City Council Chambers
3300 Capitol Avenue
Fremont, California

APRIL 19, 2011

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING AND WORK SESSION

CITY COUNCIL CHAMBERS
3300 CAPITOL AVENUE, FREMONT

5:30 P.M. (Please Note Time Change)

1. PRELIMINARY

1.1 Call to Order

1.2 Salute to the Flag

1.3 Roll Call

1.4 Announcements by Mayor / City Manager

2. ORAL COMMUNICATIONS

[Any person desiring to speak on a matter which is not scheduled on this agenda may do so. The California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of presentations (see instructions on speaker card) and each speaker may only speak once on each agenda item.]

3. GENERAL PLAN UPDATE – DRAFT COMMUNITY PLAN AND IMPLEMENTATION ELEMENTS

Contact Person:

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Public Comment

4. MIDTOWN COMMUNITY PLAN & DESIGN GUIDELINES

Contact Person:

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Public Comment

5. ADJOURNMENT

REPORT SECTION
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3. GENERAL PLAN UPDATE – DRAFT COMMUNITY PLAN AND IMPLEMENTATION ELEMENTS

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PURPOSE OF THE WORK SESSION: The purpose of the work session is to present staff's draft of the new Community Plan Element of the updated General Plan. Staff seeks Council input regarding the proposed contents of the element. Staff also will give a brief overview of the proposed Implementation Element, which lays out general responsibilities and timelines for implementing the actions laid out for the entire General Plan.

POLICY ISSUES/ANALYSIS: The draft General Plan and the accompanying "Vision Book" were released to the public in November, 2010. At that time, staff noted that two Elements of the Plan remained to be drafted: a Community Plan Element and an Implementation Element. Staff has now drafted these two Elements and is seeking Council input.

Community Plan Element

The Community Plan Element provides policies for 11 geographic subareas within Fremont that collectively cover the entire city. The Element recognizes that although Fremont is one city, it is comprised of areas and neighborhoods with distinct histories, landscapes, issues and opportunities. The Element provides a means of incorporating existing area plans, specific plans, and other place-based recommendations such as the Centerville Specific Plan, the Niles, Irvington, and Central Business District Concept Plans, and various design guidelines and visioning efforts into the General Plan.

In addition, the Community Plans serve the following purposes:

- Providing a more fine-grained profile of land use and development issues in Fremont
- Reflecting community input on specific places and neighborhoods in a way that is not possible in citywide Elements;
- Incorporating voter-approved General Plan language on hill area preservation;
- Providing direction for a number of "special study areas" (parts of the city where significant changes are expected in future decades.)

As an example of how the Community Plans integrate past planning efforts, the Centerville Community Plan includes relevant policies and implementing actions from the 1993 Centerville Specific Plan. The 1993 Plan included strategies to improve street connectivity, increase the supply of parking spaces, and preserve Centerville's historic character. The Community Plan carries these strategies forward. It lists specific locations for new streets (e.g., through the Centerville Unified site between Fremont Boulevard and Post), identifies how the number of parking spaces might be increased (e.g., shared parking

facilities, additional on-street spaces along Fremont Boulevard, etc.), and recommends adaptive reuse of the Center Theater and other historic structures. The Community Plan also integrates recommendations from the more recent Centerville Framework Plan and from the 2008 Envisioning Fremont Boulevard study.

In this particular example, not all policies in the Centerville Specific Plan have been carried forward. Some are no longer relevant, some have been fully implemented, and some have been superseded by the Framework Plan. In addition, many of the policies are already covered by broader policies in the citywide elements of the General Plan. For example, the Community Character Element of the General Plan includes policies to locate parking to the rear of structures in Town Center areas (see Policy 4.3.7). Rather than repeating this policy for each Town Center in each Community Plan, there are cross-references to the citywide elements in the Community Plans.

Staff seeks Council comments and input on the draft Community Plan Element.

Implementation Element

The Implementation Element provides guidance for implementing and administering the General Plan. It includes procedures for finding General Plan conformity, both for the time period after General Plan adoption but prior to the companion Zoning Ordinance amendments for General Plan consistency; and for the longer term after the Zoning Ordinance has been updated. It also includes a discussion regarding the relationship between General Plan land use designations and zoning districts.

The Implementation Element also includes, for the first time, a matrix that identifies all General Plan implementation measures; the responsible party; and the timing or priority level. The matrix will not be adopted as part of the General Plan, but rather will be used as a companion document to track and prioritize implementation actions as part of the departments overall work plan. Staff intends to regularly update the matrix based on funding availability for implementation, changes in Capital Improvement Programming and other actions that may influence where the City focuses its resources.

REQUESTED OUTCOME OF THE WORK SESSION: Staff seeks Council input on the draft Community Plan and Implementation Elements.

ENCLOSURES: Draft Community Plan and Implementation Elements

- Community Plan Element Text
- Community Plan Element Maps
- Implementation Elements

4. MIDTOWN COMMUNITY PLAN & DESIGN GUIDELINES

Consideration of outstanding items from the January 18, 2011 City Council Work Session and receiving City Council direction prior to upcoming public hearings and City Council adoption

Contact Person:

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Executive Summary: In January 2011 a City Council work session was held to provide an update on the draft Midtown Community Plan & Design Guidelines (the "Plan"). The presentation focused primarily on parking standards, land use, development control zones, architectural and site design guidelines, form-based zoning, and priority development projects within the District. During this work session a number of items where raised by City Council that staff would like to further discuss and receive direction on before proceeding with finalizing the Plan. These items include:

- LEED ND
- Commercial Space – Location & Amount
- Civic Center parcel size
- Pedestrian connections to the Hub and Gateway Plaza
- Art program
- Design approval process
- Parking standards
- Back-In Angle Parking pilot program
- The district's name

The report also provides a brief update on the following items:

- Community Engagement
- Financial Impact Analysis
- Environmental Impact Report

BACKGROUND: In March 2009, City staff and TMG Partners, the City's development partner for the District, presented to the City Council a vision for creating a vibrant mixed-use area and outlined possible next steps. In concert with TMG Partners, City staff recommended a plan be developed for streetscape improvements, building form and character, land use ranges, and design guidelines and that the plan be environmentally reviewed in order to set the stage for development to move quickly once the economy recovers. At the same time, the City Council approved the team's recommendation that these planning efforts look at an area larger than the previously defined Capitol Avenue Project area. In September 2009 the City Council authorized the City Manager to enter into an agreement with HOK Architects as the Lead Consultant for the development of the Community Plan & Design Guidelines and

perform the associated environmental analysis. At various times since September 2009, HOK Architects, TMG Partners, and City staff have updated the City Council on the Plan's progress and received Council comments and direction.

Most recently, at the January 18, 2011 City Council work session, HOK Architects made a presentation to the City Council on the draft Plan. This presentation focused on parking standards, land use, development control zones, architectural and site design guidelines, form-based zoning, and priority development projects within the District.

The boundaries of this new District (see Exhibit A) are co-terminus with the "Focus Area" outlined in the Central Business District Concept Plan adopted in 2001 and the City Center designation in the proposed General Plan update. The vision for the Focus Area in the Central Business District Concept Plan is to create a hub of economic activity and have the area "contain a mix of uses including retail, office, entertainment, open space, and cultural arts organized around a main street." This main street, to be constructed on Capitol Avenue and an extension of it to Fremont Boulevard, will be an attractive place to shop, stroll, and dine, and will become the true center of the focus area. The Concept Plan further describes the area as centered around a new City of Fremont administrative offices and a public plaza as well as providing a location for a new performing/cultural arts center. The Concept Plan implements several polices of the current General Plan, in particular Policy LU 2.7, which states "Site design and building development in the Central Business District shall be oriented toward pedestrian and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level."

The Community Plan & Design Guidelines are also an important step in implementing the Council's vision as described in the draft General Plan 2030, that "Fremont will serve as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern City."

DISCUSSION/ANALYSIS: The following section outlines the various topics that staff would like to receive direction and guidance on from the City Council, based on the comments received from the January 18, 2011 work session or new information received since that time.

LEED ND: In April 2010 staff recommended the City Council pursue having the entire District certified as a LEED ND project. This recommendation was based on a draft LEED ND program guidelines prepared by the United States Green Building Council (USGBC). Only recently has the USGBC finalized their overall program which has allowed staff to see how the program is to actually be implemented. Work did not commence on the LEED ND part of the Plan in 2010 because further refinements to the Plan and direction from City Council were required prior to moving forward. Now that the USGBC has finalized its LEED-ND program, which includes some significant modifications from the draft proposal, staff are unsure if the program will benefit the project as originally envisioned. For example, the guidelines for LEED ND projects indicate the project sponsor should be the owner of the majority (50%+) of the land within the project area. The City is the major land owner with approximately 20% of the land area. In addition, it appears that most of the USGBC certified projects are geared toward a brownfield setting. Also, the program guidelines are tailored for a private developer (not a City) adopting guidelines for a project area. Finally, it should be noted that in order to obtain certification as a LEED ND Development, all projects within the project area have to be completed (built). The Community Plan envisions a long term build-out (at least 15 to 20 years depending upon the

economy) so it would be quite some time before the City would be able to attain a certified LEED ND rating for the Plan. This long-term horizon means that the City could not use the term LEED-ND certified plan until the project was in essence finished. The City explored “phased certification” for portions of the plan that might be completed so that the City could use these phased certifications to help brand or market the area. The USBGC acknowledges that this would be an interesting approach worth considering, however, they will not be able to amend their program until later in 2012, at the earliest. Should the USGBC modify the program to allow "phased certification" in 2012, staff will report back to City Council to discuss the matter and seek further direction.

In light of the fact that branding the Plan as a LEED ND plan is not possible or at best, not timely, two alternative approaches to achieving a sustainable project area are outlined below:

Smaller Area for LEED ND Certification**:** One approach could be to reduce the geographic area by which the City would try to obtain certification of a LEED ND Project. The City could look at the anticipated initial phase of development extending from State Street to Fremont Boulevard adjacent to the extension of Capitol Avenue (Attachment No. 1). These properties could be re-developed/developed over a shorter term and a LEED ND certification might be obtained. The City is also the largest property owner in this area, being the owner of the 10.3-acre vacant State Street property (the former future City Hall site). The City’s LEED consultant is exploring this subarea to see if it will be able to score sufficient points to become a LEED ND project as a result of its more remote distance from Fremont BART.

Develop Actual Green Buildings: A different approach could be to reference the Community Plan & Design Guidelines document as a plan that is promotes LEED projects by setting a LEED ND framework relating to such matters as setting, site and public realm design. The Plan then would support actual development of green buildings within the District. Our consultant, HOK has ensured staff that all the guidelines and requirements of LEED ND have been incorporated into the Plan as it has been developed.

Recommendation: Direct staff to focus on the second approach (i.e., development of actual green buildings and reference the Plan as a Plan that supports LEED). By taking this approach more emphasis can be placed on individual sites and buildings within the District and more recognition and branding of the District can occur as a place that fosters LEED developments.

Commercial Space – Location & Amount: As noted by the City Council in January, the Plan’s amount of projected retail space within the District does not appreciably change in the future. There is currently nearly 500,000 square feet of retail space in the District. Upon projected build out, the Plan shows nearly the same amount of retail space, although it is repositioned primarily along Capitol Avenue. It is important to note that demand for new retail commercial space has decreased nationwide due to the economic downturn. The retail environment has undergone significant change due to the reaction of the market nationally and locally. Major chains (Linens N Things, Circuit City, bookstores, and audiovisual stores) have closed due to competition from larger competitors, online sales, and the lack of consumer spending and credit. The closures have resulted in excess retail capacity even locally. These new patterns, which are expected to be long-term, emphasize the need for this area to be developed differently than existing retail inventory in our regional trade area. Our 2008 retail study and recent Warm Springs area studies pointed out that there is demand for “destination retail” and it is

important for Fremont to develop a more concentrated, mixed-use retail area to meet the shopping desires of our community. This new retail environment will complement the suburban retail experiences that now exist through the City Center. Over time, some suburban retail uses will relocate to other suburban centers in the City or continue to convert to assembly and service uses, while others will choose to relocate within the new "downtown, Main Street" environment to be created along Capitol Avenue. This new retail environment will serve both local residents and businesses and also attract others from the regional trade area. The Plan employs concepts that were identified within various retail studies done for the City in preparation for the General Plan update and have again been validated by work done for the economic development studies performed for the Warm Springs area. In essence, these studies have identified that Fremont is well served by suburban centers and many are now underperforming in relationship to both newer centers as well as destination retail experiences (e.g., Bay Street in Emeryville, Santana Row in San Jose). Because of the abundance of retail space, many existing centers will seek to reposition themselves or will seek to redevelop as other uses. These concepts likely hold true for this District in that many retailers are closing doors (e.g. recent bookstore closures) or relocating to other desirable places (e.g., Half-Price Books at Pacific Commons).

The Plan proposes to accommodate and concentrate retail and other active uses on the ground floor of buildings fronting on Capitol Avenue. Additional space can be located on the street corners adjacent to Capitol Avenue, but is not required. Staff is concerned that a requirement for too much retail square footage will hamper the development and lead to many vacancies, evoking the tendency to fill the space with any use that will rent it. At the same time, too little retail will not provide the sense of 'place making' that will be necessary to create a vibrant location.

It is important to note that Bay Street and Santana Row are both approximately the length of Capitol Avenue between State Street and Fremont Boulevard. While streets like Castro Street in Mountain View and Crescent Drive in Pleasant Hill are longer, they are not nearly as long as Capitol Avenue between Paseo Padre and Fremont Boulevard. Finally, some spill-over retail on side streets is inevitable as demand increases and future development occurs. However, to require it as a design feature will cause a surplus of retail space that cannot be absorbed in the near term and will dilute the retail experience on Capitol Avenue.

Recommendation: Focus Plan efforts on creating a desirable, focused retail destination and experience on Capitol Avenue and at corners on side streets. Existing retail within the District will continue to change to meet market conditions. The Capitol Avenue retail development needs to be concentrated to ensure that it provides a stronger, higher quality retail environment and shopping experience to attract new tenants and shoppers. This concentration of new development will likely result in little change to the overall retail square footage within the District. Focusing retail activity along Capitol Avenue will be key to creating a desirable destination.

Civic Center Parcel Size: The Community Plan and Design Guidelines contemplate the entire area bounded by Capitol Avenue, Liberty Street, State Street, and the new east-west connector street, to become the new Civic Center location. This 6.4 acre site would ultimately contain the following uses:

- City Administrative Offices (City Hall)
- Family Resource Center
- Public Plaza

- Performing Arts/Cultural Arts Center
- Municipal Parking Garage

The City of Fremont owns a large portion of this site (4.90 acres), including the current location of the Family Resource Center and the Town Fair I shopping center. This location is sufficient to house all of the proposed uses in one central civic center space fronting the main street, Capitol Avenue. The placement of a number of civic uses in one location will also help serve as a draw and focus for the Downtown area. It is hoped that by locating the civic center uses in the geographic center of Capitol Avenue, retail development will be encouraged along the street toward both Fremont Boulevard and Paseo Padre Parkway.

Subsequent to the adoption of the Community Plan and Design Guidelines, it is staff's intent to move forward on a discrete planning process for the Civic Center area. This will help to more fully develop the design and civic functions being proposed on this site. The planning process will outline how all interests can be accommodated on the site including the centralization of city administrative offices, the continued function of the Family Resource Center in a new facility (either as a separate building or a part of the city administrative offices but with a separate entrance), a formal public plaza and community gathering space, an area identified for a future Performing Arts/Cultural Arts Center, and a multi-story municipal parking garage. The specific planning process has yet to be determined but will be based upon City Council input and community interest and can be as simple as a privately constructed Class A office building or as complex as national design competition for the entire civic center space or portions thereof.

Finally, it should be noted that other civic uses (e.g., museums, libraries, community centers, cultural centers) and many educational facilities can be located in zones surrounding the formal Civic Center zone. The City should encourage civic-type uses both in and around the Civic Center to create additional draw to the area.

Recommendation: Staff and HOK believe that the 6.4 acres that is being devoted to formal Civic Center uses within the District is of sufficient size to accommodate the uses as currently envisioned for the parcel. Staff also advises that a policy be added to the plan to encourage and, if financially feasible, incentivize the location of other supportive-type civic uses within the District.

Pedestrian Connections to the Fremont Hub and Gateway Plaza: City staff will look at existing connections to the Fremont Hub and Gateway Plaza to determine if certain modifications (bulb-outs, pavement treatment, signal time adjustment etc.) can be incorporated into the intersection to reduce the pedestrian travel distance and make the crossing more pedestrian friendly. When Capitol Avenue is extended to Fremont Boulevard, staff will ensure that pedestrian design features are incorporated into improvement plans.

Art Program:
The proposed Art Program calls for both public and private art. The public art program is defined by a series of artworks that clearly identify that you are entering into a special or unique place. Once inside the District, the program focuses public artwork on Capitol Avenue corridor and the Civic Center. Additionally, an Artwalk is proposed linking the Civic Center with the predominate pathway leading to Fremont BART. Funding for the public plan components is proposed through a new art fee of $0.50

cents per gross square foot. Projects of under 100,000 square feet will be required to pay the fee, whereas projects of 100,000 square feet or greater will be given the option of paying the fee or paying half of the fee and using the remaining half for on-site private, but publicly viewable, artworks.

At the January 18 work session, the City Council had two comments relative to the proposed Art Program. First, it was noted that perhaps the Art Program should require all projects to pay fees as opposed to having the option of providing a partial payment and installation of on-site artwork. In addition, a comment was made that perhaps buildings at major gateways could act as art themselves and form an entry into the District rather than relying solely on artworks as currently envisioned by the Plan.

Early in the Plan's development, staff and the consultant team evaluated a number of options to create a sense of arrival to the District. Buildings, signage and art were all considered as important elements. It was ultimately determined that arrival shouldn't be announced with signage but that an individual should be able to tell they are in a different place based upon the building density, form, and mixed use character of the District. Part of that "place making" is being addressed with form based codes which establish that buildings will be built up to the street wall and corners will be designed to be special places for architectural expression. The challenge with creating an early sense of arrival is the District may not have buildings built at the main entry or other entry points for years to come. Art was seen as the mechanism in which to announce entry and provide a hint of what may come within. The proposed entry artworks were seen as a critical feature to distinguish the District from other areas of the City, especially in its early stages of development.

On February 17 and March 9, 2011 (Informational 2 – Art Review Board Draft Minutes March 9, 2011) the Art Review Board considered the proposed Art Program and its funding plan. After careful consideration, the Art Review Board supported the overall Art Program as outlined in the Plan. Additionally, the Board supported the funding plan and noted that developers of larger buildings should be given the opportunity to spend half of their art budget on publicly viewable private art. The Board also recommended that private artwork be brought before the Board for review and approval. Finally, the Board recommended that upon plan adoption, the Art Review Board be directed to:

1. Develop a framework for a future District Art Collection. The framework should identify a purpose or message and establish the kinds of artwork that will define the District, consistent with the Plan.

2. Establish a set of standards and guidelines for selection of public art to fulfill the framework.

3. Establish a set of quality standards and selection criteria for private art that supports the framework.

<u>Recommendation:</u> Retain the Art Program as outlined in the Plan. In addition, the Council should advise staff as to the Art Board's role in reviewing and approving art installed on private property. This direction should be made in the context of the proposed development approval process outlined in the section below.

Design & Development Approval Process: The intent is to provide a clear, concise, streamlined and flexible process for the review and approval of development projects within the District. The design

approval process proposed for the District is similar to the process established for the Pacific Commons development project a number of years ago, which has worked well for both the developer and the City. One of the key components of the design approval process is early consultation between the developer and City. Early consultation by the developer will allow all parties to discuss the overall project vision, goals, ideas, and issues related to the project so that once a complete application is submitted, everyone understands the entire project. Subsequent to the early consultation phase a developer would submit a complete application for staff review and comment with the project ultimately being approved by the Planning Commission. The Council will also need to advise if they wish any private art proposed in the project to be reviewed by a staff committee (as currently proposed in the Plan) or by the Art Review Board. Depending upon resources and workload at the time, it is staff's intention to have an assigned team review all projects within the District. This is similar to what was originally done for the Pacific Commons. There are many benefits to this approach from both the City's and developer's perspective, which can ultimately translate into a streamlined approval process. Staff is also proposing to establish a goal of a four (4) month review timeframe for all projects requiring Planning Commission review within the District. This will require both the City and developer to be responsive to each others comments related to the project so that all issues are addressed in a timely fashion. A separate handout form, specifically for the District, will outline all of the required plans and materials that need to be submitted.

Recommendation: Establish a design approval process similar to the one used at Pacific Commons, which allows for a streamlined, flexible and concise process for the review and approval of development projects.

Parking Standards: Throughout the development of the Plan, a number of alternatives to City standard parking requirements have been explored by staff and the consultant team. The following section outlines these alternatives and the recommended approach to parking for the District. At various locations through this section, Plan policies are denoted for reference by (P-#).

Base Parking Standards: The City evaluated a number of downtown parking plans in other communities to identify workable parking programs. Outside of heavily urbanized areas that are well served by existing transit infrastructure there are few cities with parking standards significantly lower than Fremont. In checking with developers, most have indicated they will not build, or they will be unable to market properties, without ensuring there is some dedicated parking for residential uses and an adequate and proximate supply for retail establishments. Although office users tend to be more flexible, Fremont is somewhat unique in the large concentration of healthcare-related office uses that have higher parking demand than regular offices. Additionally, patients do not use transit as regularly as most office patrons due to personal medical conditions and because most visits are from the surrounding community (e.g., local bus versus regional rail transit).

Minimum and Maximum Parking Standards (P-1 and P-2): Minimum and maximum requirements were also evaluated by staff and consultants to determine if they could be useful in getting developers to rethink how parking is provided. Again, retail developers expressed concern over maximum requirements, noting there either needs to be a "hot" market in order for their customers to adapt to reduced parking availability or more distant available parking supplies. Most noted that given other nearby retail opportunities, they would choose other locations with less constrained parking requirements prior to investments in an unproven area. Residential builders stated they needed a minimum number (at least one space dedicated to each unit) to ensure market feasibility. The Plan

proposes to establish minimum and maximum standards that are reflective of market concerns but also begin to influence decisions about parking. Over time these standards will be adjusted (P-C) to address supply and demand.

Shared/Unbundled Parking: Shared parking provides opportunities to make more use out of the parking provided. The best sharing comes when uses have opposite peak demands. For example, residents who may leave to go to work elsewhere during daytime hours vacate spaces that could be used for office employees and conversely, in the early evening office employees may go home to other communities freeing up spaces for residents.

The "unbundling" concept functions on the premise that users pay only for what they need. For example, if each residential unit was required to have two parking spaces but only one individual lived in the unit, one space would go unused most of the time. By aggregating these unused spaces, less overall parking would be required on a day-to-day basis. Recognizing that the unit's demands may change over time, additional parking could be made available for lease and any surplus parking could be made available for lease to other users.

Maximum parking utilization would result from a combination of both shared and unbundled parking. This would best be provided in centralized locations that could serve both residential and business users. Again, developers note that residents want secure parking and sharing with employees reduces security. Business owners fear residents will leave cars parked, take transit and that spaces won't be available for their employees and/or customers. The basic requirements within the plan support shared parking by reducing standards for those that agree to share. Additionally, on site surface lots of more than ten spaces are required to be shared (P-4).

Public or Paid Parking: Another tool to ensure ample parking is to build public parking facilities. Public parking can be provided in structures, parking lots or within existing street right-of-ways. Of note, the Plan calls for reconfigured existing streets and newly constructed streets that actually increase the public parking supply by approximately 700 spaces (P-13). This is a tremendous asset for the District providing the flexibility to reduce both visitor parking for residential uses as well as meet retail parking demand (P-3). It will be an essential tool in calibrating the parking standards for the district over time (P-C). Parking facilities could also be paid for with in-lieu fees paid by developers who wish to devote site area to building square footage rather than parking spaces (P-1 and P-A). Parking facilities could also be paid for through adoption of parking fees, although some level of enforcement may be needed if the parking is not within a structure or enclosed parking lot with self-monitoring payment facilities.

Transportation Demand Management (TDM): The goal of TDM is to reduce overall parking demand by encouraging other modes of transportation such as bus, rail, bike, pedestrian, carpool and vanpool. The Plan calls for individual development projects to include bicycle parking (P-5), provide preferred parking for carpools (P-7), and accommodate car-sharing programs (P-8). TDM can assist employees and employers meet projected targets via incentives, cost sharing, education, and ultimately regulatory tools such as pricing.

Recommendation: Make the best use of parking that is to be provided and to encourage and incentivize shared parking whenever feasible through a combination of policy incentives and regulatory controls such as the TDM program as proposed in the Plan and briefly outlined below.

The Plan proposes a slightly reduced minimum parking standard and establishes maximum parking thresholds. The Plan allows for projects to go below the minimum parking standard or above the maximum parking standard, but doing so strategically has a price. Projects can choose to pay an in-lieu fee for parking which is not provided to the minimum threshold. Or, additional parking can be provided where developers and users believe parking beyond the maximum is required. However, to do so will obligate the developer to pay an impact fee to fund TDM programs in the District. Ultimately, extra parking spaces may be shared, thereby relieving developers of TDM fees for excessive parking.

The basic standards established by the Plan set up strong incentives to share parking at the time of development approval. The Plan also recognizes the asset which 700 on-street parking spaces will provide in allowing for reduced standards and in providing time to allow for adjustment or calibration of these standards as the area evolves into a more urban place (P-C).

Back-In Angle Parking Pilot Project: In April 2010 staff recommended the City Council approve a back-in angle pilot parking program along a portion of Capitol Avenue. The pilot program was to allow sufficient time to determine if back-in angle parking should be incorporated into the Plan and implemented in portions of the District over time. As outlined in the April 2010 staff report (Attachment No. 3) there were some benefits to back-in angle parking. However, subsequent research has concluded back-in angle parking is not appropriate for the District.

In December of 2010 staff developed a Back-in Angle Parking Survey (Attachment No. 4), and placed it on the City's website. Staff advised the community of the survey through the City's newsletter, Interested Parties List and at various community meetings asked individuals to complete the Survey. Over 90% of the people that responded to the Survey indicated they had seen the back-in angle parking pilot program on Capitol Avenue. The survey clearly indicates the public who used the parking spaces found it difficult to navigate the back-in angle parking space (over 70%; Question 4). The findings of Question 5 indicate if back-in angle parking is adjacent to retail shops that over 70% of the respondents would be less likely to shop at those retail shops. The above two (2) questions indicate that should back-in angle parking be implemented within the District, the public may be discouraged from shopping within the area, which is counter to the City's goal and vision for Capitol Avenue. Question 9 asked the survey respondent to rank their preference of parking space type, with 70% indicating nose-in angle parking, 30% indicating parallel and 7% indicating that back-in angle parking was their preference. The above findings are very similar to staff's ongoing observation of numerous individuals trying to make the back-in parking maneuver, most unsuccessfully. The City's Economic Development staff is also concerned with the idea of back-in parking and the potential impact it could have on attracting future retailers to the district. Finally, City staff has received approximately ten phone calls/emails from the community voicing their displeasure and in most cases their unwillingness to make the back-in parking maneuver on a regular basis due to fear of getting hit by another vehicle.

Recommendation : Based on the Survey and above information, staff recommends the pilot program to allow back-in angle parking along a portion of Capitol Avenue be ended and instead, that parking along Capitol Avenue be restriped with nose-in angle parking as part of the City's annual slurry seal project later this year. If the Council concurs, staff will bring back a report and implementing ordinances for the May 3, 2011 Council meeting. Otherwise, the back-in-angle parking pilot is likely to remain in place for another year so it can be incorporated into the following year's annual slurry seal project.

Naming the District: At the January work session, comments were received from the Council and the public regarding the proposed name for the District ("Midtown") and the desire to create something more recognizable to help brand and attract people to the area. The name "Midtown" was originally selected to reflect its middle or central location within Fremont and the fact it will take a number of years before people recognize that Midtown has evolved into what most people would recognize as a downtown setting. The initial goal was to set a realistic expectation for the area in the near term and to aspire to the goal of creating a special place with a "Main Street" setting. Finally, the term downtown was avoided as the term is commonly used in reference to many community or town centers in Fremont (e.g., Downtown Niles or Downtown Centerville).

As part of the citywide General Plan update, the entire Central Business District is being renamed as the "City Center". This is being done, in part to reflect its place within the City as well as the City's plans to transform the area into a vibrant mixed-use and transit oriented place. As outlined in the prior Concept Plan for this area, the City Center will be comprised of districts or subareas with distinctive differences. Examples could include "Hub District", "Medical Center District", "Midtown/Downtown/Uptown or Focus Area District". This creates the opportunity for the City to name not just one but several districts within the City Center.

Recommendation: Ultimately the choice is up to the City Council, however, based upon comments received at the January 18 work session, there appears to be support for naming the district "Downtown".

Other Informational Items

The following three items are included in the staff report to provide updates to City Council, no direction on these three items is required.

Community Outreach: Planning staff and HOK Architects have held a series of community meetings since the start of the planning process on the Community Plan, most recently on March 1, 2011 and March 3, 2011. The comments from the public and land owners/tenants within the District have been very positive and supportive of the City's planning efforts to establish a vibrant area in this location. One of the consistent comments from the community meetings is the need to push Capitol Avenue through to Fremont Boulevard in order to open up the "front door" to the District. This is consistent with the Plan's goals and objectives. Other comments related to maintaining existing business within the area, obtaining grants to build some of the public infrastructure, allowing for more pedestrian connections within the District, and wanting to ensure that there is a mix of land uses.

Financial Analysis: The City has hired Keyser Marston Associates to conduct a high-level fiscal impact analysis and strategy to assist in the District's planning and development. This analysis is attempting to meld the planning and economic development goals of transforming the District into a vibrant, dense, mixed-use, pedestrian-scale, successful retail environment with the fiscal reality of the costs of implementing this vision. From the public perspective, it seeks to understand the potential revenues to be gained by implementing the vision and the costs of enhancing the necessary public infrastructure such as new streets, streetscape, public parking garage(s), and consolidation of City administrative offices. It also seeks to understand the difference in costs for private developers for developing in the District as opposed to elsewhere in Fremont. This analysis should offer creative recommendations for how to mitigate potential financial feasibility gaps for private developers, offer a menu of development

incentives, as well as suggest financing tools for the public improvements. A draft of this analysis is expected to be complete in May 2011.

ENVIRONMENTAL IMPACT REPORT: While the Community Plan & Design Guidelines are being drafted, the Environmental Impact Report (EIR) is also being completed. The EIR is projected to be completed subsequent to adoption of the General Plan.

ENCLOSURES:

- Exhibit A - Map of District
- Attachment No. 1 - LEED ND Focus Area
- Attachment No. 2 - Art Review Board Draft Minutes – March 9, 2011
- Attachment No. 3 - Back-In Parking Pilot Project City Council Report – April 20, 2010
- Attachment No. 4 - Back-In Angle Parking Survey

RECOMMENDATION: Provide direction to staff and consultant team regarding the topical areas covered in this report. These include:

- **LEED-ND**: Focus on the approach of developing actual green buildings and reference the Community Plan as fostering LEED certification for individual projects. By taking this approach more emphasis can be placed on individual sites within the District rather than focusing on the overall District or an initial phase of development.
- **Commercial space, location, and amount**: Focus Plan efforts on creating a desirable, focused retail destination and experience on Capitol Avenue and at corners on side streets. Existing retail within the District will continue to change and adapt to market conditions. The Capitol Avenue retail development needs to be concentrated to ensure that it provides a stronger, higher quality retail environment and shopping experience to attract new tenants and shoppers. This concentration of new development will likely result in little change to the overall retail square footage within the District. Focusing retail activity along Capitol Avenue will be key to creating a desirable destination.
- **Civic Center Parcel Size**: Find the 6.4 acres being devoted to Civic Center uses within the District to be sufficient to accommodate the formal uses as currently envisioned for the parcel. Direct the staff and the consultant to add policy language encouraging the City to promote the district for other civic-type uses both in and around the Civic Center to create additional draw to the area.
- **Pedestrian Connections to the Hub and Gateway Plaza:** Direct staff to include improved connections across Fremont Boulevard and Paseo Padre Parkway into the improvement plans for the Capitol Avenue project(s).
- **Art Program**: Retain the Art Program as proposed in the Plan. In addition, the Council should advise staff as to the Art Board's role in reviewing and approving art installed on private property. This direction should be made in the context of the proposed development approval process outlined in the section below.
- **Design & Development Approval Process:** Allow for a design approval process similar to that used for Pacific Commons. This process allows for a streamlined, flexible and concise process for the review and approval of development projects.
- **Parking Standards:** Retain the Parking Policies and Programs within the draft plan as proposed. The policies and programs contained within the plan encourage and incentivize shared parking

whenever feasible. The Plan proposes a slightly reduced minimum parking standard and establishes maximum parking thresholds. The Plan allows for projects to go below the minimum parking standard or above the maximum parking standard, but doing so strategically has a price. Projects can choose to pay an in-lieu fee for parking which is not provided to the minimum threshold. Or, additional parking can be provided where developers and users believe parking beyond the maximum is required. However, to do so will obligate the developer to pay an impact fee to fund TDM programs in the District. Ultimately, extra parking spaces may be shared, thereby relieving developers of TDM fees for excessive parking. The basic standards established by the Plan set up strong incentives to share parking at the time of development approval. The Plan also recognizes the asset which 700 on-street parking spaces will provide in allowing for reduced standards and in providing time to allow for adjustment or calibration of these standards as the area evolves into a more urban place (P-C).

- **Back-in Angle Parking Pilot Program:** End the back-in angle pilot parking project along Capitol Avenue by directing staff bring back a report and implementing ordinances for the May 3, 2011 City Council meeting. Direct Capitol Avenue be restriped with nose-in angle parking as part of the City's annual slurry seal project later this year. (Note: If the back-in-angle parking pilot is note ended, soon, it likely to remain in place for another year so it can be incorporated into the following year's annual slurry seal project.) Direct that the Plan incorporate nose in-angle parking along Capitol Avenue.
- **District's Name:** Ultimately the choice is up to the City Council, however, based upon comments received at the January 18 work session, there appears to be support for naming the district "Downtown". Select a name for the district and direct the consultant and staff to incorporate the selected name within the final Plan documents.

ACRONYMS

ABAG ..... Association of Bay Area Governments
ACCMA ..... Alameda County Congestion Management Agency
ACE ..... Altamont Commuter Express
ACFCD ..... Alameda County Flood Control District
ACTA ..... Alameda County Transportation Authority
ACTIA ..... Alameda County Transportation Improvement Authority
ACWD ..... Alameda County Water District
BAAQMD ..... Bay Area Air Quality Management District
BART ..... Bay Area Rapid Transit District
BCDC ..... Bay Conservation & Development Commission
BMPs ..... Best Management Practices
BMR ..... Below Market Rate
CALPERS..... California Public Employees' Retirement System
CBD ..... Central Business District
CDD…… Community Development Department
CC & R's ..... Covenants, Conditions & Restrictions
CDBG ..... Community Development Block Grant
CEQA ..... California Environmental Quality Act
CERT ..... Community Emergency Response Team
CIP ..... Capital Improvement Program
CMA ..... Congestion Management Agency
CNG ..... Compressed Natural Gas
COF ..... City of Fremont
COPPS ..... Community Oriented Policing and Public Safety
CSAC ..... California State Association of Counties
CTC ..... California Transportation Commission
dB ..... Decibel
DEIR ..... Draft Environmental Impact Report
DO ..... Development Organization
DU/AC ..... Dwelling Units per Acre
EBRPD ..... East Bay Regional Park District
EDAC ..... Economic Development Advisory Commission (City)
EIR ..... Environmental Impact Report (CEQA)
EIS ..... Environmental Impact Statement (NEPA)
ERAF ..... Education Revenue Augmentation Fund
EVAW ..... Emergency Vehicle Accessway
FAR ..... Floor Area Ratio
FEMA ..... Federal Emergency Management Agency
FFD ..... Fremont Fire Department
FMC ..... Fremont Municipal Code
FPD ..... Fremont Police Department
FRC ..... Family Resource Center
FUSD ..... Fremont Unified School District
GIS ..... Geographic Information System
GPA ..... General Plan Amendment
HARB ..... Historical Architectural Review Board
HBA ..... Home Builders Association
HRC ..... Human Relations Commission
ICMA ..... International City/County Management Association
JPA ..... Joint Powers Authority
LLMD ..... Lighting and Landscaping Maintenance District
LOCC ..... League of California Cities
LOS ..... Level of Service
MOU ..... Memorandum of Understanding
MTC ..... Metropolitan Transportation Commission
NEPA ..... National Environmental Policy Act
NLC ..... National League of Cities
NPDES ..... National Pollutant Discharge Elimination System
NPO ..... Neighborhood Preservation Ordinance
PC ..... Planning Commission
PD ..... Planned District
PUC ..... Public Utilities Commission
PVAW ..... Private Vehicle Accessway
PWC ..... Public Works Contract
RDA ..... Redevelopment Agency
RFP ..... Request for Proposals
RFQ ..... Request for Qualifications
RHNA ..... Regional Housing Needs Allocation
ROP ..... Regional Occupational Program
RRIDRO ..... Residential Rent Increase Dispute Resolution Ordinance
RWQCB ..... Regional Water Quality Control Board
SACNET ..... Southern Alameda County Narcotics Enforcement Task Force
SPAA ..... Site Plan and Architectural Approval
STIP ..... State Transportation Improvement Program
TCRDF ..... Tri-Cities Recycling and Disposal Facility
T&O ..... Transportation and Operations Department
TOD ..... Transit Oriented Development
TS/MRF ..... Transfer Station/Materials Recovery Facility
UBC ..... Uniform Building Code
USD ..... Union Sanitary District
VTA ..... Santa Clara Valley Transportation Authority
WMA ..... Waste Management Authority
ZTA ..... Zoning Text Amendment

UPCOMING MEETING AND CHANNEL 27 BROADCAST SCHEDULE				
Date	***Time***	***Meeting Type***	***Location***	***Cable Channel 27***
April 26, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 2, 2011	4-6 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
May 3, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 10, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 17, 2011	TBD	Work Session	Council Chambers	Live
May 24, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 31, 2011 (5th Tuesday)		No Council Meeting		
June 7, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 14, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 21, 2011	TBD	Work Session	Council Chambers	Live
June 28, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 5, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 12, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 19, 2011	TBD	Work Session	Council Chambers	Live
July 26, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
		August Recess		
September 6, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 13, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 20, 2011	TBD	Work Session	Council Chambers	Live
September 27, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live