



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF JUNE 18, 2015**

**Chairperson Bonaccorsi** attended remotely via telephone. Therefore, all votes were through roll call.

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

**PRESENT:** Chairperson Pentaleri, Commissioners Bonaccorsi, Dorsey, Karipineni

**ABSENT:** Commissioner Leung, Reed, Salwan (recused)

**STAFF PRESENT:** Kristie Wheeler, Planning Manager  
Prasanna Rasiah, Sr. Deputy City Attorney  
Wayland Li, Associate Planner  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Napoleon Batalao, Video Technician

**APPROVAL OF MINUTES:** Regular Minutes of March 12 and April 9, 2015, were approved as submitted with Commissioner Karipineni abstaining from voting on the March 12<sup>th</sup> meeting.

**DISCLOSURES:** **Chairperson Bonaccorsi** and **Commissioner Pentaleri** met with two representatives for Item 1.

**CONSENT CALENDAR** None

**PUBLIC/ORAL COMMUNICATIONS** None

**PUBLIC HEARING ITEMS**

Item 1. **WARM SPRINGS STATION - 44960 Warm Springs Boulevard - PLN2015-00174** - To consider a Master Plan to facilitate development of up to 1,001 residential units and 5,000 square feet of neighborhood commercial uses on a ±34.33-acre property bounded by I-680, Grimmer Boulevard and Warm Springs Boulevard, and located within Planning Area 9 of the Warm Springs/South Fremont Community

Plan, and consider a recommendation that no further environmental review is required to meet the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 as the project is consistent with the density and intensity of development established by the Warm Springs/South Fremont Community Plan for which a Final Environmental Impact Report (SCH#2013032062) was previously prepared and certified.

**Associate Planner Wayland Li** reminded the Commission that this item had been heard at a study session three weeks ago. All future development that was more than five acres must obtain City Council approval of the Master Plan, which was required to show how applicable land-use targets would be achieved over time, how streets, bicycle and pedestrian pathways would interconnect with the overall street network, and provide a plan for interim uses of undeveloped land. The Community Plan was divided into ten planning areas with each planning area assigned a land use mix of either A, B, C or D. A larger vision of the Community Plan Area was to develop 8.5 to 11.6 million square feet (sf) of floor area, which would support 10,000 to 20,000 jobs and be complimented by 2,700 to 4,000 dwelling units (du). This proposed Master Plan would encompass all of Planning Area 9, which was located on the eastern edge of the Community Plan Area and across the street from Warm Springs/South Fremont BART station. It was also bordered by 680 to the east and Grimmer Boulevard to the north. The Master Plan envisioned up to 1,001 du on the site with the greatest residential density closest to the BART station.

Residential mix would include condominiums, apartments, affordable rental units and multi-story buildings that would consist of townhouses and flats. Total 5,000 sf retail space, as well as open space and park land would be included. The parks would be constructed during the first phase along with some residential units. Remainder of the residential units would follow with the subsequent phases. The development targets for Planning Area 9 included the development of 5,000 to 6,000 sf of retail, which would correlate with 10-30 jobs. The Master Plan was in line with the City's targets. The City's thresholds were residential density to exceed 50 du/acre within one-quarter mile of the BART station and 30 du/acre within one-half mile of the BART station. This Master Plan would exceed both of those thresholds.

The city's Affordable Housing Ordinance would be satisfied with 132 affordable onsite rental units with the flexibility to focus towards very low and low income households. Staff had recommended limiting senior housing, since it did not directly contribute towards the Community Plan goal of providing workforce housing within walking distance of employers within the Innovation District.

As pointed out by **Sr. Deputy Attorney Rasiah**, Condition No. 11 included a reference to a development agreement. However, no development agreement had been proposed at this time.

If this Item were approved by the Planning Commission, the City Council was tentatively scheduled to consider the Master Plan on July 21<sup>st</sup>.

**Rick Nelson**, Toll Brothers, introduced architect Rick Williams with Van Meter Williams Pollack, LLP. He stated that they would invest more than \$400 million to kick start and serve as a development catalyst for this Community Plan Area, which would include development of over two acres of parks and open space and paying over \$21 million park fees to help new development and public parks elsewhere in the City. Thousands of new jobs and economic benefits would be created. Toll had reached an historic agreement with the Fremont Unified School District (FUSD) to fully mitigate the junior high school and high school impacts and to also build a new elementary school, which would cost about \$55 million, twice what would otherwise be required. Three architectural firms were working on the plan. Although architectural approval was not being requested, it was important for the Commission to see the architectural images and plans for this project.

The schedule included submitting the Tentative Map in late July/early August with site improvements to start spring 2016 with some vertical construction in late 2016 and first deliveries coming in early 2018. The onsite affordable apartments would be for both seniors and families. Senior housing was being proposed, because it was an underserved, rapidly growing demographic. Benefits would be no school impact and less traffic impacts, along with BART providing easy travel around the Bay Area. They disagreed with staff's limitation of one-third of the total affordable 132 units that would equal 44 units. Such a small project would not be viable, because a certain critical mass was needed to make a senior housing project financially viable. He was asking for approval of 60 units, less than 16 percent of the affordable housing units planned by Lennar and Toll Brothers. He introduced Brad Wiblin with Bridge Housing, who could answer any questions about the affordable housing plan. Rick Williams would also address why a smaller building for the seniors could not be in conformance with the Community Plan because of the orthogonal relationships required by the Community Plan.

**Rick Williams**, architect with Van Meter Williams Pollack, LLP, stated that this would be an unique and quality neighborhood, which would set the stage for the Innovation District to be realized in the future. Neighborhood convenience retail would be available through its unique mix of uses and local parks and a wide range of housing types with 60 percent ownership and 40 percent rental. Recreation and urban plaza opportunities would be available, as called out in the Community Plan, with walking distances to the school, BART and other employment opportunities. Important was that the affordable housing would be at the front door of the community without being up against the freeway or in the back corner of the project. It was important to keep to the original 50-50 split for the affordable rentals, which made it important to increase the total affordable senior units. Multiple architects would work on creating a variety of different buildings with acoustical and air quality issues along the freeway to be dealt with in an unique way; the central portion would have smaller buildings to create an interesting pedestrian fabric; all of the buildings would have a close relationship to the street; and very unique higher density housing

would be located along Warm Springs Boulevard, as well as, the mixed-use retail space that would be right at the entry to the community and near the urban plaza.

The pedestrian-focused neighborhood would include a network of streets designed for a quality pedestrian experience with a third layer of pedestrian walkways and paths that would allow residences to walk and meander throughout the entire neighborhood to retail and BART. All buildings would relate to the street with stoops and entries. All residential buildings would be large four, five and six stories with stoops and larger entries. Street trees would be along the sidewalks, per the Community Plan, which would enhance the bike routes, as well as the pedestrian experience.

A wide variety of open spaces would include the urban plaza that would extend deep into the neighborhood and would connect most of the neighborhood to BART. A community building with a swimming pool would be available, along with a mixed use hardscape area that would allow for slow residential movement of vehicles and safe playing for children. Beyond electric vehicle charging being available, all buildings would be prewired for solar and most would have solar hot water, which would also be included in the affordable dwelling units and would make them financially viable and competitive. Gaining the funding for those developments was very competitive and being close to transit would help, along with the tax credits.

He emphasized that they had been working very closely with staff and all the different departments and agencies in the detailed aspects that made up the Community Plan. This Master Plan would create a “there, there” and a “front door” that would set a precedent for a high quality neighborhood in the Warm Springs area.

**Chairperson Bonaccorsi** asked the following:

- Would 33 percent of the 132 affordable dwelling units equal 44 units, as the maximum proposed by staff, for senior affordable units? Did the applicant want a minimum of 60 units?

*Mr. Nelson agreed. The 60 units was the threshold that would support the needed services. It would also allow for a larger building that would help address some of the land planning issues.*

- He liked the “front door” that **Architect Williams** had described but it looked like there would be nothing at the front door of the project with everything at the rear for many, many years. What would be the timeframe for the affordable housing in the second phase?

*Two buildings would be constructed, one for the seniors and one for families. The senior building would be at the corner of the currently unnamed Street A and Warm Springs Boulevard and they would like to build that building as soon as possible, because it would be the entry into the development and it would make a strong marketing window. Once the entitlement process was navigated, they and Bridge intended to begin seeking funding sources that would be necessary for the project to move forward, such as the nine percent tax credits, which was a very*

*competitive arena. The larger the project, the larger the funding sources, which was one reason for requesting the 50-50 split for senior and family affordable units. Approximately 65 units in each building would put them in a competitive position. As soon as they receive those tax credits, they were prepared to move forward with construction of the buildings.*

- What was a ball park estimate for the affordable housing, if they were relegated to one-third of the affordable units for senior housing, which, according to their view, would not work? What was the estimate for the proposed flexible standard of 65 units each?

***Brad Wiblin**, Bridge Housing, expected to begin preparing an application before the project was fully entitled. To meet the threshold requirements for tax credit application, the site must be fully entitled. They planned to apply immediately upon the entitlements being achieved. Two application rounds per year occurred, so it would be either March or July following entitlements. That could be March 2017 with the initial attempt; however, they planned to structure any financial changes between now and 2017, depending upon any economic changes.*

- Could he estimate the timeline as to when the affordable housing would be built? *The two were not all that related. It was the financial feasibility of a small senior project; after paying the operating expenses it would be difficult to show positive cash flow over the required 20 or 30 years.*

**Commissioner Dorsey** asked if the agreement with the Fremont Unified School District was settled. Will the agreement be done by the City Council's July 21<sup>st</sup> meeting?

**Mr. Nelson** replied that they were actively working on it and he believed that they were getting close. They had provided another draft two or three weeks ago. However, with school not being in session, it was a slow process. The next meeting was scheduled for June 30<sup>th</sup>. The three property owners were also involved. He expected the agreement would be in place by fall of this year.

**Commissioner Karipineni** stated that her questions were the same as **Chairperson Bonaccorsi's** questions. She asked the following:

- What had to be completed before the agreement happened? When would the details be made public?

***Sr. Deputy Attorney Rasiah** said that the agreement was voluntary on the part of the developers and FUSD. It was not a Condition of Approval and they were only required to pay the school impact mitigation fees. Once agreed upon, he expected that it to go to the FUSD Board for approval and it would then be announced to the public.*

- Since this is a different mitigation for the schools, was there no requirement that something be set in stone before the group could proceed?

***Planning Manager Wheeler** stated that the developers were providing more than the City could legally require of them; therefore, this would be a private*

agreement between the developers and the School District. The City was not a party to it, nor was it required of them to have an agreement.

**Mr. Nelson** believed that Lennar was required to have an agreement in place before the first Final Map per their Development Agreement.

- She had heard it, also.

*In addition, he had taken the lead for the obtaining the school site submittal to the California Department of Education, which was made about three weeks ago, to DTSC, which was the other agency that had to approve it. They had spent \$55,000 to \$60,000 to create a conceptual site plan that the School District was comfortable with as a part of that package, in addition to the adjacent park. It was not yet set in stone. The park would be a joint use park in conjunction with the City, so the City had submitted an MOU as part of that application to the State that had indicated that the City and School District were working together on a joint use park. The good news was that they had not found anything that would preclude approval by the State. He expected the State to approve that site as a school site by fall of this year, also.*

- Were the major benefits of making any portion of the affordable housing for senior housing because there were far fewer impacts associated with the schools and traffic by seniors as opposed to working families?

*It was one of the benefits, but not necessarily the major benefit. It would be about 16 percent of the whole housing, so it would be rather inconsequential, if 60 senior affordable housing units were approved by staff.*

- In general, was the fact that this would be done in Phase II because it's expected to take two years or three rounds of funding? What was the range or expectation?

*Initially, at the corner of the intersection, they planned to put a sales pavilion to allow the marketing of the project. As soon as the respective buildings were up around the community park, they would move out of the sales trailer and that site would become immediately available for the senior housing or family housing project.*

- Would it be possible to have the large project, even if it were not focused on seniors, to be broken into two projects?

*Certainly.*

**Mr. Wiblin** added that the senior affordable units would be a complimentary use to the overall plan. It could not be more competitive with a smaller project. The way that competition worked was through point scoring. Often tax credits were awarded to other than the first place finisher. If a project was awarded one million dollars, but needed \$1.2 million, often that project was just skipped over. The idea of having "a smaller bite of the apple" really did increase one's chances of being skipped over. Many times they had been skipped over. He expected that at least two bites of the apple, a March and a July round, would be a good chance for financing quickly.

- Did he expect to have a good chance of obtaining these tax credits within two rounds of funding?

*Yes, absolutely.*

**Commissioner Dorsey** thanked everyone for their time spent on this project, especially with the things that were important to the community, such as affordable housing the parks, the extra money for the schools.

**Acting Chairperson Pentaleri** wondered why this site was appropriate for any component of senior housing as opposed to a pure focus on workforce housing and the “more bites of the apple,” because of more competitiveness of smaller scale projects and the feasibility of achieving that goal regardless of whether there would be a senior component. These topics would be revisited in a few minutes.

**Acting Chairperson Pentaleri** opened the Public Hearing.

**Acting Chairperson Pentaleri** asked why the senior housing component was not identified as one of “The Keys to Success.”

**Mr. Nelson** said that he wouldn’t characterize it as a key to success. It would be an appropriate use; many seniors continued to work beyond 55; family housing was not necessarily workforce housing, either. It made sense because seniors had less impact on traffic and less impact on schools. Along with the proximity to BART it would contribute to a nice mix of housing for all Fremont residents.

**Acting Chairperson Pentaleri** stated that, in the same sense that seniors could work, they might also be able to avail themselves of affordable housing that was not targeted specifically to seniors. Does having a senior component enhance their competitiveness for funding resources? Was senior housing more competitive than other types of affordable housing?

**Mr. Wiblin** said that application was done under one of several categories, such as families, seniors, special needs. The point scoring system was virtually the same. It depended upon the scale of the project. For example, in another project he thought the marketing people were concerned about NIMBY issues. However, they were getting questions from buyers about their parent actually moving into the project. It became a community asset that the buyers valued as “a great thing for us.” He thought it might enhance Toll Brothers’ competitiveness in the market place as buyers might want a chance to have grandma living down the street.

**Chairperson Bonaccorsi** stated that it was clear on page 4 that the affordable housing component would be built in the second phase. Was that the same thing as when Mr. Nelson said the sales pavilion would be removed to make room for the affordable housing in response to **Commissioner Karipineni**’s question?

**Mr. Nelson** answered that they were proposing to have the sales pavilion at the corner. As soon as the first buildings were constructed, it would be removed and the site would be available for the senior housing project, which might be why it was construed to be in the second phase of the development. The reality was that it would

probably happen early on, because they wanted to have the models and the buildings, themselves, available to buyers around the community park.

**Chairperson Bonaccorsi** asked if he could see a role for the City in getting financing available to jumpstart the affordable housing component to be a part of the first phase. Had he approached staff about exploring these options?

**Mr. Wiblin** stated that staff had been quite helpful, which would include a structure whereby the land would pass from Toll to the City and then to Bridge, which was a technique that allowed the City to not only put their regulatory agreement on it, but it would also help in Bridge's competitiveness. Staff was well aware of what was being proposed and were completely supportive.

**Chairperson Bonaccorsi** understood that the retail use would be in the same building as the affordable housing, so the retail would not be available until the affordable housing was built.

**Mr. Nelson** stated that he was correct. The retail component would be housed in the senior affordable building. He clarified that they had talked with the City about helping them to put themselves in a better position to get tax credits. One of the mechanisms was for the City to contribute the land where more public funds would be available, which would help to increase the scores. The City said that they were not opposed to that idea, but they wanted to make sure that they understood all of the ramifications. He was hopeful that they would be able to work with the City to secure a better position to score early on the tax credits.

**Chairperson Bonaccorsi** suggested that the flexibility should be tied to timing. He would be more supportive of the senior housing component, if there was a trade-off that would benefit jumpstarting the project.

**Tina Bonaccorsi**, Fremont resident, was extremely interested in the senior housing discussion. Was it only the senior affordable housing that would add those additional houses? It would be wonderful if some market rate housing were designed for seniors.

**Mr. Nelson** nodded.

**Architect Williams** suggested that this could be thought of as being another layer of diversity.

Having seniors living locally was actually a community benefit. The park was used early in the morning, they're there during the day and keeping their eyes open when others were off at work and they let everyone else know what was going on. Even some of the houses around the park would have some second units that could provide additional opportunities for extended families that were connected to other units. The services provided in senior developments were very specialized and unique. The



benefits outweighed the challenges. Think of that teenager who has fewer excuses for not visiting grandma when he could just hop on BART.

**Acting Chairperson Pentaleri** asked if anyone could respond to Ms. Bonaccorsi's question about market rate senior housing.

**Mr. Nelson** replied that market rate senior housing was not currently being considered, but it was one of the reasons for the apartment component, which would be the most affordable aspect for a senior that was not income restricted.

**Acting Chairperson Pentaleri** closed the Public Hearing.

The Commissioners made comments and asked staff the following questions:

- **Commissioner Karipineni** asked how the TDM plan would be handled. What were the City's current plans to initiate the TDM plan, since it was the only significant unmitigatable (sic) impact?  
*Planning Manager Wheeler said that a mitigation measure in the EIR that had been prepared for the Community Plan was originally general but had become more specific in that the requirement was for each of the developers to have a TDM, but staff had suggested that a comprehensive TDM might be better. As part of the Lennar Development Agreement, they had contributed \$25,000 towards a TDM that the City would initiate and a Condition of Approval required that Toll Brothers contribute \$15,000. The TDM requirement was prior to occupancy that would allow some time to collect these funds with which the City would hire a consultant to prepare the TDM.*
- Mitigations for transportation, 1B through 2D, all stated that when the changes were unacceptable, changes may be required in capital improvement funding. What was the reason to wait until they became unacceptable before the City even started doing something about it? Was there a reason why the City had not, or could not, go ahead and make those capital improvement budgets right now?  
*The mitigation requirements from the EIR had been incorporated into both the City's Impact Fee Program, as well as the CIP. Those improvements would be funded through the payment of Traffic Impact Fees and they would be part of the CIP. The Council, every one or two years, prioritizes the various projects that were included in the CIP.*
- So some monitoring would not have to show something was unacceptable; it was in the pipeline and it could be done earlier, if they wanted to.  
*That's correct.*
- Dust during construction required that the soil be watered down twice a day. It seemed that other ways to control dust must be available.  
*There were other ways and other types of products used to suppress dust. The water used was not potable, in most cases.*
- **Chairperson Bonaccorsi** asked if the formal housing agreement was something that would be considered in connection with the Tentative Map and the entitlements that would be coming in back to the Commission in the fall or would

it be something that staff would negotiate with Council approval. Would the Commission get another bite at that apple?

*She didn't know if that agreement was tied to Council approval.*

***Associate Planner Wayland Li** said that Condition A7 stated that the Affordable Housing Agreement needed to be recorded prior to approval to the Tentative Tract Map or issuance of the Building Permit, but no later than December 11, 2015, which was the date certain.*

***Planning Manager Wheeler** added that it didn't sound like it would be tied to a Planning Commission or City Council approval.*

***Sr. Deputy Attorney Rasiah** agreed. It would not come back to Planning Commission or City Council, but it would be recorded prior to the Final Map or the issuance of the Building Permit, whichever was sooner, but would be executed prior to December 11, 2015, which would specify the number, type, location and the size of the units.*

- Would anything prohibit the Planning Commission, as part of its motion to recommend to Council, to have, perhaps, either the Council and/or the Commission review that Affordable Housing Agreement as a stand-alone approval, even though it may not be required now to have that as a condition through the approval process?

***Sr. Deputy Attorney Rasiah** replied that it was already a condition as part of this approval process. He asked staff about the desirability of Commission and Council purview.*

***Planning Manager Wheeler** stated that the detail in the condition was fairly clear about what was required for the Affordable Housing Agreement. What was he hoping to accomplish?*

- He believed that there was an unsettled disagreement between the developer and the City as to the amount of senior housing, which was one of the specific items in the agreement. He hoped that another public hearing opportunity might occur to air out with the public about the request for more flexibility at the Planning Commission and/or the City Council level, as opposed to just leaving it to staff.

***Sr. Deputy Attorney Rasiah** stated that the Condition of Approval already stated that the senior units would be no more than one-third of the affordable units. He promised that staff would check that.*

- **Acting Chairperson Pentaleri** believed that **Chairperson Bonaccorsi** was looking for a way for the Planning Commission to express greater flexibility tonight and it might be found if another opportunity would be available to revisit that narrow component at a future time.

- **Chairperson Bonaccorsi** agreed.

***Planning Manager Wheeler** suggested that might be a part of the Commission's recommendation and the Condition of Approval could be amended according to the flexibility that the Commission would like to provide.*

- The information about timing on the phases from the applicant was not to his satisfaction. Did staff have a better idea as to what they envisioned a first phase/second phase/the affordable housing component completion and the unveiling of this project to be?

*Planning Manager Wheeler stated that staff had relied on the timeline and schedule that the developer had provided. The phasing of the project had built in triggers that could be seen in the Condition of Approval in terms of the timing of when the City wanted to see the units built. She had no better idea than had been presented tonight in terms of actual dates.*

*Acting Chairperson Pentaleri added that it was event driven from the City's standpoint.*

- **Chairperson Bonaccorsi** agreed

**Acting Chairperson Pentaleri** wanted to touch on the concern over water use, especially under the current drought conditions, along with concern in the face of the community being asked to reduce their water use. The EIR did address the water use in detail. The applicant had brought forward plans to have efficient use of water and efficient construction designs. Specific to this project, earlier this week he had received the monthly newsletter from Tri-City Ecology with an open letter from former Mayor Gus Morrisson in which they were strongly encouraging pre-plumbing and making project grey-water ready. He would like to see, as more projects come forward under this Master Plan, that some thought to grey water reuse be included.

Like **Chairperson Bonaccorsi**, he was very favorably inclined towards providing flexibility for senior affordability. It was, in some ways, a difficult question, because a lot of good arguments had been made. What was really unique about this site was that it was jobs focused, the Innovation District. Nothing seemed to prevent seniors from availing themselves of either market rate or the affordable component of housing. However, there might be less senior-focused services. The Downtown District with the TOD surrounding the City's existing BART station would certainly have greater proximity to hospitals and doctors and shopping and other amenities and did not have that jobs focus. With the future Irvington BART, thereto, the same sort of jobs focus would probably not be present. In his opinion, the senior component would actually be exclusive and would prevent anyone but seniors from availing themselves of that resource. It was just not the right fit for this Master Plan and this expected community. For those reasons, he would support staff recommendation as written and he encouraged the applicant to remove any component that would be exclusive to seniors.

**Chairperson Bonaccorsi** asked what staff's perspective was. The applicant had stated that the one-third would not work. If it wasn't going to work, why not just zero it out completely? Why was one-third chosen? Was that an accommodation to the applicant? Or was there some independent reason that staff believes at least one-third comports with the vision of the Warm Springs Community Plan?

**Associate Planner Wayland Li** replied that staff had proposed the one-third limitation on senior affordable housing and had kept it as part of the project to accommodate the wishes of the applicant.

**Chairperson Bonaccorsi** asked if staff had a clean slate that was consistent with the Warm Springs/South Fremont Community Plan, would they be looking for dedicated senior housing.

**Associate Planner Wayland Li** replied that they would not.

**Commissioner Karipineni** shared his thoughts. She wasn't sure what would be gained by the senior component. She agreed that there was nothing to stop a senior from moving into these developments, so it was unnecessarily limiting in a direction that the City was not trying to limit. She would support a proposal that, unfortunately, would not provide that flexibility.

**Commissioner Karipineni** made the motion that supported staff's recommendations to approve this project without the provision to provide 33 percent senior housing.

**Acting Chairperson Pentaleri** suggested wording that included a condition that there should be zero percent senior affordable housing.

**Chairperson Bonaccorsi** believed that much of this project was commendable. The applicant had done terrific work; he liked the Master Plan, the vision and the pedestrian-friendly access. However, there would be no sense of "there, there" for many years under this proposal. He urged staff and the applicant to consider ways of activating the area within a quarter mile of the BART station where the retail would be tied to it. He proposed a Friendly Amendment: As part of the recommendation, to look at ways of jumpstarting affordable housing component to an earlier phase of the project, also look at ways of exploring that by the Council and staff when the Council considers the Master Plan. Would that Friendly Amendment be accepted?

**Commissioner Karipineni** agreed and suggested adding something to the effect of jumpstarting that 5,000 sf of neighborhood commercial area.

They agreed that both had to come together, at the same time.

**Acting Chairperson Pentaleri** asked that the second condition of the Friendly Amendment be restated.

**Chairperson Bonaccorsi** restated the Friendly Amendment, as follows: The Planning Commission encouraged staff and the applicant, for City Council consideration, ways of jumpstarting development of the affordable housing component that would be tied to the development of commercial retail during the first phase of the project rather than a later phase.

IT WAS MOVED (KARIPINENI/PENTALERI) AND CARRIED BY THE FOLLOWING VOTE (4-0-0-2-1) THE PLANNING COMMISSION – RECOMMEND THAT THE CITY COUNCIL:

FIND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CEQA GUIDELINES SECTION 15183 AS THE PROJECT IS CONSISTENT WITH THE DEVELOPMENT DENSITY AND INTENSITY ESTABLISHED BY THE WS/SF COMMUNITY PLAN FOR WHICH AN FEIR (SCH#2013032062) WAS PREVIOUSLY PREPARED AND CERTIFIED, AS ANALYZED IN THE ENVIRONMENTAL COMPLIANCE CHECKLIST SHOWN IN EXHIBIT "A," AND FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY;

AND

FIND THAT THE WARM SPRINGS STATION MASTER PLAN AS DEPICTED IN EXHIBIT "B," (MASTER PLAN), IS CONSISTENT WITH THE GENERAL PLAN, WS/SF COMMUNITY PLAN AND FREMONT MUNICIPAL CODE (FMC) CHAPTER 18.49 (WARM SPRINGS INNOVATION ("WSI") DISTRICT) AS DESCRIBED IN THIS REPORT;

AND

ADOPT A RESOLUTION APPROVING THE MASTER PLAN, BASED ON FINDINGS AND CONDITIONS OF APPROVAL AS SHOWN IN EXHIBIT "C."

The motion carried by the following vote:

AYES: 4 – Bonaccorsi, Dorsey, Karipineni, Pentaleri  
NOES: 0  
ABSTAIN: 0  
ABSENT: 2 – Leung, Reed  
RECUSE: 1 – Salwan

## DISCUSSION ITEMS

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

**Planning Manager Wheeler** announced that a Special Meeting would be held on July 9<sup>th</sup> that would be a tour of recently finished projects and she requested comments from the Commissioners.

- Report on actions of City Council Regular Meeting

**Planning Manager Wheeler** reported that both the Peralta Crossing project and the Irvington BART Study Area were approved.

- Information from Commission: Commission members may report on matters of interest.

**Commissioner Karipineni** asked if anything was anticipated concerning the Walnut Residences.

**Planning Manager Wheeler** replied that the work session previously scheduled had been postponed. A meeting would be held early next week with the developer to discuss some of the community input that had been received. After some additional community outreach by the developer, it would come back to the Planning Commission for a work session probably in the fall.

Meeting adjourned at 8:35 p.m.

SUBMITTED BY:



Alice Malotte  
Recording Clerk

APPROVED BY:



Kristie Wheeler, Secretary  
Planning Commission