

RESOLUTION NO. 2016-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREMONT ADOPTING A POLICY PRIORITIZING 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 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.

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 a General Plan Amendment Prioritization 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.

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SECTION 4. The Prioritization 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, March 15, 2016 by the City Council of the City of Fremont by the following vote:

AYES: Mayor Harrison; Vice Mayor Mei; Councilmembers Chan, Bacon and Jones

NOES: None

ABSENT: None

ABSTAIN: None



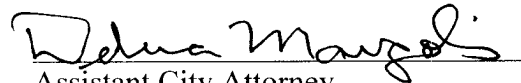
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

Proposed General Plan Prioritization 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% affordable housing or propose a change between non-residential land use designations (e.g., industrial to commercial) are exempt from this policy.

Applications & Schedule: The City will consider applications twice each year. All applications received by July 1st of each year will be forwarded to the Planning Commission for their recommendations during August and in turn, to the City Council for final prioritization or disinterest in September. All applications received by December 1st of each year will be forwarded to the Planning Commission for their recommendations during January and in turn, to the City Council for final prioritization or disinterest in February.

Application Submittal Requirements: The City will accept applications for prioritization 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.

No Review or Analysis of Applications: City staff will not perform any analysis on these applications but will post each application on the City's development review website for public review and assemble the application materials for the Planning Commission and City Council's consideration.

The overall process is intended to screen and/or prioritize applications for 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 City Council may also prioritize the order in which staff will review them. Subsequent approval of a prioritized 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 Prioritization Request application is received. The notice will outline the applicant's request, the process for consideration of prioritization 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 given priority for processing. 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. For example, projects that would provide additional affordable housing (beyond that required by City ordinances) will be given higher priority. Another factor that may influence priority includes desirability of the change in land use. An example might be 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 that may be considered is the location within Priority Development Areas, and/or the City Center, Town Center, 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 interests for General Plan Amendment requests (e.g., the desire to remove a blighted site might be given priority).

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 RHNA.