



**MINUTES  
HISTORICAL ARCHITECTURAL REVIEW BOARD  
REGULAR MEETING OF FEBRUARY 6, 2020**

- CALL TO ORDER:** Acting Chairperson Bresler called the meeting to order at 6:30 p.m. and then introduced two new Board Members, Julie Cain and David Jacobs. They are replacing David Price and Moina Shaiq, who had reached the end of their respective service terms.
- PRESENT:** Vice Chairperson Bresler,  
Board Members Adamson, Cain, Jacobs, McLauchlan
- ABSENT:** None
- STAFF PRESENT:** Wayland Li, Principal Planner  
Bronwen Lacey, Senior Deputy City Attorney
- APPROVAL OF MINUTES:** **Board Member Adamson** moved to approve minutes for the regular meeting of December 5, 2019 and **Board Member McLauchlan** seconded. Motion carried unanimously.
- DISCLOSURES:**
- Board Member Adamson** said she lives by the project site, goes by it every day, and has gone onto the property to look around. She also reported her acquaintance with the applicant, Kirsten Brice, who had done work for her in the past.
- Board Member Jacobs** said he visits the site quite frequently and that his wife was acquainted with Ms. Brice. He also reported his familiarity with one of the individuals who submitted letters regarding the project.
- Board Member McLauchlan** reported that he had visited the site on two occasions; both times were in relationship to public hearings for the project.
- Board Member Cain** reported that she had visited the site on three occasions, and that she was acquainted with two of the people who submitted letters in response the project, but had not discussed the project with either of them.

**Vice Chairperson Bresler** reported that he had visited the site on two occasions. The first time, he went to the site itself and proceeded on the same side of the street, one block west. The second time, he proceeded down the same side of the street and then crossed the street and went two blocks east, past the train station, and crossed back onto the side of the street of the project. Mr. Bresler also reported that he knows one of the people who wrote letters, but that it goes back a long way.

**CONSENT CALENDAR**

None

**PUBLIC/ORAL COMMUNICATIONS**

**Al Minard**, representing Mission Peak Heritage Foundation, gifted a book published by the Foundation, *City of Fremont: The First Thirty Years, History of Growth*, to the two newest Board Members Cain and Jacobs. Mr. Minard also spoke of the rich history of Fremont, calling it the historical capital of Alameda County and probably Northern California.

**PUBLIC HEARING ITEMS**

- Item 1. **ELMORE’S AMERICAN TAVERN – PLN2018-00293 – 37396 Niles Boulevard**  
– To consider Historical Architectural Review for the construction of a new approximately 2,550 square-foot two-story restaurant building located in the Niles Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15183, 15302, and 15332.

**Principal Planner Wayland Li** spoke on behalf of staff and gave a comprehensive presentation of the project. He also clarified that the purview of the historical architectural review for this project was to deem its compatibility with the Niles Historic Overlay District (HOD) Guidelines in terms of siding, massing, scale, size, material, texture, and color; and that as an advisory body, they will be asked to provide a recommendation to the Zoning Administrator. Mr. Li went onto describe in detail the project site, design style, materials, colors, setbacks, outdoor area, building form and features.

**Board Member McLauchlan** asked staff to define mullions.

**Kirsten Brice**, applicant/owner and Niles resident, explained that true mullions are windows made up of individual panes of glass divided by wood spacers, but that the proposal for this project was to use wood-clad windows in order to comply with the current building codes. Discussion ensued.

**Acting Chairperson Bresler** opened the public hearing and invited the applicant to speak.

**Ms. Brice** spoke of their concept “*to build a full scale, family friendly, community-oriented restaurant that will [add to the] supply of unique dining establishments in Fremont and continue the revitalization of Niles.*” She spoke of design elements for the project, including materials, color, and siding, as well as its compatibility with the characteristics of downtown Niles and the Niles HOD Design Guidelines.

**Board Member McLauchlan** asked the applicant about their design choices with regards to awnings, color scheme, and the possible implementation of trees.

**Ms. Brice** explained that the awnings would be constructed of steel, as an homage to the historic railroad, and a translucent shade that would still allow light to come into the restaurant. She said the lighter color scheme on the exterior of the building was chosen so as to be in compliance with the Niles HOD Design Guidelines, and that there was not room on the property to add trees, but they intend to incorporate planters and enhance the landscape that borders the perimeter of the building.

**Board Member Cain** commented that the proposed building would be more compatible with the following changes:

- 1) The vertical orientation of the board and batten siding, in lieu of horizontal; and
- 2) Replacing the current flat roof with a hipped roof design.

**Ms. Brice** responded that she, too, prefers the flat roof design, but that the Niles HOD Design Guidelines did not make that possible. Discussion ensued.

**Board Member Jacobs** commented on the main entrance, suggesting that it needed to be more visible and/or prominent. He also stated he was in agreement with Board Member Cain about the board and batten siding, that it should be horizontal instead of vertical.

There was further discussion between Board Member Jacobs and Kirsten Brice about the Niles HOD Design Guidelines and other buildings within the Niles community.

**Acting Chairperson Bresler** invited public comments.

**Judy Corrie**, Niles commercial property owner, spoke in support of the project. She stated that the revitalization of an area takes new enterprises that offer something different in addition to existing businesses, and that new businesses create energy and introduce new visitors into the area that benefit existing commercial establishments and local residents.

**Nathan Fredrick**, Niles resident, spoke in favor of the project and relayed the story of how he and his wife came to live in Niles, meet Kirsten Brice, and experience her talent as a designer firsthand.

**Page Frakes**, former resident of Niles, spoke in favor of the project, saying that he grew up across the street from the proposed project and that his father still resides there. He also addressed the concern over the awnings, expressed by Board Member

Cain, and said that the Fire Station in Niles has the same awnings as what is being proposed for this project.

**Al Minard**, Fremont resident, commented on issues related to the tower element, style of windows, and the board and batten siding. He also commented on encroachment issues related to an adjacent property and separate business. Mr. Minard concluded by saying he was supportive of having a new restaurant in Niles but advocated against design trends that would destroy the historical character of the town.

**David Price**, Niles resident, spoke in favor of the project and the design elements related to the awnings, windows, and siding, saying that they were all in line with the Niles HOD Design Guidelines and complimentary to the character of the community.

**Acting Chairperson Bresler** invited the applicant back for rebuttal.

**Kirsten Brice** readdressed the tower element, saying it was in line with the Niles HOD Design Guidelines and gave several arguments for the current design of the tower. She also addressed the issues raised by Al Minard regarding access to the adjacent property and garbage for the adjacent business.

**Board Member Adamson** stated her appreciation for the design as presented by the applicant and moved to approve staff recommendation with the exclusion of item seven (7) from the list of Conditions of Approval, Exhibit “B” in the agenda packet.

**Board Member McLauchlan** seconded the motion and the exclusion as stated above.

Both **Board Members Jacobs** and **Cain** requested a friendly amendment to change the orientation of the board and batten siding from vertical to horizontal.

As the maker of the motion, **Board Member Adamson** declined the friendly amendment.

IT WAS MOVED (ADAMSON/MCLAUCHLAN) AND CARRIED BY THE FOLLOWING VOTE (3-2-0-0-0) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD – HELD PUBLIC HEARING;

AND

FOUND THAT THE PROPOSED PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15183, 15302, AND 15332;

AND

FOUND THAT THE PROPOSED BUILDING IS CONSISTENT WITH THE NILES DESIGN GUIDELINES AS DOCUMENTED IN THE STAFF REPORT;

AND

RECOMMENDED APPROVAL OF PLN2018-00293 TO THE ZONING ADMINISTRATOR BASED ON THE FINDINGS AND SUBJECT TO

CONDITIONS OF APPROVAL PROVIDED IN EXHIBIT "B" WITH THE EXCLUSION OF CONDITION NUMBER SEVEN.

The motion carried by the following vote:

AYES: 3 – Bresler, Adamson, McLauchlan  
NOES: 2 – Cain, Jacobs  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0

## MISCELLANEOUS ITEMS

### Item 1. ELECTION OF OFFICERS FOR 2020

**Board Member McLauchlan** nominated Theodore Bresler to serve as Chairperson and **Board Member Adamson** seconded. Motion carried unanimously.

**Board Member Jacobson** nominated Thomas McLauchlan to serve as Vice Chairperson and **Board Member Adamson** seconded. Motion carried unanimously.

Information from Commission and Staff:

- Information from staff:
  - **Principal Planner Wayland Li** reported that the March meeting will be cancelled, and the April meeting was uncertain, due to a lack of agenda items.
- Information from Commission:
  - **Board Member Adamson** commented on the cell tower next to Papillon Restaurant on Mission Boulevard, saying that it was discolored and unsightly. **Senior Deputy City Attorney Bronwen Lacey** said there were limits on the City regarding cell towers, due to Federal regulations, but that they would pass on her concerns to the carrier that own the tower to see if they could improve the color.

## ADJOURNMENT

Meeting adjourned at 7:45 p.m.

APPROVED BY:



Wayland Li, Secretary  
Historical Architectural Review Board