

**MINUTES
FREMONT CITY COUNCIL MEETING
NOVEMBER 7, 2017
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order.
- B. Flag Salute:** Vice Mayor Jones led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan and Bonaccorsi
- D. Announcements by Mayor/City Manager**

Mayor announced the Boards and Commissions vacancies.

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council approved minutes for the Regular Meeting of September 19, 2017, the Special and Regular Meetings of October 3, 2017, and the Special and Regular Meetings of October 17, 2017

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

* **C. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Various Chapters of Fremont Municipal Code Title 18 (Planning and Zoning) regarding Residential Zoning Standards and Adding Chapter 18.186 (Solar Access Preservation) (PLN2017-00246)**

➤ Item removed from Consent Calendar.

Mayor Mei opened the public comment period. Chandra Shirashyad, Prashanth Makan, Rod Jennings, John Hanna, Upendra Maratha, Chris Cavette, Monica Melville, Srikanth Pendyala, Cathy Scott, Veerabhushan Hathe, Deepak Avanna, Mallikarjun Shirashyad, Gazala Gupta, Nitin Gupta, Lydia Choy-Fong, Kwong Chin, Mollyanne Sherman (provided hand-out), Suresh Deopura, and Suneetha Vemula opposes the proposed Residential Zoning Standards (RZS). Rita McBride read a letter from Debra Witter and Richard Gelband, and Irene Nakasone read a letter from Joanne Taylor and Cindy Sanderson, opposing RZS. Ronald Nakasone read a portion of the letter, he had sent to City Council earlier in the day, opposing RZS. Janet Barton requests City Council uphold the General Plan and protect neighborhoods from “mega-homes.” There were no additional speakers. Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Salwan, the City Council adopted Ordinance No. 17-2017, with amendments.

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| Ayes: | Mayor Mei, Vice Mayor Jones, Councilmembers: Salwan and Bonaccorsi |
| Noes: | Councilmember Bacon |
| Absent: | None |
| Abstain: | None |

* **D. Mayor Mei opened consideration of a Request for Council to Appropriate \$1,923,364 in City Affordable Housing Funds and to Authorize Execution of Agreements with Allied Housing for Development of the City Center Apartments Project**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council:

1. Found that this project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 as an in-fill development that meets the criteria of that section for the reasons set forth in the staff report.
2. Adopted Resolution No. 2017-86 authorizing the City Manager or his designee to execute loan documents and take such other actions as required to provide a loan in the total amount of \$1,923,364 to Allied Housing (or a Limited Partnership created by Allied Housing expressly for purposes of this project) for the development of the City Center Apartments.
3. Appropriated \$1,923,364 from Fund 196 (Affordable Housing Fees) for the City Center Apartments project.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

- * **E. Mayor Mei opened consideration of a Request for Council to Approve a Credit Towards Affordable Housing Fees for Two Projects Being Developed by Robson Homes (“Sisters Project [PLN2013-00189]” and “Hobbs Project [PLN2016-00270]”) in the amount of \$376,636 to Reimburse Robson Homes for Direct Expenses Incurred in Support of Allied Housing’s City Center Apartments Affordable Housing Project [PLN2017-0094] (Robson Homes Affordable Housing Plan)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council approved Robson’s request to credit \$376,636 previously expended for the City Center Apartments project against affordable housing fees owed for the Hobbs and Sisters of the Holy Family projects.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

- * **F. Mayor Mei opened consideration of Approval of Funding for Abode Services for the Continuation of the Project Independence Program**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council approved and authorized the City Manager or his designee to execute an amendment to the Rental Housing Subsidy Grant Agreement with Abode Services in the amount of \$60,000 for FY 2017/18.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

- * **G. Mayor Mei opened consideration of Adoption of a Resolution Summarily Vacating a portion of a Public Utility Easement on Stevenson Place in the Central Community Plan Area, and a Finding that the Proposed Vacation is Exempt from the Requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that the activity does not meet CEQA's definition of a "project.” (Summary Vacation of a Portion of a Public Utility Easement along Stevenson Place - PLN2018-00060)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council:

1. Found Summary Vacation PLN2018-00060 to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that the activity does not meet CEQA's definition of a "project."
2. Found Summary Vacation PLN2018-00060 as depicted and described in Exhibit "A" is in conformance with the General Plan for the reasons stated in the body of this report.
3. Found Summary Vacation PLN2018-00060 as depicted and described in Exhibit "A" fulfills the applicable criteria for a summary vacation in that the area to be vacated is not required and determined to be excess.
4. Adopted Resolution No. 2017-87 including the findings referenced above and vacating the subject PUE as depicted and described in Exhibit "A".
5. Directed the City Clerk to record a certified copy of the resolution, including Exhibit "A," in the office of the County Recorder of Alameda County and return one copy to the Planning Division of the Community Development Department and the Engineering Division of the Public Works Department for their respective files.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** H. Mayor Mei opened consideration of Authorization to Contract with the Alameda County Health Care Services Agency for the Health Promotion Project**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council approved and authorized the City Manager, or designee, to execute a contract with the Alameda County Health Care Services Agency in the amount of \$187,719, for the period of July 1, 2017 through June 30, 2018, for the Health Promotion Project; and appropriate an additional \$6,348 for this purpose to the State and County Grant Fund (Fund 192).

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** I. Mayor Mei opened consideration to Approve and Authorize the City Manager to Execute a \$176,529 Agreement for FY 2017/18 with Alameda County Health Care Services Agency to Support Human Services Programs, Including the Fremont Family Resource Center and the Youth Empowerment Academy. (Alameda County Contract to Support Youth and Family Opportunity Programs)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council approved and authorized the City Manager or his designee to execute an agreement with

Alameda County Health Care Services Agency in the amount of \$176,529 to support the Fremont Family Resource Center and the Youth Empowerment Academy.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** J. Mayor Mei opened consideration of Approval to Introduce an Ordinance Repealing and Replacing Section 5.95.070 of the Fremont Municipal Code to Re-authorize and Preserve the City’s Right to Continue to Collect PEG Fees under State Law (Amendment to Video Service Providers Ordinance)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council introduced an Ordinance repealing and replacing Section 5.95.070 of the Fremont Municipal Code to preserve the City’s right to continue to collect PEG fees under state law.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** K. Mayor Mei opened consideration to Approve Plans and Specifications and Award a Construction Contract in the Amount of \$467,325, to Green Valley Group, Inc., for the Measure WW - Irrigation Upgrades Project (PWC8886); Reallocate \$155,000 from Capital Replacement for Parks Project (PWC8501)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council:

1. Approved the re-allocation of \$155,000 from the Capital Replacement for Parks project PWC8501-501 to Measure WW – Irrigation Upgrades project PWC8886-501.
2. Approved the plans and specifications, accepted the bid, and authorized the City Manager to execute a construction contract with the lowest responsive and responsible bidder, Green Valley Group, Inc. for the Measure WW – Irrigation Upgrades project (PWC8886) for the base bid amount of \$245,300, plus Alternate #1, Alternate #2, Alternate #3, Alternate #4, Alternate #5, and Alternate #6, for \$222,025, and a total contract amount of \$467,325.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Kelly Abreu shared concerns regarding Niles Canyon Road and Morrison Canyon Road (provided hand-out). Larry Edelson expressed concerns regarding Morrison Canyon Road. Remy Parmar and a group of 4th grade students from Ardenwood Elementary School wished to increase public awareness of not flushing flushable wipes as they cause problems in the .

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) Request for Council to Appropriate \$2,225,000 in CDBG Funding to the City Center Affordable Apartments Project and \$500,000 to the Mission Falls Senior Center Project and to Authorize Execution of Agreement and Related Documents with Allied Housing for Acquisition for the Development of City Center Affordable Apartments Project (FY 2017/18 Action Plan Amendments and CDBG Funding Recommendations)

Mayor Mei opened the public hearing. Sister Caritas Foster and Doug Ford spoke in favor of the project. There were no additional speakers. Mayor Mei closed the public hearing. There were no questions or comments from Councilmembers.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Salwan, the City Council:

1. Held a public hearing on the proposed amendments to the FY 2017/18 Action Plan.
2. Adopted Resolution No. 2017-88 including the following actions:
 - a. Approve and authorize the City Manager or designee to amend the FY 2017/18 CDBG Action Plan as described in this report.
 - b. Allocate and appropriate \$2,225,000 from Fund 105 (CDBG Funds) for the City Center Apartments project.
 - c. Allocate and appropriate \$500,000 from Fund 105 (CDBG Funds) for the Mission Falls Senior Center project.
 - d. Authorize the City Manager or his designee to execute loan documents and take such other actions as required to provide a CDBG loan in the total of \$2,200,000 to Allied Housing (or a Limited Partnership created by Allied Housing expressly for purposes of this project) for the development of the City Center Apartments.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Rezoning from Preliminary Planned District P-2014-45 to Precise Planned District P-2017-297 to Allow the Construction of a Four-Story, 171-Unit Market-Rate Apartment Project for Seniors on a Vacant 4.4-Acre Parcel Located in the Warm Springs Community Plan Area, and to Adopt a Finding that No Further Environmental Review is Required Pursuant to the Requirements of the California Environmental Quality Act (CEQA) as a Mitigated Negative Declaration was Previously Prepared and Adopted for the Parc 55 Project (PLN2014-00045), which Adequately Addressed the Potential Impacts of the Proposed Project. (Palma at Mission Falls - 47201 Mission Falls Court - PLN2017-00297)

*This item was added to the Consent Calendar.

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council:

1. Held public hearing.
2. Found that the Mitigated Negative Declaration previously adopted for the Parc 55 Project by the City Council on March 1, 2016, as shown in Exhibit "A" adequately addresses the potential impacts of the proposed project and, therefore, no further environmental review is required, and find that this action reflects the independent judgment of the City of Fremont.
3. Found the project is in conformance with the relevant provisions contained in the City's General Plan, including the designated goals and polices set forth in the Land Use, Safety and Community Character Elements as well as the Housing Element of the General Plan, as enumerated in the staff report.
4. Found Precise Planned District P-2017-297 as per Exhibit "C" fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Introduced an ordinance approving a Rezoning of the subject parcel from Preliminary Planned District P-2014-45 to Precise Planned District P-2017-297 as shown on Exhibit "B," based on the findings set forth in Exhibit "E."
6. Approved Precise Planned District P-2017-297 as shown in Exhibit "C," and the accompanying land use and development provisions set forth in Exhibit "D," based upon the findings and subject to the conditions of approval set forth in Exhibit "E." and
7. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

C. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve Vesting Tentative Parcel Map No. 10489 to Subdivide an Existing 19,726-Square-Foot Parcel with an Existing House into Two Single-Family Lots, a Rezoning of an 8,249-Square-Foot Portion of the Subject Property from R-1-8 (Single-Family Residential) to Planned District P-2008-14, and a Planned District Amendment to Allow the Development of a Single-Family Residence on

the Newly Created Lot and to Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15303, New Construction of Small Structures, and 15315, Minor Land Divisions. CONTINUED FROM OCTOBER 17, 2017 CITY COUNCIL MEETING (Lam-Tran Residence – 1507 Olive Avenue - PLN2016-00256)

*This item was added to the Consent Calendar.

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council:

1. Held public hearing.
2. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15303, New Construction of Small Structures, and 15315, Minor Land Divisions.
3. Found that the project is in conformance with the General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Housing and Conservation Elements, as enumerated within the staff report.
4. Found that the Planned District Amendment's Preliminary and Precise Plans as depicted in Exhibit "B" (Precise Site Plan, Architectural Elevations, Floor Plans and Landscape Plan) fulfill the applicable requirement set forth in the Fremont Municipal Code.
5. Found that pursuant to Government Code Section 66473.5, the proposed Vesting Tentative Parcel Map as shown in Exhibit "B," together with the provisions for its design and improvement, are consistent with the goals, policies and implementation actions of the City of Fremont's General Plan or any specific plan, as set forth in this report.
6. Found that the proposed Vesting Tentative Parcel Map as shown in Exhibit "B" (Vesting Tentative Parcel Map No. 10498) is consistent with the goals and policies and implementation actions of the General Plan. Government Code Section 66474 and FMC Section 17.20,200 provide that a Vesting Tentative Parcel 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 "C."
7. Introduced an Ordinance approving a rezoning of the project site from R-1-8, Single Family Residence, to Planned District P-2008-14, as depicted on Exhibit "A" (Rezoning Map) and approving an Amendment to Precise Planned District P-2008-14, as shown on Exhibit "B," based on the findings and subject to the conditions of approval set forth in Exhibit "C."
8. Approved Vesting Tentative Parcel Map No. 10489 as shown in Exhibit "B" based upon the findings and subject to the conditions of approval set forth in Exhibit "C."
9. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon and Salwan
Noes: None
Absent: None
Recused: Councilmember Bonaccorsi (because of an economic interest involving a client who has adjacent property)

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a report to Provide Direction on the Applicability of Development Impact Fees to Accessory Dwelling Units and Additions to Single Family Residences

Community Development Director Jeff Schwob will provide a verbal presentation. Mayor Mei opened the public comment period. Jennifer Moore shared concerns. There were no additional speakers. Mayor Mei closed the public comment period. Councilmembers provided comment.

On a motion by Councilmember Salwan, seconded by Councilmember Bonaccorsi, the City Council provided clarification on:

1. Applicability of the impact fee ordinance to Accessory Dwelling Units (ADU’s);
2. Applicability of the impact fee ordinance to bedroom additions to existing homes; and
3. Direct staff to initiate the appropriate amendments to the Development Impact Fee Ordinance.

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| Ayes: | Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan and Bonaccorsi |
| Noes: | None |
| Absent: | None |
| Abstain: | None |

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 9:40 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

*Consent Items