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
David Wage, Senior Planner
Trish Cordova, Recording Clerk
Maria Salinas, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: A Gold Sheet (attached) indicating revisions to the minutes of the regular meeting of May 13, 2021 was submitted into the record. Commissioner Cardenas moved to approve said minutes as revised and Commissioner McDonald seconded. The motion was carried unanimously.

DISCLOSURES: Vice Chairperson Rao drove by the sites of Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333).
Commissioner McDonald visited the sites of Item 1 (PLN2021-00294 and PLN2021-00351), Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333). She also had communication with the applicant for Item 3, Robert Connolly, via email.
Commissioner Steckler drove by the sites of Item 1 (PLN2021-00294 and PLN2021-00351), Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333).
Commissioner Cardenas drove by the sites of Item 1 (PLN2021-00294 and PLN2021-00351), Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333).
Commissioner Daulton visited the sites of Item 1 (PLN2021-00294 and PLN2021-00351), Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333). He also spoke with the applicant for Item 3, Robert Connolly, and persons at the chiropractic office, Item 2.
Commissioner Liu visited the sites of Item 1 (PLN2021-00294 and PLN2021-00351), Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333); and spoke with one of the sales representatives from the Toll Brothers sales office, Item 3.

Chairperson Yee visited the sites of Item 1 (PLN2021-00294 and PLN2021-00351), Item 2 (PLN2021-00210) and Item 3 (PLN2021-00333); and spoke with the applicants for Item 2 and also 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

Chairperson Yee requested that Item 2 be moved to the Consent Calendar, as the public hearing on this item has been postponed until the June 24, 2021 Planning Commission meeting. No objections were made.

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBERS 1 AND 2.

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

Item 1. **PACIFIC COMMONS SOUTH DA ANNUAL REVIEWS – 5780 Bunche Drive – (PLN2021-00294) and (PLN2021-00351)** – To consider Development Agreement (DA) Annual Reviews for the Pacific Commons South Project’s East and West Parcel DAs, consisting of 2.53 million square feet of industrial buildings and 100,000 square feet of auto mall buildings on 153 acres located on both sides of Cushing Parkway south of Nobel and Bunche Drive and west of Christy Street in the Bayside Industrial 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.

HELD PUBLIC HEARING;

AND

FOUND THAT THE REVIEW OF THE DEVELOPMENT AGREEMENTS IS NOT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15378 IN THAT THE ACTIVITY DOES NOT MEET THE DEFINITION OF A “PROJECT” UNDER CEQA;

AND

FOUND ON THE BASIS OF SUBSTANTIAL EVIDENCE THAT THE DEVELOPERS OF THE FREMONT TECHNOLOGY BUSINESS CENTER HAVE COMPLIED IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF THEIR RESPECTIVE DEVELOPMENT AGREEMENTS (PROVIDED IN INFORMATIONAL ENCLOSURES 1 AND 2) FOR THE PERIOD UNDER REVIEW (JANUARY 1, 2019 THROUGH NOVEMBER 3, 2020).
Item 2. **STRATEGIC BODYWORK SOLUTIONS – 39210 State Street – (PLN2021-00210)** – To consider a Conditional Use Permit to offer full-body, therapeutic massage services within an 89-square-foot portion of an existing chiropractor practice, located at 39210 State Street, Suite 120, in the Central Community Plan Area, and to find that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15301, Existing Facilities and/or Section 15183 (projects consistent with community plan, general plan or zoning).

CONTINUED ITEM TO THE JUNE 24, 2021 PLANNING COMMISSION MEETING.

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 None

PUBLIC HEARING ITEMS

Item 3. **TOLL METRO WEST CONDITION OF APPROVAL AMENDMENT – 44862 South Grimmer Boulevard – (PLN2021-00333)** – To consider an amendment to a condition of approval for construction phasing and build out of the Toll Metro West Discretionary Design Review Permit and Vesting Tentative Tract Map, on property located at the northwest corner of South Grimmer Boulevard and Old Warm Springs Boulevard in the South Fremont Community Plan Area, and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) Sections 15153(a) and 15183, and Public Resources Code Section 21083.3 as a Final Environmental Impact Report (SCH#2013032062) was previously certified for the Warm Springs/South Fremont Community Plan, and a CEQA compliance checklist was prepared for the subsequent Old Warm Springs Boulevard South Master Plan, of which the proposed project is a conforming part.

Planning Manager Joel Pullen introduced the item and Senior Planner David Wage responded to clarifying questions from the Commission.

Chairperson Yee opened the public hearing and then closed the public hearing, as there were no requests to speak to the item.

Commissioner Daulton moved to approve staff recommendation.

Commissioner McDonald briefly spoke to the history of this project in terms of it coming before the Planning Commission in 2017. She then seconded the motion to approve staff recommendation.

**IT WAS MOVED (DAULTON/MCDONALD) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;**
AND
FOUND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO, WITHOUT LIMITATION, EACH AS A SEPARATE AND INDEPENDENT BASIS THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) §§ 15153(A) AND 15183, 15162, AND/OR PUB. RES. CODE § 21083.3 AS A FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2013032062) WAS PREVIOUSLY CERTIFIED FOR THE WARM SPRINGS/SOUTH FREMONT COMMUNITY PLAN, AND A CEQA COMPLIANCE CHECKLIST WAS PREPARED FOR THE SUBSEQUENT OLD WARM SPRINGS BOULEVARD SOUTH MASTER PLAN, OF WHICH THE PROPOSED PROJECT IS A CONFORMING PART, AND ALL FEASIBLE MITIGATION MEASURES WILL BE UNDERTAKEN;

AND
APPROVED AN AMENDMENT TO A CONDITION OF APPROVAL FOR CONSTRUCTION PHASING IN THE TOLL METRO WEST DISCRETIONARY DESIGN REVIEW PERMIT AND VESTING TENTATIVE TRACT MAP (PLN2017-00316) AS SHOWN ON EXHIBIT “A,” BASED ON FINDINGS SPECIFIED IN FREMONT MUNICIPAL CODE (FMC) SECTIONS 18.235.100, 18.235.060 AND 17.20.200.

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

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

• Information from staff: None

• Actions from City Council Regular Meetings: None

• Information from Commission: None

ADJOURNMENT

Meeting adjourned at 7:36 p.m.

SUBMITTED and APPROVED BY:

Kim Salazar, Recording Clerk
Planning Commission

Joel Pullen, AICP, Secretary
Planning Commission
NOTES/CORRECTIONS for the MAY 27, 2021
PLANNING COMMISSION MEETING

*Modifications appear in italics, new text is underlined, and deleted text appears as strikethrough.*

Item 1.4  APPROVAL OF MINUTES – REGULAR MEETING OF MAY 13, 2021

Staff requests that the draft minutes for the regular meeting of May 13, 2021 be revised as attached.

Item 1.  STRATEGIC BODYWORK SOLUTIONS – 39210 State Street - (PLN2021-00210)

Staff requests the following:

Continue Item 1 to the June 24, 2021 Planning Commission meeting.

RESPECTFULLY SUBMITTED,

[Signature]

JOEL PULLEN, AICP, SECRETARY
PLANNING COMMISSION
MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF MAY 13, 2021

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
Courtney Pal, Planner II
Laurie Flores, Homeless Services Manager
David Wage, Senior Planner
Suzanne Shenfil, Human Services Director
Wayne Morris, Deputy Director Community Development
Trish Cordova, Recording Clerk
Maria Salinas, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: Commissioner Cardenas moved to approve minutes from the regular meetings of March 11 and April 8, 2021. Commissioner Steckler seconded and motion carried unanimously.

DISCLOSURES: Commissioner McDonald stated that she has been to many of the locations that are under consideration as Safe Parking Host sites, including church sites, and that she has had quite a bit of exposure to unhoused populations.

Commissioner Cardenas stated that he has traveled through the proposed Safe Parking Host sites and are familiar with them.
Chairperson Yee visited five safe parking sites in Union City, spoke with residents at those locations, and visited two of the five sites in Mountain View. He also spoke with Executive Directors of the safe parking programs in San Jose, Livermore and Santa Barbara.

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://freemontca.viebit.com/#

CONSENT CALENDAR
None

PUBLIC/ORAL COMMUNICATIONS
None

PUBLIC HEARING ITEMS

Item 1. SAFE PARKING HOST SITES ORDINANCE – To consider an ordinance amending Chapter 18.25 (Definitions) and Chapter 18.190 (Special Provisions Applying to Miscellaneous Uses) under Fremont Municipal Code Title 18 (Planning and Zoning) to allow safe parking as an ancillary use at sites with permitted assembly uses, quasi-public facilities, and public facilities, and to consider a finding that the amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per, each as a separate and independent basis, (1) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, and are not subject to CEQA review, and (2) CEQA Guidelines Section 15183, as the proposed amendments are consistent with general plan policies and do not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior Environmental Impact Reports (EIRs) or the General Plan, with which the proposed amendments are consistent.

Planning Manager Joel Pullen introduced the item and the team of City staff who worked on the project.

Homeless Services Manager Laurie Flores spoke to the homelessness crisis in Fremont and provided the framework and context of safe parking as a tool to address homelessness.

Project Planner Courtney Pal spoke to the ordinance that staff has developed to allow safe parking host sites on private facilities.

Ms. Flores and Ms. Pal then responded to questions from Commissioners regarding:

- Use of public facilities that are City owned, or City run.
• Outreach to other public facilities that could accommodate vehicular homeless.
• Possible physical modification and/or expansion of host facilities.
• Rotation of host sites, to allow the transition of vehicles from one location to another.
• Use of stand-alone parking lots without existing facilities and/or buildings.
• Requirements for registration and insurance.
• Maximum number of individuals, versus number of vehicles.
• Access to electricity.
• CEQA determination and possible effects on the environment.
• Use of private lots and/or faith-based organizations in industrial areas.
• A transition plan, as vehicle homeless move on to permanent living situations.

Chairperson Yee opened the public hearing and invited public comments.

David Bonaccorsi, representing Fremont for Everyone and former Fremont City Council member, urged the Planning Commission to not only recommend approval of the ordinance to the City Council, but to also recommend that the Council take up steps two and three of the three-prong proposal described in the staff report sooner than later.

Lisa Danz, Fremont resident and a member of Fremont for Everyone, spoke in favor of the proposed safe parking ordinance and also encouraged the advancement of prongs two and three of the proposal.

Chairperson Yee closed the public hearing and called for a brief recess at 8:13 p.m.

Chairperson Yee reconvened the meeting at 8:26 p.m.

Homeless Services Manager Laurie Flores and Project Planner Courtney Pal continued to respond to questions from the Commission, with assistance from Deputy Director Community Development Wayne Morris and Human Services Director Suzanne Shenfil, on issues related to:

• Number of faith-based organizations that are currently interested in hosting safe parking for vehicular homeless.
• The quantifying measure to indicate a successful program.
• Funding for the program, and expected cost for host sites.
• Research done with other municipalities that have similar programs.
• Incentives for people living in vehicles to choose the safe parking program over parking on the street, or elsewhere in the community.
• An outreach strategy to inform vehicular homeless of the safe parking program and host site locations.

Chairperson Yee shared information he garnered from his contact with Executive Directors of three other cities that have similar safe parking programs in place.
Commissioner McDonald expressed her concerns over the limited number of safe parking spots available, the potential burden on the faith-based communities, and the regulations imposed in the proposed ordinance. She advocated for more flexibility for the proposed safe parking program.

Commissioner McDonald then made a motion to recommend to the City Council approval of staff recommendation and also, with the addition to recommend that the City Council move forward in the allowance of overnight parking in commercial and industrial as well as all public and private lots; to promote simplicity in the ordinance and to minimize barriers to entry participation by using guidelines and recommendations rather than regulations; and to move on to the other two prongs of the proposal as soon as possible to accomplish the greater needs of the unhoused population in Fremont.

Commissioner Daulton seconded the motion.

IT WAS MOVED (MCDONALD/DAULTON) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THE PLANNING COMMISSION — HELD PUBLIC HEARING;

AND RECOMMENDED THAT THE CITY COUNCIL:

FIND THAT THE TEXT AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER, EACH AS A SEPARATE AND INDEPENDENT BASIS, (1) CEQA GUIDELINES SECTION 15061(B)(3) IN THAT IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT THE PROPOSED AMENDMENTS WILL HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND ARE NOT SUBJECT TO CEQA REVIEW, AND (2) CEQA GUIDELINES SECTION 15183, AS THE PROPOSED AMENDMENTS ARE CONSISTENT WITH GENERAL PLAN POLICIES AND DO NOT INVOLVE ANY PECULIAR SIGNIFICANT EFFECTS THAT WERE NOT PREVIOUSLY ANALYZED OR DISCUSSED AS SIGNIFICANT EFFECTS IN PRIOR ENVIRONMENTAL IMPACT REPORTS (EIRs) OR THE GENERAL PLAN, WITH WHICH THE PROPOSED AMENDMENTS ARE CONSISTENT;

AND FIND THAT THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN, INCLUDING THE HOUSING ELEMENT AND LAND USE ELEMENT IMPLEMENTATION MEASURES DISCUSSED IN THE STAFF REPORT;

AND FIND THAT THE PROPOSED AMENDMENTS FURTHER THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY BY FACILITATING THE PROVISION OF SAFE PARKING FOR THOSE LIVING IN THEIR VEHICLES, AN UNDERSERVED PORTION OF OUR COMMUNITY
WHO CURRENTLY LACK ACCESS TO BASIC NEEDS LIKE CLEAN WATER, RESTROOMS, AND SANITATION THAT WOULD BE PROVIDED THROUGH THE SAFE PARKING SITES; AND
INTRODUCE AN ORDINANCE APPROVING AMENDMENTS TO FMC TITLE 18 (PLANNING AND ZONING), WITH THE ADDITIONAL RECOMMENDATIONS IN THE MOTION; AND
DIRECT STAFF TO DOCUMENT THE ABOVE WRITTEN FINDINGS AND RECOMMENDATION OF THE COMMISSION TO THE CITY COUNCIL AND TO PREPARE, AND THE CITY CLERK TO PUBLISH, A SUMMARY OF THE ORDINANCE.

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 Some of our Commissioners were able to attend the League of California Cities – Planning Commissioners Academy in March/April. The City looks forward to providing ongoing training to members of its governing bodies.
  
  o The Safe Parking Ordinance proposal heard tonight is tentatively scheduled for the first City Council meeting in June 2021.
  
  o City Attorney Harvey Levine has retired and former Assistant City Attorney Debra Margolis has agreed to come back as Interim City Attorney.

• Actions from City Council Regular Meetings, as reported by Planning Manager Joel Pullen:
  
  o This last Tuesday, Project Planner Courtney Pal presented to the City Council a proposal for a reduced fee for pre-approved accessory dwelling units, which the Council approved.

• Information from Commission:
  
  o Commissioner McDonald spoke of her experience in attending the first session of the Sierra Club seminar on sea level rise and adaptive solutions, and encouraged others to
attend the subsequent sessions scheduled for May 20 and May 27, 2021 from 9 a.m. until noon.

- Commissioner Cardenas commented on Nurses Appreciation week being this week and thanked them for the wonderful work they do. He also commented on the partnership between Haller’s Pharmacy and the Fremont Fire Department in providing COVID-19 vaccination clinics, and encouraged everyone to get vaccinated.

ADJOURNMENT

Meeting adjourned at 9:07 p.m.

SUBMITTED and APPROVED BY:

Kim Salazar, Recording Clerk
Planning Commission

Joel Pullen, AICP, Secretary
Planning Commission