



**MINUTES
FREMONT ZONING ADMINISTRATOR
REGULAR MEETING OF JULY 18, 2022**

This meeting was conducted utilizing the teleconferencing software Zoom, consistent with Government Code Section 54953(e) (Assembly Bill 361).

CALL TO ORDER: **Zoning Administrator Clifford Nguyen** called the meeting to order at 3:00 p.m.

PRESENT: Zoning Administrator Clifford Nguyen
Courtney Pal, Associate Planner
Trish Cordova, Recording Clerk

CONSENT CALENDAR None

ORAL COMMUNICATION
/PUBLIC COMMENTS: **Kelly Abreu**, Fremont resident, commented on the listing of oral communications on the agenda, and then went on to reference the stalled development at 42111 Osgood Road and asked if/how the City was holding developers accountable in the completion of their projects.

PUBLIC HEARING ITEMS

Item 1. **OSGOOD APARTMENTS SOUTH – 41911 Osgood Road - (PLN2022-00214)** – To consider a Discretionary Design Review Permit and a request for a density bonus and development waivers per California Government Code Section 65915 to allow development of a six-story, 100-unit affordable housing development located on a one-parcel, 0.78-net acre site at 41911 Osgood Road in the R-3-70(TOD) district and Irvington Community Plan Area, and to consider exemptions from the requirements of the California Environmental Quality Act (CEQA) per, without limitation, 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 density established by the General Plan, for which an Environmental Impact Report (EIR) (SCH#2010082060) was previously prepared and certified; and CEQA Guidelines Section 15183.3, as the infill project satisfies the performance standards of CEQA Guidelines Appendix M and would not cause any new specific effects or more significant effects not previously analyzed in the General Plan EIR. Each of the foregoing provides a separate and independent basis for CEQA compliance.

Associate Planner Courtney Pal introduced the item and brought attention to the Green Sheet, indicating the following notes and corrections (modifications appear in *italics*, new text is underlined, and deleted text appears as ~~strikethrough~~):

Staff requests that the following corrections be included in the Conditions of Approval:

Conditions of Approval:

11. Construction Agreement. The public improvements conditioned as part of this entitlement requires the execution of ~~an~~ Improvement Agreements that guarantees the completion of the public street improvements to the satisfaction of the Director of Public Works. The Improvement Agreements shall be fully executed prior to Building Permit issuance, except that the Improvement Agreement associated with the Encroachment Permit may be deferred until after Building Permit issuance upon written approval of the City Engineer or designee. ~~This agreement~~ Agreements shall includes engineered plans prepared by the applicant's consultant, reviewed and approved by the City, surety (Faithful Performance, Labor and Material and Warranty) and insurance.

23. Solid Waste Facility Design. During the Building Permit phase, the applicant ~~shall engage a trash management consultant to advise on solid waste facility design and operation for the project.~~ The applicant shall submit a Trash Management Plan with operational details. At this discretion of the Environmental Services Director or designee, upon determination that the proposed Trash Management Plan is inadequate, the applicant shall engage a trash management consultant to advise on solid waste facility design and operation for the project. Garbage and recycling bins shall be brought the edge of the curbed staging area so the trucks can access them directly from the drive aisle. Future modifications for staging of garbage and recycling bins may be required during the building permit or operational phase, subject to the review and approval of the Environmental Services Director.

Zoning Administrator Clifford Nguyen opened the public hearing and invited public comments.

Kelly Abreu, Fremont resident, thanked the applicant for bringing this development to Fremont, and then advocated for the reduction of parking for new residential developments and the production of market rate housing.

Zoning Administrator Clifford Nguyen questioned the applicant, Brad Dickason, about the potential benefit of providing transit passes in conjunction with the proposed project, to which Brad Dickason affirmed.

Zoning Administrator Clifford Nguyen closed the public hearing.

Zoning Administrator Clifford Nguyen took the following action on Item 1:

HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT AS SHOWN IN EXHIBIT "A" IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PER, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15332, INFILL DEVELOPMENT PROJECTS AND CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES; AND FIND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CEQA GUIDELINES SECTION 15183, AS THE PROJECT IS CONSISTENT WITH THE DENSITY ESTABLISHED BY THE GENERAL PLAN, FOR WHICH AN ENVIRONMENTAL IMPACT REPORT (EIR) (SCH#2010082060) WAS PREVIOUSLY PREPARED AND CERTIFIED; AND CEQA GUIDELINES SECTION 15183.3, AS THE INFILL PROJECT SATISFIES THE PERFORMANCE STANDARDS OF CEQA GUIDELINES APPENDIX M AND WOULD NOT CAUSE ANY NEW SPECIFIC EFFECTS OR MORE SIGNIFICANT EFFECTS NOT PREVIOUSLY ANALYZED IN THE GENERAL PLAN EIR, EACH ON A SEPARATE AND INDEPENDENT BASIS;

AND

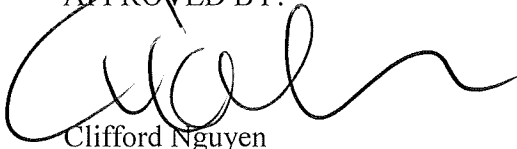
APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT AS SHOWN ON EXHIBIT "A," SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT "B" WITH THE AMENDMENTS HEREIN ABOVE MADE TO CONDITIONS 11 AND 23.

Item 1 was approved based on finding and subject to conditions.

ADJOURNMENT

Meeting adjourned at 3:17 p.m.

APPROVED BY:

A handwritten signature in black ink, appearing to read 'Clifford Nguyen', written over the printed name.

Clifford Nguyen
Zoning Administrator