



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF FEBRUARY 23, 2023**

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

PRESENT: Vice Chairperson Rao
Commissioners Basrai, Liu, Ramamurthi, Steckler, Yee

ABSENT: Commissioner Zhang

STAFF PRESENT: Joel Pullen, Planning Manager
Heather Lee, Senior Deputy City Attorney
James Willis, Associate Planner
Mayank Patel, Associate Planner
Sahithi Pusarla, Planner I
Dilip Kishnani, Principal Civil Engineer
Homira Shafaq, Civil Engineer II
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

Planning Manager Joel Pullen invited newly appointed **Commissioner Shobana Ramamurthi** to introduce herself.

APPROVAL OF MINUTES: **Commissioner Yee** moved to approve minutes for the special meeting of November 17, 2022 and the regular meeting of December 22, 2022. **Commissioner Liu** seconded and the motion carried with Commissioner Ramamurthi abstaining.

ELECTION OF OFFICERS: **Commissioner Yee** nominated Commissioner Liu to serve as Chairperson and Commissioner Zhang as Vice Chairperson. **Vice Chairperson Rao** seconded, and the nomination was carried by all present.

There was a brief recess at 7:10 p.m. to allow for newly elected Chairperson Liu to be seated. The meeting was reconvened at 7:15 p.m.

DISCLOSURES: **Commissioner Rao** drove by the proposed project site for Item 1 (PLN2021-00283).

Commissioner Yee visited the proposed project site for Item 1 (PLN2021-00283) and spoke with several church volunteers, as well as residents adjacent to the property.

Commissioner Steckler drove by the proposed project site for Item 1 (PLN2021-00283). Commissioner Steckler said he had attended mass several times at St. James Catholic Church and was familiar with the property.

Commissioner Ramamurthi visited the proposed project site for Item 1 (PLN2021-00283) and spoke with some of the neighbors near the property. Commissioner Ramamurthi also stated that she lives 1.3 miles from the church.

Chairperson Liu drove to the proposed project site for Item 1 (PLN2021-00283) and observed the property from the parking lot.

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

PUBLIC/ORAL COMMUNICATIONS

Kelly Abreu spoke on the lack of residential developments in the Mission San Jose neighborhood and the detrimental effect that lack has had on businesses in the area. Mr. Abreu also commented on a recently installed crosswalk on Mission Boulevard from Ohlone College and the Niles Gateway project in terms of the design of streets and the reduction in residential units from the original proposal.

PUBLIC HEARING ITEMS

- Item 1. **ST. JAMES NEW CHURCH CUP AMENDMENT – 34700 Fremont Boulevard –**
(00:22:15) **PLN2021-00283** – To consider a Conditional Use Permit Amendment and Discretionary Design Review Permit to construct a new 18,000-square-foot worship center on an existing church site located at 34700 Fremont Boulevard in the North Fremont Community Plan Area, and to consider a finding that no further environmental review is required pursuant to exemption from the requirements of the California Environmental Quality Act (CEQA), per, without limitation, each as a separate and independent basis, CEQA Guidelines Section 15332, In-Fill Development Projects, and a finding that no further environmental review is required per 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 preparation of a subsequent or supplemental EIR have occurred.

Planning Manager Joel Pullen introduced the item.

Associate Planner James Willis gave a brief presentation.

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

Chris Kelly, owner of Chris Kelly Architects, briefly spoke to the recent history, building configuration and design of the proposed project.

Chairperson Liu closed the public hearing, as there were no other speakers.

Commissioner Ramamurthi expressed concerns related to construction of the proposed project and operations of an onsite childcare center, as well as overflow parking onto Ferry Lane and Hurst Avenue; to which **Associate Planner James Willis** and **Planning Manager Joel Pullen** responded.

Chairperson Liu expressed pleasure in seeing the development of a place of worship, as opposed to the closing of one.

Commissioner Yee moved to approve staff recommendation and **Commissioner Basrai** seconded.

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

FOUND THAT THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15332, IN-FILL DEVELOPMENT PROJECTS, AND CEQA GUIDELINES SECTION 15183 IN THAT IT IS DISTURBING LESS THAN FIVE ACRES AND IS IN AN URBAN AREA SERVED BY ALL NECESSARY UTILITIES; THE PROJECT SITE HAS NO VALUE AS HABITAT FOR ENDANGERED, RARE, OR THREATENED SPECIES; AND APPROVAL OF THE PROJECT WOULD NOT RESULT IN ANY SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY BECAUSE IT IS A SITE THAT HAS BEEN USED AS A RELIGIOUS FACILITY SINCE 1976 AND THE PROPOSED EXPANSION, INCLUDING OPERATIONS WITHIN THE NEW BUILDINGS, WOULD NOT RESULT IN IMPACTS REACHING LEVELS OF SIGNIFICANCE. ALSO, 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 PREPARATION OF

A SUBSEQUENT OR SUPPLEMENTAL EIR HAVE OCCURRED. EACH OF THE FOREGOING PROVIDES A SEPARATE AND INDEPENDENT BASIS FOR CEQA COMPLIANCE;

AND

APPROVED THE CONDITIONAL USE PERMIT AND DISCRETIONARY DESIGN REVIEW PERMIT TO ALLOW THE NEW CHURCH AND PARISH CENTER AS WELL AS ASSOCIATED SITE IMPROVEMENTS AS SHOWN IN EXHIBIT “A,” SUBJECT TO CONDITIONS OF APPROVAL CONTAINED IN EXHIBIT “B.”

The motion carried by the following vote:

AYES: 6 – Basrai, Liu, Ramamurthi, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Zhang
RECUSE: 0

Item 2. **2022 HOUSING ELEMENT ANNUAL PROGRESS REPORT – Citywide –**
(00:45:05) **PLN2023-00193** – 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 without limitation CEQA Guidelines Section 15378 and/or 15061(b)(3).

Planning Manager Joel Pullen introduced the item.

Associate Planner Mayank Patel and **Planner I Sahithi Pusarla** co-presented on the item.

Chairperson Liu opened the public hearing and invited public comments.

Kelly Abreu commented on City parking regulations and their effect on the City’s ability to build residential units. He also commented on the development of Quarry Lakes Parkway in Union City, noting that Union City is planning for development adjacent to the border of the City of Fremont.

Chairperson Liu closed the public hearing.

Planning Manager Joel Pullen, with assistance from **Associate Planner Mayank Patel**, responded to questions from the Commission related to the Regional Housing Needs Allocation (RHNA) targets, community outreach, and affordable housing calculations for Accessory Dwelling Units (ADU).

Commissioner Basrai moved to approve staff recommendation and **Commissioner Ramamurthi** seconded.

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

AND

RECOMMENDED THAT THE CITY COUNCIL:

FIND THE ANNUAL REPORT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15378(B)(2), (5), AND/OR 15061(B)(3) IN THAT THE ANNUAL REPORT IS AN ADMINISTRATIVE ACTION THAT HAS NO POTENTIAL TO CAUSE A DIRECT OR INDIRECT SIGNIFICANT EFFECT ON THE ENVIRONMENT AND DOES NOT MEET CEQA'S DEFINITION OF A "PROJECT." EACH OF THE FOREGOING PROVIDES A SEPARATE AND INDEPENDENT BASIS FOR CEQA EXEMPTION;

AND

ACCEPT EXHIBIT A AND EXHIBIT B, 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: 6 – Basrai, Liu, Ramamurthi, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Zhang
RECUSE: 0

Item 3.
(01:13:05)

2023 UPDATES TO THE FLOOD DAMAGE PREVENTION ORDINANCE – Citywide – PLN2023-00207 – To consider an ordinance to amend Fremont Municipal Code Title 18 (Planning and Zoning) Chapter 18.200 (Flood Damage Prevention) to remove text that is non-compliant with the National Flood Insurance Program (NFIP) and Community Rating System (CRS) and to enhance and clarify definitions, procedures and standards related to flood damage prevention in accordance with recommendations from the Federal Emergency Management Agency (FEMA), and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA), per, without limitation, each as a separate and independent basis, (1) CEQA Guidelines Section 15378(b), as an administrative and/or fiscal activity that does not involve commitment to a specific project that will result in any significant physical impact on the environment); (2) CEQA Guidelines Section 15061(b)(3)) in that it can be seen with certainty that there is no possibility that the amendments will have the potential for causing a significant effect on the environment, and (3) CEQA Guidelines Section 15305, as a minor alteration in land use limitations which does not result in a change to land use or density.

Planning Manager Joel Pullen introduced the item. No formal presentation was given.

Chairperson Liu opened the public hearing and invited public comments.

Kelly Abreu commented on the City’s compliance with the Bay Conservation and Development Commission (BCDC) guidelines/regulations, and on the evidence of poor flood prevention efforts done along Interstate 880 towards Milpitas.

Chairperson Liu closed the public hearing for this item.

Commissioner Ramamurthi asked clarifying questions on the Class 7 rating indicated in the staff report, to which **Principal Civil Engineer Dilip Kishnani** and **Civil Engineer II Homira Shafaq** responded.

Commissioner Yee moved to approve staff recommendation and **Commissioner Rao** seconded.

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

AND

RECOMMENDED THAT THE CITY COUNCIL:

FIND THAT THE AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PER, WITHOUT LIMITATION, EACH ON A SEPARATE AND INDEPENDENT BASIS, (1) CEQA GUIDELINES SECTION 15378(B), AS AN ADMINISTRATIVE AND/OR FISCAL ACTIVITY THAT DOES NOT INVOLVE COMMITMENT TO A SPECIFIC PROJECT THAT WILL RESULT IN ANY SIGNIFICANT PHYSICAL IMPACT ON THE ENVIRONMENT; AND (2) CEQA GUIDELINES SECTION 15061(B)(3) IN THAT IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT THE AMENDMENTS WILL HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

AND

FIND THAT THE PROPOSED ZONING TEXT AMENDMENT IS CONSISTENT WITH THE GENERAL PLAN;

AND

FIND THE PROPOSED ZONING TEXT AMENDMENT FURTHERS THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY;

AND

INTRODUCE AN ORDINANCE APPROVING THE PROPOSED ZONING TEXT AMENDMENT AS SET FORTH IN THE ATTACHED DRAFT ORDINANCE (INCLUDING EXHIBIT “A” THERETO).

The motion carried by the following vote:

AYES: 6 – Basrai, Liu, Ramamurthi, Rao, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Zhang
RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff, as reported by **Planning Manager Joel Pullen**:
 - As we are back in Chambers for the Planning Commission meetings, remote participation will no longer be available.
 - The frequency of Planning Commission meetings has been reduced. This is primarily due to the types of projects coming through the Planning Division.
 - For any Commissioner that is interested in a refresher course on the Brown Act, please view the recording of the City Council regular meeting from February 14, 2023.
 - The annual Statements of Economic Interests (Form 700) is due to the City Clerk's office by April 1, 2023. Commissioners were encouraged not to delay, as penalties would be imposed by the FPPC.
 - Commissioners were advised to forward any technical questions that come to them from the public to the Planning Division for response.
- Actions from City Council Meetings, as reported by **Planning Manager Joel Pullen**:
 - The City Council adopted the 2023-2031 Housing Element Update at their January 10, 2023 meeting.
 - The City Council unanimously upheld the first-party appeal of the Conditional Use Permit for Papé Machinery Pylon Sign (PLN2021-00378) at their February 7, 2023 meeting.
- Information from Commission: None

ADJOURNMENT

Meeting adjourned at 8:27 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Joel Pullen, AICP, Secretary
Planning Commission