



**MINUTES  
FREMONT ZONING ADMINISTRATOR  
REGULAR MEETING OF OCTOBER 7, 2019**

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

**PRESENT:** Joel Pullen, Zoning Administrator  
Courtney Pal, Planner I  
Kim Salazar, Recording Clerk

**CONSENT CALENDAR** None

**PUBLIC HEARING ITEMS**

Item 1. **GENIUS KIDS – 702 Brown Road – (PLN2019-00307)** – To consider a Zoning Administrator Permit to allow the establishment of a day care facility for up to 56 children in the South Fremont Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

The public hearing was opened.

**Waseem Khan**, representing the property owner and real estate broker, asked questions regarding conditions No.'s 3, 12, 13, and 18, to which **Zoning Administrator Joel Pullen** and project **Planner Courtney Pal** responded to for clarification.

The applicant, **Gowthaman Subharayolu**, inquired as to the feasibility of changing outdoor play area use hours, to which **Zoning Administrator Pullen** responded that modified hours would need to be reviewed as minor modifications based upon whether they were consistent with the hazmat studies reviewed by the fire department.

**Mr. Subharayolu** also noted that the state may permit up to 58 enrollees, instead of 56, based upon suite and play area final square footage. **Zoning Administrator Pullen** indicated that 58 could potentially be permitted as a minor change through building permitting, since there was available parking. The final occupancy would be reviewed by staff for conformance with all requirements.

The public hearing was closed.

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 CEQA GUIDELINES SECTION 15301;

AND

FOUND THAT PLN2019-00307, A ZONING ADMINISTRATOR PERMIT FOR A CHILD DAY CARE CENTER, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

APPROVED PLN2019-00307, AS SHOWN ON EXHIBITS "A," SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT "B."

AND

APPROVED THE PROPOSED REMOVAL AND MITIGATION FOR ONE PROTECTED TREE PURSUANT TO THE CITY'S TREE PRESERVATION ORDINANCE, BASED UPON FINDINGS AND CONDITIONS IN EXHIBIT "B."

Item 1 was approved with the following revised conditions of approval shown in strike out and underlined text:

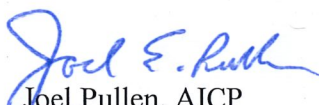
3. Minor modifications to this Zoning Administrator Permit including but not limited to modifications in the number of children/students on site and changes to the hours of operation, may be made subject to review and approval by the Zoning Administrator if such modifications are in keeping with the intent of the original approval. The Zoning Administrator shall retain the authority to determine the level of review required, and depending on the severity or location of the modification, the project may be referred to the Planning Commission for public comment, review and approval. ~~However, the Zoning Administrator may refer any modifications to the Planning Commission if the request is of such a nature that Planning Commission consideration is warranted.~~
10. Genius Kids shall prepare and implement a site-specific emergency action plan (EAP). The EAP shall include a shelter in place provision for a potential flammable hydrogen vapor cloud that could occur at either the Hayward Quartz facility or the West Coast Quartz - WCQ1000 facility from a hydrogen gas leak. The EAP shall be submitted for review and approval shall be at the discretion of approved ~~by~~ the Fremont Fire Department prior to building occupancy and use, and subject to revision based on field conditions.
12. A "Hazardous Materials Covenant and Agreement" shall be recorded against the parcel to restrict the use of hazardous materials in the adjacent tenant spaces or buildings on the same parcel. This will ensure that the adjacent tenant space or buildings will not contain any type or quantity of hazardous materials that could pose a risk to the Day Care and Learning Center. The City will provide such document that shall be executed by the applicant and property owner and recorded against the property prior to building occupancy and use.

13. The current property owner(s) and Genius Kids Day Care and After School Learning Center shall acknowledge and understand that the Center is generally adjacent to industrial users in an area that is potentially susceptible to exposure to or migration of hazardous materials and/or waste. Specifically, the Warm Springs WSI-10 and Industrial-Tech (IT) land use designations. Therefore an "Acknowledge of Risk" statement shall be recorded against the parcel. In this document, the applicant/property owner shall also indicate that the "Acknowledge of Risk" statement shall be provided to the responsible adult (e.g. parent, legal guardian) authorized to enroll each prospective student prior to enrollment. The City will provide such document that shall be executed by the applicant and property owner and recorded against the property prior to building occupancy and use.
18. Use of the outdoor play area shall be limited to the hours of ~~10~~11:00 AM to ~~11~~12:00 ~~APM~~ and 4:00 PM to 5:00PM. All outdoor play area activities shall be monitored by one or more staff persons.
19. Staggered pick-up and drop-off hours shall be in accordance with Informational Enclosure 1. Modifications to this schedule are subject to Condition of Approval #3, with a goal of less than 30% of the daily students arriving within any 30-minute period. The applicant shall annually provide a draft pick-up and drop-off plan to the Transportation Engineering Division of the City of Fremont Public Works Department, noting any changes from the prior year, for review and approval. The applicant shall provide a written advisory describing the facility's drop-off and pick-up procedures to parents and/or guardians on an annual basis. A copy of the initial advisory shall also be provided to the Planning Manager or designee prior to occupancy. Information shall include detailed procedures for entering, dropping-off, picking-up, parking, and exiting the site. Parents and/or guardians shall acknowledge in writing that they have read and will abide by the provisions of the advisory.
20. Prior to occupancy, the applicant shall construct a minimum six-foot-high solid board fence or masonry wall on the edge of the outdoor play area adjacent to the eastern property line to the satisfaction of the Planning Manager or designee. The applicant shall work with staff to design a barrier such as a fence or wall for the outdoor play area that is architecturally compatible with the building, to be reviewed and approved at the discretion of the Planning Manager.

## ADJOURNMENT

Meeting adjourned at 3:20 p.m.

APPROVED BY:

  
Joel Pullen, AICP  
Zoning Administrator