



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF FEBRUARY 27, 2020**

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

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

ABSENT: None
Two vacancies pending appointment.

STAFF PRESENT: Joel Pullen, Planning Manager
Heather Lee, Senior Deputy City Attorney
Wayland Li, Principal Planner
David Wage, Senior Planner
Hang Zhou, Planner II
Spencer Shafsky, Planner II
Courtney Pal, Planner II
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: **Commissioner Daulton** moved to approve minutes from the regular meetings of January 23 and February 13, 2020. **Vice Chairperson Yee** seconded and motion carried unanimously.

DISCLOSURES: **Commissioner Daulton** said that he had previously spoken with representatives from Fremont Bank (Item 2, PLN2019-00220), as well as representatives of the Gaslight Shopping Center.
Vice Chairperson Yee visited the proposed site for Item 3 (PLN2019-00261), spoke with several businesses and a church in the area, and spoke with people associated with the Fremont Freewheelers Bicycle Club. He said he has been to Fremont Bank (Item 2) on several occasions and drove by the site again this evening. Finally, Mr. Yee said he had visited the site for Item 1 (PLN2019-00266) on several occasions and spoke with several of the business owners in that area.
Commissioner Steckler visited the sites for Items 1, 2, and 3.

Commissioner Rao drove by the locations for Items 2 and 3.
Chairperson McDonald visited the sites for items 1, 2, and 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

Chairperson McDonald motioned to remove Item 1 (PLN2019-00266) from the Consent Calendar and move it to Public Hearing, due to the submission of a speaker card. Ms. McDonald then proposed moving Public Hearing Item 3 (PLN2019-00261) to the Consent Calendar, to which there were no objections.

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBER 3.

IT WAS MOVED (MCDONALD/DAULTON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON ITEM NUMBER 3.

Item 3. **AMANA CHRISTIAN CHURCH – 47655 Warm Springs Boulevard – PLN2019-00261** – To consider a Conditional Use Permit and Discretionary Design Review for a new religious facility with a capacity of up to 700 persons located in the Bayside Industrial community plan area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

HELD PUBLIC HEARING;

AND

FOUND THE PROJECT IS CATEGORICALLY EXEMPTED FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), EACH AS A SEPARATE AND INDEPENDENT BASIS PER CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES AND SECTION 15183, PROJECTS CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING;

AND

FOUND THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN, INCLUDING THE DESIGNATED GOALS AND POLICES SET FORTH IN THE LAND USE ELEMENT OF THE GENERAL PLAN AS ENUMERATED IN THE STAFF REPORT;

AND

APPROVED THE CONDITIONAL USE PERMIT TO ALLOW A NEW RELIGIOUS FACILITY AS DEPICTED IN EXHIBIT "A" BASED UPON FINDINGS CONTAINED IN FMC SECTION 18.230.060 AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B;"

AND
APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT TO ALLOW THE 467 SQUARE FOOT ADDITION TO THE FRONT OF THE BUILDING AND THE NEW ENTRY PLAZA AS DEPICTED IN EXHIBIT “A” BASED UPON FINDINGS CONTAINED IN FMC SECTION 18.235.50 AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “B.”

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0
VACANCY: 2 – pending appointment

**PUBLIC/ORAL
COMMUNICATIONS** None

PUBLIC HEARING ITEMS

Item 1. **CROWN CASTLE OSGOOD – 42650 Osgood Road – PLN2019-00266** – To
(00:12:12) consider a Conditional Use Permit and Discretionary Design Review Permit to allow the installation of a new stealth wireless telecommunication facility located in the Irvington Community Plan Area; and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Planning Manager Joel Pullen introduced the item and **Project Planner Spencer Shafsky** was available to answer questions. No formal presentation was given.

Chairperson McDonald opened the public hearing.

Judith Schneider, Fremont resident, stated her support of the design regarding the stealth wireless telecommunication facility.

Chairperson McDonald closed the public hearing.

Commissioner Daulton moved to approve staff recommendation and **Vice Chairperson Yee** seconded.

HELD PUBLIC HEARING;

AND
FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES);

AND

FOUND THAT THE CONDITIONAL USE PERMIT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE COMMUNITY CHARACTER AND PUBLIC FACILITIES ELEMENTS OF THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FOUND THAT THE DESIGN REVIEW PERMIT IS IN CONFORMANCE WITH RELEVANT PROVISIONS CONTAINED IN THE WIRELESS FACILITIES ORDINANCE AND CHAPTER 4 OF THE CITYWIDE DESIGN GUIDELINES AS ENUMERATED WITHIN THE STAFF REPORT AND THAT THE PROJECTS DESIGN WOULD NOT INTERFERE WITH THE USE AND ENJOYMENT OF ADJACENT DEVELOPMENT NOR BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE;

AND

FOUND THE PROJECT, AS SHOWN ON EXHIBIT “A” (SITE PLAN, ELEVATIONS), FULFILLS THE APPLICABLE REQUIREMENTS AS SET FORTH IN THE FREMONT MUNICIPAL CODE AND THAT THE PROPOSED USE FULFILLS THE INTENT OF THE WIRELESS FACILITIES ORDINANCE AND APPLICABLE DESIGN GUIDELINES AND THEREFORE MAY BE ALLOWED, SUBJECT TO A CONDITIONAL USE PERMIT;

AND

APPROVED CONDITIONAL USE PERMIT AND DESIGN REVIEW PERMIT PLN2019-00266 AS SHOWN ON EXHIBIT “A,” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “B.”

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

VACANCY: 2 – pending appointment

- Item 2. **FREMONT BANK – 39150 Fremont Boulevard – PLN2019-00220** – To consider (00:14:49) a Discretionary Design Review Permit and Modification of Zoning Standards to allow development of a 35,000-square-foot, six-story commercial building that includes a bank branch and headquarters, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Infill Development Projects, and a finding that no further environmental review is required pursuant to CEQA Guidelines Section 15183, as the project is consistent with the intensity established by the Downtown Community Plan for which a Final Supplemental Environmental Impact Report (SCH#2010072001) was previously prepared and certified.

Planning Manager Joel Pullen introduced the item and **Senior Planner David Wage** gave a thorough presentation. Mr. Wage then responded to questions from Commissioners, with assistance from Mr. Pullen, regarding the mezzanine, potential future commercial uses, and the height of the building and its canopy.

Chairperson McDonald opened the public hearing.

Todd Wright, consultant with Real Estate Strategies and Solutions, spoke briefly to the history of the project and the current state of the parcel. **Geno Yun**, Principal Architect with ELS Architecture and Urban Design, spoke to the design of the building and **Mike Wallace**, Chairman of Fremont Bank, spoke to their company's history and dedication to the community of Fremont. Mr. Yun and Mr. Wright then responded to questions from the Commission.

Chairperson McDonald invited public comment.

Dominic Dutra, Fremont resident, spoke in favor of the project, his family's history to the City of Fremont and to Fremont Bank, and the culmination of efforts by past and present Council Members and Planning Commissioners regarding the Downtown area of Fremont, describing the development of this project as an historic moment.

Chairperson McDonald invited the applicant back for rebuttal.

Todd Wright said they were thrilled, proud, and excited to present this project for consideration. He then responded to final questions from the Commission, with assistance from City Staff.

Commissioner Steckler moved to approve staff recommendation and **Commissioner Daulton** seconded.

IT WAS MOVED (STECKLER/DAULTON) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-0-2) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15332, IN-FILL DEVELOPMENT PROJECTS, FOR REASONS ENUMERATED IN THE STAFF REPORT ABOVE AND ALSO THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CEQA GUIDELINES SECTION 15183 AS THE PROJECT IS CONSISTENT WITH THE DEVELOPMENT INTENSITY ESTABLISHED BY THE DOWNTOWN COMMUNITY PLAN FOR WHICH AN FEIR (SCH#2010082260) WAS PREVIOUSLY PREPARED AND CERTIFIED;

AND

APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT AND MODIFICATION OF ZONING STANDARDS TO ALLOW A REDUCE GROUND FLOOR COMMERCIAL HEIGHT, AS DEPICTED ON ENCLOSURE EXHIBIT "A," BASED ON FINDINGS AND CONDITIONS OF APPROVAL AS SHOWN IN EXHIBIT "B;"

AND

APPROVED THE PROPOSED REMOVAL AND MITIGATION FOR FIVE PROTECTED TREES PURSUANT TO THE CITY'S TREE PRESERVATION ORDINANCE, BASED UPON FINDINGS AND CONDITIONS IN EXHIBIT "B."

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0
VACANCY: 2 – pending appointment

- Item 4. (01:03:46) **2019 HOUSING ELEMENT ANNUAL PROGRESS REPORT – Citywide – PLN2020-00188** – 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 and clarified that tonight's report was simply a status update of the activities done in the past year and that no formal polices were being proposed.

Project Planners Hang Zhou and **Courtney Pal** gave a comprehensive report and responded to questions from the Commission, with assistance from **Planning Manager Pullen** and **Principal Planner Wayland Li**.

Chairperson McDonald opened the public hearing and invited public comments.

Alice Cavette, Fremont resident, commented on the Regional Housing Needs Assessment (RHNA) numbers issued by the State of California and the influence of housing developers on those numbers. She then spoke to the different types of housing (single-family-homes, townhomes, apartments, flats, etc.) being developed in Fremont and the importance of community character, design, and layout; and encouraged staff to communicate these important factors to developers when initiating their applications.

Chairperson McDonald closed the public hearing.

Commissioner Steckler moved to approve staff recommendation to the City Council and **Commissioner Daulton** seconded.

IT WAS MOVED (STECKLER/DAULTON) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-0-2) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND
RECOMMENDED THAT THE CITY COUNCIL:

FIND THE ANNUAL REPORT IS NOT SUBJECT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15378(B)(5), IN THAT THE ANNUAL REPORT DOES NOT MEET CEQA'S DEFINITION OF A "PROJECT;"

AND
ACCEPT THE ANNUAL REPORT AND EXHIBIT A, 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: 5 – Daulton, McDonald, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0
VACANCY: 2 – pending appointment

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff, as reported by **Planning Manager Joel Pullen**:
 - The 2019 Housing Element Annual Progress Report and Accessory Dwelling Unit Ordinance Update will both be going to the City Council on March 17, 2020.
 - Luciana Torres, Secretary to the Art Review Board, will give an update on the Art in Public Places Program to the City Council at the March 3, 2020 meeting.
 - The next regular Planning Commission meeting is scheduled for March 12, 2020.
- Actions from City Council Regular Meetings, as reported by **Planning Manager Pullen**:
 - The General Plan Screening Requests for Rex Homes (PLN2020-00147) and Ellsworth Residential (PLN2020-00150) projects were denied by the City Council at their February 18, 2020 regular meeting.

- Information from Commission:

- **Chairperson McDonald** reported on her recent attendance at a Toll Brothers Community Open House meeting and said she was struck by the number of children in that development, as it was initially proposed to be for workforce housing.

ADJOURNMENT

Meeting adjourned at 8:55 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Joel Pullen, AICP, Secretary
Planning Commission