

DRAFT

ORDINANCE NO. XX-2010

**AN ORDINANCE OF THE CITY OF FREMONT AMENDING THE
PRECISE PLAN FOR THE PACIFIC COMMONS PLANNED
DISTRICT P-2003-166 GOVERNING THE PROPERTY
GENERALLY LOCATED WEST OF INTERSTATE I-880, SOUTH
OF AUTO MALL PARKWAY, NORTH OF CURIE STREET AND
EAST OF THE FREMONT AUTO MALL**

WHEREAS, on July 22, 2003, the Fremont City Council rezoned the property for the planned development known as Pacific Commons, generally located west of Interstate I-880, south of Auto Mall Parkway, north of Curie Street and east of the Fremont Auto Mall, from Planned District P-2000-214 to Planned District P-2003-166, to allow for the development of a major retail area, and approved a precise plan for P-2003-166, including "Pacific Commons Planned District Development Standards and Guidelines – Supplement B," by adopting Ordinance No. 2507; and

WHEREAS, PLN2010-00114 requests that the City Council amend the precise plan by amending Supplement B to expand the uses allowed in Planning Areas 2, 3 and 4 of the Land Use Matrix.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. PRECISE PLAN FOR P-2003-166 AMENDED

The precise plan for P-2003-166 is hereby amended by modifying Chapter II, Master Planning Intent, Section B, Land Use Matrix of the "Pacific Commons Planned District Development Standards and Guidelines – Supplement B," to allow expanded uses in Planning Areas 2, 3 and 4, as specifically shown on Attachment 1 to this ordinance.

SECTION 2. CEQA EXEMPTION

The City Council hereby determines that this project is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 as a minor use alteration of existing facilities. The Community Development Department director shall file a Notice of Exemption with the County Clerk pursuant to CEQA guidelines.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect and will be enforced thirty (30) days after its adoption.

SECTION 4. PUBLICATION AND POSTING

At the direction of the City Council under Government Code Section 36933(c), the City Clerk has prepared and caused to be published at least five days before the date of adoption a summary

of this ordinance once in *The Tri-City Voice*, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause to be again published in *The Tri-City Voice* the summary of this ordinance with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

* * *

The foregoing ordinance was introduced before the City Council of the City of Fremont at the regular meeting of the City Council, held on the 2nd day of March, 2010 and finally adopted at a regular meeting of the City Council held on the ___th day of ___, 2010 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

ATTACHMENT 1

PACIFIC COMMONS PLANNED DISTRICT DEVELOPMENT STANDARDS AND GUIDELINES
 SUPPLEMENT B, AS MODIFIED BY ORDINANCE NO. _____

CHAPTER II: MASTER PLANNING INTENT
SECTION B: LAND USE MATRIX

The following Land Use Matrix illustrates both permitted uses and uses requiring Zoning Administrator approval. Where the Pacific Commons Land Use Matrix below differs from the City of Fremont Zoning Ordinance, the Pacific Commons Matrix shall take precedence.

LAND USE CATEGORY	PERMITTED USES (No further land use entitlement needed only Development Organization Review)	ZONING ADMINISTRATOR USES (ZA Land Use approval needed prior to or in conjunction with Development Organization Review)
Planning Area 1: Community Retail Center	<ul style="list-style-type: none"> • Antique Stores • Apparel and accessory stores² • Candy, nut and confectionery² • Computer and computer software • Eating places without alcoholic beverages¹ and eating places with beer and wine¹ • Food stores, except slaughter • Furniture, home furnishings and equipment² • Miscellaneous general merchandise² • Miscellaneous shopping goods (except adult bookstores, firearms dealers)² • Paint, glass and wallpaper² • Retail stores not elsewhere classified, except head shops² • Sales and rental of video tapes and equipment² • Variety² • Federal reserve, commercial and stock savings and mutual savings bank, savings and loan associations and personal credit institutions² • Beauty and barber shops² • Duplicating service² 	<ul style="list-style-type: none"> • Eating places with all alcoholic beverages¹

LAND USE CATEGORY	PERMITTED USES (No further land use entitlement needed only Development Organization Review)	ZONING ADMINISTRATOR USES (ZA Land Use approval needed prior to or in conjunction with Development Organization Review)
Planning Area 2: Major Retail Area	<ul style="list-style-type: none"> • Apparel and accessory² • <u>Beauty and barber shops² limited to a maximum cumulative floor area of 2,000 square feet.</u> • Car wash so long as developed in conjunction with gas service station • Convenience food stores except slaughter • Doughnut shops • Drug stores less than 20,000 square feet² • Duplicating service² • Eating places without alcoholic beverages¹ and eating places with beer and wine • Furniture, home furnishings and equipment² • Gasoline service station^{2,3,4} • General merchandise store² • Hardware² • High volume retail sales in combination with wholesale sales • Home improvement centers¹ • Laundry, cleaning and garment services, except power and industrial launderers² • Mail boxes and services² • Miscellaneous general merchandise² • Paint, glass and wallpaper² • Retail sales in conjunction with wholesale activities • Tax return preparation service² • Travel agencies and bureaus² 	<ul style="list-style-type: none"> • Eating places with all alcoholic beverages¹ • Federal reserve, commercial and stock savings and mutual savings bank, savings and loan associations and personal credit • A maximum of two (2) drive-in eating places not to exceed a total of 5,500 gross square feet for unique establishments for the community, subject to the limitations in the Development Agreement⁵

LAND USE CATEGORY	PERMITTED USES (No further land use entitlement needed only Development Organization Review)	<u>CONDITIONAL USES</u> (CUP Land Use approval needed prior to or in conjunction with Development Organization Review)	ZONING ADMINISTRATOR USES (ZA Land Use approval needed prior to or in conjunction with Development Organization Review)
Planning Area 3: Mixed Major Retail Area/ Office/R&D	<ul style="list-style-type: none"> • All those uses listed as Permitted Uses in the Major Retail Area (Planning Area 2) section above • All those uses listed as Permitted Uses and Accessory Uses in the I-R district under Section 8-21501 and Section 8-21502 of the FMC • <u>Beauty and barber shops</u>^{2,6} • <u>Clothing and costume rental</u>^{2,6} • <u>Laundry cleaning and garment services; except power and industrial launders</u>^{2,6} • <u>Personal service</u>^{2,6} (excluding body piercing and tattoo) • <u>Photographic studios and portraits</u>^{2,6} • <u>Shoe repair, shoeshine and hat cleaning shops</u>^{2,6} • <u>Tanning salon</u>^{2,6} • <u>Travel agencies & bureaus</u>² • <u>Watch, clock & jewelry repair</u>^{2,6} 	<ul style="list-style-type: none"> • <u>Health clubs and spas, massage provided the technician has a valid permit and the use is an ancillary service to the health club and spa</u>^{2,6} 	<ul style="list-style-type: none"> • All those listed as Zoning Administrator Uses in the Major Retail Area (Planning Area 2) section above • All those uses listed as Zoning Administrator Uses in the I-R district under Section 8-21503 and 8-21504 of the FMC • <u>Dance school/studio</u>^{2,6} • <u>Health clubs and spas with no massage</u>^{2,6} • <u>Judo and karate instruction</u>^{2,6} • <u>Educational services not elsewhere classified</u>^{2,6} • <u>Public and quasi-public uses</u>

LAND USE CATEGORY	PERMITTED USES (No further land use entitlement needed only Development Organization Review)	<u>CONDITIONAL USES</u> (CUP Land Use approval needed prior to or in conjunction with Development Organization Review)	ZONING ADMINISTRATOR USES (ZA Land Use approval needed prior to or in conjunction with Development Organization Review)
Planning Area 4: Mixed Retail/ Office/R&D/ Auto Dealership	<ul style="list-style-type: none"> • All those uses listed as Permitted Uses and Accessory Uses in: (a) the I-R District under Section 8-21501 and Section 8-21502 of the FMC; or (b) the Fremont Auto Mall Planned District (P-88-15) • Apparel and accessory stores² • <u>Beauty and barber shops^{2,7}</u> • Business services, except establishments engaged in renting or leasing machinery, tools and other equipment² • <u>Clothing and costume rental^{2,7}</u> • Duplicating services² • Eating places without alcoholic beverages¹ and eating places with beer and wine¹ • Federal reserve, commercial and stock savings and mutual savings bank, savings and loan associations and personal credit 	<ul style="list-style-type: none"> • <u>Health clubs and spas, massage provided the technician has a valid permit and the use is an ancillary service to the health club and spa^{2,7}</u> 	<ul style="list-style-type: none"> • All those uses listed as Zoning Administrator Uses in: (a) the I-R District under Section 8-21503 and Section 8-21504 of the FMC; or (b) the Fremont Auto Mall Planned District (P-88-15) • <u>Dance school/studio^{2,7}</u> • <u>Health clubs and spas with no massage^{2,7}</u> • <u>Judo and karate instruction^{2,7}</u> • <u>Educational services not elsewhere classified^{2,7}</u> • Public and quasi-public uses, except residential.

LAND USE CATEGORY	PERMITTED USES (No further land use entitlement needed only Development Organization Review)	<u>CONDITIONAL USES</u> (CUP Land Use approval needed prior to or in conjunction with Development Organization Review)	ZONING ADMINISTRATOR USES (ZA Land Use approval needed prior to or in conjunction with Development Organization Review)
	<ul style="list-style-type: none"> • Finance, insurance and real estate • Furniture, home furniture and equipment stores² • General Merchandise stores, except department stores² • <u>Laundry cleaning and garment services; except power and industrial launderers^{2,7}</u> • <u>Personal Computer and Software Sales²</u> • <u>Personal services (excluding body piercing and tattoo)^{2,7}</u> • <u>Photographic studios and portraits^{2,7}</u> • <u>Shoe repair, shoeshine and hat cleaning shops^{2,7}</u> • <u>Tanning salon^{2,7}</u> • <u>Travel agencies & bureaus^{2,7}</u> • <u>Watch, clock & jewelry repair^{2,7}</u> 		

Note: Items below apply to all planning areas.

1. Term is defined in Article 1 of the Fremont Municipal Code, Title VIII, Chapter 2, Zoning.
2. Term is elaborated on in Standard Industrial Classification Manual
3. The special regulations of Article 21.3 of the Fremont Municipal Code, Title VIII, Chapter 2, Zoning apply to this use.
4. Only (1) gas service station shall be allowed within Planning Areas 2 and 3 combined.
5. Only (2) drive-in eating places shall be allowed within Planning Areas 2 and 3 combined.
6. The uses within Planning Area 3C shall be limited to a maximum of 6,500 square feet
7. The uses within Planning Area 4A shall be limited to a maximum of 7,500 square feet and the uses within Planning Area 4B shall be limited to a maximum of 7,000 square feet.