



Implementation

Chapter 12

City of Fremont
General Plan

Adopted December 2011



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Introduction

The General Plan is the City's constitution for decision making related to development review, future long-range planning activities and capital improvements. The goals, policies and implementation actions in each chapter of this Plan are intended to guide decision-making related to these functions.

As required by State law, all elements of a General Plan must be internally consistent. Policies, goals, and implementation actions should not conflict irreconcilably with one another. The General Plan is general in nature and the intent of the text and land use and other diagrams are subject to interpretation. Differences in interpretation are possible when applying policies to specific actions. On such occasions, a finding from the Planning Commission should be requested. On appeal, the City Council is the final arbiter and interpreter as to the intent of the General Plan.

All future development must conform to the General Plan and related development regulations. Each discretionary action of a development proposal should be accompanied by a brief citation of the relevant policies in the General Plan which are the basis for action. City analysis of projects will use both the Plan text and diagrams to determine conformity to the General Plan. The City's other development regulations, such as its Capital Improvement Plan, Zoning and Subdivision Ordinances and Specific Area Plans, must also be consistent with the General Plan.

Procedures for General Plan Conformity

The adoption of the General Plan will result in new land use designations for some properties that will be temporarily inconsistent with the existing zoning districts. The first step in the implementation plan is to update the zoning ordinance and maps to bring all properties into conformity with the General Plan. This is intended to happen within one to two years after General Plan adoption. In the interim, there may be instances when inconsistency arises between adopted land use and existing zoning. In such cases staff will advise an applicant as to the most appropriate existing zone. The property owner will have the choice of either filing for rezoning or waiting until the City completes the citywide rezoning process. In other cases, a General Plan conformity finding may be required to determine if a use is within the parameters of the General Plan land use designation. All General Plan Conformity Finding determinations shall be acted on by the Planning Commission prior to, and independent from, consideration of any land use entitlement.

Review and Implementation of the General Plan

To be an effective guide to the City's decision making, the General Plan should be frequently monitored to gauge progress on its implementation and periodically reviewed to determine whether the plan still reflects the goals of the community.

The General Plan includes over six hundred implementation actions, not all of which can be accomplished at one time given normal budgetary and staff levels. Although a majority of the actions involve ongoing review or monitoring, the City must establish priorities as to which actions it wishes to address in any given year. Zoning ordinance changes and rezoning of parcels to be consistent with the General Plan must be completed within two

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years of General Plan adoption and must, therefore, be given top priority. Other actions may take longer to initiate or complete. Tables summarizing implementation actions can be found at this end of this element. They are not an adopted part of this General Plan but rather a working tool to aid implementation efforts and to allow annual prioritization of actions by the City Council. The annual report on the status of the General Plan will include a report on implementation action progress to allow the Council to reconsider priorities for completion. These tables will then be updated to reflect implementation priorities for the coming year. The first annual report will also include a “clean up” amendment to correct or refine plan provisions based on experience in working with the Plan. A comprehensive review of the Plan should take place every five years to assure its relevancy (as suggested by State General Plan Guidelines).

Environmental Impact Report

The Environmental Impact Report (EIR) for the General Plan evaluates the impacts of implementing the General Plan. The EIR is a separate document prepared as part of the General Plan update process. The EIR assesses the General Plan in a broad fashion regarding the City’s development, and also includes mitigation measures identified as specific policies or implementation actions. These actions could be considered to be a “program of implementation” and the General Plan EIR a “program EIR”. As such, the EIR evaluates the general impacts arising from the program, rather than site-specific impacts. The specific project impacts that may result from projects or implementation measures undertaken under the Plan will be assessed on a project by project basis. The General Plan EIR can be used as a foundation of information and current conditions by which to assess future impacts. The City is required to monitor the progress on implementing the mitigation measures suggested by the EIR and incorporated into the General Plan or subsequent actions. The annual report on the General Plan is the appropriate forum for a status report on the implementation of the mitigation measures. See the General Plan Mitigation Monitoring Plan for a list of mitigation measures identified to reduce potentially significant impacts.

General Plan Designations and Zoning Districts

The designations listed below have been adopted as the new land use designations. The existing zoning districts listed below indicate the most similar to the land use designation. *[Editors note: Zoning designations subsequently adopted by Fall 2016 Zoning Cleanup Ordinance 27-2016 on 12/6/2016.]*

I. Residential Designations and Density Ranges	Zoning Districts
<i>RES-HR (Hillside Residential*less than 8.7 units/net acre where previously subdivided)</i>	R-1-40, R-1-20, R-1-10, R-1-8, R-1-6
<i>RES-HR (Hillside Residential less than 2.3 units/net acre elsewhere)</i>	OS, R-1-40, R-1-20,
<i>RES LOW (Low Density Residential 2.3 - 8.7 units/net acre)</i>	R-1-10, R-1-8, R-1-6, R-2
<i>RES LM (Low-Medium Density Residential 8.8 - 14.5 units/net acre)</i>	R-1-6, R-2, R-3
<i>RES MED (Medium Density Residential 14.6 - 29.9 units/net acre)</i>	R-3
<i>RES URB (Urban Residential 30 - 70 units/net acre)</i>	R-3

II. Commercial Designations	Zoning Districts
<i>COM-CC (City Center Commercial)</i>	CC-TN (<i>City Center Transit Neighborhood</i>), CC-UO (<i>City Center Urban Office</i>), CC-UN (<i>City Center Urban Neighborhood</i>), D-CA (<i>Downtown Capitol Ave Zone</i>), D-CC (<i>Downtown Civic Center Zone</i>), D-E (<i>Downtown Edge Zone</i>), D-MD (<i>Downtown Mid-District Zone</i>)
<i>COM-TC (Town Center Commercial)</i>	TC-P (<i>Town Center Pedestrian</i>), TC-T (<i>Town Center Transitional</i>)
<i>COM-G (General Commercial)</i>	C-G (<i>General Commercial</i>), C-N (<i>Neighborhood Commercial</i>), C-O (<i>Office Commercial</i>)
<i>COM-REG (Regional Commercial)</i>	C-R (<i>Regional Commercial</i>)
<i>COM-MU (Mixed Use)</i>	C-N, C-O, MX (<i>Mixed Use</i>)

III. Industrial General Plan Designations	Zoning Districts
<i>IND-S (Service Industrial)</i>	I-S (<i>Service Industrial</i>)
<i>IND-T (Tech Industrial)</i>	I-T (<i>Tech Industrial</i>)
<i>IND-G (General Industrial)</i>	I-G (<i>General Industrial</i>)

IV. Other General Plan Designations	Zoning Districts
<i>OS-PK (City Park)</i>	OS (<i>Open Space</i>)
<i>OS-RCP (Resource Conservation and Public Open Space)</i>	OS (<i>Open Space</i>)
<i>OS-G (General Open Space)</i>	OS (<i>Open Space</i>)
<i>OS-PVT (Private Open Space)</i>	OS (<i>Open Space</i>)
<i>OS-HF (Hill Face Open Space)</i>	OS (<i>Open Space</i>)
<i>OS-HL (Hill Open Space)</i>	OS (<i>Open Space</i>)
<i>OS-HS (Hillside Open Space)</i>	OS (<i>Open Space</i>)
<i>PF (Public Facility)</i>	PF (<i>Public Facility</i>)
<i>INV-CTR (Innovation Center) [Editors note: per Res 2014-45]</i>	WSI 1-10 (<i>Warm Springs Innovation Districts</i>)

V. Planned Districts

New Planned Zoning Districts: A Planned District zone may be used to classify and implement any land use designation, as long as uses authorized in the Planned District are found to be consistent with the General Plan land use designation and goals and policies of the Plan. Planned Districts may also be used as an interim zoning district to achieve consistency with the General Plan land use designations until the City updates or establishes new zoning districts.

Existing Planned Districts: There may be instances where existing planned districts adopted prior to 12/6/2011 (adoption date), contain additional or different uses than specified in the current the General Plan designation. Any existing use that is inconsistent with the new General Plan land use designation and subsequently adopted

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zoning will become a legal non-conforming use. That use may continue to exist but may not be expanded or enlarged. A non-conforming uses which ceases to operate for a period of six months or greater shall not be re-established thereafter. All newly proposed uses must be consistent with the new land use designation. Prior to the City developing and implementing new zoning consistent with the General Plan, applicants may propose interim amendments to their Planned Development zones to allow for a use consistent with the new General Plan land use designation.

VI. Overlay Districts

The Zoning Ordinance establishes overlay districts that are intended to be used in conjunction with other base districts. The purpose of the overlay districts is to acknowledge the location of specific geographic areas such as the hill area, historic boundaries and flood zones. To achieve this purpose, the overlay districts may impose additional regulations and requirements that would be in combination with those of the district to which the overlay is combined.

VII. Public Facility Designation

Due to the physical limitations set by the small size of the parcels and/or the public facility, small areas which are designated Public Facility on the General Plan and owned by a public entity may be shown with the same zoning designation as adjacent private property provided the use of the public property is otherwise consistent with the General Plan. Certain Right-of-Way (ROW) parcels associated with highways and railroad corridors are also considered Public Facility even though they may not be mapped on the General Plan Land Use Diagram.

Amending the General Plan

The process for amending a General Plan is largely set forth by State law. By law, the General Plan can only be amended a maximum of four times per year (except in certain cases providing low and moderate income housing). However, at each of those times several amendments may be considered. Environmental review is required to process amendments to the General Plan, and depending on the magnitude of the amendment, an Environmental Impact Report may be required. It should be noted that the Implementation Matrix is not formally adopted as part of the General Plan and can be changed or amended without a General Plan Amendment.

Legislative History

See the Table of Amendments in the Appendix for amendments to the General Plan Text that have been approved by the City Council since General Plan adoption by Resolution 2011-69 on December 13, 2011. The associated City Council resolutions and project files are available in the Community Development Department. It should be noted that the Table of Amendments is not formally adopted as part of the General Plan and can be updated without a General Plan Amendment. The Table of Contents may be revised to reflect changes occurring as a result of subsequent General Plan text amendments.