



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JUNE 13, 2019**

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

PRESENT: Chairperson Steckler
Vice Chairperson McDonald
Commissioners Daulton, Reed, Yee

ABSENT: Commissioner Rao

STAFF PRESENT: Kristie Wheeler, Planning Manager
Bronwen Lacey, Senior Deputy City Attorney
Joel Pullen, Principal Planner
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: None

DISCLOSURES: **Commissioner Daulton** drove to the Hundal Subdivision.
Commissioner Reed met with the applicant for item 1, the Hundal Subdivision.
Vice Chairperson McDonald drove up to the Hundal property.
Commissioner Yee rode his bicycle up to the Hundal property and looked around.
Chairman Steckler also drove up to the Hundal property and had a meeting 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 None

**PUBLIC/ORAL
COMMUNICATIONS** None

PUBLIC HEARING ITEMS

Item 1. **HUNDAL SUBDIVISION – 45089 Cougar Circle – PLN2018-00069** – To
(00:03:15) consider staff's recommendation to deny a request to amend Planned District P-84-14 and Tentative Parcel Map No. 8389 to increase the total number of single-family residential lots in the Planned District from 214 to 217 by subdividing an existing 7.76-acre parcel located at 45089 Cougar Circle into four separate lots in the Mission San Jose Community Plan Area, and to consider an exemption from the requirement of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 in that CEQA does not apply to projects which a public agency rejects or disapproves.

Planning Manager Kristie Wheeler introduced the item and **Principal Planner Joel Pullen** as sitting in for the project planner, James Willis, who was not present.

Roger Shanks, land consultant, gave a brief presentation on behalf of the applicant and responded to questions from the Commission.

Chairperson Steckler opened the public hearing.

Steve Ichikawa, Fremont resident, spoke in opposition to the project. He submitted into record a petition (attached) signed by 130 residents and the document he read from listing their grievances.

Karen Ichikawa, Fremont resident, read aloud a letter from her college-age daughter who wrote about the open spaces around her family home on Boar Circle and how it affected her environmental consciousness and awareness. Mrs. Ichikawa advocated against the project.

Sanjay Radia, Fremont resident, spoke in opposition to the project by re-emphasizing several points made by Mr. Ichikawa during his time at the podium. These points related to Measure A, environmental impact, density, and the premium paid by original owners for homes with views of the hills.

Donald Li, Fremont resident, read aloud a letter he wrote to the Planning Commission opposing the project. The letter was included in the agenda packet, on page 63.

Sukanya Ray, Fremont resident, spoke in opposition of the project by reiterating the points made by previous speakers.

Chairperson Steckler invited the applicant back for rebuttal.

Roger Shanks addressed issues related to Measures A and T, stating that the proposed project was not in violation of those two measures and gave argument. He also said that if the project was able to move forward, an environmental review would be done to assess possible impacts to the ecosystem in that area. Mr. Shanks also

spoke to the topics of infrastructure, street access, and visibility studies that would be done to determine what impact the proposed project would have on individual units.

Chairperson Steckler closed the public hearing.

Vice Chairperson McDonald moved to approve staff recommendation to deny the project and **Commissioner Yee** seconded.

IT WAS MOVED (MCDONALD/YEE) AND CARRIED BY THE FOLLOWING VOTE (4-1-0-1-0-1) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15270, WHICH EXEMPTS PROJECTS THAT WILL BE REJECTED OR DISAPPROVED;

AND

DENIED THE APPLICATION TO AMEND PRECISE PLANNED DISTRICT P-84-14, BASED ON FINDINGS SPECIFIED IN FMC SECTIONS 18.110.070 AND 18.225.050;

AND

DENIED THE APPLICATION FOR A TENTATIVE PARCEL MAP AS SHOWN IN EXHIBIT “A” BASED ON FINDINGS SPECIFIED IN FMC SECTION 17.20.200.

The motion carried by the following vote:

AYES: 4 – Daulton, McDonald, Steckler, Yee

NOES: 1 – Reed

ABSTAIN: 0

ABSENT: 1 – Rao

RECUSE: 0

VACANCY: 1 – pending appointment

- Item 2. **FEE DEFERRAL PROGRAM AMENDMENT – Citywide – PLN2019-00309** –
(00:41:52) To consider a recommendation to the City Council of a City-initiated Zoning Text Amendment to amend FMC Chapter 18.290 (Development Impact Fees) and FMC Chapter 18.165 (Density Bonus and Affordable Housing Incentives) to modify the timing of payment of development impact fees for certain types of development projects, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the proposed amendments are not a project which has the potential to cause a significant effect on the environment.

Planning Manager Kristie Wheeler introduced the item.

Principal Planner Joel Pullen gave a brief presentation and responded to questions from the Commission. **Planning Manager Wheeler** also responded to questions

from the Commission and gave a verbal response to an email exchange between staff and Vice Chairperson McDonald, as it was just responded to prior to this meeting.

Chairperson Steckler opened the public hearing.

Isaak van Kempen, Fremont resident, spoke in support of the Fee Deferral Program Amendment by sharing the details of his family’s situation as it relates to building a home that would be subject to nearly \$70,000 in impact fees.

Chairperson Steckler closed the public hearing.

Vice Chairperson McDonald moved to approve staff recommendation with an additional exclusion that applies to units under 700 square feet. **Commissioner Daulton** seconded.

IT WAS MOVED (MCDONALD/DAULTON) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-1-0-1) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15061(B)(3) IN THAT THE PROPOSED ORDINANCE AMENDMENTS ARE NOT A PROJECT WHICH HAS THE POTENTIAL TO CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

AND

RECOMMENDED THAT CITY COUNCIL ADOPT AN ORDINANCE, AS SHOWN IN EXHIBIT “A,” APPROVING THE PROPOSED ZONING TEXT AMENDMENT PLN2019-00309 TO AMEND FMC CHAPTER 18.290, DEVELOPMENT IMPACT FEES, AND FMC CHAPTER 18.165, DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVES, TO ONLY ALLOW AFFORDABLE HOUSING AND NON-RESIDENTIAL DEVELOPMENT TO DEFER PAYMENT OF DEVELOPMENT IMPACT FEES AFTER BUILDING PERMIT ISSUANCE.

The motion carried by the following vote:

AYES: 5 – Daulton, McDonald, Reed, Steckler, Yee
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Rao
RECUSE: 0
VACANCY: 1 – pending appointment

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff:
 - **Planning Manager Wheeler** announced that the next Planning Commission meeting is scheduled for June 27, 2019. The only item that night will be the Irvington BART Station Area Plan, with the responses and analysis to the comments previously submitted by Vice Chairperson McDonald.
- Actions from City Council Regular Meetings: None
- Information from Commission:
 - **Commissioner Daulton** asked if there was a formal referral process in place, in which a Planning Commissioner could request a topic to be agendaized for discussion and subsequently passed onto the City Council for consideration. **Planning Manager Wheeler** explained that City staff could only be directed by the City Council to make changes to the General Plan or Zoning Ordinance, but that she would look into the matter and report back to the Commission in July, as to what the process would be.

ADJOURNMENT

Meeting adjourned at 8:05 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Kristie Wheeler, Secretary
Planning Commission

Vineyard Hills Community Opposed to the proposed Hundal Subdivision

We strongly oppose the Hundal Subdivision proposal (FileNo: PLB2018-00069) and recommend it be denied for the following reasons:

1. **Violates Measure A (1981):** The proposed subdivision is in direct violation of Measure A, approved in 1981, and related sections of the Fremont Municipal Code that requires hillside open space be preserved thereby limiting the Hundal property to one single-family home.
2. **Subdivision precedent:** This subdivision would set a precedent for future subdivision in other lots in Fremont and continue to negatively impact the environment and the overall housing density that the city has been trying to balance. Allowing the subdivision will jeopardize the enforcement of voter approved Measure A (1981) and Measure T (2002).
3. **Environmental Impact:** We believe the environmental impact will be negative causing loss of space for the wildlife that continues to be pushed out of their own habitats with all the current development. We have seen deer, coyotes, foxes, bobtail cats, other wildcats, jack rabbits, wild turkey, and of course, squirrels, all living/roaming the area. These sightings occur regularly though noticeably decreasing over the years. In 1985, the City of Fremont planning decision made a good choice on a balance of housing density and nature - ***let's not reverse that good decision.***
4. **The view of Mission Hills will be impacted:** Some of us who are adjacent to the Hundal property have carefully selected our house location in Vineyard Hills community and paid a substantial ***premium*** to buy our lot which had a direct view of Mission Hills. Over the years, we have carefully done landscaping to preserve the view. For some of us, although not directly next to the Hundal property, our view of Mission Hills, that we dearly treasure, may also be impacted.
5. **Unfairness:** If the subdivision is made it will benefit one individual, at the expense of several families, most of whom are elderly retirees who have invested decades into their homes. Mr Hundal, when he bought the lot and property, knew it was zoned for one house and it is unfair of him ask for this change now.

Vineyard Hills Homeowners Opposed to the proposed Hundal Subdivision
(FileNo: PLB2018-00069), signatures continued

Name	Address	Signature	Date
MALA RANGANATHAN	792 BOAR CIR	Mala Ranganathan	6/9/19
AXEL BRISKEN	764 BOAR CIR	Axel F. Brisken	6/9/19
BRUCE BROWN	45296 ELK CT	Br Brown	6/9/19
PRADEEP GANDHI	45248 ELK CT	Pradeep Gandhi	6/9/19
Mei-ken Lee	45264 ELK CT	Mei-ken Lee	6/9/19
RATAN SEN GUPTA	45216 ELK COURT	R Sen Gupta	6/9/19
SHIKHA SEN GUPTA	45216 ELK COURT	Shikha Sen Gupta	6/9/19
IGOR TRYNDY	638 BOAR CIR	Igor Tryndy	6/9/19
Ming Louie	610 Boar Cir	Ming Louie	6/9/19
Ramesh Naalimgh	582 BOAR CIRCLE	Ramesh Naalimgh	6/9/19
Javali Bokka	45144, RAM CT	Javali Bokka	6/9/19
Kevin Langenberg	603 Boar Circle	Kevin Langenberg	6/9/19
Min Li	617 Boar Cir	Min Li	6/9/19
Wendy Wee	645 Boar Cir	Wendy Wee	6/9/19
MUNESH PATEL	707 BOAR CIR	Munesh Patel	6/9/19
Rekha Kantaria	759 Boar Cir	Rekha Kantaria	6/9/19
DINESH K	759 Boar Cir	Dinesh K	6/10/19
JAMES LEE	745 BOAR CIR	James Lee	6/10/19
Sulzin Teng	731 BOAR CIR	Sulzin Teng	6/10/19
Ravina Kohli	725 Boar Cir	Ravina Kohli	6/10/19
RASIV CHUGH	713 BOAR CIR	Rasiv Chugh	6/10/19
MADHAN NEETHIRAJ (RENDY)	707 BOAR CIR	Madhan Neethiraj	6/10/19

Vineyard Hills Community Opposed to the proposed Hundal Subdivision
(FileNo: PLB2018-00069), signatures

Name	Address	Signature	Date
EDWARD KAM	851 BOAR CIR.		6/9/2019
Aili Li	875 Boar Cir.		6/9/2019
David Chen	875 Boar Cir.		6/9/2019
Sangay Radic	883 Boar Cir.		6/9/2019
GEORGE LIOT	895 Boar Cir.		6/9/19
PRAVEEN BHATIA	909 Boar Cir		6/9/19
STEVE ICHIKAWA	931 Boar Cir		6/9/19
NICOLAS SINGH	946 Boar Circle		6/9/19
Meena Bhatia	909 Boar Circle		6/9/19
Jeremy Singh	946 BOAR CIRCLE		6/9/19
ARVIND SINGH	946 BOAR CIR		6/9/19
Erwin Yuen	960 Boar Cir		6/9/19
Selma Yuen	960 Boar Cir		6/9/19
Khanh Nguyen	45075 Cougar Circle		6/9/19
Trang Nguyen	45075 Cougar Circle		6/9/19
Carolyn Nguyen	45075 Cougar Circle		6/9/19
ROBERT J TISDALE	45083 COUGAR CIR		6/9/19
Su Ling Peng	45071 Cougar Cir		6/9/19
DONALD LI	939 Boar Cir		6/9/19
Liell Li	939 Boar Cir		6/9/19
Chula Hundal	45109 Cougar Cir		6/9/19
DINESH V PATEL	45109 Cougar Circle		6/9/2019

Vineyard Hills Homeowners Opposed to the proposed Hundal Subdivision
(FileNo: PLB2018-00069), signatures continued

Name	Address	Signature	Date
Rajeshwari	Leslog Cungen CV	RAJESHWARI	6-9-19
Diane Lawrence	45125 Cougar Circle	D.M. Lawrence	6-9-19
Anand Birje	45135 COUGAR CIRCLE	Anand Birje	6/9/2019
Pareezad Birje	45135 Cougar Circle	P Birje	6/9/2019
Sahar Qaem	955 Boar Circle	Sahar Qaem	6/9/19
Fraidun AKhi	955 Boar circle	Fraidun Akhi	6/9/19
KAREN ICHIKAWA	931 Boar Circle	Karen Ichikawa	6/9/19
Cristina Martins	890 Boar Cr.	Cristina Martins	6/9/19
Vikram Gupta	890 Boar Cr.	Vikram Gupta	6/9/19
Yoko Tanno-Lim	895 Boar Cir	Yoko Tanno-Lim	6/19/19
Peter Santiago	876 Boar Circle	Peter Santiago	6/9/19
Nisha Saljan	876 Boar Cir	Nisha Saljan	6/19/19
Madhu Mitter	862 BOAR CIR	Madhu Mitter	5/9/19
Michelle Wen	820 Boar Cir	Michelle Wen	6/9/19
Riddhi Patel	806 Boar Cir	Riddhi Patel	6/9/19
Kaushik Patel	806 Boar Cir	Kaushik Patel	6/9/19
R. C. Patel	806 Boar Cir	R. C. Patel	6/9/19
R. C. Patel	806 BOAR CIR	R. C. Patel	6/9/19
VIVASVAT KESWAN	827 BOAR CIR	Vivasvat Keswan	6/9/19
DEEPA KALANI	827 BOAR CIR	Deepa Kalani	6/9/19
Chor Teck Law	843 Boar Cir	Chor Teck Law	6/9/19
Sukhleen Soh	843 Boar Cir	Sukhleen Soh	6/9/19
Denise Kam	851 Boar circle	Denise Kam	6/9/19

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(FileNo: PLB2018-00069), signatures


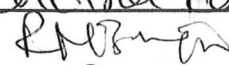
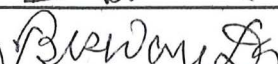

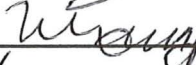
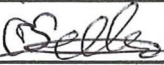
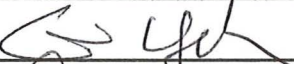
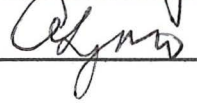
Name	Address	Signature	Date
Jing-Huey Lee	947 Boar Circle		6-9-19
Fanny Lee	947 Boar Circle		6/9/19
Dora Huang	45054 Centage Dr.		6/9/19
KITTY NG	835 BOAR CIR		6/10-19
LATHA RAO	834 BOAR CIR		6/10/2019
SUKANYA RAY	932 BOAR CIR.		6/10/2019
Ronnie Ray	932 Boar Circle		6/10/2019
Mamta Singh	923 Boar Circle		6/10/19
W. C. Peng	45071 Cougar Circle		6/11/19
Daniel Peng	45071 Cougar Cir		6/11/19
Young Ta Wu	45107 Cougar Cir		6/11/19
RIYA NAIR	9967 HUNTER LANE		6/11/19
Vikrama Harish	9977 Hunter Ln		6/11/19
FAROOH KHALID	45147 COUGAR CIR.		6/11/19
Sara Khalid	45147 Cougar Cir		6/11/19
DOANH NGUYEN	45165 COUGAR CIR		6/11/19
H. Smith	45177 Cougar Cir		6/11/19
R. Koo	45183 COUGAR CIR.		6/11/19
Suying Wu	45138 Cougar Cir		6/11/19
	"	Wei-Chih Tseng	6/11/19
Bonita Tseng	"45138 Cougar Cir"		6/11/19
Rakha Patel	816 Beaver Ct	R. Patel	6/12/19

Vineyard Hills Community Opposed to the proposed Hundal Subdivision
(FileNo: PLB2018-00069), signatures

Name	Address	Signature	Date
Yogi Ranade	45332 Whitetail Ct		6/10/2019
Pradyo Ranade	" " "		6/10/2019
ADAM CHOU	45340 whitetail		6/10/2019
Christine chon	"		6/10/19
Manmohan M, H	45348 Whitetail Cr.		6/10/19
Monika Thakur	45364 Whitetail ct		6/10/19
Anil Thakur	45364 Whitetail		6/10/19
Tarun Verma	45357 Whiteford		6/10/19
Arifa Verma	45357 Whiteford		6/10/2019
JYOTI PATEL	787 BOAR CIR		6/10/19
UJWALA PATEL	787 BOAR CIR		6/10/19
Gul Rehm	44979 Cougar Cir		6/11/2019
ANAND SUNDARAM	44931 COUGAR CR		6/11/2019
CHITRA SWAMINATHAN	SAME		6/11/2019
Shyram Stuelala	44949 Cougar Cir		6/11/2019
Nivanda Shukla	"		6/10/2019
Umesh Sharma	44913 Cougar cir		6/10/2019

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Vineyard Hills Community Opposed to the proposed Hundal Subdivision
(FileNo: PLB2018-00069), signatures

Name	Address	Signature	Date
Yogesh Patel	848 BOAR Cir		6/9/19
Chetna Patel	45114 Cougar Cir	Chetna Patel	6/9/19
RAM SINGH	45162 Cougar Cir		6/9/19
Dayanand Prasad	45132 Cougar Cir	D Prasad	6/9/19
BISWAJIT DATTA	45126 COUGAR CIR		6/9/19
HARSHAD PATEL	45102 COUGAR CIR	Hrshad Patel	6/9/19
Mehinur Bhatia	45078 Cougar Cir		6/9/19
Olga Baranich	45060 Cougar Cir		6/9/19
Manmohan Rai	45054 Cougar Cir	Manmohan Rai	6/9/19
Edward OHYS	45048 Cougar Cir	Edward	5/9/19
MAHEET BOONNA	45042 Cougar	Mahheet	5/9/19
Erwin Bellas	44982 Cougar Circle		6/9/19
Alex Yeh	44958 Cougar Cir		6/9/19
Alex Yeh	44940 Cir		6/9/19

