



**MINUTES  
FREMONT PLANNING COMMISSION  
SPECIAL MEETING OF JANUARY 31, 2019**

**CALL TO ORDER:**                    **Planning Manager Kristie Wheeler** called the meeting to order at 7:00 p.m., pending the election of officers, and welcomed new Planning Commissioners, Ben Yee and Reena Rao.

**PRESENT:**                                Commissioners Leung, McDonald, Rao, Reed, Steckler, and Yee

**ABSENT:**                                 None – one seat is pending appointment

**STAFF PRESENT:**                    Kristie Wheeler, Planning Manager  
Erik Ramakrishnan, Deputy City Attorney  
Bill Roth, Associate Planner  
Trish Cordova, Executive Assistant  
Kim Salazar, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Napoleon Batalao, Video Technician

**APPROVAL OF MINUTES:**        **Commissioner McDonald** moved to approve minutes from the December 13, 2018 meeting and **Commissioner Leung** seconded. Motion carried unanimously.

**ELECTION OF OFFICERS FOR 2019:**        **Commissioner Leung** nominated Commissioner Steckler for Chairperson and Commissioner McDonald as Vice Chairperson. **Commissioner Reed** seconded and the motion carried unanimously.

There was a short pause to allow Commissioner Steckler to change his seat to that of Chairperson and reconvene the meeting.

**DISCLOSURES:**                    **Commissioner Rao** drove around all three properties for Item 3.  
**Commissioner Reed** drove by all three properties for Item 3.  
**Commissioner Leung** drove all three properties for Item 3 and met with the applicant for Ohlone Frontage (PLN2019-00173).  
**Vice Chairperson McDonald** drove all three properties of Item 3, had two meetings with the applicant of Ohlone Frontage (PLN2019-00173), walked the property with them and attended the Mission Economic Development meeting. She also spoke with some of the residence around the Golden Pines project (PLN2019-00176).

**Commissioner Yee** drove around all three properties for Item 3; had an encounter with a resident near the Golden Pines project (PLN2019-00176); he currently serves on the Advisory Committee for Ohlone College; and has one son who attended Ohlone College and another that is currently attending.

**Chairperson Steckler** drove by all three properties of Item 3.

*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.

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

- Item 1. **SERRA APARTMENTS – 42000 Osgood Road – PLN2019-00162** – To consider a two-year time extension for previously approved Vesting Tentative Parcel Map No. 10631, a Discretionary Design Review Permit, and a Preliminary Grading Plan in conjunction with the construction of a new six-story, 179-unit apartment building on a 2.68-acre parcel in the Irvington Community Plan Area, and to consider a finding that no further environmental review is required based on project consistency with the development density established in the General Plan for which a Final Environmental Impact Report (State Clearinghouse #2010082060) was previously prepared and certified.

HELD PUBLIC HEARING;

AND

FOUND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED, AS AN ENVIRONMENTAL COMPLIANCE CHECKLIST WAS PREPARED FOR THE PROPOSED PROJECT WHICH DEMONSTRATES THAT THE PROJECT QUALIFIES FOR REVIEW UNDER CEQA GUIDELINES SECTION 15183 AS THE FINAL EIR (SCH#2010082060), PREVIOUSLY CERTIFIED FOR THE FREMONT GENERAL PLAN UPDATE, ADEQUATELY ADDRESSED THE PROJECT'S POTENTIAL ENVIRONMENTAL EFFECTS;

AND

APPROVED A TWO-YEAR TIME EXTENSION TO VESTING TENTATIVE PARCEL MAP NO. 10631, DISCRETIONARY DESIGN REVIEW PERMIT, AND PRELIMINARY GRADING PLAN APPROVALS BASED ON ANALYSIS PROVIDED IN THE STAFF REPORT AND SUBJECT TO THE ORIGINAL FINDINGS AND CONDITIONS.

- Item 2. **STATE STREET MIXED-USE DEVELOPMENT - 39155 State Street - PLN2018-00200** - To consider an annual review of the State Street Mixed-Use

Project Development Agreement for a mixed-use project with 157 residential units and approximately 21,000 square feet of commercial space on a 6.1-acre site in the Downtown 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 in CEQA Guidelines Section 15378.

NOTES/CORRECTIONS\*

(\*New text is underlined and deleted text appears as strikethroughs.)

Item 2. **STATE STREET CENTER – 39183 State Street – (PLN2019-00192)**

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

Agenda: The project title and file number should be revised as follows:

**STATE STREET CENTER MIXED-USE DEVELOPMENT – 39183**  
**39155 State Street – PLN2019-00192** ~~PLN2018-00200~~ – To consider an annual review of the State Street Center Mixed-Use Project Development Agreement for a mixed-use project with 157 residential units and approximately 21,000 square feet of commercial space on a 6.1-acre site in the Downtown 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 in CEQA Guidelines Section 15378.

HELD PUBLIC HEARING;

AND

FOUND THAT THE ANNUAL REVIEW OF THE DEVELOPMENT AGREEMENT IS NOT SUBJECT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15378 IN THAT THE ACTIVITY IS NOT DEFINED AS A “PROJECT;”

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, AS AMENDED THERETO, FOR THE PERIOD UNDER REVIEW (2018 ANNUAL REVIEW PERIOD).

The motion carried by the following vote:

AYES: 6 – Leung, McDonald, Rao, Reed, Steckler, Yee  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0  
VACANT: 1 – pending appointment

**PUBLIC/ORAL  
COMMUNICATIONS**            None

**PUBLIC HEARING ITEMS**

Item 3.        **GENERAL PLAN AMENDMENT SCREENING REQUESTS – (Ohlone**  
(00:11:11) **Frontage – 43600 Mission Boulevard – PLN2019-00173), (Oakmont of Fremont**  
**– 4546 and 4588 Peralta Boulevard – PLN2019-00175), (The Golden Pines –**  
**43450 Sabercat Road – PLN2019-00176)** – To consider General Plan Amendment  
Screening Requests to authorize formal processing of General Plan Amendment  
applications to change the land use designation of property located at 43600 Mission  
Boulevard, 4546 and 4588 Peralta Boulevard, and 43450 Sabercat Road to facilitate  
additional market rate residential development, and to consider a finding that the  
requests are not subject to the California Environmental Quality Act (CEQA)  
pursuant to CEQA Guidelines Section 15378 in that they do not meet CEQA’s  
definition of a project.

**Planning Manager Kristie Wheeler** introduced the item, which identified three  
separate screening requests and said that each request would be heard and voted upon  
individually following staff’s presentation.

**Associate Planner Bill Roth** gave a brief presentation, which included an overview  
of the General Plan Amendment (GPA) Screening Request Policy that was adopted in  
2016 and a brief description of each of the three Screening Requests. In regard to the  
Ohlone Frontage Request, Mr. Roth noted that the Mission San Jose Commercial  
Strategy Study, currently being prepared as directed by the City Council in June  
2018, is anticipated to be completed sometime in March, though an exact date has not  
been established. As the Study may provide insights regarding how a development  
project at the Ohlone property may support the commercial vitality in the Town  
Center, staff suggested that the Planning Commission may wish to postpone its  
decision concerning the Ohlone Frontage Screening Request until after the Mission  
San Jose Commercial Strategy Study is completed.

(00:21:30) **REQUEST #1 – OHLONE FRONTAGE (PLN2019-00173):**

**Commissioner Yee** recused himself from the hearing of the Ohlone Frontage project,  
based on his aforementioned disclosures.

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

**Dr. Gari Browning**, President/Superintendent for Ohlone Community College  
District, and the developer, **Michael Olson** of SteelWave LLC, gave a brief  
presentation and responded to questions from Commissioners.

**Chairperson Steckler** invited members of the public to speak.

The following individuals spoke in support of the project:

**Greg Bonaccorsi, Teresa Cox, Nicole Fonacier, Bob Bradshaw, Gloria Villasana Fuerniss, Luke Zakedis, Jim Wright, Saeed Baqalaql, Chris Warden, Karen Koshy, Christina Caratachea, Chris Booras, Ghada Masri, Lea Witmer, Nancy Navarro-Leca, Oscar Guillen, Kim Lisa Yee, and Alissa Yee.**

The following individuals spoke in opposition to the project:

**Nancy Yang, David Ray, Chris Cavette, Hiu Ng, Sylvia Wong, Robert Dalton, Kelly Abreu, Rebecca Lu, Thomas Yu, Chris Hu, Tung Nguyen, Chris Feng, and Gary Walker.**

**George Perlegos**, neighboring resident to Ohlone Community College, said he did not object to the project, but asked that the development include amenities to benefit the neighborhood (such as a park) and for the City to work on a solution to the traffic issue on Mission Boulevard.

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

**Michael Olson** addressed concerns related to residential unit occupancy, traffic, and commercial space. **Dr. Gari Browning** spoke to the value of Ohlone Community College for the City of Fremont.

**Chairperson Steckler** closed the public hearing for this project.

**Vice Chairperson McDonald** moved to continue the item until a date uncertain, in order for the Mission San Jose Commercial Strategy Study to be completed and for the material to be reviewed. Ms. McDonald also requested that the subsequent hearing of this item be scheduled as soon as possible. **Commissioner Leung** seconded the motion.

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

AND

CONTINUED THE GENERAL PLAN AMENDMENT SCREENING REQUEST FOR OHLONE FRONTAGE – PLN2019-00173 TO A DATE UNCERTAIN, PENDING THE COMPLETION OF THE MISSION SAN JOSE COMMERCIAL STRATEGY STUDY.

The motion carried by the following vote:

AYES: 5 – Leung, McDonald, Rao, Reed, Steckler  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 1 – Yee  
VACANT: 1 – pending appointment

**Chairperson Steckler** called for a brief recess at 9:10 p.m. and reconvened the meeting at 9:20 p.m. **Commissioner Yee** rejoined the meeting at this time.

(02:20:25) **REQUEST #2 – OAKMONT OF FREMONT (PLN2019-00175):**

**Planning Manager Kristie Wheeler** announced the item and **Chairperson Steckler** opened the public hearing by inviting the applicant to speak.

**William “Bill” Mabry**, partner in Oakmont Senior Living, and **Hannah Daugherty**, project manager, gave a brief PowerPoint presentation and responded to questions from the Commission.

**Chairperson Steckler** invited public comment.

**Robert Daulton**, Fremont resident, spoke against the project and requested that the Commission retain the existing General Plan designation for this site.

**Christ Cavette**, Fremont resident, spoke in favor of the type of business being proposed, but against the specific location for the project.

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

**Hannah Daugherty** responded to the concerns expressed by Mr. Daulton and Mr. Cavette and responded to additional questions from the Commission.

**Chairperson Steckler** closed the public hearing for this project.

**Commissioner Leung** moved to recommend that the City Council authorize formal processing of a General Plan Amendment application for this particular project and **Commissioner Reed** seconded.

**Commissioner Leung** commented on the need for senior housing in the Bay Area and expressed disappointment that the Centerville Business Association was not represented at tonight’s meeting.

**Vice Chairperson McDonald** stated that her issue with the project was not to do with senior housing, but that Fremont has a diminishing stock of industrial properties and enough residentially zoned areas that could accommodate such a facility.

**Commissioner Yee** echoed Vice Chairperson McDonald and added that he was concerned over the number businesses and/or jobs that would be affected by this facility being built.

**IT WAS MOVED (LEUNG/REED) AND CARRIED BY THE FOLLOWING VOTE (4-2-0-0-1) THE PLANNING COMMISSION – HELD PUBLIC HEARING;**

**AND**

**RECOMMENDED THAT THE CITY COUNCIL:**

FIND THAT NO ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS THE GENERAL PLAN AMENDMENT SCREENING REQUEST DOES NOT CONSTITUTE A PROJECT AS DEFINED BY CEQA GUIDELINES SECTION 15378;

AND

AUTHORIZE FORMAL PROCESSING OF A GENERAL PLAN AMENDMENT APPLICATION FOR OAKMONT OF FREMONT – PLN2019-00175.

The motion carried by the following vote:

AYES: 4 – Leung, Rao, Reed, Steckler

NOES: 2 – McDonald, Yee

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

VACANT: 1 – pending appointment

(02:57:25) **REQUEST #3 – THE GOLDEN PINES (PLN2019-00176):**

**Planning Manager Kristie Wheeler** announced the item and **Chairperson Steckler** opened the public hearing by inviting the applicant to speak.

**Sylvia Leung**, applicant, gave a brief presentation with an assist from **Robert Shanks**, consultant.

**Chairperson Steckler** invited public comment.

The following individuals spoke in opposition to the project, with the majority basing their objections on traffic, safety, presence of a fault line, decrease of open space and wildlife, and population density in the area:

**Chris Cavette, Robert Dalton, Szu Wang, Nilesh Bhagat, Andy Kar, Sushil Shukla, Salil Awasthi, Wai Kin Lau, Ramesh Yadav, Ron Kazemi, Lakshmi Sridharan, Biswajit Chatterjee, Gary Walker, Chris Feng, Ravi Pathman, Doug Sumaraga, Bala Cuddalore, Anju Prakash, Madhu Nama, Yugandhar Reddy, Elie Khano, Zia Mirza, Suman Gill, Eamon Jahani, Pegah Jamshidi, Patricia Montgomery, Quyen Hua, Aziz Valliani, and David Chiang.**

**Jessica Leung**, daughter of applicant, spoke in favor of the project.

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

**Jessica Leung** made a final comment on the importance of building affordable housing in the Bay Area. **Robert Shanks** then spoke and acknowledged the need to prepare technical studies for the site to examine traffic, environmental impact, and the earthquake fault. Finally, **Mr. Shanks** and **Sylvia Leung** responded to questions from the Commission that addressed the issues brought up by members of the public,

in addition to affordable housing requirements and possible development options for the site.

**Chairperson Steckler** closed the public hearing.

**Commissioner Reed** moved to recommend that the City Council not authorize formal processing of a General Plan Amendment application for the proposed project. **Commissioner Yee** seconded.

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

AND

RECOMMENDED THAT THE CITY COUNCIL:

FIND THAT NO ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS THE GENERAL PLAN AMENDMENT SCREENING REQUEST DOES NOT CONSTITUTE A PROJECT AS DEFINED BY CEQA GUIDELINES SECTION 15378;

AND

DENY AUTHORIZATION OF THE FORMAL PROCESSING OF A GENERAL PLAN AMENDMENT APPLICATION FOR THE GOLDEN PINES – PLN2019-00176.

The motion carried by the following vote:

AYES: 6 – Leung, McDonald, Rao, Reed, Steckler, Yee  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0  
VACANT: 1 – pending appointment

## DISCUSSION ITEMS

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

- **Planning Manager Kristie Wheeler** reported on the following:
  - Deputy City Attorney Erik Ramakrishnan will be leaving the City of Fremont’s employ to take a position in the private sector.
  - The next Planning Commission meeting is scheduled for February 14, 2019.
- Actions from City Council Regular Meetings, reported by **Planning Manager Wheeler**:



- On January 15, 2019, the City Council approved the Oliveira Farms Cottages project (PLN2018-00292) and denied the appeal of the Planning Commission's denial of the Palmia at Mission Falls Planned District Amendment and Vesting Tentative Tract Map (PLN2018-00222).
- Information from Commission:
  - **Commissioner Reed** and **Commissioner Leung** thanked Deputy City Attorney Ramakrishnan for his service to the City of Fremont and wished him luck on his future endeavors.

#### ADJOURNMENT

Meeting adjourned at 11:11 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk  
Planning Commission



Kristie Wheeler, Secretary  
Planning Commission