



Notice of Exemption

Date: 2/27/2026

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, Associate Planner
Phone: 510-494-4521

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

Project Title: DUSTERBERRY RESIDENCES (PLN2025-00104)

Project Applicant: Scott Connelly, Valley Oak Partners

Project Location (include county): 37555 & 37557 Dusterberry Way, Fremont, CA 94538, Alameda County. APN(s): 501-521-13-7, 501-521-13-8, 501-0521-013-15, 501-1830-006-00, 501-1833-003-00, 501-0521-013-011

Project Description: To consider a Discretionary Design Review Permit, Vesting Tentative Tract Map No. 8726, Private Street, Tree Removal, and waivers pursuant to State Density Bonus Law to allow the construction of a new for-sale, 24-unit detached townhome development with three on-site affordable units and 21 attached accessory dwelling units on a 1.86-acre lot at 37555 & 37557 Dusterberry Way in the Centerville Community Plan Area; and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) per, without limitation, CEQA Guidelines Section 15332, In-fill Development Projects, CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, as the project is consistent with the development density established by the General Plan for which an Environmental Impact Report (EIR) (SCH#2010082060) was previously prepared and certified, and CEQA Guidelines Sections 15162 and 15163, as none of the circumstances requiring preparation of a subsequent or supplemental EIR have occurred. 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: 15332 (In-fill Development Projects)
- Special Situations: 15183 (Projects Consistent with a Community Plan or Zoning), 15162, 15163

Reasons why project is exempt: The project is exempt from the California Environmental Quality Act (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, occur on a site no greater than five acres that’s substantially surrounded by urban uses; have no habitat value for

endangered, rare or threatened species; would not result in significant effects relating to traffic, noise, air quality and water quality; and be adequately served by utilities and public services.

As documented in the staff report, the project is consistent with the General Plan and zoning ordinance. The 1.86-acre lot is surrounded by urban development with existing connection to the public right of way. As a previously developed lot with active commercial uses, the project site contains no habitat value for endangered, rare or threatened species nor poses a risk to water quality. The City's Standard Development Requirements to Address Resource Protection contained in FMC 18.218 are applicable to the project, which provides safeguards and processes to ensure biological resources remain protected during the course of construction. As it relates to noise and air quality, the project incorporates specific measures as project features to ensure that construction does not exceed applicable thresholds:

- No use of vibratory rollers within 20 feet of adjacent buildings
- No use of excavators, graders, and dozers within 10 feet of adjacent buildings
- Use of smaller vibratory compactors when compacting materials within 20 feet of adjacent buildings
- Use of alternative methods such as pavement grinder to break up existing pavement within 20 feet of adjacent buildings
- Designation of construction staff to register and investigate claims of excessive vibration
- Construction of an 8-foot fence at the northwest property line

An independent, qualified consultant retained by the City determined that these measures, in addition to the City's Standard Development Requirements, were satisfactory in ensuring that the project would remain under any threshold of significance for air quality, noise, or vibration. Regarding traffic, the City's Transportation Engineering Division concluded that, based on net new peak hour trips, project specific vehicle-miles traveled (VMT), and the nature of the project as a multifamily development under 25 units, the project is not subject to a Local Transportation Analysis and no further transportation review under CEQA is required. The project's internal traffic circulation system ensures that no significant impacts to traffic in the public right of way would occur by containing most of the traffic movement to within the site. Lastly, there are existing utilities and public services available to serve the project's needs.

On a separate and independent basis, the proposed project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan, or Zoning. The project is consistent with the development densities established in the existing zoning and general plan for which an EIR was certified. Additionally, the project has been found to not trigger subsequent documentation under CEQA Guidelines Sections 15162 and 15163 as no substantial changes are proposed in the project that would require revisions to the General Plan Update EIR (filed with the State Clearinghouse under SCH#2010082060) 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.

Signature (Lead Agency): Kevin Lee Title: Associate Planner