Notice of Exemption

Date: November 14, 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: Marc Cleveland
Phone: (510)-494-4543

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

Project Title: PLN2025-00094 – Mission at Orchard Condominiums

Project Applicant: City of Fremont

Project Location (include county): 38453-38539 Mission Boulevard (APNs: 507-527-37-2, 507-527-38-2, and 507-527-39-2), City of Fremont, Alameda County

Project Description: To consider a Discretionary Design Review Permit, Vesting Tentative Tract Map No. 8751, Private Street, and a concession and waivers pursuant to State Density Bonus Law to allow the construction of a new 105-unit multi-family condominium development featuring 15 on-site affordable units on a 4.50-acre site that contains the Register-eligible Ellsworth House Resource at 38453 - 38539 Mission Boulevard

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: 15332
- ☒ Special Situations. State CEQA Guidelines section number: 15183, 15162, 15163
- ☐ Statutory Exemptions. State CEQA Guidelines section number:

Reasons why project is exempt:

This project is categorically exempt from the requirements of 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; when proposed development would occur on a site no greater than five acres that's substantially surrounded by urban uses; when the site has no habitat value for endangered, rare or threatened species; when approval would not result in significant effects relating to traffic, noise, air quality and water quality; and when the site is adequately served by utilities and public services. As documented in the staff report, the project would be consistent with the General Plan and Zoning Ordinance. The 4.50-acre site is located within an

urban area and is developed with single-family homes. A site survey by Olberding Environmental conducted on January 30, 2025, found the site did not provide habitat for endangered, rare or threatened species. As noted, the site is developed on three parcels with single-family homes. It is disconnected to larger habitats as well as having adjacent commercial and residential uses. Standard development requirements for resource protection contained in FMC Section 18.218.050(b) (Biology, Special-Status Species) are included as conditions of approval and would be implemented with project development. These standard requirements would ensure that there would be no impacts to burrowing owls, nesting birds, and other special status species.

Current guidelines for transportation impact analysis under CEQA require an assessment of the project's vehicle miles traveled (VMT). The project qualifies for the increased residential density reduction, Strategy 2B1, per the Alameda CTC VMT Reduction Calculator Tool. The project therefore qualifies for a 30 percent reduction in VMT. The resultant VMT per capita of 19.6 for the project is below the 20.2 daily VMT per capita impact threshold for residential uses. Therefore, the project's impact on VMT is considered to not be significant. Likewise, given the nature of the project and similar characteristics to surrounding urban development, the project would not have 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, and the standard development requirements contained in FMC Section 18.218.050(a) (Air Quality) are included as conditions of approval and implemented during project construction to address short-term air quality impacts. 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. Routine tie-in to the existing utility infrastructure in the Mission Boulevard public right-of-way would occur.

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 Residential - Medium designation and R-3-18 zoning, including select development standard waivers and a concession, as provided by State Density Bonus 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 Update, 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 15163 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.

Signature (Lead Agency): Marc Cleveland Title: Associate Planner

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