



Notice of Exemption

Date: 4/5/2024

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: Mark Hungerford
Phone: (510)-494-4541

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

Project Title: Witherly Lane Homes (PLN2023-00143)

Project Applicant: Hayes Shair (Envisuality Group Inc.)

Project Location (include county): 830 Witherly Lane

Project Description: To consider a Discretionary Design Review Permit, Vesting Tentative Tract Map No. 8546, and a Private Street in conjunction with a proposal to subdivide the three-lot, 4.15-net-acre site that contains the Register-eligible Gallegos House Resource into 10 single-family lots at 830 Witherly Lane in the Mission San Jose 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 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 15164, as none of the circumstances requiring preparation of a subsequent or supplemental EIR have occurred.

The project was approved by the City of Fremont Planning Commission on March 28, 2024.

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:
- Special Situations. State CEQA Guidelines section number: 15183, Projects Consistent with the General Plan, as an EIR (SCH# 2010082060) was previously prepared and certified and 15162 and 15164, as none of the circumstances requiring preparation of a subsequent or supplemental EIR have occurred.
- Statutory Exemptions. State CEQA Guidelines section number:

Reasons why project is exempt:

The proposed project is consistent with the General Plan, for which an Environmental Impact Report (Fremont General Plan Update EIR (SCH No. 2010082060) was prepared and certified by the Fremont City Council in December 2011 in accordance with the requirements of CEQA. The project is consistent with the development densities, bulk, and land use standards as established by the project site's Hillside Residential designation and R-1-20(H-I) zoning, including select development standards waivers, as provided by State law, resulting from the project's incorporation of on-site affordable housing. A programmatic EIR was prepared and certified by the City of Fremont for the General Plan and the project is consistent with the development assumptions of that prior General Plan EIR. Additionally, each on a separate and independent basis, the project has been found to not trigger subsequent documentation under CEQA Guidelines Sections 15162 and 15164 as no substantial changes are proposed in the project that would require revisions to the General Plan Update EIR, nor have substantial changes occurred with respect to the circumstances under which the proposed project would be undertaken require revisions to the General Plan Update EIR, nor has new information of substantial importance been identified that would indicate the project would have any new or more significant effects or require new or additional mitigation than what was included in the General Plan Update EIR. The programmatic mitigation measures from the General Plan Update EIR and/or the standard development requirements contained within FMC Chapter 18.218 adequately address the potential environmental effects of the project. The project is thus within the scope of the General Plan Update EIR and no further CEQA documentation is required.

Each of the foregoing provides, without limitation, separate and independent basis for the no further environmental review finding.

Signature (Lead Agency): _____ Title: Associate Planner

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