



**DRAFT MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JANUARY 14, 2016**

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

PRESENT: Chairperson Bonaccorsi, Commissioners Karipineni, Leung, Pentaleri, Salwan

ABSENT: Commissioners Reed and Dorsey

STAFF PRESENT: Kristie Wheeler, Planning Manager
Prasanna Rasiah, Senior Deputy City Attorney
Terry Wong, Associate Planner
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: Regular meeting of September 24, 2015 approved with corrections as follows, Page 4, Line 2 *Senior Deputy Attorney Rasiah* responded that the letter ~~made the point that~~ pertained to the Mission Stevenson Project and not this one. Page 16, Line 21, *The apartments had ~~shoots~~ chutes*. Regular meeting of November 12, 2015 approved with Commissioner Leung abstaining and December 17, 2015 approved with Commissioner Pentaleri abstaining.

DISCLOSURES: Chairperson Bonaccorsi, Commissioners Pentaleri, Salwan, and Leung met with the applicant from item 1.

CONSENT CALENDAR- NONE

PUBLIC/ORAL COMMUNICATIONS

Sherea Westra, President of the Fremont Unified District Teachers Association (FUDTA), stated FUDTA conducted a meeting last night and put together a position statement that her bargaining unit made in response to developments in the city. She stated they clearly understood that there are developer fees and understood the law and that the developers in the city do what they need to do legally. The representatives of her bargaining unit unanimously voted “Additional new housing in Fremont is contributing to the overcrowding of Fremont Unified School District, (FUSD) schools. FUDTA, that’s my bargaining unit, is pleased with the work that has been done between FUSD, the City Council, and here in Fremont, and the developers of the Warm Springs Development to build a new school and provide funding for the feeders,

Junior High and High School. FUDTA believes that the developers of other approved housing developments should work with the City of Fremont Council and FUSD to provide neighborhood classrooms and any future proposed developments should do the same: Fremont is a desirable city for so many because of our schools, which only adds to the overcrowding problems in FUSD. The developers need to be ethically responsible by contributing sufficient funds to prevent any overcrowding problems that their development creates.” At the school board meeting last night there was a petition for a Charter school. She stated that a community member had three children at three different schools. The Charter school is recruiting parents whose children cannot go to one school. That would be taxpayer’s money going to a program, a Charter that does exactly the same thing as FUSD. She would like the Council to look at Magnolia Charter School and that agenda item with the district.

Chairperson Bonaccorsi, asked, if the Magnolia Charter was approved at the School Board?

Sherea Westra stated the School Board will be deciding on January 27th.

Chairperson Bonaccorsi, asked if it was approved, what school site would it go to?

Sherea Westra stated that it had not been decided yet, but that they eventually would want to have a private space.

PUBLIC HEARING ITEMS

Item 1. **SPRINGHILL SUITES FREMONT – Fremont Boulevard – PLN2015-00241 -**

To consider Vesting Tentative Parcel Map No. 10362, a Conditional Use Permit and a Discretionary Design Review Permit to allow the subdivision of a 14.9-acre site located on the west side of Fremont Boulevard at the terminus of Landing Parkway into three separate parcels and development of a 148-suite hotel on one of the three parcels with a floor area ratio (FAR) of 0.75 where 0.35 is permitted, and to consider a Mitigated Negative Declaration prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The project would increase the allowed floor area ratio to .75, where .35 is the current threshold.

Project Planner – Terry Wong, (510) 494-4456, twong@fremont.gov

Notes and Corrections

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

Initial Study and Mitigation Monitoring Plan:

The traffic mitigation measures contained in the initial study should match the mitigation measures indicated in the Mitigation Monitoring Plan as follows:

Mitigation Measure Traffic-1: *Prior to occupancy of the future office building on Parcel 2, the City shall coordinate with Caltrans regarding the intersection of Fremont Boulevard and Cushing Parkway - southbound I-880 on-ramp to include an adjustment in the traffic signal cycle and green time allocation (splits) to reduce the AM peak hour wait time from 79.8 seconds to 66.3 seconds. ~~Coordinate with~~*

~~CalTrans to adjust the intersection signal operation to include an adjustment in the traffic signal cycle and green time allocation (splits).~~

Mitigation Measure Traffic-2: Prior to occupancy of the future office building on Parcel 2, the City shall adjust the traffic signal cycle and green time allocation (splits) at the intersection of Fremont Boulevard and Landing Parkway to reduce the PM peak hour wait time from 93.4 seconds to 63.1 seconds.

Mitigation Measure Traffic-3: Prior to occupancy of the future office building on Parcel 2, the City shall adjust the traffic signal cycle and green time allocation (splits) for the intersection of Fremont Boulevard and Warren Avenue to reduce the PM peak hour wait time from 237.6 seconds to 207.8 seconds.

Conditions of Approval:

In the project conditions of approval, remove the last sentence in the paragraph as indicated below.

~~*Mitigation Measure Traffic-1: Prior to occupancy of the future office building on Parcel 2, the City shall coordinate with Caltrans regarding the intersection of Fremont Boulevard and Cushing Parkway - southbound I-880 on-ramp to include an adjustment in the traffic signal cycle and green time allocation (splits) to reduce the AM peak hour wait time from 79.8 seconds to 66.3 seconds. Coordinate with CalTrans to adjust the intersection signal operation to include an adjustment in the traffic signal cycle and green time allocation (splits).*~~

The following indemnification provision should be included in the Vesting Tentative Parcel Map conditions:

"19. Pursuant to Government Code Section 66474.9, the subdivider, or any agent thereof, or successor thereto, shall defend, indemnify, and hold harmless the City or its agents, officers and employees (collectively "City") from any claim, action or proceeding against the City to attack, set aside, void, or annul, the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and 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.

Commissioner Pentaleri asked staff, how the wetlands on Parcel "A", would be maintained and how staff would enforce and monitor the maintenance agreement?

Associate Planner Wong stated, that Wetlands Research Associates (WRA), biological consultants worked with the applicant regarding a maintenance plan including keeping the storm water inlets clear of debris so that storm water is not blocked from entering the wetlands and that no one plant material becomes pervasive.

Commissioner Pentaleri asked who would enforce the agreement?

Associate Planner Wong stated WRA could work with the applicant and staff for the wetlands maintenance review.

Senior Deputy Attorney Rasiah stated that the issue could be worked out at a later date.

Commissioner Pentaleri stated that the noise mitigation was not clear. With the requirements would the noise be brought within guidelines or best outcome?

Associate Planner Wong stated the project would meet the minimum requirements.

Senior Deputy Attorney Rasiah stated the noise standards are within the General Plan.

Commissioner Pentaleri asked if EV charging stations are part of the project and if so how many?

Associate Planner Wong stated EV charging stations are a requirement of the Building Code.

Planning Manager Wheeler stated that the Zoning Ordinance is being amended to reflect that EV charging stations must meet the requirements of the Green Building Code.

Commissioner Pentaleri asked if the project was LEED certified or a standard project and if not, could it be a part of the project?

Associate Planner Wong stated the project was not designed to be LEED certified as it is not required by code.

Commissioner Pentaleri stated it would be a nice amenity and worthwhile to aspire to in future projects.

Commissioner Pentaleri stated there is a community concern over water use. How does it affect a new development? Santa Clara is able to use greywater, and wanted to know if greywater reuse could be included?

Associate Planner Wong stated staff could recommend a greywater system but such a system is not required by building code. Staff had checked with the Alameda County Water District (ACWD) and they had stated they have sufficient water to serve the hotel.

Commissioner Pentaleri stated there is a difference with ACWD and other districts. The sentiment of the community has been successful in cutting back on water usage. Landscaping is a big single use of water.

Planning Manager Wheeler stated regarding greywater, the City and Building code do not require greywater systems. Fremont conforms to Water Efficient Landscaping Ordinance (WELO).

Commissioner Pentaleri expressed concern of a large hotel with showers and sinks and landscaping, stating that water would literally be flushed down the drain and this did not seem efficient.

Chairperson Bonaccorsi asked why this was a request for a Conditional Use Permit? Was this because the parcel is zoned as Restricted Industrial?

Associate Planner Wong stated that hotel use is allowed in a Restricted Industrial District, subject to a Conditional Use Permit, as well as, a Discretionary Design Review Permit.

Chairperson Bonaccorsi asked if the City could lower the standard for sleeping rooms for noise control below what it would require for people who are actually living here?

Planning Manager Wheeler stated that the noise standards are established in the General Plan, so if the City wanted to have a different standard for hotels than for residences it could.

Chairperson Bonaccorsi referred Commissioner Pentaleri to the ACWD regarding greywater reuse.

Chairperson Bonaccorsi closed the public hearing.

IT WAS MOVED (SALWAN/LEUNG) AND UNANIMOUSLY CARRIED BY ALL PRESENT (5-0-0-2-0)THE PLANNING COMMISSION – ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE PROPOSED PROJECT (EXHIBIT “A”), AND FIND ON THE BASIS OF THE WHOLE RECORD (INCLUDING THE INITIAL STUDY AND ANY COMMENTS RECEIVED) THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WOULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, AND THAT THIS ACTION REPRESENTS THE INDEPENDENT JUDGMENT OF THE CITY PER CEQA GUIDELINES SECTION 15074.

AND

FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN, AND WITH APPLICABLE ZONING, DESIGN REGULATIONS AND GUIDELINES AS ENUMERATED IN THE STAFF REPORT.

AND

APPROVE CONDITIONAL USE PERMIT, DISCRETIONARY DESIGN REVIEW PERMIT AND VESTING TENTATIVE PARCEL MAP WITH AN FAR INCREASE FROM 0.35 TO 0.75, PLN2015-00241, AS SHOWN ON EXHIBITS “B” AND “C” SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT “D.”

The motion carried by the following vote:

AYES: 5 – Bonaccorsi, Karipineni, Leung, Pentaleri, Salwan

NOES: 0

ABSTAIN: 0

ABSENT: 2- Dorsey, Reed

RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

Item 2. Election of Officers 2016

Senior Deputy Attorney Rasiah noted that in 2007, by Minute Order, the Planning Commission created a rule that four votes would be required to elect the Chairperson and Vice Chairperson.

Commissioner Karipineni stated she would like to nominate Commissioner Salwan as Chairperson, seconded by Commissioner Bonaccorsi, which was unanimously carried by all present.

Commissioner Karipineni stated she would like to nominate Commissioner Leung as Vice Chairperson, seconded by Commissioner Bonaccorsi, which was unanimously carried by all present.

- Information from staff: Staff will report on matters of interest.

Planning Manager Wheeler stated that the Parc 55 project will be on the next Planning Commission agenda, January 28, as well as, two other items. On February 11th Planning Commission agenda there are currently two work session items, the Civic Center Master Plan and the third Master Plan in Warm Springs. If there are not any regular agenda items, the work sessions we be scheduled during the regular meeting. If there are agenda items the Commission will be polled to check availability for an earlier work session.

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- Report on actions of City Council Regular Meeting

Planning Manager Wheeler stated the City Council adopted the Medical Marijuana Ordinance and banned all the cultivation and deliveries within the City. In addition, the Connolly Center Project was approved by a vote of 3-2 and the General Plan Amendment will be formally adopted on February 16th along with another General Plan Amendment.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 7:36pm.

SUBMITTED BY:



Kristie Wheeler, Secretary
Planning Commission



Courtney Fox, Recording Clerk
Planning Commission