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  
Wayland Li, Principal Planner  
Bill Roth, Senior Planner  
Hang Zhou, Planner II  
Courtney Pal, Planner II  
Trish Cordova, Recording Clerk  
Maria Salinas, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Napoleon Batalao, Video Technician

**APPROVAL OF MINUTES:** Chairperson Yee requested a correction to the spelling of Vice Chairperson Rao’s first name on page one of the January 14, 2021 meeting minutes.

Commissioner McDonald requested the following statement be added to the February 11, 2021 meeting minutes in relationship to public hearing Item 1, Omaha Way Homes, PLN2018-00192: "Commissioner McDonald had a specific objection to the California rooms being used as a remediation for noise, in that it was an ineffective remediation, at best, because it encourages time outside effectively increasing exposure to the noise above the recommended safe levels and also air quality above the safe levels.”
Commissioner Steckler moved to approve minutes from the regular meetings of January 14 and February 11, 2021 with the aforementioned correction and addition. Commissioner McDonald seconded and motion carried unanimously.

DISCLOSURES:

Chairperson Yee visited the project site for Item 1 (PLN2021-00194). He also spoke with the foremen for the Paragon project and the Downtown Event Center, in relationship to Item 1.

Commissioner Daulton visited the project site for Item 1 (PLN2021-00194).

Commissioner Liu visited the project site for Item 1 (PLN2021-00194). He also spoke with a contractor, who was conducting lease hold improvements.

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 NUMBER 1.

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

Item 1. STATE STREET MIXED-USE PROJECT DEVELOPMENT AGREEMENT ANNUAL REVIEW – 39155 State Street - PLN2021-00194 – 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.

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) PER, EACH ON A SEPARATE AND INDEPENDENT BASIS, THE FOLLOWING SECTIONS OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS: (1) CEQA GUIDELINES SECTION 15378, AS IT DOES NOT CONSTITUTE A “PROJECT” AND IS NOT SUBJECT TO CEQA REVIEW; (2) CEQA GUIDELINES SECTION 15162, AS NO FURTHER
ENVIRONMENTAL REVIEW IS NEEDED AND THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT; AND (3) CEQA GUIDELINES SECTION 15183, AS THE ORDINANCE IS CONSISTENT WITH THE DEVELOPMENT DENSITIES AND POLICIES IN THE GENERAL PLAN AND EXISTING ZONING AND DOES NOT INVOLVE ANY PECULIAR SIGNIFICANT EFFECTS THAT WERE NOT PREVIOUSLY ANALYZED OR DISCUSSED AS SIGNIFICANT EFFECTS IN PRIOR ENVIRONMENTAL IMPACT REPORTS FOR THE GENERAL PLAN AND/OR ZONING WITH WHICH THE PROJECT IS CONSISTENT;

AND


The motion carried by the following vote:
AYES: 7 – Cardenas, Daulton, Liu, McDonald, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

PUBLIC/ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

Item 2. 2020 GENERAL PLAN ANNUAL PROGRESS REPORT – To consider an annual report on the status of implementation of the General Plan and the 2015 – 2023 Housing Element, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that the annual report does not meet CEQA's definition of a "project."

Planning Manager Joel Pullen introduced the item.

Project Planners Hang Zhou and Courtney Pal gave a comprehensive presentation and responded to questions from the Commission, with assistance from Planning Manager Joel Pullen, Assistant Planning Manager Clifford Nguyen, and Principal Planner Wayland Li.

Chairperson Yee opened and closed the public hearing, as there was no one requesting to speak.

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

AND RECOMMEND THAT THE CITY COUNCIL:

FIND THE ANNUAL REPORT IS EXEMPT FROM, AND NOT SUBJECT TO THE REQUIREMENTS OF, THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15378(B)(5), IN THAT THE ANNUAL REPORT DOES NOT MEET CEQA'S DEFINITION OF A "PROJECT," AND AS A SEPARATE AND INDEPENDENT BASIS, CEQA GUIDELINES SECTION 15061(B)(3) (NO POSSIBILITY OF SIGNIFICANT ENVIRONMENTAL EFFECT);

AND ACCEPT EXHIBIT A AND EXHIBIT B, WHICH DEPICT THE CURRENT STATUS OF THE GENERAL PLAN AND HOUSING ELEMENT, AND DIRECT STAFF TO SUBMIT THE REQUIRED MATERIALS TO OPR AND HCD.

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 Principal Planner Wayland Li:

  - Staff is beginning work on the 2023-2031 Housing Element Update. Progress reports will be shared with the Commission and City Council over the next two years.
  - The 2021 Code and Map Amendments will be presented to the Commission at its next meeting, scheduled for March 11, 2021.
  - Updates to the City’s impact fee ordinance will be presented to City Council at their next meeting, scheduled for March 2, 2021.
  - City Council will also be considering on March 2, 2021 an amendment to the approved Design Review permit for the Fremont and Capitol Mixed-Use project, formally known as the Bayrock Apartments project.
  - On the March 9, 2021, the City Council will be considering an appeal on the Niles Gateway project.
- The City is launching a new electronic plan review system, called ePR, on March 1, 2021. The system will be used for all Planning, Building, and Engineering permit requests.
- Commissioners were encouraged to complete and return the Ethics Training form, recently sent to them by the City Clerk, by March 11, 2021.

- Actions from City Council Regular Meetings: None

- Information from Commission: None

ADJOURNMENT

Meeting adjourned at 8:12 p.m.

SUBMITTED and APPROVED BY:

Kim Salazar, Recording Clerk
Planning Commission

Joel Pullen, AICP, Secretary
Planning Commission