



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF MAY 23, 2019**

- CALL TO ORDER:** Chairperson Steckler called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Steckler, Vice Chairperson McDonald, and Commissioners Daulton, Rao, Yee
- ABSENT:** Commissioner Reed, and one seat is pending appointment
- STAFF PRESENT:** Kristie Wheeler, Planning Manager  
Randolph Hom, Assistant City Attorney  
Wayland Li, Principal Planner  
Noe Veloso, Principal Transportation Engineer  
Kim Salazar, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Vice Chairperson McDonald** moved to approve minutes from the April 11, 2019 regular meeting and **Commissioner Daulton** seconded. Motion carried by all present.
- DISCLOSURES:** **Commissioner Daulton** drove and walked around the Irvington BART station area and spoke with people in the neighborhood.  
**Vice Chairperson McDonald** drove through the Warm Springs area to look at the school site; went to Mission Falls development for the dedication of the Pauline Weaver Senior Affordable Housing project; rode her bike to the Dusterberry Park site; and walked the Irvington BART Station area.  
**Commissioner Yee** rode his bike to the Warm Springs area to observe the current activity; went to the Mission Falls development for the dedication of the Pauline Weaver Senior Affordable Housing project; visited the site in Centerville to look at the acreage.  
**Commissioner Rao** drove by the Mission Falls Development and the Irvington BART Station area.  
**Chairperson Steckler** drove by the proposed site for the Irvington BART Station.

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

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBERS 1 AND 2. ITEM 3 WAS MOVED FROM THE CONSENT CALENDAR TO PUBLIC HEARING.

IT WAS MOVED (MCDONALD/DAULTON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON ITEM NUMBERS 1 AND 2.

- Item 1. **WARM SPRINGS AREA 4 DEVELOPMENT AGREEMENT ANNUAL REVIEW – 45300 Fremont Boulevard – PLN2019-00297** – To consider an annual review of the Warm Springs Area 4 Development Agreement for approximately 110 acres at the southeast corner of Fremont Boulevard and South Grimmer Boulevard in the Warm Springs/South Fremont Community Plan Area, and to consider a finding that no environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the annual review does not constitute a project as defined by CEQA Guidelines Section 15378.

A Gold Sheet indicating notes/corrections was submitted as follows:

Staff requests that the title of Item 1 above and all incorrect references to the file number within the agenda and staff report be corrected from PLN2019-00297 to PLN2019-00287.

HELD PUBLIC HEARING;

AND

FOUND THAT THE REVIEW OF THE DEVELOPMENT AGREEMENT IS NOT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15378 IN THAT THE ACTIVITY DOES NOT MEET THE DEFINITION OF A “PROJECT” UNDER CEQA;

AND

FOUND ON THE BASIS OF SUBSTANTIAL EVIDENCE THAT THE DEVELOPER HAS COMPLIED IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE PERIOD UNDER REVIEW (JANUARY 1, 2018 THROUGH DECEMBER 31, 2018).

- Item 2. **MISSION FALLS DEVELOPMENT AGREEMENT ANNUAL REVIEW – 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard – PLN2019-00301** – To consider an annual review of the Development Agreement for the Mission Falls (formerly Parc 55) senior residential development project allowing up to 497 dwelling units and a new public senior community center on 23.5 acres in the Warm Springs Community Plan Area, 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 review does not meet CEQA's definition of a "project."

HELD PUBLIC HEARING;

AND

FOUND THAT THE ANNUAL REVIEW OF THE DEVELOPMENT AGREEMENT IS NOT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15378, AS THE ACTIVITY DOES NOT MEET THE CEQA DEFINITION OF A "PROJECT;"

AND

FOUND ON THE BASIS OF SUBSTANTIAL EVIDENCE THAT THE APPLICANT HAS COMPLIED IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE PERIOD UNDER REVIEW (MARCH 31, 2018, THROUGH MARCH 30, 2019), AS DESCRIBED IN THIS STAFF REPORT.

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Reed

RECUSE: 0

VACANCY: 1 – pending appointment

**PUBLIC/ORAL  
COMMUNICATIONS** None

### **PUBLIC HEARING ITEMS**

- Item 3. **CENTERVILLE SCHOOL SITE ACQUISITION – Eggers Drive and Hastings Street – PLN2019-00312** – To consider a request from the Fremont Unified School District to provide a written report and recommendation concerning the District's acquisition of 4.6 acres at the corner of Eggers Drive and Hastings Street in the Centerville Community Plan Area and a General Plan Conformity Finding pursuant to Public Resources Code 21151.2 and Government Code Section 65402, respectively, and to consider a finding that no environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the request does not constitute a project as defined in CEQA Guidelines Section 15378.

A Gold Sheet indicating notes/corrections was submitted as follows (modifications appear in *italics*, *new text is underlined*, and *deleted text appears as strikethrough*):

Staff requests that the title of the project be corrected from "~~Centerville School Site Acquisition~~" to "*Centerville School Site Acquisition*."

**Planning Manager Kristie Wheeler** introduced the project; no formal presentation was given.

**Chairperson Steckler** opened the public hearing.

**Michael Piazza**, Fremont resident, stated his support of the school, but expressed concern on how this project would impact traffic and parking in the area.

**John Boucher**, Fremont resident, stated his opposition to the project and expressed concern over current traffic congestion, excessive speed of drivers on Eggers Drive, pedestrian safety, and litter in the area.

**Zijing Shen**, Fremont resident, stated his concern over current traffic congestion.

**Xiang Ding**, Fremont resident, stated her concern over current traffic congestion and its effect on air quality/pollution, noise, and the smell of gasoline. She also advocated for more green spaces and/or parks for the City.

**Wu Shyung Tsai**, Fremont resident, expressed his concern over current traffic congestion and on how this project would impact it further.

**Chairperson Steckler** closed the public hearing.

**Planning Manager Wheeler** responded to questions from the Commission and said that the concerns expressed during public comments regarding traffic would be taken back to the City's Transportation Engineering Division.

**Vice Chairperson McDonald** commented on the overloading of schools and the critical importance of building schools to support the City's infrastructure.

**Vice Chairperson McDonald** moved to approve staff recommendation and **Commissioner Daulton** seconded.

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

AND

FOUND THAT THE WRITTEN REPORT ON THE INVESTIGATION AND RECOMMENDATION CONCERNING FUSD'S ACQUISITION OF PROPERTY AND GENERAL PLAN CONFORMITY FINDING ARE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15378, IN THAT THEY ARE NOT PROJECTS AS DEFINED BY CEQA;

AND

FOUND THAT FUSD’S PROPOSED ACQUISITION OF PROPERTY (APN 501-1600-7-4) AS SHOWN ON INFORMATIONAL 1 - EXHIBIT “A” IS IN CONFORMANCE WITH THE GENERAL PLAN;

AND

SUPPORTED FUSD’S ACQUISITION OF THE SUBJECT PARCEL FOR THE CONSTRUCTION OF NEW SCHOOL FACILITIES.

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Reed

RECUSE: 0

VACANCY: 1 – pending appointment

Item 4. (00:23:40) **IRVINGTON BART STATION AREA PLAN - PLN2015-00262** - To consider adoption of the Irvington BART Station Area Plan, which will guide site and building design within approximately a ½ mile radius of the future Irvington BART Station and a General Plan Amendment to eliminate the Irvington BART Special Study Area designation, and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the proposed project is an implementation measure of the General Plan for which a Final Environmental Impact Report (SCH#2010082060) was previously prepared and certified.

**Planning Manager Wheeler** introduced the item.

**Principal Planner Wayland Li** gave a comprehensive presentation. He began his presentation by clarifying that the item before the Commission was to consider adoption of the Irvington BART Station Area Plan and not to review or approve the Irvington BART Station itself, as that action is not under the purview of the City. Mr. Li also responded to questions from the Commission and **Principal Transportation Engineer Noe Veloso** fielded questions related to public parking.

**Chairperson Steckler** opened the public hearing.

**Andreas Kadavanich**, representing Bike Fremont, advocated for revisions to Exhibit C of the agenda packet for consistency with the Bicycle Master Plan. He advocated for secured bicycle parking to be implemented on both sides of the Irvington BART Station, and corrections to figures and details in chapters 3 and 4 of Exhibit C, so as to be in conformance with the General Plan, Fire Codes, and the current Bicycle Master Plan.

**Alice Cavette**, Fremont resident, stated her opposition to the Irvington BART Station and spoke to the site and building design section of the Station Area Plan. She requested that if the Commission recommends approval to the City Council, that the

area west of the tracks be postponed until the Council revisits the Town Center Mixed-Use rules and that implementation of the Town Center subarea rules be deferred.

**Chris Cavette**, Fremont resident, stated his opposition to the Irvington BART Station and then spoke to the parking inadequacies for BART commuters and the increase in traffic congestion. He said that the proposed four and five-story buildings would not fit with the area, nor would they comply with the community character element of the General Plan. He also requested that if the Commission recommends approval to City Council, that they do so with conditions on the issues of parking and that the portion of the site and building design plan that applies west of the BART tracks be postponed until the Council can evaluate new Town Center Commercial Mixed-Use rules.

**Hayes Shair**, Fremont resident, noted the passage of the 2014 bond measure to fund the Irvington BART Station and expressed his affinity for Fremont. He advocated for rejuvenating the area north of Washington Boulevard, spoke of the possible benefits that a mixed-use development could have at the street level, and suggested that something be done to stimulate the growth of retail and/or office space in the area.

**Nicolas Ball-Jones**, Fremont resident, voiced his support for the Irvington BART Station. He spoke of a recent finding that indicated commercial and job oriented uses near transit stations were the factors that limited the amount of driving that people did and advocated for more commercial development in the area. He also expressed his excitement at the possibility of four and five-story buildings for that neighborhood.

**Jesse Schaa**, Fremont resident and Irvington business owner, said that the proposed BART Station was both exciting and scary and noted the difficulties that change brings about. He advocated for putting plans in place to mitigate the potential difficulties with traffic and parking, and then spoke to the opportunities this would bring to the Irvington District with a hopeful resurgence to businesses and restaurants.

**Kelly Abreu**, Fremont resident, expressed his dissatisfaction with the Irvington BART Station Area Plan. He also referenced a City Council meeting, at which a commercial expert spoke to the strategy of positioning retail space in communities and suggested the Planning Commission review her assessment. He went on to speak about parking fees, long-term parking, limited parking, and having a parking plan.

**Grace Chin**, Fremont resident, expressed her concern over the building of the Irvington BART Station and questioned the need to have another station so close to the one in Warm Springs. She then spoke to the current traffic congestion along Washington Boulevard and the increase in traffic volume and problems the station could cause.

**Chairperson Steckler** closed the public hearing.

**Vice Chairperson McDonald** read aloud a document (attached) she had drafted in preparation of the meeting, which detailed her proposed amendments to the Irvington BART Station Area Plan. Discussion ensued.

**Vice Chairperson McDonald** moved to approve staff recommendation with the inclusion of her proposals as submitted in her document. **Commissioner Daulton** seconded.

**Chairperson Steckler** asked the maker of the motion to accept a substitute motion, which was to table the vote until an analysis of the document submitted by Vice Chairperson McDonald could be done by City Staff and the other Planning Commissioners. **Vice Chairperson McDonald** accepted the substitute motion with the caveat that the item be brought back to the Commission within the next two regularly scheduled meeting dates. **Planning Manager Wheeler** agreed.

**Commissioner Daulton** seconded the substitute motion with the aforementioned caveat and the motion carried.

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

AND

RECOMMENDED THAT THE CITY COUNCIL FIND THAT THE PROPOSED IRVINGTON BART SAP AND RELATED GENERAL PLAN AMENDMENT ARE IMPLEMENTATION MEASURES OF THE GENERAL PLAN FOR WHICH A FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2010082060) WAS PREVIOUSLY PREPARED AND CERTIFIED, AND FIND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED;

AND

FOUND THAT THE PROPOSED IRVINGTON BART STATION AREA PLAN AND RELATED GENERAL PLAN AMENDMENT ARE CONSISTENT WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS, OBJECTIVES AND POLICIES SET FORTH IN THE GENERAL PLAN'S COMMUNITY CHARACTER AND COMMUNITY PLANS ELEMENTS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FOUND THE ADOPTION OF THE PROPOSED IRVINGTON BART STATION AREA PLAN AND RELATED GENERAL PLAN AMENDMENT WOULD FURTHER THE PUBLIC INTEREST, CONVENIENCE AND GENERAL WELFARE OF THE CITY BY IMPROVING THE QUALITY OF FUTURE DEVELOPMENT AROUND THE IRVINGTON BART STATION;

AND

RECOMMENDED THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE PROPOSED IRVINGTON BART STATION AREA PLAN AS

SHOWN IN EXHIBIT "C" AND THE RELATED GENERAL PLAN AMENDMENT AS SHOWN ON EXHIBITS "A," AND "B."

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Reed

RECUSE: 0

VACANCY: 1 – pending appointment

**DISCUSSION ITEMS** None

**MISCELLANEOUS ITEMS**

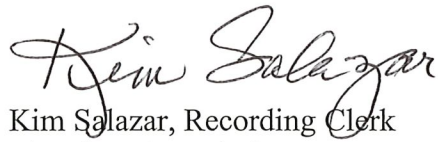
Information from Commission and Staff:

- Information from staff, reported by **Planning Manager Kristie Wheeler:**
  - The next two scheduled meeting dates are June 13, 2019 and June 27, 2019.
- Actions from City Council Regular Meetings: None reported.
- Information from Commission: None

**ADJOURNMENT**

Meeting adjourned at 8:55 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk  
Planning Commission



Kristie Wheeler, Secretary  
Planning Commission



5/23/19

Kathy McDonald

COF Irvington BART Station Area Plan Design Rules comments and changes to be read into minutes and offered as amendments to approval to recommend to City Council

1. **COMPLIANCE WITH BIKE PED MASTER PLAN:** All sidewalk/streetscape visions show the curb zone with parking adjacent, then bikes. If we are planning ahead to promote more bikers by providing safer Bike transit, we must comply with our own master plans. Given that we are reenvisioning these streets, we should incorporate the expert recommendations by putting bicyclists between the curb and street parking on those streets (where we allow street parking at all), and removing street parking where designated by the plan. Further, as the streets are redesigned, we should take the opportunity to relocate fire hydrants to the parking lanes to provide convenient access for the fire department.
2. QUESTION: All the transition/setback zones only have value where the buildings they front have a retail business that can use the space (e.g. patio seating, product display, etc.). Businesses like hair salons will not have need of this transition space...can the space be shared/public for street performances?
3. **Change to R1.3.4-- Semi-private courtyards and plazas are required along sidewalks for businesses offering any food or drinks or/and office spaces above.** If we are trying to get people in the streets, we should get serious about creating the spaces that encourage the outcome.
4. **2.2.3 The setback transition zone between the public and private realm shall be activated with places for social interaction, such as building entrance areas, stoops, walkways, patios, low walls, and seating**

Unless traffic through these areas will be regulated to below 30 MPH, stoops and patios will not be relevant as activation features. Examples can be seen along Mission and Fremont Blvds. where many townhomes with such features abound. No one is ever seen on the street side of these homes because everyone uses the garage entrance in rear. There is NO use for these porches or patios. Please ensure the speed limit will be no higher than 25 MPH in front of any residential development to support the goal to activate the streets and further safety.

5. **2.5 Parking and Loading Areas:** There is no mention of shared vehicle and ride-share loading/unloading areas.

- a. **NEW RULE: ALL pick-up and unloading of passengers shall be restricted to areas so designated WITHIN the parking structures, thereby encouraging organized flow of automobiles and safer auto, bike, and pedestrian traffic.**
6. **NEW RULE replacing Rule 2.5.5 (also see R 3.6.8): The top floor (roof) of podium parking shall provide public/private open space with NO parking. The space shall be provided as a green space to the community, which may include a portion reserved as one restaurant/bar site.**
7. **Add to R.2.5.10 Parking structure ramps shall include pedestrian pathways, or clearly provide a separate pedestrian pathway guided by adequate signage AND LIGHTING.**
8. **Change Guideline 2.5.13 to NEW RULE: ALL NEW parking in the Irvington BART Station Area Plan Area shall be unbundled from dwelling or office units, consistent with applicable city parking standards.**
9. **Change Guideline 3.1.1 to NEW RULE: Parcel consolidation of smaller lots is highly encouraged in order to support efficient transit-oriented development. NO NEW parcel less than 200,000 square feet (~4.5 acres) will be created by tract subdivision within the Irvington BART Station Area Plan Area.**
10. **Questions regarding Rule 3.3.5: For new development on the block of Washington-Union-Main-Roberts, building massing shall extend to the corner of Washington Boulevard and Union Street to better define the Five Corners intersection.**

It was mentioned that a decorative park would be on that corner...how will this fit in with the building going “to the corner”? Does this rule only apply to the one development at this corner? The Five Corners intersection should be considered a primary public space and a defining neighborhood place making opportunity.

11. **Change to Rule 3.3.13: Stand-alone commercial buildings shall front on the street to form an edge. No new Surface Parking lots shall be permitted in the Irvington BART Station Area.**

If we are encouraging a dense urban feel with proximity to businesses and a welcoming feel, we should not intersperse these spaces with surface parking lots. They are a poor use of valuable land and create greater distance between homes and businesses. If we are supposed to be encouraging pedestrian friendliness, we should

commit fully to the concept. Underground or podium parking is a much better use of our limited space.

12. **Rule 3.3.16: The Leal Theater building, located on the block of Washington-Union Main-Roberts, is an important building in the Town Center because it serves as a connection to the history of the area and is a prime example of a mixed use, pedestrian friendly frontage with storefronts at the base. It is important that new development honor the character of Irvington, which is exemplified by the Leal Theater building, while allowing for new yet compatible designs that can continually refresh the neighborhood character.**

**NEW RULE** as to last bullet: **New buildings adjacent to the Leal Theater building... [replacing “not required...may step back...” with] ARE REQUIRED to step back in order to accommodate a wider sidewalk and to accentuate and activate the historical structure.**

13. **3.4 Ground Floor commercial Spaces**

**NEW RULE: 75% of new ground floor commercial spaces shall be of a DEPTH sufficient to support commercial restaurant/catering purposes to encourage activation of the neighborhood. It is important to frame our plan to guide builders toward projects that will be desired components of the vision for the Irvington BART SAP. If we envision people coming to shop and dine, there must be adequate facilities to encourage restaurants to seek this site. Given the requirement for walls to be movable, etc. smaller uses can be accommodated when necessary.**

14. **Addition to Rule 3.6.22: A well-lit pedestrian pathway shall be provided to connect people from parking areas to commercial spaces.**

15. **Consideration for Staff: Referencing Page 404 of the Agenda Packet: Note the Urban Residential Demonstration Block 1 reference, which leaves behind the single family home with pool between said block and the adjacent office/industrial structure.**

Projects like this should not be allowed to move forward without thinking of “what is left”. This “block” designation intentionally leaves a space that will become a future infill dilemma. The development should either incorporate the land, or alter the proposal to create the possibility of incorporating the property into a useful structure on a future date.

16. Figure 4.21...clarification: There should be NO 18 wheeled trucks on Main Street.
  
17. FINANCING: What is the timing to trigger all these financing options? How much do we need to finance to create the public portion of this vision? Is there a priority list to trigger one before the other? Do we have General Funds to contribute? All the additional tax measures require voter approval from the general community or at least, the entities to be taxed.
  - a. If we are trying to create affordable housing for Fremont residents, we need to build affordable by design; less expensive, smaller units of higher density to reduce the costs per unit, and create an opportunity for NEW buyers and younger, working individuals to be able to live in Fremont. This population, without private cars, will be dependent on the newly active streets of Irvington for most of their daily needs and entertainment. These people will support the retail in the area. We need to keep this in mind as we consider increased fees and additional taxes (e.g. Parcel tax, Mello Roos, Special Assessment Districts) which will discourage ownership and eat away at their disposable income.
  
18. OPEN SPACE: Looking at Exhibit C of Appendix A. Planning and Policy Context, it is clear that there is only ONE Open Space - Park currently in the SAP. Further, that open space is actually a blacktop trail that runs in front of an apartment complex. Though it is very useful and a nice walking trail up to the Lake Elizabeth area, it cannot be called a park in that it is inadequate to serve more than walkers and bikers, a few individuals sitting on the benches. Further, it is also the open space for the adjacent apartments.

If we actually discourage cars, we should provide more public open spaces within the district. Besides the little, historic winery designated to be a park, there should be a library, playground facilities, Dog Park, etc as well as local entertainment venues, and other outdoor options for locals. The public areas will also attract visitors willing to contribute to the proposed local economy. Balconies are insufficient playgrounds for children. Rooftop green spaces will be a critical component in the goal to create places large enough to accommodate sports, pets, and community gathering. What additional provisions can be made to address the lack of public open space?