



**MINUTES
FREMONT ZONING ADMINISTRATOR
VIRTUAL MEETING OF MAY 4, 2020**

CALL TO ORDER: Zoning Administrator Clifford Nguyen called the meeting to order at 3:00 p.m. Mr. Nguyen explained that this meeting was being conducted utilizing teleconferencing and electronic means consistent with State of California executive order N2920, dated March 17, 2020 regarding the COVID-19 pandemic.

PRESENT: Zoning Administrator Clifford Nguyen
David Wage, Senior Planner
Courtney Pal, Planner II

CONSENT CALENDAR

THE ZONING ADMINISTRATOR MOVED ITEM 2 TO THE CONSENT CALENDAR AND TOOK THE FOLLOWING ACTION:

Item 2. **MARRIOTT FREMONT ZA AMENDMENT – 46100 Landing Parkway – (PLN2020-00164)** – To consider an Amendment to a previously-approved Zoning Administrator Permit to allow the conversion of an existing hotel concierge lounge into two new guestrooms at 46100 Landing Parkway in the Bayside Industrial Community Plan Area, and to consider a categorical exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

Planner II Courtney Pal provided a summary of the proposed project.

The Zoning Administrator took the following action on Item 2:

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15301;

AND

FOUND THAT PLN2020-00164, A ZONING ADMINISTRATOR PERMIT AMENDMENT TO ALLOW THE CONVERSION OF AN EXISTING CONCIERGE LOUNGE INTO TWO HOTEL ROOMS, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND
APPROVED PLN2020-00164, AS SHOWN ON EXHIBITS “A,” SUBJECT TO
FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT “B.”

Item 2 was approved based on finding and subject to conditions.

PUBLIC HEARING ITEMS

- Item 1. **VOP WARM SPRINGS OFFICE BUILDING – 44710 Fremont Boulevard – (PLN2019-00049)** – To consider a Discretionary Design Review Permit and Modification of Zoning Standards to allow a six-story 310,330 square-foot office building, associated parking garage and 0.47-acre plaza proposed by Valley Oak Partners, LLC, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Infill Development Projects, and a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15183 as the Project is consistent with the Warm Springs/South Fremont Community Plan for which a Final Environmental Impact Report (SCH#2013032062) was previously prepared and certified.

Zoning Administrator Nguyen opened the public hearing.

The applicant requested an additional 12 months (total of 36 months) to exercise their Discretionary Design Review Permit approval in light of the current global pandemic and its impact on his ability to market the project to tenants and the disruption to normal business operations. In addition, the project is unique in its size, which includes a 310,300 square-foot office building that could serve as a campus for a significantly sized company. Buildings of this size often take more time to market. The Zoning Administrator acknowledged these challenges presented by the applicant and also cited the delayed opening of the BART Line south of the Warm Springs Station as an additional challenge, which could further impact the ability to market the property in the immediate future. The Zoning Administrator granted the applicant’s request to extend the approval for a period of 36 months and added Condition of Approval A-7.

There were no public comments submitted electronically for this item.

Zoning Administrator Nguyen closed the public hearing.

The Zoning Administrator took the following action on Item 1:

HELD PUBLIC HEARING;

AND
FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA
GUIDELINES SECTION 15332, IN-FILL DEVELOPMENT PROJECTS, FOR

REASONS ENUMERATED IN THE STAFF REPORT ABOVE AND ALSO THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CEQA GUIDELINES SECTION 15183 AS THE PROJECT IS CONSISTENT WITH THE DEVELOPMENT INTENSITY ESTABLISHED BY THE WARM SPRING SOUTH FREMONT COMMUNITY PLAN FOR WHICH AN FEIR (SCH#2010082260) WAS PREVIOUSLY PREPARED AND CERTIFIED;

AND

APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT AND MODIFICATION OF ZONING STANDARDS RELATED TO BULK AND MASSING, AS DEPICTED IN EXHIBIT “B,” BASED ON FINDINGS AND CONDITIONS OF APPROVAL AS SHOWN IN EXHIBIT “C.”

Item 1 was approved with the following additional condition of approval:

Findings and Conditions:

A-7. ***Time limits.*** The approval shall run with the land and be void if not exercised within 36 months from the day of approval. An extension of the permit may be requested pursuant to FMC Section 18.330.030.

Item 3. **BASIS INDEPENDENT – 39706 Mission Boulevard – (PLN2020-00171)** – To consider a Zoning Administrator Permit to expand the eligibility of student enrollment to high school students grades nine through twelve at an existing school offering pre-school through eighth grade, located at 39706 Mission Blvd in the Mission San Jose Community Plan Area, and to consider a categorical exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guideline 15301, Existing Facilities.

Planner II Courtney Pal presented a description of the proposed project and the public input that had been received thus far.

Kartik Patel of Archevon, Inc. presented the project on behalf of the applicant.

Zoning Administrator Clifford Nguyen opened the public hearing, as there were three electronic submissions received.

Recording Clerk Trish Cordova read the following public comments, which were received via email:

Stu Brandon, Fremont resident, asked three questions regarding parking and traffic flow during drop-off and pick-up operations.

Sunil Dhar, Fremont resident, expressed his concern that the property was not in compliance with conditions from the original zoning approval. He alleged that the property was not in compliance with conditions regarding parking, maintenance of a 50-foot landscape buffer between the property and adjacent homes, and restricted use

of an emergency vehicle access driveway. He also expressed his concern that the proposed project would result in an increase in traffic on Mission Boulevard.

Jaci Daskarolis, Fremont resident, expressed her concern regarding parking, traffic, and noise from recreational activities at the school. She also expressed her concern regarding the lack of maintenance of the 50-foot landscape buffer between the property and the adjacent homes.

Ian Block, CEO of BASIS Independent Schools, responded to concerns. He stated that BASIS was not planning to increase the total number of students at the site, but rather planning to change the ages of the students enrolled.

Zoning Administrator Clifford Nguyen asked questions of **Planner II Courtney Pal** and **Ian Block** regarding compliance with previous conditions of approval and plans for circulation, parking, and hours of operation on the site. He then added the following conditions of approval for the project:

1. In compliance with the original Conditions of Approval for P-78-4, BASIS and the Fremont Community Church shall maintain and improve the 50-foot landscape buffer in the rear of the property to the satisfaction of the Zoning Administrator or his designee prior to the enrollment of high school students on the site.
2. Upon determination by the Zoning Administrator that there is an ongoing parking demand issue at the site, BASIS shall be required to implement parking demand management strategies, such as provision of parking passes to students, to the satisfaction of the Zoning Administrator. If the Zoning Administrator determines that the implementation of such strategies has not resolve the parking demand issue, then the Zoning Administrator shall require BASIS to add new parking spaces to the site in order to meet demand.

The Zoning Administrator took the following action on Item 3:

HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15301;

AND

FOUND THAT PLN2020-00171, A ZONING ADMINISTRATOR PERMIT TO ALLOW THE ENROLLMENT OF HIGH SCHOOL STUDENTS IN GRADES NINE THROUGH 12 AT BASIS INDEPENDENT SCHOOL, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

APPROVED PLN2020-00171, AS SHOWN ON EXHIBITS "A," SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT "B."

Item 3 was approved based on finding and subject to conditions, including the additional conditions of approval noted above.

ADJOURNMENT

Meeting adjourned at 3:52 p.m.

APPROVED BY:

A handwritten signature in black ink, appearing to read 'Clifford', with a long horizontal flourish extending to the right.

Clifford Nguyen
Zoning Administrator