



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF MARCH 23, 2023**

- CALL TO ORDER:**                    **Chairperson Liu** called the meeting to order at 7:00 p.m.
- PRESENT:**                            Chairperson Liu  
   Vice Chairperson Zhang  
   Commissioners Basrai, Liu, Ramamurthi, Rao, Steckler, Yee
- ABSENT:**                              None
- STAFF PRESENT:**                    Joel Pullen, Planning Manager  
   Heather Lee, Senior Deputy City Attorney  
   James Willis, Associate Planner  
   Kevin Lee, Planner I  
   Kim Salazar, Recording Clerk  
   Chavez Company, Remote Stenocaptioning  
   Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:**        **Commissioner Ramamurthi** requested one amendment to the February 23, 2023 draft minutes, as follows: add Hurst Avenue to the paragraph indicating her comments on page 3 for public hearing item 1, St. James New Church CUP Amendment (PLN2021-00283).
- Commissioner Steckler** moved to approve minutes, as amended, for the regular meeting of February 23, 2023. **Commissioner Rao** seconded the motion and the motion carried unanimously.
- DISCLOSURES:**                        **Chairperson Liu** visited and toured the project site for Item 2 (PLN2023-00195) and spoke with a couple of neighbors. Chairperson Liu was unable to bypass the gates in order to visit the project site for Item 1 (PLN2023-00138).
- Vice Chairperson Zhang** visited the project site for Item 2 (PLN2023-00195) and spoke with a couple of badminton players at the facility.
- Commissioner Steckler** drove by the project sites for Item 1 (PLN2023-00138) and Item 2 (PLN2023-00195).

**Commissioner Ramamurthi** visited the project site for Item 2 (PLN2023-00195) and toured the facility. Commissioner Ramamurthi also visited the project site for Item 1 (PLN2023-00138).

**Commissioner Yee** visited the project site for Item 1 (PLN2023-00138) and spoke with the residents. Commissioner Yee also visited the project site for Item 2 (PLN2023-00195) and spoke with businesses in the area.

*Timestamps from the video webcast are listed below each Public Hearing Item Number and are in hours format, as follows: (hours:minutes:seconds). Video webcasts of Planning Commission meetings can be found at: <https://fremontca.viebit.com/#>*

**CONSENT CALENDAR**      None

**PUBLIC/ORAL COMMUNICATIONS**      **Kelly Abreu** commented on parking for Mission Peak, crime in the Ardenwood area, utilization of police force, aspects of Weibel Drive, and gated communities.

**PUBLIC HEARING ITEMS**

Item 1.      **LIANG RESIDENCE – 4528 Saint Francis Terrace – PLN2023-00138** – To  
(00:16:56) consider a Discretionary Design Review to allow a new 15,500 square foot two-story single-family home on a 2.52 acre vacant lot located at 4528 Saint Francis Terrace in the Southern Hill Area Community Plan Area, and to consider a finding that no further environmental review is required pursuant to categorical exemptions from the California Environmental Quality Act (CEQA), without limitation, pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, and a finding that no further environmental review is required per 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 preparation of a subsequent or supplemental EIR have occurred.

**Planning Manager Joel Pullen** introduced the item.

**Associate Planner James Willis** gave a brief presentation and responded to questions from the Commission related to the architect/design team for the project.

**Chairperson Liu** opened the public hearing for this item and invited the applicant to speak.

**Sy-Cheng Tsai**, architect with T Square Consulting Group, Inc., gave no formal presentation and confirmed that he had not worked previously on any other projects in the same area as the proposed project.

**Chairperson Liu** invited public comments.

**Kelly Abreu** stated his support of the project, and then commented on its proximity to Mission Peak, parking, the toe of the hill, local creeks, landslides and proposed that a geotechnical examination be prepared.

**Chairperson Liu** closed the public hearing for this item.

**Commissioner Ramamurthi** moved to approve staff recommendation and **Commissioner Basrai** seconded.

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

AND

FOUND THAT THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15303, NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, IN THAT THE PROJECT WOULD ALLOW A SINGLE-FAMILY HOME IN A RESIDENTIAL DISTRICT. ADDITIONALLY, NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CEQA GUIDELINES SECTION 15183, AS THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN, FOR WHICH AN ENVIRONMENTAL IMPACT REPORT (EIR) (SCH#2010082060) WAS PREVIOUSLY PREPARED AND CERTIFIED, AND PURSUANT TO CEQA GUIDELINES SECTIONS 15162 AND 15163, AS NONE OF THE CIRCUMSTANCES REQUIRING PREPARATION OF A SUBSEQUENT OR SUPPLEMENTAL EIR HAVE OCCURRED. EACH OF THE FOREGOING PROVIDES A SEPARATE AND INDEPENDENT BASIS FOR CEQA COMPLIANCE;

AND

APPROVED THE DISCRETIONARY DESIGN REVIEW PERMIT FOR A NEW SINGLE-FAMILY HOME AS SHOWN IN EXHIBIT “A” AND SUBJECT TO CONDITIONS OF APPROVAL CONTAINED IN EXHIBIT “B.”

The motion carried by the following vote:

AYES: 7 – Basrai, Liu, Ramamurthi, Rao, Steckler, Yee, Zhang  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0

Item 2. **HAPPY BIRDIE BADMINTON CUP – 43921 Boscell Road – PLN2023-00195** –  
(00:34:30) To consider a Conditional Use Permit to convert a 23,957-square-foot tenant space in an existing 50,480-square-foot commercial building to allow the operation of a 13-court badminton facility located at 43921 Boscell Road in the Bayside Industrial Community Plan Area, and to consider a finding that no further environmental review is required pursuant to the requirements of the California Environmental Quality Act (CEQA), per, without limitation, CEQA Guidelines Section 15301, Existing Facilities, and a finding that no further environmental review is required per 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 preparation of a subsequent or supplemental EIR have occurred.

**Planning Manager Joel Pullen** introduced the item.

**Project Planner Kevin Lee** gave a brief presentation that included bringing attention to a minor correction in the hours of operation for Sundays, noting that the start time for Sundays is 7:00 AM and not 7:00 PM. Mr. Lee then responded to questions from the Commission, with assistance from **Planning Manager Joel Pullen**, regarding hosting tournaments, maximum occupancy, notification of business expansion to fellow tenants, timing of the tenant improvements, and parking.

**Chairperson Liu** opened the public hearing for this item and invited the applicant to speak.

**Dee Liu**, applicant, gave no formal presentation, but responded to questions from the Commission regarding tenant relations, bathroom renovations, parking stalls identified as reserved for the badminton facility, and a safety issue concerning accessibility near the shared bathrooms.

**Chairperson Liu** invited public comments.

**Kelly Abreu** stated his support of the project, and then commented on parking, the facility's proximity to local amenities, and the increased popularity of the sport.

**Chairperson Liu** closed the public hearing for this item.

**Vice Chairperson Zhang** expressed his support of the project, stating that parking during prime time for the badminton facility would not compete with fellow tenants, and that local businesses, including restaurants, would benefit from the club's presence.

**Commissioner Yee** moved to approve staff recommendation and **Commissioner Rao** seconded.

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

AND

FOUND THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES, AND A FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PER 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/OR CEQA GUIDELINES SECTIONS 15162 AND 15163, AS NONE OF THE CIRCUMSTANCES REQUIRING PREPARATION OF A SUBSEQUENT OR SUPPLEMENTAL EIR HAVE OCCURRED, EACH OF THE FOREGOING PROVIDING A SEPARATE AND INDEPENDENT BASIS FOR EXEMPTION;

AND

FOUND THAT PLN2023-00195, A CONDITIONAL USE PERMIT FOR A BADMINTON FACILITY, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

APPROVED PLN2023-00195, AS SHOWN ON EXHIBIT “A”, SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT “B.”

The motion carried by the following vote:

AYES: 7 – Basrai, Liu, Ramamurthi, Rao, Steckler, Yee, Zhang  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0

Item 3.  
(00:50:20)

**IMPACT FEE DEFERRAL FOR MARKET RATE RESIDENTIAL PROJECTS – Citywide – PLN2023-00216**

– To consider recommendation to City Council of a City-initiated Zoning Text Amendment amending Title 18 [Planning and Zoning], Chapter 18.290 [Development Impact Fees] of the Fremont ever occurs first; and finding that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b) (2), (4) and/or (5), and/or CEQA Guidelines Section 15061(b)(3).

**Planning Manager Joel Pullen** introduced the item and gave a brief history and overview of the item. Mr. Pullen then responded to questions from the Commission regarding cost analysis, timing of when the amended ordinance would take effect, changes in the cost index, and comparative analysis with local or similar jurisdictions in California.

**Chairperson Liu** opened the public hearing on this item and invited public comments.

**Kelly Abreu** commented disapprovingly on the current development fees.

**Rishi Khanna** commented on how the proposed text amendment would have a positive impact on helping developers start projects earlier and encouraged members of the Commission to vote in favor of the project.

**Commissioner Yee** moved to approve staff recommendation and **Commissioner Basrai** seconded.

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

AND

FOUND THAT THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO, WITHOUT LIMITATION, CEQA GUIDELINES SECTION 15378(B) (2), (4) AND/OR (5), AND/OR PER CEQA GUIDELINES SECTION 15061(B)(3), IN THAT IT IS AN ADMINISTRATIVE OR GOVERNMENTAL FUNDING MECHANISM OR FISCAL ACTIVITY THAT DOES NOT INVOLVE A COMMITMENT TO ANY SPECIFIC PROJECT NOR HAVE IN THAT IT IS NOT A PROJECT WHICH HAS THE POTENTIAL TO CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. EACH OF THE FOREGOING PROVIDES A SEPARATE AND INDEPENDENT BASIS FOR CEQA EXEMPTION;

AND

RECOMMENDED THAT CITY COUNCIL ADOPT AN ORDINANCE, AS SHOWN IN EXHIBIT “A,” APPROVING THE PROPOSED ZONING TEXT AMENDMENT PLN2023-00216 TO AMEND FMC CHAPTER 18.290, DEVELOPMENT IMPACT FEES TO ALLOW MARKET RATE RESIDENTIAL DEVELOPMENT PROJECTS TO DEFER PAYMENT OF DEVELOPMENT IMPACT FEES AFTER BUILDING PERMIT ISSUANCE.

The motion carried by the following vote:

AYES: 7 – Basrai, Liu, Ramamurthi, Rao, Steckler, Yee, Zhang  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0

## DISCUSSION ITEMS

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

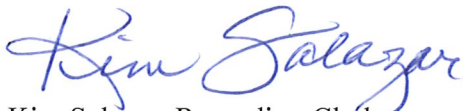
- Information from staff, as reported by **Planning Manager Joel Pullen**:

- The Planning Commission meeting for the month of May is scheduled for the second Thursday, May 11, 2023 instead of the fourth Thursday.
- Actions from City Council Regular Meetings, as reported by **Planning Manager Joel Pullen**:
  - City Council approved the Flood Damage Prevention Ordinance at their March 21, 2023 meeting.
  - Also at the March 21, 2023 meeting, City Council approved recommendation to the State of California the Housing Element Update. Prior to tonight's meeting, staff received confirmation that the State officially certified our Housing Element.
- Information from Commission:
  - **Commissioner Ramamurthi** asked if there were any updates from the Transportation Department regarding the parking situation on Hurst Avenue, to which **Planning Manager Joel Pullen** said he would follow up with her via email.
  - **Commissioner Yee** reported that he would be attending the Annual Planning Commissioners Academy next week on March 29-31, 2023. Commissioner Yee also said he will be moderating one of the sessions and will be the closing speaker at the conference.

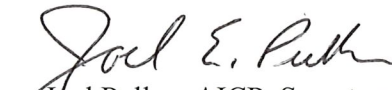
#### ADJOURNMENT

Meeting adjourned at 8:20 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk  
Planning Commission



Joel Pullen, AICP, Secretary  
Planning Commission