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New & Existing Homes/Multifamily  
Build it Green

Paul **welschmeyer**

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## Design Statement

2022.04.1

**Project:** **Second & J, Mixed Use Building**

185 J Street  
Niles , California 94536

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Fremont Planning Department  
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In June of 2022 a version of this project was submitted to the City for a Pre-Approval Review. It was made clear during the review that the City Planning Department could not render an opinion about the project unless it satisfied all of the planning requirements associated with it, and if it did, they would have no opinion of it either, as they would be required to approve it as dictated by State law.

This project has been designed to specifically fit into the existing community character of the Niles Historic District. It addresses all of the planning conditions as set forth by the City except for the FAR limitation. This Design Statement discusses how the FAR limitations do not describe the the community character of the Historic Niles District and could actually be detrimental to the character of Niles if implemented.

The City Planning Department did not evaluate the design benefits of the project during the Pre-Approval Review, as it needs Planning Commission approvals for the FAR issue



**Document:** Second and J, Design Statement  
**Date:** 15 Dec'22  
**Encl.:** None

After informal review with a member of the Planning Commission, the Applicant and the Architect were convinced of the strength of this design proposal and the validity of the critical design arguments supporting it.

With this confidence, this submittal is for project entitlement to be approved by the Planning Commission and HARB.

The City development standards governing this project are:

- Fremont Municipal Code Chapter 18.45, Commercial and Mixed-Use Districts.
- Fremont Municipal Code Chapter 18.135, Historic Overlay District.
- Fremont Municipal Code Chapter 18.183, Parking, Loading Areas
- Niles Design Guidelines
- Fremont General Plan Chapter 4: Community Character Element
- Waste Handling Guidelines

The most specific planning documents are the Niles Design Guidelines. These specific Guidelines do not discuss the commercial to residential transitional corner lots, which this property is one of. The guidelines are directed at the main commercial street (Niles Boulevard) and the potential development of the ex-Southern Pacific property, now owned by the City and used as parking lots.

Given this lack of specific guidance for transitional corner lots, the following excerpts from the Guidelines were found to be clear and inspiring.

***The Vision for the Niles Historic District***

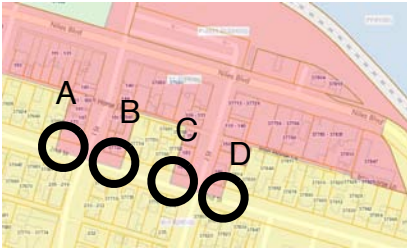
*"...The vision in these guidelines for the Community Commercial [now classified Town Center] area is to retain the eclectic character and diversity of the Niles Historic District, encourage revitalization with both rehabilitation of existing buildings and the construction of new buildings, appropriately scaled and designed for the Niles context."*

***Contextural Design***

*"It is essential that modifications for both existing buildings and infill new buildings are designed in their immediate context and in the larger context of the Niles District. The District is small in scale yet it is distinguished by landmark buildings at most intersections. The tension between variety in small-scale details for storefronts and rooflines verses the contrasting variety of one-of-a-kind styles for corner and stand-alone buildings defines the design hierarchy for the existing commercial buildings in Niles."*

We believe this project, Second & J, does exactly as articulated in these statements.

## Transitional Corner Property Planning & Design



Transitional Properties



**A** - Empty Lot



**B** - Library, Court House & Jail



**C** - Empty Lot: This Project



**D** - Post Office

The governing City planning documents do not address planning and design regulations for the transitional properties between existing commercial-to-residential zones in the Niles Historic Core. There are four such properties, one of which is this parcel at the corner of Second & J streets. These properties are not mentioned in the Fremont General Plan: Community Character Element, Town Center Pedestrian Zone, and not even the specific Niles Design Guidelines.

They were originally identified by the Redevelopment Zone when it was in existence, and continue to be highlighted in the current Municipal Code. They occur at the corners of I and J street along Second Street.

The use of these properties provided civic amenities for the town of Niles, long before it was incorporated into the City of Fremont. These Civic uses include: Post Office, Court House / Jail and Library. Two of these four lots remain empty.

The Niles Design Guidelines discuss corner properties as “block anchors”. While this is true for the commercial makeup along Niles Boulevard, it does not apply to corner properties that transition into the residential neighborhood. These transitional properties are not addressed.

One current City planning requirement for this parcel is the the requirement for 50% of the street frontage on both Second Street and J street to be commercial. Given this requirement, the one-story commercial spaces should be located at the corner of the property in order to to produce a low scale building massing to integrate with the existing residential street.

The taller, residential portions of the building would be located at the north end of the property, closer to the alley. This planning strategy reflects the current built configuration of commercial and residential structures on I and J streets, and is the opposite of the Niles Design Guidelines endorsement of tall anchor buildings at corner properties.

The other existing historic planning condition found along I and J streets is the integration of commercial and residential buildings in a horizontal format. This existing character defining condition is this same mixed use configuration employed in this proposed project.

Designing a vertical mixed-use building on this property would be completely out of character and undermine the existing community character that exists between the residential and commercial neighborhood.

**Building Density - FAR (Floor Area Ratio, Bldg. s.f. / property s.f.)**FAR:  $\pm 2.9$  (including Basement)FAR:  $\pm 2.7$ FAR:  $\pm 1.8$ 

FAR: 1.44 at a Residential to Commercial Corner Lot

Fremont's current municipal code restricts all properties in the Niles Historic District to a maximum FAR of 1.25, which does not align with actual conditions in Niles, nor the City's own General Plan.

In the General Plan, Chapter 4 - Town Centers, states that a suitable FAR range for Town Centers (Niles District) to be between 0.5 and 2.5. These limits on FAR's better describe the existing density development of the Historic Niles District, where the higher FAR's exist at the prominent corner lots along Niles Boulevard and the lower FARs of  $\pm 0.5$  exist at the small lots bookended by the corner parcels.

To be clear, the adjacent building photos illustrate how existing corner buildings in the Historic District are actually much larger than FAR 1.25. These are the corner anchor buildings discussed in the Niles Design Guidelines, with their densities properly identified in the City's General Plan. The last image is this proposed project and it's FAR of 1.44, clearly at the low end of density for corner properties. Additionally, these images of the corner buildings illustrates how the proposed horizontal mixed-use design produces a more compatible integration with its adjacent residential neighborhood than a vertical mixed-use building could.

It makes no sense for the current Municipal Code to force an inappropriate FAR on a Historic District so loved, when the General Plan perfectly articulated an FAR range that maintained it's historic character. Practically, if any of these buildings were destroyed, Fremont's Municipal Code would prohibit their reconstruction.

The flawed FAR limit in the Municipal Code is the primary reason why this project requires the approval by the Planning Commission.

The density of this proposed project was not driven by maximizing the FAR, rather finding a design that fit the lot and maintained the existing community character.



## Building Architectural References

As made evident in the design submitted, this project employs Niles Design Guideline recommendations that were found pertinent for the project, which include: building form and height, facades and storefronts, signage & lighting, and materials color and ornament.

Additionally, as previously stated, The Niles Design Guidelines do not address the four transitional corner properties in the Core District, so additional residential scale building features were employed based on observations of the existing buildings on I and J streets, and the adjacent residential neighborhood. These features include: steep roofs, dormers, bay windows, recessed residential entries, overhangs and see through building corners.

Combining these local building features with a horizontal mixed-use planning strategy, and sensitive building mass distribution, results in a compatible and distinctive building, and a proper fit for this transitional corner parcel.

Please refer to Sheet A0.1 for more information building massing and neighborhood fit.



Steep Roofs



Roof Dormers



Bay Windows



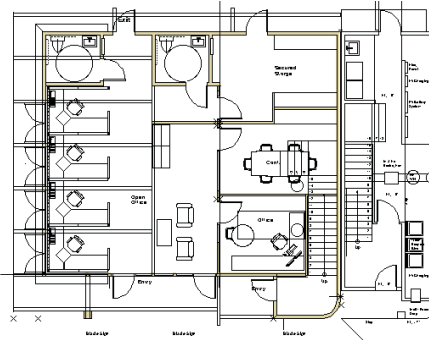
Recessed Residential Entry



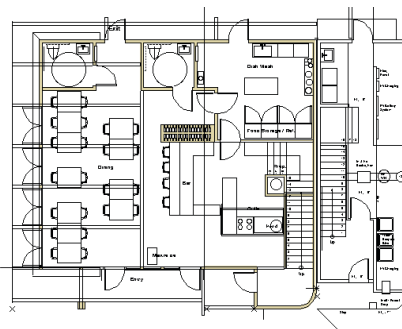
Overhangs and See through Building Corners



## Building Occupancy and Tenants



Professional Office Schematic Plan



Restaurant Schematic Plan



Similar Commercial Service Access from Second Street at the Post Office



**Bronco Billy's:**  
Unscreened and No Roof

This project is a duplex with an attached commercial component. One of the residential units will be occupied by the Owner, the other will be rented with the commercial units leased to qualified businesses. It is a singular structure with one owner, not a condominium.

The residential units are 3-bed, 2 bath, town homes. The commercial space is divided into three demisable units, capable of supporting one, two or three Tenants, and would serve as suitable office space, retail, or restaurant use. Prospective tenants will be pursued after entitlement approvals.

This will be a flagship project as it will be the first new, ground-up, commercial space built in Niles for the last 60 years. The most recent commercial building is located at the corner of H Street and Niles boulevard. Attracting appropriate tenants will be key to it's financial success.

As Niles has ample shop space on Niles Boulevard, retail tenants are not to be expected. Restaurant and professional service offices are more probable, but the best use would be the continued civic use, similar to the Post Office, Library, Court House and Jail, such as: A Satellite Police Department, Community Services Offices or other City organizations.

## Service Access to the Commercial Units

Similar to the commercial service access for the post office, this proposed proposed commercial service yard is also accessed from Second Street. This yard is screened from public view by an 8' height good neighbor fence with a gate, and will be the access point for deliveries and trash recycle bins.

The commercial yard is paved with permeable concrete allowing for rain, and hose bibb wash-down of the area, to percolate into the ground, thus preventing any potential storm water pollution discharge into the sewer.

## Trash and Recycling Enclosure

Space for the commercial trash and recycling is provided in the commercial rear yard. Plastic bins will be utilized in order to eliminate the noise generated by large commercial trash dumpsters. Additionally the smaller plastic bins are the standard for residential pick-up on Second Street and are much easier to maneuver.

One potential use of the Commercial Units is a restaurant, However roofing over the trash and recycle bins is not provided for the following reasons:

**Skillet's**

Unscreened and No Roof

**Joe's Corner**

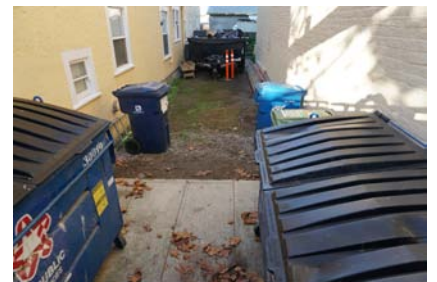
Unscreened and No Roof

**Frederico's**

Unscreened and No Roof

**Ambrose Butchery**

Screened but No Roof

**The Nile**

Screened but No Roof

Thank you for your time and efforts in reviewing this project, and we hope you'll agree that our Second and J project will be a asset to the Niles community.

Respectfully,

Handwritten signature of Paul Welschmeyer.

**Paul Welschmeyer, Architect****PAUL WELSCHMEYER** architects & energy consultants