

# Shape Our Fremont

*Where Fremont residents can learn about shaping proposed housing developments...*

## **When is a Planned District not a Planned District?**

Many development terms and concepts are written in general language to allow flexibility in how they are applied. While flexibility can be a good thing, it can also result in interpretations that are not what was expected or intended. Here are a few examples.

### **Planned District**

In order to encourage creative design and layout in a housing development, and to make provisions for preserving natural features such as trees, Fremont allows a planned district to have some variations in lot sizes, building placements, and other features. These variations are acceptable as long as they encourage a desirable living environment and are warranted by the design and amenities incorporated. The problem is, no one ever defined what that means. The lack of definition can lead to cases where some of the features proposed by the developer as being desirable amenities are the same ones opposed by nearby residents as being undesirable eyesores. Even the concept of a district is not defined. Many years ago, planned districts were built on large pieces of land where there was room for flexibility. More recent planned districts have been built on properties as small as one acre, where the flexibility just results in higher density housing. So what makes a development really “planned” and really a “district”? The answer is often up to the subjective evaluation of the City Council.

### **TOD Overlay**

A Transit Oriented Development (TOD) overlay is defined as the area within a one-half-mile radius of a public transit station. The State of California encourages cities to cluster higher-density housing near established transit systems to minimize the use of private motor vehicles and thereby reduce greenhouse gas emissions. Although that goal sounds good, there isn't a requirement that residents in a TOD actually have to use the public transportation system, or even that the public transportation has to be in place before the housing is built. In Fremont, there are TOD overlays around the ACE/Amtrak station in Centerville and the BART stations in Downtown, Warm Springs, and Irvington. The fact that there is no BART station in Irvington hasn't stopped construction of higher-density housing in the surrounding TOD area, where plans are being made for rows of high-rise towers along both sides of the half-mile stretch of Osgood Road south of Washington Boulevard. So how can you have a “transit-oriented” development area without having access to transit?

### **Business Pruning**

Every city government has the responsibility to decide which areas should be designated commercial or residential or industrial. And periodically every city needs to re-evaluate those designations to make sure they still make sense. As part of that re-evaluation, Fremont has implemented its Commercial Property Conversion policy to determine if underutilized business properties might be used for other purposes. It's unofficially called the “business pruning policy.” Some of the criteria to define underutilized include business properties with high

vacancy rates, rapid turnover of tenants, and deteriorating physical conditions. As with any policy, its value is often a matter of how the criteria are interpreted and applied. Is a business center considered to have a high vacancy rate if the owner wants to sell the property and refuses to renew the tenants' leases? Are thriving businesses deemed to be in a poor location if a consultant paid by a developer says they are?

## **General Plan**

And finally, what about the General Plan? The introduction to the Fremont General Plan states the plan is the city's "Constitution" for development and the foundation upon which all development and land use decisions are based. That sounds good as long as the foundation is firm. Unfortunately Fremont has a well-established procedure for amending the General Plan when developers or the city staff want to change certain development and land use standards - a process that happens several times a year. There is even a form on the city's website to make the process easier. Within the past few years, General Plan Amendments have been approved to change city park property into private residential use, increase the allowable number of dwellings on a site, and tear down existing businesses to allow construction of housing. So if the General Plan can be changed frequently, is it really a firm foundation, or just a pile of shifting stones?

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To understand development terms and concepts, you have to understand how they are being interpreted. If the interpretation isn't what you think it should be, write directly to the planner in charge of a project or speak directly to the Planning Commission and City Council during public meetings to express your objections.

For more information about specific developments go to [www.ShapeOurFremont.com](http://www.ShapeOurFremont.com)