

Planning Commission

August 25, 2016

Proposal: GENERAL PLAN AMENDMENT PRIORITIZATION REQUESTS – To consider General Plan Amendment Prioritization Requests for market rate housing, and to consider a finding that no environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the requests do not constitute a project as defined by CEQA Guidelines Section 15378.

Recommendation: Evaluate prioritization requests and recommend authorization of formal processing of those General Plan Amendment proposals considered warranted based upon the provision of affordable housing, sustainability, or other community benefit consistent with the goals, objectives and policies of the General Plan.

Request #1: CENTERVILLE PIONEER – Vacant 0.4-acre portion of Centerville Pioneer Cemetery site on Bonde Way– PLN2016-00425 – A General Plan Amendment Prioritization Request to authorize the processing of a formal application to change the General Plan land use designation of a vacant 0.4-acre portion of the Centerville Pioneer Cemetery site (APNs: 501-1426-012-04 and 501-1426-016-04) located in the Centerville Community Plan Area from General Open Space and Town Center to Medium Density Residential, 14.6 to 29.9 dwelling units per acre, to facilitate future development of approximately eight multi-family residential dwelling units.

Location: Vacant portion of Centerville Pioneer Cemetery site on Bonde Way (APNs: 501-1426-012-04 and 501-1426-016-04)

Area: 0.4 acres

People: Reverend Dr. Gregory Roth, Centerville Presbyterian Church, Applicant/Owner
Angelic Williams, Dutra Cerro Graden, Agent of Owner
Wayland Li, Staff Planner (510) 494-4453; wli@fremont.gov

General Plan: Existing: General Open Space and Town Center
Proposed: Medium Density Residential, 14.6 to 29.9 dwelling units per acre

Request #2: CANYON VIEW – 243 Morrison Canyon Road – PLN2017-00004 - A General Plan Amendment Prioritization Request to authorize the processing of a formal application to change the General Plan land use designation of a 1.9-acre site located at the end of Queso Place and Espada Place in the Mission San Jose Community Plan Area from Hillside Residential, <2.3 dwelling units per acre or <8.7 dwelling units per acre (where previously

subdivided) to Low Density Residential, 2.3 to 8.7 dwelling units per acre, to facilitate future development of seven new single-family residences and the demolition and reconstruction of one existing single-family residence.

- Location:** 243 Morrison Canyon Road (located at the end of Queso Place and Espada Place)
- Area:** 1.9 acres
- People:** John S. Wong, Mission Peak Homes, Inc., Applicant
Frank and Linda Freitas, Property Owner
Wayland Li, Staff Planner (510) 494-4453; wli@fremont.gov
- General Plan:** Existing: Hillside Residential, <2.3 dwelling units per acre or <8.7 dwelling units per acre (where previously subdivided)
Proposed: Low Density Residential, 2.3 to 8.7 dwelling units per acre

EXECUTIVE SUMMARY

On March 15, 2016, the City Council adopted a General Plan Amendment Prioritization Policy, which created an initial screening process for General Plan Amendment requests that would authorize land use map changes to allow additional market rate residential development. The intent of the policy is to provide an opportunity for the Planning Commission and City Council to screen and/or prioritize applications for further formal review and also identify applications the City has no interest in pursuing. During the current processing period, the City received two General Plan Amendment Prioritization Requests:

1. Centerville Pioneer – Vacant 0.4-acre portion of Centerville Pioneer Cemetery site on Bonde Way – PLN2016-00425 - A proposal to change the land use designation of a vacant 0.4-acre portion of the Centerville Pioneer Cemetery site (APNs: 501-1426-012-04 and 501-1426-016-04) located in the Centerville Community Plan Area from General Open Space and Town Center to Medium Density Residential, 14.6 to 29.9 dwelling units per acre, to facilitate future development of approximately eight multi-family residential dwelling units.
2. Canyon View – 243 Morrison Canyon Road - PLN2017-00004 - A proposal to change the General Plan land use designation of a 1.9-acre site located at the end of Queso Place and Espada Place in the Mission San Jose Community Plan Area from Hillside Residential, <2.3 dwelling units per acre or <8.7 dwelling units per acre (where previously subdivided) to Low Density Residential, 2.3 to 8.7 dwelling units per acre, to facilitate future development of seven new single-family residences and the demolition and reconstruction of one existing single-family residence.

The role of the Planning Commission is to evaluate the proposals based on potential benefits to the community and desirability of the change in land use, and make a recommendation to the City Council regarding whether to authorize formal processing of General Plan Amendment applications. The Planning Commission may also make a recommendation on the timing, priority, and order in which the General Plan Amendment applications are processed.

BACKGROUND AND PREVIOUS ACTIONS

Because General Plan Amendments are a legislative action, they are not subject to the State Permit Streamlining Act that requires the City to take action within defined time periods. Therefore, local jurisdictions can determine how and when to process such applications consistent with state law, which allows each required element of a general plan to be amended four times within a year.

On March 15, 2016, the City Council adopted a General Plan Amendment Prioritization Policy (Resolution No. 2016-09) (hereinafter referenced in this staff report as the "Prioritization Policy"), which provided the City Council with a pre-application process to screen General Plan Amendment applications that would authorize land use map changes to allow additional market rate residential development, including mixed-use and mixed-income developments. The intent of the Prioritization Policy is to provide an opportunity for the Planning Commission and City Council to screen and/or prioritize applications for further formal review and identify applications the City Council has no interest in pursuing. A grant of prioritization 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 a larger number of applications be received, the Prioritization Policy also authorizes the City Council to prioritize the order in which staff will review them.

The Prioritization Policy states that requests be evaluated based upon the benefit the project could provide to the community. For example, projects that could provide additional affordable housing (beyond that required by City ordinances) could be given higher priority. Other factors that may influence priority include desirability of the change in land use. Examples include: the conversion and potential cleanup of an isolated industrial site surrounded by residential uses or the provision of sustainability measures (e.g., net zero development) or other amenities serving the broader community. Another prioritization factor already identified in the General Plan is the preference for location within Priority Development Areas, including the Downtown/City Center, Town Centers, and existing and future BART station areas as suggested in Land Use Policy 2-2.10. In addition to the adopted policies within the General Plan, the City Council may also provide subsequent guidance or express interest for future General Plan Amendment requests (e.g., the desire to remove a blighted site might be given priority).

The Prioritization Policy specifies that the City will consider applications twice each year: 1) during August/September; and 2) during January/February. Applications received between the adoption of the Prioritization Policy on March 15, 2016, and July 1, 2016, are being presented to the Planning Commission for consideration.

PROCEDURE FOR TONIGHT'S HEARING

The Prioritization Policy specifies that each applicant be given ten minutes at the Planning Commission meeting to make their case for why their project should be given priority for processing. The public would 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 would be given three minutes to respond to any comments.

After considering input from the applicant and the public, the Planning Commission is charged with providing a recommendation to the City Council on the following:

1. Find that no environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the requests do not constitute a project as defined by CEQA Guidelines Section 15378; and

2. Authorize formal processing of General Plan Amendment applications for those proposals deemed worthy of consideration or further exploration, based upon the provision of affordable housing, sustainability, or other community benefit consistent with the goals, objectives and policies of the General Plan

PROJECT DESCRIPTION

During this processing period, the City received two General Plan Amendment Prioritization Requests:

1. Centerville Pioneer (PLN2016-00425)

The property owner, the Centerville Presbyterian Church, proposes to change the General Plan land use designation of the subject site from General Open Space and Town Center to Medium Density Residential, 14.6 to 29.9 dwelling units per acre, to facilitate future development of approximately eight multi-family residential dwelling units, including four Below Market Rate (BMR) rental units affordable to moderate-income households. A draft General Plan Amendment exhibit is attached to this staff report as Informational Item 1.

The project site is a vacant 0.4-acre portion of the Centerville Pioneer Cemetery site, where the Centerville Presbyterian Church was previously located. The Centerville Presbyterian Church was destroyed by a fire in 1993. The project site has frontage on Bonde Way and is bordered by an existing drive-through restaurant (Taco Bell/Pizza Hut), the Artist Walk Mixed-Use development currently under construction, and the existing Centerville Pioneer Cemetery.

The existing General Plan land use designation for the Centerville Pioneer Cemetery site is primarily General Open Space, which does not permit residential development. A small portion of the site, fronting on Bonde Way has a land use designation of Town Center. The proposed Medium Density Residential land use designation would allow residential development between 14.6 and 29.9 dwelling units per acre. The land use designation for the remainder of the Centerville Pioneer Cemetery site would be unchanged.

The application materials (attached to this staff report as Exhibit A) indicate that the new dwelling units would be attached townhouse-style units, which would be accessed by a new private street connecting to Bonde Way. Community benefits described in the project narrative include:

- Providing four affordable housing units intended for “church pastors, youth workers, and church staff, enabling them to continue living in our community.”
- Providing infill housing in a Priority Development Area and a Transit Oriented Development Overlay district.
- Developing a vacant site that is a “frequent target of vandalism and homeless encampments.”
- Construction of an artistic replica of the original steeple from the destroyed Centerville Presbyterian Church on the corner of Bonde Way and Post Street as an enhancement to the community.

If the City authorizes the processing of a General Plan Amendment application, the applicant would also need to submit a formal application for a General Plan

Amendment, as well as applications for a Rezoning, Discretionary Design Review Permit and Tentative Tract Map. Historical Architectural Review would likely be required, as the Centerville Pioneer Cemetery is listed as a Fremont Historic Register Resource. Other entitlements may also be required. Environmental review would be conducted in accordance with the California Environmental Quality Act (CEQA).

2. Canyon View (PLN2017-00004)

The property owner, Frank and Linda Fretias, and applicant, Mission Peak Homes, Inc., propose to change the General Plan land use designation of the subject site from Hillside Residential, <2.3 dwelling units per acre or <8.7 dwelling units per acre (where previously subdivided) to Low Density Residential, 2.3 to 8.7 dwelling units per acre, to facilitate future development of seven new single-family residences and the demolition and reconstruction of one existing single-family residence on a 1.9-acre property located at the end of Queso Place and Espada Place. A draft General Plan Amendment exhibit is attached to this staff report as Informational Item 2.

The project site would be subdivided into eight residential parcels ranging from 6,000 square feet to 11,800 square feet in size. The existing partial cul-de-sacs at the end of Queso Place and Espada Place would be completed to provide access to seven of the new parcels. One parcel would be accessed from Morrison Canyon Road. A Tentative Tract Map for an eight-lot subdivision was approved for the project site in 1992, but the subdivision was not recorded and development never occurred. Application materials are attached to this staff report as Exhibit B.

The existing General Plan land use designation for the site is Hillside Residential. The General Plan Land Use Element prohibits increases in density through subdivisions in areas designated Hillside Residential. The applicant is seeking to change the land use designation to Low Density Residential, which is a designation that would allow further subdivision. The allowable density range would be between 2.3 and 8.7 dwelling units per net acre. The proposed development would be approximately four dwelling units per net acre.

Community benefits described in the project narrative include:

- Removal of an abandoned house that “was used as a drug lab” and “attracts vandals.”
- The installation of a complete slurry overlay of both Espada Place and Queso Place to address existing cracking and patching of the asphalt.
- Completion of partial cul-de-sacs at the end of Espada Place and Queso Place to provide a full fire truck turnaround.
- Construction of homes with sustainable features.

If the City authorizes the processing of a General Plan Amendment application, the applicant would also need to submit a formal application for a General Plan Amendment, as well as applications for a Discretionary Design Review Permit and Tentative Tract Map. Other entitlements may also be required. Environmental review would be conducted in accordance with CEQA.

PROJECT ANALYSIS

The Prioritization Policy specifies that staff would not conduct any analysis on General Plan Amendment Prioritization requests. Consequently, staff is not making a recommendation

regarding either of the two requests.

ENVIRONMENTAL REVIEW

No environmental review is required pursuant to CEQA as screening and/or prioritization of General Plan Amendment requests do not constitute a project as defined by CEQA Guidelines Section 15378. If the City Council authorizes formal processing of General Plan Amendment applications, environmental review will be conducted in conjunction with the formal application for a General Plan Amendment and related entitlements.

PUBLIC NOTICE AND COMMENT

In accordance with the adopted Prioritization Policy, courtesy signs were installed at the project sites, application materials were posted on the Development Activity webpage on the City of Fremont website, and courtesy notices were mailed to property owners and tenants located within 300 feet of each project site (52 notices for Centerville Pioneer and 74 notices for Canyon View) on August 12, 2016. Notices were also published in the Tri-City Voice on August 9, 2016.

RECOMMENDATION

Recommend that the City Council:

1. Find that no environmental review is required pursuant to the California Environmental Quality Act (CEQA) as the requests do not constitute a project as defined by CEQA Guidelines Section 15378; and
2. Authorize formal processing of General Plan Amendment applications for proposals deemed worthy of consideration or further exploration.

ENCLOSURES

- Exhibit A - Centerville Pioneer Application Materials
- Exhibit B - Canyon View Application Materials
- Informational Item 1 - Draft Centerville Pioneer General Plan Amendment Exhibit
- Informational Item 2 - Draft Canyon View General Plan Amendment Exhibit
- Informational Item 3 - General Plan Amendment Prioritization Policy