



**MINUTES  
FREMONT ZONING ADMINISTRATOR  
SPECIAL MEETING OF JUNE 30, 2020**

This meeting was being conducted utilizing teleconferencing software Zoom. This is consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic.

**CALL TO ORDER:** Zoning Administrator Clifford Nguyen called the meeting to order at 3:00 p.m.

**PRESENT:** Zoning Administrator Clifford Nguyen  
David Wage, Senior Planner  
Aki Snelling, Associate Planner  
James Willis, Associate Planner  
Mark Hungerford, Associate Planner  
Spencer Shafsky, Planner II

**CONSENT CALENDAR**

THE ZONING ADMINISTRATOR MOVED ITEMS 1, 3, AND 4 FROM PUBLIC HEARING TO THE CONSENT CALENDAR AND APPROVED ITEMS 1, 3, AND 4 AS FOLLOWS:

Item 1. **TABLE TENNIS AMERICA EXPANSION – 42638 and 42670 Albrae Street – (PLN2019-00255)** – To consider a Zoning Administrator Permit Amendment for the interior expansion of an existing indoor table tennis (ping pong) sport facility from 6,177 square-feet with a total of 10 tennis table stalls to 11,752 square-feet with a total of 18 tennis table stalls and associated office areas and restrooms located at 42638 and 42670 Albrae Street in the Bayside Industrial Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

The Zoning Administrator took the following action on Item 1:

HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15301, CLASS 1, OF THE CEQA GUIDELINES, AS IT WOULD BE LOCATED WITHIN AN EXISTING 30,484 SQUARE-FOOT BUILDING AND WOULD ONLY ENTAIL INTERIOR MODIFICATIONS;

AND  
FOUND THAT PLN2019-00255, A ZONING ADMINISTRATOR PERMIT AMENDMENT, AS SHOWN IN EXHIBIT “A” AND IN ACCORDANCE WITH EXHIBIT “B” AND INFORMATIONAL ITEMS 1 AND 2 FOR THE EXPANSION OF THE TABLE TENNIS SPORT FACILITY, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S EXISTING GENERAL PLAN AS NOTED IN THE STAFF REPORT;

AND  
APPROVED PLN2019-00255, AS SHOWN IN EXHIBIT “A” AND IN ACCORDANCE WITH EXHIBIT “B,” AND INFORMATIONAL ITEMS 1 AND 2, AND SUBJECT TO THE FINDINGS AND CONDITIONS IN EXHIBIT “C.”

Item 1 was approved based on finding and subject to conditions.

Item 3. **ARDENWOOD IV-I OFFICE PARK PARKING GARAGE ROOFTOP RECREATION AREAS – 7650 Dumbarton Circle – (PLN2020-00160)** – To consider a modification to a previously approved Discretionary Design Review Permit to allow the construction of roof-top recreation areas atop two six-level parking structures in the Ardenwood Technology Park, and to consider a finding that no further environmental review is required pursuant to CEQA Guidelines Section 15183, as the project is consistent with the intensity of development established by the Ardenwood Technology Park Planned District Amendment for which a Final Environmental Impact Report (SCH# 2015052052) was previously prepared and certified.

The Zoning Administrator took the following action on Item 3:

HELD PUBLIC HEARING;

AND  
FOUND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CEQA GUIDELINES SECTION 15183, AS THE PROJECT IS CONSISTENT WITH THE INTENSITY OF DEVELOPMENT ESTABLISHED BY THE ARDENWOOD TECHNOLOGY PARK PLANNED DISTRICT AMENDMENT FOR WHICH A FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2015052052) WAS PREVIOUSLY PREPARED AND CERTIFIED;

AND  
APPROVED DISCRETIONARY DESIGN REVIEW PERMIT MODIFICATION PLN2020-00160 TO ALLOW THE CONSTRUCTION OF ROOF-TOP RECREATION AREAS ATOP TWO SIX-LEVEL PARKING STRUCTURES IN THE ARDENWOOD TECHNOLOGY PARK, AS DEPICTED ON ENCLOSURE EXHIBIT “A,” BASED ON FINDINGS AND CONDITIONS OF APPROVAL AS SHOWN IN EXHIBIT “B.”

Item 3 was approved based on finding and subject to conditions.

- Item 4. **CROSSFIT JIGSAW – 42514 Albrae Street – (PLN2020-00183)** – To consider a Zoning Administrator Permit to allow a physical fitness facility located at 42514 Albrae Street in the Bayside Industrial Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

The Zoning Administrator took the following action on Item 4:

HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15301, CLASS 1, OF THE CEQA GUIDELINES, AS IT WOULD BE LOCATED WITHIN AN EXISTING BUILDING AND WOULD ONLY ENTAIL INTERIOR MODIFICATIONS;

AND

FOUND THAT PLN2020-00183, A ZONING ADMINISTRATOR PERMIT, AS SHOWN IN EXHIBIT “A” AND IN ACCORDANCE WITH EXHIBIT “B” AND INFORMATIONAL ITEMS 1 AND 2 FOR A PHYSICAL FITNESS FACILITY, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S EXISTING GENERAL PLAN AS NOTED IN THE STAFF REPORT;

AND

APPROVED PLN2020-00183, AS SHOWN IN EXHIBIT “A” AND IN ACCORDANCE WITH THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN EXHIBIT “B”.

Item 4 was approved based on finding and subject to conditions.

## **PUBLIC HEARING ITEMS**

- Item 2. **PAPE MACHINERY – 43510 Osgood Road – (PLN2019-00337)** – To consider a Zoning Administrator Permit for the establishment of an equipment corporation yard and use of hazardous materials in accordance with the High Intensity Hazardous Materials ordinance (FMC18.190.220) and a Discretionary Design Review Permit for a new approximately 61,000-square-foot construction equipment sales, lease, and service facility located at 43510 Osgood Road in the Irvington Community Plan Area, and to consider a Draft Mitigated Negative Declaration prepared and circulated for the project in accordance with the requirements of the California Environmental Quality Act (CEQA).

The Zoning Administrator asked about public comments regarding this project. **Associate Planner James Willis** stated that a neighbor of the project site, David Chiang, submitted a letter expressing concern over noise late at night. An investigation determined that the noise was coming from Crisp Company, located at 43650 Osgood Road, and not the proposed project site. Mr. Willis shared this information with Mr. Cheng and also the conditions of approval for Pape Machinery

related to their hours of operation. He also stated that the servicing and maintenance of equipment would be done inside the building and that the bay-doors would be oriented towards the back, which would help to mitigate noise. Mr. Willis concluded by saying that Mr. Cheng was satisfied with this explanation, but still wished to have his concerns entered into the public record for this project.

The Zoning Administrator then asked about comments received from the Alameda County Water District (ACWD) and the issues regarding the potential destruction of wells, drilling permits, and the oversight of onsite contaminates. **Associate Planner Willis** said that he spoke with managers at ACWD in their Engineering Department and shared the City's standard conditions of approval requiring applicants to work with outside agencies and to obtain permits, as necessary. He stated that comments from ACWD were related to wells and existing stockpiles of dirt from an unknown source. Mr. Willis explained that the proposed project site was originally a riding stable and that the buildings were demolished, but the soil was tested and determined to be clean. In conclusion, Mr. Willis stated that ACWD found these explanations and determinations acceptable and were approving of the project.

The public hearing was opened and there were no public speakers.

The Zoning Administrator took the following action on Item 2:

HELD PUBLIC HEARING;

AND

FOUND THAT THE MITIGATED NEGATIVE DECLARATION AS SHOWN IN EXHIBIT "A" WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF CEQA, THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

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 ELEMENT OF THE GENERAL PLAN AS ENUMERATED IN THE STAFF REPORT;

AND

FOUND THAT PLN2019-00337, A ZONING ADMINISTRATOR PERMIT FOR AN EQUIPMENT CORPORATION YARD AND FOR THE USE, STORAGE, AND HANDLING OF HAZARDOUS MATERIALS IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AS WELL AS THE RELEVANT PROVISIONS OF THE FREMONT MUNICIPAL CODE;

AND

FOUND THAT PLN2019-00337, A DISCRETIONARY DESIGN REVIEW PERMIT FOR A NEW CONSTRUCTION EQUIPMENT DEALERSHIP AND

SERVICE CENTER, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AS WELL AS RELEVANT CITY DEVELOPMENT POLICIES;

AND

APPROVED PLN2019-00337, AS SHOWN ON EXHIBIT "B," SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT "C."

Item 2 was approved based on finding and subject to conditions.

- Item 5. **LA MESA RV – 5070 BRANDIN COURT – (PLN2020-00225)** – To consider a Zoning Administrator Permit for the establishment and operation of an automobile sales use specializing in recreational vehicles sales within an existing 56,257-square-foot industrial building at 5070 Brandin Court in the Tech Industrial (I-T) zoning district and Bayside Industrial Community Plan Area, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, per CEQA Guidelines Section 15301, Existing Facilities, because showroom and sales activities would occur within an existing building and only minor building and site modifications are proposed, CEQA Guidelines Section 15183, as the project is consistent with the land use envisioned for the site as established by the General Plan for which an Environmental Impact Report (SCH#2010082060) was previously prepared and certified, and CEQA Guidelines Sections 15162 and 15163, as none of the circumstances requiring the preparation of a subsequent or supplemental EIR have occurred.

**Associate Planner Mark Hungerford** brought attention to the Green Sheet (attached) indicating Notes and Corrections to the Staff Report and Exhibit B, Findings and Conditions.

The public hearing was opened and there were no public speakers.

The Zoning Administrator took the following action on Item 5:

HELD PUBLIC HEARING;

AND

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), EACH ON A SEPARATE AND INDEPENDENT BASIS, PER CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES, BECAUSE SHOWROOM AND SALES ACTIVITIES WOULD OCCUR WITHIN AN EXISTING BUILDING AND ONLY MINOR BUILDING AND SITE MODIFICATIONS ARE PROPOSED, CEQA GUIDELINES SECTION 15183, AS THE PROJECT IS CONSISTENT WITH THE LAND USE ENVISIONED FOR THE SITE AS ESTABLISHED BY THE GENERAL PLAN FOR WHICH AN ENVIRONMENTAL IMPACT REPORT (SCH#2010082060) WAS PREVIOUSLY PREPARED AND CERTIFIED, AND CEQA GUIDELINES SECTIONS 15162 AND 15163, AS NONE OF THE

CIRCUMSTANCES REQUIRING THE PREPARATION OF A SUBSEQUENT OR SUPPLEMENTAL EIR HAVE OCCURRED;

AND

FOUND THAT PLN2020-00225, A ZONING ADMINISTRATOR PERMIT FOR AN AUTOMOBILE SALES USE, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

APPROVED PLN2020-00225, AS SHOWN ON EXHIBIT "A," SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT "B."

Item 5 was approved with the attached modifications to Condition No. 28 of the Conditions of Approval, Exhibit B of the agenda packet.

**ADJOURNMENT**

Meeting adjourned at 3:23 p.m.

APPROVED BY:

A handwritten signature in black ink, appearing to read 'Clifford Nguyen', written over a horizontal line.

Clifford Nguyen  
Zoning Administrator



**NOTES/CORRECTIONS for the June 30, 2020  
ZONING ADMINISTRATOR SPECIAL VIRTUAL MEETING**

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

**Item 5. LA MESA RV – 5070 BRANDIN COURT – (PLN2020-00225)**

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

**Staff Report:**

**Circulation and Traffic:**

Vehicles accessing both the dealership site and the Lot 5 parking area would arrive exclusively from Brandin Court, a public street. A single, shared curb-cut would provide access to both the dealership site and Lot 5. Pedestrian access to the dealership is limited, as there is no continuous public sidewalk along Brandin Court, and none exists in front of the dealership site or Lot 5. As conditioned, sidewalk installation, plus curb and gutter repair, will be required along the street frontage of the two sites.

The City's Transportation Engineering division has reviewed the project and determined that it would not result in traffic impacts during weekday morning peak hours (7-9 AM) or evening peak hours (4-6 PM). The threshold for requiring a traffic study is exceeding 100 weekday peak hour trips, and the proposed use was found to generate 26 AM peak hour trips and 43 PM peak hour trips.

**Conditions of Approval:**

**28. Street Improvements.** The following street improvements are required:

- a. *The developer shall comply with the City's Street Improvement Ordinance to the satisfaction of the Director of Public Works.*
- b. The developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- c. Developer shall remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
- d. ~~*Developer shall construct curb, gutter, and sidewalk along project frontage.*~~

- ~~e. — Developer shall dedicate a sidewalk easement as needed to accommodate the final public sidewalk configuration along the project frontage on Brandin Court to the satisfaction of the Direct of Public Works.~~
- ~~f. — Dedication and improvement of the public streets to the satisfaction of the Director of Public Works. Improvements shall include but are not limited to the following: curb & gutter, sidewalk, retaining wall, asphalt pavement, streetlights, fire hydrants, street trees, tree well planters, water, sewer and storm drainage facilities, joint trench facilities, signing and striping, and accessible ramps.~~
- ~~g. — Developer shall modify two existing driveways along Brandin Court per current City of Fremont standard detail SD-11.~~
- h. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the approved street improvement plans.

RESPECTFULLY SUBMITTED,



CLIFFORD NGUYEN  
ZONING ADMINISTRATOR  
PLANNING COMMISSION