

RESOLUTION NO. 2017-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREMONT ADOPTING A POLICY SCREENING GENERAL PLAN
AMENDMENT REQUESTS FOR MARKET RATE RESIDENTIAL
DEVELOPMENT**

WHEREAS, on January 5, 2016, the City Council received a report on development activity within the City of Fremont and expressed an interest in establishing a policy for prioritizing the scheduling of General Plan Amendments related to market rate residential development projects; and

WHEREAS, on December 2, 2014, the City adopted a Housing Element (Resolution No. 2014-60) wherein the City identified sufficient land zoned at appropriate densities to meet its Regional Housing Needs Allocation (RHNA) for the current Housing Element cycle (2015-2023); and

WHEREAS, on February 4, 2015, the State Department of Housing and Community Development concurred and certified the City of Fremont Housing Element; and

WHEREAS, the City subsequently adopted the Warm Springs/South Fremont Community Plan authorizing an additional 4,000 housing units beyond that which was required to meet regional housing needs; and

WHEREAS, on March 15, 2016, the City Council adopted a General Plan Amendment Prioritization Policy (Policy), which created an initial screening process for General Plan Amendment Requests that, if granted, would authorize application submittal and formal City review and consideration of land use map changes to allow additional market rate residential development; and

WHEREAS, since adoption of the Policy, the City has processed three General Plan Amendment Prioritization Requests and, as a result of discussion and deliberation of these requests, the City Council has directed staff to prepare refinements to the Policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT
RESOLVES AS FOLLOWS:

SECTION 1. While market rate housing will still be a critical need, the City should begin to shift focus to projects that incentivize the growth of affordable housing through a balanced approach to development; and

SECTION 2. There is still a strong need for affordable housing within the City of Fremont even with sufficient land zoned to meet the City's RHNA obligation; and

SECTION 3. The adoption of refinements to the Policy, now referred to as the General Plan Amendment Screening Policy (Attachment 1), will allow the City to determine if amending

the General Plan to allow for additional market rate housing is warranted based upon provision of more affordable housing, sustainability or other community benefits consistent with the goals, objectives and policies of the General Plan.

SECTION 4. The General Plan Amendment Screening Policy (Attachment 1) will sunset and be of no further effect on December 31, 2022, unless specifically extended by the City Council. The expiration of this policy will allow the City to consider its next housing element and need for housing sites prior to consideration of an extension.

ADOPTED, May 16, 2017 by the City Council of the City of Fremont by the following vote:

AYES: Mayor Mei; Vice Mayor Jones; Councilmembers Bacon and Salwan

NOES: Councilmember Bonaccorsi

ABSENT: None

ABSTAIN: None



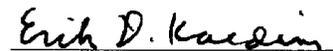
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

Proposed General Plan Screening Policy

Applicability: Projects requiring a General Plan Amendment that would authorize additional market rate residential development, including mixed-use and mixed-income developments are subject to this policy. Applications that propose 100 percent affordable housing or propose a change between non-residential land use designations (e.g., industrial to commercial) are exempt from this policy.

Applications and Schedule: The City will consider screening applications twice each year. All applications received by June 15th of each year will be forwarded to the Planning Commission for their consideration during August and in turn, to the City Council for final authorization or disinterest in September. All applications received by November 15th of each year will be forwarded to the Planning Commission for their consideration during January and in turn, to the City Council for final authorization or disinterest in February.

Application Submittal Requirements: The City will accept applications for screening using a submittal handout tailored to this process. It will be available at the Permit Center and on the City's website. All application submittals shall be provided to the City in a PDF format. Applications will be reviewed for completeness within five working days. If specified submittal requirements are not provided, the applicant will be given five days to provide missing information. Otherwise, the application will be held over to the next review cycle.

No Review or Analysis of Applications: City staff will not perform any formal analysis of these applications or make a recommendation. Each application will be posted on the City's development review webpage for public review, and application materials will be assembled for the Planning Commission and City Council's consideration.

The overall process is intended to screen applications for review and to identify applications the City Council has no interest in pursuing. A grant of authorization by the City Council in no way implies project approval; it merely authorizes formal processing of applications deemed worthy of consideration or further exploration. Should five or more applications be received, the City Council may also prioritize the order in which staff will review those requests the City Council authorizes. Subsequent approval of an authorized project is not implied by this process.

Notification: Applicants will be required to install courtesy sign(s) and staff will mail a courtesy notice to all property owners and tenants within 300 feet of the property for which a General Plan Amendment Screening Request application is received. The notice will outline the applicant's request, the process for consideration and what would happen if the City Council grants subsequent processing authority (e.g., environmental review, neighborhood meeting, public hearings, etc.).

Presentation of Applications: Staff will assemble application materials for the Commission and Council's consideration at publicly noticed meetings. The applicant and their team will be given 10 minutes each at both the Planning Commission and City Council meetings to make their case

for why their project should be deemed worthy of consideration or further exploration. The public will then be given one to three minutes each (depending on the number of speakers) to speak on the matter. Following the public speakers, the applicant will be given three minutes to respond to any comments.

City Interests: Requests for additional market rate housing will be evaluated based upon the benefit the project can provide to the community. Evaluation criteria may include the following:

- Affordable Housing – Exceeding the City’s Affordable Housing Ordinance requirements through on-site production, payment of affordable housing fees and/or a combination, or through alternative methods provided for in the ordinance, such as a land donation.
- Smaller Unit Sizes – Providing smaller unit sizes, including a majority that includes a mix of studios, one- and/or two bedrooms.
- Desirability of Land Use Change – Converting and potentially cleaning up an isolated industrial site surrounded by residential uses or removing and/or redeveloping a blighted site that has been identified as a nuisance.
- Sustainability Measures – Providing net zero energy development or other sustainability measures and amenities beyond those already required by law.
- Location within Priority Development Area – Guiding development to Priority Development Areas, City Center, Town Centers, and existing and future BART stations to meet housing need and sustainability goals beyond 2035 (General Plan horizon year).
- Other Interests – Providing additional community benefit such as addressing school or park needs, or providing major capital improvements or new public facilities.

Threshold for Invoking Screening Process: If three or fewer General Plan Amendment Screening Requests are received during a review cycle and the requests meet the criteria below, they would automatically be given authorization to proceed with a formal General Plan Amendment application.

- General Plan Amendment would result in 10 or fewer new market rate housing units; and
- Applicant agrees to exceed the City’s Affordable Housing Ordinance requirements through on-site production or payment of affordable housing fees.

Sunset Provision: This policy shall sunset on December 31, 2022 (the same time as the current Housing Element cycle ends). This will allow the City to consider the policy in light of certification of a new Housing Element with sufficient land zoned to meet the new RHINA.