

Planning Commission

August 22, 2019

- Proposal:** FREMONT CONFERENCE/CONVENTION CENTER AND BANQUET FACILITY – 46399 Fremont Boulevard – PLN2018-00263 - To consider a Conditional Use Permit, Discretionary Design Review Permit, Modification of Zoning Standards (to increase the floor area ratio from 0.35 to 0.41) and Waiver of Parking Space Requirements to allow development of a 56,044-square-foot conference/convention and banquet facility at 46399 Fremont Boulevard in the Bayside Industrial Community Plan Area, and to consider a finding that no further environmental review is required as a Mitigated Negative Declaration was previously prepared and adopted for the Springhill Suites project (PLN2015-00241) in accordance with the California Environmental Quality Act (CEQA) for which the proposed project is a conforming part.
- Recommendation:** Approve based on findings and subject to conditions.
- Location:** 46399 Fremont Boulevard
- Area:** 56,044-square-foot building on a 3.1-acre lot
- People:** Surya Real Estate, LLC, Property Owner
Nimish Patel, Applicant
SKLA Architecture, Architects
Terry Wong, Staff Planner, 510-494-4456, twong@fremont.gov
- General Plan:** Industrial - Tech
- Zoning:** I-T, Tech Industrial

EXECUTIVE SUMMARY

The applicant requests approval of a Conditional Use Permit (CUP), Discretionary Design Review Permit and Modification of Zoning Standards (to increase the floor area ratio from 0.35 to 0.41), and a Waiver of Parking Space Requirements to allow development of a 56,044-square-foot conference/convention and banquet facility. The facility would accommodate up to 1,200 persons at conference/convention events and up to 825 guests at banquet events with the ability to increase to 900 guests in the future through a Conditional Use Permit Amendment when certain criteria have been met. As proposed by the applicant, conference/convention events would not occur at the same time as banquet events. Thus, the parking requirement for the project is based on the City's parking standard for banquet facilities, which requires more parking than a conference/convention center.

The project would conform to the development standards and Citywide Design Guidelines. Therefore, staff recommends that the Planning Commission approve the proposed project as shown in Exhibit "A," based on the findings and subject to the conditions of approval contained in Exhibit "B."

BACKGROUND AND PREVIOUS ACTIONS

In 2016, the Planning Commission approved a two-lot Tentative Parcel Map in conjunction with a Discretionary Design Review Permit for a Springhill Suites hotel, which is currently under construction and nearing completion. The proposed project would be located on the remaining adjacent lot. At the time of Tentative Parcel Map approval, it was unknown what future use would occupy the remaining lot and for the purpose of environmental review, it was assumed that a 100,000-square-foot office building would be constructed.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, the Planning Commission is charged with completing the following tasks:

1. Consider a finding that no further environmental review is required as a Mitigated Negative Declaration was previously prepared and adopted for the Springhill Suites project (PLN2015-00241) in accordance with the California Environmental Quality Act (CEQA) for which the proposed project is a conforming part; and
2. Consider the request for approval of a Conditional Use Permit, Discretionary Design Review Permit, Modification of Zoning Standards (to increase the floor area ratio from 0.35 to 0.41) and Waiver of Parking Space Requirements to allow development of a 56,044-square-foot conference/convention and banquet facility as shown in Exhibit "A," based on the findings contained in Fremont Municipal Code (FMC) Sections 18.183.040, 18.230.060, 18.235.060 and 18.250.070 and subject to the conditions contained in Exhibit "B."

PROJECT DESCRIPTION

The applicant proposes construction of a new 56,044-square-foot building with a fenced outdoor patio and garden at the rear and a rooftop patio. The facility would host conferences/conventions for up to 1,200 persons and banquets for up to 825 guests with the ability to increase to 900 guests in the future through a Conditional Use Permit Amendment when certain criteria have been met. A Conditional Use Permit Amendment would be required if the applicant wishes to increase the guest capacity to 900 during banquet events. Banquet events would occur only when there is no conference or convention taking place. The building would have a 10,500-square-foot lobby for pre-function activities and a 22,368-square-foot event space that may be divided with movable partitions to accommodate up to four different conferences at one time. Up to two banquets could take place at one time, as the building and outdoor patio areas could be divided into two with movable partitions. The remaining 13,196-square-feet would contain restrooms, kitchens, storage, offices and ancillary space associated with banquet events (i.e., changing rooms for brides and grooms).

The conference/convention center would typically operate Monday to Thursday from 8 a.m. to 11 p.m. while banquet events would typically take place Friday to Sunday from 8:00 a.m. to 1:30 a.m. with no alcohol service past 1:00 a.m. Typical events that would take place in the banquet facilities include weddings/wedding receptions, corporate parties and funeral wakes. The applicant intends to secure a full-service liquor license in order to offer full alcoholic beverage service for the banquet facility. No alcohol would be served during conferences/conventions.

Vehicular access to the site would be provided via the two driveways along the project site's Fremont Boulevard street frontage. Surface parking for 107 vehicles would be provided at the front and sides of the building, and an underground parking garage for 119 vehicles

would be accessed from the south side of the building.

PROJECT ANALYSIS

General Plan Conformance

The subject property is currently designated Industrial – Tech in the Land Use Element of the General Plan. This land use designation is intended to accommodate areas devoted to research and development activities, “clean and green” tech, and semi-conductor, computer hardware, software and related technological, administrative, sales, and engineering facilities. Within this area, certain non-sensitive assembly and business service uses may be permitted. The following General Plan Land Use and Economic Development policies are applicable to the proposed project:

Land Use Policy 2-1.2: A Complete City – Plan and develop Fremont’s available land supply in a way that achieves a balance between jobs and housing, matches future jobs to the capabilities of the local workforce, and provides an array of shopping choices, recreational choices, and entertainment and cultural facilities, thereby reducing the need for residents to travel outside the City.

Analysis: The project site is ideal for a conference/convention center and banquet facility because the City does not currently have a comparable facility that can accommodate a conference/convention. Also, the proposed facility would provide a purpose-built venue capable of catering to large groups to hold banquets, celebrations or other formal functions in a controlled environment with private security. In addition, the venue’s south Fremont location is in proximity to the heart of Silicon Valley. The site would have convenient access to I-880 and would be compatible with the office and hotel uses in the vicinity.

Economic Development Policy 6-6.4: Lodging, Restaurants, and Meeting Facilities

Encourage the development of quality lodging, restaurants and meeting facilities to meet the needs of business, local residents and their guests to bring visitors to the community.

Analysis: The project would provide a convenient location and high-quality facility for hosting conferences/conventions and banquets in proximity to a new hotel and existing hotels.

Zoning Compliance

The project site is located within an I-T (Tech Industrial) zoning district where a conference/convention center is allowed, subject to approval of a Conditional Use Permit. A banquet facility when operated in conjunction with an exhibition and conference hall that is located within 500 feet of an existing or approved hotel is also allowed, subject to approval of a Conditional Use Permit. There are several hotels nearby, including the Springhill Suites under construction on the immediately adjacent site.

The project’s other three associated entitlements include a Discretionary Design Review Permit for the proposed 56,044-square-foot building, a Modification to Zoning Standards to allow an increase in the allowable floor area ratio (FAR), and a Waiver of Parking Space Requirements to allow a parking reduction of 30 spaces. These applications would typically be reviewed by the Zoning Administrator; however, they will be considered by the Planning Commission per FMC Sections 18.235.040(b), 18.250.050(b) 18.183.040 (d) because the

applications have been made in conjunction with another permit requiring Planning Commission approval.

Live and/or amplified music would be provided at some of events as is typical of receptions and parties. To ensure that noise from these events does not impact guests at the adjacent Springhill Suites hotel, the applicant designed a noise-buffering lobby directly inside the main entrance to the event space. The lobby would have its own set of self-closing doors thereby providing a secondary noise barrier whenever guests enter or exit the facilities while music is playing. Outdoor events in the garden area at the rear of the site, or roof-top terrace that have amplified music would be required to conclude by 10 p.m. (Condition No. 7).

Table 1, below, shows how the proposed conference/convention center and banquet facility would conform to the applicable development standards for the I-T zoning district:

Table 1 – I-T Development Standards

| Standard | Requirement | Proposed | Complies? |
|-----------------------|--------------------|-----------------|------------------|
| Front Setback | 25 feet | 88 feet | Complies |
| Rear Setback | None | 71 feet | Complies |
| Interior Side Setback | None | 50 feet | Complies |
| Building Height | 75 feet | 47 feet | Complies |
| Floor Area Ratio | 0.35 | 0.41 | Acceptable |

Allowing an increase in FAR beyond maximum requires approval of a Modification of Zoning Standards pursuant to FMC section 18.250.070. As required under the Zoning Ordinance, the FAR increase would not cause the project to exceed the capacity of streets and would not adversely affect the privacy of properties in the vicinity of the project because the proposed project would be located on an arterial within an industrial area on the west side of I-880 with no residences in the vicinity. Additionally, the project would provide extraordinary benefits to the City in that a dedicated conference/convention center and banquet facility is a use that does not currently exist in the south Fremont, but that is needed. The site is in a prime location due to its proximity to I-880 and the heart of Silicon Valley.

Parking

The proposed project would provide 107 parking spaces in a surface parking lot on the north, south and east sides of the proposed building and 119 parking spaces in an underground garage for a total of 226 spaces. Additionally, 33 bicycle spaces, and two motorcycle spaces would be provided. Pursuant to FMC Section 18.183.030, the parking requirement for “exhibition or conference halls” without fixed seating is ten spaces per 1,000 square feet of area devoted to public assembly or principal activity, and the requirement for a banquet facility (equivalent to a full-service restaurant) is one space per 3.5 seats plus ten percent for employees. As shown in Table 2, below, the parking requirement for the proposed conference/convention center would be 224 spaces, while the banquet facility with an occupant load of 825 guests would require 260 spaces. As previously noted, the conference/convention center would not operate at the same time as banquet events. Thus, the parking requirement for the proposed project is based on the parking standard for a banquet facility because it results in a higher number of required parking spaces. With a parking requirement of 260 spaces and 226 proposed spaces, the project would be deficient 34 spaces. As previously noted, in conjunction with the other project entitlements, the applicant has requested a Waiver of Parking Space Requirements, which is discussed further below.

Table 2 – Parking Requirements

| Function | Parking Ratio/Standard | Public Assembly Area (SF)/Occupancy | Required Spaces |
|------------------------------|--|--|------------------------|
| Conference/Convention | 10 per 1,000 SF of primary assembly area | 22,368 SF | 224 |
| Banquet | 1 per 3.5 seats, plus 10 percent for employees | 732 | 232 |

Pursuant to FMC Section 18.183.130, credit for bicycle and motorcycle parking is allowed for uses in commercial and industrial districts. One parking space can be omitted for each eight bicycle parking spaces and/or two motorcycle spaces. Table 3, below, shows the required bicycle and motorcycle parking and the credit given to the project.

Table 3 – Bicycle & Motorcycle Spaces

| Bicycle & Motorcycle Spaces | Ratio/Standard | Required Spaces |
|--|---|--|
| Long term bicycle parking | 1 plus .05 percent of 260 required parking spaces | 14 (equivalent to 2 vehicle parking spaces) |
| Short term bicycle parking | 4 plus .05 percent of 260 required parking spaces | 17 (equivalent to 2 vehicle parking spaces) |
| Motorcycle parking | 4 | N/A (equivalent to 2 vehicle parking spaces) |

A parking demand study was prepared by DKS, a transportation consultant, which determined that 23 percent of guests or 190 guests based on a maximum occupancy of 825 guests for banquet events ($825 \times .23 = 190$) would arrive at the venue utilizing different modes of travel, other than driving. These modes include ride-hailing (Uber/Lyft), walking from nearby hotels, BART to nearby bus stop, and biking. Staff conservatively assumed that 13 percent of guests or 107 guests based on a maximum occupancy of 825 guests for banquet events ($825 \times .13 = 107$) would arrive by modes of travel other than driving, which is a little more than half the number of guests that DKS determined. With credit allowed for bicycle and motorcycle parking, the project would still be deficient by 30 parking spaces. As such, the applicant requests a parking reduction of 30 spaces, which is the number of spaces that would be required for the 107 guests (or 13 percent of guests) that would arrive at the venue by other modes of travel.

Public Safety Considerations

The proposed facility has been reviewed with respect to public safety considerations. The Police Department did not have concerns pertaining to the conference/convention center use because the use would typically occur during the day time and there would be no alcohol served. However, they did have concerns regarding the banquet facility use that were discussed at length to arrive at the staff recommendation.

At present, the Police Department has limited resources available during late nights to respond in the event that a significant disturbance occurs at a venue of the size proposed.

The need for police services to respond to a serious incident at the site could limit service to other areas of the City. For this reason, a condition of approval is proposed requiring the applicant to employ a professional security firm to monitor the facility when a banquet takes place. One security guard for every 50 guests would be required. The security firm would be required to monitor the premises in and around the venue and also staff the entrances and exits in order to maintain accurate occupancy counts. Security staff would be required to wear uniforms and possess a City-approved form of identification that is easily identifiable to City officials and law enforcement officers. None of the security personnel would be armed with weapons. As a further security measure, the applicant would be required to install video cameras to monitor the interior, main entrance, exit doors, parking areas, outdoor gardens and roof terrace to the satisfaction of the Police Department (Conditions Nos. 2 and 13).

Increase in Occupancy

The proposed banquet facility would be allowed a total maximum occupancy of 825 guests at any given time. The applicant has requested to be allowed an increase in capacity to 900 guests after 18 months of operation, which would depend upon conditions having been satisfied, subject to approval of a Conditional Use Permit Amendment (Condition No. 2):

1. Staff determines that all of the project conditions of approval have been complied with, and the business operates without any significant calls for police services;
2. The applicant provides 24 additional parking spaces through a shared parking agreement with another property owner within 700 feet of the project site on the west side of Fremont Boulevard (per FMC Section 18.183.060); and
3. Staff determines that the applicant is in compliance with their Places of Entertainment License.

Design Analysis

Based on this review, staff has found that the project would meet the design objectives and principles that are provided in the Citywide Design Guidelines as further described below.

Citywide Design Guidelines

The project would be consistent with the principles of the Citywide Design Guidelines as discussed below.

CONTEXT SENSITIVE DESIGN PRINCIPLE. The proposed building and site improvements would create a cohesive community setting that is compatible with surrounding uses.

SITE PLANNING & LAYOUT PRINCIPLE. The proposed site layout would include ample space for pedestrian and vehicular circulation. Furthermore, the conference/convention and banquet facility was carefully designed to provide an enhanced street presence along Fremont Boulevard and to be complementary to the architectural design of the adjacent Springhill Suites hotel.

OPEN SPACE & LANDSCAPE PRINCIPLE. The proposed project would provide attractive landscaped areas on all sides of the building, including a fenced patio garden area with water elements at the rear of the site. The project would incorporate a variety of colorful plantings and textures.

BUILDING DESIGN & ARCHITECTURE PRINCIPLE. The proposed building embodies quality design elements and materials and includes articulated elevations and architectural elements to provide variation in building massing.

Site Planning

To the north of the project site, a new Springhill Suites hotel is nearing completion. To the east, there are research and development office buildings. To the south, the Alameda County Flood Control District (ACFCD) owns a flood control channel, and to the west there are wetlands. The proposed building would front onto Fremont Boulevard with direct pedestrian access from the adjacent hotel site and from the sidewalk along Fremont Boulevard. Vehicular access to the site and parking spaces would be from two driveways off Fremont Boulevard. One of the driveways is located on the Springhill Suites site, but is a shared driveway.

Architecture

The project was designed with contemporary architecture with large windows, skylights, covered entry elements, a trellis element over the roof top terrace and decorative corner tower elements. The building would primarily be 35 feet in height with a modest increase in height for the corner tower elements up to 47 feet, well below the 75-foot height limit. The walls would have a smooth plaster finish with reveals. Pilasters, a variety of window placement and horizontal roof projections would enhance the design. The exterior color palette would consist of light gray walls, taupe trim with blue and red accent walls. The site is surrounded by buildings (on three sides) with contemporary architecture with one to five stories. Staff worked with the applicant to enhance the architecture of the proposed building with additional design elements, including wall articulation, trim and paint scheme. The project would be consistent with surrounding buildings.

Landscape Design

The developer would install drought-tolerant and water efficient trees and planting, including non-invasive shrubs and ground cover. Decorative hardscape would be used in the driveway and walkways throughout the site, including a landscaped garden patio area with a decorative water element at the rear of the site.

Traffic

A transportation impact analysis was previously prepared for the project site in conjunction with the previously-approved Springhill Suites hotel (PLN2015-00241), with the assumption that a 100,000-square-foot office building could be constructed on the site. It was determined that the proposed conference/convention and banquet facility use would generate a lower p.m. peak hour volume of traffic than a 100,000-square-foot office. The proposed conference/convention center and banquet facility would generate 131 p.m. peak hour trips and the previously analyzed office building would generate 149 p.m. peak hour trips. Thus, traffic impacts would be less. In addition, the project would be required to implement previously identified mitigation measures to ensure traffic impacts are less-than-significant.

Flood Zone

The project is located within a flood zone. The City's Public Works Department has reviewed the plans, and conditions of approval are proposed requiring the building to be designed in accordance with applicable regulations. Although the project site is approximately 13 feet in elevation, the main floor would exceed the flood height, and the proposed underground parking garage would be permissible based on enhanced construction methods that would be resistant to flood damage.

Grading & Drainage

The project site is bounded by Fremont Boulevard to the east, an ACFC channel to the south, wetlands to the west and Springhill Suites hotel under construction to the north. The existing topography of the site gently slopes towards the ACFC channel to the south with elevations ranging from approximately 16.5-feet at the north to 10-feet at the south side of the project. A portion of the site would drain to the existing wetlands and a portion would discharge to the City's storm drain system in Fremont Boulevard. Approximately 38,430 cubic yards of grading would be required for the project, which includes 26,600 cubic yards of cut and 9,830 cubic yards of fill. The estimated amount of soil export is 18,770 cubic yards or approximately 1,500-1,600 truckloads that would be off-hauled during a three-week period.

Garbage and Fire Truck Access

Garbage/recycling trucks would service, as necessary, the trash enclosure that would be located at the northwest corner of the site.

Sea Level Rise

The City's General Plan Safety Element indicates that historically, the project site has a very low occurrence of flooding; however, global warming could potentially result in a 16-inch sea level rise in San Francisco Bay by 2050. According to the San Francisco Bay Conservation and Development Commission, the sea level rise could be six to nine-feet by 2050. Because the elevation of the project site is 10 to 16.5 feet, and much of Fremont's shoreline has been preserved as wetlands and has remained undeveloped, the wetlands would mitigate the impacts of sea level rise.

Urban Runoff Clean Water Program

The Municipal Regional Stormwater NPDES Permit (MRP) requires all new and redevelopment projects to incorporate measures to prevent pollutants from being conveyed in stormwater runoff and into the public storm drain system. This project is required to comply with the MRP by incorporating source controls and treatment measures into the project design.

FINDINGS FOR APPROVAL

In order to approve the proposed project, the Planning Commission must make the following findings:

Conditional Use Permit Findings

Pursuant to FMC Section 18.230.060, the Planning Commission must make the following findings to approve a Conditional Use Permit for the proposed conference/convention and banquet facility:

- (a) *The proposed use is consistent with the General Plan and any applicable community or specific plan in that*** the proposed conference/convention center and banquet facility would be permitted in the Industrial – Tech land use designation and would be consistent with policies contained in the Land Use and Economic Development Elements of the General Plan as described in the staff report.
- (b) *The site is suitable and adequate for the proposed use in that*** a conference/convention center, and banquet facility when operated in conjunction with an exhibition and conference hall that is located within 500-feet of a hotel, are

allowed, subject to approval of a Conditional Use Permit. The proposed use would provide a high quality venue that does not exist in the vicinity. The site's location along Fremont Boulevard, a major arterial west of Interstate 880, would provide convenient vehicular access to the site. In addition, adequate on-site parking would be provided, and the project conditions of approval would require the applicant to provide private security to address potential staffing impacts to law enforcement personnel.

- (c) ***The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity and in the zoning district in that*** the traffic generated by the proposed use would not adversely impact the road network of the surrounding area or overburden parking facilities in that the majority of large events would occur on weekends, and potentially on weekdays after the evening commute hour has ended. Furthermore, the project would not alter or otherwise adversely impact existing transit service or bicycle or pedestrian circulation facilities serving the area. A transportation impact analysis was previously prepared for the project site in conjunction with the previously approved Springhill Suites hotel (PLN2015-00241), with the assumption that a 100,000-square-foot office building could be constructed on the site. It was determined that the proposed conference/convention and banquet facility use would generate a lower p.m. peak hour volume of traffic than a 100,000-square-foot office.
- (d) ***The proposed use would not be detrimental to the public health, safety, or welfare of persons or property in the vicinity or the zoning district in which the use would be located in that*** the applicant's plan is to operate a high-quality conference/convention center and provide banquet facilities for private events such as wedding receptions, corporate parties and funeral wakes. Live and/or amplified music would be provided at some of these events as is typical of receptions and parties. To ensure that noise from these events does not impact guests at the adjacent Springhill Suites hotel, the applicant would be required to construct a noise-buffering lobby directly inside the main entrance to the banquet hall. This lobby would have its own set of self-closing doors thereby providing a secondary noise barrier whenever patrons enter or exit the facilities while music is playing. Private security personnel would also be required to be on hand to the satisfaction of the Police Department when the banquet halls are in use to monitor the premises and patrons, and to contact the Police Department in the event that an incident occurs. These measures would help to ensure that the proposed facility does not impact the neighboring hotel guests.

Discretionary Design Review Permit Findings

Pursuant to FMC Section 18.235.060, the Planning Commission must make the following findings to approve a Discretionary Design Review Permit for the proposed conference/convention and banquet facility:

- (a) ***The proposed project is consistent with the General Plan, Planning, Zoning Regulations, and Citywide Design Guidelines in that*** the proposed

conference/convention and banquet facility would conform to the Fremont General Plan policies and goals, and development standards of the I-T Zoning District as enumerated in the staff report. The project would comply with the Citywide Design Guidelines in terms of architectural design, massing, scale, building type, density, compatibility with adjacent buildings, pedestrian orientation, vehicular circulation, landscaping and integration to adjacent uses.

Modification of Zoning Standards Findings

Pursuant to Section 18.250.070 of the Fremont Municipal Code, the Planning Commission must make the following findings to approve a Modification to Zoning Standards to allow the proposed FAR increase from 0.35 to 0.41:

- (a) ***The increase in floor area ratio will not cause the project to exceed the capacity of streets and will not adversely affect the privacy of properties in the vicinity of the project in that*** the proposed project would be located on an arterial within an industrial area on the west side of I-880. There are no residences in the vicinity; however, there is an adjacent hotel that is currently under construction on the north side of the project site. The doors and windows to the facility would be kept closed, and events with outdoor music would be end by 10 p.m.
- (b) ***The proposed project would provide extraordinary benefits to the City in that*** a dedicated conference/convention center and banquet facility is a use that does not currently exist in the south Fremont, but that is needed. The site is in a prime location due to its proximity to other hotels, I-880 and the heart of Silicon Valley.

Waiver of Parking Space Requirements

Pursuant to Section 18.183.040 of the Fremont Municipal Code, the Planning Commission must make the following findings to approve a Modification to Zoning Standards to allow the proposed 30 parking space reduction:

- (a) ***There is sufficient parking to accommodate the vehicles used by employees and customers of the business seeking the reduced parking requirement approval in that*** because according to the parking demand study prepared by DKS Transportation Engineers, 23 percent of banquet guests would arrive by other modes of travel other than driving. Since the project site is in proximity to hotels, guests could take alternative modes of travel other than driving, such as ride-hailing (Uber/Lyft); walking from nearby hotels; BART to nearby bus stop; and biking.
- (b) ***The reduced parking requirement will not be detrimental to property within 300-feet of the business seeking the reduction in that*** there would be ample parking on the project site because, as previously stated, up to 23 percent of banquet guests would arrive by other modes of travel other than driving. Other businesses in the vicinity have provided their own required on-site parking.

CITY FEES

All applicable fees for the subject building, including Development Impact Fees and Non-Residential Affordable Housing Fees, shall be paid by the developer upon issuance of the building permit.

ENVIRONMENTAL REVIEW

The Planning Commission previously adopted a Mitigated Negative Declaration (MND) for the Springhill Suites project (PLN2015-00241) in accordance with the requirements of the California Environmental Quality Act (CEQA). The MND analyzed development of this project site assuming that a 100,000 square foot office building would be part of the project and identified concerns regarding potentially significant impacts to air quality during the construction stage of the project, biological resources (specifically burrowing owl, nesting raptors and migratory birds), cultural resources as a result of grading activities or site disturbance, noise from Fremont Boulevard, hydrology due to site grading, and traffic at nearby intersections. The Mitigated Negative Declaration included mitigation measures to reduce the identified impacts to less-than-significant levels, which were incorporated in a Mitigation Monitoring and Reporting Program and are also included as conditions of approval for this Project.

As part of the MND, a traffic impact analysis was prepared for both the hotel site as well as for the conference/convention and banquet site. The City's Transportation Engineering staff determined that the proposed conference/convention center and banquet facility would generate a lower volume of vehicle trips during p.m. peak hours than a 100,000-square-foot office building and, therefore, traffic impacts for the proposed project would be less than identified for the office building. The p.m. peak hours are the primary commute times from 4 to 6 p.m. weekdays.

Although the project description has changed from a 100,000 square foot office building to conference/convention center and banquet facility, the project would be substantially similar in design, but smaller (56,044-square-feet). A 100,000-square-foot office building would have had a similar sized underground parking garage as this project due the relatively small 3.1-acre project site. Also, the proposed project would generate fewer p.m. peak hour vehicle trips than a 100,000-square-foot office building, as was previously stated in the Traffic section of this report. The previously adopted mitigation measures that were contained in the conditions of approval for the Springhill Suites project (PLN2015-00241) and included in the MND, would be applicable, and would adequately address potential environmental impacts from the grading, construction and operation of the proposed project. The mitigation measures are included in the conditions of approval (Condition No. 26). Consequently, none of the provisions contained in CEQA Guidelines Section 15162 requiring preparation of a subsequent Mitigated Negative Declaration would result from the proposed project, including:

- (1) Substantial changes to the project which require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was adopted, shows any of the following:

(A) The project would have one or more significant effects not discussed in the previous Mitigated Negative Declaration; or

(B) Significant effects previously examined would be substantially more severe than shown in the previous Mitigated Negative Declaration.

Therefore, no further environmental review is necessary for the conference/convention center.

PUBLIC NOTICE AND COMMENT

Public hearing notification is applicable for the land use entitlement being requested. On August 6, 2019, a Public Hearing Notice was published in *The Tri-City Voice*. On August 9, 2019, notices were mailed to owners and occupants of property within 300-feet of the site.

RECOMMENDATION

1. Hold public hearing;
2. Find, based on its own independent judgment, that no further environmental review is required because the project is within the scope of the environmental impacts previously analyzed in a Mitigated Negative Declaration prepared and adopted for the Springhill Suites project (PLN2015-00241) in accordance with the California Environmental Quality Act (CEQA), for which the proposed project is a conforming part;
3. Find that the project is in conformance with the relevant provisions contained in the City's General Plan, including the goals and policies set forth in the Land Use and Economic Development Elements of the General Plan, as enumerated within the staff report; and
4. Approve PLN2018-00263, a Conditional Use Permit, Discretionary Design Review Permit, Modification of Zoning Standards and waiver of parking space requirements to allow construction of a conference/convention and banquet facility as depicted in Exhibit "A," based on findings and subject to conditions of approval set forth in Exhibit "B."

ENCLOSURES

- Exhibit A - Project Plans Part 1 - Fremont Conference/Convention Center and Banquet Facility
- Exhibit A - Project Plans Part 2 - Fremont Conference/Convention Center and Banquet Facility
- Exhibit B - Findings and Conditions of Approval - Fremont Conference/Convention Center and Banquet Facility
- Informational Item 1 - Project Location Map