This meeting was conducted utilizing the teleconferencing software Zoom and is consistent with the State of California Executive Order N-29-20 dated March 17, 2020 regarding the Coronavirus (COVID-19) pandemic.

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

PRESENT: Chairperson Yee
Vice Chairperson Rao
Commissioners Cardenas, Daulton, Liu, McDonald, Steckler

ABSENT: None

STAFF PRESENT: Joel Pullen, Planning Manager
Heather Lee, Senior Deputy City Attorney
Clifford Nguyen, Assistant Planning Manager
James Willis, Associate Planner
Mark Hungerford, Associate Planner
Trish Cordova, Recording Clerk
Maria Salinas, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: None

DISCLOSURES: Chairperson Yee visited the project sites for Item 1 (PLN2018-00192) and Item 2 (PLN2021-00137). He met with several homeowners near the proposed location for Item 1 and received emails and voicemails from the public regarding this project.

Vice Chairperson Rao went around and looked at the proposed project site for Item 1 and spoke with a couple of homeowners in that area.

Commissioner McDonald met with the applicant for Item 1 via Zoom and had communications with several residents in the area. She also visited the project sites for Item 1 and Item 2.
Commissioner Steckler drove by the project sites for Item 1 and Item 2.

Commissioner Cardenas visited the proposed site location for Item 1, walked the property, spoke with several residents and toured the neighborhood.

Commissioner Daulton visited the proposed site for Item 1, walked the property, spoke with one neighbor and reviewed e-mails regarding this project. He also visited the project site for Item 2.

Commissioner Liu visited the proposed project site for Item 1, spoke with one homeowner in the area, and reviewed e-mails regarding the project.

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 None

PUBLIC/ORAL COMMUNICATIONS Kelly Abreu, Fremont resident, commented on matters related to the Alameda County Board of Supervisors.

PUBLIC HEARING ITEMS

Item 1. OMAHA WAY HOMES – Omaha Way – PLN2018-00192 – To consider a Preliminary and Precise Planned District, Vesting Tentative Tract Map No. 8467, and a Private Street to construct 13 single-family homes on an unaddressed 6.84-acre site at the easterly terminus of Omaha Way in the Warm Springs Community Plan Area, and to consider a Draft Mitigated Negative Declaration prepared and circulated for the project in accordance with the requirements of the California Environmental Quality Act.

Planning Manager Joel Pullen introduced the item.

Associate Planner Mark Hungerford gave a comprehensive presentation. Details regarding the proposed project can be found within the agenda packet. Mr. Hungerford responded to questions from the Commission regarding the following issues:

- How floor area ratio (FAR) was calculated for usable or net acres.
- Calculation of building height with regards to average grade definition.
- Use of the California room concept, as a usable indoor/outdoor open space area.
- The mitigated negative declaration in accordance with CEQA guidelines.
Chairperson Yee opened the public hearing and invited the applicant to speak.

Hayes Shair, Project Manager with Envisuality Group, Inc., spoke to the development of the project, its overall design, building materials, open space, the project constraints, and community outreach efforts.

Chairperson Yee invited public comments.

Kelly Abreu stated that no grading operations should be permitted on any of these building projects prior to the formal issuance of a grading permit. He then advocated for strict enforcement of stormwater requirements and protection of trees.

Sohail Umar expressed concern over potential traffic hazards resulting from the additional homes being proposed. He also expressed concern over the excavation of soil, stating that it would increase the danger of structural damage to existing homes on Yucatan Drive, as well as the potential of floods and transfer of debris onto the existing homes downhill from the project site.

Abhishek Tiwari stated that this was a complex project and expressed concern that adequate due diligence was not done and that structural reports were not documented. He also stated his concerns over the nature of the design, the size of the proposed homes, and their proximity to an earthquake fault.

Britt Lovejoy commented on the concerns expressed by community members and exhorted the Commission to ensure that sufficient studies had been and/or will be conducted to ensure the health and safety of existing neighborhoods, so as to protect the investments of those homes in addition to the proposed new development.

Ajit Mahareddy stated that the proposed development would adversely impact traffic congestion on Yucatan Drive and Omaha Way and result in a loss of views from neighboring properties. He also stated that the proposed design would change the character of the neighborhood and is out of context with the existing community.

Kathleen Lovejoy expressed concern over the excavation of soil and the potential of disturbance to existing neighborhoods and the foundations of existing homes. She requested that an environmental impact report (EIR) be conducted and that the design of the proposed homes be reconsidered with regards to height and how that would affect the views of adjacent residents.

Mohan Iyer expressed concern over the impact the proposed development will have on the foundations of neighboring homes, loss of views, and that the design of the new homes would not fit in with the character of the existing community.

Awne Elrabadi, a local real estate professional, spoke in favor of the project, stating that it was an essential development with regards to the existing housing crisis.
Dennis Liu spoke in support of the project, stating that by developing this area it would help to mitigate the potential for wildfires and the presence of homeless in the area. He also spoke in favor of the design of the proposed homes.

Chairperson Yee invited the applicant back for rebuttal.

Braeden Mansouri, Attorney with Buchalter Law Firm, responded to public comments relating to existing environment issues, freeway noise, and beautification of the neighborhood in the contexts of design and CEQA. He also commented on the initial study, mitigated negative declaration, seismic impacts, and geological concerns.

Chris Hundemer, Geologist and Geotechnical Engineer for the project, spoke to the existing Hayward fault and potential hazards from the fault. He also addressed issues related to setbacks, slope stability, and the removal of unstable material that already exists on the proposed site. He concluded by responding to concerns about potential offsite impacts.

Chairperson Yee called for a brief recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

Hayes Shair proceeded to respond to questions from the Commission with assistance from Braeden Mansouri, Chris Hundemer, and James Reyff, Principal with Illingworth & Rodkin, Inc. on issues related to: noise studies, air quality, geotechnical stability, potential impact on existing residential homes, lack of adherence to R-1-6 zoning, trenching and grading, and safety measures with respect to neighboring homes.

Chairperson Yee closed the public hearing.

Associate Planner Mark Hungerford responded to questions and concerns from the Commission regarding the potential for building detached ADU’s on the proposed project site and the concern over air quality, with assistance from Planning Manager Joel Pullen.

Commissioner Daulton expressed concern over noise and air pollution, and the rezoning of the site. Commissioner McDonald and Chairperson Yee concurred.

Commissioner Cardenas commented on the complexity of the project.

Commissioner Steckler noted that there were homes in similar proximity to the freeway in the City and that homeowners who chose to move there would be aware. He then moved to accept staff recommendation. Motion failed, as there was no second.

Commissioner Daulton moved to deny the project based on the aforementioned noise and air quality concerns at the proposed site. Commissioner McDonald seconded.
IT WAS MOVED (DAULTON/MCDONALD) AND CARRIED BY THE FOLLOWING VOTE (6-1-0-0-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING; AND DENIED THE PROPOSED PROJECT.

The motion carried by the following vote:
AYES: 6 – Cardenas, Daulton, Liu, McDonald, Rao, Yee
NOES: 1 – Steckler
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

Chairperson Yee called for a brief recess at 9:28 p.m. and reconvene the meeting at 9:41 p.m.

Item 2. INNOVATION ANNUAL REVIEW – 45300 Fremont Boulevard – PLN2021-00137 – To consider an annual review of the Warm Springs Area 4 Development Agreement for approximately 110 acres at the southeast corner of Fremont Boulevard and South Grimmer Boulevard in the Warm Springs/South Fremont Community Plan Area, and to consider a finding that no environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the annual review does not constitute a project as defined by CEQA Guidelines Section 15378 and no further environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162 as the project is consistent with the density established by the Warm Springs/South Fremont Community Plan for which a Final Environmental Impact Report (SCH#2013032062) was previously prepared and certified and, none of the circumstances necessitating preparation of a subsequent or supplemental EIR is present. Each of the foregoing provides a separate and independent basis for CEQA compliance for this action.

Planning Manager Joel Pullen introduced the item.

Associate Planner James Willis responded to questions from the Commission with assistance from Planning Manager Joel Pullen and Assistant Planning Manager Clifford Nguyen.

Chairperson Yee opened the public hearing and invited the applicant to speak.

Bill O’Brien, Senior Project Manager with Lennar Homes, had no formal presentation, but was available to answer questions from the Commission.

Chairperson Yee closed the public hearing.

Commissioner McDonald moved to approve staff recommendation and Commissioner Cardenas seconded.
IT WAS MOVED (MCDONALD/CARDENAS) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

FOUND THAT THE REVIEW OF THE DEVELOPMENT AGREEMENT IS NOT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15378 IN THAT THE ACTIVITY IS NOT A “PROJECT” UNDER CEQA. IN ADDITION, FIND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15162 AS THE PROJECT IS CONSISTENT WITH THE DENSITY ESTABLISHED BY THE WARM SPRINGS/SOUTH FREMONT COMMUNITY PLAN FOR WHICH A FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2013032062) WAS PREVIOUSLY PREPARED AND CERTIFIED AND, NONE OF THE CIRCUMSTANCES NECESSITATING PREPARATION OF A SUBSEQUENT OR SUPPLEMENTAL EIR IS PRESENT. EACH OF THE FOREGOING PROVIDES A SEPARATE AND INDEPENDENT BASIS FOR CEQA COMPLIANCE FOR THIS ACTION;

AND

FOUND ON THE BASIS OF SUBSTANTIAL EVIDENCE THAT THE DEVELOPER HAS COMPLIED IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE PERIOD UNDER REVIEW (JANUARY 1, 2018 THROUGH DECEMBER 31, 2020).

The motion carried by the following vote:

AYES: 7 – Cardenas, Daulton, Liu, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

• Information from staff, as reported by Planning Manager Joel Pullen:

  o The City Council received a presentation on the Affordable Housing Ordinance in January 2021 and gave feedback. This item will come back again to the Planning Commission and City Council for review and approval at a later date.

• Actions from City Council Regular Meetings: None

• Information from Commission:
o **Commissioner McDonald** requested a referral to City Council to explore the idea of spending a portion of affordable housing in-lieu fees to work directly with private builders to hasten the construction of low- and moderate-income units. **Planning Manager Joel Pullen** suggested that this topic be addressed by staff first, as the Affordable Housing Ordinance will be coming before this Commission and City Council in the near future.

o **Chairperson Yee** commented on his personal experience in building an accessory dwelling unit (ADU) in the City of Fremont and complimented two PG&E staff members for assisting in the process.

o **Commissioner Liu** commented on the start of the Chinese Lunar New Year and said that it was the year of the ox for 2021.

**ADJOURNMENT**

Meeting adjourned at 10:15 p.m.

**SUBMITTED and APPROVED BY:**

![Signature]

Kim Salazar, Recording Clerk
Planning Commission

![Signature]

Joel Pullen, AICP, Secretary
Planning Commission