

# Notice of Exemption

**Date: March 19, 2025**

**To:**

- Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044
- Alameda County Clerk-Recorder's Office  
1106 Madison Street  
Oakland, CA 94607

**From:**

City of Fremont, Planning Division  
39550 Liberty Street  
Fremont, CA 94537  
Contact: Kevin Lee, Planner II  
Phone: 510-494-4521

**Subject: Filing of a Notice of Exemption Pursuant to CEQA Guidelines Section 15062**

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**Project Title:** US BADMINTON ACADEMY ZAP – 43033 OSGOOD ROAD – PLN2024-00104

**Project Applicant:** Jeffrey Eaton, E2 Architecture

**Project Location (include county):** 43033 Osgood Road, Fremont, Alameda County, CA

**Project Description:** To consider a Discretionary Design Review Permit, Zoning Administrator Permit, Modification of Zoning Standards, and Tree Removal for the construction and establishment of a new, approximately 33,500-square-foot indoor commercial recreation facility on a 1.62-acre site consisting of 21 badminton courts and clubhouse area at 43033 Osgood Rd in the Irvington Community Plan Area, and to consider a finding that no further environmental review is required pursuant to an exemption from the requirements of the California Environmental Quality Act (CEQA), per, without limitation, CEQA Guidelines Section 15332, In-Fill Development Projects, and 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. Each of the foregoing provides a separate and independent basis for CEQA compliance.

**Name of Public Agency Approving Project:** City of Fremont

**Exempt Status:**

- Ministerial (Public Resources Code Section 21080(b)(1); CEQA Guidelines Section 15268)
- Declared Emergency (Public Resources Code Section 21080(b)(3); CEQA Guidelines Section 15269(a))
- Emergency Project (Public Resources Code Section 21080(b)(4); CEQA Guidelines Section 15269(b)(c))
- Article 19 - Categorical Exemption: CEQA Guidelines Section 15332, In-Fill Development Projects
- Article 12 - Special Situations: CEQA Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan, or Zoning

**Reasons why project is exempt:** The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects, which exempts in-fill development when the project would be consistent with the General Plan and Zoning Ordinance; proposed development would occur on a site no greater than five acres substantially surrounded by urban uses; the site has no habitat value for endangered, rare or threatened species; approval would not result in significant effects relating to traffic, noise, air quality and water quality; and the site is adequately served by utilities and public services.

As documented in the staff report, the project would be consistent with the General Plan and Zoning Ordinance. The 1.58-acre site is surrounded by urban development and has access to a public street. The site is currently developed with a single-story and several accessory structures for commercial storage purposes across the property, does not contain any habitats for endangered, rare, or threatened species. Standard development requirements for resource protection contained in FMC Section 18.218.050(b) (Biology, Special-Status Species) would be included as conditions of approval and implemented with Project development. These standard requirements would ensure that there would be no impacts to protected wildlife.

Current guidelines for transportation analysis under CEQA require the use of vehicle miles traveled (VMT) analysis methodology. Based on the review of the project description, the proposed project is considered a "Local Serving Retail" under 50,000 square feet in size and is therefore screened out from further CEQA VMT analysis.

Given the small nature of the proposed project and similar characteristics to surrounding urban development, the project would not have noise, air quality or water quality impacts. As part of the project's conditions of approval, the applicant is required to comply with the standard development requirements contained in FMC Section 18.218.050 to protect and address air quality, biological and cultural resources, geology and soils, and noise. Lastly, there are existing utilities and public services available to serve the project's needs as reviewed by outside agencies.

Furthermore, on a separate and independent basis, the proposed project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan, or Zoning. The project is consistent with the development goals and standards established in the existing zoning and general plan for which an EIR was prepared and certified.

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature (Lead Agency): \_\_\_\_\_ Title: Planner II

Date Received for filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.