

# City Council Hearing

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August 23, 2022



*Planning, Building and  
Code Enforcement*

# Item 10.5

**SP20-016- Administrative Appeal of the Environmental Determination and Special Use Permit on Real Property Located at 1212-1224 South Winchester Boulevard.**

Presenter: Christopher Burton, Director, PBCE

# Project Background

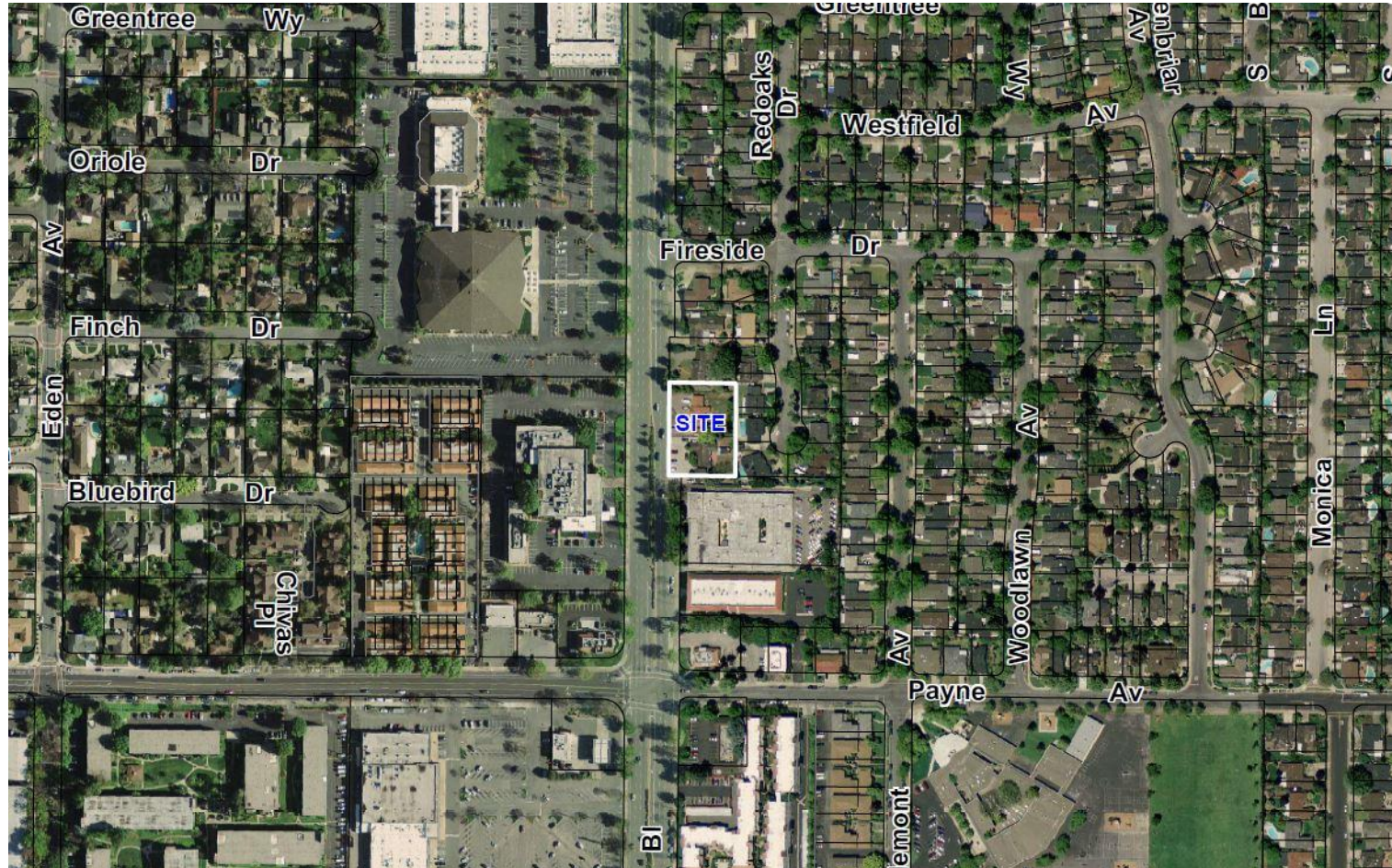
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- **January 11, 2022**
  - Special Use Permit dropped from City Council agenda
  - Conforming Rezoning from R-1-8 to CP approved (in conformance with SB1333)
  - Adoption of the 1212-1224 South Winchester Boulevard Hotel Project Initial Study/Mitigated Negative Declaration in accordance with CEQA
- **March 23, 2022**
  - Special Use Permit approved at Director's Hearing
- **March 28, 2022**
  - Environmental Determination appealed
- **April 1, 2022**
  - Special Use Permit appealed



# Project Location

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# Proposed Hotel Project

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## Winchester Boulevard Urban Village Plan Implementation

- Special Use Permit to allow:
  - Demolition of two existing buildings and associated structures on site and removal of nine trees
  - Construction of a 107,079-square foot, six-story hotel, 119 room hotel
  - 49% Parking Reduction with TDM Plan
  - Alternative Parking Arrangement – Vehicle Stackers



# Permit Appeal

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## Issues Raised by Appellants

- ❖ Inconsistency with General Plan and Winchester Boulevard Urban Village land use designation of Neighborhood/Community Commercial
- ❖ Inconsistency with applicable development standards
- ❖ Compatibility of building height
- ❖ Fire Safety
- ❖ Building Division project review
- ❖ Pedestrian/Bicyclist Safety
- ❖ Guest and Valet drop-off/pick-up operations
- ❖ Security concerns
- ❖ Traffic congestion
- ❖ Lack of parking
- ❖ Trash pick-up operations

# Permit Appeal – City Response

- ❖ Land Use and Planning – The project is consistent with all applicable provisions of the General Plan/Winchester Urban Village Plan land use designation of Neighborhood/Community Commercial and the CP Zoning District
- ❖ Building Permit Stage - The Fire Department and Building Division would conduct a complete review for conformance with applicable Building and Fire Codes upon a complete submittal of construction drawings. Fire and Building conduct preliminary site review at the Planning stage.
- ❖ Parking – The project is located within an Urban Village and is therefore eligible for a parking reduction of up to 50% with the implementation of a TDM Plan.
- ❖ Pedestrian/Bicyclist Safety - The project includes the construction of a 20-foot-wide sidewalk along South Winchester Boulevard. The applicant is conditioned to install an audible warning signal at the garage entrance to alert pedestrians and bicyclists of vehicles exiting the garage.
- ❖ Pick-Up/Drop-Off Operations - All parking, loading, and pick-up/drop-off would occur entirely within the building footprint. Valet would be responsible for parking vehicles in stackers. There is adequate space within the garage for rideshare pick-up/drop-off and turn around. Trash bins would be rolled from fully enclosed trash room out to the street on pick-up days.
- ❖ Security – The hotel would have staff on-site at all times, as well as cameras.

# Environmental Review Background

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- Initial Study prepared for the project; IS/MND circulated for public review from May 26, 2021 to June 15, 2021.
- The Initial Study concluded that the proposed project would not result in any significant and unavoidable environmental impacts with implementation of identified mitigation measures. The Mitigated Negative Declaration includes impacts related to the following:
  - ❖ Air Quality, Biological Resources, Hazards and Hazardous Materials, and Noise
- City Council adopted the 1212-1224 South Winchester Boulevard IS/MND and associated Mitigation Monitoring and Reporting Program on January 11, 2022 for the Conforming Rezoning (C19-031).
- Special Use Permit (SP20-016) approved at a Director's Hearing held on March 23, 2022 with a Determination of Consistency.



# Environmental Determination Appeal

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- A timely appeal of the Environmental Determination was received on March 28, 2022. Appeal letters cite:
  - ❖ Inconsistency with GP designation and Winchester Boulevard Urban Village Plan
  - ❖ Fire safety
  - ❖ Pedestrian/bicyclist safety
  - ❖ Guest and valet drop-off/pick-up zone operations
  - ❖ Traffic
  - ❖ Rooftop solar
  - ❖ Incorrect MMRP
  - ❖ Hotel operations
  - ❖ Impervious coverage

# Environmental Determination Appeal – City Response

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As presented in the Council Memo and supporting responses, appellants did not raise new issues about the project's environmental impacts, nor provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the supporting Initial Study.

- ❖ Land Use & Planning: The project is consistent with the Neighborhood/Community Commercial designation and the Winchester Boulevard Urban Village Plan. The project is consistent with the applicable development standards, including height and step back requirements of the Winchester Boulevard Urban Village Plan.
- ❖ Process/Administrative: Impacts and mitigation measures for the 1212-1224 Winchester Hotel Project were appropriately disclosed in the publicly circulated Initial Study/Mitigated Negative Declaration. The 1212-1224 Winchester Hotel Project Initial Study/Mitigated Negative Declaration, adopted by City Council, was accurately described in the staff report for the rezoning and the resolution with only the incorrect MMRP attached.
- ❖ Transportation: The project did not require a full transportation analysis because it meets the City's VMT screening criteria (local serving use). Therefore, the proposed project does not require a detailed CEQA VMT analysis and is expected to result in a less-than-significant VMT impact.

# Staff Recommendation

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Staff recommends the City Council take the following actions:

- Adopt the Determination of Consistency with the Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project in accordance with CEQA; and
- Approve a Special Use Permit File No. SP20-016 for the 1212-1224 South Winchester Boulevard Hotel Project to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance size) for the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49 percent parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site; and
- Adopt a resolution denying the Environmental Appeal of and upholding the Determination of Consistency with the previously adopted 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; and
- Adopt a Resolution denying the permit appeal and approving, subject to conditions, a Special Use Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance size) for the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49 percent parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site located on the east side of South Winchester Boulevard, approximately 270 feet south of Fireside Drive.

# Community Engagement

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- Community Meeting Held on August 10, 2020
  - Key concerns/issues:
    - Building height and privacy issues
    - Traffic impact
    - Hotel operations, insufficient staffing
    - Inadequate parking and on-site circulation
    - Noise and vibration impacts to neighboring properties
    - Health effects from project construction
    - Trash removal
    - Shade and shadow impacts
  - Additional meetings held between applicant and neighborhood group with staff present
  - On-site Sign was posted on the project frontage