, years ago had embers from it cause fires over a mile away. If there's a fire at this proposed site it would have a tremendously negative effect on the property to the north, properties to the east and the nursing facility to the south. Would there be sufficient time to evacuate the young and especially the elderly from the nursing care facility in time to avoid a catastrophe?**

**Response D4:** Refer to IS/MND Section 4.15.4, Impact Discussion, within the Public Services section of the Initial Study discussing fire protection service resources. Two existing fire stations would respond to any fires that occur at the project site, both located less than two miles away. Additionally, Section 4.9 of the Initial Study analyzed the project's impact on emergency response plans or evacuation plans. The project would comply with all required Building and Fire Code requirements and the proposed development would not result in a physical barrier to impeded emergency services. The project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Additionally, the project would not result in an impact to the operation of emergency services or emergency evacuation plans.

**Comment D5: The traffic report and TDM do not talk about the impact this proposed project would have on students from Castlemont Elementary and Monroe Middle School. There are countless students that walk past this site to and from school morning and afternoon. How does the city plan to make this area safe for the students that have to pass by this proposed site daily?**

**Response D5:** Pages 155-159 of Initial Study/MND Section 4.17 (Transportation/Traffic), provide a discussion of the pedestrian and bicycle facilities in the project vicinity. There currently are no sidewalks along the project's frontage on Winchester Boulevard. Therefore, students currently walking along Winchester Boulevard to and from the referenced schools must walk within a two-foot dirt pathway directly adjacent to the travel lanes on northbound Winchester Boulevard. The proposed project will install a 20-foot sidewalk along its frontage on Winchester Boulevard. In addition, a sight distance analysis was conducted at the project driveway by Hexagon Transportation Consultants (Appendix H) to ensure adequate sight distance for vehicles to see pedestrians. The project meets the American Association of State Highways and Transportation Officials (AASHTO) minimum stopping sight distance standard (Winchester Boulevard has a posted speed limit of 40 miles per hour, the AASHTO stopping sight distance for a facility with a posted speed limit of 40 miles per hour is 305 feet; a driver must be able to see 305 feet to the south along Winchester Boulevard). Therefore, the project will improve pedestrian travel along its frontage on Winchester Boulevard. No

further CEQA analysis is required.

**Comment D6: Page 165 of the 1212-1224 Initial study describes Winchester BLVD, as a divided 6 lane north south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. I would like to point out that this is not the case, as it is now. Does the city have a date by which this would be the make-up of Winchester Blvd? Up until such a point in time loading/unloading and passenger pick-up and drop off would have tremendously negative impact on traffic on northbound Winchester Blvd. How does the city plan to address this?**

**Response D6:** Page 15 of the Transportation Analysis (Appendix H of the IS/MND) states, “Winchester Boulevard is a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara...” The text should have stated that Winchester Boulevard is generally a six-lane roadway; however, the segment between Payne Avenue and Williams Avenue provides only five travel lanes (two northbound and three southbound). The text correction has no effect on the traffic analysis and its conclusions. The text correction is included in Section 4 (Text Changes to the IS/MND). This information does not change the CEQA analysis or conclusions in the IS/MND, therefore, recirculation is not required.

**Comment D7: According to the plan the garbage is located on the north side of the property right by the single family home. The easement on the property on the north side is only 6 feet, which makes it impossible for a garbage truck to get through and pick up garbage. Which means the garbage bins will have to be pulled to the front of the proposed hotel and garbage trucks will impact traffic on Winchester Blvd. Also, what time will the garbage being collected? What is the impact on the single family home on the north side in terms of noise and also rodents and other pests?**

**Response D7:** Regarding the garbage collection operations, please see Response C3.

The IS/MND Section 4.13, analyzed noise generated from truck activities associated with the site including trash pick-up and truck deliveries. The analysis determined, “Due to the infrequent nature of truck deliveries, and truck movements within the project site itself, noise levels associated with truck movements would not exceed any noise standards at off-site sensitive receptor locations or result in an increase of existing ambient noise levels.

The noise assessment prepared for the proposed project (Appendix G) states that “activities involved in trash bin collection could result in minor onsite vibrations as the bin is placed back onto the ground. Such vibrations would not be expected to be felt at the closest offsite sensitive uses.” As discussed in Response C3, on trash collection days, trash bins will be wheeled out by hotel employees to the trash staging area along the Winchester Boulevard away from the residential uses. Additionally, general project construction noise is also addressed in the IS/MND. Specifically, because project construction would occur within 500 feet of residential land uses and within 200 feet of office uses and would last for approximately 24 months, the project applicant would provide a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints. The noise logistics plan will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Furthermore, the project permit (which runs with the land) will include an anti-litter condition of approval which requires the site and the surrounding area be maintained free of litter, refuse and debris.



This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment D8: The Bay area is under extreme drought conditions- how does the city justify watering this large construction site 3 times a day when residents are being asked not to water their lawns or wash cars?**

**Response D8:** Best management practices adapted from the 2017 Bay Area Management Air Quality District (BAAQMD) Clean Air Plan (CAP) include watering exposed or disturbed soil surfaces twice daily to control fugitive dust during project construction. Watering is limited to loose soil/gravel mounds and not the entire project site for the benefit of surrounding uses to keep air quality and erosion impacts less than significant. Project construction activity is anticipated to last approximately 24 months and therefore, the prescribed site watering would be temporary. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment D9: Does the city plan to compensate the neighbors for health issues that will arise from this project being constructed on this site? Are the residents in the single family home to the north of the proposed project expected to live in their home while this is going on for 15 months? Will it be safe for the residents to even walk out to their back or front yards?**

**Response D9:** Project construction would last approximately 350 days over a 24-month period. Refer to Section 4.3.4, Impact Discussion of the Air Quality Section of the Initial Study/MND and the project's Health Risk Assessment (Appendix C) which analyzes the impact of the construction and operation of the project on surrounding sensitive receptors including the northern residence. The volume of criteria air pollutant and toxic air contaminant emissions generated during construction of the proposed project that could result in increased cancer risks are estimated based on the number and type, horsepower and operational hours of construction equipment, soil import and export, importing asphalt and other materials. The modeled construction data is found in the IS/MND Appendix B. The construction data is entered into CalEEMod over four categories of construction phases: demolition, excavation, construction and paving work over the duration of the construction period. According to the CalEEMod results, the greatest volumes of unmitigated toxic air contaminant emissions would be generated during the first year of construction activity when much of the excavation work would occur. Unmitigated emissions generated by year and by each construction phase are shown in the CalEEMod results (IS/MND Appendix B). For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing toxic air contaminants. All residential locations studied in the assessment are assumed to include infants and small children. Exposures to criteria pollutants and toxic air contaminants that would exceed infant cancer risk thresholds are estimated using modeled toxic air contaminant concentrations combined with the Office of Environmental Health Hazard Assessment (OEHHA) guidance (2015 risk assessment guidelines) for age sensitivity factors and exposure parameters as recommended by BAAQMD (refer also to the Health Risk Assessment Attachment 1).

The exposures are calculated for the location of the maximally exposed individual; that is, the resident (assumed to be an infant) that would be expected to be exposed to the greatest concentrations of construction emissions. The maximally exposed individual is shown in the Health Risk Assessment Figure 1). Infant exposures at this location provide a "worst-case"

benchmark for the assessment of risk. All other receptor locations shown on Figure 1 would be exposed to fewer emissions and subsequently, smaller pollutant concentrations.

The 2015 risk assessment guidelines recommend that cancer risk be calculated by age groups to account for different breathing rates and sensitivity to toxic air contaminants. Potential increased cancer risk from inhalation of toxic air contaminants are calculated based on the toxic air contaminant concentration over the period of exposure, inhalation dose, the toxic air contaminant cancer potency factor, and an age sensitivity factor to reflect the greater sensitivity of infants and children to cancer causing toxic air contaminants. The inhalation dose depends on breathing rates, exposure time, frequency, and duration of exposure. These parameters vary depending on the age, or age range, of the persons being exposed and whether the exposure is considered to occur at a residential location or other sensitive receptor location. The parameters are described in greater detail in the Health Risk Assessment Attachment 1.

Potential non-cancer health hazards from toxic air contaminant exposure are expressed in terms of a hazard index, which is the ratio of the toxic air contaminant concentration to a reference exposure level. OEHHA has defined acceptable concentration levels for contaminants that pose non-cancer health hazards. As reported in the Health Risk Assessment and IS/MND, toxic air contaminant concentrations below the reference exposure level are not expected to cause adverse health impacts, even for sensitive individuals.

The maximum increase in infant cancer risks resulting from exposures to unmitigated construction toxic air contaminant emissions at the maximally exposed individual (assumed to be infant exposures) would exceed the BAAQMD significance thresholds for increases in infant cancer risk. Additional modeling shows that if construction toxic air contaminant emissions are reduced by 70 percent, the increase in infant cancer risks during construction would be lowered to levels below the single-source and cumulative thresholds at the location of the maximally exposed individual. Risk would be reduced even further at greater distances and/or upwind locations from the project site. Implementation of the Bay Area Air Quality Management District (BAAQMD) best management practices (BMP) during all phases of construction and ground disturbance in compliance with General Plan Policy MS-13.1, would reduce the magnitude of the increased infant cancer risk during the construction period, but not to below the air district thresholds. In addition, the Initial Study/MND includes a mitigation measure (MM AIR-1.1, page 47 of the Initial Study/MND) requiring a construction operations plan demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 70 percent reduction in particulate matter exhaust emissions. Implementation of this measure along with the recommended BMPs listed as Standard Permit Conditions for the proposed project, would reduce the emissions volumes and exposures to them that can lead to an increase in infant cancer risk to less than significant levels. The project's hazard index, annual PM<sub>2.5</sub>, and cancer risk would all be within the established BAAQMD thresholds. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

## **E. RESPONSE TO DAN AND AMY BOYLE**

**Comment E1: As a resident of the Hamann Park community, I would like to share that my family and I would prefer that the hotel proposed for Winchester not be built. This is due to many reasons. It will intrude upon the privacy of the residents in the court directly behind it.**

**Response E1:** Please refer to the response under Response D3.

**Comment E2: Any overflow parking will be filtered to surrounding residential streets, decreasing parking for residents.**

**Response E2:**

Pursuant to Council Policy 5-1 and the CEQA Guidelines, parking is no longer a CEQA issue and is discussed for informational purposes only. The project proposes reduced parking and would be required to provide a total of 63 parking spaces with the implementation of the Transportation Demand Management Plan (See Appendix I), consistent with the City's requirement as outlined in Municipal Code Sections 20.90 and 20.90.220. As a Condition of Project Approval, the project would implement a TDM plan and any violation of the TDM plan would be subject to revocation, suspension, or modification of the permit. The immediate surrounding neighborhood does not participate in a parking permit program; the project site is located just outside of the Cadillac Residential Permit Parking (RPP) boundary.

Appendix H of the IS/MND includes the project's TDM and LTA and analyzes the operations of the proposed project and site. The study does not show adverse effects to the surrounding environment. The design of the project would not result in operations of unique circumstances that would create a hazard to the operations that is beyond City's policies and regulations. The comment provides no substantive information in regard to the project's effect on traffic impacts per CEQA requirements. No further CEQA analysis is required.

**Comment E3: The six story building will hinder the view of the mountains, etc for the houses behind the hotel for numerous streets, thereby affecting the quality of their experience in their home and potentially lowering the value of the property. Please do what you can to stop the building of this hotel.**

**Response E3:** The visual impacts from private viewing areas are not evaluated in the IS/MND as these are not considered CEQA impacts. As stated in Section 4.0 of the IS/MND, the project site is not located within designated viewsheds or view corridors identified in either the General Plan or the City's Scenic Corridors Diagram nor are there any scenic vistas observable from the project vicinity due to existing obstructing topography and buildings. As discussed in Response D.3, the project is in conformance with the CP Commercial Pedestrian Zoning District development standards and the maximum height allowed under the Winchester Boulevard Urban Village Plan. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

## **F. RESPONSE TO AISHAH SALIHUE**

**Comment F1:** The proposed hotel is said to include 119 guest rooms which is going to be maintained by 10 employees. The plan supposes that this parking space and number of employees will be sufficient to maintain a hotel of respectable quality which is not possible given that the hotel employee count needs to include housekeepers (the World Tourist Organization states that at least 8 staffers are needed per 10 rooms at minimum for a 3 star rated hotel), kitchen staff, valet, security personnel, finance manager, manager on site, shuttle drivers, and other essential staff. This clearly shows that the 10 employee estimate is grossly under what is needed for this proposed hotel to function as stated in the plan.

**Response F1:** Refer to the information under Response C1.

**Comment F2:** The proposed hotel is going to account for parking by building an underground parking garage with 69 parking spaces for a hotel with 119 rooms, 50 less spaces than the number of rooms. This is assuming that each room will have an occupancy of only 1 person at a time? In addition, this parking allotment does not take into account employee parking which as I stated above is a substantial staff needed to maintain a quality hotel. This also does not take into account space for parking the hotel shuttle vehicles, and space for deliveries, loading and valet services. Winchester Blvd is a very busy street (the daily average of vehicles on Winchester Blvd exceeds 10,000 as stated in Appendix C: Health Risk Assessment) This will be apparent once again with the end of the Covid-19 restrictions and complete reopening of businesses, schools, retail, entertainment and dining establishments. It is not safe for vehicles to block traffic on Winchester Blvd given it has only 2 lanes per direction at this location with so many vehicles going through each day. There is no space for parking on Winchester Blvd itself and parking on neighboring streets such as Fireside Drive, Redoaks Drive, and Castlemont Avenue will overwhelm the neighborhood and cause traffic congestion around Castlemont Elementary. It is dangerous to overwhelm such a busy street that already has high volumes of vehicle traffic with parking overflow from hotel employees, guests, visitors, delivery personnel and others who will frequent the proposed hotel. It will impede the travel of emergency responders for whom Winchester Blvd is a standard driving route and slow police response times as well.

**Response F2:** Parking and level of service (e.g. traffic congestion) are no longer CEQA issues and are discussed for informational purposes only. As discussed in the Transportation/Traffic section of the IS/MND, the proposed hotel was converted into an equivalent amount of retail space and it was estimated to generate 1,455 daily trips, which is equivalent to the trips generated by approximately 38,000 square feet of retail space. Pursuant to the City's VMT screening criteria, retail projects of 100,000 square feet or less are considered local-serving. Therefore, the proposed project did not require a detailed CEQA VMT analysis and the VMT impact was determined to be less than significant. The project proposes reduced parking and would be required to provide a total of 63 parking spaces with the implementation of the Transportation Demand Management Plan (See Appendix I), consistent with the City's requirement as outlined in Municipal Code Sections 20.90 and 20.90.220. The project would provide 66 on-site vehicle parking spaces which meets the minimum requirement of 63 vehicle parking spaces. As a Condition of Project Approval, the project would implement a TDM plan and any violation of the TDM plan would be subject to revocation, suspension, or modification of the permit. The TDM Plan identifies viable alternatives to traditional driving practices that will support guests who arrive by other means than by private car, such as hotel guest shuttle and bicycle, car-share vehicles, and bicycle parking as well as hotel employees who would receive

financial incentives for walking or bicycling to work and free VTA Smart Pass cards. The project's parking garage includes a location for valet vehicle queuing and the ground floor has a loading space for delivery trucks.

Appendix H of the IS/MND includes the project's TDM and LTA analyzes the operations of the proposed project and site. The study does not show adverse effects to the surrounding environment. The design of the project would not result in operations of unique circumstances that would create a hazard to the operations that is beyond City's policies and regulations. The comment provides no substantive information in regard to the project's effect on traffic impacts per CEQA requirements. No further CEQA analysis is required.

**Comment F3: Appendix C also outlines other health risks such as the air pollutants that will arise during construction. As someone who lives just north of the proposed project, any and all pollutants will affect the daily life of myself, my family and neighbors. The proposed construction will expose all in the surrounding area to carcinogens and other air pollutants. This can be mitigated by an extensive list of mitigation efforts which include watering the construction site. California is in the deep state of a very dangerous drought and water restrictions are being talked about for residents. How can this use of water be justified? Water cannot be utilized to push forth a project that would negatively impact our air quality. In addition, during construction, will it be safe for neighbors to be outside during the construction of this proposed hotel? The construction is stated to take 15 months; will neighborhoods need to continue to wear masks, close windows and avoid being outside their own home due to the air pollutants? As a resident, these are grave concerns that must be addressed and considered. It goes against San José's commitment to becoming a greener city.**

**Response F3:** The construction period is anticipated to last approximately 24 months. Please refer to the response provided under Response D9.

**Comment F4: The garbage bins for this proposed hotel are slated to be on the north side of the property which borders my home. This raises a number of concerns. One is that garbage collection when not maintained increases risk of pest infestation such as rodents and bugs. This is not safe for the residents such as myself. Additionally, at what time of day will garbage services for this hotel take place? It will be a constant source of noise disruption at odd times of the day such as late at night or early morning. This area is still primarily residential which makes this unsafe, unsanitary and disruptive.**

**Response F4:** Please refer to the information provided under Response D7.

**Comment F5: This proposed hotel is six stories tall. The safety of the neighborhood requires a detailed look at fire safety. The Santana Row Fire is a primary example of why fire safety must be taken seriously as embers traveled very far and caused the fire to spread rapidly which for a taller building must be considered even more seriously in the midst of a residential neighborhood. The proximity of the hotel to many homes, the senior living facility and other establishments means that fire danger is grave, especially during times of great drought. The cost of property, greenery and human life that is put at risk by attempting such a large establishment in the lot of this size is great and the potential damage would be hazardous. Safety must be a top priority. In a busy street like Winchester, safety precautions must be taken with the utmost consideration to maintain the safety of all in the vicinity.**

**Response F5:** Refer to the information provided under Response D4.

**Comment F6:** As a teacher in the San José Unified School District, the safety of students will always be one of my primary concerns in any given situation. The proposed hotel with its limited parking, large proposed guest and visitor areas, and need for loading and deliveries, will reduce the safety of Winchester Blvd for students at Castlemont Elementary and Monroe Middle walking to and from school. A large number of students can be seen walking to school each day and having large vehicles and bottleneck traffic due to the hotel will cause students to be at risk of being harmed. Vehicles on Winchester Blvd travel at a high speed and this combined with vehicles backing in and out of the hotel reduces the safety of the students walking to their local schools. Students and families must be prioritized in this situation. I attended Campbell Union School District schools and it was also my first place of employment so I have walked to these schools during the day for years. It is very important that we maintain the community centered, safety oriented streets to keep students able to attend school safely.

**Response F6:** Pages 51-54 of the Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. (Appendix H), provide a discussion of the pedestrian and bicycle facilities in the project vicinity. There currently are no sidewalks along the project's frontage on Winchester Boulevard. Therefore, students currently walking along Winchester Boulevard to and from the referenced schools must walk within a two-foot dirt pathway directly adjacent to the travel lanes on northbound Winchester Boulevard. The proposed project will install a 20-foot sidewalk along its frontage on Winchester Boulevard. Additionally, the project will include conditions of approval to install an audible warning signal at the garage entrances to alert pedestrians and bicyclists of vehicles exiting the parking garage. Therefore, the project will improve pedestrian travel along its frontage on Winchester Boulevard. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment F7:** Privacy is another major concern. The proposed six story hotel building will overlook all neighboring homes, eliminating the privacy of all residents including my family. It is not appropriate for residents to have to contend with strangers having full view into their properties. It is a residential neighborhood and stuffing a hotel into this area by converting what is right now still residential property is not in the community's best interest.

**Response F7:** Please refer to the response under Response D3.



## **G. RESPONSE TO MIKE DRABKIN**

**Comment G1: My wife and I live on Redoaks Drive, with the front of our house looking directly at the site of the proposed Winchester hotel. Please accept this submission as our comments regarding this project.**

- 1) None of the documents available for this project provide a satisfactory explanation exactly how the “10 employees per shift” staffing allocation was arrived at. We would hope that if built, this hotel would be at least a 3-star establishment. Online sources about hotel management indicate substantially different requirements for a hotel of this classification.**

**The amount of the staff engaged in hotel activity largely depends on the status of the hotel. According to the recommendations of the World Tourist Organization, the optimum number of staff per 10 rooms in a three star hotel – 8 person, in four star hotel – 12 person, in 5 star hotel – 20 person.” (119 rooms x 8 employees per 10 rooms = 95 employees)** <https://www.city-of-hotels.com/165/hotel-staff-en.html#:~:text=The%20amount%20of%20the%20staff,5%20star%20hotel%20%E2%80%93%2020%20person.>

- a) Number of Employees. Class as measured by full service or limited service refers as much to the size of the staff as to the physical amenities...The in-between class of hotel uses an in-between number of employees. That ratio ranges from 0.5 (one-half) an employee per room to as much as 1:1 ratio.”**

**Check-in Check-Out: Managing Hotel Operations, Second Edition, by Gary K. Vallen and Jerome J. Vallen. Published by Prentice Hall. Copyright © 2013 by Pearson Education, Inc. Chapter One: The Traditional Hotel Industry, p15.**

**Furthermore, by our conservative estimates and supported by the project documentation, here is a conservative list of employees required during day shift:**

**2x valet (the minimum requirement from Appendix H - Transportation Analysis, p.59)**

**1x TDM coordinator (per the TDM Plan)**

**1x Front desk attendant**

**1x General Manager**

**1x Maintenance person**

**3x Housekeeping staff**

**1x Laundry**

**1x Accounting**

**1x Bar**

**1x Coffee station**

**1x Kitchen area (at a minimum)**

**1x Shuttle driver**

**1x Security (Ref.:**

[https://digitalcommons.fiu.edu/hospitalityreview/vol16/iss1/?utm\\_source=digitalcommons.fiu.edu%2Fhospitalityreview%2Fvol16%2Fiss1%2F9&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digitalcommons.fiu.edu/hospitalityreview/vol16/iss1/?utm_source=digitalcommons.fiu.edu%2Fhospitalityreview%2Fvol16%2Fiss1%2F9&utm_medium=PDF&utm_campaign=PDFCoverPages))

**5x Restaurant staff**

**That's 21 total per shift, which would provide a minimum level of services and security for a hotel of this class and with the set of features that is described in the documents File Numbers: SP20-016, C19-031.**

**That number, of course, affects the parking reduction percentage calculation, making it greater than the allowed 50%: 119 rooms + 21 staff = 140 required parking spaces, which**

means the hotel would need to provide at least 70 parking spaces with implementation of a TDM plan.

- 2) Page 165 of 1212-1224 South Winchester Boulevard Hotel Project (Initial Study) describes Winchester Boulevard as "a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. We would like to point out that this is not the case currently, specifically in the immediate vicinity of the proposed project site. This might be part of the improvements, suggested on p. 176 of the same document, along with protected bike lanes.
- 3) We would like to understand whether there's a planned date for these improvements to be implemented, as well as for the City to acknowledge that in its current state, any loading/unloading, or passenger pick-up and drop off, would severely impact Winchester Boulevard north-bound traffic.

The recommended measures, listed in the TDM Plan, page 18, include Guest Shuttle services and On-site Car Share services, such as ZIP cars. Both of these services would require additional parking spaces. The project plan does not have dedicated spots for these.

----- end comments -----

**Response G1:** Refer to Response C1 and Attachment B which outlines the hotels staffing plan within the hotel operations plan.



## **H. RESPONSE TO MARLENE SCHWILK**

**Comment H1:** I echo the responses of the other residents of this neighborhood. We don't want Winchester Boulevard turned into the appearance of another high-rise downtown at the great expense of the people who currently live in this immediate area.

**Response H1:**As discussed in Response D.3, the project is in conformance with the CP Commercial Pedestrian Zoning District development standards and the project aligns with the development anticipated in the Winchester Boulevard Urban Village Plan. The IS/MND reviewed the proposed project and concluded with the implementation of Air, Biological, Hazards and Hazardous Materials, and Noise Mitigation Measures and project Standard Permit Conditions, the project would not have a significant effect on the environment. This comment does not address the adequacy of the Draft IS/MND. No further CEQA analysis is required.

**Comment H2:** I agree with Jeffrey Williams that the number of employees in the planning documents is greatly understated. How can 10 employees actually run a 119 room hotel with a manager, front desk staff, housekeeping staff, laundry room, restaurant, coffee bar, Valet, Shuttle Service, and other services. It doesn't seem possible. Hexagon needs to revise their calculations.

**Response H2:** Refer to the response under Response C1.

## **I. RESPONSE TO TOM AND GAIL MORMAN**

**Comment I1: WE OBJECT TO THE LACK OF TRANSPARENCY OF THE PROCESS SINCE THE REPORTS WERE NOT MADE PUBLIC UNTIL MAY 26, 2021, WHEN 2 HAD BEEN COMPLETED IN 2019; 4 COMPLETED IN 2020; 2 COMPLETED IN JAN & FEB OF THIS YEAR. THE PUBLIC, INCLUDING THIS IMPACTED NEIGHBORHOOD, WAS THEN GIVEN ONLY 20 DAYS TO MAKE FORMAL COMMENTS ON OVER 1100 PAGES OF DOCUMENTS.**

**Response I1:** Per City practice, draft CEQA documents, including draft technical documents, are not released to the public until all documents have been finalized as the document and analysis are subject to change throughout the City's review process. Consistent with CEQA and the CEQA Guidelines Section 15073(a), the 1212-1224 Initial Study/Mitigated Negative Declaration circulated publicly for 20 days, from May 26, 2021 to June 15, 2021. Therefore, the requirements of CEQA have been met. Additionally, the IS/MND 20-day circulation period is not the only opportunity for the public to provide feedback on the project and its review. The IS/MND and proposed project will be heard at a public City Council hearing. The City accepts project comments received leading up to and at the public hearings. The public hearings will be noticed with a hearing notice to the community within 1,000 feet of the project site. Public hearing notices are also posted on the City's website: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2021>

**Comment I2: No one can understand how dropping the height of the hotel by 5 inches and thereby receiving a 50% reduction in the rear setback to only 20 feet mitigates the need for sufficient "breathing room" in terms of air and sunlight access, privacy and noise, as called for in the Winchester Urban Village Plan (5.3-3.2)**

**Response I2:** The reduction in parking is not contingent on the height of the building. Pursuant to San José Municipal Code Section 20.90.220 (a-d), a project is eligible for a 20 percent parking:

- it is located within 2,000 feet of a proposed or existing rail station or bus rapid transit station, or an area designated as a neighborhood business district, or as an urban village, or as an area subject to an area development policy in the City's general plan or the use is listed in Section 20.90.220 G;
- and the structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.

For any reduction in the required of-street parking spaces that is more than twenty percent and up to 50 percent, the project shall be required to implement a transportation demand management program (TDM).

As stated in the Initial Study/MND, the project is located in the Winchester Boulevard Urban Village and provides the minimum bicycle parking per Table 20-90, and is incorporating a TDM plan. Therefore, the project meets the provisions of Section 20.90.220 and therefore, is eligible for a parking reduction between 20-50 percent.

The Initial Study/MND identifies the proposed project's height would be 64 feet, 7 inches. In accordance with Figure 5-3 of the Winchester Boulevard Urban Village Plan, buildings

equal to or less than 65 feet in height are subject to the 45-degree daylight rule in addition to a 20-foot rear setback when located adjacent to Residential Neighborhood or Urban Residential Land Use designations. As such, the building design incorporates a step back at 35 feet in height on the eastern property line, adjacent to residential uses.

The comment is not a CEQA issue as the hotel project meets the VMT screening criteria and therefore would not have a significant impact under CEQA. This comment does not address the adequacy of the Draft MND. No further CEQA analysis is required.

**Comment I3: Mandated Project Revisions: The Director of Planning, Building & Code Enforcement finds the Hotel Project “would not have a significant effect on the environment if certain mitigation measures are incorporated into the project”. “The applicant has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.” THE REVISIONS ARE NOT KNOWN TO THIS NEIGHBORHOOD AND SHOULD BE MADE PUBLIC PRIOR TO ANY FURTHER PLANNING DEPT ACTIONS OR APPROVALS.**

**Response I3:** This comment relates to page 1 of Mitigated Negative Declaration document that is part of the IS/MND. The identified mitigation measures shown on pages 2-5 of the MND identify the revisions the applicant has agreed to make to the project pursuant to the mitigation measures that must be implemented. This provides the public with a document that includes a complete project description and the mitigation measures needed, for review before the project is approved. The Mitigated Negative Declaration which was circulated for 20 days from May 26, 2021 to June 15, 2021, discloses potentially significant effects associated with the project and outlines the implementable mitigation measures to lower the potentially significant impacts to a less than significant level. The MND and associated Mitigation Monitoring and Reporting Program (MMRP) is not considered final until the project goes before the hearing authority and is adopted in an action along with the Special Use Permit.

**Comment I4: Number of Hotel Employees Hexagon Transportation Analysis (p 58) states that the project would have 119 rooms and a maximum of 10 employees on-site, thereby needing 129 parking spaces. The requested Parking Reduction “of 67 parking spaces”, now reduced to 66 parking spaces, is based on an incomplete accounting of the number of employees. The Planning Dept called for the applicant to provide a detailed accounting of the number of employees for all uses and not just the hotel, (Planning Dept Review letter dated 10/9/19), which was either never done or never made public. One only needs to look at the services being offered, as well as on-line information on the number of employees needed for a mid-range hotel, to see that 10 employees is understated. The owner’s engineer admitted at the public hearing that this was an “average”. That is not the same as a maximum of 10 employees on-site, WHICH IS THE REQUIRED STANDARD FOR THE ANALYSIS. The project is clearly underparked.**

**Response I4:** Refer to the response under Response C1.

**Comment I5: Drop Off at the front entrance – the drop off zone on the street in front of the entrance for check-ins violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.” Hexagon report (p 58) The hotel “site should provide time restricted parking spaces on-site for guest check-in and a valet drop-off/pick-up area that can accommodate at least two vehicles”. Where has this been done?**

**Response I5:** The project is not proposing, nor will the City allow, an on-street or on-site

drop off zone on Winchester Boulevard. All guests will proceed to the parking garage for check-in. The comment provides no substantive information in regard to the project's effect on traffic impacts per CEQA requirements.

**Comment I6: Parking Space Dimensions - Hexagon report (p 58) “The proposed parking space dimensions...do not meet City standards” and should be adjusted by City staff prior to further actions on this proposal. Has this been done and made public?**

**Response I6:** See Response C2.

**Comment I7: Fire Plan – On August 19, 2002, the Santana Row fire that caused more than \$100 million in damage, with embers igniting roofs half a mile away off Moorpark. The Winchester Hotel Plan (C5.0) shows Aerial Access rather than Fire Apparatus Access Roads, which other complexes along Winchester have had up to now. “The options available for attacking a fire increase when a building’s perimeter becomes more accessible to fire apparatus. Building codes contain a concept known as frontage increase. This allows the maximum size of the building to be increased if a structure has more than a certain percentage of its perimeter on a public way or open space accessible to fire apparatus. Ideally the full perimeter would be accessible; however, this is not always feasible.” OSHA, Fire Service of Buildings and Fire Protection Systems, p14. <https://www.osha.gov/sites/default/files/publications/OSHA3256.pdf>**

**In a memorandum dated 10/11/19 from Fire Department Associate Engineer Gordana Sabatelli regarding an Initial Response to Development Application of the Winchester Hotel, she cited eight comments in Section 1 which the applicant was to respond to in writing. “These comments to be addressed prior to Planning Approval” including: “Show on the plans that all exterior walls of the first story of the building are within 150 feet from the access road as measured along the path of travel (CFC Section 503.1.1) Was this done? We are not aware of this being made public. No information was made public as to how all exterior walls of the first story are within 150 ft of the access road (Winchester Blvd). It also called for a Fire Flow test from the approved fire hydrants be submitted to SJFD for approval. No information made public on this. It suggested a Variance could be sought, but must be approved prior to Planning Approval. The Fire Dept should review the plan for compliance with Fire Code prior to Planning Approval. Fire Dept Memorandum is attached.**

**Has the Fire Dept considered all of the uses, changes in the rear setback, e.g. the outdoor seating area, the reduction of the setback to 20 feet where PG&E high voltage wires run along the fence line, the obviously inevitable back up of cars in front? The scale of the building and the rear area uses also may affect the fire hazard risk to the residential properties and could affect the insurability or related costs.**

**Response I7:** Please refer to the response provided under Response D4. During the Planning Review, the Fire Department noted that a Fire Variance will be required for the project. The Fire Variance application will be deferred to the Building Permit stage. Approval of the Fire Variance is required prior to issuance of the Building Permit.

**Comment I8: FAR calculation failed to calculate the access/rights of way for Fire Hose Lines. These should have been subtracted from the net lot size, which would alter the size of what could be built. The FAR calculation needs to be corrected and made public.**

**Response I8:** This comment does not address the adequacy of the IS/MND. No further

CEQA analysis is required. For informational purposes, the floor-area ratio (FAR) calculation is correct. Section 20.200.413 defines FAR as “the floor area of the building or buildings divided by the total project site area...Total project site area is determined as follows: (1) The area of land covered under a single development permit, exclusive of any area dedicated by the project for public right of way, public park, or public school purposes. (2) Areas covered by sidewalk easements shall be included in the total project site area.” The fire hose lines and fire access easements are not dedications or land conveyed for public right-of-way, public parks or public school purposes and therefore the calculation is correct.

**Comment I9: Maximum roof top height limits. Per Municipal Code 20.85.040, exceptions to allow elevator shafts and stairwells to exceed the general zoning district height limitation can only go up to 17 feet above the general zoning district height limitation. The height limitation is  $65' + 17' = 82'$ . According to the Hotel Roof Plan (A.14), the highest peak is 88'11", exceeding the height limitation.**

**Response I9:** This comment does not address the adequacy of the MND. No further CEQA analysis is required. For informational purposes, Sheet A.14 of Appendix A in the IS/MND is a floor plan review of the roof and does not indicate the height of the building. Sheet A.17 of Appendix A includes the elevator's height, which is ten feet above the roofline and the tallest point of the building. The maximum building height including the elevator and other non-occupiable architectural features is 74 feet, 6 inches.

**Comment I10: Parking Garage Drop Off – although the Plan now shows the drop at the garage entry, there is only room for one car at a time. When there is more than one car, they will be waiting on the sidewalk, blocking pedestrian traffic. If there is a longer line, cars will need to wait on the street, backing into the area in front of A Grace Subacute Care. Furthermore, the Hexagon Transportation Analysis (p 58) states: “Appropriate visible and/or audible warning signs should be provided at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the parking garage.” This contradicts Policy 3-20: “New development should support and enhance the pedestrian and bicycle environment and provide greater connectivity to the overall network.”**

**Response I10:** There will be no drop-off or pick-up area at the garage entry as referenced in the comment. Rather, all guests will proceed to the parking garage basement level for valet queuing and check-in, as depicted in Sheet A.06 of Appendix A of the Initial Study/MND. Therefore, the parking garage circulation will not contradict Policy 3-20 of the Winchester Boulevard Urban Village Plan as it would not interrupt the pedestrian and bicycle environment or interfere with the greater pedestrian and bicyclist connectivity to the overall network. The implementation of safety devices such as the recommended visible and/or audible warning signs is not in conflict with City policies that are intended to also improve pedestrian and bicyclist's safety and as discussed in Response F6, the visible and audible sign would be a project condition of approval to ensure conformance with City requirements. Per the updated Hotel Operations Plan (Attachment B), pick-up/drop-off for rideshare vehicles and taxis will occur inside the garage. This comment does not address the adequacy of the Draft Initial Study/MND. No further CEQA analysis is required.

**Comment I11: Delivery and Loading Zone: The Hotel Plan now has an on-site Loading Zone.**

**Because of the inadequate space in the garage, vehicles must back out across the sidewalk in order to exit. Again, this contradicts Policy 3-20 and could be hazardous for strolling pedestrians.” However, the garbage bins are stored in an area along the north side of the structure. They will obviously be moved out across the sidewalk to the street. This again violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.”**

**Response I11:** As described in Section 3.0 (Project Description) [or Sheet A.08 in Appendix A] of the IS/MND, the trash bin storage location would be hidden from public view in accordance with the Winchester Boulevard Urban Village Plan. Per the Hotel Operations Plan (Attachment B), the trash bins will be wheeled out to South Winchester Boulevard for garbage collection. The trash bin staging on Winchester Boulevard will be temporary and as conditioned in the project permit, bins will be returned to the trash enclosure following garbage collection. This comment does not address the adequacy of the Draft Initial Study/MND. No further CEQA analysis is required.

**Comment I12: Rear yard bench/seating structure Hotel Plan shows rear yard bench/seating structure is now next to the rear fence, located in the setback area. Previously planned next to the hotel, it was most likely moved due to the Fire Hose Line right of way. Doesn't a permanent bench/seating area violate the 20' setback?**

**Response I12:** The setback area, established by the Winchester Boulevard Urban Village Plan, establishes the area which a building cannot be located. It does not limit the location of other features including landscaping, seating, etc. This comment does not address the adequacy of the Draft MND. No further CEQA analysis is required.

**Comment I13: Air Quality – Impact AQ-1: “Project construction activities associated with the project indicate that the maximum cancer risk from project construction is 33.1 cases per one million, which exceeds BAAQMD threshold of 10 in one million.” (Mitigated Negative Declaration, p2 of 6). Cancer risk is over 3 times the threshold. Prior to the issuance of any demolition, grading or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement demonstrating how their equipment would achieve at least a 70% reduction in harmful emissions. Assuring that health concerns of this magnitude are adequately addressed with an effective construction operation plan should be made public prior to any further Planning Dept actions or approvals.**

**Response I13:** Project construction activities associated with the project would result in 33.1 cancer risk cases per one million, which exceeds the BAAQMD threshold of 10 in one million; however, with the implementation of Mitigation Measure MM AQ-1, which includes the submittal of a construction operation plan prepared by an air quality specialist, the project’s impact would be reduced to less than significant levels (less than 10 in one million cancer risk threshold). MM AQ-1 is integrated into the Mitigation, Monitoring and Reporting Program (MMRP) consistent with CEQA Guidelines Section 15126.4(a) (2) which states, “mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” The construction operation plan would be reviewed by the Director of Planning, Building and Code Enforcement or Director’s designee prior to the issuance of a demolition or grading permit and implemented during construction activities. The approved construction operation plan would be available to the public. This comment does not raise any new information that would change the project’s impact or provide new



information that would result in new significant impacts or mitigation measures that those analyzed and disclosed in the Initial Study/MND and associated appendices.

**Comment I14: Noise and Vibration Minimization Measures – We have heard of other properties near one of the building sites close to Santana Row suffering cracked walls due to the construction. The Developer offered to photograph the nearby properties prior to starting construction. In addition to mitigation measures for noise, what measures will be taken for any damage in walls or structural components caused by this construction? We believe this should be addressed prior to Planning approval.**

**Response I14:** According to the noise assessment prepared by WJV Acoustics on September 17, 2020 (Appendix G), the highest levels of construction related vibration are typically associated with pile driving and the use of vibratory rollers. While the project would include pavement breaking and demolition activities, project demolition and construction would not include pile driving or the use of a vibratory roller. The nearest residential structures on the adjacent sites to the north and east, respectively, would be within 15 and 70 feet. At these distances, vibration levels would be up to 1.23 inches per second peak particle velocity (PPV), which would exceed the City's 0.2 inch per second PPV limit. However, according to the noise assessment, project demolition and construction activities would not be utilizing the vibratory roller (the only construction tool to exceed the City criterion of 0.20 in/sec PPV) and, therefore, would not be expected to produce continuous vibration levels exceeding the City's standards for nearby sensitive receptors, such as those to the north and east of the project site.

To ensure the project construction does not exceed the City's 0.2 inch per second PPV limit, the IS/MND includes a permit condition prohibiting the use of a vibratory roller and/or pile driving. With implementation of the condition of approval, the project construction would not exceed the City's threshold for significant impacts, and therefore, no additional measures such as the crack surveys identified in the comment are required. The comment provides no substantive information in regard to the project's effect on traffic impacts per CEQA requirements.

**Comment I15: Please clarify the decision making process and timelines, and identify the decision makers at each stage of the approval process. Specifics on the procedure for making an appeal is also critical to have very soon.**

**Response I15:** This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required. For informational purposes, the project includes a conforming rezoning from R-1-8 Single-Family Residence Zoning District to CP Commercial Pedestrian Zoning District and a Special Use Permit. Pursuant to Section 20.120.100, if the Director determines that a petition for zoning or rezoning, filed pursuant to Section 20.120.020, conforms to the land use/transportation diagram of the General Plan, the Director may, in lieu of the Planning Commission hearing, prepare a report or recommendation for the City Council. Pursuant to [Section 20.100.140](#) of the Zoning Code, whenever applications for the same site have been filed for one or more development permits or approvals required by this title, such development permit or approvals may be reviewed and acted on in a unified process. The unified process shall use the public hearing procedures required for the highest level permit or approval. Permits and approvals are ranked as follows with the highest level permit or approval listed first: Development Agreement; Rezoning, Major Encroachment Permit; Street or Easement Vacation; Conditional Use Permit; Subdivisions; Determination of public convenience or necessity; Planned Development Permit; Special Use Permit; Site Development Permit; Single-Family House Permit-director's decision; development exception; development variance; tree removal permit-director's decision; single-family house permit-administrative decision; and tree removal permit-administrative decision.

As the project consists of a privately initiated Conforming Rezoning and a Special Use Permit, it would be heard directly at a City Council hearing.

Pursuant to Table 20-270 in Section 20.120.010, the Neighborhood Community Commercial designation has the following conforming zoning districts: CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General. The project proposes to rezone the property from R-1-8, a non-conforming zoning district, to CP Commercial Pedestrian, a conforming zoning district.

Protests to the rezoning can be pursued by following the filing requirements in Section 20.120.400; zoning protests must be filed in writing with the Director no later than 5:00 p.m. on the fifth day before the date of the opening of the Council's hearing on the proposed zoning ordinance. If there is a majority protest by owners of sites bounded by fifty percent or more of the total length of the protest line, or by the owners of not less than fifty percent or more of the area of the subject property, the Director will follow the process outlined in Section 20.120.420.

**Comment I16: We look forward to your timely response since the initial neighborhood group is receiving calls from more area residents and we need your response in order to effectively communicate with these additional concerned residents.**

**Response I16:** Receipt of comments was acknowledged on June 16, 2021 via email by City staff (Maira Blanco, environmental project manager) and included all commenters listed in this document. This formal Response to Comment will also be made available at least 10 days before the City Council hearing. This comment does not address the adequacy of the Draft MND. No further CEQA analysis is required.



## **J. RESPONSE TO MONICA PAIGE JUMA**

**Comments J1 through J14:** The first 14 comments submitted are identical to Comments I1 through I14.

**Responses J1 through J14:** Please refer to the responses provided under Responses I1 through I14.

**Comment J15: Traffic Study –** This was completed 3/2020 during the COVID pandemic when “safe at home” measures were in place and traffic was at a minimum. This study needs to be updated to accurately reflect the current and future traffic flow to assess how a 6-story hotel would impact the traffic congestion

**Response J15:** For a conservative analysis, traffic counts collected prior to the COVID-19 pandemic (November 2019 and 2018) were used (see Appendix B of the Transportation Analysis – Appendix H). Similarly, the VMT analysis utilizes the City’s VMT Evaluation Tool which is based on pre-pandemic traffic forecasts using the City’s Traffic Forecasting Model. Therefore, the comment provides no substantive information in regard to the project’s effect on traffic impacts per CEQA requirements. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

**Comment J16: Reverse Condemnation –** How will we be compensated for not only a decrease in property value but also quality of life (secondary to hotel’s negative impact on sunlight, view, traffic congestion, pollution, anxiety regarding safety)?

**Response J16:** Refer to Responses D3 and E3.

**Comment J17:** Please clarify the decision-making process and timelines, and identify the decision makers at each stage of the approval process. Specifics on the procedure for making an appeal is also critical to have very soon.

**Response J17:** Please refer to the response provided under Response I15.

## **K. RESPONSE TO STEPHEN JUMA**

**Comments K1 through K14:** The first 14 comments submitted are identical to Comments I1 through I14.

**Responses K1 through K14:** Please refer to the response provided under Responses I1 through I14.

**Comment K15: Traffic Study** – This was completed 3/2020 during the COVID pandemic when “safe at home” measures were in place and traffic was at a minimum. This study needs to be updated to accurately reflect the current and future traffic flow to assess how a 6-story hotel would impact the traffic congestion.

**Response K15:** Refer to the response provided under Response J15.

**Comment K16: Shadow Study** – This only was done until the late afternoon/early evening. This sound be extended until sundown to fully assess impact of the 6-story hotel on the neighbors’ sunlight.

**Response K16:**

**Comment K17: Reverse Condemnation** – How will we be compensated for not only a decrease in property value but also quality of life (secondary to hotel’s negative impact on sunlight, view, traffic congestion, pollution, anxiety regarding safety)?

**Response K17:** Refer to the responses provided under D3, E3.

## **L. RESPONSE TO ALI S**

**Comment L1:** For example in the initial study for the potential hotel project, specifically the sections that identify the impact on the resources that the potential hotel will have, the study states the following frequently, “The project would not have a significant impact on this resource, therefore no mitigation is required.” For hydrology and water quality, the construction is supposed be for 15 months and requires frequent use of water throughout the day (for 15 months) to prevent air contamination and mitigate the amount greenhouse gas emissions, and we are in the midst of a historic drought, and people are at risk of having their water supply cut off.

**Response L1:** Hydrology and water quality is discussed in Section 4.10 of the Initial Study/MND. The use of water for dust suppression measures is covered in Section 4.3 (Air Quality) of the Initial Study/MND. The use of water during construction activities is short-term and is, therefore, not considered a significant use of water. Further, water is used to control dust on exposed surfaces during earth-moving activities, not during the entire construction period. The project is estimated to last 24 months. Refer to Response D8. This comment does not address the adequacy of the Draft Initial Study/MND. No further CEQA analysis is required.

**Comment L2:** For transportation and traffic, there are only two lanes on Winchester BLVD (northbound) which can get congested easily, especially when the delivery vehicles arrive at the hotel. This will cause gridlock in traffic that would affect Castlemont students and nearby residents. The traffic report was released at the time of the Shelter-In-Place order when it was implemented last year in March, so the context of the traffic report doesn’t support the initial study when it comes to the impact on traffic.

**Response L2:** As stated in Response J15, the analysis relies on peak-hour traffic data that was collected prior to the COVID-19 pandemic in November 2019 and 2018 (see Appendix B [Traffic Counts] of the Transportation Analysis, Appendix H of the IS/MND). Similarly, the VMT analysis utilizes the City’s VMT Evaluation Tool which is based on pre-pandemic traffic forecasts using the City’s Traffic Forecasting Model. Therefore, the comment provides no substantive information in regard to the project’s effect on traffic impacts per CEQA requirements.

Per the Hotel Operations Plan (Attachment B), loading and delivery would be conducted on-site adjacent to the garage entry.

**Comment L3:** Overall, I am not sure how these conclusions from the initial study, regarding the impact on the resources, were made as mentioned above. Who is conducting these studies and how and when they are being conducted must be taken into consideration.

**Response L3:** The Initial Study/MND was prepared by the City of San José, with the assistance of various technical consultants to provide qualitative and quantitative analyses including EMC Planning Group, Illingworth & Rodkin, Hexagon Transportation Consultants, Essel Environmental Engineering and Consulting, Bay Area Tree Specialists, Cornerstone Earth Group, and WJV Acoustics, all qualified in their field of expertise to prepare the studies. The appendices include technical reports which outline the methods used to conduct

the technical studies. This comment does not address the adequacy of the Draft Initial Study/MND. No further CEQA analysis is required.

## **M. RESPONSE TO HAL STONE**

**Comment M1:** This email is a (desperate) last ditch effort to implore you not to degrade our neighborhood with a 6 story, 120 room hotel.

It's not necessary for me to rehash the specifications (the holes in which are many), nor will I raise the same issues that have been repeatedly raised regarding building usage, traffic congestion, parking, safety, number of employees, etc. apparently, the information we have is as much and as thorough as we can expect at this point.

I will, however, reiterate the fact that this project, on so many levels, is a blight on our neighborhood. It contributes nothing aesthetically or economically. This proposed hotel contributes nothing to the place we call home.

I respectfully request that you reconsider this project. My feeling is that none of you would want (or accept) a hotel in your backyards, so please extend to us the courtesy of not force fitting this monstrosity in our neighborhood.

Obviously, we're all rather passionate about keeping our neighborhood residential. Please don't allow one person's quest to make a few dollars jeopardize the effort we've put in to ensure the comfort and well being of our neighborhood.

**Response M1:** As discussed in Response D.3, the project is in conformance with the CP Commercial Pedestrian Zoning District development standards and the aligns with the height requirements and type of development anticipated under the Winchester Boulevard Urban Village Plan. This comment does not address the adequacy of the Draft Initial Study/MND. No further CEQA analysis is required.

## **N. RESPONSE TO MABEL CHENG**

**Comment N1:** The parking described in the plan does not appear to meet the needs of the staff and guests of the hotel, and will thusly impact the surrounding neighborhood. With upwards of a dozen employees and full hotel occupancy (119 guests), the 65 planned parking spaces do not even meet half of the need. This is going to cause street parking issues for nearby residents and businesses. Compliance with City Parking Code allows for reduction in required auto parking when bicycle parking is provided. While this may make sense with residents or patrons/employees of some businesses, this does not make sense for a hotel. It would be unrealistic to expect the majority of hotel guests to conduct their local business and entertainment via walking, cycling, and public transit. The parking plan is far from realistic.

**Response N1:** As discussed in Responses F2 and I2, above, the parking reduction is not contingent on the height or use, but rather the project location. The comment provides no substantive information in regard to the project's effect on traffic impacts per CEQA requirements

**Comment N2:** The five adjacent homes located within the shadow of the hotel will have a substantial reduction in solar electricity generation capability, especially in the winter months when sun-hours are in short supply. Some of these homes have existing solar installations, and their electrical and financial viability will be diminished. The hotel's solar access blockade runs counter to the drive behind California's residential solar mandate. Further, the negative impact on solar generation capability of nearby properties does not support the following measures in the Appendix J Greenhouse Gas Reduction Checklist:

- **MS-2.2:** Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- **MS-16.2:** Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.

The developer's response to MS-16.2 states that MS-16.2 is not applicable because the "project is a hotel and does not generate or distribute energy". This is incorrect. The project has solar panels and therefore generates energy. The hotel is electrically grid-tied (primarily uses energy from PG&E), and therefore is capable of distributing energy in situations where solar generation exceeds demand. Thus MS-16.2 is applicable, and the project has not addressed it, neither on behalf of itself nor its neighbors.

**Response N2:** The California Solar Rights Act (AB 3250, 1978) and the Solar Shade Act (AB 2321, 1978) only protect existing solar panels and solar easements from trees and shrubs planted after installation of the solar panels. There is no guaranteed solar access as it pertains to new building construction. Replacement trees would be planted along the project site boundary to increase the privacy of homes these trees (which include Crepe Myrtle, Western Redbud, Japanese Myrtle, and Carolina Laurel Cherry,) are not anticipated to grow beyond 30 feet in height. Given the replacement tree locations, the location of the sun, the spacing of the trees and their maximum anticipated heights, the replacement trees proposed for the project would not meet the threshold for violation under Section 25982 of the Act which prohibits tree owners from planting or allowing a newly planted tree or shrub to cast a shadow over more than ten percent of a solar collector on a neighboring property at any

one time during the hours of 10:00 a.m. and 2:00 p.m. Therefore, the proposed project would not impact any existing or future solar systems on nearby properties. The City has no adopted thresholds for increased shading through most of the City (the exception being development in downtown San José that would increase shade on public parks) and does not identify the shading of private residences as a significant land use impact. Furthermore, the courts have determined that “California landowners do not have a right of access to air, light and view over adjoining property.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4<sup>th</sup> 492).

MS-16.2 in the Greenhouse Gas Reduction Strategy Checklist refers to the establishment of a neighborhood-based distributed clean/renewable energy generation to improve energy security and to reduce the amount of energy wasted in transmitting electricity over long distances. The hotel project would install and maintain its own solar panels. This would not be a neighborhood-based clean energy plant as described in MS-16.2 and the Initial Study analysis is correct. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

**Comment N3: The offsets and easements on the north and south edges of the property are insufficient. What happens when a crane is required to repair the northeast corner of the hotel?**

**Response N3:** This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required. For informational purposes, the project meets the required minimum setbacks from adjacent properties: 20-foot rear setback, 5-foot side setback on the north and 6-foot side setback on the south.

**Comment N4: I do not believe that this hotel is a good fit for the neighborhood, within the tight boundaries of two former residences.**

**Response N4:** Refer to Responses D3 and I15.

## **O. RESPONSE TO HELEN MATSUMOTO**

**Comment O1: Documents not shared/disclosed.** The neighborhood concerned residents have been discussing and has multiple meetings with the Vice Mayor office. We have repeatedly express concerns and have asked on multiple occasions for more information especially the TDM, Fire report, site plan with dimensions, etc. However to our dismay, the documents recently shared have dates of 2020 and Jan 2021. This clearly was available but not given until the end of May. May 26, 2021. This is clearly withholding information and placing the neighborhood at a distinct disadvantage.

**Response O1: Refer to Response I11.**

**Comment O2: Number of Hotel Employees.** The number of employees stated is 10. However for a hotel of 119 rooms this is clearly not correct. A full disclosure needs to show the 10 positions. Currently the number 10 is given without regard to the actual positions such as house keeping, maintenance worker, valet, restaurant cook, waiter, TDM worker, front desk, management, etc. The lack of specific employee task or job description indicates that this is just a ‘number’ and not a real operational value.

**Response O2:** Refer to the response provided under Response C1.

**Comment O3: Number if parking spaces.** The TDM indicates a reduction of 48.8%. This is based on the number of required spaces of 129, which is 119 (rooms) + 10 (employees). However since the number of 10 employees has not been justified, this reduction percent, also cannot be justified. As the number of employees is more than 10, then the reduction will be over 50% which is above the Urban Village Plan.

The TDM also specifies that the below 50% needs to be re-evaluated for the life of the project. Compliance with Subsection 20.90.220.A.1.e. Thus it is important that this be address at the beginning of the project and not each time to consider some remediation later.

**Response O3:.** Refer to Response C.1. In accordance with Sections 20.70.330 and 20.90.220 of the San José Municipal Code, which allows up to a 50% reduction in off-street parking if certain criteria are met, the proposed reduction in off-street parking can be allowed with the implementation and maintenance of a TDM plan. The project will be required to submit and have approved by the City its TDM program. The comment provides no substantive information in regard to the project’s effect on traffic impacts per CEQA requirements.

**Comment O4: Delivery and Loading.** Review Letter dated Oct 9, 2019 states the following: **Loading Space:** Pursuant to Section 20.70.440, hotels with greater than 100,000 gross floor area shall provide one off-street loading space. Section 20.90.420 requires loading spaces to be a minimum of 10 feet wide, 30 feet long, and 15 feet in height.

However the implementation of this loading space for this project is not feasible. The loading space in open in one direction. It is not a through way so a delivery truck will need to either back in or back out into the street. The plan also does not show a 30 feet long clearance.

In addition, for this project a hotel requires many daily deliveries. House keeping supplies, laundry, food service for the restaurant and coffee bar, etc will result in a high demand for the



one space.

**Response O4:** This comment does not address the adequacy of the IS/MND. Per the Hotel Operations Plan (Attachment B) and as shown on the plan set (Appendix A of the IS/MND), deliveries will be made adjacent to the garage entry during permitted hours; the project permit would set the hours via a condition of approval consistent with the Zoning Ordinance – in commercial zoning districts, Section 20.40.500 restricts late night/outdoor activity for commercial uses within 150 feet of residentially zoned properties (no outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty feet of any residentially zoned property between the hours of 12:00 midnight and 6:00 a.m.).

**Comment O5: Trash pickup.** There is a small area designated for trash on the North side of the building. However there is no room for a garbage truck to access any dumpster. The dumpster will need to be coordinated to be moved onto the street. As the Urban Village Plan indicates there should not be any impediment of traffic flow for cars, bikes, pedestrians. Trash pickup will indeed be disruptive to any traffic flow. This violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.”

**Response O5:** Refer to the response provided under Response C3.

**Comment O6: Fire Plan.** The Fire plan is extremely important as this affects the entire neighborhood. The building has only one access for a fire truck that is from Winchester Blvd. The side of the bldg. to the property fence is only 6 feet maximum therefore there is no access for a fire truck to either the South, East or North side of the bldg. It has been outlined in a preliminary report that the bldg. could be supported with a overhead ladder. However this would not seem feasible if a fire is in the back East side of the bldg. and is mid level. The overhead ladder would not be able to reach this spot.

**Response O6:** Refer to Responses D4 and I7.

**Comment O7: Parking and Valet.** The underground concept of a stacked parking lifts is not feasible at all. There are many concerns with the amount of time taken to park and retrieve cars. This greatly impacts the traffic as there is only one staging area in which cars can wait either to be parked or for new guests to unload luggage. This definitely needs to be addressed especially when the number of parking spaces is in question already.

**Response O7:** This comment does not address the adequacy of the IS/MND. Per the Hotel Operations Plan (Attachment B), valet parking operations are located in the basement level. Upon guest arrival, hotel staff will greet the guest and park the hotel guest’s vehicle. Upon departure, hotel valet staff will then retrieve the guest’s vehicle.

**Comment O8: Noise and Vibration.** The neighborhood, especially the those that are adjacent to the project reserve the right for compensation for structure damage due to the construction of the project. As the project requires below ground work, this will mean additional excavation and foundation work to support a six story building.

**Response O8:** Per the Impact Discussion in Section 4.13.6 (Noise) of the Initial Study/MND, significant construction noise impacts would occur if a project is located within

500 feet of residential uses or 200 feet of commercial or office uses and uses construction equipment or involves construction activity generating substantial noise such as demolition, grading, excavation, pile driving, impact equipment, etc., for a period of more than twelve months. As stated in the Initial Study/MND, project construction is anticipated to last 24 months, therefore, a mitigation measure requiring the project applicant to prepare a construction noise logistics plan was applied to bring the impact to a less than significant level. The noise logistics plan would consist of limiting construction hours to 7:00 a.m. to 7:00 p.m. Monday through Friday, designation a noise disturbance coordinator, and include measures to reduce noise emanating from the site. Under the same section, the Initial Study/MND also includes a discussion on the generation of ground-borne vibration and ground-borne noise levels. The highest levels of construction-related vibrations are typically associated with pile driving and the use of vibratory rollers. While the project would include pavement breaking and demolition activities, project demolition and construction would not require pile driving or the use of vibratory rollers. As such, the project permit will include a condition of approval which precludes both pile-driving and vibratory rollers from all phases of construction. The Noise section of the Initial Study/MND relied on the noise study titled 1212-1224 Winchester Boulevard Hotel San Jose, CA Environmental Noise Assessment, prepared by WJV Acoustics and dated September 17, 2020 (Appendix G of the Initial Study/MND). Response to noise and vibration has also been provided under Response I14.

**Comment O9: Overall concerns. Many of the concerns being brought up by the neighborhood address the day to day operations and how it will negatively impact the traffic and community. However the since these concerns have not been addressed in the past, the feedback to the community is that the day to day operations are NOT of a concern. The project itself is of more value than common sense concerns.**

**In conclusion the resultant project will be a BUST. Given the lack of parking, extraordinary time of valet wait, under staffing of hotel, it would indicate that patrons would not wish to stay at a hotel such as proposed. The building will be built, become an eye sore as does not fit in the surrounding neighborhood and be a waste as no one would want to invest in it. Worse we will have a 6-story building that towers over the neighborhood, blocks out our sunlight, and take away our normal view of the sky as we'll see a 6 story concrete building. This Urban Village overall is to enhance people's lives but instead it is forcing a 6 story hotel on 2 small parcels that has a very negative impact to our family and to our neighborhood.**

**Response O9:** Refer to Responses D3 and H1.

**Comment O10: We are very concerned that this project to “enhance” our neighborhood instead will create an unsafe environment (due to what we and others have noted: fire safety, privacy, blocking of pedestrians and flow of traffic, noise factor that is 24 hours in a residential neighborhood which then interferes with our sleep, and adding to the traffic for the skilled nursing when they have a 9-1-1 call.**

**Response O10:** Pedestrian flow and traffic are addressed in Section 4.17 of the Initial Study and noise is addressed in Section 4.13 and Response D4 which address fire protection services.

**Comment O11: We are very concerned for the welfare of our neighborhood and truly do not see**

**how a hotel will benefit or be needed in this area. Hotel industry is one of the hardest hit from COVID-19. As my husband stated above, if built, it will become an eyesore to our neighborhood.**

**Response O11:** This comment does not address the adequacy of the Draft MND. No further CEQA analysis is required.

## **P. RESPONSE TO JENNIFER MUSCHA**

**Comment P1: I am writing my objections for the proposed development of the hotel project at Winchester and Payne. What purpose would a hotel in our residential neighborhood provide? Are there not enough hotels in our general area already to accommodate the number of visitors we have to this area?**

**Response P1:** As stated in Section 3.0 (Project Description) and Section 4.11 (Land Use) of the IS/MND, the Neighborhood Community Commercial designation and the CP Commercial Pedestrian Zoning District are commercially-focused. As discussed in Response D3, the proposed hotel project is in conformance with the development standards, FAR, and height allowance in the Winchester Boulevard Urban Village. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

**Comment P2: Putting a hotel in that location, aside from its massive presence and the invasion of privacy for nearby homeowners, would only negatively add to the constant increase of congestion that already exists in the area. The queuing lines for the nearby freeway entrances have already been impacted with the current level of traffic during the morning and afternoon commutes, as well as the constant traffic problems as a result of the local restaurants, shopping centers and other businesses. Placing a hotel in this location would only add to an already existing traffic and noise problem.**

**Response P2:** Council Policy 5-1 “Transportation Analysis Policy” replaced Council Policy 5-3, “Transportation Impact Policy” as the policy for transportation development review in the City of San Jose. This policy aligns the City’s transportation analysis with California Senate Bill 743 and the City’s Envision San Jose 2040 General Plan. The Policy establishes the thresholds for transportation impacts under the CEQA, removing transportation Level of Service (LOS) and replacing it with Vehicle Miles Traveled (VMT). Vehicle queuing as described by the commenter would fall under a level of service analysis. As stated in the Transportation Analysis (TA) (Appendix H of the Initial Study/MND), a Local Transportation Analysis (LTA) was included in the analysis which consisted of an intersection operations analysis to quantify the operations of intersections and to identify potential negative effects due to the addition of project traffic; however, potential adverse impacts identified by the LTA are not considered CEQA impacts. Nonetheless, the intersection operations evaluation determined that the proposed project would have no adverse effect on intersection operations: “The operations analysis shows that all of the study intersections are projected to operate at acceptable levels of service, based on the Cities of San Jose and Campbell, and CMP intersection operations standard of LOS D and E, respectively, under background conditions, background plus project, and cumulative plus project conditions during both the AM and PM peak hours” (page iii, Transportation Analysis, prepared by Hexagon Transportation Consultants, Inc., dated June 18, 2020. The comment provides no substantive information in regard to the project’s effect on traffic impacts per CEQA requirements.

**Comment P3: I am NOT in support of a hotel in this proposed location and hope that the city does not approve its development.**

**Response P3:** As described in Response I15, the project will go before City Council. Both hearings are public hearings; hearing notices will be mailed to property owners within 1,000 of the project site. The public hearing is an additional opportunity for public input. This comment does not address the adequacy of the Draft Initial Study/MND. No further CEQA analysis is required.

## **Q. RESPONSE TO PACIFIC GAS AND ELECTRIC**

**Comment Q1:** This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).

**Response Q1:** As stated in Section 4.19 (Utilities) of the IS/MND, the applicant will comply with all application requirements, including those of utility systems. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

**Comment Q2:** If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

**Response Q2:** This project is not part of a larger project. This comment does not address the adequacy of the Draft MND. No further CEQA analysis is required.

**Comment Q3:** An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities

**Response Q3:** The applicant will comply with all application requirements, including those for utility systems. The project would be required to present a construction plan to the Building Department for review – this type of issue would be flagged at the Building Permit stage and the project applicant would coordinate with the appropriate utility company as necessary. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.



## **R. RESPONSE TO JOHN GRISWOLD**

**Comment R1:** Re-zoning for this monstrous hotel will diminish adjacent property values. A home buyer deciding between two equivalent homes will pay substantially less for the one that is literally within the shadow of a 6 story eyesore. Adjacent property owners have a right to compensation or relief where their view is lost to rezoning and construction, even where no footprint acreage is taken. The 6 story hotel will have upper level balconies overlooking private residential pools, yards, and bedrooms. These homeowners will no longer enjoy the privacy they purchased and reasonably expect. The adjacent homes were built and occupied with the expectation of 1-2 story residential neighbors. The negative impact of this project on the fair market value of adjacent homes should be determined by a neutral assessor who is neither employed by the hotel nor the pro-business city planners, and injured parties should be justly compensated. As part of assessing the fair market value impact on adjacent homes, planners should render realistic views of the hotel from the backyards, pools, patios, dining rooms and upstairs bedrooms of these adjacent property owners. If the city of San Jose plans to flex its pro-business mindset by discarding extant zoning, they should also plan to offset the negative impact to those harmed. If not, they can expect inverse condemnation legal action.

**Response R1:** Refer to Responses under D3 and E3.

**Comment R2:** Tall columnar trees should be included in the landscape plan to mitigate the substantial privacy loss for adjacent homes. These trees should be selected to break up the visual impact of the ominous non-residential structure, complementing the vegetation already planned for the purpose of decorating the hotel's back patio. These tall trees will inevitably interfere with existing power and communication lines currently mounted on poles along the eastern edge of the property. Therefore, the site plan should include moving these utilities underground to prevent storm-related outages. PG&E will need to upgrade the service capacity anyway, as the electrical needs of the hotel will far outweigh the current capacity established for the two condemned residences. The existing vegetation that currently serves as a privacy shield (for single story residences) will be destroyed. Also, any impact on easements should be reassessed as appropriate.

**Response R2:** As described in Section 3.0 (Project Description) of the IS/MND, trees will be planted along the project frontage (South Winchester Boulevard) and along the eastern border of the project site as a barrier between the proposed project and existing residences. Refer to Sheets L.01 through L.04 (Appendix A of the IS/MND) of the project plans for the landscape plans showing what types of trees are planned and where they would be located. On the eastern property line, some trees will remain and other trees with a height potential of 25 feet will be planted. The plan set would be approved with the Special Use Permit and would become part of the approved permit package to ensure the project is built according to plan. The existing vegetation that currently serves as a privacy shield would be kept in place or replaced with other vegetation to be used as a privacy shield. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

**S. RESPONSE TO CHAIRWOMAN QUIRINA GEARY, TAMIEN NATION**

**Comment S1:** This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on May 26, 2021, regarding the above referenced project.

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

   Alternatives to the project

X Recommended mitigation measures

X Significant effects of the project

Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a)):

X Type of environmental review necessary

X Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources

X Significance of the project's impacts on tribal cultural resources

X Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
  - a. Protecting the cultural character and integrity of the resource;
  - b. Protection the traditional use of the resource; and
  - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

**Response S1:** As discussed on page 171 of the Initial Study, the City sent a letter to tribal representatives in the area to welcome participation in a consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City in 2017, consistent with Assembly Bill 52 (AB 52). At the time of preparation of the Initial Study, no Native American tribes that are or have been traditionally affiliated with the project vicinity have requested notification from the City of San Jose, except for projects within the Coyote Valley (approximately 22 miles southeast of the site) or in downtown San José (approximately five miles northeast of the site). Due to the distance of the project site from Coyote Valley and the Downtown Core, the project would not have a significant impact on tribal cultural resources.

Nonetheless, the City responded to the request for consultation on June 11, 2021 via email and outlined the type of environmental review necessary for the project, effects of the project, recommended conditions, and general information regarding the project site's archaeological sensitivity. On July 27, 2021, the City met with Chairwoman Geary via Zoom to discuss the project comments. The City followed up on August 13, 2021 to formally close the consultation process.

The project will modify the following standard permit conditions for inadvertent discovery of subsurface cultural resources (revised language underlined):

In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or Director's designee and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San Jose and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 will examine the find. The archaeologist and Native American representative will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

In addition, the project applicant has agreed to voluntary permit conditions further expanding Native American participation pre-construction and during construction. Therefore, no further CEQA analysis is required and the comment does not result in new or more significant impacts or additional mitigation and therefore, the IS/MND does not require recirculation.

**Comment S2: Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:**

**1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:**

- **A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;**
- **Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;**
- **If the probability is low, moderate, or high that cultural resources are located in the APE.**

- Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.  
All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at [http://www.nahc.ca.gov/slf\\_request.html](http://www.nahc.ca.gov/slf_request.html). USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and  
5. Any geotechnical reports regarding all or part of the potential APE.

**Response S2:** Because the project site is not within the radius of the Downtown Core or the Coyote Valley and because City-generated GIS data does not identify the project location as an archaeologically sensitive area, the Initial Study did not include CHRIS research or a Sacred Lands File check. Therefore, this information could not be shared with the Tamien Nation as requested. However, as indicated above, after the consultation process, the project applicant agreed to a modified standard permit condition as shown in Response S1, which explicitly includes Native American representation in the event of subsurface tribal cultural finds. Therefore, no further CEQA analysis is required and the comment does not result in new or more significant impacts or additional mitigation and therefore, the IS/MND does not require recirculation.

**Comment S3:** We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation’s lead contact person identified in the attached request for notification.

**Response S3:** The CEQA Guidelines, Section 15126.4 (b), as indicated by the commenter, outlines the consideration and discussion of mitigation measures proposed to minimize significant effects related to impacts on historical resources. The full discussion under subsection (b)(3) follows:

Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

(A) Preservation in place is the preferred manner of mitigating impacts to archaeological

sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

(B) Preservation in place may be accomplished by, but is not limited to, the following: 1. Planning construction to avoid archaeological sites; 2. Incorporation of sites within parks, greenspace, or other open space; 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site. 4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

As discussed in Response S1, the project includes standard permit conditions addressing the treatment of subsurface cultural resources and accidental discovery of human remains. The standard permit condition for the treatment of subsurface cultural resources has been modified to specifically include participation by Native American representative(s) geographically and culturally affiliated with the project site area as described above in Response S1. In addition, the project applicant has agreed to voluntary permit conditions further expanding Native American participation pre-construction and during construction. Therefore, no further CEQA analysis is required and the comment does not result in new or more significant impacts or additional mitigation and therefore, the IS/MND does not require recirculation.

## SECTION 4

## TEXT CHANGES TO THE IS/MND

Page Number	Description of Change
64	<p>Standard Permit Conditions. In the unlikely event that archaeological resources (including human remains) are encountered during excavation and construction, the project would implement the following Standard Permit Conditions: a. Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist <u>in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San Jose and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3</u> will examine the find. The archaeologist <u>and Native American representative</u> will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel should not collect or move any cultural materials.</p>
101	<p>Change #1: Revised to say that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin. #1: The Santa Clara Valley Groundwater Basin is the source for all groundwater in the County and is divided into <del>three</del> <u>two</u> sub-basins: Santa Clara <u>Subbasin</u> <del>Valley</del>, <del>Coyote Valley</del>, and Llagas <u>Subbasin</u>. The project site is located within the Santa Clara Valley <u>Subbasin of the Santa Clara Valley Basin</u>. <del>sub-basin and the San Tomas watershed.</del></p> <p>Change #2: Define FEMA Flood Zone D as an area where flood hazards are undetermined, but possible.</p> <p>#2: The site is in FEMA Flood Zone D, <del>which means that there is no analysis of flood hazards.</del> <u>which is an area where flood hazards are undetermined, but possible.</u></p>



108	<p>Change #1: Revised to note that water service to the project site would be provided by San José Water Company, the retailer for this area, not Valley Water, who is the water wholesaler.</p> <p>#1: Groundwater Supplies. Water service to the project site will be provided by the <u>San José Water Company, the retailer for this area.</u> <del>Santa Clara Valley Water District (Valley Water), which receives its water supply from several locations including local groundwater, local surface water, and imported treated.</del></p> <p>Change #2: The reference to Valley Water’s 18 major groundwater recharge facilities has been removed.</p> <p>#2: <del>The water district operates and maintains 18 major groundwater recharge facilities in the Santa Clara Valley and diverts water from local reservoirs and imported water to in-stream and off-stream percolation facilities to assist with groundwater recharge in the Santa Clara Valley.</del></p>
110	<p>The project site is in Zone D under the FEMA Flood Zones which <u>is an area where flood hazards are undetermined, but possible.</u> <del>means that there is no analysis of flood hazards conducted in the project site’s area.</del></p>
151	<p>According to the General Plan EIR Figure 3.9-4, the nearest trail to the project site is the Los Gatos Creek Trail, located approximately <del>4-5</del> one miles east of the project site.</p>
154	<p>Change to the two locations that indicate Winchester Boulevard as being a divided six-lane roadway. Revision: <u>Winchester Boulevard is generally a six-lane roadway; however, the segment between Payne Avenue and Williams Avenue provides only five travel lanes (two northbound and three southbound).</u></p>
167	<p>Based on the City’s parking code requirements, the project would need to provide a total of 129 off-street parking spaces. The project site’s location within the Winchester Boulevard Urban Village <u>Plan and the project’s provision of the required bicycle parking</u> allows for a 20 percent reduction for vehicle parking with the implementation of a transportation demand management plan. Therefore, the required parking for the project site would be reduced to 63 spaces. The project proposes a total of 67 parking spaces, which is a 49 percent <del>reduction from the total parking reduction</del>. In accordance with Sections <del>20.70.330 and 20.90.220</del> of the San José <u>Code of Ordinances, Municipal Code, which allows up to</u> a 50 percent parking reduction, <del>the additional 32 percent reduction</del> could be allowed with the implementation and maintenance of a transportation demand management plan.</p>

Appendix A: “Project Plans”	On Sheet C4.1 of the project plans, the name of the receiving body listed in the project site information should be corrected from “Guadalupe” to “San Tomas Aquino Creek.”
--------------------------------	---

## **SECTION 5**

## **PUBLIC COMMENTS ATTACHMENT**

---

Please see copy of the original comments in Attachment A.

---

# **ATTACHMENT A**

PUBLIC COMMENTS

---



# County of Santa Clara

Roads and Airports Department  
Planning, Land Development and Survey

## Comment Letter A



101 Skyport Drive  
San Jose, CA 95110-1302  
(408) 573-2460 FAX 441-0276

**June 10, 2021**

### Maira Blanco

Planning, Building & Code Enforcement  
City of San Jose | 200 East Santa Clara Street  
[bethelhem.telahun@sanjoseca.gov](mailto:bethelhem.telahun@sanjoseca.gov)  
San Jose, CA 95113

### **SUBJECT: Public Review of Draft Mitigated Negative Declaration: 1212-1224 South Winchester Boulevard Hotel Project (File Nos. C19-031 & SP20-016)**

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Public Review of Draft Mitigated Negative Declaration: 1212-1224 South Winchester Boulevard Hotel Project (File Nos. C19-031 & SP20-016), and is submitting the following comments:

- Please provide details for proposed TDM program management and any enforcement/fines for not meeting VMT goals, since this project is close to San Tomas Expressway.
- This project and the 1073-1087 South Winchester Boulevard Mixed-Use Project, are in close proximity to each other, combined will generate 100 AM and 116 PM peak hour trips, respectively. The County believes that the Local Transportation Analysis (LTAs) for both projects should include the three following intersections on San Tomas, which are County's intersections and are within one mile of the proposed projects:
  - Hamilton Ave (CMP)
  - Payne Ave
  - Williams

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or [ben.aghegnehu@rda.sccgov.org](mailto:ben.aghegnehu@rda.sccgov.org)

Thank you.





Comment Letter B

**From:** Jourdan Alvarado <[JAlvarado@valleywater.org](mailto:JAlvarado@valleywater.org)>

**Sent:** Thursday, June 10, 2021 5:29 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Colleen Haggerty <[CHaggerty@valleywater.org](mailto:CHaggerty@valleywater.org)>

**Subject:** RE: Public Review of Draft Mitigated Negative Declaration: 1212-1224 South Winchester Boulevard Hotel Project (File Nos. C19-031 & SP20-016)

[External Email]

Dear Ms. Blanco:

The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed 1212-1224 South Winchester Boulevard Hotel Project, received by Valley Water on May 26, 2021.

The proposed development is not located adjacent or within any Valley Water facilities or right-of-way; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.

Valley Water has the following comments regarding the project:

1. On **Sheet C4.1** of the project plans, the name of the receiving body listed in the project site information should be corrected from "Guadalupe" to "San Tomas Aquino Creek".
2. **Section 4.10.2** on page 101 should be revised to say that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin. Please refer to Section 1.2 and Figure 1-1 on page 1-2 of the Valley Water 2016 Groundwater Management Plan.
3. **Section 4.10.2** on page 101 and **Part d of Section 4.10.4** on page 110 should define FEMA Flood Zone D as an area where flood hazards are undetermined, but possible.
4. **Part b of Section 4.10.4** on page 108 needs to be revised to note that water service to the project site would be provided by San Jose Water Company, the retailer for this area, not Valley Water, who is the water wholesaler.
5. **Part b of Section 4.10.4** on page 108 states that Valley Water has 18 major groundwater recharge facilities. While Valley Water has a complex and interconnected network of groundwater recharge facilities, the reference to the number of facilities should be removed as Valley Water does not categorize groundwater facilities by major or minor and therefore it is not clear how it was determined that there are 18 major facilities.
6. **Section 4.16.2** on page 151 should be revised to reflect the correct distance of approximately 1 mile to the Los Gatos Creek Trail.
7. Valley Water records do not show any wells on the project site (APN: 279-17-020 and -021); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

Thank you for the opportunity to review the IS/MND. If you have any questions, or need further information, you can reach me at (408) 630-2955, or by e-mail at [JAlvarado@valleywater.org](mailto:JAlvarado@valleywater.org). Please reference Valley Water File No. 34457 on future correspondence regarding this project.

Thank you,

**JOURDAN ALVARADO, CFM**

ASSISTANT ENGINEER II (CIVIL)

Community Projects Review Unit

[jalvarado@valleywater.org](mailto:jalvarado@valleywater.org)

Tel. (408) 630-2955 CPRU Hotline (408) 630-2650



**SANTA CLARA VALLEY WATER DISTRICT**

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)

Clean Water · Healthy Environment · Flood Protection

Comment Letter C

Jeffrey Williams  
1216 Castlemont Avenue  
San Jose, CA 95128-4001

June 14, 2021

To All Who are Concerned:

During my review of the documents provided for the 1212-1224 South Winchester Boulevard Hotel, Project File Numbers: SP20-016, C19-031, I noticed that in the document entitled MITIGATED NEGATIVE DECLARATION that the following finding is presented "The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project." Further on in that document in the Mitigation Measures section, Item Q - TRANSPORTATION / TRAFFIC states "The project would not have a significant impact on this resource, therefore no mitigation is required."

However, after reviewing both the Transportation Analysis, Appendix H, and the Draft Transportation Demand Management (TDM) Plan, Appendix I, prepared by Hexagon Transportation Consultants, Inc. for the 1212 Winchester Development Project, I have a concern that **two key assumptions that are the basis for Hexagon's calculations, employee count and number of parking spaces are incorrect.** Therefore, I question as to how the conclusion made in the MITIGATED NEGATIVE DECLARATION document can be made without further investigation and analysis.

#### EMPLOYEE COUNT

Specifically, both of these studies provided by Hexagon were made with the assumption that there would be "a maximum of 10 employees on-site". As the number of employees is a key figure in determining the impact of the project on transportation and parking, and no detail has been provided in the project documents as to how that number is derived, I believe this assumption needs to be thoroughly vetted prior to any conclusions being made.

My concern is that the **number of employees** listed in the planning documents is **significantly understated**. (In this analysis I consider employee to be anyone who is working at the hotel on a regular basis whether they be a direct employee, temp or contractor)

After reviewing the project plans and researching published hotel staffing requirements and standards, I believe the true staffing requirements to run this proposed hotel during its key business hours **is at least 20 employees**, and is most likely higher as the need for additional staffing required for the positions discussed below is fully vetted.

Here is the estimated required employee list\*

Hotel Manager	1
Accountant	1
Front Desk	2

Housekeeping	11 (includes laundry room worker and a housekeeping supervisor)
Valet	2
Shuttle	1
Restaurant	2
<b>Total</b>	<b>20</b>

\*In preparing the detailed analysis of the staffing requirements, which is attached as Appendix A, I have used the average of employees required as indicated in published hotel standards. For example, the number of housekeeping staff may be lower for properties such as a Motel 6 and maybe higher for properties such as a Westin or Ritz Carlton. I have focused on those required by a mid-range 3-star hotel that primarily serves business customers.

Based upon the calculated staffing levels listed above and the actual parking spaces provided, the project as proposed **would require approval for at least a 53% TDM Parking Reduction** which exceeds the percentage listed Section 20.90.220.A.1 of the City of San Jose Parking Code, as discussed on Page 10 of the Draft TDM Plan.

**Parking reduction calculation:**

Hotel Rooms	119
Employees	<u>20</u>
<b>Spaces Required</b>	<b>139</b>

Parking Provided	65*	*one space is taken up by the Shuttle Vehicle which reduces the 66 spaces proposed in the project plan as it is on-site all of the time.
------------------	-----	--

**Parking Reduction 74**

**TDM Reduction 53%**

**Additional Staffing Positions:**

Please note that I have not addressed the following employee positions in the above calculation as I did not find enough information in the planning documents to determine how the developer plans to address them: (a) Hotel Engineer/Facilities, (b) Security officer, (c) the plan specifies that there will be a coffee shop/bar, but it is not clear if it is a self-serve area or whether it will require an additional employee per shift, and (d) as the property will only have valet parking, and street parking directly in front of and adjacent to the hotel is extremely limited, it is not clear if a hotel porter(s) will be needed to assist guests and help prevent cars backing up into traffic on a very busy street. If any of the aforementioned positions are required to run the hotel, they would be additive to the employee count and increase the TDM Parking Reduction required.

Additionally, in the documents and reports I reviewed I did not see where shift changes are addressed. At those times the number of employees on-site could be double the amount listed above which puts an additional strain on the already insufficient parking situation. I believe this affects the critical numbers presented in the Transportation Analysis and the Draft Transportation Demand Management (TDM) Plan.

**The true number of employees on site needs to be determined and fully vetted so Hexagon can update their calculations and a recommendation can be made about the project proceeding forward.**

## **PARKING SPACES**

Another assumption that affects both the Transportation Analysis, Appendix H, and the Draft Transportation Demand Management (TDM) Plan, Appendix I, is the true number of parking spaces. In the Transportation Analysis, Appendix H, as prepared by Hexagon, they identified a major issue with the parking area design. On page 50 of their document, under the “Adhere to City of San Jose Design Standards and Guidelines” section, they clearly state that **“The proposed parking space dimensions, while not an unusual design, do not meet City standards”**.

In reviewing the parking plan on Sheet A-06 of the project plans, I noticed that the **double stacking parking spaces** designated as **P4 through P45, do not meet the requirements** of the City of San Jose Parking Code as defined in Section 20.90.060 - Number of parking spaces required Table 20-190 Parking Spaces Required by Land Use, Note 2 which states **“Stacking shall be calculated at twenty feet per car”**. In the project plans the aforementioned spaces are only 17 feet deep and **do not meet the 20-foot requirement**. Although the dimensions for the **double stacking parking spaces** designated as **P47 through P51** are not marked on the plans, if one applies a scale to them, it can easily be seen that they **also do not meet the 20-foot requirement** as required by the City of San Jose Parking Code.

Additionally, the City of San Jose Parking Code, Section 20.90.060 - Number of parking spaces required, Table 20-215 Clean Air Vehicles, states that projects with 51-75 total parking spaces must **provide 6 parking spaces** be designated for non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles. The project plan as submitted **only provides 4 designated spaces for Clean Air Vehicles and is not in compliance**.

The above parking issues need to be addressed and corrected. The number of parking spaces that will be provided after the required design corrections are made, especially the required size for the double stacking spaces, **mostly likely will be reduced to less than 66**. Any reduction in the number of spaces provided will increase the TDM reduction required for this project and will also have a negative impact on the calculated numbers in the Transportation Analysis. These issues need to be fully resolved before any conclusion can be made regarding the project proceeding forward.

In addition to the issues discussed above, there are two more items that will have an impact on traffic flow that need to be addressed – Garbage Pickup and the Loading Zone.

## **GARBAGE PICKUP**

Another issue that may affect the Transportation Analysis is where the garbage pick-up is located. In the current plan the garbage area is located on the north side of the property approximately 75 feet from the street curb. As the easement on that side of the property is only 6 feet it is extremely unlikely that a garbage truck will be able to access that space. Therefore, the garbage bins will have to be rolled out onto the street for a pick-up to be made. This will affect how street parking will be laid out as enough room will have to be provided for the garbage truck to line up and pick up the bins. In effect this would be a **designated loading zone on the street** which I believe does not conform with the Urban Village and

Flex Lane plans, as well as bike lanes. It also potentially impacts the flow of traffic in the area, as the garbage truck may temporarily block traffic flow.

Besides having to move the garbage bins to the street for pickup, the current plan does not provide sufficient space to store 2 standard 6 foot wide bins. 2 bins will be required, one for garbage and one for recycling to meet current standards. This deficiency needs to be addressed.

#### **DELIVERY AND LOADING ZONE**

Hotels in general have frequent deliveries. In the current planning documents the delivery and loading zone is placed next to the entrance to the parking garage and perpendicular to the street. This means as trucks arrive, they will be stopping in the flex lane and backing up across the sidewalk into the off-street delivery space provided. This has the potential for traffic disruptions, especially if a door has to be raised to allow them to enter. (Having a door to protect that space would be part of the security plan which has not yet been made available). As a curbside loading space was indicated in the plans that were used by Hexagon when they prepared the Transportation Analysis, this potential blockage of the flex lane may have an impact on their calculations and should be reviewed with them prior to any conclusion being made to move forward.

I appreciate the opportunity to share this feedback and look forward to your response. Please feel free to send the response to my email account, [jeffrey.n.williams@gmail.com](mailto:jeffrey.n.williams@gmail.com).

Best regards,

Jeffrey Williams

## Appendix A - Analysis of Employees Required:

**Housekeeping staff** – Prior to the Covid epidemic the general guideline for the number of rooms assigned to each housekeeper per shift is 16. (This number is easily found on several internet sites) The basis for this number is derived from the following factors. A room that needs full cleaning, known as a “checkout” requires 30 minutes to fully service. A room that requires moderate cleaning known as a “stayover” requires 15 minutes to service. One also has to allow a housekeeper time to prepare their cart, clean the hallways and to take two required 15-minute breaks. With the hotel having 119 rooms this means the project will need the equivalent of **7.4 housekeepers** just to service the rooms.

Additionally, there are other areas of the hotel that will need housekeeping services (i.e., cleaning and trash removal):

- The front lobby area and the coffee bar/bar area
- The lobby bathrooms
- The fitness room with its two lockers and bathroom space
- The jacuzzi
- The restaurant area during the non-breakfast service hours
- The outdoor seating areas in the back of the hotel and in the jacuzzi area
- The elevators, stairwells and ice machine/vending areas on each floor
- The employee break room, including its bathroom
- The employee locker area
- The trash area
- The sidewalk in front and valet parking area

This would require at least **1 additional person** per shift to handle the above listed duties.

Additionally, there is the need for **1 person** who shuttles the dirty laundry and trash bags from the housekeeping stations to the first-floor laundry and trash area. This person would also be stocking the housekeeping closets with clean sheets, towels, room amenities (soap, shampoo, etc.)

There is also a need for at least **1 person** who handles the laundry room duties.

Finally, with the number of people on the housekeeping team someone will be needed in a supervisory position to manage the team and ensure quality control. This will necessitate at least **1 additional person**.

Again, **these are pre Covid published guidelines**. With the advent of Covid it would not be unreasonable to expect the number of rooms assigned per housekeeper to drop and the need for housekeeping personnel to increase.

Based on the above analysis it will require **at least 11 people** on the housekeeping team during the primary shift.

**Valet staff** – According to the developer’s plan they will be using a double stacking parking system and therefore will be exclusively using valet parking. In the current plan of the 66 proposed parking spaces 28 of them will provided by the upper level of a double stacking parking system. The following analysis presumes it will be a system where the upper-level car can be loaded and unloaded without disturbing



the lower-level car. In reviewing video of different car parking systems, it takes on average, after arriving at the parking space, at least 3 minutes to load or unload a car. That includes the time to exit the car and go to the control box, lower the upper parking platform, return to the car and drive on to the platform, exit the car, go back to the control box and raise the car into place. (The same procedure works in reverse to retrieve the car). Taking into account the time required to retrieve the vehicle keys and to walk to or from the vehicle the total time required to park or remove a car from those upper parking spaces would most likely be 4 to 5 minutes per car. Which means that **one valet** focusing only on the upper-level cars would be able to load/unload **12-15 cars per hour**. Regarding the 38 cars parked on the lower-level double of stacking parking or in a non-double stacking space, if one presumes the parking/retrieval process takes 2-3 minutes, **one valet can handle 20-30 cars per hour**. As this property will primarily be a business hotel with only 66 spaces for 119 occupied rooms, it can be presumed that the majority, if not all, of the cars will be leaving during the morning commute window and arriving during the evening commute window. Based upon the above it will require **at least 2 valets** to handle the demand of parking/retrieval process during key business hours. This will help cars from stacking into the traffic lanes on Winchester and also blocking the driveways of the neighboring business. Hexagon also arrived at the same conclusion in their Transportation Analysis document.

**Shuttle staff** – per the TDM document the proposed project will offer free shuttle service, this will require **1 person** to drive the shuttle per the key shifts. It also will **reduce the number of parking spaces available by 1** as the shuttle will need to be parked on-site. I presume that the space for the shuttle is space 66 as marked on sheet A.06 entitled Proposed Basement Floor Plan.

**Restaurant staff** –From the meetings with the developer my understanding is the restaurant space will be used to offer morning self-service breakfast. Presuming the offering will be the usual buffet style fare found at a primarily business hotel, eggs, bacon, sausage, breads, juice, yogurt, fruit, cereal, etc., it most likely will require **2 people** to handle that service. One person in the kitchen to prepare the food and maintain the kitchen and one to keep the buffet area filled and to keep the food area and seating area clean.

**Front desk** – During the morning and evening peak hours it will take at least **2 people** to man the front desk and service the guests during check-in/check-out, as well as handle the normal questions and guest requests.

**Administration** – These are the additional positions that will be required to run the hotel: **1 Manager** and **1 Accountant**.

Comment Letter D

**From:** Shehana <[shehanamarikar@hotmail.com](mailto:shehanamarikar@hotmail.com)>

**Sent:** Monday, June 14, 2021 5:49 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

[External Email]

To Whom it may concern,

For 6 Months of the year, the 6-story building will block Sunlight to the surrounding Neighborhood, especially 1204 S. Winchester blvd, and other single-family homes on Red Oaks Drive.

Who is going to compensate for the increased electric bills? The City and the Hotel should be held liable and made to pay on an ongoing basis for approving the project with is deviating from the Winchester Urban plan.

Privacy of the single-family homes will be affected by hotel guests/ staff peering into the neighborhood backyards, windows, pools etc. How does the city plan to protect the privacy of the single family residences?

Fire Hazard

The Santana Row fire, years ago had embers from it cause fires over a mile away. If there's a fire at this proposed site it would have a tremendously negative effect on the property to the north, properties to the east and the nursing facility to the south. Would there be sufficient time to evacuate the young and especially the elderly from the nursing care facility in time to avoid a catastrophe?

Traffic impact - Student Safety

The traffic report and TDM do not talk about the impact this proposed project would have on students from Castlemont Elementary and Monroe Middle School. There are countless students that walk past this site to and from school morning and afternoon. How does the city plan to make this area safe for the students that have to pass by this proposed site daily?

Page 165 of the 1212-1224 Initial study describes Winchester BLVD, as a divided 6 lane north south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. I would like to point out that this is not the case, as it is now. Does the city have a date by which this would be the make-up of Winchester Blvd? Up until such a point in time loading/unloading and passenger pick-up and drop off would have tremendously negative impact on traffic on northbound Winchester Blvd. How does the city plan to address this?

## Garbage Storage and Pick Up

According to the plan the garbage is located on the north side of the property right by the single family home. The easement on the property on the north side is only 6 feet, which makes it impossible for a garbage truck to get through and pick up garbage. Which means the garbage bins will have to be pulled to the front of the proposed hotel and garbage trucks will impact traffic on Winchester Blvd. Also, what time will the garbage being collected? What is the impact on the single family home on the north side in terms of noise and also rodents and other pests?

## Appendix C - Health Risk Assessment, Page 17

### Dust and Exhaust Control Measures:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times a day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

The Bay area is under extreme drought conditions- how does the city justify watering this large construction site 3 times a day when residents are being asked not to water their lawns or wash cars?

Does the city plan to compensate the neighbors for health issues that will arise from this project being constructed on this site? Are the residents in the single family home to the north of the proposed project expected to live in their home while this is going on for 15 months? Will it be safe for the residents to even walk out to their back or front yards?

I look forward to your response to my concerns

Sincerely  
Shehana Marikar

Comment Letter E

**From:** Dan and Amy Boyle <[damyboyle@gmail.com](mailto:damyboyle@gmail.com)>  
**Sent:** Monday, June 14, 2021 1:17 PM  
**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>  
**Cc:** Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>  
**Subject:** Winchester Boulevard Hotel

[External Email]

As a resident of the Hamann Park community, I would like to share that my family and I would prefer that the hotel proposed for Winchester not be built. This is due to many reasons. It will intrude upon the privacy of the residents in the court directly behind it. Any overflow parking will be filtered to surrounding residential streets, decreasing parking for residents. The six story building will hinder the view of the mountains, etc for the houses behind the hotel for numerous streets, thereby affecting the quality of their experience in their home and potentially lowering the value of the property. Please do what you can to stop the building of this hotel.

Kind regards,  
Amy Boyle  
Hamann Park Resident

Comment Letter F

**From:** Aishah Salihue <[a.salih96@gmail.com](mailto:a.salih96@gmail.com)>

**Sent:** Monday, June 14, 2021 7:29 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

[External Email]

Hello,

I am a resident of 1204 South Winchester Blvd where I have lived for the past 24 years. Given the proximity of the proposed project to my home as well as its impact on my neighborhood and community, I am expressing my concerns which are outlined below.

1) The proposed hotel is said to include 119 guest rooms which is going to be maintained by 10 employees. The plan supposes that this parking space and number of employees will be sufficient to maintain a hotel of respectable quality which is not possible given that the hotel employee count needs to include housekeepers (the World Tourist Organization states that at least 8 staffers are needed per 10 rooms at minimum for a 3 star rated hotel), kitchen staff, valet, security personnel, finance manager, manager on site, shuttle drivers, and other essential staff. This clearly shows that the 10 employee estimate is grossly under what is needed for this proposed hotel to function as stated in the plan.

2) The proposed hotel is going to account for parking by building an underground parking garage with 69 parking spaces for a hotel with 119 rooms, 50 less spaces than the number of rooms. This is assuming that each room will have an occupancy of only 1 person at a time? In addition, this parking allotment does not take into account employee parking which as I stated above is a substantial staff needed to maintain a quality hotel. This also does not take into account space for parking the hotel shuttle vehicles, and space for deliveries, loading and valet services. Winchester Blvd is a very busy street (the daily average of vehicles on Winchester Blvd exceeds 10,000 as stated in Appendix C: Health Risk Assessment) This will be apparent once again with the end of the Covid-19 restrictions and complete reopening of businesses, schools, retail, entertainment and dining establishments. It is not safe for vehicles to block traffic on Winchester Blvd given it has only 2 lanes per direction at this location with so many vehicles going through each day. There is no space for parking on Winchester Blvd itself and parking on neighboring streets such as Fireside Drive, Redoaks Drive, and Castlemont Avenue will overwhelm the neighborhood and cause traffic congestion around Castlemont Elementary. It is dangerous to overwhelm such a busy street that already has high volumes of vehicle traffic with parking overflow from hotel employees, guests, visitors, delivery personnel and others who will frequent the proposed hotel. It will impede the travel of emergency responders for whom Winchester Blvd is a standard driving route and slow police response times as well.

3) Appendix C also outlines other health risks such as the air pollutants that will arise during construction. As someone who lives just north of the proposed project, any and all pollutants will

affect the daily life of myself, my family and neighbors. The proposed construction will expose all in the surrounding area to carcinogens and other air pollutants. This can be mitigated by an extensive list of mitigation efforts which include watering the construction site. California is in the deep state of a very dangerous drought and water restrictions are being talked about for residents. How can this use of water be justified? Water cannot be utilized to push forth a project that would negatively impact our air quality. In addition, during construction, will it be safe for neighbors to be outside during the construction of this proposed hotel? The construction is stated to take 15 months; will neighborhoods need to continue to wear masks, close windows and avoid being outside their own home due to the air pollutants? As a resident, these are grave concerns that must be addressed and considered. It goes against San Jose's commitment to becoming a greener city.

4) The garbage bins for this proposed hotel are slated to be on the north side of the property which borders my home. This raises a number of concerns. One is that garbage collection when not maintained increases risk of pest infestation such as rodents and bugs. This is not safe for the residents such as myself. Additionally, at what time of day will garbage services for this hotel take place? It will be a constant source of noise disruption at odd times of the day such as late at night or early morning. This area is still primarily residential which makes this unsafe, unsanitary and disruptive.

5) This proposed hotel is six stories tall. The safety of the neighborhood requires a detailed look at fire safety. The Santana Row Fire is a primary example of why fire safety must be taken seriously as embers traveled very far and caused the fire to spread rapidly which for a taller building must be considered even more seriously in the midst of a residential neighborhood. The proximity of the hotel to many homes, the senior living facility and other establishments means that fire danger is grave, especially during times of great drought. The cost of property, greenery and human life that is put at risk by attempting such a large establishment in the lot of this size is great and the potential damage would be hazardous. Safety must be a top priority. In a busy street like Winchester, safety precautions must be taken with the utmost consideration to maintain the safety of all in the vicinity.

6) As a teacher in the San Jose Unified School District, the safety of students will always be one of my primary concerns in any given situation. The proposed hotel with its limited parking, large proposed guest and visitor areas, and need for loading and deliveries, will reduce the safety of Winchester Blvd for students at Castlemont Elementary and Monroe Middle walking to and from school. A large number of students can be seen walking to school each day and having large vehicles and bottleneck traffic due to the hotel will cause students to be at risk of being harmed. Vehicles on Winchester Blvd travel at a high speed and this combined with vehicles backing in and out of the hotel reduces the safety of the students walking to their local schools. Students and families must be prioritized in this situation. I attended Campbell Union School District schools and it was also my first place of employment so I have walked to these schools during the day for years. It is very important that we maintain the community centered, safety oriented streets to keep students able to attend school safely.

7) Privacy is another major concern. The proposed six story hotel building will overlook all neighboring homes, eliminating the privacy of all residents including my family. It is not

appropriate for residents to have to contend with strangers having full view into their properties. It is a residential neighborhood and stuffing a hotel into this area by converting what is right now still residential property is not in the community's best interest.

Regards,

Aishah Salihue

Comment Letter G

**From:** Mike Drabkin <[mike.drabkin@gmail.com](mailto:mike.drabkin@gmail.com)>  
**Sent:** Monday, June 14, 2021 10:00 PM  
**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>  
**Subject:** 1212-1224 S Winchester Boulevard Hotel Project -- COMMENTS

[External Email]

Hello, Maira.

My wife and I live on Redoaks Drive, with the front of our house looking directly at the site of the proposed Winchester hotel. Please accept this submission as our comments regarding this project.

Respectfully,  
Mike & Galina Drabkin  
1234 Redoaks Dr, San Jose, CA 95128



**From:** [Mike Drabkin](#)  
**To:** [Blanco, Maira](#)  
**Subject:** 1212-1224 S Winchester Boulevard Hotel Project -- COMMENTS  
**Date:** Monday, June 14, 2021 9:55:45 PM

---

[External Email]

Hello, Maira.

My wife and I live on Redoaks Drive, with the front of our house looking directly at the site of the proposed Winchester hotel. Please accept this submission as our comments regarding this project.

Respectfully,  
Mike & Galina Drabkin  
1234 Redoaks Dr, San Jose, CA 95128

-----  
1) None of the documents available for this project provide a satisfactory explanation exactly how the "10 employees per shift" staffing allocation was arrived at. We would hope that if built, this hotel would be at least a 3-star establishment. Online sources about hotel management indicate substantially different staffing requirements for a hotel of this classification.

a) "The amount of the staff engaged in hotel activity largely depends on the status of the hotel. According to the recommendations of the [World Tourist Organization](#), the optimum number of staff per 10 rooms in three star hotel – 8 person, in four star hotel – 12 person, in 5 star hotel – 20 person." (119 rooms x 8 employees per 10 rooms = **95 employees**)

<https://www.city-of-hotels.com/165/hotel-staff-en.html#:~:text=The%20amount%20of%20the%20staff,5%20star%20hotel%20%E2%80%93%2020%20person.>  
(See Hotel Business, Hotel Staff)

b) "Number of Employees. Class as measured by full service or limited service refers as much to the size of the staff as to the physical amenities... The in-between class of hotel uses an in-between number of employees. That ratio ranges from **0.5 (one-half) an employee per room** to as much as a 1:1 ratio."

Check-in Check-Out: Managing Hotel Operations, Second Edition, by Gary K. Vallen and Jerome J. Vallen. Published by Prentice Hall.  
Copyright © 2013 by Pearson Education, Inc.  
Chapter One: The Traditional Hotel Industry, p15.

Furthermore, by our conservative estimates and supported by the project documentation, here is a conservative list of employees required during day shift:

2x valet (the minimum requirement from Appendix H - Transportation Analysis, p.59)

1x TDM coordinator (per the TDM Plan)

1x Front desk attendant

1x General Manager

1x Maintenance person

3x Housekeeping staff

1x Laundry

1x Accounting

1x Bar

1x Coffee station

1x Kitchen area (at a minimum)

1x Shuttle driver

1x Security (Ref.: [https://digitalcommons.fiu.edu/hospitalityreview/vol16/iss1/?utm\\_source=digitalcommons.fiu.edu%2Fhospitalityreview%2Fvol16%2Fiss1%2F9&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digitalcommons.fiu.edu/hospitalityreview/vol16/iss1/?utm_source=digitalcommons.fiu.edu%2Fhospitalityreview%2Fvol16%2Fiss1%2F9&utm_medium=PDF&utm_campaign=PDFCoverPages))

5x Restaurant staff

That's 21 total per shift, which would provide a minimum level of services and security for a hotel of this class and with the set of features that is described in the documents File Numbers: SP20-016, C19-031.

That number, of course, affects the parking reduction percentage calculation, making it greater than the allowed 50%: 119 rooms + 21 staff = 140 required parking spaces, which means the hotel would need to provide at least 70 parking spaces with implementation of a TDM plan.

2) Page 165 of 1212-1224 South Winchester Boulevard Hotel Project (Initial Study) describes Winchester Boulevard as "a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. We would like to point out that this is not the case currently, specifically in the immediate vicinity of the proposed project site. This might be part of the improvements, suggested on p. 176 of the same document, along with protected bike lanes. We would like to understand whether there's a planned date for these improvements to be implemented, as well as for the City to acknowledge that in its current state, any loading/unloading, or passenger pick-up and drop off, would severely impact Winchester Boulevard north-bound traffic.

3) The recommended measures, listed in the TDM Plan, page 18, include Guest Shuttle services and On-site Car Share services, such as ZIP cars. Both of these services would require additional parking spaces. The project plan does not have dedicated spots for these.

----- end comments -----

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Comment Letter H

**From:** Marlene J Schwilk <[mjschwilk@sbcglobal.net](mailto:mjschwilk@sbcglobal.net)>

**Sent:** Tuesday, June 15, 2021 9:42 AM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>; Atienza, Manuel <[Alec.Atienza@sanjoseca.gov](mailto:Alec.Atienza@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>

**Subject:** proposed 1212-1224 Winchester Hotel

[External Email]

To All Concerned:

I echo the responses of the other residents of this neighborhood. We don't want Winchester Boulevard turned into the appearance of another high-rise downtown at the great expense of the people who currently live in this immediate area.

I agree with Jeffrey Williams that the number of employees in the planning documents is greatly understated. How can 10 employees actually run a 119 room hotel with a manager, front desk staff, housekeeping staff, laundry room, restaurant, coffee bar, Valet, Shuttle Service, and other services. It doesn't seem possible. Hexagon needs to revise their calculations.

Marlene Schwilk  
1279 Castlemont Ave.

Comment Letter I

**From:** Tom Morman <[tom.r.morman@gmail.com](mailto:tom.r.morman@gmail.com)>

**Sent:** Tuesday, June 15, 2021 10:36 AM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Atienza, Manuel <[Alec.Atienza@sanjoseca.gov](mailto:Alec.Atienza@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>; [rosealynn.hughey@sanjoseca.gov](mailto:rosealynn.hughey@sanjoseca.gov); Kohl, Cassidy <[Cassidy.Kohl@sanjoseca.gov](mailto:Cassidy.Kohl@sanjoseca.gov)>

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

[External Email]

Dear Maira,

Here are our formal comments regarding 1212-1224  
Winchester Boulevard Hotel Project (C19-031 & SP20-016)

Sincerely,

Tom & Gail Morman

Subject: 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

1. WE OBJECT TO THE LACK OF TRANSPARENCY OF THE PROCESS SINCE THE REPORTS WERE NOT MADE PUBLIC UNTIL MAY 26, 2021, WHEN 2 HAD BEEN COMPLETED IN 2019; 4 COMPLETED IN 2020; 2 COMPLETED IN JAN & FEB OF THIS YEAR. THE PUBLIC, INCLUDING THIS IMPACTED NEIGHBORHOOD, WAS THEN GIVEN ONLY 20 DAYS TO MAKE FORMAL COMMENTS ON OVER 1100 PAGES OF DOCUMENTS.
2. No one can understand how dropping the height of the hotel by 5 inches and thereby receiving a 50% reduction in the rear setback to only 20 feet mitigates the need for sufficient “breathing room” in terms of air and sunlight access, privacy and noise, as called for in the Winchester Urban Village Plan (5.3-3.2)
3. **Mandated Project Revisions:** The Director of Planning, Building & Code Enforcement finds the Hotel Project “would not have a significant effect on the environment if certain mitigation measures are incorporated into the project”.  
“The applicant has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.” THE REVISIONS ARE NOT KNOWN TO THIS NEIGHBORHOOD AND SHOULD BE MADE PUBLIC PRIOR TO ANY FURTHER PLANNING DEPT ACTIONS OR APPROVALS.
4. **Number of Hotel Employees** Hexagon Transportation Analysis (p 58) states that the project would have 119 rooms and a maximum of 10 employees on-site, thereby needing 129 parking spaces. The requested Parking Reduction “of 67 parking spaces”, now reduced to 66 parking

spaces, is based on an incomplete accounting of the number of employees. The Planning Dept called for the applicant to provide a detailed accounting of the number of employees for all uses and not just the hotel, (Planning Dept Review letter dated 10/9/19), which was either never done or never made public. One only needs to look at the services being offered, as well as on-line information on the number of employees needed for a mid-range hotel, to see that 10 employees is understated. The owner's engineer admitted at the public hearing that this was an "average". That is not the same as a maximum of 10 employees on-site, WHICH IS THE REQUIRED STANDARD FOR THE ANALYSIS. The project is clearly underparked.

5. **Drop Off at the front entrance** – the drop off zone on the street in front of the entrance for check-ins violates Urban Village Goal UD-14 "Parking and service areas should not be visible from the public realm."

Hexagon report (p 58) The hotel "site should provide time restricted parking spaces on-site for guest check-in and a valet drop-off/pick-up area that can accommodate at least two vehicles". Where has this been done?

6. **Parking Space Dimensions** - Hexagon report (p 58) "The proposed parking space dimensions...do not meet City standards" and should be adjusted by City staff prior to further actions on this proposal. Has this been done and made public?

7. **Fire Plan** – On August 19, 2002, the Santana Row fire that caused more than \$100 million in damage, with embers igniting roofs half a mile away off Moorpark. The Winchester Hotel Plan (C5.0) shows Aerial Access rather than Fire Apparatus Access Roads, which other complexes along Winchester have had up to now. *"The options available for attacking a fire increase when a building's perimeter becomes more accessible to fire apparatus. Building codes contain a concept known as frontage increase. This allows the maximum size of the building to be increased if a structure has more than a certain percentage of its perimeter on a public way or open space accessible to fire apparatus. Ideally the full perimeter would be accessible; however, this is not always feasible."* OSHA, Fire Service of Buildings and Fire Protection Systems, p14. <https://www.osha.gov/sites/default/files/publications/OSHA3256.pdf>

In a memorandum dated 10/11/19 from Fire Department Associate Engineer Gordana Sabatelli regarding an Initial Response to Development Application of the Winchester Hotel, she cited eight comments in Section 1 which the applicant was to respond to in writing. "These comments to be addressed prior to Planning Approval" including: "Show on the plans that all exterior walls of the first story of the building are within 150 feet from the access road as measured along the path of travel (CFC Section 503.1.1) Was this done? We are not aware of this being made public. No information was made public as to how all exterior walls of the first story are within 150 ft of the access road (Winchester Blvd). It also called for a Fire Flow test from the approved fire hydrants be submitted to SJFD for approval. No information made public on this. It suggested a Variance could be sought, but must be approved prior to Planning Approval. The Fire Dept should review the plan for compliance with Fire Code prior to Planning Approval. Fire Dept Memorandum is attached.

Has the Fire Dept considered all of the uses, changes in the rear setback, e.g. the outdoor seating area, the reduction of the setback to 20 feet where PG&E high voltage wires run along the fence line, the obviously inevitable back up of cars in front? The scale of the building and

the rear area uses also may affect the fire hazard risk to the residential properties and could affect the insurability or related costs.

8. **FAR calculation** failed to calculate the access/rights of way for Fire Hose Lines. These should have been subtracted from the net lot size, which would alter the size of what could be built. The FAR calculation needs to be corrected and made public.

9. **Maximum roof top height limits.** Per Municipal Code 20.85.040, exceptions to allow elevator shafts and stairwells to exceed the general zoning district height limitation can only go up to 17 feet above the general zoning district height limitation. The height limitation is 65' + 17' = 82'. According to the Hotel Roof Plan (A.14), the highest peak is 88'11", exceeding the height limitation.

10. **Parking Garage Drop Off** – although the Plan now shows the drop at the garage entry, there is only room for one car at a time. When there is more than one car, they will be waiting on the sidewalk, blocking pedestrian traffic. If there is a longer line, cars will need to wait on the street, backing into the area in front of A Grace Subacute Care. Furthermore, the Hexagon Transportation Analysis (p 58) states: "Appropriate visible and/or audible warning signs should be provided at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the parking garage." This contradicts Policy 3-20: "New development should support and enhance the pedestrian and bicycle environment and provide greater connectivity to the overall network."

11. **Delivery and Loading Zone:** The Hotel Plan now has an on-site Loading Zone. Because of the inadequate space in the garage, vehicles must back out across the sidewalk in order to exit. Again, this contradicts Policy 3-20 and could be hazardous for strolling pedestrians. ". However, the garbage bins are stored in an area along the north side of the structure. They will obviously be moved out across the sidewalk to the street. This again violates Urban Village Goal UD-14 "Parking and service areas should not be visible from the public realm."

12. **Rear yard bench/seating structure** Hotel Plan shows rear yard bench/seating structure is now next to the rear fence, located in the setback area. Previously planned next to the hotel, it was most likely moved due to the Fire Hose Line right of way. Doesn't a permanent bench/seating area violate the 20' setback?

13. **Air Quality – Impact AQ-1 :** "Project construction activities associated with the project indicate that the maximum cancer risk from project construction is 33.1 cases per one million, which exceeds BAAQMD threshold of 10 in one million." (Mitigated Negative Declaration, p2 of 6). Cancer risk is over 3 times the threshold. Prior to the issuance of any demolition, grading or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement demonstrating how their equipment would achieve at least a 70% reduction in harmful emissions. Assuring that health concerns of this magnitude are adequately addressed with an effective construction operation plan should be made public prior to any further Planning Dept actions or approvals.

14. **Noise and Vibration Minimization Measures** – We have heard of other properties near one of the building sites close to Santana Row suffering cracked walls due to the construction. The Developer offered to photograph the nearby properties prior to starting construction. In

addition to mitigation measures for noise, what measures will be taken for any damage in walls or structural components caused by this construction? We believe this should be addressed prior to Planning approval.

15. Please clarify the decision making process and timelines, and identify the decision makers at each stage of the approval process. Specifics on the procedure for making an appeal is also critical to have very soon.

16. We look forward to your timely response since the initial neighborhood group is receiving calls from more area residents and we need your response in order to effectively communicate with these additional concerned residents.

Sincerely,

Tom & Gail Morman  
1242 Redoaks Dr  
San Jose, CA 95128  
(408) 666-0581  
[tom.r.morman@gmail.com](mailto:tom.r.morman@gmail.com)



Formal Comments for 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

To: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)

CC: [Alec.Atienza@sanjoseca.gov](mailto:Alec.Atienza@sanjoseca.gov); [michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov);

[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov); [cassidy.kohl@sanjoseca.gov](mailto:cassidy.kohl@sanjoseca.gov)

Subject: 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

1. WE OBJECT to THE lack of TRANSPARENCY OF THE PROCESS since THE REPORTS WERE NOT MADE PUBLIC UNTIL MAY 26, 2021, WHEN 2 HAD BEEN COMPLETED IN 2019; 4 COMPLETED IN 2020; 2 COMPLETED IN JAN & FEB OF THIS YEAR. THE PUBLIC, including this impacted neighborhood, WAS THEN GIVEN only 20 DAYS TO MAKE FORMAL COMMENTS ON OVER 1100 PAGES OF DOCUMENTS after requesting these documents multiple times previously.
2. No one can understand how dropping the height of the hotel by 5 inches and thereby receiving a 50% reduction in the rear setback( to only 20 feet) mitigates the need for sufficient “breathing room” in terms of air and sunlight access, privacy and noise, as called for in the Winchester Urban Village Plan (5.3-3.2)
3. **Mandated Project Revisions:** The Director of Planning, Building & Code Enforcement finds the Hotel Project “would not have a significant effect on the environment if certain mitigation measures are incorporated into the project”.  
“The applicant has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.” THE REVISIONS ARE NOT KNOWN TO THIS NEIGHBORHOOD AND SHOULD BE MADE PUBLIC PRIOR TO ANY FURTHER PLANNING DEPT ACTIONS OR APPROVALS.
4. **Number of Hotel Employees** Hexagon Transportation Analysis (p 58) states that project would have 119 rooms and a maximum of 10 employees on-site, thereby needing 129 parking spaces. The requested Parking Reduction “of 67 parking spaces”, now reduced to 66 parking spaces, is based on an incomplete accounting of the number of employees. The Planning Dept called for the applicant to provide a detailed accounting of the number of employees for all uses and not just the hotel, (Planning Dept Review letter dated 10/9/19), which was either never done or never made public. One only needs to look at the services being offered, as well as on-line information on the number of employees needed for a mid-range hotel, to see that 10 employees is understated. The owner’s engineer admitted at the public hearing that this was an “average”. That is not the same as a maximum of 10 employees on-site, WHICH IS THE REQUIRED STANDARD FOR THE ANALYSIS. The project is clearly underparked.
5. **Drop Off at the front entrance** – the drop off zone on the street in front of the entrance for check-ins violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.”  
Hexagon report (p 58) The hotel “site should provide time restricted parking spaces on-site for guest check-in and a valet drop-off/pick-up area that can accommodate at least two vehicles”. Where has this been done?
6. **Parking Space Dimensions** - Hexagon report (p 58) “The proposed parking space dimensions...do not meet City standards and should be adjusted by City staff prior to further actions on this proposal.” Has this been done and made public?
7. **Fire Plan** – On August 19, 2002, the Santa Row fire that caused more than \$100 million in damage, with embers igniting roofs half a mile away off Moorpark. The Wichester Hotel Plan (C5.0) shows Aerial Access rather than Fire Apparatus Access Roads, which other complexes along Winchester have had up to now. *“The options available for attacking a fire increase when a building’s perimeter becomes more accessible to fire apparatus. Building codes contain a concept known as frontage increase. This allows the maximum size of the building to be increased if a structure has more than a certain percentage of its perimeter on a public way or open space accessible to fire apparatus. Ideally the full perimeter would be accessible; however, this is not always feasible.”* OSHA, Fire Service of Buildings and Fire Protection Systems, p14.  
<https://www.osha.gov/sites/default/files/publications/OSHA3256.pdf>

In a memorandum dated 10/11/19 from Fire Department Associate Engineer Gordana Sabatelli regarding an Initial Response to Development Application of the Winchester Hotel, she cited eight comments in Section 1 which the applicant was to respond to in writing. "These comments to be addressed prior to Planning Approval" including: "Show on the plans that all exterior walls of the first story of the building are within 150 feet from the access road as measured along the path of travel (CFC Section 503.1.1) Was this done? I am not aware of this being made public. No information was made public as to how all exterior walls of the first story are within 150 ft of the access road (Winchester Blvd). It also called for a Fire Flow test from the approved fire hydrants be submitted to SJFD for approval. No information made public on this. It suggested a Variance could be sought, but must be approved prior to Planning Approval. The Fire Dept should review the plan for compliance with Fire Code prior to Planning Approval. Fire Dept Memorandum is attached.

Has the Fire Dept. considered all of the use changes in the rear setback e.g the outdoor seating area, the reduction of the setback to 20 feet, the backup of cars? The scale of the building and the rear area uses also may affect the fire hazard risk to the residential properties and could affect the insurability or related costs.

8. **FAR calculation** failed to calculate the access/rights of way for Fire Hose Lines. These should have been subtracted from the net lot size, which would alter the size of what could be built. The FAR calculation needs to be corrected and made public.
9. **Maximum roof top height limits.** Per Muncipal Code 20.85.040, exceptions to allow elevator shafts and stairwells to exceed the general zoning district height limitation can only go up to 17 feet above the general zoning district height limitation. The height limitation is 65' + 17' = 82'. According to the Hotel Roof Plan (A.14), the highest peak is 88'11", exceeding the height limitation.
10. **Parking Garage Drop Off** – although the Plan now shows the drop at the garage entry, there is only room for one car at a time. When there is more than one car, they will be waiting on the sidewalk, blocking pedestrian traffic. If there is a longer line, cars will need to wait on the street, backing into the area in front of A Grace Subacute Care. Furthermore, the Hexagon Transportation Analysis (p 58) states: "Appropriate visible and/or audible warning signs should be provided at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the parking garage." This contradicts Policy 3-20: "New development should support and enhance the pedestrian and bicycle environment and provide greater connectivity to the overall network."
11. **Delivery and Loading Zone:** There Plan now has an on-site Loading Zone. Because of the inadequate space in the garage, vehicles must back out across the sidewalk in order to exit. Again, this contradicts Policy 3-20 and could be hazardous for strolling pedestrians. However, the garbage bins are stored in an area along the north side of the structure. They will obviously be moved out across the sidewalk to the street. This again violates Urban Village Goal UD-14 "Parking and service areas should not be visible from the public realm."
12. **Rear yard bench/seating structure** Hotel Plan shows rear yard bench/seating structure is now next to the rear fence, located in the setback area. Previously planned next to the hotel, it was most likely moved due to the Fire Hose Line right of way. It appears the Plan want to build a permanent bench which would seem to violate the 20' setback.
13. **Air Quality – Impact AQ-1 :** "Project construction activities associated with the project indicate that the maximum cancer risk from project construction is 33.1 cases per one million, which exceeds BAAQMD threshold of 10 in one million." (Mitigated Negative Declaration, p2 of 6). **CANCER RISK IS OVER 3 TIMES THE THRESHOLD.** Prior to the issuance of any demolition, grading or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement demonstrating how their equipment would achieve at least a 70% reduction in harmful emissions. This needs to be made public for the community to review prior to Planning approval.
14. **Noise and Vibration Minimization Measures** – We have heard of other properties near one of the building sites close to Santana Row suffering cracked walls due to the construction. The Developer offered to photograph the nearby properties prior to starting construction. Will our homes be photographed by the developer prior to

construction? In addition to mitigation measures for noise, what measures will be taken for any damage in walls or structural components caused by this construction? We believe this should be addressed prior to Planning approval.

15. **Traffic Study** – This was completed 3/2020 during the COVID pandemic when “safe at home” measures were in place and traffic was at a minimum. This study needs to be updated to accurately reflect the current and future traffic flow to assess how a 6-story hotel would impact the traffic congestion.
16. **Reverse Condemnation** – How will we be compensated for not only a decrease in property value but also quality of life (secondary to hotel’s negative impact on sunlight, view, traffic congestion, pollution, anxiety regarding safety)?
17. Please clarify the decision-making process and timelines, and identify the decision makers at each stage of the approval process. Specifics on the procedure for making an appeal is also critical to have very soon.

We look forward to your timely response since the initial neighborhood group is receiving calls from more area residents and we need your response in order to effectively communicate with these additional concerned residents.

## Comment Letter K

Formal Comments for 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

To: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)

CC: [Alec.Atienza@sanjoseca.gov](mailto:Alec.Atienza@sanjoseca.gov); [michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov);

[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov); [cassidy.kohl@sanjoseca.gov](mailto:cassidy.kohl@sanjoseca.gov)

Subject: 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

1. WE OBJECT to THE lack of TRANSPARENCY OF THE PROCESS since THE REPORTS WERE NOT MADE PUBLIC UNTIL MAY 26, 2021, WHEN 2 HAD BEEN COMPLETED IN 2019; 4 COMPLETED IN 2020; 2 COMPLETED IN JAN & FEB OF THIS YEAR. THE PUBLIC, including this impacted neighborhood, WAS THEN GIVEN only 20 DAYS TO MAKE FORMAL COMMENTS ON OVER 1100 PAGES OF DOCUMENTS after requesting these documents multiple times previously.
2. No one can understand how dropping the height of the hotel by 5 inches and thereby receiving a 50% reduction in the rear setback( to only 20 feet) mitigates the need for sufficient “breathing room” in terms of air and sunlight access, privacy and noise, as called for in the Winchester Urban Village Plan (5.3-3.2)
3. **Mandated Project Revisions:** The Director of Planning, Building & Code Enforcement finds the Hotel Project “would not have a significant effect on the environment if certain mitigation measures are incorporated into the project”.  
“The applicant has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.” THE REVISIONS ARE NOT KNOWN TO THIS NEIGHBORHOOD AND SHOULD BE MADE PUBLIC PRIOR TO ANY FURTHER PLANNING DEPT ACTIONS OR APPROVALS.
4. **Number of Hotel Employees** Hexagon Transportation Analysis (p 58) states that project would have 119 rooms and a maximum of 10 employees on-site, thereby needing 129 parking spaces. The requested Parking Reduction “of 67 parking spaces”, now reduced to 66 parking spaces, is based on an incomplete accounting of the number of employees. The Planning Dept called for the applicant to provide a detailed accounting of the number of employees for all uses and not just the hotel, (Planning Dept Review letter dated 10/9/19), which was either never done or never made public. One only needs to look at the services being offered, as well as on-line information on the number of employees needed for a mid-range hotel, to see that 10 employees is understated. The owner’s engineer admitted at the public hearing that this was an “average”. That is not the same as a maximum of 10 employees on-site, WHICH IS THE REQUIRED STANDARD FOR THE ANALYSIS. The project is clearly underparked.
5. **Drop Off at the front entrance** – the drop off zone on the street in front of the entrance for check-ins violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.”  
Hexagon report (p 58) The hotel “site should provide time restricted parking spaces on-site for guest check-in and a valet drop-off/pick-up area that can accommodate at least two vehicles”. Where has this been done?
6. **Parking Space Dimensions** - Hexagon report (p 58) “The proposed parking space dimensions...do not meet City standards and should be adjusted by City staff prior to further actions on this proposal..” Has this been done and made public?
7. **Fire Plan** – On August 19, 2002, the Santa Row fire that caused more than \$100 million in damage, with embers igniting roofs half a mile away off Moorpark. The Wichester Hotel Plan (C5.0) shows Aerial Access rather than Fire Apparatus Access Roads, which other complexes along Winchester have had up to now. *“The options available for attacking a fire increase when a building’s perimeter becomes more accessible to fire apparatus. Building codes contain a concept known as frontage increase. This allows the maximum size of the building to be increased if a structure has more than a certain percentage of its perimeter on a public way or open space accessible to fire apparatus. Ideally the full perimeter would be accessible; however, this is not always feasible.”* OSHA, Fire Service of Buildings and Fire Protection Systems, p14.  
<https://www.osha.gov/sites/default/files/publications/OSHA3256.pdf>

In a memorandum dated 10/11/19 from Fire Department Associate Engineer Gordana Sabatelli regarding an Initial Response to Development Application of the Winchester Hotel, she cited eight comments in Section 1 which the applicant was to respond to in writing. “These comments to be addressed prior to Planning Approval” including: “Show on the plans that all exterior walls of the first story of the building are within 150 feet from the access road as measured along the path of travel (CFC Section 503.1.1) Was this done? I am not aware of this being made public. No information was made public as to how all exterior walls of the first story are within 150 ft of the access road (Winchester Blvd). It also called for a Fire Flow test from the approved fire hydrants be submitted to SJFD for approval. No information made public on this. It suggested a Variance could be sought, but must be approved prior to Planning Approval. The Fire Dept should review the plan for compliance with Fire Code prior to Planning Approval. Fire Dept Memorandum is attached.

Has the Fire Dept. considered all of the use changes in the rear setback e.g the outdoor seating area, the reduction of the setback to 20 feet, the backup of cars? The scale of the building and the rear area uses also may affect the fire hazard risk to the residential properties and could affect the insurability or related costs.

8. **FAR calculation** failed to calculate the access/rights of way for Fire Hose Lines. These should have been subtracted from the net lot size, which would alter the size of what could be built. The FAR calculation needs to be corrected and made public.
9. **Maximum roof top height limits.** Per Muncipal Code 20.85.040, exceptions to allow elevator shafts and stairwells to exceed the general zoning district height limitation can only go up to 17 feet above the general zoning district height limitation. The height limitation is 65' + 17' = 82'. According to the Hotel Roof Plan (A.14), the highest peak is 88'11", exceeding the height limitation.
10. **Parking Garage Drop Off** – although the Plan now shows the drop at the garage entry, there is only room for one car at a time. When there is more than one car, they will be waiting on the sidewalk, blocking pedestrian traffic. If there is a longer line, cars will need to wait on the street, backing into the area in front of A Grace Subacute Care. Furthermore, the Hexagon Transportation Analysis (p 58) states: “Appropriate visible and/or audible warning signs should be provided at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the parking garage.” This contradicts Policy 3-20: “New development should support and enhance the pedestrian and bicycle environment and provide greater connectivity to the overall network.”
11. **Delivery and Loading Zone:** There Plan now has an on-site Loading Zone. Because of the inadequate space in the garage, vehicles must back out across the sidewalk in order to exit. Again, this contradicts Policy 3-20 and could be hazardous for strolling pedestrians. However, the garbage bins are stored in an area along the north side of the structure. They will obviously be moved out across the sidewalk to the street. This again violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.”
12. **Rear yard bench/seating structure** Hotel Plan shows rear yard bench/seating structure is now next to the rear fence, located in the setback area. Previously planned next to the hotel, it was most likely moved due to the Fire Hose Line right of way. It appears the Plan want to build a permanent bench which would seem to violate the 20' setback.
13. **Air Quality – Impact AQ-1 :** “Project construction activities associated with the project indicate that the maximum cancer risk from project construction is 33.1 cases per one million, which exceeds BAAQMD threshold of 10 in one million.” (Mitigated Negative Declaration, p2 of 6). **CANCER RISK IS OVER 3 TIMES THE THRESHOLD.** Prior to the issuance of any demolition, grading or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement demonstrating how their equipment would achieve at least a 70% reduction in harmful emissions. This needs to be made public for the community to review prior to Planning approval.
14. **Noise and Vibration Minimization Measures** – We have heard of other properties near one of the building sites close to Santana Row suffering cracked walls due to the construction. The Developer offered to photograph the nearby properties prior to starting construction. Will our homes be photographed by the developer prior to

construction? In addition to mitigation measures for noise, what measures will be taken for any damage in walls or structural components caused by this construction? We believe this should be addressed prior to Planning approval.

15. **Traffic Study** – This was completed 3/2020 during the COVID pandemic when “safe at home” measures were in place and traffic was at a minimum. This study needs to be updated to accurately reflect the current and future traffic flow to assess how a 6-story hotel would impact the traffic congestion.
16. **Shadow Study** – This only was done until the late afternoon/early evening. This should be extended until sundown to fully assess impact of the 6-story hotel on the neighbors’ sunlight.
17. **Reverse Condemnation** – How will we be compensated for not only a decrease in property value but also quality of life (secondary to hotel’s negative impact on sunlight, breeze, view, traffic congestion, pollution, anxiety regarding safety)?
18. Please clarify the decision-making process and timelines, and identify the decision makers at each stage of the approval process. Specifics on the procedure for making an appeal is also critical to have very soon.

We look forward to your timely response since the initial neighborhood group is receiving calls from more area residents and we need your response in order to effectively communicate with these additional concerned residents.

Comment Letter L

**From:** Ali S <[a.salih215@gmail.com](mailto:a.salih215@gmail.com)>

**Sent:** Tuesday, June 15, 2021 2:16 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

[External Email]

Hi,

After reading the reports and documents concerning the potential hotel project, I noticed a few things and had some questions/concerns on the initial study.

For example in the initial study for the potential hotel project, specifically the sections that identify the impact on the resources that the potential hotel will have, the study states the following frequently, “The project would not have a significant impact on this resource, therefore no mitigation is required.” For hydrology and water quality, the construction is supposed be for 15 months and requires frequent use of water throughout the day (for 15 months) to prevent air contamination and **mitigate** the amount greenhouse gas emissions, and we are in the midst of a historic drought, and people are at risk of having their water supply cut off. For transportation and traffic, there are only two lanes on Winchester BLVD (northbound) which can get congested easily, especially when the delivery vehicles arrive at the hotel. This will cause gridlock in traffic that would affect Castlemont students and nearby residents. The traffic report was released at the time of the Shelter-In-Place order when it was implemented last year in March, so the context of the traffic report doesn’t support the initial study when it comes to the impact on traffic. Overall, I am not sure how these conclusions from the initial study, regarding the impact on the resources, were made as mentioned above. Who is conducting these studies and how and when they are being conducted must be taken into consideration.

Sincerely

Ali Salihue



Comment Letter M

From: [stoneh1704@gmail.com](mailto:stoneh1704@gmail.com) <[stoneh1704@gmail.com](mailto:stoneh1704@gmail.com)>

Sent: Tuesday, June 15, 2021 3:18 PM

To: Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

Cc: Tom Morman <[tom.r.morman@gmail.com](mailto:tom.r.morman@gmail.com)>

Subject: Winchester Hotel Project

Hello Maira —

This email is a (desperate) last ditch effort to implore you not to degrade our neighborhood with a 6 story, 120 room hotel.

It's not necessary for me to rehash the specifications (the holes in which are many), nor will I raise the same issues that have been repeatedly raised regarding building usage, traffic congestion, parking, safety, number of employees, etc. apparently, the information we have is as much and as thorough as we can expect at this point.

I will, however, reiterate the fact that this project, on so many levels, is a blight on our neighborhood. It contributes nothing aesthetically or economically. This proposed hotel contributes nothing to the place we call home.

I respectfully request that you reconsider this project. My feeling is that none of you would want (or accept) a hotel in your backyards, so please extend to us the courtesy of not force fitting this monstrosity in our neighborhood.

Obviously, we're all rather passionate about keeping our neighborhood residential. Please don't allow one person's quest to make a few dollars jeopardize the effort we've put in to ensure the comfort and well being of our neighborhood.

Thanks for your attention and consideration.

Sincerely,

Hal Stone  
1233 Castlemont Ave.

Comment Letter N

**From:** Mabel Cheng <[chengmab@hotmail.com](mailto:chengmab@hotmail.com)>

**Sent:** Tuesday, June 15, 2021 4:44 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

[External Email]

The parking described in the plan does not appear to meet the needs of the staff and guests of the hotel, and will thusly impact the surrounding neighborhood. With upwards of a dozen employees and full hotel occupancy (119 guests), the 65 planned parking spaces do not even meet half of the need. This is going to cause street parking issues for nearby residents and businesses. Compliance with City Parking Code allows for reduction in required auto parking when bicycle parking is provided. While this may make sense with residents or patrons/employees of some businesses, this does not make sense for a hotel. It would be unrealistic to expect the majority of hotel guests to conduct their local business and entertainment via walking, cycling, and public transit. The parking plan is far from realistic.

The five adjacent homes located within the shadow of the hotel will have a substantial reduction in solar electricity generation capability, especially in the winter months when sun-hours are in short supply. Some of these homes have existing solar installations, and their electrical and financial viability will be diminished. The hotel's solar access blockade runs counter to the drive behind California's residential solar mandate. Further, the negative impact on solar generation capability of nearby properties does not support the following measures in the Appendix J Greenhouse Gas Reduction Checklist:

- MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.

The developer's response to MS-16.2 states that MS-16.2 is not applicable because the "project is a hotel and does not generate or distribute energy". This is incorrect. The project has solar panels and therefore generates energy. The hotel is electrically grid-tied (primarily uses energy from PG&E), and therefore is capable of distributing energy in situations where solar generation exceeds demand. Thus MS-16.2 is applicable, and the project has not addressed it, neither on behalf of itself nor its neighbors.

The offsets and easements on the north and south edges of the property are insufficient. What happens when a crane is required to repair the northeast corner of the hotel?

I do not believe that this hotel is a good fit for the neighborhood, within the tight boundaries of two former residences.

Mabel Cheng

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

There are many justifiable reasons why a proposed hotel project is not in the best interests of the city and neighborhood.

1. **Documents not shared/disclosed.** The neighborhood concerned residents have been discussing and has multiple meetings with the Vice Mayor office. We have repeatedly express concerns and have asked on multiple occasions for more information especially the TDM, Fire report, site plan with dimensions, etc. However to our dismay, the documents recently shared have dates of 2020 and Jan 2021. This clearly was available but not given until the end of May. May 26, 2021. This is clearly withholding information and placing the neighborhood at a distinct disadvantage.
2. **Number of Hotel Employees.** The number of employees stated is 10. However for a hotel of 119 rooms this is clearly not correct. A full disclosure needs to show the 10 positions. Currently the number 10 is given without regard to the actual positions such as house keeping, maintenance worker, valet, restaurant cook, waiter, TDM worker, front desk, management, etc. The lack of specific employee task or job description indicates that this is just a 'number' and not a real operational value.
3. **Number if parking spaces.** The TDM indicates a reduction of 48.8%. This is based on the number of required spaces of 129, which is 119 (rooms) + 10 (employees). However since the number of 10 employees has not been justified, this reduction percent, also cannot be justified. As the number of employees is more than 10, then the reduction will be over 50% which is above the Urban Village Plan.

The TDM also specifies that the below 50% needs to be re-evaluated for the life of the project. Compliance with Subsection 20.90.220.A.1.e Thus it is important that this be address at the beginning of the project and not each time to consider some remediation later. The TDM also states

4. **Delivery and Loading.** Review Letter dated Oct 9, 2019 states the following:

Loading Space:

Pursuant to Section 20.70.440, hotels with greater than 100,000 gross floor area shall provide one off-street loading space. Section 20.90.420 requires loading spaces to be a minimum of 10 feet wide, 30 feet long, and 15 feet in height.

However the implementation of this loading space for this project is not feasible. The loading space in open in one direction. It is not a through way so a delivery truck will need to either back in or back out into the street. The plan also does not show a 30 feet long clearance.

In addition, for this project a hotel requires many daily deliveries. House keeping supplies, laundry, food service for the restaurant and coffee bar, etc will result in a high demand for the one space.

- 5 Trash pickup.** There is a small area designated for trash on the North side of the building. However there is no room for a garbage truck to access any dumpster. The dumpster will need to be coordinated to be moved onto the street. As the Urban Village Plan indicates there should not be any impediment of traffic flow for cars, bikes, pedestrians. Trash pickup will indeed be disruptive to any traffic flow. This violates Urban Village Goal UD-14 “Parking and service areas should not be visible from the public realm.”
- 6 Fire Plan** The Fire plan is extremely important as this affects the entire neighborhood. The building has only one access for a fire truck that is from Winchester Blvd. The side of the bldg. to the property fence is only 6 feet maximum therefore there is no access for a fire truck to either the South, East or North side of the bldg. It has been outlined in a preliminary report that the bldg. could be supported with a overhead ladder. However this would not seem feasible if a fire is in the back East side of the bldg. and is mid level. The overhead ladder would not be able to reach this spot.
- 7 Parking and Valet** The underground concept of a stacked parking lifts is not feasible at all. There are many concerns with the amount of time taken to park and retrieve cars. This greatly impacts the traffic as there is only one staging area in which cars can wait either to be parked or for new guests to unload luggage. This definitely needs to be addressed especially when the number of parking spaces is in question already.
- 8 Noise and Vibration** The neighborhood, especially the those that are adjacent to the project reserve the right for compensation for structure damage due to the construction of the project. As the project requires below ground work, this will mean additional excavation and foundation work to support a six story building.
- 9 Overall concerns** Many of the concerns being brought up by the neighborhood address the day to day operations and how it will negatively impact the traffic and community. However the since these concerns have not been addressed in the past, the feedback to the community is that the day to day operations are NOT of a concern. The project itself is of more value than common sense concerns.

In conclusion the resultant project will be a BUST. Given the lack of parking, extraordinary time of valet wait, under staffing of hotel, it would indicate that patrons would not wish to stay at a hotel such as proposed. The building will be built, become an eye sore as does not fit in the surrounding neighborhood and be a waste as no one would want to invest in it. Worse we will have a 6-story building that towers over the neighborhood, blocks out our sunlight, and take away our normal view of the sky as we'll see a 6 story concrete building. This Urban Village overall is to enhance people's lives but instead it is forcing a 6 story hotel on 2 small parcels that has a very negative impact to our family and to our neighborhood.

We are very concerned that this project to "enhance" our neighborhood instead will create an unsafe environment (due to what we and others have noted: fire safety, privacy, blocking of pedestrians and flow of traffic, noise factor that is 24 hours in a residential neighborhood which then interferes with our sleep, and adding to the traffic for the skilled nursing when they have a 9-1-1 call.

We are very concerned for the welfare of our neighborhood and truly do not see how a hotel will benefit or be needed in this area. Hotel industry is one of the hardest hit from COVID-19. As my husband stated above, if built, it will become an eyesore to our neighborhood.

Brian and Helen Matsumoto

Comment Letter P

**From:** Tom Morman <[tom.r.morman@gmail.com](mailto:tom.r.morman@gmail.com)>  
**Sent:** Tuesday, June 15, 2021 10:00 PM  
**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>; Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>  
**Subject:** Fwd: FW: 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

Hi Vice Mayor Jones and Maira,

I just received this email and wanted to let you know. I hope it was also emailed to Maira.

Regards,  
Tom

----- Forwarded message -----

**From:** <[vinnyjsj@pacbell.net](mailto:vinnyjsj@pacbell.net)>  
**Date:** Tue, Jun 15, 2021 at 9:37 PM  
**Subject:** FW: 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)  
**To:** Tom Morman <[tom.r.morman@gmail.com](mailto:tom.r.morman@gmail.com)>

-----Original Message-----

**From:** Jennifer Muscha <[jrmuscha@comcast.net](mailto:jrmuscha@comcast.net)>  
**Sent:** Tuesday, June 15, 2021 1:59 PM  
**To:** [hpna@hamannpark.com](mailto:hpna@hamannpark.com)  
**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

To Whom It May Concern,

I am writing my objections for the proposed development of the hotel project at Winchester and Payne. What purpose would a hotel in our residential neighborhood provide? Are there not enough hotels in our general area already to accommodate the number of visitors we have to this area?

Putting a hotel in that location, aside from its massive presence and the invasion of privacy for nearby homeowners, would only negatively add to the constant increase of congestion that already exists in the area. The queuing lines for the nearby freeway entrances have already been impacted with the current level of traffic during the morning and afternoon commutes, as well as the constant traffic problems as a result of the local restaurants, shopping centers and other businesses. Placing a hotel in this location would only add to an already existing traffic and noise problem.

I am NOT in support of a hotel in this proposed location and hope that the city does not approve its development.

Regards,  
Jennifer Muscha



May 27, 2021

Maira Blanco  
City of San Jose  
200 E Sanata Clara St  
San Jose, CA 95113

**Comment Letter Q**

Ref: Gas and Electric Transmission and Distribution

Dear Maira Blanco,

Thank you for submitting the 1212-1224 South Winchester Blvd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management





## **Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1.     Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2.     Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3.     Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4.     Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5.     Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



## **Attachment 2 – Electric Facilities**

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Comment Letter R

**From:** John Griswold <[john.griswold1@gmail.com](mailto:john.griswold1@gmail.com)>

**Sent:** Tuesday, June 15, 2021 4:13 PM

**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Cc:** Atienza, Manuel <[Alec.Atienza@sanjoseca.gov](mailto:Alec.Atienza@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Jones, Chappie <[Chappie.Jones@sanjoseca.gov](mailto:Chappie.Jones@sanjoseca.gov)>; Kohl, Cassidy <[Cassidy.Kohl@sanjoseca.gov](mailto:Cassidy.Kohl@sanjoseca.gov)>; Tom Morman <[tom.r.morman@gmail.com](mailto:tom.r.morman@gmail.com)>

**Subject:** 1212-1224 S. Winchester Boulevard Hotel Project (C19-031 & SP20-016)

[External Email]

Re-zoning for this monstrous hotel will diminish adjacent property values. A home buyer deciding between two equivalent homes will pay substantially less for the one that is literally within the shadow of a 6 story eyesore. Adjacent property owners have a right to compensation or relief where their view is lost to rezoning and construction, even where no footprint acreage is taken. The 6 story hotel will have upper level balconies overlooking private residential pools, yards, and bedrooms. These homeowners will no longer enjoy the privacy they purchased and reasonably expect. The adjacent homes were built and occupied with the expectation of 1-2 story residential neighbors. The negative impact of this project on the fair market value of adjacent homes should be determined by a neutral assessor who is neither employed by the hotel nor the pro-business city planners, and injured parties should be justly compensated. As part of assessing the fair market value impact on adjacent homes, planners should render realistic views of the hotel from the backyards, pools, patios, dining rooms and upstairs bedrooms of these adjacent property owners. If the city of San Jose plans to flex its pro-business mindset by discarding extant zoning, they should also plan to offset the negative impact to those harmed. If not, they can expect inverse condemnation legal action.

Tall columnar trees should be included in the landscape plan to mitigate the substantial privacy loss for adjacent homes. These trees should be selected to break up the visual impact of the ominous non-residential structure, complementing the vegetation already planned for the purpose of decorating the hotel's back patio. These tall trees will inevitably interfere with existing power and communication lines currently mounted on poles along the eastern edge of the property. Therefore, the site plan should include moving these utilities underground to prevent storm-related outages. PG&E will need to upgrade the service capacity anyway, as the electrical needs of the hotel will far outweigh the current capacity established for the two condemned residences. The existing vegetation that currently serves as a privacy shield (for single story residences) will be destroyed. Also, any impact on easements should be reassessed as appropriate.

Thank you for your consideration,  
John Griswold, relative of nearby homeowner



TAMIEN NATION  
OF THE GREATER SANTA CLARA COUNTY  
P.O. Box 8053, San Jose, California 95155  
(707) 295-4011 tamien@tamien.org

June 11, 2021

City of San Jose  
Maira Blanco  
Planning Project Manager  
Sent Via Email: [Maira.Blanco@sanjoseca](mailto:Maira.Blanco@sanjoseca)

Comment Letter S

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b), (d) and (e) for 1212-1224 South Winchester Boulevard, San José, CA

Dear Ms. Blanco,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on May 26, 2021, regarding the above referenced project.

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- ☐ Alternatives to the project
- ☒ Recommended mitigation measures
- ☒ Significant effects of the project

Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- ☒ Type of environmental review necessary
- ☒ Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- ☒ Significance of the project's impacts on tribal cultural resources
- ☒ Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
  - a. Protecting the cultural character and integrity of the resource;
  - b. Protection the traditional use of the resource; and
  - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
  - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
  - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
  - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
  - Any report that may contain site forms, site significance, and suggested mitigation measures.



All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at [http://www.nahc.ca.gov/slf\\_request.html](http://www.nahc.ca.gov/slf_request.html). USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation's lead contact person identified in the attached request for notification.

Quirina Geary  
Chairwoman  
POBox8053  
San Jose, CA 95155  
(707) 295-4011

Sincerely,



Quirina Geary  
Chairwoman

cc: Native American Heritage Commission

## ATTACHMENT B

Operations Plan 1212-1224 S. Winchester Blvd Hotel
--

**Days & Hours of Operations:** Seven days a week / 24 hours.

**Employee Staff/ Shifts:** see attached.

**Security :** Cameras plus security guard (s) as needed.

**Alcohol services:** On-site only. License ABC-221 General.

**Food service:** Coffee Shop and Bar. Approximately 750 square feet

**Loading & Delivery Operations:** Provided adjacent to garage entry  
City to set permitted hours of operation.

**Valet Parking Operations:** Located in the basement level. Staff will  
will greet guest and park the hotel guests vehicle, and retrieve  
guests vehicle for departure.

**Rideshare Drivers and Taxis:** Pickup and drop off riders is provided  
on-site. Drivers will enter the garage to the point of turnaround  
and drop off and pickup.

**Noise:** The building is 35 feet from the rear residential use with a  
59-50 dba measurement.

**Trash Operations:** Covered trash enclosure and recycle bins are  
located within the building on the north side and will be wheeled to  
the street frontage for pick up and return.

*Filed 9/27/21*

## Winchester Hotel Employee Staff

10 Positions - Up to 3 Shifts

Notes

<b>Hotel Manager &amp; Assistant - 2 Shifts</b>	
5:00 am-1:30pm - Manager	
2:00pm - 10:30 pm - Asst. Manager	
<b>Front Desk Reception - 3 Shifts</b>	
5:30 am - 2:00pm	
2:30pm - 11:00pm	
11:30pm - 5:00am	Asst. Manager covers 2:00 - 2:30 pm
<b>Front Desk Reception - 1 Shift</b>	Manager covers 11:00 - 11:30 pm
6:00 am - 2:30pm	
<b>Coffee Shop &amp; Bar - 2 shifts</b>	
5:00am - 1:30pm	
2:00pm - 10:30pm	Closed 1:30 - 2:30 pm
<b>Valet &amp; Bellman - 3 shifts</b>	
6:00am - 2:30pm	
3:00pm - 11:30pm	
12:00pm - 5:30am	Maintenance staff will cover hours of 2:30 - 3:00 pm, 11:30 - 12:00 am & 5:30 - 6:00am
<b>Housekeeping - 2 shifts</b>	
6:00am - 2:30pm	
3:00pm - 11:30pm	
<b>Housekeeping - 2 shifts</b>	
7:00am - 3:30pm	
4:00pm - 12:30 am	
<b>Housekeeping - 2 shifts</b>	
6:00am - 2:30pm	
3:00pm - 11:30pm	
<b>Maintenance Staff - 2 shifts</b>	
5:00 am - 1:30pm	
2:00pm -10:30pm	
<b>Breakfast Room - 1 shift</b>	
5:30am - 12:00pm	Breakfast hours 6:30 - 10:30 am
<i>No room service</i>	

Employee staffing plan above is intended to minimize employee parking to no more than 10 parking spaces. However, employee parking will be further reduced by requiring at least 50% of employees using alternative methods of transportation as defined in the project TDM Plan, and enforced by not providing a required employee parking pass.