

**Notice of Preparation (NOP) of a Draft Environmental Impact Report for the
One Family Residence at 43531 Ellsworth Street**

Date: December 9, 2024
To: Office of Planning and Research, Responsible and Trustee Agencies, and Interested Parties
From: City of Fremont, Planning Department
Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report for the One Family Residence at 43531 Ellsworth Street

Pursuant to Section 21165 of the California Public Resources Code and Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the City of Fremont will be the Lead Agency and will prepare a focused Environmental Impact Report (EIR) to address the potential impacts to historic resources that would result from implementation of the Project, consisting of one single-family residence at 43531 Ellsworth Street in Fremont. The purpose of this notice is to alert the public and public agencies of the City's decision to prepare an EIR for this Project pursuant to CEQA Guidelines Section 15082, and to solicit comments and suggestions regarding the scope and content of that EIR. The City of Fremont requests comments from public agencies regarding the scope and content of the EIR that are germane to those public agencies' statutory responsibilities, and that may be connected to the proposed Project. The EIR may be used by your agency when considering subsequent permits or approvals.

An Abbreviated Infill Exemption Initial Study/CEQA Checklist has been prepared for the Project to evaluate the potentially significant effects that the Project may have on the environment. This CEQA Checklist is available for review at the City of Fremont's Development Services Center at 39550 Liberty Street, Fremont, CA, or on the City's website at: <https://city.fremont.gov/environmentalreview>

Due to the time limits mandated by state law, your response to this Notice must be sent at the earliest possible date, but no later than 30 days from receipt of this notice.

Project Title: One Family Residence at 43531 Ellsworth Street (PLN2024-00021)
Project Applicant: Sandeep Dhankhar, 43531 Ellsworth Street, Fremont CA 94539
Project Location: 43531 Ellsworth Street,, Fremont, CA, Alameda County, Assessor's Parcel Number 513-0610-006-00 (see attached vicinity map and site plan)

Existing Conditions: The Project site is located at 43531 Ellsworth Street within the Core Area of the Mission San Jose Historic District of the City of Fremont, one block east of Mission Boulevard (see Figure 1). The site is a rectangular parcel of 7,500 square feet with a 50-foot frontage onto Ellsworth Street. The site is surrounded by similarly sized residential parcels within the residential neighborhood bounded by Ellsworth, Anza, Cedar and Bryant Streets, which is one of the oldest residential blocks in the Mission San Jose Historic District.

The Project site previously contained one single-family residence that was built circa 1890. On April 11, 2022, the property owner applied for and received a permit to remodel the interior of the existing house, convert the basement to habitable space, and increase the interior ceiling height. During the remodel, the property owner demolished the existing historic residence and began to rebuild a new residence outside of the original footprint, without obtaining necessary permits including demolition permits, building permits or historical analysis to determine whether the structure could be demolished and/or rebuilt in conformance with the Mission San Jose Historic Overlay District.

The Project site has a General Plan land use designation of Residential - Low to Medium Density, and is located within the Mission San Jose Neighborhood Conservation Area. The Project site is located within the Duplex and Two-family Residential (R-2) zoning district, within a Historic Overlay District (HOD).

Project Description: The property owner now seeks to construct a new home on this site. The new house is proposed as a split-level, 2-story house of 2,800 square feet, with an attached 615 square-foot garage and a 910 square-foot basement (see Figure 2). A separate shed is also proposed at the rear of the lot.

CEQA Guidelines and the Fremont Planning Code are both clear that all components of a proposed development project shall be considered concurrently pursuant to CEQA review, rather than segmented into components. For this Project, all components of the proposed new residence include the prior demolition of a substantial portion of an historic resource and completion of the demolition of the remainder of the former residence, as a prerequisite to construction of the new residence.

CEQA Review: Although the historic resource is now gone, the City of Fremont still has responsibility under CEQA to consider the full environmental consequences of an action to approve the new residence. Pursuant to FMC Section 18.175.310, any action to demolish or destroy properties identified on the Fremont Historic Register or identified as a potential Historic Register resource requires the Fremont Historic Architectural Review Board and/or City Council to consider the proposed demolition as a discretionary action, following preparation and circulation of an Environmental Assessment. In this case, no notice of demolition or destruction was provided and no environmental review or consideration of a discretionary demolition permit has yet been conducted. The City has determined that loss of the historic structure is a significant and unavoidable effect of the Project, necessitating an Environmental Impact Report (EIR).

Upon initial review as described in the attached Abbreviated Infill Exemption Initial Study/CEQA Checklist, the City of Fremont has not found the Project to have any other significant environmental effects. Accordingly, the City intends to prepare a focused EIR limited to addressing the following significant effects:

- Historic Resource Impacts
- Cumulative Historic Resource Impacts
- Unusual Circumstances related to Historic Resources

Responding to this Notice: Pursuant to CEQA Guidelines Section 15082, responsible and trustee agencies and other interested parties (including members of the public) must submit their comments in response to this Notice no later than 30 days after receipt. The City encourages comments and suggestions that identify significant environmental issues, reasonable alternatives, and mitigation measures that should be explored in the EIR. The City of Fremont also requests that any responding agencies identify

City of Fremont
Notice of Preparation of a Draft EIR for the 43531 Ellsworth Street Project
December 9, 2024

whether they may be a responsible or trustee agency for the proposed Project, including the name for a contact person in your agency.

This NOP and accompanying Initial Study are available for a 30-day public review period beginning December 9, 2024 and ending January 8, 2025. Please send your response to:

Spencer Shafsky, Planner II
City of Fremont Community Development Department
39550 Liberty St., Fremont, CA 94538
or via email at: SShafsky@fremont.gov

If you have any questions regarding the Project or information in the NOP, please contact Spencer Shafsky at (510) 494-4452.



Signature (Lead Agency), City of Fremont

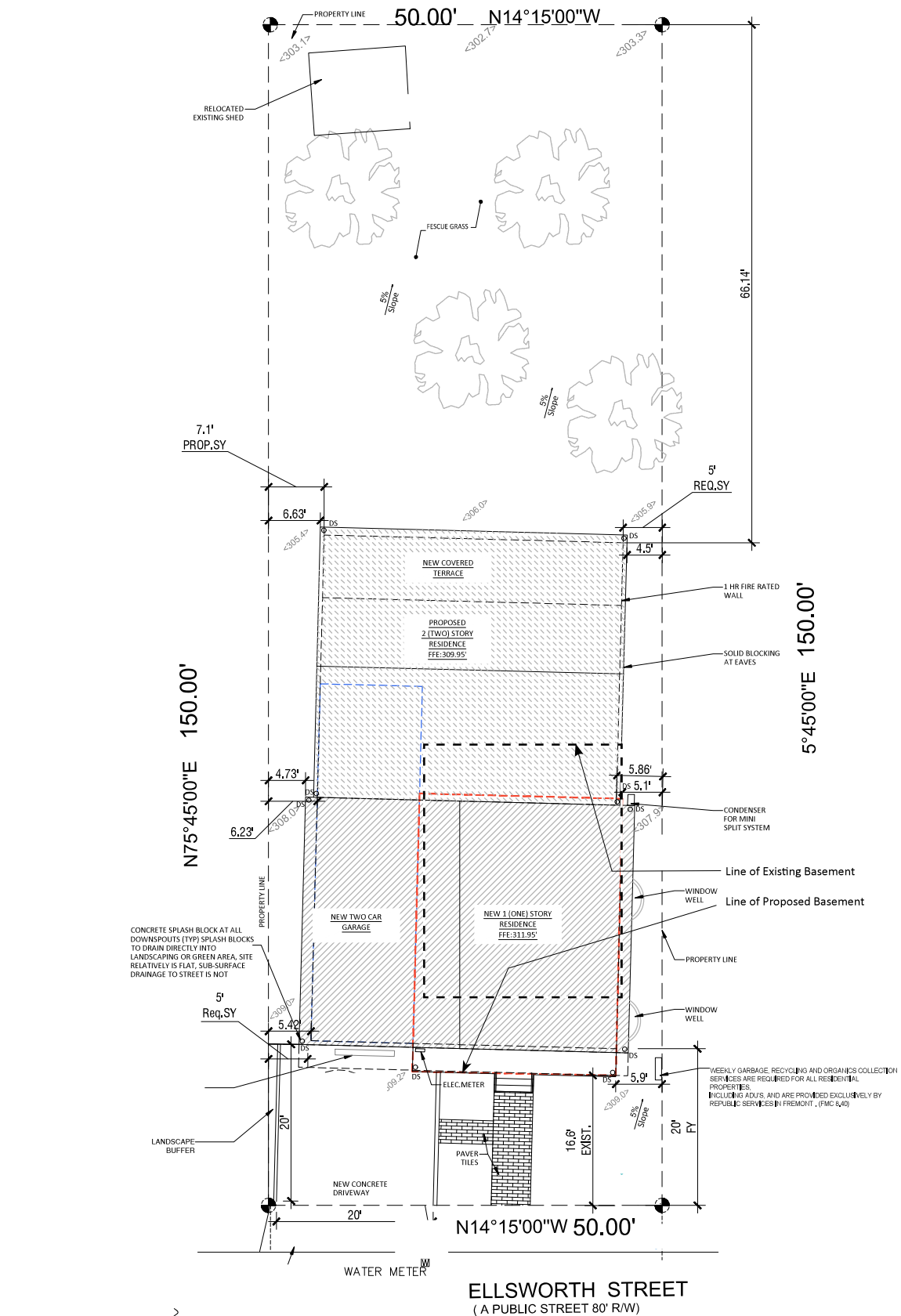
Attachments:

Figure 1: Vicinity Map

Figure 2: Site Plan



Figure 1
Project Location and Surrounding Land Uses



SITE PLAN 1

Figure 2
Project Site Plan

Source: Project Plans, Sheet A-1.0, 08/02/2023