

## General Plan Errata – Land Use Element

Pursuant to the court order entitled “Judgment Granting Writ” dated September 18, 2015 that was entered in *Fremont Mission Hills, LLC v. City of Fremont and the City Council of the City of Fremont (Save Kimber Park, Intervenor)*, Alameda County Superior Court Case No. RG13669716, the following land use designation has been appended to the Fremont General Plan:

### Kimber Study Area

An interim land use designation entitled “Kimber Study Area (K-S)” is added to the General Plan, applying to Lot 342 of Tract 3542 (APN 525-0312-050), a 12.78 acre parcel commonly referred to as the Mission Hills Tennis Club parcel, or Kimber Park. The K-S designation allows private open space uses and includes the possibility of some residential development. This designation is intended to allow the owner of Lot 342 to process an application for residential development on the parcel without the need for a general plan amendment. The K-S designation will be effective for 12 months from the date of the 2035 General Plan adoption. It allows the owner to apply for approval of a project incorporating residential development with a density no greater than two dwelling units per gross acre. If an application is approved during that time, the City will conform the Land Use Map to reflect the approved designation. (If the applicant is proceeding in good faith, as determined by the sole discretion of the Community Development Director, but the application process is not completed within 12 months, the Director may extend the K-S designation to allow for the conclusion of the process.) If the application is not approved, or not processed within that period, the parcel will be designated Private Open Space without further action, and the Land Use Map so conformed.

Background: Lot 342 is part of Planned District P-73-1; it is located in the center of a neighborhood and has a tennis club and courts located on a portion of it, the rest is undeveloped open space. The 1991 General Plan designation for the parcel is “Low Density Residential - 2-3.5 du/acre,” which is being eliminated as part of the general plan update. Lot 342 was designated “Private Open Space” in the draft General Plan to reflect the parcel’s existing status. However, the owner of the parcel has applied for a major amendment to the P district to construct 26 single-family homes on the undeveloped portion of the parcel. Major amendments to P districts are re-zones requiring adoption of an ordinance. The K-S designation does not authorize or control whether the City Council will approve any residential units on the parcel, it simply allows consideration of the application without a general plan amendment. Whether any residential development should be permitted on Lot 342 is the subject of great controversy in the neighborhood; it is hoped that the interim designation will facilitate negotiations amongst the interested stakeholders to come up with a mutually acceptable plan for future use of the site, which may or may not include residential units.

### Diagrams

*Chapter 2 Land Use Diagram* - The following changes were made to the Land Use Diagram:

Lot 342 of Tract 3542 (APN 525-0312-050) is changed from Private Open Space to Kimber Study Area (K-S).