



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Print **Scan Over** **Finalize&Email**

AC RECEIPT # 2623298

RECEIPT NUMBER:
 01 — 12/19/2019 — 714
 STATE CLEARINGHOUSE NUMBER (if applicable)
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SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF FREMONT, PLANNING DIVISION	LEAD AGENCY EMAIL	DATE 12/19/2019
COUNTY/STATE AGENCY OF FILING Alameda	DOCUMENT NUMBER 19-714	

PROJECT TITLE
 BAYROCK APARTMENTS, CITY OF FREMONT FILE NO.: PLN2019-00170

PROJECT APPLICANT NAME DAVID WAGE	PROJECT APPLICANT EMAIL	PHONE NUMBER (510) 494-4447
PROJECT APPLICANT ADDRESS 39550 LIBERTY STREET	CITY FREMONT	STATE CA
		ZIP CODE 94537

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

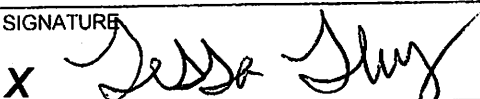
CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,271.00	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,354.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,112.00	\$	0.00
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE  X	AGENCY OF FILING PRINTED NAME AND TITLE T. THORNBERRY, DEPUTY CLERK
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***ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

City of Fremont, Planning Division
39550 Liberty Street
Fremont, CA 94537
Contact: David Wage
Phone: (510) 494-4447

FOR COUNTY CLERK USE ONLY

**ENDORSED
FILED
ALAMEDA COUNTY**

DEC 19 2019

MELISSA WILK, County Clerk
By *ti* Deputy

FILE NO: 19-714

**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:
(PLEASE MARK ONLY ONE CLASSIFICATION)**

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,354.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,271.00 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.*****

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2019

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



Notice of Exemption

ENDORSED
FILED
ALAMEDA COUNTY

DEC 19 2019

Date: December 18, 2019

MELISSA WILK, County Clerk
By _____ Deputy

To:

From:

Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

City of Fremont, Planning Division
39550 Liberty Street
Fremont, CA 94537
Contact: David Wage
Phone: (510)-494-4447

Alameda County Clerk-Recorder's Office
1106 Madison Street
Oakland, CA 94607

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

Project Title: Bayrock Apartments , City of Fremont File No.: PLN2019-00170

Project Applicant: Stuart Gruendl, Bayrock Multifamily, LLC., 411 Pendleton Way, Suite C, Oakland, CA 94621(510) 969-2323, Stuart@bayock.com

Project Location (include county): 39150, 39158, 39170 and 39176 Fremont Boulevard in the Central Community Plan Area; APN: 501-1130-001-801, 501-1130-004-300, 501-1130-004-300, 501-1130-063-00, in the City of Fremont, Alameda County

Project Description: The project includes a Discretionary Design Review Permit to allow development of a five-story mixed-use building with 248 market rate apartment units, a six-story parking garage and 5,625 square feet of ground-floor commercial space.

This is to advise that the Zoning Administrator approved the project on August 5, 2019 with a condition requiring shared parking with an adjacent property. The Zoning Administrator's decision was appealed by three separate parties to the Planning Commission and on October 24th, 2019, the Planning Commission denied one appeal and granted two of the appeals, thereby approving the project without a condition for shared parking. The Planning Commission's decision was appealed by one party to the City Council and on December 17, 2019, the City Council denied the appeal and approved the project without a condition requiring shared parking.

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; and
- Special Situations. State CEQA Guidelines section number: 15183
- Statutory Exemptions. State CEQA Guidelines section number:

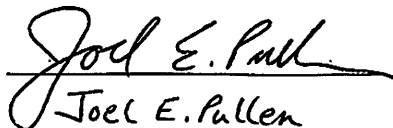
Reasons why project is exempt: *Environmental Review:*

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; 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.

The project would be consistent with the General Plan and Zoning Ordinance. The site is fully developed and does not contain any natural vegetation nor provide 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) would be included as conditions of approval and implemented with project development. These standard requirements would ensure that there would be no impacts to nesting birds. A transportation analysis was completed, which determined the project would not have a significant impact on transportation facilities. 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. An acoustical/vibration study was prepared for the proposed project which found the project would not significantly impact surrounding receptors or future project residents. Hours of construction would be regulated per FMC Section 18.160.010 to address short-term noise during construction. An air quality analysis was completed which determined the project would not have a significant impact with the inclusion of standard development requirements contained in FMC Section 18.218.050(a) (Air Quality) and use equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent, which the applicant proposed to adhere to as part of the project. These requirements are reflected in the project plans, included as conditions of approval and would be 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.

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. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The proposed project qualifies for review under CEQA Guidelines Section 15183 and does not need additional environmental review since the Downtown Community Plan Final Environmental Impact Report (FEIR) (SCH#2010082260), certified by the Fremont City Council on December 13, 2011, adequately addressed the project's potential environmental effects.

Signature (Lead Agency):


Joel E. Pullen

Title: Planning Manager

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