



Notice of Exemption

Date: May 6, 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: James Willis, Senior Planner
Phone: (510)-494-4449

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

Project Title: Capital Development (PLN2024-00188)

Project Applicant: Mandi Misasi, Brookfield Property Development

Project Location (include county): 3440 Walnut Avenue, Fremont, Alameda County

Project Description: To consider a Discretionary Design Review, Private Street, Tentative Tract Map, and Environmental Impact Assessment and other partner entitlements to demolish the existing buildings on an approximately 12 acre site in the Central Community Plan Area and construct 336 new multi-family homes consisting of 216 townhome units ranging from three to four stories in height and a 120 unit affordable apartment building six stories tall, and to consider a finding that no further environmental review is required pursuant to exemptions from the requirements of the California Environmental Quality Act (CEQA), per, without limitation, and each as a separate and independent basis, CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, and CEQA Guidelines Section 15163, 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 none of the conditions which would require the preparation of a supplement to an EIR are present in the project.

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: §15303
- Special Situations. State CEQA Guidelines section numbers: §15163
- Statutory Exemptions. State CEQA Guidelines section number:

Reasons why project is exempt:

The City retained environmental consultant LSA Associates to prepare an analysis under the California Environmental Quality Act (CEQA). LSA prepared a consistency analysis under CEQA Guidelines Sections 15183, Projects Consistent with a Community Plan or Zoning, and 15162, Subsequent EIRs and

Negative Declarations. The analysis found the overall use and intent of the proposed project would be consistent with the vision and intent of the General Plan, which was evaluated in the General Plan EIR. The proposed project would not require major revisions to the certified EIR and the proposed project would not result in any new impacts that would require additional mitigation measures beyond those required in the General Plan EIR. Construction and operational impacts of the proposed project would be the same as or similar to those impacts identified in the General Plan EIR. The proposed project would not increase significant off-site or cumulative impacts. The proposed residential development would be consistent with the City's General Plan and zoning. No amendments to the General Plan or zoning designations would be required.

The General Plan EIR was certified in 2011. Updated planning documents, including ordinances, that were adopted by the City after General Plan EIR certification do not provide substantial new information that was not known at the time the EIR was certified. Additionally, the proposed project would comply with all updated regulations, such as building codes, zoning amendments, and any other updates to the zoning code, as required by the City. Since no substantial new information not known at the time of the General Plan EIR is available, no updated analyses or other studies are required for the proposed project.

Based on the analysis performed by the City's consultant, staff recommends the Planning Commission make a finding that no further environmental review is required pursuant to exemptions from the requirements of the California Environmental Quality Act (CEQA), per, without limitation, and each as a separate and independent basis, CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, and CEQA Guidelines Section 15163, 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 none of the conditions which would require the preparation of a supplement to an EIR are present in the project.

Signature (Lead Agency):

A handwritten signature in blue ink, appearing to read "James Wells", is written over a horizontal line.

Title: Senior Planner

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