



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF APRIL 26, 2018**

- CALL TO ORDER:** Chairperson Dorsey called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Dorsey, Commissioners Cavette, Karipineni, Leung, McDonald, Reed, Steckler
- ABSENT:** None
- STAFF PRESENT:** Wayne Morris, Assistant Planning Manager
Erik Ramakrishnan, Deputy City Attorney
Joel Pullen, Senior Planner
Bill Roth, Associate Planner
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Commissioner Leung** moved to approve minutes for the regular meetings of March 22 and April 12, 2018 and **Commissioner McDonald** seconded. Motion carried unanimously with Vice Chairperson Karipineni abstaining, due to her absence from both meetings.
- DISCLOSURES:** **Commissioner Cavette** drove around the sites of Items 1 and 2.
Commissioner Leung drove around the sites of Item 1 and 2.
Commissioner McDonald drove around the sites of Items 1 and 2, and met with the applicant of Item 1.
Vice Chairperson Karipineni drove the sites of Items 1 and 2
Commissioner Steckler walked the properties of Items 1 and 2.
Chairperson Dorsey drove by Items 1 and 2, and met with the applicant of Item 1.

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. **MISSION CHEVRON – 38010 Mission Boulevard - PLN2016-00262** – To
(00:05:12) consider a Conditional Use Permit and Discretionary Design Review Permit for a gasoline service station and car wash facility consisting of six double-sided fuel pumps, a 2,000-square-foot convenience store, a 2,000-square-foot retail space, two automated car wash tunnels, and associated site improvements in the Niles Community Plan Area, and to consider a finding that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects.

Assistant Planning Manager Wayne Morris introduced the item.

Senior Planner Joel Pullen gave a brief presentation and responded to questions from the Commission. **Noe Veloso**, Principal Transportation Engineer for the City of Fremont, responded to questions related to traffic in proximity to the project.

Jim Rubnitz, representing the applicant/business owner, spoke briefly to the project, in addition to the following individuals:

- **Brett Walinski**, Principal with Hexagon Transportation Consultants, Inc.
- **Muthana Ibrahim**, President and CEO of MI Architects, Inc.

Chairperson Dorsey opened the public hearing.

Joe Johnston, Fremont resident, asked about the sound wall and the hopeful removal of an existing tree, adjacent to his property on Sycamore Street.

Jim Rubnitz responded that the sound wall would be a six-foot concrete masonry unit (CMU), and that the dryers for the carwash would be at least 15 feet from the sound wall. He assured Mr. Johnston that they would adhere to the City's requirement with regards to decibel levels and would try to accommodate his request in the removal of the adjacent tree.

Chairperson Dorsey closed the public hearing.

Commissioner Cavette expressed concern over the proximity of the building to the corner of Mission Boulevard and Niles Canyon Road, saying she would prefer that the building be set back farther from Mission Boulevard.

Commissioner Reed moved to approve staff recommendation, including the Gold Sheet (attached), and encourage the applicant to include a second electric vehicle charging station and to explore the possibility of repositioning the commercial/retail building farther back. **Commissioner Steckler** seconded.

Commissioner Cavette asked if Commissioner Reed would accept a friendly amendment, requiring Caltrans to approve the two left turn lanes on the north side of the property (one exiting the property and the other allowing entrance onto the property) prior to the issuing of a building permit. **Commissioner Reed** declined, saying he was loath to make it a condition of approval, as the applicant indicated that Caltrans would not commit to the reconfiguration of lanes prior to approval of the plans.

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

AND

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15332, INFILL DEVELOPMENT PROJECTS, BECAUSE THE PROJECT WOULD BE CONSISTENT WITH THE GENERAL PLAN AND ZONING ORDINANCE; PROPOSED DEVELOPMENT WOULD OCCUR ON A SITE NO GREATER THAN FIVE ACRES SUBSTANTIALLY SURROUNDED BY URBAN USES; THE SITE HAS NO HABITAT VALUE FOR ENDANGERED, RARE OR THREATENED SPECIES; APPROVAL WOULD NOT RESULT IN SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY AND WATER QUALITY; AND THE SITE IS ADEQUATELY SERVED BY UTILITIES AND PUBLIC SERVICES. ADDITIONALLY, FOR REASONS STATED IN THE STAFF REPORT, THERE ARE NO ANTICIPATED PROJECT-SPECIFIC SIGNIFICANT EFFECTS WHICH ARE PECULIAR TO THE PROJECT OR ITS SITE;

AND

APPROVED THE CONDITIONAL USE PERMIT PLN2016-00262 AS SHOWN IN EXHIBIT “A,” BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS IN EXHIBIT “B;”

AND

APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT PLN2016-00262 AS SHOWN IN EXHIBIT “A,” BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS IN EXHIBIT “B.”

The motion carried by the following vote:

AYES: 6 – Dorsey, Karipineni, Leung, McDonald, Reed, Steckler
NOES: 1 – Cavette
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

Chairperson Dorsey called for a brief recess at 8:30 p.m. and reconvened the meeting at 8:37 p.m.

Item 2. **BEARD COMMON – 33650 Beard Court - PLN2016-00392** - To consider a
(01:37:25) Planned District Amendment, Vesting Tentative Tract Map No. 8333, and a Private Street to allow the development of five single-family detached houses on an approximately 0.6-acre site at 33650 Beard Court in the North Fremont Planning Area, and to consider a categorical

exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects.

Assistant Planning Manager Wayne Morris introduced the item.

Associate Planner Bill Roth gave a brief presentation and responded to questions from the Commission.

Commissioner McDonald expressed concern over the proximity of Interstate 880 to the project site and its effects on air quality.

Arvind Goel, applicant, gave a brief presentation and spoke specifically to the history of the project site.

Chairperson Dorsey opened and closed the public hearing, as there were no requests from the public to speak.

Commissioner Leung moved to approve staff recommendation and **Commissioner Karipineni** seconded. Motion carried.

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

AND

RECOMMENDED THAT THE CITY COUNCIL:

FIND THE PROJECT IS CATEGORICALLY EXEMPTED FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15332, INFILL DEVELOPMENT PROJECTS;

AND

DETERMINE THAT WHILE AN OUTDOOR LDN OF 60 DB(A) OR LOWER IN THE ACTIVE RECREATION AREAS AT THE REAR OR SIDE YARDS OF THE NEW HOUSES CANNOT BE ACHIEVED AFTER THE APPLICATION OF APPROPRIATE MITIGATIONS, AN LDN OF 65 DB(A) IS PERMITTED FOR THESE AREAS FOR THE REASONS DESCRIBED IN THE STAFF REPORT;

AND

INTRODUCE AN ORDINANCE AMENDING PLANNED DISTRICT P-78-3 TO ALLOW THE DEVELOPMENT OF FIVE SINGLE-FAMILY DETACHED HOUSES ON SEPARATE LOTS WITHIN THE 0.6-GROSS-ACRE PROJECT SITE, AS DEPICTED ON ENCLOSURE EXHIBIT “A” (PLANNED DISTRICT AMENDMENT MAP), BASED UPON THE FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “D;”

AND

APPROVE VESTING TENTATIVE TRACT MAP NO. 8333 AND PRIVATE STREET AS SHOWN IN EXHIBIT “C,” BASED ON THE FINDINGS AND

SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D;"

AND

APPROVE THE PROPOSED REMOVAL AND MITIGATION FOR SIX PROTECTED TREES PURSUANT TO THE CITY'S TREE PRESERVATION ORDINANCE, BASED UPON FINDINGS AND CONDITIONS SET FORTH IN EXHIBIT "D;"

AND

DIRECT STAFF TO PREPARE AND THE CITY CLERK TO PUBLISH A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 6 – Dorsey, Cavette, Karipineni, Leung, Reed, Steckler
NOES: 1 – McDonald
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: **Assistant Planning Manager Wayne Morris** stated that the next Planning Commission meeting was scheduled for May 10, 2018.
- Actions from City Council Regular Meetings: None
- Information from Commission: **Chairperson Dorsey** expressed appreciation to the staff for providing hardcopies of the PowerPoint presentations and requested that to continue.

ADJOURNMENT

Meeting adjourned at 9:15 p.m.

SUBMITTED and APPROVED BY:


Kim Salazar, Recording Clerk
Planning Commission


Wayne Morris, Secretary
Planning Commission



NOTES/CORRECTIONS for the April 26, 2018
PLANNING COMMISSION MEETING

***Modifications appear in *italics*, new text is underlined, and deleted text appears as ~~strikethrough~~.**

Item 1. MISSION CHEVRON – 38010 MISSION BLVD - (PLN2016-00262)

Staff requests that the following inadvertently omitted technical conditions be incorporated into the Conditions of Approval:

Conditions of Approval:

Conditions to be satisfied prior to Building Permit issuance:

1. **Improvement Agreement:** The public improvements conditioned as part of this entitlement requires the execution of an Improvement Agreement that guarantees the completion of the public street improvements to the satisfaction of the Director of Public Works. The Improvement Agreement shall be fully executed prior to issuance of Building Permit. This agreement 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. A separate encroachment permit is required for all work in the public right of way.
2. **Street Improvements either to be constructed or included with the Improvement Agreement:**
 - a. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works. Improvements shall include but are not limited to the following: curb & gutter, sidewalk, asphalt pavement, streetlights, fire hydrants, street trees, water, sewer and storm drainage facilities, joint trench facilities, signing and striping, and accessible ramps.
 - b. Developer shall install median on Niles Canyon Road to the satisfaction of Caltrans and the Director of Public Works.
 - c. Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged prior to or during construction of the proposed project.
 - d. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the approved street improvement plans.
3. **Right-of-Way Dedication:** Developer shall dedicate the right-of-way needed to accommodate the ultimate street configuration along the project frontages on Mission Boulevard and Niles Canyon Road to the satisfaction of the Director of Public Works.
4. **Caltrans Encroachment Permit:** The developer shall apply for and obtain a Caltrans (State) encroachment permit for all improvements within the State right-of-way.

5. **Public Service Easement.** Developer shall dedicate a public service easement on Mission Boulevard and Niles Canyon Road to the satisfaction of the Director of Public Works. Project entry and monument signs, bioretention areas, and walls shall not be located within the easement.
6. **Fire Hydrants:** Along the Mission Blvd & Niles Canyon R.O.W., fire hydrant(s) shall be spaced at 300 feet intervals. The distance is measured as the fire engine travels on all-weather surfaces. Fire hydrant head assemblies shall be a Clow Model 860 or equivalent and painted Kelly Moore, Kelguard Safety Yellow.
7. **Grading and Geology:**
 - a. **Coverage Under Statewide Construction General Permit:** Projects involving land disturbance of one acre or more are required to obtain coverage under the “Construction General Permit” (NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities). The applicant must file a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB), prepare and submit a Storm Water Pollution Prevention Plan (SWPPP), and obtain a Waste Discharge Identification number (WDID). A copy of the NOI must be submitted to the City’s Project Engineer prior to issuance of development permits (including demolition, grading, and building permits).
 - b. **Erosion and Sediment Control Plan:** The project plan set must include an Erosion and Sediment Control Plan (ESCP) sheet showing the Best Management Practices (BMPs) to be implemented to minimize pollutant discharges related to construction activity. The ESCP must show the development site at the stage of maximum land disturbance. A copy of the ESCP and/or SWPPP Plan must be maintained on the project site at all times throughout the demolition/grading/construction process; the ESCP and/or SWPPP must be updated as necessary to show adequate BMPs appropriate for the current stage of the project.
 - c. The Project site is within the State of California Seismic Hazard Zone for Earthquake Induced Liquefaction. A geotechnical investigation report addressing the potential hazard shall be submitted and approved by the City’s peer review consultant prior to issuance of the Building Permit. The investigation shall be consistent with the guidelines published by the State of California (CGS Special Publication 117A). Plans shall be designed in conformance with the report.
8. **Stormwater Treatment and Flow Control Facilities:** The Project is required to implement post-construction measures to minimize stormwater pollutant discharges and increases in peak flows in accordance with the requirements of the Municipal Regional Permit (MRP). The Preliminary Stormwater Control Plan provided by the developer as shown in Exhibit A is approved in concept only; the Final Stormwater Management Plan must contain/address all elements of the Final Stormwater Management Plan Checklist (available at www.fremont.gov/swmp). Developer is required to submit engineered plans, details and calculations that demonstrate compliance with Provision C.3 of the Municipal Regional Permit.
9. **Stormwater Treatment Measures Maintenance Agreement:** The project is required to submit a Stormwater Treatment Measures Maintenance Agreement (aka O&M Agreement) for review and approval concurrent with the application for building permits. Template documents and instructions for completing the O&M Agreement may be found at <http://fremont.gov/stormwaterdevelopment>. Submittal of an approved, executed O&M Agreement is required prior to building permit issuance.
10. **Storm:** Developer is required to submit a hydrology map and hydraulic calculations prepared, stamped, and signed by a licensed California Civil Engineer using a design storm of 15-year recurrence interval for primary facilities and 10-year recurrence interval for secondary facilities in accordance with the Alameda County Public Works Agency Hydrology and Hydraulics Criteria to ensure adequate conveyance of storm

run-off from the project site. Off-site construction of storm drainage facilities to mitigate projected flows may be required.

11. **Referrals:** Prior to issuance of the Building Permit the developer shall refer the project to the following agencies for approvals: Alameda County Water District (ACWD); Union Sanitation District (USD); and Caltrans.
12. **Traffic Study:** As required by the Director of Public Works Department, the applicant shall implement recommendations identified in the traffic study dated September 26, 2016, including measures to reduce likelihood of cut-through traffic.
13. **Signing and Striping Plan:** On-site and off-site signing and striping plans shall be approved by the Director of Public Works prior to issuance of building permits. The signing and striping plans must include a general note stating that all signing and striping shall conform to the latest CA MUTCD, Caltrans Standard Plans and Specifications and City of Fremont Standard Details.
14. **Site Distance:** Intersection and driveway design must satisfy adequate sight distances.

RESPECTFULLY SUBMITTED,



WAYNE MORRIS, SECRETARY
PLANNING COMMISSION