



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF MAY 12, 2016**

- CALL TO ORDER:** Chairperson Salwan called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Salwan, Commissioners Bonaccorsi, Dorsey, Karipineni, Leung, Pentaleri, Reed
- ABSENT:** None
- STAFF PRESENT:** Wayne Morris, Assistant Planning Manager
Prasanna Rasiah, Senior Deputy City Attorney
Kristie Wheeler, Planning Manager
Wayland Li, Senior Planner
David Wage, Associate Planner
Courtney Fox, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** Regular meetings of October 23, 2014 and March 24, 2016 approved as submitted.
- DISCLOSURES:** **Commissioner Pentaleri** met with the applicants for items 1, 2 and 3 and met with residents of the Mission Palms neighborhood about items 4 and 5.
Commissioner Dorsey met with the applicant and City staff and drove by the site for item 2, and drove by the site for item 3 and met with residents of Mission Palms regarding items 4 and 5.
Commissioner Bonaccorsi met with the applicant for item 3 and met with a resident of the Mission Ranch Designated neighborhood and drove thru the neighborhood in regards to item 5.
Commissioner Karipineni recused herself from item 1 and met with the community regarding items 4 and 5.
Vice Chairperson Leung met with the applicant for item 3 and drove by the site for item 5.
Commissioner Reed drove by the sites and had email conversations with the community regarding item 5.
Chairperson Salwan met with the applicants for items 1 and 2.

CONSENT CALENDAR

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBERS 1 AND 2.

IT WAS MOVED (PENTALERI/DORSEY) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1 AND 2 WITH COMMISSIONER KARIPINENI RECUSING HERSELF ON ITEM 1.

- Item 1. **VISTA GRANDE - 822 Hunter Lane - PLN2016-00127** - To consider Vesting Tentative Parcel Map No. 10451 for the subdivision of one existing ±1.59 acre parcel into three single-family residential lots, each approximately 21,000 - 27,000 square feet, located in Planned District P-90-17 in the Mission San Jose Community Plan Area, and to consider a categorical exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (In-Fill Development Project).

CONTINUED TO A DATE UNCERTAIN.

The motion carried by the following vote:

AYES: 6 – Salwan, Bonaccorsi, Dorsey, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 1 – Karipineni

- Item 2. **CENTERVILLE JUNCTION - 3678 Parish Avenue to 3498 Peralta Boulevard - PLN2016-00058** - To consider a General Plan Amendment for four parcels located at 3654 Parish Avenue, 3524 Peralta Boulevard, 3508 Peralta Boulevard and 3498 Peralta Boulevard from General Commercial to Medium Density Residential (14.6-29.9 units per net acre), a Rezoning of the same four parcels from C-G(TOD) (Commercial General with Transit-Oriented Development Overlay) to R-3-23 (Multifamily Residential), Vesting Tentative Tract Map No. 8272 and a Private Street entitlement to allow the removal of all existing buildings and the construction of 52 townhouse-style condominium units on nine contiguous parcels, and to consider a Mitigated Negative Declaration prepared and circulated for the project in accordance with the requirements of the California Environmental Quality Act (CEQA).

CONTINUED TO A DATE UNCERTAIN.

The motion carried by the following vote:

AYES: 7 – Salwan, Bonaccorsi, Dorsey, Karipineni, Leung, Pentaleri, Reed
NOES: 0

ABSTAIN: 0
ABSENT: 0
RECUSE: 0

PUBLIC/ORAL COMMUNICATIONS None

PUBLIC HEARING ITEMS

- Item 3. **MIDPEN STEVENSON PLACE APARTMENTS - PLN2016-00184** – To consider Precise Planned District P-2016-184 and a Density Bonus to allow the construction of 80 apartment units on a 2.3-acre property located on the south side of Stevenson Boulevard, west of Stevenson Place in the Central 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 Mitigated Negative Declaration (MND) (SCH No. 2014052025) was previously adopted and an Addendum to the MND has been prepared, and none of the conditions requiring a subsequent or supplemental environmental document stated in Section 15162 of the CEQA Guidelines are present.

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

Staff Report:

The property owner noted on page one of the staff report should be corrected from MP Land Holdings LLC to Stevenson Place Associates, L.P.

Findings and Conditions of Approval:

The following condition should be incorporated into Exhibit “D,” Findings and Conditions:

The Staff Report indicates that shared parking would be provided on Stevenson Boulevard rather than Stevenson Place.

- D-3. *Car-Share Parking.*** The developer shall work with the City and a car-share company to provide and maintain a car-share parking space on Stevenson ~~Boulevard~~ Place to the satisfaction of the Public Works and Community Development Director or designee.

The number of affordable units and levels of affordability described in the Staff Report and in condition of approval A-12 are consistent with the funding agreement that was approved by the City Council. Through their tax credit application process, the applicant may receive approval to construct more extremely low income units, which would allow the project to achieve a deeper level of affordability. The applicant proposes and staff supports a modification to the condition below regarding the Density Bonus Agreement. The modified condition is more general in that it would not specify the number and levels of affordable units. Instead, it would require

the project to meet the minimum Density Bonus requirements to receive the proposed three concessions. The more general language would allow the project the flexibility to provide a deeper level of affordability if their tax credit application is approved accordingly. The funding agreement would ensure the project would at a minimum provide the number and level of affordable units described in the Staff Report.

A-12. Density Bonus Agreement. The applicant shall enter into a binding agreement with the City to be approved as to form by the City Attorney which guarantees that the developer or his/her/their assigns shall construct and provide at least 30% of units as low-income units to receive the three concessions requested. ~~15 units would be reserved for extremely low income households, 20 units would be reserved at very low income, and 44 units would be reserved at low income.~~ The obligations, requirements, timing of execution and form of the agreement shall comply with all applicable requirements of the City's Affordable Housing Ordinance and Density Bonus Ordinance, Chapters 18.155 and 18.165, respectively.

Associate Planner Wage gave a brief presentation on the item.

Commissioner Pentaleri asked staff to clarify the noise study in May 2014 and September 2015 as he understood that there was not an interior assessment in either of the studies.

Associate Planner Wage stated that there was an interior assessment along with the studies and mitigation measures in place as a result.

Commissioner Bonaccorsi asked to verify that the conditions of approval were consistent with what the City Council had recommended in terms of working with staff on the design.

Associate Planner Wage stated that was correct.

Chairperson Salwan invited the applicant to the podium.

Carlos Castellanos, applicant and director of Housing Development with MidPen Housing Corporation (MidPen), stated they would provide on-site property management and robust program services that would help advance the lives of their residents. They had worked on 325 homes built on six different properties located throughout the City. The City Council had awarded 11.9 million dollars to MidPen from the low income housing fund and they would be applying for Low Income Housing Tax Credit competitive application in June of 2016. They had held an open house in the neighborhood and the feedback that they had received was concern for retaining current residents and the local workforce. He stated that they had talked to the Fremont Unified School district and were told that the children would attend Durham Elementary, Walters Junior High and Kennedy High School and they also had been in contact with the California School for the Deaf. The project site was in close proximity to bus services, BART and was one-third of a mile from an

Albertsons grocery store. Cars would enter and exit on Stevenson Place in order to minimize traffic impacts on Stevenson Boulevard. He introduced Steven Rajninger.

Steven Rajninger, project architect with Herman Coliver Locus Architecture, stated that their firm focused on affordable housing and worked to provide projects which were indistinguishable from other market rate apartments. They spent a great effort on the exterior of the building and the vertical appearance while maintaining the ability to identify the individual units within the building. They had created a texture of porches on both the ground floor and patios on the upper floors along with open space. He stated that they had organized the sites that 80 percent of the residents would either walk thru the shared courtyard to enter their apartments or look over it. He indicated that they had worked with Robson Homes so that the open spaces of the two properties would be seen as a shared space through use of a very low and transparent fencing and landscaping.

Commissioner Bonaccorsi asked Mr. Castellanos about the tax credit financing and if that may alter the mix of very low and less low income units and asked what changes he expected in terms of the anticipated mix.

Mr. Castellanos stated that in order for them to qualify for the tax credits they had to meet a minimum and ratio of very low and less low income units and they actually had more than were indicated in the staff report.

Chairperson Salwan opened the public hearing.

Mike Enderby, with Robson Homes, stated that he was advocating for the approval of the proposal. They had worked together on a Lot Line Adjustments between the two properties to make both site plans more efficient allowing additional units and a more cohesive transition between the two properties. He stated that they would work with the HOA of their project to ensure that there is a good line of communication with the MidPen Housing project management. He indicated that he had previously worked with the City of San Jose's Planning Department and had worked with MidPen. He felt that they had built very high quality projects and had a great commitment to keeping their project sites up. He urged the Commissioners to support the project.

Cindy Bonoir, CEO with the City of Fremont Chamber of Commerce, spoke in support of the project and stated that it was critical for the City to have affordable housing for all income levels for the residents and skilled workforce. She stated that their office is located across from the project and that they were satisfied that the additional traffic would not impact their business.

Chairperson Salwan invited the applicant back to the podium.

Mr. Castellanos urged support for the project.

Chairperson Salwan closed the public hearing.

Commissioner Bonaccorsi thanked MidPen for creating affordable housing at that site.

IT WAS MOVED (BONACCORSI/DORSEY) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THE PLANNING COMMISSION – RECOMMENDED THAT THE CITY COUNCIL FIND, BASED ON ITS OWN INDEPENDENT JUDGMENT, THAT THE ADDENDUM AND PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN AS SHOWN IN EXHIBIT “A” (SCH NO. 2014052025), ARE SUFFICIENT FOR THE PROPOSED PROJECT, AND THAT NONE OF THE CONDITIONS IN SECTION 15162 OF THE CEQA GUIDELINES ARE PRESENT AND, THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY;

AND

FIND THAT THE PROJECT IS IN CONFORMANCE 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 LAND USE, HOUSING, CONSERVATION, COMMUNITY CHARACTER AND SAFETY ELEMENTS AS ENUMERATED WITHIN THE REPORT;

AND

INTRODUCE AN ORDINANCE APPROVING A REZONING OF THE PROJECT SITE FROM PRELIMINARY PLANNED DISTRICT P-2014-198 TO PRECISE PLANNED DISTRICT P-2016-184 AS SHOWN IN EXHIBIT “B,” AND APPROVING THE PRECISE PLAN AS DEPICTED ON EXHIBIT “C” (CIVIL, ARCHITECTURAL AND LANDSCAPE PLANS), AND THE USE AND DEVELOPMENT PROVISIONS SET FORTH IN EXHIBIT “E,” BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D;”

AND

APPROVE A DENSITY BONUS AND CONCESSIONS AS SHOWN ON EXHIBIT “C,” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “D;”

AND

APPROVE THE PROPOSED REMOVAL AND MITIGATION FOR ONE PROTECTED TREE PURSUANT TO THE CITY’S TREE PRESERVATION ORDINANCE, BASED UPON FINDINGS AND CONDITIONS IN EXHIBIT “D;”

AND

DIRECT STAFF TO PREPARE AND THE CITY CLERK TO PUBLISH A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 7 – Salwan, Bonaccorsi, Dorsey, Karipineni, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 0

RECUSE: 0

- Item 4. **CITYWIDE DESIGN GUIDELINES AMENDMENTS - Citywide - PLN2016-00267** - To consider amendments to the Citywide Design Guidelines to address privacy impacts related to second story additions and new two-story homes, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the proposed amendments are not a project which has the potential for causing a significant effect on the environment.

Staff requests that the following corrections be included in the Staff Report:

- 1) Add new “Informational Enclosure 1 – Public communications received after release of staff report.” (attached)

Senior Planner Li gave a brief presentation on the item.

Commissioner Bonaccorsi asked staff to clarify the distinction between rules and guidelines as he felt the rules were more directive and mandatory.

Senior Planner Li stated that the rules intended to be applicable in all situations and were measureable and objective. The guidelines were not always universally applicable and were more flexible in their interpretation and outlines ways to address privacy.

Assistant Planning Manager Morris stated that the rules say you “shall” do this and the guidelines say you “should” do this.

Commissioner Bonaccorsi asked if there might be some preliminary determination at the staff level when all of the rules were met.

Senior Planner Li stated yes.

Commissioner Bonaccorsi referred to rule 2.46R regarding landscaping that includes large evergreen trees or garden features which shall provide a buffer or screening. He asked if this meant that large evergreen trees and/or garden features were required in all instances.

Assistant Planning Manager Morris stated that the rule would only apply where a privacy impact occurred and that the rule requires shrubs required for privacy would be a minimum 15-gallon planting size and that trees required for privacy would be a minimum size of 24-inch box.

Commissioner Bonaccorsi asked how an applicant would know there were privacy impacts and if that would be something that staff was going to direct them to do in order to comply.

Assistant Planning Manager Morris stated that they have handouts that are given to developers and that they receive a lot of phone calls and meeting requests with applicants to verify requirements are met before plans are drawn up.

Commissioner Bonaccorsi stated that he was more concerned with individuals that hire an out of town architect that hadn't previously worked with the City and did not understand the Design Guidelines.

Assistant Planning Manager Morris stated that sometimes plans are submitted where the applicant did not know about the design guidelines, and comments, along with the unmet guidelines, are sent back. He indicated that most developers know the information, but those that are unfamiliar may need to go through additional review and may receive a lot of comments back from staff.

Commissioner Bonaccorsi asked if the Zoning Administrator had the discretion to decide not to review a discretionary design review application and have it go before the Planning Commission.

Assistant Planning Manager Morris stated yes.

Vice Chairperson Leung asked if the new guidelines would apply to both new developments and infill development.

Assistant Planning Manager Morris stated yes, and any applications that had not been submitted to the City yet.

Vice Chairperson Leung asked what would happen to previous projects that had been approved.

Assistant Planning Manager Morris stated that it would not apply.

Vice Chairperson Leung asked to clarify if it would only apply going forward.

Assistant Planning Manager Morris stated that it would only apply to new projects.

Commissioner Pentaleri inquired about rule 2.42R site which indicated that plans should show privacy impacts on adjacent parcels and how they would be addressed. He asked if the reason for the rule was to require the applicant to think about the privacy sensitive areas on adjacent properties and help staff to identify them.

Senior Planner Li stated yes.

Chairperson Salwan asked if anything was added to the proposed guidelines.

Senior Planner Li stated that the proposal was unchanged.

Chairperson Salwan opened the public hearing.

Tom Blalock, resident of the Mission Palms neighborhood since 1971, stated that, other than the big mega home in Mission Palms, they had not had any other big problems. He urged the Commissioners to recommend approval to the City Council for both items 4 and 5.

Commissioner Reed thanked him for the wonderful job with BART and resources.

Lydia Choy-Fong, resident of Mission Palms, stated she would like rule 2.46R to be strengthened as she was "deeply disappointed" that they did not do as much as possible to mitigate privacy impacts. She stated that it was not fair that two story homeowners gained the benefits of a view while the view of the adjacent neighbors would be taken away from them. She requested that the rule be amended to require 12-foot trees at planting to add privacy. She felt that it should be required because it

would at least provide some privacy immediately. Due to her time running out, she had her husband continue her statement.

Larry Fong, resident of Mission Palms, stated that Los Gatos and Sunnyvale have a two year requirement to mitigate privacy issues. He stated that they had consulted with the Alameda County Masters Gardener program and they stated that it was possible to transplant 12-foot trees obtained from a nursery. He stated that some tree species may grow faster if they were young enough and planted from a 15-gallon container compared to a more mature tree that had grown longer than a 24-inch box container. He asked the Commission to approve the Citywide Design Guidelines with their proposed amendments to rule 2.46R.

Grace Chin, Mission Palms resident that lived next to the big Palm Avenue house, stated that she fully supported the previous speakers and she stated that the guidelines were much better, but there was still some inadequacy. She stated that had doubts as to whether they were enforceable and asked who would be responsible. She referred to rule 2.42R which stated that the potential privacy sensitive areas shall be identified on the plans and stated that it depended completely on the integrity of the developer and builder. She stated that, with her house, there was only one tree which was between her house and the other house and nobody would have known if she hadn't said anything to the city and at the point the plans were already approved without neighborhood notification. She felt it was not enforceable because the owner and builder wanted to cut their costs. She asked who was going to protect the neighbors if they were not notified.

Chairperson Salwan closed the public hearing.

Commissioner Pentaleri asked about time for privacy mitigation, as he had met with neighbors in Mission Palms, and the issue was raised and he was surprised that other communities required a shorter time frame. He stated that a wait time of three to five years seemed like a long time and asked for feedback from staff if the time frame could be shortened.

Senior Planner Li stated that the concern about timing was legitimate, but it was a balancing act. A shorter term would only allow for species that grew fast, and they should encourage builders to select the best trees for that would have the best long term success.

Assistant Planning Manager Morris stated that they had spoken to the staff landscape architect and the selection of 15-gallon shrubs at six (6)-feet high or 24-inch box trees at 12-feet high were limited. He reminded the Commissioners that this was a part of a recipe of a number of items to achieve privacy.

Commissioner Pentaleri stated he agreed and that it spoke to how well the amendments were drafted. He stated that he was also interested to see communities in the bay which did do neighbor notification along with a significant remodel or building proposal and stated that his experience was limited to the City of Fremont.

Assistant Planning Manager Morris stated that they had talked about that in the past and that staff does not have the resources to do notifications for ministerial review.

He stated that, if they met with neighbors what could or would they do they do with that information if it was a ministerial review. He stated that they did encourage the builders to talk with the adjacent neighbors but that staff would not recommend requiring notification as was required with a discretionary review.

Commissioner Pentaleri asked about the concern that was raised by Ms. Chin and how staff would verify compliance.

Assistant Planning Manager Morris stated staff does a site visit with the plans to verify that privacy measures shown in the plans were constructed.

Commissioner Bonaccorsi responded to Ms. Chin and **Commissioner Pentaleri's** question, and asked about other cities, such as Saratoga, which send neighbor notifications for significant remodels. He acknowledged the higher ratio of residents to planners in Saratoga and also brought up that Commissioners had inquired about another community meeting with the Mission Palms neighborhood and were told that staff did not have the resources. He stated he would love to see the planning staff beefed up so community based issues could be addressed as they came up. He liked that the Design Guidelines were Citywide. He stated that he thought it was a responsibility of the City Council to allocate funds for more planning staff and indicated that it would be a prudent use of resources..

Commissioner Karipineni stated that she agreed with what the staff had provided in the Design Guidelines amendments and asked about the possibility to mail notifications to neighbors.

Assistant Planning Manager Morris stated that staff would not like to go down that route because it was unclear would to do with the replies and comments for a ministerial review. He stated that staff had issued between 75 and 100 tear down rebuild or two-story homes permits a year and got comments back on maybe three to five of them. He said, taking that into consideration, he felt they had been doing a good job and felt that they could tighten it up with the proposed amendments.

Commissioner Karipineni asked if the impacts could be mitigated by offering the trees to the neighbors instead of the home that was being built and asked if they could have a guideline to offer a tree to mitigate the impact.

Assistant Planning Manager Morris stated staff would have to stay out of anything of that nature because of liability issues. He indicated that the main issue with the Palm mega house was the homes having pools and therefore no landscaping was located between them. He said that this did not happen a lot in Fremont.

Commissioner Pentaleri appreciated the feedback on the selection of landscaping materials, and stated that he was prepared to move staff recommendation and suggested that, during implementation, staff really lean towards requiring larger landscape mitigations where feasible.

Commissioner Reed seconded the motion and asked if they could have some of the slower growing landscaping mixed-in with faster growing landscaping and asked if that would give a little more variation in the selection of landscaping to make up for the limitations on larger faster growing landscaping.

Senior Planner Li stated that the rule already required 24 inch boxes.

Commissioner Reed asked if it could be bigger.

Assistant Planning Manager Morris stated that after 24-inch box tree it jumped to 36-48-inches.

Commissioner Pentaleri stated that, from his own experience, an arborist will tell you that in many instances you can come out ahead by not going with larger transplanted trees.

Commissioner Bonaccorsi stated that if the design was ministerial and if it fit within the guidelines, they could not require an applicant to opt for varying rates of growth.

Assistant Planning Manager Morris agreed.

Chairperson Salwan stated that he liked the amended Design Guidelines the first time and liked it again and that it could be revisited later on down the road if issues or problems arise.

IT WAS MOVED (PENTALERI/REED) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THE PLANNING COMMISSION – RECOMMENDED THAT THE CITY COUNCIL FIND THAT THIS PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES IN THAT IT IS NOT A PROJECT WHICH HAS THE POTENTIAL TO CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

AND

ADOPT A RESOLUTION APPROVING THE PROPOSED AMENDMENTS TO THE CITYWIDE DESIGN GUIDELINES (PLN2016-00267), AS SHOWN ON EXHIBIT “A.”

The motion carried by the following vote:

AYES: 7 – Salwan, Bonaccorsi, Dorsey, Karipineni, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

Chairperson Salwan called for a short recess at 8:17pm and reconvened at 8:26pm.

- Item 5. **MISSION PALMS DESIGNATED NEIGHBORHOOD – PLN2016-00118** – To consider Zoning Map and Zoning Text Amendments to Title 18 (Planning and Zoning), Chapters 18.35 (Zoning Maps) and 18.90 (Residential Districts) of the Fremont Municipal Code to establish the “Mission Palms” neighborhood as a “Designated Neighborhood” with individualized regulations, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the proposed amendments are not a project which has the potential for causing a significant effect on the environment.

Staff requests that the following corrections be included in the Staff Report:

- 1) Add new “Informational Enclosure 5 – Public communications received after release of staff report.” (attached)

Senior Planner Li gave a brief presentation on the item.

Commissioner Bonaccorsi asked if there was any distinction between the proposed zoning text amendment and what had been presented in November 2015.

Senior Planner Li stated no.

Chairperson Salwan opened the public hearing.

Sherri Wood, resident of the Mission Palms Neighborhood, stated that her husband and she strongly opposed the proposed Mission Palms development standards as they felt that they were “far too drastic.” She stated that they allowed 45 percent less square footage for a two-story home than the citywide standards and it particularly disadvantaged current two-story home owners because they would be allowed less square footage than a one-story home if they wanted to add on. She stated that the character of the neighborhood already included about a quarter of two-story homes and trying to prevent two-story homes no longer made logical sense in terms of the character of the neighborhood. She felt that potential home buyers would prefer a home two blocks away that did not have the drastic restrictions and stated that she could not be convinced that it would not affect home values and the salability of her home. She also felt that there had been far too much opposition from the neighborhood to justify passing the proposal and felt that the Citywide Design Guidelines would help with some of the issues that had arisen in her neighborhood.

Commissioner Pentaleri stated he appreciated the conversation he had with her and her neighbors and had read her letter before the meeting and again after the meeting. He stated that what he had struggled with was that she had stated in her letter that, under the Citywide Guidelines, she could build her home up to 5,286 square feet and the average home in Mission Palm could be built to just north of 4,000 square feet in a neighborhood which averages 2,440 square feet. This would be more than twice the size of the typical neighboring home. He felt that the proposal was generous in that it allows up to a 40 percent increase in size over the typical existing home in the neighborhood. He asked her to reply to his comment.

Sherri Wood stated that her one-story home would not change under the proposal. It would still be 40 percent but the second story addition, instead of being 64 percent of the property, would be 35 percent. She stated that, if you did the math, it was a 45 percent difference. She stated that they had not been given an option of a compromise and that they had been told it was this or nothing and she felt strongly that they needed to turn down the proposal because it was too drastic. She also stated that the neighborhood was a cobbled together group of different homes from different builders from different decades and therefore she found it hard to see how they fit

together in a cohesive unit. She stated that the Citywide standards seemed to be the right approach. She felt that, if the Commissioners felt it was too much house, then the Citywide standards needed to be changed or that the neighborhood needed to come up with a more compromised option.

Robert Tavares, resident in the Mission Ranch Designated Neighborhood, stated that a few years back the Council and the Commission changed Mission Ranch with these types of guidelines and that it had worked out really well and a lot of people have added on since then. He stated he supported the proposal as Mission Palms was close in make up to Mission Ranch and would like to see the ambiance carried on.

Commissioner Dorsey commented that when she was doing her drive through in the Mission Ranch Designated Neighborhood she had seen two homes under construction, one of which was burnt by fire and another that was being expanded. She said that the plan for Mission Ranch had seemed to work really well.

Robert Tavares stated that they had had three remodels since it came into effect and it had worked really well as the homes were still ranch style homes. He stated that it would be nice to have this neighborhood be the same.

Commissioner Bonaccorsi stated that he knew he had been a long time realtor and if he knew Mission Palms.

Robert Tavares stated yes.

Commissioner Bonaccorsi asked him, in regards to the previous speaker, if Mission Palms was cobbled together and therefore not a real cohesive community.

Robert Tavares stated that he disagreed with that and that he felt it was a community into itself just like Mission Ranch.

Commissioner Reed stated that Mr. Tavares was a great realtor and was in support of the proposal along with him.

Robert Wilson, resident of Mission Palms, stated that single story homes were no longer being built in Fremont and he felt that we were eliminating entry level homes in favor of multifamily homes. He stated that kids have to stay home for years longer to save up for these bigger homes. He stated that if his son were to obtain a \$150,000 a year job he would have to stay at his home for three to four years before he would be able to move. He stated that this inhibited the growth of young adults. He stated that he does not see children play in the front yard and one of the reasons is because of the all the driveways and parked cars. He felt that the Mission Palms homes were the right size for many families and were easily converted to add more bedrooms. He stated that, if people wanted to live in or build larger homes, they could move to other areas of Fremont. He was in support of the proposal.

Lorraine Wilson, resident of Mission Palms since 1982, stated that she liked Mission Palms due to the community character with trees that lined the street, where neighbors walk and meet each other, and with charming mostly single-story and modest two-story homes. She said the neighborhood had mutual support which enabled neighbors to grow old in their homes. She stated that she cherished her neighborhood because it was diverse and needed to be preserved and respected. She asked for the Commission to support the proposal.

Ronald Y. Nakasone, resident of Mission Palms, stated he was speaking on behalf of his wife and daughter whom supported the proposal. He stated that they had written letters and spoken many times and wanted to point out that the original intent was to preserve the original character of the neighborhood, which was within the charter for Fremont. He asked the Commissioners to imagine a future where the Mission Palms Designated Neighborhood would continue to nurture a family friendly and elder friendly environment. He stated that, as a neighborhood, they needed to be respectful of each other's rights, right to privacy, space and for sunlight.

Commissioner Bonaccorsi stated that he knew that he had been a proponent of the designation from the inception and asked if he had reached out to the people that spoke against the item the first time and asked if he could explain why they didn't see the same number of people in opposition.

Ronald Y. Nakasone stated he had not actively tried to persuade the opposition and that he did not know why the opposition had not come out to speak that night.

Wendy Rothhaug, resident of Mission Palms, stated she would be speaking on behalf of her husband and herself and stated that she would like the current character of Mission Palms to be maintained. She stated that she believed that the proposal supported individual rights while protecting the neighborhood character and privacy. She asked the Commissioners to recommend the proposal to the City Council.

Nancy Ruskin, resident of Mission Palms and 51 year original owner of one of the two-story homes, asked the Commissioners to approve the proposal.

John Cheung, resident of Mission Palms, stated that he loved his neighborhood and does not like the mega home that he was able to see into one of the windows and did not want to see his neighborhood change.

Chris Cavette, City of Fremont resident, stated that he supported the proposal and that the restrictions were fair and realistic and were more flexible compared to the other designated neighborhoods. He expressed his dislike for mega homes as they destroy the integrity and the community character of entire neighborhoods. He stated that putting a very large home on a very small lot is a very bad idea that needed to be stopped. He asked that in addition to approving the proposal that the Commission recommend adjusting the R-1 standards for homes sizes for existing R-1 neighborhoods.

Janet Barton, resident of Mission Ranch, stated that she was thankful of their Designated Neighborhood as they had dealt with the same thing (mega home) and that she was just heartbroken that some of her neighbors had lost their winter sun, as well as, privacy in bedrooms and gardens. She stated that she was grateful for what the City had done for them. She stated that what she loved is the single-story incentive and that only one two-story home had been built in her neighborhood since 2010. She stated that it kept the character so nice that she retired a couple of years ago

and planned to stay in her community. She asked the Commissioners to recommend approval to City Council.

Marie Smith, resident of Mission Palms, stated that she supported the designation and called it a “good neighbor incentive,” which allowed homeowners to extend their homes to reasonable size without infringing on the privacy and solar rights of the adjacent neighbors. She stated that she did not think the rights of those people who might expand their homes one day should supersede the rights of others in the neighborhood. She stated that she felt the proposal would preserve the neighborhood character that she treasured.

Tom Blalock, resident of Mission Palms for 45 years, stated that he appreciated that the Citywide Design Guidelines were approved. He stated that the Commissioners had an “obligation to exercise its independent judgment” to protect and preserve the neighborhood. He asked the Commissioners to recommend approval to the City Council.

Grace Chin, resident of Mission Palms, stated that she supported the proposal. She stated that her neighborhood was the highest in density of swimming pools and the highest character. She stated that if they did not change the outlook the neighborhood would be changed forever and the proposal was specific to address the problem and that the proposal went along with the General Plan of the City. She strongly urged the Planning Commission to do right by them through approving the proposal.

Randy Fong, resident of Mission Palms, stated that he would like the proposal approved. He stated that five years worth of data showed that homes in the other two designated neighborhoods retained their home values and that a designation would not be likely to cause a negative impact on home values. He stated that one of the other concerns was that the guidelines were too restrictive but that, in the staff report, it was estimated that average lot owners would still be able to add more than 600 square feet to a two-story home or 1,000 square feet to a one-story home. He stated that the Neighborhood Designation would bring peace and fairness. He asked that the Commission recommend the proposal for approval.

K.K. Chin, resident of Mission palms, stated that he supported the proposal. He stated that there had been a misconception that the Designated Neighborhood would be unfair but that there was already seven to eight different areas in Fremont governed by different design standards. He stated that, if the single standard means fair or consistent treatment, then one is basically asking for the proposal. He asked “why would any of us want it to degenerate into a high density settlement and then suffer loss in home value?” He asked the Commission to follow his recommendation and designate the neighborhood.

Lydia Choy-Fong, resident of Mission Palms, stated that she supported the proposal and the amendments to the Citywide Design Guidelines. She stated that the development standards described specific measurements like how big the building

could be and that size did matter. She stated that the Citywide Design Guidelines and the Development Standards overlap concerns with two different approaches. She stated that the Citywide Design Guidelines used landscaping and window placements to enhance privacy but were secondary fixes. She asked that the Commissioners recommend approval to the City Council.

Commissioner Bonaccorsi asked why there were not as many in opposition at the meeting and asked if she had met with neighbors in opposition.

Lydia Choy-Fong stated that she had offered her information to Wayland Li to pass along to the opposition but had not received any contact. She stated that she had asked staff to host something because they did not think the opposition would listen to them.

Grace Chin, stated that neighbors had accused her of putting her suffering into other people in the neighborhood which made it hard for her to reach out.

Lydia Choy-Fong stated she encountered other neighbors and they did not want to talk about it and would ignore her.

Becky Denevan, resident of Mission Palms, stated that she was speaking for both her husband and herself. She stated that they loved their home and neighbors. She stated that they are all working families with reliable incomes who are very passionate about their lives in Fremont. She stated that they had expanded their home in 1982 and it was very important to them to keep with the feel and the style of their original home and their neighbor's homes. She stated that when people moved to their neighborhood they did so because of the established look of their comfortable homes and the neighborhood feel of Mission Palms. She felt that the protection of a Designated Neighborhood would help them protect what they had. She urged the Commissioners to vote in approval of the proposal.

Amy Fong, resident of Mission Palms, stated that she supported the proposal in that it balanced the desire of neighbors who wanted to maintain the neighborhood character, privacy, light, views and solar access. She stated that she believed that it would also help staff with complaints about two-story additions. She stated that the proposal followed a proven model tested by Mission Ranch over the past five years. She stated that every neighborhood that wanted the benefit of preserving their neighborhood character should be able to get it. She asked the Commissioners to recommend approval to City Council.

Sreeram Dunvur, resident of Mission Palms, stated that he was speaking on behalf of his wife who could not attend. He stated that he felt that there was not as much opposition that night because it had been the fourth or fifth meeting that they had to make their case. He stated that he was not sentimental about things and he wanted to make a rational case. He stated that he felt outnumbered and felt sorry for those affected by the mega house and that the City's planning team had failed them. He stated that the architect can show plans and then do something else and it seemed impossible for the City to enforce. He felt that the recommendation to allow 35 percent FAR was not discussed enough to generate consensus in the neighborhood and that the neighborhood is filled with intelligent educated people who were capable

of looking at viewpoints. He stated that he would like to see much greater discussion before adopting the one single proposal that had not been discussed in any level of detail that he felt good about. He asked the Commissioners to not act in immediate reaction to correct something.

Commissioner Pentaleri thanked Mr. Duvur for meeting with him yesterday and stated he was out numbered that night so asked him to finish his thoughts.

Sreeram Dunvur asked if they could take a vote of the home owners which were paying property taxes instead of listening to the people who were able to show up and speak. He stated that excellent points were being represented on both sides and did not believe that the minority should overrule the majority.

Commissioner Pentaleri asked him about Ms. Choy-Fong who went through the numbers talking about how the proposed design guidelines allow a substantial increase over the typical house in the neighborhood and that the size could be substantially greater than the other homes.

Sreeram Dunvur stated that he would never build a 5,000 square foot home and that he has a 2,400 square foot home and would like to add more than 400 square feet on the second level as he has a two-story home. He stated that he would like to have more discussion about the proposal and maybe a proposal that was more acceptable to the larger part of the community. He stated that he was not necessarily against it but would like more discussion about the proposal.

Amit Anand, resident of Mission Palms for 10 years, supported the Design Guidelines that were approved but did not support the Designated Neighborhood because he felt that the current restrictions/rules that the city had not given the right amount of flexibility. He stated that he would not like to see more monster homes but felt that maybe there was a solution where the maximum size got restricted. He asked the Commissioners to think carefully before making any decision.

Chairperson Salwan called for Dhiraj Bansal and Feng Liang but they were no longer in attendance.

Kathy Scott, resident of Mission Palms. spoke in support of the proposal. She stated that they had lived in their house for 20 years and loved the characteristics of the neighborhood. She stated that the builder that built the mega home was gone and he was a house flipper that left her and the neighbors in his wake and had violated her privacy and blocked the sky outside her window. She stated that a second story window looked into her bathroom window. She urged the Commissioners to support their plea.

Casey Wilson, previous resident of Mission Palms, stated that he supported the proposal. He stated that he had lived in a few neighborhoods where he could see neighbors walking their dogs at night enjoying the area because they feel safe in the neighborhood. He stated that, with the large mega homes, density would increase and that would start to dwindle away. He stated that he has bought a home in a nice neighborhood with single story homes and he loved it there.

Larry Fong, resident of Mission Palms, referred to the staff report and asked the Commissioners if balance had been achieved. He stated that it did. He stated that it allowed for expansion of the homes and gave home owners incentive to keep single-story homes. He referred to the Mission Ranch Development Standards, which were stricter and had not generated any complaints. He said that if the proposal did not pass, another home like the Palm Avenue mega home could be built, and Mission Palms would lose its neighborhood character. He requested that the Commissioners uphold the General Plan and the Mission Palms neighborhood by recommending the Mission Palms Designated Neighborhood proposal.

Zhzjian Wu, resident of Mission Palms for 16 years, urged the Commissioners to deny the proposal. He stated that the problem began with a house flipper that built a mega home and left. He stated that he understood the adjacent neighbor's suffering. He stated that they had moved to the area because of the neighborhood and the schools and that they had invested in their future and their children's future. He stated that, during a housing recession, home buyers are more likely to move into a home which does not have restrictions. He stated that he would like to see citywide guidelines which scale down the size of second story additions.

Saul Cepeda, resident of Mission Palms, asked the Commissioners to consider the proposal instead of putting it off later for further discussion. He stated that other neighborhoods that were Designated Neighborhoods were successful and he asked the Commissioners to keep their neighborhood as it was by approving the proposal.

Chairperson Salwan closed the public hearing.

Commissioner Reed stated that they had listened, the community had clearly spoken, and the neighborhood needed to be preserved. He felt that homes from 2,400 square feet to 3,000 square feet were large enough, and moved to approve the proposal.

Commissioner Bonaccorsi seconded the motion.

Commissioner Pentaleri thanked the people on both sides of the issue that had met with him. He referenced the speaker that asked the Commission to slow down and stated that it had not sneaked up on them and it was a result of the community initiative over the past two years. He felt that there had been ample time to deliberate. He referred to the citywide guidelines, and stated that the mega home was about at 4,000 square feet. He felt that you could not put homes of that scale into the neighborhood without changing the neighborhood. He felt that the proposal allowed for generous expansion at a scale that was compatible with the neighborhood character. He referenced Ms. Smith's characterization that it was a "good neighbor incentive." He stated that home buyers consider if they like a neighborhood's character before buying a home. He felt that a 4,000 to 5,000 square foot home would not fit into this neighborhood's character. He stated that, for those reasons, he would be voting in support of the proposal.

Vice Chairperson Leung stated she appreciated the neighbors on both side speaking. She said that the proposal was allowing expansion in moderation and, based on the success of the other designated neighborhoods; she would be in support of the proposal.

Commissioner Bonaccorsi commended the community for persisting, as well as those in opposition, as he respects the rights of property owners to be able to develop their property. He stated he was balancing the concerns of the opposition and that the General Plan included policies for preservation of community character. He stated that the long standing neighborhoods in Fremont are the “backbone of our community.” He referred to Community Character Element Policy 4-3.8 which stated: “Recognize the prevailing design character of Fremont’s existing single-family detached residential neighborhoods while allowing these areas to improve and evolve over time. Alterations, additions, and new homes in these neighborhoods should respect the existing neighborhood context and adjacent homes.” He stated that this policy was the anchor for his support of the Designated Neighborhood. He continued stating that it was not intended for new developments to mimic past developments but to maintain the scale and rhythm of established neighborhoods. He stated that, prior to 2010 when the General Plan was updated, he felt that they should make sure that families who were multigenerational have a place to stay and to respect the diversity of the new populations that were coming in, but the Designated Neighborhoods of Mission Ranch and Glenmoor Gardens have given the Commission wonderful examples to help guide them in their decision that night. He stated that it struck the right balance for him. He asked his fellow Commissioners which may be wavering that night to err on the side of caution and recommend approval to the City Council to allow them to make the final decision and reminded the community that the City Council would be holding the final hearing on the matter. He stated that he wholeheartedly supported the designation for the Mission Palms neighborhood.

Commissioner Karipineni stated that for her it came down to whether the neighborhood had unique characteristics and design attributes and whether or not protecting those people who wanted to protect their neighborhood or those who wanted to protect their right to expand. She stated that from her experience driving through and walking around the neighborhood she felt that it was very clear that it did have strong character. She asked herself if it struck the right balance and she felt that it did. She stated that what she heard from those who were opposed to the designation that they did not want to build at the maximum they too did not like the mega homes, and they wanted to see the maximum restricted. She stated that she was not sure if something better than what was proposed would be possible. She felt that what they were doing was something that preserved the characteristics of the neighborhood and was fair.

Commissioner Dorsey stated she was in support of the motion, agreed with what the other Commissioners had said, and felt that it was a good balance. She stated that the additional time they asked for in November 2015 allowed the Commission to do their due diligence and she was in support of the designation.

Chairperson Salwan stated that the neighborhood was near and dear to his heart, as he drives by it every day to drive his son to school at Mission San Jose. He stated that the lots were relatively small and the houses seemed to fit just about right where they were at. He stated that there were a lot of people in opposition in November and time passing had allowed concerns to be addressed. He stated that he believed that they should preserve community character in different neighborhoods and he asked if the Planning Commission would end up doing this elsewhere in Fremont in different neighborhoods. He stated that he would like to have a more comprehensive discussion about preserving existing community character throughout the City to prevent these kinds of issues in the future. He stated he was in support of the Designation because they have decided what was best in the long term for the neighborhood.

Commissioner Pentaleri thanked staff for bringing the item back for their review and felt it was really worthwhile to revisit the item and commended their great work in both the Citywide Design Guidelines and the Mission Palms Designated Neighborhood.

Chairperson Salwan reminded the public that the item would be heard by the City Council on June 14, 2016 and to continue to come out and speak on the proposal.

IT WAS MOVED (REED/BONACCORSI) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THE PLANNING COMMISSION – FOUND THAT THIS PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES IN THAT IT IS NOT A PROJECT WHICH HAS THE POTENTIAL TO CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

AND

FOUND THAT THE PROPOSED ZONING MAP AND ZONING TEXT AMENDMENTS ARE CONSISTENT WITH THE CITY'S GENERAL PLAN, AS DESCRIBED IN THE STAFF REPORT;

AND

FOUND THAT THE PROPOSED ZONING MAP AND ZONING TEXT AMENDMENTS FURTHER THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY, AS DESCRIBED IN THE STAFF REPORT;

AND

RECOMMENDED THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE APPROVING ZONING TEXT AMENDMENT PLN2016-00118, AS SHOWN IN THE ATTACHED DRAFT ORDINANCE AND EXHIBIT "A."

The motion carried by the following vote:

AYES: 7 – Salwan, Bonaccorsi, Dorsey, Karipineni, Leung, Pentaleri, Reed
NOES: 0

ABSTAIN: 0
ABSENT: 0
RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
 - **Planning Manager Wheeler** announced that on the agenda for the next meeting there is a City initiated Planned District Amendment on a portion of Ardenwood an email would be sent out when the Final EIR was ready for their review. The amendment included 32 parcels which would allow them to be developed at a higher floor area ratio in order to encourage more Class A office and perhaps high tech office park, some of the parcels were undeveloped and some were developed in a low scale business park.
 - Report on actions of City Council Regular Meeting
 - **Assistant Planning Manager Morris** announced that City Council approved the Pacific Commons Pad 2 Building and the Robson Stevenson project was also review.
- Information from Commission: Commission members may report on matters of interest.
 - **Commissioner Bonaccorsi** asked that the meeting was adjourned in Lilia Bringhurst honor. Ms. Bringhurst had suddenly passed away on May 7, 2016 and was a great community icon and very active in the local historical administrations.
Chairperson Salwan stated that he had known Ms. Bringhurst from when he first lived in Fremont and she was near and dear to his heart.
Commissioner Pentaleri stated that he had worked Mr. Bringhurst and crossed paths with her many times on historical preservation actives and she was an amazing woman.

Chairperson Salwan asked to conclude the meeting in her honor.

Meeting adjourned at 10:07pm.

SUBMITTED and APPROVED BY:


Courtney Fox, Recording Clerk
Planning Commission


Wayne Morris, Secretary
Planning Commission