



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF AUGUST 22, 2019**

- CALL TO ORDER:** Chairperson Steckler called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Steckler  
Vice Chairperson McDonald  
Commissioners Daulton, Rao, Reed, Yee
- ABSENT:** None  
One vacancy pending appointment
- STAFF PRESENT:** Joel Pullen, Principal Planner  
Bronwen Lacey, Senior Deputy City Attorney  
Spencer Shafsky, Planner II  
Fred Bobbitt, Police Captain  
Geneva Bosque, Public Affairs Manager  
Aleksandr Zabyszny, Associate Transportation Engineer  
Kim Salazar, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Commissioner Reed** moved to approve minutes from the July 25, 2019 regular meeting and **Commissioner Daulton** seconded. Motion carried by all present.
- DISCLOSURES:** **Commissioner Daulton** visited the sites for all three items (item 1 at 3900 Thornton Avenue; item 2 at 46399 Fremont Boulevard; and item 3 at 3800 Adams Avenue) this week and spoke with residents there, as well.  
**Commissioner Reed** drove by sites for items 2 and 3.  
**Vice Chairperson McDonald** went by the sites of all three items.  
**Commissioner Yee** went by the sites of all three items, spoke with the project manager for item 2, and a number of the residents for item 3.  
**Commissioner Rao** visited the sites of items 2 and 3.  
**Chairperson Steckler** visited the sites of all three items.

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

**Commissioner Daulton** requested item 1, Thorton Villas Map Extension (PLN2019-00362), be moved from the Consent Calendar to under Public Hearing.

**PUBLIC/ORAL  
COMMUNICATIONS**           None

## PUBLIC HEARING ITEMS

- Item 1.       **THORNTON VILLAS MAP EXTENSION – 3900 Thornton Avenue –**  
(00:05:20) **PLN2019-00362** – To consider a two-year time extension for a previously approved Vesting Tentative Tract Map, Discretionary Design Review Permit and Conditional Use Permit to allow construction of a new four-story, mixed-use development containing a podium garage and four commercial condominium units totaling 7,124 square feet on the ground floor and 54 residential condominium units on the upper three floors on a vacant 1.05-acre parcel in the Centerville Community Plan Area, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, In-Fill Development Projects.

**Principal Planner Joel Pullen** introduced the item and **Planner II Spencer Shafsky** responded to questions from the Commission. No formal presentation was given.

**Chairperson Steckler** opened the public hearing.

**Kelly Abreu**, Fremont resident, commented on the effectiveness of the Code Enforcement Department for the City of Fremont at facilitating clean-up efforts for blighted areas in the City. He also spoke favorably of the project with regards to its location, density, and the number of planned parking spaces.

**Chairperson Steckler** closed the public hearing.

**Commissioner Daulton** moved to approve staff recommendation and **Commissioner Yee** seconded.

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

AND

**FOUND THAT THE PROPOSED PROJECT IS EXEMPT FROM THE  
REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

(CEQA) PER CEQA GUIDELINES SECTION 15332, IN-FILL DEVELOPMENT PROJECTS;

AND

APPROVED A TWO-YEAR TIME EXTENSION TO VESTING TENTATIVE TRACT MAP NO. 8383, DISCRETIONARY DESIGN REVIEW PERMIT, AND CONDITIONAL USE PERMIT APPROVALS SUBJECT TO THE ORIGINAL FINDINGS AND CONDITIONS.

The motion carried by the following vote:

AYES: 6 – Daulton, McDonald, Rao, Reed, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

VACANCY: 1 – pending appointment

Item 2.  
(00:12:00)

**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.

**Principal Planner Joel Pullen** introduced the item and brought attention to the Gold Sheet/Notes and Corrections (attached). Mr. Pullen gave a brief presentation, as the project planner was unable to attend, and responded to questions from the Commission.

**Police Captain Fred Bobbitt** and **Public Affairs Manager Geneva Bosques** spoke to the Police Department’s study and evaluation of the project, and also responded to questions from the Commission regarding public safety.

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

**Kevin Fryer**, representing the applicant, Surya Real Estate LLC, briefly spoke to the project and issues related to safety and parking. Mr. Fryer also responded to questions from the Commission.

**Chairperson Steckler** invited public comments.

**Kelly Abreu**, Fremont resident, spoke in favor of the project. He also commented on the adequate space for parking around the project site and spoke against the proposed underground parking plans.

**Police Captain Fred Bobbitt** stated for the record that the Police Department had spoken with the applicant about parking and encouraged them to work with neighboring businesses. The Police Department also shared their concerns with City Staff about the possibility of illegal parking, should there be a parking overflow.

**Chairperson Steckler** invited the applicant back for rebuttal.

**Kevin Fryer** said the applicant was aware of the concerns surrounding the parking issue and has worked with City Staff and neighboring business to optimize any projected situations and will continue to do so.

**Chairperson Steckler** closed the public hearing.

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

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

AND

FOUND, 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;

AND

FOUND 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

APPROVED 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."

The motion carried by the following vote:

AYES: 6 – Daulton, McDonald, Rao, Reed, Steckler, Yee

NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0  
VACANCY: 1 – pending appointment

Item 3. **VILLAS OF IRVINGTON – 3800 Adams Avenue – PLN2017-00250** – To  
(00:46:17) consider a Vesting Tentative Tract Map, Private Street and Discretionary Design Review Permit to allow the construction of 11 townhome units on a 0.61-acre property located in the Irvington Community Plan Area, and to consider an exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects.

**Principal Planner Joel Pullen** introduced the item and **Planner II Spencer Shafsky** gave a brief presentation.

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

**Mohamed Genidy**, the project engineer, spoke on behalf of the applicant, gave a brief presentation, and responded to questions from the Commission. Several Commissioners expressed concern over the three-story design of the project.

**Chairperson Steckler** invited public comments.

**Chris Cavette**, Fremont resident, spoke in opposition of the project citing the General Plan requirement to have new developments blend in with the community character of the surrounding area. He advocated for a redesign of the project to two-story townhomes or for a denial of the project, all together.

**Alice Cavette**, Fremont resident, spoke in opposition of the project, as to its design, size, and shape. She cited a lack of articulation between the second and third stories and the straight, vertical walls that would affect the views of the adjacent neighbors. She recommended a redesign of the project and that it be limited to two-stories.

**Chung Ping Liu** lives directly across the street from the proposed project site on Roberts Avenue. He spoke in opposition to the project citing safety and parking issues, and commented on the lack of community outreach done by the applicant. Mr. Liu advocated for a denial of the project.

**Kelly Abreu**, Fremont resident, complimented the applicant for their design of a medium density housing project. He also alluded to the need for high density developments in that area based on its proximity to the proposed Irvington BART Station, and commented on pedestrian traffic and parking congestion.

**Chairperson Steckler** invited the applicant back for rebuttal.

**Fahed Habayeb**, project architect, and **Mohamed Genidy** addressed comments regarding handicap accessibility and parking.

**Chairperson Steckler** closed the public hearing.

**Commissioner Reed** moved to deny the project, based on the three-story design being incompatible with the character of the surrounding community.

**Senior Deputy City Attorney Bronwen Lacey** reminded the Commission of the Housing Accountability Act (SB167), which prohibits a local agency from disapproving, or conditioning approval of a housing development project in a manner than renders it infeasible, if it complies with the objective standards of the City's General Plan, Zoning, and recorded criteria, unless it would have a specific, adverse impact upon the public health or safety.

**Principal Planner Joel Pullen** offered clarification to comments made regarding the community character element, citing the Zoning Ordinance and General Plan.

The motion made by Commissioner Reed was made null, as there was no second.

**Commissioner Daulton** publicly registered that the state law referenced by Senior Deputy City Attorney Lacey had put him and this Commission in a terrible position.

**Commissioner Yee** voiced his concerns regarding pedestrian and traffic safety.

After extensive deliberation and discussion with staff regarding the purview and parameters of the Commission concerning this project, **Commission Daulton** moved to approve staff recommendation and **Chairperson Steckler** seconded.

**Vice Chairperson McDonald** proposed a friendly amendment to condition the corner units at Roberts Avenue and Adams Avenue be limited to two-stories, relating it to safety and traffic sight lines.

**Associate Transportation Engineer Aleksandr Zabysny** reported that the City had conducted a traffic assessment of the corner of Roberts Avenue and Adams Avenue and that the proposed project would be set back sufficiently enough, so as to not block or impede traffic sight lines. He also stated that several traffic and speed studies along Roberts, Adams, and Carol Avenues had been done over the years, and that the data does not indicate there to be a risk to visibility restrictions or difficulty in terms of turning. Mr. Zabysny also reviewed the collision report for this stretch of Roberts Avenue and found there to be only two collisions on record over the last 10 years; one in 2014 and the other in 2016.

**Vice Chairperson McDonald** revised her friendly amendment to condition greater articulation of lots four and 11, facing the single-family home on Roberts Avenue. **Commissioner Daulton** accepted the amendment, as the maker of the motion.

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

AND

FOUND THE PROJECT IS CATEGORICALLY EXEMPTED FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15332, INFILL DEVELOPMENT PROJECTS;

AND

FOUND THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S GENERAL PLAN AND THE DESIGNATED GOALS AND POLICES SET FORTH IN THE LAND USE, CONSERVATION AND SAFETY ELEMENTS OF THE GENERAL PLAN AS ENUMERATED IN THE STAFF REPORT;

AND

APPROVED OF DESIGN REVIEW PERMIT PLN2017-00250, AS SHOWN ON EXHIBIT “A,” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “B;”

AND

APPROVED VESTING TENTATIVE TRACT MAP NO. 8385 AND A PRIVATE STREET AS SHOWN IN EXHIBIT “A,” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “B.”

The motion carried by the following vote:

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

NOES: 1 – Yee

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

VACANCY: 1 – pending appointment

## DISCUSSION ITEMS

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff:
  - **Principal Planner Joel Pullen** reported that the BART Board of Directors voted to approve the Irvington BART Station at their meeting, earlier today. The approved plan will be transit-oriented, focusing on pedestrian, bicycle and shared mobility access. Construction could begin as early as 2023, with completion in 2026.

- **Principal Planner Joel Pullen** announced that the September 12<sup>th</sup> Planning Commission meeting would be cancelled, due to a lack of agenda items, and that the next regular meeting will take place on September 26, 2019.
- Actions from City Council Regular Meetings: None
- Information from Commission:
  - **Commissioner Daulton** moved to have a referral item placed on the next Planning Commission agenda indicating their support of Mayor Mei and the City Council in building a homeless navigation center within Fremont. **Commissioner Reed** seconded and motion carried unanimously by all present.

### ADJOURNMENT

Meeting adjourned at 9:10 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk  
Planning Commission



Joel Pullen, Secretary  
Planning Commission





NOTES/CORRECTIONS for the AUGUST 22, 2019  
PLANNING COMMISSION MEETING

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

**Item 2. FREMONT CONFERENCE/CONVENTION CENTER AND BANQUET FACILITY –  
46399 Fremont Boulevard – PLN2018-00263**

Staff requests that the following corrections be included in the Staff Report and Conditions of Approval:

Staff Report:

*(Additional text added as the second paragraph of the Grading & Drainage section on packet page 71 under Project Analysis):*

Following publication of the report, the City received correspondence from the Alameda County Water District (ACWD) regarding dewatering that may occur in association with construction of the parking garage. ACWD noted the City's referral process, and recommended that the City condition the project to comply with district requirements prior to issuance of grading or drainage permits for the project. Staff coordinated with ACWD staff to draft a condition of approval that has been added herein to require conformance with ACWD requirements with respect to dewatering. A separate condition was also modified to correctly reference the Alameda County Flood Control and Water Conservation District (ACFC&WCD) instead of the Alameda County Water District (ACWD) in relation to an electronic gate.

Conditions of Approval:

*(New condition 30.d. added on packet page 103 and amended condition 42 on packet page 105)*

30.d. Prior to issuance of a grading or building permit for the project, the applicant shall coordinate with the Alameda County Water District (ACWD) with respect to the design of the underground parking garage to comply in all respects with regulations related to dewatering at the discretion of the ACWD, including, but not limited to: preparing additional documentation evaluating the need for dewatering, exploring alternative designs that would eliminate or minimize the amount of dewatering required during and subsequent to construction, measuring and paying applicable replenishment assessment fees for any dewatering that

would occur, and achieving compliance with ACWD permitting requirements under ACWD ordinance No. 2010-01, including those related to soil improvement measures such as the installation of piles or piers, and/or dewatering wells.

42. An electronically operated gate shall be provided just past the farthest parking stall leading to the hammerhead turnaround for fire apparatus. Gate shall be keyed to the Knox key system for fire access and may shall be additionally keyed for ACWD Alameda County Flood Control and Water Conservation District (ACFC&WCD) access to the flood control roadway. *[remainder unchanged]*

RESPECTFULLY SUBMITTED,



JOEL PULLEN, SECRETARY  
PLANNING COMMISSION