

# Shape Our Fremont

## Niles Gateway: Round Two



The Niles Gateway proposal to build housing and commercial space at the southern entrance to the Old Town Niles District is back for a second round. So far, it is facing the same strong opposition from residents that made the first proposal so contentious.

### Why Again?

For those who thought this project was already approved, the answer is yes, and then no. The City Council originally approved a proposal for a slightly larger number of residential units and about the same commercial and community space in March 2015 by a vote of 3-to-2. In doing so, those councilmembers who voted for approval did not accept the findings of the Historical Architectural Review Board, which had recommended disapproval earlier that year.

Subsequently, a group of Niles residents sued both the developer and the city claiming that an Environmental Impact Review (EIR) should have been prepared for the project. After a lengthy trial, the court ruled in favor of the residents. The developer appealed that ruling, but the appeals court unanimously affirmed the need for an EIR.

The court's decision meant that the City Council's approval of 2015 was rescinded, the General Plan land use of the property was returned to its original designation, and an EIR had to be conducted before the proposal could be resubmitted for review. That work has now been completed, and the proposal is going through the formal review process a second time.

### What Changed?

The current proposal for 95 residential units would include 64 three-story townhouses and 18 two-story townhouses in several buildings on the portion of the property extending from the railroad underpass towards Alameda Creek. That's less three-story units and more two-story units than in the original proposal.

A single L-shaped building facing Niles Boulevard on the other portion of the property would include several commercial units, a restaurant, and a community center on the ground floor, with 9 residential flats located above them. The flats and commercial spaces would not be connected -- they would not be live-work units. At one end of the building, there would be 4 three-story townhouses attached at a right angle to the community center.

Vehicle access would be from two driveways on Niles Boulevard, connected by a loop road around the perimeter. There would be no vehicle or pedestrian access from Chase Court. This arrangement is different than the original proposal. All resident parking would be onsite. Some commercial and guest parking would be on Niles Boulevard.

Additional changes to the original proposal would include adding ornamental tile around signage and street addresses on the commercial building, recessing the commercial storefronts, reducing the storefront heights and widths, and revising the paint colors.

### **Residents Push Back**

On October 4, 2018, the Historical Architectural Review Board (HARB) heard the revised proposal and recommended disapproval for the same basic reasons it did in 2015. They said the density (dwelling units per acre) was still too high, and this had negative impacts on the visual aesthetics and other factors associated with the proposal.

HARB's recommendation echoed the views expressed by a large group of residents who spoke in opposition during the meeting. Several residents pointed out that the final EIR had identified a design with 60 two-story residential units, a restaurant, a community center, and slightly more commercial space as being the Environmentally Superior Alternative for the project. They questioned why the larger proposal with 95 residential units was being considered at all.

### **What's Next?**

The next stop for this proposal is the Planning Commission meeting, which was scheduled for October 25 but has now been continued to an undetermined future date. At that time, the Planning Commission will review the proposal and hear comments from the public before making a recommendation to the City Council. Because this proposal would involve a General Plan Amendment to change the land use, the Planning Commission can only make a recommendation, not a final decision.