This meeting was conducted utilizing the teleconferencing software Zoom and is consistent with the State of California Executive Order N-29-20 dated March 17, 2020 regarding the Coronavirus (COVID-19) pandemic.

CALL TO ORDER: Chairperson McDonald called the meeting to order at 7:00 p.m.

PRESENT: Chairperson McDonald
Vice Chairperson Yee
Commissioners Cardenas, Daulton, Liu, Rao, Steckler

ABSENT: None

STAFF PRESENT: Joel Pullen, Planning Manager
Heather Lee, Senior Deputy City Attorney
David Wage, Senior Planner
Trish Cordova, Recording Clerk
Maria Salinas, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: Commissioner Steckler moved to approve minutes from the regular meeting of December 10, 2020. Vice Chairperson Yee seconded and motion carried unanimously.

ELECTION OF OFFICERS: Commissioner Cardenas motioned to nominate Ben Yee as Chairperson and Reena Rao as Vice Chairperson. Commissioner Liu seconded and motion carried unanimously.

Following the Election of Officers, incoming Chairperson Ben Yee took control of the meeting.

DISCLOSURES: Chairperson Yee rode his bike around the proposed site for Item 1 (PLN2020-00140).

Vice Chairperson Rao drove around the proposed site for Item 1.

Commissioner McDonald visited the proposed site for Item 1.

Commissioner Steckler visited the proposed site for Item 1.
Commissioner Cardenas walked around the proposed site for Item 1.

Commissioner Daulton walked around the proposed site and surrounding neighborhoods for Item 1.

Commissioner Liu visited the proposed site for Item 1 and spoke with a sales representative for Toll Brothers at the adjacent property.

Timestamps from the video webcast are listed below each Public Hearing Item Number and are in hours format, as follows: (hours:minutes:seconds). Video webcasts of Planning Commission meetings can be found at: https://fremontca.viebit.com/

CONSENT CALENDAR None

PUBLIC/ORAL COMMUNICATIONS None

PUBLIC HEARING ITEMS

Item 1. DUAL BRANDED WARM SPRINGS MARRIOTT HOTEL – 44870 South Grimmer Boulevard – PLN2020-00140 – To consider: 1) a third-party appeal of the Zoning Administrator’s decision to approve a Discretionary Design Review Permit and Modifications to allow the development of a new full-service hotel with an associated bar and lounge and parking garage; 2) the project applicant’s concurrent Amendment to reduce the project’s overall scale to a six-story building with 359 rooms; and 3) 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 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.

Planning Manager Joel Pullen introduced the item.

Senior Planner David Wage gave a comprehensive presentation, noting that the project included both an appeal and entitlements. He stated that the appeal was filed by a third party, and that the entitlements included an amendment to a Discretionary Design review that was approved by the Zoning Administrator on September 9, 2020. Details for the proposed project and related appeal can be found within the agenda packet.

Mr. Wage responded to questions from the Commission regarding the following issues:
• The number of hotel rooms planned for the Warm Springs/South Fremont Community Plan Area.
• If the City provided support for the project (e.g. financial or land donations).
• If there were differences in construction character, with regards to the appeal.
• If people in the area had been notified of the proposed project.
• Features of the hotel and site design.

Chairperson Yee opened the public hearing and invited the applicant to speak.

Brad Wagstaff, Owner and Managing Partner of Mogul Capital, and Kurt Jensen, President of Jensen Design Architects, spoke to the project and design. Marne Sussman, Partner with Holland and Knight, addressed the legal issues regarding the appeal.

Michael Lozeau, Partner with Lozeau Drury LLP, spoke on behalf of the appellant alleging that the project was inconsistent with the Master Plan and CEQA concerns, including formaldehyde exposure.

Marne Sussman spoke in rebuttal to the comments made by Mr. Lozeau.

Michael Lozeau responded to Ms. Sussman’s rebuttal.

Senior Planner David Wage and Planning Manager Joel Pullen responded to questions and comments from the Commission regarding CALGreen Building Standards, maximum floor area ratio for the project site, and project height.

Chairperson Yee called for a recess at 8:34 p.m. and reconvened the meeting at 8:45 p.m.

Brad Wagstaff responded to questions from the Commission regarding the height and design of the project, orientation of the front façade, and room pricing.

Chairperson Yee closed the public hearing.

Commissioner Cardenas moved to deny the appeal, approve staff recommendation, and approve the amendment. Commissioner Steckler seconded.

Commissioner Daulton opened a discussion regarding the potential to vote separately on the CEQA findings.

IT WAS MOVED (CARDENAS/STECKLER) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THE PLANNING COMMISSION – 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
DENIED THE APPEAL SUBMITTED BY THE APPELLANT FOR THE REASONS STATED IN THIS REPORT; AND
APPROVED THE AMENDMENT TO DISCRETIONARY DESIGN REVIEW PERMIT AND MODIFICATION OF ZONING STANDARDS (PLN2020-00140) TO ALLOW A REDUCED SCALE PROJECT THAT INCLUDES A SIX-STORY, 359 ROOM, 248,000 SQUARE-FOOT HOTEL BUILDING, ASSOCIATED PARKING GARAGE AND BAR AND LOUNGE, AS DEPICTED IN EXHIBIT “B,” BASED ON FINDINGS AND CONDITIONS OF APPROVAL AS SHOWN IN EXHIBIT “C.”

The motion carried by the following vote:
AYES: 7 – Cardenas, Daulton, Liu, McDonald, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

• Information from staff, as reported by Planning Manager Joel Pullen:
  o Noted the timing improvements for the closed captioning and expressed appreciation for the stenographers working tonight.
  o Informed the Commission that Assistant Planning Manager Clifford Nguyen and Principal Planner Wayland Li will start attending these meetings, beginning this month.
  o Two items that have already been reviewed by Planning Commission, Mission Hills Swim and Tennis Club and the Affordable Housing Ordinance Update (at a work session for Planning Commission), will be reviewed by City Council next month.

• Actions from City Council Regular Meetings: None

• Information from Commission:
Commissioner McDonald commented on a nationwide event to show support for people who have died due to COVID-19 and frontline workers that scheduled for January 19, 2021 and encourage people to participate by lighting a white candle and putting it in a window.

ADJOURNMENT

Meeting adjourned at 9:39 p.m.

SUBMITTED and APPROVED BY:

Kim Salazar, Recording Clerk
Planning Commission

Joel Pullen, AICP, Secretary
Planning Commission