

3 Land Use and Planning

As part of describing the environmental setting of a proposed project, CEQA requires that an EIR identify any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans [CEQA Guidelines Section 15125(d)]. Any potential significant environmental impacts (e.g. noise, air quality, etc.) associated with plan inconsistencies are analyzed and discussed in Section 4, Environmental Setting, Impacts, and Mitigation.

3.1 City of Fremont General Plan

Consistency of the proposed project with the policies in the Land Use Element and the Community Character Element in the *City of Fremont General Plan* are included in [Table 3-1: Consistency with Policies in the City of Fremont General Plan](#). Policies relevant to environmental issue areas (e.g., noise, air quality, etc.) are addressed in Section 4 of the EIR.

Table 3- 1: Consistency with Policies in the City of Fremont General Plan

City of Fremont General Plan	Consistency Analysis
Land Use Element	
<p>Policy 2-1.3: Maintain Fremont’s Open Space “Frame” – Conserve the unique ecological characteristics of the Fremont Hills and San Francisco Bay shoreline and wetlands and recognize the contribution of these features to Fremont’s identity and livability. Future land use decisions should ensure the long-term protection of these areas as open space.</p>	<p>The project site is near the Fremont Hills but is “Below the Toe of the Hill (TOH).” The proposed project would not physically encroach onto the Hill Face and new structures would be limited to two stories in height, thereby not altering the character of the nearby hills.</p>
<p>Policy 2-1.1.1: Infill Emphasis – Focus new development on under-developed or “skipped over” sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.</p> <p>All of the growth projected for Fremont over the next 20-25 years is anticipated take place within the existing urbanized area. By growing more compactly, the City can preserve its hills and Baylands as open space.</p>	<p>The project site is located within an existing urbanized area and is partially developed as a private recreation tennis and swim club. It is also surrounded by public streets and served by existing utility connections.</p> <p>As noted above, the project site is located below the TOH area. As such, the project would be consistent with this policy as the site is not open space on the fringe of the City.</p>

<p>Policy 2-2.4: Use of the General Plan Land Use Map – Ensure that future land use decisions are fully consistent with the General Plan Land Use Map. Each General Plan land use category shall have at least one corresponding zoning district. More than one zoning district per General Plan category may be established for categories which accommodate a wide range of densities or development types. Residential zoning districts should generally be differentiated by the number of units allowed per net acre (or square feet of lot area per dwelling unit).</p>	<p>During the General Plan Update, the project site was re-designated “Kimber Study Area” with specific conditions that this designation is in place for one year to allow time for engagement between the neighborhood and property owner and to allow review of a development application, at such time the land use map will reflect City Council decision on use of the site.</p>
<p>Policy 2-2.5: Zoning and Subdivision Regulations – Use zoning and subdivision regulations to direct the city’s growth, ensure sufficient opportunities for new development, improve Fremont’s quality of life, create complete neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.</p>	<p>The proposed project is a request for a Preliminary Planned District (PD) zoning designation to develop up to 18 single-family homes and to renovate the existing swim and tennis club. Additional subsequent permits would be required to build the project, including a Tentative Map and a Precise Planned District for site plan and architectural review. The project design would be compatible with adjacent uses (e.g., residential, commercial, office and open space) and would be required to comply with the <i>City of Fremont Municipal Code</i> for consistency with this policy.</p>
<p>Policy 2-3.2: Neighborhood Reinvestment – Encourage continued reinvestment in Fremont neighborhoods by the public and private sectors. While the basic land use pattern in many neighborhoods is already set and will be maintained, their improvement and evolution should be viewed an important part of the City’s sustainability initiatives.</p>	<p>The proposed project would include the renovation of an existing swim and tennis club and the construction of 18 single-family homes within an existing residential neighborhood. Project objectives include reinvestment in the site for improved use and appearance.</p>
<p>Policy 2-3.5: Balance of Services, Amenities, and Uses – Promote design and land use decisions which improve the walkability of neighborhoods, enhance the ability to travel by bicycle or public transportation, and minimize the distance a resident must travel to reach basic services, shopping, parks, and schools. Except where precluded by steep terrain, each neighborhood should include a mix of compatible uses, including housing, parks, civic facilities, and local shopping and services.</p>	<p>The project site is principally an amenity location because of its private recreation facilities. The proposed project would include a balance of residential, recreational and service amenities including a renovated swim and tennis club and daycare facility.</p>
<p>Policy 2-3.10: Non-Residential and Civic Uses in Residential Areas – Allow schools, day care centers, senior centers, group homes, public and semi-public facilities (e.g., churches), and nursing care facilities in residential areas, subject to conditions which limit the impacts of these uses on nearby properties. To the extent permitted by state and federal law, conditions of approval may be placed</p>	<p>The proposed project would include a child care center as a component of the expanded swim and tennis club that would be adjacent to the existing residential neighborhood and proposed residential uses within the project site.</p>

<p>Policy 2-6.2: Hill Area Initiatives – Adhere to the Fremont provisions of the 1981 voter-approved Measure A Initiative and the 2002 voter-approved Measure T Initiative, both of which are officially part of the Fremont Municipal Code, when making land use decisions for the Fremont hill area. These provisions impose more restrictive requirements on hill area development than would otherwise apply in designated open space areas.</p> <p>Measure A, approved by Fremont voters in 1981, formally amended the text of the General Plan to add definitions of the “Hill Area,” “Ridgeline,” “Toe of the Hill,” and “Hill Face.” The General Plan Map was likewise amended to depict these features and reduce allowable hillside densities. The intent of the ordinance was to protect the agricultural, recreational, and low density character of the Hill Area and provide special protection to visually sensitive features such as the western hill face and ridgeline. The Measure generally applied to land east and north of Mission Boulevard and I-680.</p>	<p>The project site is located below the TOH and within the area established by voter-approved Measure A. Residential development would be low density with limited grading and retention of open space. The site is not hampered by significant natural constraints and has access to utility infrastructure. Development within the project site would be required to comply with the standards within this district.</p>
<p>Policy 2-6.8: Private Open Space – Generally require that areas more than one acre in size dedicated as “open space” as part of a development project be formally designated as Open Space on the General Plan Land Use Map. Binding agreements with the City such as open space easements or deed restrictions should be used to permanently protect such areas. Vegetation in such areas should be managed consistently with the City’s water conservation, fire protection, aesthetic, and sustainability goals.</p>	<p>This policy is a directive of the City to identify larger open areas in the City dedicated to use as open space and differentiate the land use mapping of these areas from the surroundings. It does not require dedication of open space. The project does not propose to dedicate open space to the public that requires formal designation. The City could consider negotiations with landowners to record binding agreements.</p>
<p>Policy 2-6.9: Protection of Planned Development Open Space – Strongly discourage the encroachment of development onto common open space areas within planned developments or other residential projects. Where feasible, shared open space areas in residential subdivisions shall be permanently restricted to open space uses through deed restrictions or other appropriate means.</p>	<p>The project site is within the Kimber Park PD. It is not held in common interest, but instead is private property. The property includes recreational facilities that are available to the surrounding development and to the public at large. The existing zoning principally limits use of the site to private recreational uses. Section 4 of the EIR considers and analyzes the physical impacts associated with the requested change to allow for additional uses on the site and development of currently undeveloped parts of the site.</p>

Community Character Element	
<p>Policy 4-2.5: Sustainable Site Design – Encourage sustainable site design and development practices. New development should incorporate features which result in reduced natural resource consumption and mitigate potential environmental impacts. These features include:</p> <ul style="list-style-type: none"> ● On-site treatment of stormwater runoff, to protect water quality in area creeks and the Bay and to recharge the aquifer ● Bay-friendly landscaping and drought-tolerant plants to reduce water use ● Building orientation to maximize solar exposure and minimize heating costs ● Use of large canopy shade trees and other shade features to minimize cooling costs ● Reduction of impervious surface area ● Phasing improvements until demand exists 	<p>The project proposes several sustainable site design and development measures including on-site stormwater retention and treatment in the proposed retention pond; native and drought-tolerant landscaping; siting buildings to maximize solar exposure; clustering dwellings near preserved shade trees; and providing a residential development with a small-footprint and limited impervious surfaces through clustered development.</p>
<p>Policy 4-2.6: Sustainable Building Design – Encourage new construction, additions, and remodels to incorporate sustainable building practices. Future buildings should consume less energy, water and other resources, facilitate natural ventilation and lighting, and create a healthy and safe environment for occupants. Sustainable building design, commonly referred to as “green building” usually incorporates some or all of the following characteristics:</p> <ul style="list-style-type: none"> ● Use of recycled building materials ● Energy efficient mechanical and lighting systems ● Natural heating and cooling systems ● Water conserving plumbing features ● Energy efficient appliances ● Renewable energy features (such as photo-voltaic panels) ● Solvent and chemical-free flooring and finishes 	<p>The proposed project would be subject to the City's mandatory Green Building Ordinance and would be required to meet CalGreen Tier I standards or 50 points on the Build It Green Checklist, Notably this would require the project to include energy conservation measures that exceed Title 24 by a minimum of 15 percent. Also, the applicant has proposed additional green building measures such as rooftop solar arrays and water heating, green building materials, and reduction in use of potable water.</p>
<p>Policy 4-3.8: Single-Family Homes –Recognize the prevailing design character of Fremont's existing single-family detached residential neighborhoods while allowing these areas to improve and evolve over time. Alterations, additions, and new homes in these neighborhoods should respect the existing neighborhood context and adjacent homes.</p>	<p>The scale and mass of the residential component of the proposed project would be equal to or less in scale than the existing dwellings within the surrounding residential neighborhood through the proposed density and building designs. The project proposes to retain significant trees and minimize grading to maintain separation of new structures from existing homes.</p>

<p>Policy 4-3.13: Common Areas and Open Spaces – Include community gardens, rooftop decks, common areas, plazas, play areas and open spaces in higher density residential and mixed use projects. These areas shall be carefully and deliberately integrated into project design and sited as a prominent feature of development.</p>	<p>The proposed project is not high density or mixed use necessitating creation of common areas. The project does propose a 7.85-acre common open space as a design element of the planned district.</p>
<p>Policy 4-3.14: Planned Districts Allow Planned Districts (PDs) as a way to achieve design excellence and innovation and to respond to the site constraints and natural features.</p>	<p>The proposed Preliminary PD incorporates elements of design excellence and innovation in support of the requested addition of a housing component to the site. The project would seek to retain all significant trees on the site, includes common open space area, would minimize grading, and would provide shared access to homes that minimizes site disturbance and reduces impacts to natural features.</p>
<p>Policy 4-5.7 Tree Planting and Preservation Recognize trees as a valuable aesthetic, ecological, and economic resource. Protect and preserve Fremont's existing trees and grow the City's "urban forest" by planting new trees on public property and promoting tree planting and preservation on private property.</p>	<p>The proposed project would include substantial tree retention measures. However, the City estimates that potential one third of the over 600 existing trees may be affected or removed by the proposed conceptual plan. Tree replacement and preservation mitigation measures are included with the project.</p>
<p>Community Plans—Mission San Jose Neighborhoods</p>	
<p>Policy 11-7.11: Measure A – Continue to administer and enforce special zoning and design review requirements in those portions of the Mission San Jose Community Plan Area subject to Measure A, the Hillside Protection Initiative of 1981. In addition to protecting the hill face and ridgeline areas, Measure A established development limits on constrained land and design review requirements for much of the Mission San Jose area. Measure A requirements are codified within the Hillside Combining Zoning District applicable to much of this area.</p>	<p>The project site is located below the TOH and subject to language of the voter-approved Measure A. As proposed, residential development would be low density. The site is not hampered by significant natural constraints, and has access to utility infrastructure. Development within the project site would be required to comply with the relevant zoning standards identified in the PD.</p>

3.2 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is responsible for the preparation and management of the federally mandated Clean Air Plan. The Clean Air Plan includes control measures intended to reduce emission throughout the air basin over the life of the plan. Growth projections are based on land development and demographic projections for the Bay Area. The proposed project's population and economic growth of commercial uses are within the recently the increment of growth projected for Fremont and would not be a substantial new potential source of emissions. Thus, the proposed project would not conflict with or obstruct implementation of the 2010 Clean Air Plan.

3.3 Habitat Conservation Plan

The proposed project is located within an urban area that is completely developed. There are no habitat or natural community conservation plans that include the project site.