



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF APRIL 9, 2020**

CALL TO ORDER: **Chairperson McDonald** called the meeting to order at 7:00 p.m. and then asked **Planning Commission Secretary/Planning Manager Joel Pullen** to explain the protocol for tonight's meeting, to conduct roll call and staff introductions.

Mr. Pullen commenced to say, *“This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California executive order N2920, dated March 17, 2020 regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on Comcast cable television channel 27, and/or online at the live webcast on the City’s website. Details can be found at www.fremont.gov/426/planning-commission. For those wishing to make public comments at the April 9, 2020 Planning Commission meeting, the public was previously requested to submit comments by email requesting them to be read aloud at the meeting by the Commission recording clerk. Electronic comments on agenda items for tonight’s meeting are being accepted via email; and comments via text and social media, such as Facebook, Twitter, etcetera, will not be accepted. Email comments must be submitted to the Commission recording clerk at planning_commission@fremont.gov with a copy to tcordova@fremont.gov. The Commission recording clerk will read all email comments, provided the reading shall not exceed three minutes, or other such time as the Commission Chairperson may identify consistent with the time limit for speakers at a Planning Commission meeting. The email comments submitted shall become part of the record of the Commission meeting at the public hearing and again at the close of the public hearing the recording clerk will read all emails that were received up to the limit of that time.”*

Mr. Pullen went on to recognize **Daniel Cardenas** as being recently appointed to the Planning Commission. He then commenced roll call and introduced Staff.

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

ABSENT: None
 One vacancy, pending appointment.

STAFF PRESENT: Joel Pullen, Planning Manager
 Heather Lee, Senior Deputy City Attorney
 Clifford Nguyen, Acting Deputy Planning Manager
 James Willis, Associate Planner
 Jay Swardenski, Fire Marshall

Trish Cordova, Recording Clerk
Maria Salinas, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

Planning Manager Joel Pullen also acknowledged the applicant for the one public hearing item as being present on the conference call at tonight's meeting.

APPROVAL OF MINUTES: **Commissioner Steckler** moved to approve minutes from the regular meeting of March 12, 2020 and **Commissioner Cardenas** seconded. Motion carried unanimously by a roll call vote.

DISCLOSURES: **Vice Chairperson Yee** rode his bicycle around the project site for Item 1 (PLN2020-00157).
Chairperson McDonald drove the area and parking facilities for Item 1 (PLN2020-00157).

Timestamps from the audio/video webcast are listed below each Public Hearing Item Number and are in hours format, as follows: (hours:minutes:seconds). Audio/video webcasts of Planning Commission meetings can be found at: <https://fremontca.viebit.com/#>

CONSENT CALENDAR None

**PUBLIC/ORAL
COMMUNICATIONS** None

PUBLIC HEARING ITEMS

- Item 1. **TESLA R&D MANUFACTURING AT KATO ROAD – 47700 Kato Road and**
(00:08:13) **1055 Page Avenue – PLN2020-00157** - To consider a Conditional Use Permit for hazardous material, a Finding for Modification of Zoning Standards to allow a Floor Area Ratio (FAR) increase from 0.48 to 0.60 FAR and a parking reduction, and a Discretionary Design Review to allow an approximately 29,745-square-foot addition consisting of largely interior improvements, and addition of a third floor component above a small portion of the existing building footprint, within an existing building for a research and development and manufacturing facility located at 47700 Kato Road and 1055 Page Avenue in the Bayside Industrial Community Plan Area; and to consider the adoption of an Addendum to the previously approved 1996 Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, and/or as a separate and independent basis, the adoption of a Mitigated Negative Declaration prepared and circulated for the project in accordance with the requirements of CEQA Guidelines Section 15070. The action under consideration herein would not permit the applicant to construct or operate the proposed project until such time as the County Shelter-in-place order would be lifted.

Planning Manager Joel Pullen introduced the item and **Associate Planner James Willis** gave a verbal presentation for the project.

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

Peter Rusin, Technical Program Manager at Tesla, briefly spoke to the project and responded to questions from Commissioners with assistance from **Logan Grant**, Senior Civil Engineer at Tesla, **Shubharthi Barua**, Staff Fire Safety Engineer with Tesla.

Chairperson McDonald closed the public hearing, as there were no public comments submitted via email.

Planning Manager Joel Pullen responded to further questions from the Commission, with assistance from **Fire Marshal Jay Swardenski**.

Commissioner Daulton moved to approve staff recommendation and **Commissioner Steckler** seconded. Motion carried unanimously by a roll call vote.

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

AND

FOUND THAT THE ADDENDUM TO THE PREVIOUSLY APPROVED 1996 NEGATIVE DECLARATION, AND AS A SEPARATE AND INDEPENDENT BASIS, THE CIRCULATED MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED PROJECT AS SHOWN IN EXHIBIT “A” REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT AND WERE BOTH PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF CEQA AS DESCRIBED IN THIS STAFF REPORT, AS FOLLOWS:

- a. IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15164 (ADDENDUM) THE CITY HAS CONSIDERED THE ADDENDUM, TOGETHER WITH THE PRIOR MITIGATED NEGATIVE DECLARATION, AND NONE OF THE CIRCUMSTANCES NECESSITATING PREPARATION OF A SUBSEQUENT MITIGATED NEGATIVE DECLARATION SPECIFIED IN CEQA GUIDELINES SECTION 15162 HAVE OCCURRED OR ARE PRESENT;

AND

- b. IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15070 (MITIGATED NEGATIVE DECLARATION), DUE TO REVISIONS IN THE PROJECT BEFORE THE MITIGATED NEGATIVE DECLARATION WAS PREPARED AND AS FURTHER RECOMMENDED BY THE MITIGATED NEGATIVE DECLARATION AND ADOPTED AS

CONDITIONS OF APPROVAL AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PLAN, THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS REVISED WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

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, ECONOMIC DEVELOPMENT, AND SAFETY ELEMENTS OF THE GENERAL PLAN AS ENUMERATED IN THE STAFF REPORT;

AND

APPROVED THE CONDITIONAL USE PERMIT TO ALLOW THE USE, STORAGE, AND HANDLING OF HIGH INTENSITY HAZARDOUS MATERIALS BASED UPON FINDINGS CONTAINED IN FMC SECTION 18.230.060 AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "C;"

AND

FOUND THAT THE PROPOSED INCREASE IN FLOOR AREA RATIO OF UP TO 0.60 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AND CHAPTER 18.250 OF THE FREMONT MUNICIPAL CODE; AND THAT THE PROPOSED DESIGN OF THE PROJECT IS IN CONFORMANCE WITH ADOPTED RULES AND DESIGN GUIDELINES PERTAINING TO NONRESIDENTIAL DEVELOPMENT;

AND

FOUND THAT THE PROPOSED PARKING REDUCTION OF 23 PARKING SPACES IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AND CHAPTER 18.250 OF THE FREMONT MUNICIPAL CODE; AND THAT THE PROPOSED DESIGN OF THE PROJECT IS IN CONFORMANCE WITH ADOPTED RULES AND DESIGN GUIDELINES PERTAINING TO NONRESIDENTIAL DEVELOPMENT;

AND

APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT TO ALLOW THE THIRD FLOOR ADDITION TO THE 47700 KATO ROAD BUILDING AS DEPICTED IN EXHIBIT "B" BASED UPON FINDINGS CONTAINED IN FMC SECTION 18.235.50 AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "C."

The motion carried by the following vote:

AYES: 6 – Cardenas, Daulton, McDonald, Rao, Steckler, Yee

NOES: 0

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

VACANCY: 1 – pending appointment

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff, as reported by **Planning Manager Joel Pullen**:
 - The next Planning Commission meeting date that has public hearing items scheduled is May 14, 2020. Should the shelter-in-place order extend past the anticipated end date of May 3, 2020, a virtual meeting similar to tonight will take place.
 - The City Council will review the mayor's nomination to fill the last remaining vacancy on the Planning Commission at their April 14, 2020 meeting; the candidate's name is Charles Liu.
- Actions from City Council Regular Meetings: None
- Information from Commission:
 - **Chairperson McDonald** commented on the difficulties she had in receiving messages through her City email address, to which **Planning Manager Pullen** responded that he would pass her concerns onto the I.T. Department.
 - **Commissioner Daulton** welcomed Daniel Cardenas to the Planning Commission.

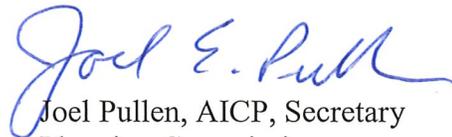
ADJOURNMENT

Meeting adjourned at 7:41 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Joel Pullen, AICP, Secretary
Planning Commission