



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF NOVEMBER 12, 2020**

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 McDonald called the meeting to order at 7:04 p.m.

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

ABSENT: None

STAFF PRESENT: Joel Pullen, Planning Manager
Heather Lee, Senior Deputy City Attorney
Clifford Nguyen, Assistant Planning Manager
David Wage, Senior 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: **Commissioner Daulton** toured the proposed project site for Item 1 (PLN2019-00048).

Commissioner Cardenas toured the project site for Item 1 (PLN2019-00048) and met with Dirk Lorenz, owner of Fremont Flowers, which is adjacent to the proposed project site.

Commissioner Liu had a phone conversation with Kiran Darsha, the applicant for Item 1 (PLN2019-00048), and also toured the project site.

Vice Chairperson Yee met with the applicant for Item 1 (PLN2019-00048), visited the project site and met with one of the property owners next door to the proposed project.

Commissioner Rao toured the project site and met with the applicant for Item 1 (PLN2019-00048).

Chairperson McDonald visited the project site for Item 1 (PLN2019-00048), exchanged correspondence with Dirk Lorenz, business owner of Fremont Flowers, and met with the applicant.

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 (DAULTON/CARDENAS) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON ITEM NUMBER 1.

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 (CEQA).

CONTINUED ITEM TO A DATE UNCERTAIN TO ALLOW ADDITIONAL TIME FOR PREPARATION OF RESPONSES TO COMMENTS RECEIVED PRIOR TO THE ITEM'S ORIGINAL OCTOBER 8, 2020, HEARING DATE.

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 2. **FREMONT HABITAT MIXED-USE DEVELOPMENT – 36551 Fremont Boulevard – PLN2019-00048** – To consider a Conditional Use Permit, Discretionary Design Review Permit, Tentative Tract Map No. 8575, and a Private Street to allow 13 residential condominium units, approximately 2,300 square-feet of commercial floor area, and an associated parking garage in a three-story approximately 22,000 square-foot building in the Centerville Community Plan Area, 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 the California Environmental Quality Act (CEQA) Guidelines Section 15183 as the project is consistent with the land use envisioned for the site as established by the General Plan for which an Environmental Impact Report (SCH#2010082060) was previously prepared and certified, and CEQA Guidelines Sections 15162 and 15163, as none of the circumstances requiring calling for the preparation of a subsequent or supplemental EIR have occurred.

(00:08:33)

Planning Manager Joel Pullen introduced the item.

Senior Planner David Wage gave a brief presentation and focused on issues related to density and traffic safety, as these were the items that were carried over from the October 8, 2020 meeting, when the Commission voted to continue the item.

Mr. Wage stated that Planning staff spoke with the applicant about increasing the density of their project, but that they ultimately chose to maintain the proposed design. He also said that Transportation staff provided a more in-depth analysis and determined the design of the project to be sufficiently safe regarding speed limits, available stopping distance, line of sight along Fremont Boulevard, and turning movements. He also reported that the project was not expected to generate large volumes of traffic or result in any queueing of vehicles. Details of the traffic analysis can be found in the background section of the staff report.

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

Kiran Darsha, the applicant, spoke briefly to the issue of density, saying that it would be financially burdensome for them to redesign the project. He also acknowledged the traffic safety issues that were addressed by Senior Planner, David Wage, in his presentation.

Chairperson McDonald invited public comment.

Kevin Ching, Fremont resident, spoke in favor of the project and in support of the size of the housing units, saying that larger units at that site would be much better than smaller units with a lot more people.

Prakash Sanappa, Fremont resident, spoke in favor of the project and said he would like to see the project approved.

Jagadish (no last name given), Fremont resident, spoke in favor of the project, saying that he liked the design and that the project offered good starter home options that were close to public transit and good schools.

Chairperson McDonald invited the applicant back for rebuttal.

Kiran Darsha responded to a question from Commissioner Liu, who asked if the applicant was agreeable to building affordable housing instead of paying in-lieu fees, to which Mr. Darsha said he could not commit to that without further analysis and that he would have to enter into construction first, before he could assess the cost.

Chairperson McDonald closed the public hearing.

Vice Chairperson Yee asked questions about the zoning status of properties near the proposed project location. After clarifying the zoning of other parcels in the area, **Planning Manager Joel Pullen** explained that the project before the Commission tonight was in conformance with the existing zoning requirements and that it should not be held to any potential future zoning changes.

Commissioner Cardenas commented that he would also like to see the applicant commit to building some affordable housing units for low income households.

Commissioner Daulton commented that he would also like to see affordable housing units included in the design of this project, as well as a denser development. He also commented on the correspondence received today from the attorney of the applicant.

Chairperson McDonald stated that it was unfortunate timing for this project to come before the Commission based on the current zoning regulations and that it could not be held to the vision they may have for the future.

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

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

AND

FOUND THE PROJECT CATEGORICALLY EXEMPTED FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332, INFILL DEVELOPMENT PROJECTS, AND AS A SEPARATE AND INDEPENDENT BASIS, EXEMPTED PURSUANT TO CEQA GUIDELINES SECTION 15183, PROJECTS CONSISTENT WITH A 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, COMMUNITY CHARACTER, HOUSING, AND CONSERVATION CHAPTERS, AS ENUMERATED IN THE STAFF REPORT;

AND
APPROVED CONDITIONAL USE PERMIT PLN2019-00048 FOR A MIXED-USE DEVELOPMENT, AS SHOWN ON EXHIBITS "A," BASED ON FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL IN EXHIBIT "C;"

AND
APPROVED DISCRETIONARY DESIGN REVIEW PERMIT PLN2019-00048, AS SHOWN ON EXHIBIT "A," BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "C;"

AND
APPROVED TENTATIVE TRACT MAP NO. 8575 AND A PRIVATE STREET, AS SHOWN IN EXHIBIT "B," BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "C;"

AND
APPROVED THE REMOVAL AND REPLACEMENT OF SEVEN PRIVATE AND PROTECTED TREES, AS SHOWN IN EXHIBIT "A," BASED ON FINDINGS SPECIFIED IN FMC SECTION 18.215.070.

The motion carried by the following vote:

AYES: 6 – Cardenas, Liu, McDonald, Rao, Steckler, Yee
NOES: 1 – Daulton
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

Chairperson McDonald called for a short recess at 7:55 p.m. and reconvened the meeting at 8:05 p.m.

DISCUSSION ITEMS

- Item 3. **Referral by Commissioner Daulton Proposing that the Planning Commission Discuss a Recommendation to Increase the Density for Certain Properties on Both Sides of Fremont Boulevard South of Alder Avenue to Require Transit-Oriented Development (TOD) Densities.**

Planning Manager Joel Pullen introduced the referral item that was requested by Commissioner Daulton and then invited him to elaborate on the referral, before he gave his presentation and the group entered into discussion.

Commissioner Daulton spoke briefly to the proposed referral by reading a statement, which said *"I'd like to see density requirements and height allowances applicable to*

the Transit Oriented District extend to the entirety of the block boarded by Fremont [Boulevard] and Oak [Street], from Thornton [Avenue] to Alder [Avenue]. We propose to rezone to 30 units per acre minimum density and 65-foot height maximums. We also propose to increase minimum commercial component to be a minimum of 50-foot depth and 100% across the frontage of the property, excluding the lobby entrance of the residential component of each structure.”

Commissioner Daulton concluded by saying, “...*looking at the project that we just approved, I think we're going to very quickly see more development on this stretch and I'd like to see something done about it, so that we can gain [Regional Housing Needs Assessment] (RHNA) numbers in these kinds of organically dense areas and eventually be able to have the flexibility to avoid being forced to up-zone in parts of Fremont, where we would prefer not to.*”

Planning Manager Joel Pullen then gave a comprehensive presentation on the history of the General Plan, Regional Planning efforts, the Housing Element, and Transit Oriented Development, including the following concepts as they relate to the proposed referral:

- Current General Plan Land Use Designations
- 2011 General Plan Update
- General Plan Amendment Screening Policy
- TOD Zoning
- Regional Planning
- Plan Bay Area 2050
- Association of Bay Area Governments (ABAG)
- Metropolitan Transportation Commission (MTC)
- Regional Housing Needs Allocation (RHNA)
- Housing Methodology Committee (HMC)
- Housing Element
- Re-Designation and/or Rezoning of Land
- Housing Accountability Act
- Grant Funding Sources

Mr. Pullen said that though it was likely that the area near Alder Avenue and Fremont Boulevard could accommodate additional intensity through the Housing Element Update, it would be premature to recommend rezoning of this limited area to the City Council, at this time, separate from the comprehensive Housing Element Update. He added, “*We have to realize that throughout this process, we're going to have projects that are complete under zoning that precedes what we want to do in the future and in those instances we have to follow the land use regulations that are in place.*”

Discussion ensued. Further topics included Floor Area Ratio, height limits, open space requirements, zoning standards, building occupancy standards, and state law.

Commissioner Daulton concluded his comments by saying, “[For] myself [in] speaking to everybody here, I don't feel like we need to push this to Council at the moment, if we're looking at something happening in the next year and a half. I don't see that anything we send to Council is going to be that much faster. What I would really like to see is if these types of properties come through staff as applications for development, that they move the applicant towards a maximum number of units.”

Planning Manager Joel Pullen confirmed that the Housing Element would be prepared over the next two years to be certified in early 2023 and said he would keep the Commission updated on that process.

Commissioner McDonald requested staff to schedule an informational work session to review the various types of applications that come through for the benefit of the newer Commissioners, to which **Planning Manager Pullen** agreed.

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff, as reported by Planning Manager Joel Pullen:
 - The next meeting is scheduled for December 10, 2020 and will be a full agenda.
 - The 2021 Calendar of Meetings will be coming out soon and sent to the Commission via email. Commissioners were asked to communicate any meeting date conflicts to Executive Assistant Trish Cordova.
- Actions from City Council Regular Meetings: None
- Information from Commission: None

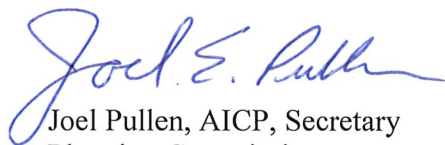
ADJOURNMENT

Meeting adjourned at 9:02 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Joel Pullen, AICP, Secretary
Planning Commission