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

PRESENT: Chairperson Steckler, Vice Chairperson McDonald, Commissioners Leung, Rao, Reed, Yee

ABSENT: None – one seat is pending appointment

STAFF PRESENT: Kristie Wheeler, Planning Manager
Bronwen Lacey, Senior Deputy City Attorney
Wayland Li, Senior Planner
Joel Pullen, Senior Planner
James Willis, Associate Planner
Trish Cordova, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: Vice Chairperson McDonald moved to approve minutes from the January 31, 2019 special meeting. Commissioner Leung seconded and motion carried.

DISCLOSURES: Vice Chairperson McDonald drove the Lennar sites and inside the development of item 1 and spoke with salespeople.
Commissioner Yee visited the sites of item 1 on two occasions via bicycle and was stopped by on-site security, due to safety.
Commissioner Rao drove through the sites of item 1.
Chairperson Steckler visited the sites of item 1, twice.

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. LENNAR INNOVATION PHASES II AND III – 45300 Fremont Boulevard – PLN2018-00347 – To consider a Discretionary Design Review Permit and Vesting Tentative Tract Map Nos. 8478 and 8479 to allow the development of 573 residential units in two separate areas bounded by Fremont Boulevard, Innovation Way, Quantum Drive, and Wisdom Road (Phase II) and Wisdom Road, South Grimmer Boulevard, Accelerator Avenue, and Lopes Road (Phase III) located in the Warm Springs/South Fremont Community Plan Area, and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) as a Final Environmental Impact Report (SCH#2013032062) was previously certified for the Warm Springs/South Fremont Community Plan, and a compliance checklist was prepared for the subsequent Area 4 Master Plan, of which this development proposal is a conforming part.

Planning Manager Kristie Wheeler introduced the item. Associate Planner James Willis gave a brief presentation and responded to questions, with an assist from Senior Planner Joel Pullen. A Gold Sheet showing notes and corrections is attached.

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

Bill O’Brien, Manager of Forward Planning with Lennar homes, and David Burton, Executive Director with KTGY Architecture and Planning, gave a brief presentation. Mr. O’Brien closed the presentation by introducing their team on this project.

Chairperson Steckler invited public comments.

Judith Schneider, representing the Fremont Senior Citizen Commission, advocated for including design features that cater to seniors, such as: first floor units with access to a bedroom, a bathroom, and amenities; units with smaller square footage; benches in common open spaces; and access to public transportation.

Andreas Kadavanich, representing Bike Fremont, commented on the lack of adherence to the Bicycle Master Plan for this development and advocated for the integration of protected bikeways. He also commented on the amount of on-street parking indicated in the design.

Steve Skala, Fremont resident representing the bicycling community, commented on the perceived abundance of public street parking for this development and the lack of protected bikeways.

Planning Manager Kristie Wheeler offered clarification to the Commission that the item before them tonight was strictly the design review for the homes themselves and the tentative maps associated with those homes. She said that the backbone infrastructure for the project (the main network of streets, sidewalks, and bike lanes) had already been approved and was not within the purview of the Planning Commission. She added that Commissioners could certainly comment on the infrastructure, but that it was not part of the approval before them tonight.
Chairperson Steckler invited the applicant back for rebuttal.

Bill O’Brien stated that they are in compliance with the Warm Springs/South Fremont Community Plan and all the entitlement approvals granted to date. He then responded to questions from Commissioners, with an assist from David Burton, who confirmed that floor plan five in the Manhattans, would be able to accommodate people with limited mobility.

Commissioners Reed and Leung asked the developer to include commemorative acknowledgment of the late Mayor Bob Wasserman somewhere in the project’s design.

Chairperson Steckler closed the public hearing on this item.

Commissioner Reed moved to approve staff recommendation with the Gold Sheet changes and encouragement to include accommodations for seniors (e.g., benches) and implementation of protected bike paths, Class 1 and Class 4. Commissioner Leung seconded and requested staff to speak to the transportation aspect of the project.

Principal Transportation Engineer Noe Veloso spoke to the roadway design of the project and its history in the various stages of review and compliance with the Warm Springs/South Fremont Community Plan, the Lennar Master Plan, and the 2012 Bicycle Master Plan. Mr. Veloso also spoke to the subject of on-street parking and responded to questions from the Commission. Associate Planner James Willis and Senior Planner Joel Pullen provided information related to the number of delineated on-street parking spaces.

IT WAS MOVED (REED/LEUNG) AND CARRIED BY THE FOLLOWING VOTE (5-1-0-0-0-1) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

FOUND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15183 BECAUSE 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, AND BECAUSE THE PROJECT IS CONSISTENT THE AREA 4 MASTER PLAN, FOR WHICH AN ENVIRONMENTAL COMPLIANCE CHECKLIST WAS PREPARED AND FOUND THAT THE DEVELOPMENT DENSITY AND INTENSITY WOULD BE CONSISTENT WITH THE COMMUNITY PLAN AND THAT THERE WERE NO SIGNIFICANT EFFECTS PECULIAR TO THE PROJECT OR SITE;

AND

FOUND THAT VESTING TENTATIVE TRACT MAP NOS. 8478 AND 8479 AND DISCRETIONARY DESIGN REVIEW PERMIT PLN2018-00347 ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S GENERAL PLAN, INCLUDING THE GOALS AND POLICIES SET
FORTH IN THE GENERAL PLAN’S LAND USE AND COMMUNITY CHARACTER ELEMENTS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVED VESTING TENTATIVE TRACT MAP NOS. 8478 AND 8479, AND DISCRETIONARY DESIGN REVIEW PERMIT PLN2018-00347, AS SHOWN ON EXHIBITS A1 AND A2, BASED UPON THE FINDINGS AND SUBJECT TO CONDITIONS IN EXHIBIT “B,” INCLUDING CHANGES IDENTIFIED IN THE GOLD SHEET.

The motion carried by the following vote:
AYES: 5 – Leung, Rao, Reed, Steckler, Yee
NOES: 1 – McDonald
ABSTAIN: 0
ABSENT: 0
RECEIVE: 0
VACANT: 1 – pending appointment

Item 2.
(01:24:43)

HOUSING ELEMENT ANNUAL REPORT – Citywide – PLN2019-00235 –

To consider an annual report on the status of implementation of the General Plan and the 2015 – 2023 Housing Element, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that the annual report does not meet CEQA's definition of a "project."

Planning Manager Kristie Wheeler introduced the item.

Senior Planner Wayland Li gave a comprehensive presentation, speaking to the background and historic timelines of General Plan and Housing Element Program. He also addressed the current Regional Housing Need Allocation (RHNA) cycle, and issues of homelessness and affordable housing. Mr. Li responded to questions from the Commission, with an assist from Planning Manager Wheeler regarding State requirements for affordable housing.

Commissioner Leung moved to approve staff recommendation and Commissioner Reed seconded.

IT WAS MOVED (LEUNG/REED) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-0-0-1) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

RECOMMENDED THAT THE CITY COUNCIL:

FIND THE ANNUAL REPORT IS NOT SUBJECT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15378(B)(5), DEFINITION OF A “PROJECT;”

AND

ACCEPT THE ANNUAL REPORT AND EXHIBIT A, WHICH DEPICT THE CURRENT STATUS OF THE GENERAL PLAN AND HOUSING ELEMENT,
AND DIRECT STAFF TO SUBMIT THE REQUIRED MATERIALS TO OPR AND HCD.

The motion carried by the following vote:
AYES: 6 – Leung, McDonald, Rao, Reed, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0
VACANT: 1 – pending appointment

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff, provided by Planning Manager Kristie Wheeler:
  - The March 14, 2019 Planning Commission meeting will be cancelled, due to a lack of agenda items.
  - A tentative work session is planned for March 28, 2019 regarding the proposed Irvington BART Station Area Plan. As of yet, the regular meeting for that date may be cancelled, due to a lack of agenda items. Confirmations will be forthcoming.

- Actions from City Council Regular Meetings: None

- Information from Commission:
  - Commissioner Leung expressed gratitude and appreciation for being able to serve on the Planning Commission for the last six years.
  - Commissioner Reed and Vice Chairperson McDonald thanked Commissioner Leung for her service, and for her personal care and support of her fellow Commissioners.

ADJOURNMENT

Meeting adjourned at 8:50 p.m.

SUBMITTED and APPROVED BY:

Kim Salazar, Transcribing Clerk
Planning Commission

Kristie Wheeler, Secretary
Planning Commission
NOTES/CORRECTIONS for the FEBRUARY 28, 2019
PLANNING COMMISSION MEETING

*Modifications appear in italics, new text is underlined, and deleted text appears as strikethrough.*

Item 1. **LENNAR INNOVATION PHASES II AND III – 45300 Fremont Boulevard -** *(PLN2018-00347)*
Staff requests that the following corrections be included in the Staff Report and Conditions of Approval:

Conditions of Approval:

**A-9 Development Impact Fees.** The project shall be subject to Citywide Development Impact Fees. These fees include fees for fire protection services, capital facilities, park facilities and parkland, and traffic facilities. The fees shall be calculated at the rate in effect at the time of building permit issuance.

**A-10 City Indemnification.** The applicant shall defend, indemnify, and hold harmless the City, including any of its boards, commissions, agents, officers, and employees (collectively “City”) from any claim, action or proceeding against the City to attack, set aside, void, or annul, the approval of the project. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney’s fees and costs, and the City defends the action in good faith.

**B-6 Code Compliance.** The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire and City of Fremont Municipal Codes in effect at the time of building permit application. All new structures will require fire protection. Automatic fire extinguishing systems, applicable fire alarm and monitoring system will be required. The design criteria for the aforementioned systems will be determined based on occupancy group, building design, and square footage.

**C-2 Expiration.** Approval of this Vesting Tentative Tract Map shall expire twenty-four (24) months after the date of approval in accordance with the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of Fremont Municipal Code.
A-9 Development Agreement. The Development Agreement by and between the City of Fremont and Lennar Homes of California regarding the Warm Spring Innovation District Project, dated May 1, 2015, ("Development Agreement") is applicable to the proposed project. If there are conflicts between these conditions of approval and the Development Agreement, the Development Agreement shall control.

RESPECTFULLY SUBMITTED,

[Signature]

KRISTIE WHEELER, SECRETARY
PLANNING COMMISSION