



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF AUGUST 24, 2017**

- CALL TO ORDER:** Chairperson Leung called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Leung, Commissioners Cavette, Dorsey, Karipineni, McDonald, Reed, Steckler
- ABSENT:** None
- STAFF PRESENT:** Wayne Morris, Assistant Planning Manager
Erik Kaeding, Deputy City Attorney
Steve Kowalski, Associate Planner
David Wage, Associate Planner
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Commissioner Reed** moved to approve minutes for the regular meetings of May 25, July 13, and July 27, 2017 as presented. **Commissioner Cavette** seconded and motion carried.
- DISCLOSURES:** **Commissioners Cavette, Reed, McDonald, Steckler,** and **Chairperson Leung** each drove separately by Items 1 and 2. **Commissioner Karipineni** and **Vice Chairperson Dorsey** both drove separately by Item 1.
- CONSENT CALENDAR** None
- PUBLIC/ORAL COMMUNICATIONS** None

PUBLIC HEARING ITEMS

- Item 1. **3900 THORNTON AVENUE - 3900 Thornton Avenue - PLN2017-00035** - To consider Vesting Tentative Tract Map for Condominium Purposes No. 8383, a Conditional Use Permit, and a Discretionary Design Review Permit to allow a new four-story mixed-use development containing a podium garage and four commercial condominium units totaling 7,124 square feet on the ground floor and 54 residential

condominium units on the three upper floors on a vacant 1.05-acre site located at 3900 Thornton Avenue in the Centerville Community Plan Area, and to consider a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332, In-Fill Development Projects.

Assistant Planning Manager Wayne Morris introduced the item and **Associate Planner Steve Kowalski**, who gave a brief presentation. Highlights from the presentation included, but were not limited to the following:

- Project will provide 67 parking spaces on site, with five additional on-street spaces along Post Street.
- Proposed amenities include:
 - A covered patio at the street corner for commercial outdoor seating.
 - Decorative paving at all storefront entrances and driveways.
 - A ground floor leasing office and residential lobby.
 - A residential common courtyard on the 2nd floor furnished with patio furniture, an outdoor kitchen, and exercise equipment.
 - Private storage space and balconies for each residential unit.
- Pedestrian-friendly design intended to activate Post Street and Thornton Avenue, with close proximity/walking distance to:
 - The Centerville Amtrak ACE Station and several bus lines.
 - The Artist's Walk project, with ample commercial prospects.
- Size and scale compatibility to adjacent properties.

Associate Planner Kowalski concluded by saying that the project would redevelop a prime vacant infill site with a mixed-use, high-density project in a TOD overlay district.

Commissioner Cavette requested that the Gold Sheet (notes and corrections) be read aloud, to which **Associate Planner Kowalski** complied, as referenced below:

Staff requests that the following corrections be included in the Conditions of Approval, (new text shows as underlined):

Conditions of Approval: The following condition of approval is hereby added to Exhibit "B" as General Condition #14:

Transportation Demand Management. Prior to occupancy, the project shall include one transportation demand management (TDM) measure to promote the use of alternatives to automobile travel, and reduce total vehicle trips and vehicle trips during peak hours through site design measures. The project shall maintain participation in a transportation demand management association supporting programs for enhanced transit ridership, biking, and walking, to the satisfaction of the Planning Manager or designee.

Commissioner Cavette then asked for clarification on why only one TDM measure was called for, since the project has 54 residential units.

Deputy City Attorney Erik Kaeding explained that the standard condition of approval was applied, but that it was within the discretion of the Planning Commission to increase that number as part of their motion.

Commissioner Cavette also asked about green open space for children.

Associate Planner Kowalski explained that though common open space is a requirement, it is not specified as to the age group it must be designed for, and that the applicant could better respond to the question.

Commissioner Reed asked if the color and massing were compatible to the adjacent Artist's Walk project, if a ridesharing spot was included in the plans, and about the number of electrical-vehicle (EV) recharging stations.

Associate Planner Kowalski responded that both projects have a similar blue/grey color scheme, though the shades may vary slightly. He also confirmed one ridesharing spot was included in the plans and that they will have seven EV stations.

Commissioner Steckler commented on the number of parking spaces intended for the site (72 in total) in conjunction with the number of residential units (54). He then referenced the history of the site and asked if any soil mitigation and/or research had been done in case any contamination existed.

Both **Associate Planner Kowalski** and **Assistant Planning Manager Morris** responded by acknowledging the history of the parcel and assured the Commission that an environmental scientist and the City's Hazardous Materials Unit have reviewed and evaluated the project site, to which the Environmental Site Assessment conducted for the project concluded that there were no recognized environmental conditions.

Commissioner McDonald asked if the project would offer recycling and/or green recycling, and if the applicant would be paying Level III fees. She also commented on parking for the commercial uses and asked if a covenant could be put in place for a small grocery store or corner market to be a commercial tenant.

Associate Planner Kowalski responded to the waste management question, saying that each residential level would be equipped with garbage and recycling chutes, as well as "green bins" for organic waste.

Assistant Planning Manager Morris responded to the subsequent question regarding Level III fee, saying that the applicant would pay the applicable fees in place at the time they pulled a building permit. He also acknowledged her comments on parking and request for a corner grocery store by explaining the difficulties in

putting a covenant on a piece of property and the parking limitations of the Transit Oriented Development (TOD) Overlay District's development standards.

Deputy City Attorney Kaeding added that the way to restrict use is through the Zoning Ordinance and that the Commission may impose anything that is legally permissible under that ordinance. He then said that the City cannot acquire an ownership interest in the form of a covenant without a nexus.

Commissioner McDonald then commented on the 15 one-bedroom residential units, which are all designed with studies and/or dens and expressed concern over people utilizing them as second bedrooms.

Assistant Planning Manager Morris acknowledged that possibility, and then spoke to the vision for Fremont in creating more one and two, bedroom options for residents as opposed to larger, more expensive floor plans.

Commissioner Karipineni asked if a time limit could be imposed for on-street parking near the project site to accommodate the commercial elements of the area.

Assistant Planning Manager Morris said that the City of Fremont does not currently limit parking, but that it may eventually become an issue as the City becomes more urban. **Deputy City Attorney Kaeding** added that an ordinance would have to be drafted in order to restrict street parking and if the Commission wished to discuss it further, they would need to request a referral of the topic for a future meeting, in conformance of the Brown Act.

Commissioner Cavette asked if the Smiths at Dale Hardware were brought into the discussion about the project, as their parking lot may be impacted by the development in the area.

Assistant Planning Manger Morris said that the Smiths would have received a postcard notifying them of tonight's hearing on the project, along with other business owners and/or residents within a 300 foot radius of the site. He added that it was not the usual and customary practice for City Staff to reach out directly to property and/or business owners, but that the applicant may have done so and could respond to the question in turn.

Commissioner Cavette then asked if staff had a sense or indication of whether or not people were over-occupying condominiums versus apartments units, to which **Assistant Planning Manger Morris** said they have no evidence to confirm, but have heard that it happens.

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

Scott Prickett, of SDG Architects, spoke to the design of the project stating that a main objective was to create a massing juxtaposition of different forms and heights to

create energetic streetscape, and through materials and colors to create a visual step down towards the Artist's Walk project.

Highlights from the presentation included, but were not limited to:

- The ground floor will consist of:
 - Four commercial spaces, with three storefronts on Thornton Avenue and one on Post Street.
 - A brick veneer base wrapped around the building at the sidewalk level with patterned storefront glass.
 - Common spaces for bikes, utilities, a lobby, an office, and two elevators.
- Four upper floors will be comprised of 18 residential units on each level, and a centralized common open space on the second floor; amenities will include:
 - An outdoor kitchen and bar area.
 - Outdoor seating and dining space.
 - Outdoor games and ping-pong area.
 - A raised deck around the perimeter for lounging.
- Comparable height and color scheme to adjacent Artist's Walk project.
- Landscaping will include decorative trees along the perimeter, shrubbery, planters and a seating area adjacent to the street corner.
- Parking will be underneath and behind the building, concealing it from street view.

Mr. Prickett clarified that the common open space was intended for family gatherings and not for a children's play area, and confirmed that refuse enclosures were accessible for both commercial and residential use, with a dedicated chute for organic waste material. He concluded by introducing the applicant, George Zhang.

Commissioner Cavette expressed concern with the residential balconies being used for storage and asked if the applicant would agree to have a line item in the Home Owners Association (HOA) Ordinance restricting visible storage on balconies.

George Zhang agreed that something would be put in the HOA Ordinance to restrict storage on balconies.

Commissioner Cavette then asked if all tenants would be provided individual sub water meters, to which **Mr. Zhang** confirmed they would.

Commissioner Cavette then commented on the blank wall facing the Carl's Jr. restaurant on Thornton Avenue and asked if some visual interest could be incorporated into the design.

Scott Prickett responded that the wall would be articulated to some extent with materials, though he acknowledged the visual void, and explained that the California Building Code does not allow for windows to be placed that close to the property line.

Commissioner Cavette finally commented on the lack of green open space for children and asked about the applicant's expectations regarding residents.

George Zhang stated that their target market was for singles, young couples, and seniors, and though they do have an open space on the podium level, it was not specifically designed for children.

Vice Chairperson Dorsey asked about the property owner's willingness to provide bus passes as a condition of approval (Condition No. 12). Discussion ensued between her, **Scott Prickett**, **Steve Kowalski**, and **Assistant Planning Manager Morris** regarding the imposition of said condition.

Vice Chairperson Dorsey then suggested that a mural be painted on the blank wall to remedy the issue brought up by Commissioner Cavette, and concluded by asking if the project was equipped for solar energy, to which Mr. Prickett confirmed it was.

Chairperson Leung asked if residents would have assigned parking, to which **Assistant Planning Manager Morris** said they will not.

Commissioner McDonald asked what would prevent a tenant from having more than one car and utilizing multiple parking spaces.

Assistant Planning Manager Morris said that one parking decal would be issued for each of the 54 residential units and that a good property manager would help control any parking abuses.

Chairperson Leung asked what kind of businesses or merchants the applicant envisions for the commercial space, to which **Mr. Zhang** responded that he does not have a clear target, but is looking for something similar to the Artist's Walk. **Assistant Planning Manager Morris** added that the commercial space for the Artist's Walk project is intended for services that the residents can utilize daily, (e.g. donut shop, coffee house, fitness club, etc.).

Both **Commissioners Reed** and **Cavette** offered suggestions on improving the aesthetics of the project, such as adding a seascape/marine life mural to the blank wall and softening the dark blue color and the angular design at the Post Street elevation.

Chairperson Leung closed public hearing.

Commissioner Reed moved to approve staff recommendation, including Gold Sheet changes and/or corrections as presented. **Commissioner Steckler** seconded and the motion carried.

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

AND
FOUND THAT THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT FROM CEQA IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332, IN-FILL DEVELOPMENT PROJECTS, AND FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND
FOUND THAT THE PROPOSED VESTING TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES NO. 8383 AS SHOWN IN EXHIBIT "A" IS CONSISTENT WITH THE GOALS, POLICIES AND IMPLEMENTATION ACTIONS OF THE CITY OF FREMONT'S GENERAL PLAN. GOVERNMENT CODE SECTION 66474 AND FMC SECTION 17.20.200 PROVIDE THAT A TENTATIVE MAP APPLICATION MUST BE DENIED IF CERTAIN SPECIFIED FINDINGS ARE MADE. NONE OF THOSE FINDINGS CAN BE MADE IN THIS INSTANCE AS SET FORTH IN THIS REPORT AND EXHIBIT "B;"

AND
FOUND THAT, PURSUANT TO GOVERNMENT CODE SECTION 66473.5, THE PROPOSED VESTING TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES NO. 8383, TOGETHER WITH THE PROVISIONS FOR ITS DESIGN AND IMPROVEMENT, IS CONSISTENT WITH THE GENERAL PLAN OR ANY SPECIFIC PLAN FOR THE REASONS STATED IN THE STAFF REPORT;

AND
APPROVED VESTING TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES NO. 8383 AS SHOWN IN EXHIBIT "A," BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B;"

AND
APPROVED THE PROPOSED DISCRETIONARY DESIGN REVIEW PERMIT AS SHOWN IN EXHIBIT "A," BASED ON FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B;"

AND
APPROVED THE PROPOSED CONDITIONAL USE PERMIT AS SHOWN IN EXHIBIT "A," BASED ON THE FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B."

The motion carried by the following vote:

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

Chairperson Leung called for a short recess at 8:00 p.m. Meeting was reconvened at 8:07 p.m.

- Item 2. **WARM SPRINGS AREA 3 APARTMENTS - PLN2017-00215** - To consider Vesting Tentative Parcel Map No. 10638 to allow the merger of three lots into two and facilitate the dedication of right-of-way for public improvements, and a

Preliminary Grading Plan and Discretionary Design Review Permit to allow a transit-oriented mixed-use project that includes 422 market rate apartments, 102 affordable apartments and 8,000 square feet of retail space proposed by Fairfield Warm Springs, LLC, and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) as a Final Environmental Impact Report (SCH#2013032062) was previously certified for the Warm Springs/South Fremont Community Plan, and a CEQA compliance checklist was prepared, for the subsequent Old Warm Springs Boulevard South Master Plan, of which the proposed project is a conforming part.

Assistant Planning Manager Wayne Morris introduced the project and gave context as to why the project was coming before the Planning Commission. He explained that Discretionary Design Reviews normally go before the Zoning Administrator, but since the developer did not include a Vesting Tentative Parcel Map and a Preliminary Grading Plan in their application for the Master Plan, the Discretionary Design Review Permit must be considered by the Planning Commission in conjunction with the other entitlements before the Planning Commission.

Commissioner Cavette asked about the relationship between Fairfield and Valley Oak, to which **Assistant Planning Manager Morris** explained that Fairfield bought the parcel of land, as well as the entitlement, from Valley Oak.

Associate Planner David Wage gave a brief presentation on the project. Highlights included, but were not limited to:

- On April 5, 2016, City Council approved the Warm Springs/South Fremont Master Plan, which included this project site within the Master Plan area.
- The General Plan designation for the site is Innovation Center and zoned for a variety of research and development, commercial, and residential uses.
- The residential component will be a mixture of 1, 2, and 3 bedroom units.
- A seven-story parking garage near the center of the site will provide spaces for commercial and residential tenants, as well as residential guest parking.
 - Applicant is proposing 776 parking spaces, which is below the maximum allowance of 1,048.
 - The seventh floor will accommodate a 5,500 square foot roof deck.
- A large plaza area will incorporate open green space, decorative pavers, art, outdoor seating, and a multi-use park.
- Density of the project is approximately 65 units per acre, which is above the required minimum for this area.
- The project will be responsible for street improvements along South Grimmer Boulevard, Old Warm Springs Boulevard, and Tavis Place.
 - Other notable improvements will include the intersection at Old Warm Springs Boulevard and South Grimmer Boulevard, as well as a mid-block crossing connection to a future Inspiration Way site to the west.

- The buildings contemporary urban architecture includes strong vertical elements with modern finishes, in a variety of high quality materials.
 - Recessed balconies and varied roof heights provide visual interest, as well as break-up the building massing.
 - The ground floor will include transparent store fronts with canopies to demarcate the commercial space.

Associate Planner Wage concluded by saying the site is within a quarter mile of BART, positioning a high-density housing project next to public transit.

Commissioner Cavette asked if the residential units in Building A were apartments, to which **Associate Planner Wage** confirmed they were. She then asked if plans for the residential development west of Old Warm Springs Boulevard in the Old Warm Springs Boulevard Master Plan would come back before the Planning Commission for approval, to which Mr. Wage confirmed they would, as that section will contain for-sale units and a condo map will need to be submitted.

Commissioner Cavette then asked about management of the affordable housing units, to which **Associate Planner Wage** deferred to the applicant for a response.

Commissioner Steckler asked if there were any plans for the parcel just northwest of the project, currently being used as a hazmat location for the railroad.

Associate Planner Wage said that the parcel was part of the Warm Springs Innovation District, but that there were no development plans for the site at this time. **Assistant Planning Manager Morris** added that the site was studied as part of the Warm Springs Community Plan area and was found acceptable through the Environmental Impact Report (EIR), which included a Hazard Risk Assessment and anticipated the possibility of residential uses on the subject property. Discussion ensued.

Assistant Planning Manager Morris then brought attention to the Gold Sheet (notes and corrections) regarding this item, which is as follows with modifications appearing in italics, new text as underlined, and deleted text appearing with strikethrough:

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

Conditions of Approval: Condition of approval E-10 is proposed to be modified to more specifically tie the required vacation of right-of-way along Tavis Place to issuance of a building permit for the market rate development. The Tavis Place right-of-way to be vacated is adjacent to the market rate parcel.

E-10. Street Right-of-Way Vacation. A street vacation is required in order to accomplish the land use plan as shown on Exhibit "B". The street vacation process requires further discretionary approval by the City Council, ~~and the project will be~~

~~subject to this process prior to approval of the a Building Permit~~ Prior to issuance of a building permit for the market rate development on Lot 2 of Exhibit "B," the excess right-of-way on Tavis Place shall be vacated to the satisfaction of the City Engineer or designee. A preliminary title report indicates that the City owns the street in fee. The developer shall be required to pay for the vacated street area based on the appraised value. The developer shall pay for all expenses related to the street vacation.

Commissioner McDonald commented on the separation of the affordable housing units from the market rate units and expressed concern over tenants from the affordable housing development having access to certain amenities, such as the clubhouse and pool areas. She then asked how community will be created in that neighborhood.

Associate Planner Wage said that tenants of the affordable housing development will have their own amenities in and around that building, such as a fitness facility and courtyard space. He also noted access to pedestrian walkways throughout the site and the unifying feature of Inspiration Plaza, which will serve the entire community of residents and beyond.

Commissioner McDonald then asked about solar provisions for the property and the possibility of constructing roof gardens atop buildings, as a way to recapture water.

Associate Planner Wage suggested the applicant could better respond to these two queries, but offered explanation on the City ordinance regarding solar, which requires the applicant to either provide a certain percentage of energy through solar panels or reduce their energy consumption through design measures. He also commented on the challenge in designing and accommodating green roofs and noted the current lack of roof gardens in the City.

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

Ed McCoy, Senior Vice President for Fairfield Residential, began by commenting on the development of the property in-line with the City's vision set forth in the 2016 Master Plan and that their company hired the architect, who prepared the Master Plan, to design the project for continuity. Mr. McCoy also responded to some of the questions brought up by Commissioners Cavette and McDonald, which were as follows:

- Fairfield Residential will manage both the affordable housing and market rate sections and will provide on-site staff.
- The affordable housing section will operate separately from the market rate section, though no physical barriers will exist between the two.
- A shared open courtyard will help facilitate a sense of community between the two residential buildings.

- Air conditioning units and other mechanical devices were repositioned to the roof to accommodate landscaping adjacent to buildings, thus roof-top gardens were not a design option.

Mr. McCoy concluded by introducing Maren Moegel, Studio Director and Urban Designer at Studio T Square, to speak to the design of the project.

Maren Moegel began by speaking of the project in context of the Warm Springs/South Fremont Master Plan and specifically to the affordable housing component. Highlights from her presentation were as follows, but not limited to:

- Inspiration Plaza will be positioned as the heart of the neighborhood, accessible to all residents, local employees, and the community at large.
- Parking will be divided into two sections; a podium garage for affordable housing and a wrap-around garage for market rate units and retail guests.
- The ground floor street level will be activated through commercial components along South Grimmer and Old Warm Springs Boulevards, as well as stairs and stoops leading up to residential entries.
- Prominent corner elements will act as a gateway into the project.
- Open spaces will be designed in a variety of ways (i.e. urban, formal, artistic) to create a positive walking experience.
- Common spaces for the two residential sections will feature various amenities, (i.e. fitness center, club room, children’s play structure, and outdoor dining).
- A pathway and courtyard will connect the market rate and affordable housing residential buildings, providing additional common open space.
- Design elements (i.e. materials, textures, colors, roof lines) create a coherent experience between the two residential buildings.
- Varied design elements (i.e. metal panels, bay windows, tile, colors) were used in the restaurant and retail section to enhance the human experience.
- 290 trees will be added to enhance the landscape of the property.

Commissioner Reed commended the developer and architect for the number of affordable housing units and how they were integrated into the design. He then made two recommendations, which were that they keep an eye on start-ups, when building out the commercial component, and to incorporate bollards around the common open areas (e.g. Inspiration Plaza) for safety.

Commissioner Cavette asked where guests for the retail/commercial component would park.

Maren Moegel responded that retail guests would park on the ground floor of the same garage as the market rate residents, which will be located behind the storefronts.

Commissioner Cavette also commented on the pleasant façade variations and the possibility of tenants using balconies on Tavis Place for storage; suggesting that the rental agreement restrict such use. She then asked the following:

- Will the affordable housing residents have access to internet terminals to assist in job searches, and education and skills development?
- Describe the vision and purpose of the Wi-Fi lounge as one of the amenities to the market rate residents.
- One of the amenities is a dog wash, but no place for them to run. Why not?

Ed McCoy responded in turn:

- The affordable housing section will have a room equipped with computer terminals for residents to use.
- The Wi-Fi lounge will provide a place for tenants to access the internet and will be configured with various seating, tables, and outlets for computers and/or I-pads, as well as music, televisions and coffeemakers for enjoyment.
- The developer does try to provide on-site places for pets, and this property has several open spaces, trails, and walkways for dogs to run and play.

Chairperson Leung asked the following:

- What kinds of businesses are envisioned for the commercial or retail space?
- Will the plaza area be open to the public at large and not just the residents?
- Will management of the market rate units and the affordable housing units be done separately or combined?
- Is parking for the affordable housing section located underground?
- Are pets allowed for both market rate and affordable housing units, and is there an additional fee for having a pet?

Ed McCoy responded in turn:

- Businesses that can cohabitate with the plaza and open spaces will occupy the commercial space, e.g. restaurants, delis, dentist, and/or local services.
- The plaza will have an access easement, making it accessible to the general public.
- Separate management teams will oversee market rate and affordable housing units, due to the rules and regulations associated with affordable housing.
- Parking for the affordable housing section is partially underground, with the residential units positioned on top of the podium garage.
- Pets are allowed in both residential sections, though there is a limitation as to breed and size, and a pet deposit is required.

Commissioner McDonald asked if smoking would be permitted in and around residential units and/or open spaces.

Ed McCoy said the project is a smoke-free environment and that all affordable and market rate units will be smoke-free, as well as open spaces.

Chairperson Leung closed public hearing on this item.

Commissioner Reed moved to approve staff recommendation, including notes and corrections from the Gold Sheet. **Vice Chairperson Dorsey** seconded and motion carried.

Chairperson Leung stated that this matter is final, unless appealed to the City Council within ten calendar days.

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

AND

CONSIDERED A FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) § 15183 AND PUB. RES. CODE § 21083.3 AS A FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2013032062) WAS PREVIOUSLY CERTIFIED FOR THE WARM SPRINGS/SOUTH FREMONT COMMUNITY PLAN, AND A CEQA COMPLIANCE CHECKLIST WAS PREPARED FOR THE SUBSEQUENT OLD WARM SPRINGS BOULEVARD SOUTH MASTER PLAN, OF WHICH THE PROPOSED PROJECT IS A CONFORMING PART, AND ALL FEASIBLE MITIGATION MEASURES WILL BE UNDERTAKEN;

AND

FOUND DESIGN REVIEW PERMIT PLN2017-00215 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S EXISTING GENERAL PLAN, WS/SF COMMUNITY PLAN, OLD WARM SPRINGS BOULEVARD SOUTH MASTER PLAN AND WSI ZONING DISTRICT, AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVED DISCRETIONARY DESIGN REVIEW PERMIT PLN2017-00215 AS SHOWN ON EXHIBIT “A,” BASED ON FINDINGS SPECIFIED IN FMC SECTION 18.235.060 AND SUBJECT TO CONDITIONS IN EXHIBIT “C;”

AND

APPROVED VESTING TENTATIVE PARCEL MAP NO. 10638 AND A PRELIMINARY GRADING PLAN AS SHOWN IN EXHIBIT “B,” (SHEET TM-4) BASED ON FINDINGS SPECIFIED IN FMC SECTIONS 17.20.200 AND 18.205.100 AND SUBJECT TO CONDITIONS AS PROVIDED IN EXHIBIT “C;”

AND

APPROVED THE PROPOSED REMOVAL AND MITIGATION FOR 22 PROTECTED TREES PURSUANT TO THE CITY’S TREE PRESERVATION ORDINANCE, BASED UPON FINDINGS SPECIFIED IN FMC SECTION 18.215.070(A) AND SUBJECT TO CONDITIONS IN EXHIBIT “C.”

The motion carried by the following vote:

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

DISCUSSION ITEMS

Commissioner Karipineni asked about the formation of a transportation mobility commission and if the issue of street parking could be addressed in the context of that forum. Discussion ensued between her, **Deputy City Attorney Erik Kaeding**, and **Assistant Planning Manager Wayne Morris**, and **Chairperson Leung**.

Commissioner Karipineni then commented on an e-mail received regarding Royal Palace, to which **Assistant Planning Manager Morris** said that the City issued a Place of Entertainment Permit in lieu of a Conditional Use Permit, which allows the Chief of Police to pull that permit should an occurrence necessitate such action. Mr. Morris will communicate any further updates to the Planning Commission.

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: **Assistant Planning Manager Wayne Morris** said the next Planning Commission meeting is scheduled for September 14, 2017.
 - No reportable actions from City Council meetings.
- Information from Commission:
 - **Commissioner Reed** commented on a letter received by Fremont resident, Nancy Grant, which he read aloud (attached), and asked **Assistant Planning Manager Morris** to look into the issue.
 - **Commissioner Reed** then read allowed an excerpt from an [ESPN article](#) regarding his sister, Desiree Reed-Francois, to whom he expressed affection and congratulations.
 - **Vice Chairperson Dorsey** said she would be hosting the *Chalk the Walks* event on Tuesday, August 29 and listed several community leaders who had RSVP their attendance, and then invited her fellow Commissioners to drop by between 5 and 7 p.m.

ADJOURNMENT

Meeting adjourned at 9:00 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Wayne Morris, Secretary
Planning Commission

4102 Gibraltar Dr.
Fremont, CA 94536

July 31, 2017

To: Fremont Planning Commission
Ripple Leung, Chair
Brannin Dorsey, Vice Chair
Alice Cavette
Kathryn McDonald
Roman Reed
Reshma Karipineni
Craig Steckler
Staff-Kristie Wheeler

The purpose of this letter is to bring to your attention a curb barrier for wheelchair users in the public sidewalk on our side of Gibraltar Dr. in the block between Perkins St. and Fremont Blvd. These curbs are at both sides of the driveway which leads into the parking area for the condos, blocking all wheelchair access to the public sidewalk leading to Fremont Blvd.

My husband Charles Grant and I live at 4102 Gibraltar Drive and I am the original owner of our home built in 1965.

In February 2016 Charles sustained a spinal cord injury and is now a quadriplegic and uses a power wheelchair.

The only way people in wheelchairs can use a sidewalk to go between Perkins St, and Fremont Blvd. is to use our driveway to cross Gibraltar Dr. in the middle of the block and the apartment driveway across the street to access the sidewalk which goes to Fremont Blvd. without barriers.

We do not even have curb cuts at the corner of Perkins and Gibraltar where there are 4 way stop signs.

We urge you to please remedy this dangerous access barrier ASAP in the interest of safety and access.

Thank you for your help.

Sincerely,

Nancy A. Grant
Nancy A. Grant

