

Notice of Exemption

Date: July 29, 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

Project Title: CAPITOL 101 TENTATIVE TRACT MAP AMENDMENT

Project Applicant: Rishi Khanna, SPSD Developers

Project Location (include county): 3411 Capitol Avenue, Fremont, Alameda County, CA 94538

Project Description: To consider an amendment to the approved Capitol 101 project's Tentative Tract Map No. 8485 to allow a condominium subdivision consisting of 126 residential lots and two commercial lots at 3411 Capitol Avenue in the Downtown District and Central Community Plan Area, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Infill Development Projects, and a finding that no further environmental review is required pursuant to CEQA Guidelines Section 15183, as the project is consistent with the density established by the Downtown Community Plan for which a Final Supplemental Environmental Impact Report (SCH #2010072001) 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 (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))
- ☐ Statutory Exemptions.
- ☒ Categorical Exemption. CEQA Guidelines Section 15332, Infill Development Projects
- ☒ Special Situations. CEQA Guideline Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning

Reasons why project is exempt:

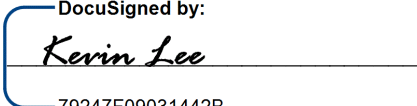
This project is categorically exempt from the requirements of CEQA per CEQA Guidelines Section 15332, Infill Development Projects, which exempts in-fill development when the project would be consistent with the General Plan and Zoning Ordinance; proposed development would occur on a site no greater than 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 discussed in the staff report, the project would be consistent with the General Plan and Zoning Ordinance. The site was previously developed and does not contain any natural vegetation that provides habitat for endangered, rare or threatened species. Standard development requirements for resource protection contained in FMC Section 18.218.050(b) (Biology, Special-Status Species), such as protections for nesting birds and roosting bats, would remain as part of the original conditions of approval.

A vehicle-miles-traveled (VMT) analysis performed by City Transportation Division staff found the project's retail-commercial component meets the screening criteria, as it is less than 50,000 square feet of gross floor area. Furthermore, the project site is located in an area with an existing residential VMT per capita of 17.1, which is below the City of Fremont average VMT per capita significance threshold of 20.2 for residential uses. As such, the overall project is not anticipated to have a significant VMT impact.

Given the nature of the overall project and similar characteristics to surrounding urban development, the project would not have significant noise, air quality or water quality impacts. Hours of construction would be regulated per FMC Section 18.160.010 to address short-term noise during construction. With the inclusion of standard development requirements for air quality contained in FMC Section 18.218.050(a), which includes use of equipment utilizing best emission control technology, the project would not have a significant impact to air quality. The project would implement the City's stormwater runoff requirements. Finally, there are existing utilities and public services available to serve the site, including but not limited to: water, sanitary sewer, storm water facilities, electricity, natural gas, roadways, and transit.

Furthermore, pursuant to CEQA Guidelines Section 15183, projects which are consistent with the development density and intensity established by a community plan, general plan or zoning for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site, or if substantial new information was presented indicating previously-identified impacts would be more significant. The proposed density changes would not result in a new significant impact or a substantial increase in the severity of previously identified impacts contained in the Downtown Community Plan FEIR and subsequent CEQA Environmental Compliance Checklist (Informational Item 3) prepared for the original project approval. Since the project square footage is roughly the same, previously disclosed construction emissions figure to experience little change, if any. Additionally, while the proposed increase in residential unit count could increase daily vehicle trips associated with project (which are the primary source of operation emissions), the resultant increase, when proportionally applied to previous emissions modeling results, would remain well-below significance thresholds established by the Air District and therefore not affect previously disclosed impacts. As such, there is no need for further environmental review for the project. The mitigation measures from the Downtown Community Plan FEIR are applied to and adequate for the proposed project, which is within the scope of the FEIR.

Signature (Lead Agency):  Title: Planner II
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