

RESOLUTION NO. 2011-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF FREMONT ADOPTING THE GENERAL PLAN
UPDATE**

WHEREAS, in 2006, the City of Fremont ("City") initiated a comprehensive update of the City's General Plan, the General Plan Update (the "Plan"); and

WHEREAS, the City conducted an extensive public outreach process for the Plan to gain an understanding of the needs, desires, and concerns of the community. In 2007, with the help of community volunteers, City staff held a series of eight well-attended neighborhood workshops and conducted an on-line survey to gather input. In 2008 and 2009, staff organized a number of "targeted issue forums" for the public on topics such as climate change, community design and housing. Technical studies that analyzed the City's projected future needs for industrial and for retail development were also completed. In addition, staff conducted numerous work sessions with the Planning Commission and the Council to receive input on policy issues addressed by the Plan; and

WHEREAS, in 2009, the City Council adopted an updated Housing Element of the General Plan to meet the State-mandated deadline for that Element. In 2010, staff finalized and published the new draft General Plan. Three community workshops were held in late 2010 and early 2011 to review the contents of the Draft Plan with the public; and

WHEREAS, the Plan includes all mandatory elements required by State law, along with the following optional elements: Sustainability, Community Character, Economic Development, Parks and Recreation, Public Facilities and Community Plans; and

WHEREAS, the Plan is a statement of community priorities to guide public decision-making, and provides a comprehensive, long-range, and internally consistent policy framework for the growth and preservation of Fremont premised upon the following vision statement: "Fremont will serve as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern city;" and

WHEREAS, the Plan seeks to create a livable, healthy, and sustainable community that offers a high quality of life with a strong sense of community and place; and

WHEREAS, sustainability is an organizing principle of the Plan, which directs the City to consider the interdependent interests of protecting the environment, achieving a healthy economy, and promoting social equity in its future actions and programs; and

WHEREAS, the Plan identifies and promotes certain development patterns, including compact urban development, infill development and redevelopment, mixed-use development, complete neighborhoods, and a variety of housing types; and

WHEREAS, the Plan seeks to preserve and enhance the City's older neighborhoods, promote economic development, protect sensitive environmental resources, and provide open space and parks; and

WHEREAS, an Environmental Impact Report ("EIR"), the Fremont Draft General Plan Update EIR, has been prepared for and by the City for the update of the Plan as defined in the EIR, pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the local procedures adopted by the City pursuant thereto; and

WHEREAS, on October 13 and October 20, 2011, the Planning Commission held duly noticed public hearings to consider the draft General Plan Update and the EIR prepared for the Plan, and, at the close of the second hearing, made recommendations to the City Council to certify the EIR, to adopt the General Plan Update with revisions; and

WHEREAS, the City Council, at a duly noticed public hearing held on December 6 and 13, 2011, considered the recommendation of the Planning Commission, and conducted a public hearing to consider testimony on the EIR and General Plan; and

WHEREAS, the City Council has certified the EIR and adopted the findings regarding the environmental impacts of the Plan, including the adoption of a statement of overriding considerations in regard to those impacts which the EIR concluded would be significant and unavoidable.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- A. The City Council finds that:
1. The new General Plan is a comprehensive update of the City's 1991 General Plan and provides the necessary framework for the long-range development of the City. The Plan establishes allowable uses of land and benefits the public welfare by providing housing and employment to accommodate anticipated future growth. The Plan balances growth and conservation in a manner that will result in reduced impacts on the environment and reduced contributions to global climate change.
 2. The new General Plan meets all the requirements for such plans as contained in the Planning and Zoning Law (Government Code Section 65300 *et seq.*) and other laws, and likewise has been prepared and adopted in accordance with the requirements of Planning and Zoning Law. The Plan includes all mandatory elements required by State law, along with the following optional elements: Sustainability, Community Character, Economic Development, Parks and Recreation, Public Facilities and Community Plans.
 3. The goals, policies, actions, maps, and diagrams of the Plan are internally consistent and do not conflict with any other adopted plans.

B. The City Council adopts the new General Plan with the inclusion of revisions attached hereto as Exhibit "A" to this resolution.

ADOPTED, December 13, 2011, by the City Council of the City of Fremont by the following vote, to wit:

AYES: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers Chan, Harrison and Dutra

NOES: None

ABSENT: None

ABSTAIN: None

Vice Anu Natarajan
Mayor

ATTEST:

APPROVED AS TO FORM:

Susan Scullion
Deputy City Clerk

Jean A. Boyer
Assistant City Attorney

Exhibit “A” To Resolution 2011-69 Adopting The General Plan Update

List of Document Revisions

The following is a list of revisions and modifications to the draft General Plan Update released in August 2011, approved by the City Council on December 13, 2011, as part of the General Plan adoption.

Introduction - No revisions.

Chapter 1: Sustainability Element – No revisions.

Chapter 2: Land Use Element

1) An interim land use designation is created as follows:

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

- *Diagram 2-2 Planned Land Use* - 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).

Chapter 3: Mobility Element

- 1) Add a new implementation action to create a local transit plan; the implementation action is added under Policy 3-2.1: Coordinating Land Use and Transportation as follows:
 - **Implementation 3-2.1.C Transit Plan**
Continue to work with the large variety of transit service providers in the City to coordinate service levels with anticipated City needs. Seek additional funding sources to prepare a transit plan that identifies core services goals corresponding to goals of the Land Use and Community Character Elements.
- 2) Modify the first sentence of Policy 3-3.10: Transportation for Persons with Special Needs, to read as follows:
 - Improve mobility for people of all physical capabilities, including residents who are elderly, disabled, **use walkers or wheelchairs**, or have other special needs.
- 3) Insert the following text as part of Goal 3-4: Balancing Mobility and Neighborhood Quality, on Page 3-58, at the end of the of the Goal narrative discussion, just above Policy 3.4.1:
 - Another aspect of balancing mobility and neighborhood quality relates to the continued ability of Fremont residents to travel through the city by automobile. While the Mobility Element emphasizes alternative modes of travel, it should be recognized that a majority of Fremont residents live in single-family neighborhoods where autos are the primary form of transportation. Most residents rely on their cars to get to work, school, shopping, and recreation, and this is likely to be the case for many years to come. As the City invests in alternative modes of travel, it will also invest in improvements that mitigate and alleviate roadway congestion. Such investments are an essential part of maintaining the quality of life that Fremont residents enjoy today.

Chapter 4: Community Character Element – No revisions.

Chapter 5: Housing Element – No revisions.

Chapter 6: Economic Development Element

1) Under Goal 6-2: Vibrant Shopping Areas, insert the following underlined text to Implementation 6-2.2.B: Targeted Retail Recruitment, on page 6-30 as follows:

➤ **Implementation 6-2.2.B: Targeted Retail Recruitment**

Continue retail business attraction efforts such as marketing, trade shows, and broker/developer events. Capture sales tax leakage in key sectors, such as high end retail and restaurants, and eliminate gaps in retail categories by utilizing direct communications with targeted retailers.

Chapter 7: Conservation Element

1) Under Goal 7-9: Energy Conservation, delete Implementation 7-9.2.E: Energy Conservation Ordinance, and renumber Implementation 7-9.2F: Retrofits, as follows:

➤ **~~Implementation 7-9.2.E: Energy Conservation Ordinance~~**

~~Evaluate the feasibility of an Energy Conservation Ordinance that would require existing residential buildings to be upgraded to meet current energy codes at the time of ownership transfer.~~

➤ **Implementation 7-9.2.FE: Retrofits**

2) Under Goal 7-1: Biological Resources, modify the text of Implementation 7-1.1.B as follows:

➤ **Implementation 7-1.1.B: Evaluate Limit Development near Bodies of Water**

Evaluate Limit development within 100 feet of the top of bank of riparian areas and water bodies, including creeks, lakes, ponds, marshes, and vernal pools. This distance shall be increased to 200 feet in areas above the toe of the hill (TOH). Carefully assess the extent and characteristics of riparian corridors and creeks to a minimum distance of 100 feet from the top of bank below the toe of the hill and 200 feet from the top of bank above the toe of the hill. Consider the full spectrum of habitat needs for vegetation and wildlife in environmental assessments of these areas.

3) The Conservation Element includes Goal 7-8: Greenhouse Gas Emission: Greenhouse gas emissions reduced by 25% from 2005 levels by 2020. Add the following sentence immediately thereafter:

➤ This goal is aspirational and not meant to supersede AB 32 targets as a standard for project review.

4) The following Policy and Implementation actions are also added to the Conservation Element:

- **Policy 7-8.2: Development Trends**
Review development trends for consistency with targets of Assembly Bill (AB) 32 “The Global Warming Solutions Act of 2006”
- **Implementation 7-8.2.A: Development Trend Report**
Provide a development trend report to the City Council in 2015 to determine consistency with greenhouse gas reduction strategy analysis of the Draft EIR and target reductions of AB32.
- **Implementation 7-8.2B: Monitoring Activities**
Monitor actions of the State Scoping Plan and Regional climate change planning activities, including SB 375, related to reduction targets for the year 2035 and 2050.

Chapter 8: Parks and Recreation Element

1) Under Goal 8-2: Well-Maintained Parks, strike text in Implementation 8-2.1.B as follows:

- **Implementation 8-2.1.B: New Fees to Support Maintenance**
Consider new methods to generate funds for park maintenance, ~~such as instituting a fee for weekend parking at Central Park, and other usage fees.~~

Chapter 9: Public Facilities Element

1) Revise the word “coordination” to “collaboration” in Public Facilities Goal 9-11 and accompanying policies referencing FUSD as follows:

- **Goal 9-11: City/School Collaboration Coordination**
Collaboration ~~Coordination~~ between City-sponsored programs and related programs of educational institutions.

Policy 9-11.1: Collaboration Coordination on Sustainability
~~Collaborate~~ ~~Coordinate~~ with FUSD and other educational institutions on sustainability programs.

Implementation 9-11.1-B: Greenhouse Gas Reduction
~~Collaborate~~ ~~Coordinate~~ with FUSD and other educational institutions to achieve the community’s greenhouse gas reduction goals.

Policy 9-11.2: Programs Serving Fremont Youth
Continue to ~~collaborate~~ ~~coordinate~~ with FUSD on programs serving Fremont youth

Implementation 9-11.2.A: Human Services Programs

Continue collaboration ~~coordination~~ between the City's Human Services Department and FUSD to offer school-site counseling and other programs to youth and their families as funding allows.

Implementation 9-11.2.B: Recreation Programs

Continue collaboration ~~coordination~~ between the City's Parks and Recreation Department and FUSD to provide recreational opportunities to youth.

- 2) Relocate the section on School Facilities in the Public Facilities Element to come after the City Buildings and Facilities section and before the Utility Services and Providers section.

Chapter 10: Safety Element – No revisions.

Chapter 11: Community Plans Element – No revisions.

Chapter 12: Implementation Element – No revisions.

Acknowledgements and Photo Credits – No revisions.

Appendices (Note: not formally adopted as part of the General Plan)