



# Notice of Exemption

Date: January 20, 2022

**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, Housing Division  
39550 Liberty Street  
Fremont, CA 94537  
Contact: Lucia Hughes  
Phone: (510) 494-4506

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

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**Project Title:** Homekey Round 2 at Motel 6

**Project Applicant:** City of Fremont, applicant with co-applicants Shangri la Industries, LLC and Step Up on Second Street, Inc.

**Project Location (include county):** 46101 Research Avenue, Fremont, CA (Alameda County)

**Project Description:** Conversion of an existing motel at 46101 Research Avenue to 152 to 156 permanent supportive housing units for the chronically homeless through the Homekey Round 2 Program. An additional three units would be rehabilitated and reserved for property management staff. The scope of work would include modification of rooms to add kitchenettes and rehabilitate them, along with the creation of a modular unit for service delivery space. The project would comply with all requirements of the Homekey Round 2 Program.

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

**Exempt Status (check one):**

- 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))
- Categorical Exemption. State type and CEQA Guidelines section number.
- Statutory Exemptions. Health and Safety Code Section 50675.1.4 and Public Resources Code Section 21080.5

**Reasons why project is exempt:** The City of Fremont has determined that the proposed action is exempt from the California Environmental Quality Act (CEQA). Pursuant to AB 140, the following CEQA statutory exemption has been added to Health and Safety Code section 50675.1.4: (a) Notwithstanding any other law, the California Environmental Quality Act (Division 13 (commencing with section 21000) of the Public Resources Code) shall not apply to any project, including a phased project, funded pursuant to section 50675.1.3 if all of the following requirements, if applicable, are satisfied: (1) No units were acquired by eminent domain. (2) The units will be in decent, safe, and sanitary condition at the time of their occupancy. (3) The project proponent shall require all contractors and subcontractors performing work on the project to pay prevailing wages for any proposed rehabilitation, construction, or major alterations in accordance with Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code. (4) The project proponent obtains an enforceable commitment that all contractors and

subcontractors performing work on the project will use a skilled and trained workforce for any proposed rehabilitation, construction, or major alterations in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. (5) The project proponent submits to the lead agency a letter of support from a county, city, or other local public entity for any proposed rehabilitation, construction, or major alteration work. (6) Any acquisition is paid for, in whole or part, with public funds. (7) The project provides housing units for individuals and families who are experiencing homelessness or who are at risk of homelessness. (8) Long-term covenants and restrictions require the units to be restricted to persons experiencing homelessness or who are at risk of homelessness, which may include lower income and very low income households, as defined by Section 50079.5, for no fewer than 55 years. (9) The project does not result in an increase in the existing onsite development footprint of structure, structures, or improvements by more than 10 percent. Any increase to the existing, onsite development footprint shall be exclusively to support the provision of or conversion to housing for the designated population, including, but not limited to, both of the following: (A) Achieving compliance with local, state, and federal requirements. (B) Providing sufficient space for the provision of services and amenities. (b) If the lead agency determines that a project is not subject to the California Environmental Quality Act pursuant to this section, and the lead agency determines to approve or to carry out that project, the lead agency shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located in the manner specified in subdivisions (b) and (c) of section 21152 of the Public Resources Code

In addition, the project would be statutorily exempt under Public Resources Code Section 21080.5 as CEQA is not required for an "interim motel housing project" or "project" for the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing as long as it will not result in the expansion of more than ten percent of the floor area of any individual living unit in the structure and/or in any significant effects relating to traffic, noise, air quality, or water quality.

Signature (Lead Agency): Joel E. Pullen Title: Planning Manager  
Date Received for filing at OPR: N/A

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