



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF AUGUST 23, 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 (arrived at 7:20 p.m.)
- ABSENT:** None
- STAFF PRESENT:** Kristie Wheeler, Planning Manager
Erik Ramakrishnan, Deputy City Attorney
Wayland Li, Senior Planner
Terry Wong, Associate Planner
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Vice Chairperson Karipineni** moved to approved minutes from the June 14 and June 28, 2018 regular meetings and **Commissioner McDonald** seconded. Motion carried.
- DISCLOSURES:** **Commissioner Cavette** drove around the parking lot of item 3 and most of the streets related to item 4.
Commissioner Reed drove by item 3.
Commissioner Leung drove by the proposed site of item 3 and was a visiting member on a few occasions to Resonate Church.
Commissioner McDonald drove through the streets and around the parking lot of item 3.
Vice Chairperson Karipineni drove the streets and around the parking lot of item 3.
Chairperson Dorsey drove around the proposed site for item 3.
Commissioner Steckler had no disclosures.

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

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBERS 1 AND 2.

IT WAS MOVED (REED/CAVETTE) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1 AND 2.

- Item 1. **PALMIA AT MISSION FALLS CONDOMINIUM MAP - 47201 Mission Falls Court - PLN2018-00222** – To consider an amendment to Planned District P-2017-297 and Tentative Parcel Map No. 10810 to allow a previously approved 171-unit rental apartment project (Palmia at Mission Falls) for seniors to be changed to a for-sale condominium project for seniors in the Warm Springs Community Plan Area, and to consider a finding that no further environmental review is required as a Mitigated Negative Declaration was previously prepared and adopted for the Parc 55 project (PLN2014-00045) in accordance with the requirements of the California Environmental Quality Act (CEQA), which adequately addressed the potential impacts of the proposed project and no physical changes to the environment are proposed.

CONTINUED TO A DATE UNCERTAIN.

- Item 2. **DECOTO LUX HOMES - 3057 Decoto Road - PLN2016-00338** – To consider a Planned Unit Development, Discretionary Design Review Permit and Vesting Tentative Parcel Map No.10474 to allow development of four new single family residences and demolition of one existing single-family residence on a 0.60 acre site located in the North Fremont Community Plan 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.

CONTINUED TO THE SEPTEMBER 13, 2018 PLANNING COMMISSION MEETING.

The motion carried by the following vote:

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

**PUBLIC/ORAL
COMMUNICATIONS** None

PUBLIC HEARING ITEMS

Item 3.
(00:05:21)

RESONATE CHURCH - 40650 Encyclopedia Circle - PLN2018-00324 – To consider a Conditional Use Permit to allow the establishment of a religious facility, including a sanctuary with up to 800 seats within an existing building in the Bayside Industrial Community Plan Area, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

Planning Manager Kristie Wheeler introduced the item and brought attention to the Gold Sheet (attached). **Associate Planner Terry Wong** briefly spoke to the project.

Chairperson Dorsey invited the applicant to speak.

John Dutra, of Dutra Enterprises Inc., gave a brief explanation of his association with **Ryan Kwon**, Pastor of Resonate Church, and then invited him to present. Pastor Kwon also responded to questions and comments from the Commission, primarily related to parking.

Chairperson Dorsey closed the public hearing.

It was suggested by **Chairperson Dorsey** and **Vice Chairperson Karipineni** for Pastor Kwon to reach out to the one neighboring tenant, who expressed concern over the possibility of church members utilizing parking stalls beyond those designated for the church.

Commissioner Reed moved to approve staff recommendation, in addition to the Gold Sheet Notes and Corrections. **Commissioner Leung** seconded.

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

AND

FOUND THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES;

AND

APPROVED CONDITIONAL USE PERMIT PLN2018-00324 AS SHOWN ON EXHIBIT “A” SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT “B.”

The motion carried by the following vote:

AYES: 6 – Dorsey, Cavette, Karipineni, Leung, McDonald, Reed

NOES: 0

ABSTAIN: 1 – Steckler

ABSENT: 0

RECUSE: 0

Item 4.
(00:34:57)

SUMMER 2018 CODE AMENDMENTS – Citywide – PLN2018-00269 – To consider adoption of an ordinance amending various chapters of Fremont Municipal Code Title 2 (Administration and Finance) and Title 18 (Planning and Zoning) to clarify and enhance definitions, procedures and standards related to development and use of property within the City, a Zoning Map amendment to clarify the boundaries of various zoning districts, and a resolution amending the Downtown Community Plan to update design criteria for street improvements, infrastructure and development, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the proposed amendments are not a project which has the potential for causing a significant effect on the environment.

Planning Manager Kristie Wheeler introduced the item. **Senior Planner Wayland Li** gave a brief presentation and responded to questions and comments from the Commission. A Gold Sheet showing notes and corrections is attached.

Chairperson Dorsey opened and closed the public hearing, as there were no speakers cards submitted for this project.

Vice Chairperson Karipineni moved to approve staff recommendation and **Commissioner McDonald** seconded.

IT WAS MOVED (KARIPINENI/MCDONALD) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

RECOMMENDED THAT CITY COUNCIL:

FIND THAT THE PROPOSED AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES IN THAT IT IS NOT A PROJECT WHICH HAS THE POTENTIAL TO CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SCH#2010072001) WAS PREVIOUSLY CERTIFIED FOR THE DOWNTOWN COMMUNITY PLAN, AND NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED AS THE PROPOSED AMENDMENTS TO THE DOWNTOWN COMMUNITY PLAN WOULD NOT SUBSTANTIAL CHANGE THE PROJECT AND THERE IS NO NEW INFORMATION THAT WOULD WARRANT ADDITIONAL ENVIRONMENTAL REVIEW;

AND

FIND THAT THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN, INCLUDING POLICIES IN THE LAND USE ELEMENT, AS ENUMERATED IN THE STAFF REPORT;

AND

FIND THAT THE PROPOSED AMENDMENTS FURTHER THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY BY ENSURING CONSISTENCY OF THE FMC, AND ZONING MAP WITH THE GENERAL PLAN, AND STATE LAW, AND PROVIDE FOR ZONING DISTRICT USES AND DEVELOPMENT STANDARDS THAT ARE RELEVANT TO CURRENT DEVELOPMENT TRENDS, EASY TO USE, FLEXIBLE AND EQUITABLE, AND THAT MINIMIZE HEALTH, SAFETY AND OTHER OBJECTIONABLE IMPACTS TO FREMONT RESIDENTS. AMENDMENTS TO THE DOWNTOWN COMMUNITY PLAN WOULD CONTRIBUTE TO A PEDESTRIAN-FRIENDLY AND ATTRACTIVE DISTRICT, WHICH WOULD SUSTAIN AND PROMOTE THE CREATION OF JOBS, SALES TAX REVENUE, AND A DIVERSE AND DYNAMIC LOCAL ECONOMY;

AND

INTRODUCE AN ORDINANCE APPROVING AMENDMENTS TO FMC TITLE 2 (ADMINISTRATION AND FINANCE) AND TITLE 18 (PLANNING AND ZONING), AND AMENDMENTS TO THE ZONING MAP, AS SHOWN ON EXHIBIT "A," FOR CONFORMANCE WITH THE GENERAL PLAN;

AND

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

AND

ADOPT A RESOLUTION APPROVING AMENDMENTS TO THE DOWNTOWN COMMUNITY PLAN TO UPDATE THE DESIGN OF STREETS AND PUBLIC IMPROVEMENTS, AS SHOWN ON EXHIBIT "B."

The motion carried by the following vote:

AYES:	7 – Dorsey, Cavette, Karipineni, Leung, McDonald, Reed, Steckler
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

DISCUSSION ITEMS

Commissioner Leung asked if a new City Manager had been selected, to which **Planning Manager Wheeler** responded that the City Council will consider the appointment of Mark Danaj at their September 4, 2018 meeting.

Commissioner McDonald asked when the *Silicon Sage Centerville Mixed-Use Project* would come before the Planning Commission, to which **Planning Manager Wheeler** said it would be either the end of 2018 or the beginning of 2019. The City is currently preparing a draft Environmental Impact Report, which will require a 45-day public review period when it is ready to be published. The project will first go before the Historical Architectural Review Board for evaluation of the firehouse, prior coming to the Planning Commission.

Commissioner McDonald then asked if a low-income housing project was in process for Irvington. **Planning Manager Wheeler** responded that Adobe Services had purchased a piece of property, which used to house an RV storage lot, and have submitted a preliminary review application for a senior affordable housing project.

Commissioner McDonald finally asked for an update on the Islander Motel project, to which **Planning Manager Wheeler** responded that Associate Planner David Wage, who is the project planner for this item, expects that it will come before the Planning Commission in either October or November.

MISCELLANEOUS ITEMS

Information from Commission and Staff:


- Information from staff:
 - **Planning Manager Kristie Wheeler** introduced newly hired Associate Planner Mark Hungerford, who was in the audience.
 - The next Planning Commission meeting is set for September 13, 2018.
- Actions from City Council Regular Meetings: None
- Information from Commission:
 - **Commissioner Reed** announced the passing of his mother-in-law and asked for a moment of silence in her honor.

ADJOURNMENT

Meeting adjourned at 7:56 p.m.

SUBMITTED and APPROVED BY:


Kim Salazar, Recording Clerk
Planning Commission


Kristie Wheeler, Secretary
Planning Commission



NOTES/CORRECTIONS for the August 23, 2018
PLANNING COMMISSION MEETING

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

Item 3. RESONATE CHURCH - 40650 Encyclopedia Circle – (PLN2018-00324)

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

Staff Report: Page 4:

Parking

FMC Section 18.183.030 requires ~~three~~ one parking space per three seats for religious facilities with more than 150 seats.

Conditions of Approval:

3. There shall be no more than a maximum of 792 seats in the main assembly hall/sanctuary. No child day care shall be permitted except during assembly services on Sundays, ~~and child ministry classes~~.

6. Signed shared parking agreements shall be submitted to the Planning Division for review and final approval prior to occupancy. The maximum occupancy of the main sanctuary is based on the approved number of off-site parking spaces. The off-site parking spaces shall be located within 700 feet of the subject parcel boundaries. If at any point in time, the number of off-site parking spaces becomes deficient (less than 148 parking spaces), the applicant shall notify staff in the Planning Division and reduce the number of seats in the sanctuary until required parking can be provided. Off-site parking agreements shall only be used for Sunday functions. At no time shall weeknight activities require off-site parking.

Item 4. SUMMER 2018 CODE AMENDMENTS - CITYWIDE - (PLN2018-00269)

Staff requests that the following corrections be included in the Staff Report and Exhibit B:

Staff Report: Bullet point number one of the Proposed FMC Text Amendments section on page two of the staff report is hereby corrected to read as follows:

Per direction from the City Council, establishes a streamlined, ministerial permit process to allow existing religious facilities to provide shelter for homeless individuals and families on a temporary basis, as an accessory use. The proposed regulations would provide specific criteria for operation of a temporary shelter with regards to the maximum number of people,

duration, monitoring and other operational controls. The portion of the religious facility that would be used for the temporary shelter would need to meet building and fire code requirements ~~as a residential use~~. At this time, it is unclear how many religious facilities in the City would be able to meet applicable building and fire code requirements. Staff is currently coordinating with several religious organizations to evaluate their facilities to develop an estimate of how many religious facilities in the City may be able to qualify.

Exhibit B – DCP Amendments: Exhibit B is hereby amended to incorporate the following amendments to the Stormwater System section of page 88 of the Downtown Community Plan. The amended page is also attached.

3.4 STORMWATER SYSTEM

With the growing scarcity of water in the west, stormwater has become a critical environmental issue. This Plan is designed to meet ambitious new and pending sustainability goals from the State, County and City. At a minimum, development in the Downtown District will be required to provide storm water treatment in conformance with the San Francisco Bay Regional Water Quality Control Board’s Municipal Regional Stormwater NPDES Permit (MRP) Section C.3 and other applicable regulations. In an effort to meet long term stormwater Green Infrastructure (GI) Plan goals for the City, projects that do not meet the MRP’s “regulated project” definition that requires stormwater treatment shall strongly consider the installation the treatment measures or GI features in the design of the project.

Green Infrastructure Plan

The City of Fremont will approve a Green Infrastructure Plan (GI Plan) in compliance with Provision C.3.j of the MRP. Over the long term, the Plan is intended to describe how City will shift its impervious surfaces and storm drain infrastructure from gray, or traditional storm drain infrastructure where runoff flows directly into the storm drain and then the receiving water, to green—that is, to a more-resilient, sustainable system that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention and other green infrastructure practices to clean stormwater runoff. The design of GI features incorporated in any downtown projects shall be in accordance with the GI guidelines, standard specifications, and typical designs included in the City of Fremont’s Green Infrastructure Plan.

RESPECTFULLY SUBMITTED,



KRISTIE WHEELER, SECRETARY
PLANNING COMMISSION

Benefits of Trees

In addition to tree planting, when possible, efforts should be made to retain existing trees. This will help to preserve and extend the tree canopy and shade in the District. The proposed tree planting is intended to create new, more continuous tree canopy. The shade produced will help to lower ambient temperatures on the walks, roadways, parking areas reducing heat island effect and creating a more comfortable and distinctive district ambiance.

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Public Streets

Stormwater from the public streets will be treated using tree well filters installed at the face of curb. The tree well filter size may be adjusted to accommodate tree spacing and the impervious area being treated based on providing a planter box area equivalent to at least 4 percent of the impervious runoff area.

Bio-retention cells and other vegetation-based treatment methods may be used in intersection bulb-outs and medians to augment the treatment provided by the tree well filters.

Private Development

Individual parcels will be responsible for their own stormwater quality treatment. It is anticipated that standard Best Management Practices will be implemented to provide stormwater treatment. Low impact development and stormwater treatment measures are required as part of the San Francisco Bay Regional Water Quality Control Board requirements. Low impact development measures may include:

- Reuse of water,
- Bio-infiltration areas,
- Bio-retention areas,
- Rain gardens,
- Green roofs,
- Landscaped areas and tree planting, or other methods.