

November 13, 2017

Kristie Wheeler
Planning Manager
City of Fremont
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537

Re: General Plan Amendment Screening Request - 41655 Osgood Road – APN 525-342-1; -2, -3-2; -7-2;

Dear Ms. Wheeler,

We are respectfully submitting an application for the General Plan Amendment Screening Request with the intent of changing the current General Plan from Industrial Service, Residential Urban and Residential Low Density to Medium Density Residential (14.6 – 29.9 units per net acre) and Zoning classification from Industrial Service (I-S) and Single Family Residential (R-1-6) to Multifamily Residential R-3-27 (25-27 units per net acre) respectively.

Site Background

Located within the Irvington Community Plan and bearing a TOD overlay, the site is an assemblage of four contiguous parcels owned by the Betchart Family Trust. National Trench Safety currently operates out of the commercial building on site. The balance of the property is vacant with the exception of an abandoned single-family residence. The General Plan and Zoning varies across the parcels. The General Plan Designations are Industrial Service, Residential Urban and Residential Low Density. The zoning classifications are Industrial Service, Multifamily Residential (R-3-27) and Single Family Residential (R-1-6). The Properties clearly lie within the desired location of the Fremont Irvington BART Station but in recent meetings and in correspondence with the city of Fremont staff have made clear;

- That despite decades of city planning to locate the future Irvington BART Station on the property, they have no desire or intention to use city funds to acquire the property for this use
- That despite the passage of Measure BB, Alameda County Transportation Commission's half-cent sales tax initiative, and the inclusion of \$120 million for the Irvington BART Station on the list of projects to be funded with a portion of the estimated \$8 billion projected to be generated over the next 30 years, and despite this being listed as the City of Fremont's top funding priority, the City has made clear that the acquisition of the property is subject to a vote of the boards of both BART and ACTA (Alameda County Transportation Commission) and that they cannot guarantee approval of said acquisition or even the timing for said decision
- That the recent establishment of the 38-acre Study Area for the Irvington BART Station has no bearing on the subject properties as (a) the subject properties lie virtually completely within the boundaries of the actual station and thus there is no basis for a delay if the City intended to acquire, or facilitate the acquisition of, the subject property for the proposed BART Station or, (b) if they don't plan to acquire the subject properties for the proposed BART Station then the City lacks the sine qua non rationale for delaying the requested modifications to the General Plan and Zoning to residential use

Development Program

Based on the absence of clarity or timeframe from the city of Fremont relative to the acquisition of the subject properties for the proposed BART Station, we are seeking to be afforded the same rights that the City has

afforded other properties as part of their emphasis to increase residential development in the Irvington area. The establishment of these types of residential densities include, but are not necessarily limited to;

- 42000 Osgood Rd. - Serra Apartments affordable-housing project - 190-unit apartment complex on 2.70 acres (70.4 du/ac)
- 42111 & 42183 Osgood Rd. - The Osgood Residences development proposed by Silicon Sage Builders - 93 condominiums in a 5-story building on 1.6 acres (58.1 du/ac)
- 40744 Fremont Blvd. and 40733 Chapel Way – Warmington Connolly Residential - 56 townhouses and 11 work/live units on a total of 3.73 acres (18 units per net acre.)
- 39393 and 39439 Mission Blvd. – Mission/Stevenson Project - 77 units - 35 townhouses and 21 two-unit stacked-flats on approximately 3.26 acres (23.6 units per acre)

The current proposal contemplates 99 condominium/flat units that would include a clubhouse, lounge, child care facility, fitness center and pool. In addition, the project would be consistent with the following General Plan policies and implementation measures:

- **LAND USE POLICY 2-1.11:** *Infill Emphasis - Focus new development on under-developed or “skipped-over” sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.*
- **LAND USE POLICY 2-2.6:** *Residential Density Ranges - Apply minimum densities in Medium Density Residential and Urban Residential areas. The density of new development shall be no less than 14.6 units per net acre in Medium Density areas, and no less than 30 units per acre in Urban Residential areas. Higher minimum density standards may apply within designated Transit-Oriented Development overlay areas.*
- **LAND USE POLICY 2-3.4:** *Infill Development - Support infill development on vacant and underutilized land in Fremont’s neighborhoods, particularly where there are vacant lots or parcels that create “gaps” in the urban fabric and disrupt the continuity of a neighborhood. Such development should respect the scale and form of surrounding properties.*
- **HOUSING ELEMENT GOAL 3:** *Encourage the development of affordable and market-rate housing in order to meet the City’s assigned share of the Regional Housing Need.*
- **HOUSING ELEMENT ACTION 3.02-A:** *Maintain Inventory of residential vacant and underutilized opportunity sites and encourage development.*
- **HOUSING ELEMENT POLICY 3.03:** *Facilitate the development of a diverse housing stock that provides a range of housing types and affordability levels throughout the community.*
- **HOUSING ELEMENT ACTION 3.03-D:** *Explore Incentives to Encourage Development of Smaller, More Efficient Units for Single-Person and Small Households.*
- **HOUSING ELEMENT POLICY 3.04:** *Focus future housing, encouraging a mix of affordable and market-rate, in Transit Oriented Development (TOD) areas and along transit corridors.*
- **COMMUNITY CHARACTER POLICY 4-2.1:** *Complete Neighborhoods – Encourage walkable, connected neighborhoods with multiple land uses and housing types, rather than self-contained residential subdivisions with a single housing type. Neighborhoods should accommodate safe walking and bicycling to daily necessities, services, and transit lines. This policy contributes to the City’s sustainability efforts by encouraging neighborhoods where walking and bicycling are the preferred modes of travel for short trips. Providing goods and services within walking distance can reduce the number of auto trips a household makes, thereby curbing greenhouse gas emissions. Walkable neighborhoods can also contribute to public health, and can build a sense of community by encouraging interaction between neighbors.*

To the extent the City wishes to support the project based on findings for other projects in the Irvington Transit Oriented Development (“TOD”) Area, the project would be consistent with the following General Plan policies:

- **LAND USE GOAL 2-1:** City Form and Structure – *A City transformed from an auto-oriented suburb into a distinctive community known for its walkable neighborhoods, dynamic city center, transit-oriented development at focused locations, attractive shopping and entertainment areas, thriving workplaces, and harmonious blending of the natural and built environments.*
- **LAND USE POLICY 2-1.7:** *Becoming a More Transit-Oriented City – Plan for Fremont’s transition to a community that includes a mix of established lower-density neighborhoods and new higher-density mixed-use neighborhoods with access to high-quality transit. Transit-oriented development (TOD) – or the placement of higher-density uses around transit facilities – should be recognized as the key strategy for accommodating Fremont’s growth in the next 20-25 years.*
- **LAND USE IMPLEMENTATION 2-1.7. A:** *TOD Overlay - Focus the application of TOD development principles on the Fremont, Irvington, and Warm Springs/South Fremont BART Stations, the Centerville train station, and City Center, but consider other opportunities, particularly along the Fremont Boulevard corridor. Apply the TOD Overlay within a one-half mile radius from each transit station.*
- **LAND USE POLICY 2-1.11:** *Infill Emphasis – Focus new development on under-developed or “skipped over” sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.*
- **LAND USE GOAL 2-2:** *Directing Change – Growth and development that is orderly and efficient, leverages public investment, ensures the continued availability of infrastructure and public services, reduces adverse impacts on adjacent properties, and protects the natural environment.*
- **LAND USE POLICY 2-3.8:** *Location of Higher Density Housing – Generally locate new higher density housing in Priority Development Areas and the TOD Overlay where there is good access to transit, proximity to local-serving commercial uses, and proximity to collector or arterial streets. Conversely, the City should discourage the use of developable sites with these attributes for new low employee intensity or low value land uses.*
- **MOBILITY ELEMENT POLICY 3-2.2:** *Reducing Vehicle Trips through Land Use Choices – Support new forms of development that reduce the number of trips generated as compared to traditional suburban development. This includes live-work development, mixed-use development (reducing the need to drive to services), and higher density development around transit stations (reducing the need to own and/or use a vehicle).*
- **COMMUNITY CHARACTER POLICY 4-1.4:** *Corridors – Utilize Fremont’s major transportation corridors to connect the city, provide a sense of arrival and departure when traveling through different parts of Fremont, and create a positive impression of Fremont for persons using all modes of travel through the city. The planning and design of corridors should reflect their varied functions and the desire to transform Fremont into a less auto-oriented, more pedestrian-friendly community.*
- **COMMUNITY CHARACTER IMPLEMENTATION 4-1.4.C:** *Pedestrian-Friendly Corridors – Require the design of new or refurbished development to incorporate features which support the City’s goal of being less auto-oriented along corridors. This should include building frontages oriented toward sidewalks, streets or public plazas...Infill along the corridors should support the City’s goals of growing more compactly, making more*

efficient use of land, developing at densities that can sustain transit use, and encouraging bicycle and pedestrian use. Moreover, infill development on corridors should establish stronger connections between adjacent parcels, and should avoid the situation where each development on a corridor is treated as an “island” unrelated to nearby uses.

- **(IRVINGTON) COMMUNITY PLANS POLICY 11-6.11:** *Osgood Road Corridor – Encourage high-density residential development along Osgood Road south of the new BART Station. Development should be designed to facilitate safe, convenient pedestrian access to the station. The area along Osgood Road south of Blacow Road should remain Service Industrial.*
- **HOUSING ELEMENT GOAL 3:** *Encourage the Development of Affordable and Market-Rate Housing in Order to Meet the City’s Assigned Share of the Regional Housing Need.*
- **HOUSING ELEMENT POLICY 3.02:** *Promote existing opportunities to intensify development.*
- **HOUSING ELEMENT POLICY 3.03:** *Encourage the development of a diverse housing stock that provides a range of housing types (including family and larger-sized units) and affordability levels throughout the community.*
- **HOUSING ELEMENT GOAL 5:** *Ensure that all Persons Have Equal Access to Housing.*
- **HOUSING ELEMENT POLICY 6.03:** *Focus future housing near transit nodes.*

The project would also be consistent with the following General Plan policies:

- **LAND USE POLICY 4-2.6:** *Sustainable Building Design - Encourage new construction, additions, and remodels to incorporate sustainable building practices. Future buildings should consume less energy, water and other resources, facilitate natural ventilation and lighting, and create a healthy and safe environment for occupants.*
- **LAND USE POLICY 2-1.7:** *Becoming a More Transit-Oriented City – Plan for Fremont’s transition to a community that includes a mix of established lower-density neighborhoods and new higher-density mixed-use neighborhoods with access to high-quality transit. Transit-oriented development (TOD)—or the placement of higher density uses around transit facilities—should be recognized as the key strategy for accommodating Fremont’s growth in the next 20-25 years.*
- **Implementation 2-1.7. B:** *Reducing the Predominance of Parking - Encourage future development in the vicinity of transit stations to utilize vertical development formats (i.e., buildings of four or more stories) rather than the suburban model of one- or two-story buildings surrounded by surface parking. This should be accomplished through such tools as parking “maximums” (i.e., limits on the number of spaces that may be provided to serve a new development) in the zoning ordinance, the development of parking.*
- **LAND USE POLICY 11-6.11:** *Osgood Road Corridor - Encourage high-density residential development along Osgood Road south of the new BART station. Development should be designed to facilitate safe, convenient pedestrian access to the station. The area along Osgood Road south of Blacow Road should remain Service Industrial.*
- **Irvington Community Plan’s TOD overlay:** *The subject property is located with the Irvington Community Plan’s TOD overlay. The proximity to the proposed BART station allows the property to be a marquee development and contribute to the revitalization of Irvington while being respectful to the existing fabric. The project will take into account the following policies within the Community Plan:*
 - **Policy 11-6.9:** *Station Area Design Considerations - Ensure that the design of the BART station and surrounding development considers natural hazards, environmental conditions, cultural resources, and surrounding land uses.*

- **Implementation 11-6.9. A: Hayward Fault - Minimize hazards associated with the Hayward Fault in site planning for the BART station. The “no build” zone along the fault trace should be retained as open space or used for surface parking.**
- **HOUSING ELEMENT 5.3.6 - Programs to Address Future Need - In addition to these identified sites, the City intends to continue to rezone land at higher densities in proximity to transit nodes such as the Fremont BART station, the proposed Irvington BART station, and the Centerville Train Station.**

To the best of my knowledge there no development constraints in the form of historic resources, biological resources or geotechnical constraints. Community Benefits include, but are not necessarily limited to;

- **Location within Irvington BART Priority Development Area (“PDA”) –** The site is located in the Irvington PDA and, by definition, is one that should be prioritized for residential development based not only on city of Fremont policies and guiding principles, but by the actions taken by the city of Fremont in terms of approving nearby projects including, but not limited to, the Osgood Residences and Serra Apartments. Other policies that make clear these benefits include:
 - *Irvington Community Plan’s TOD overlay: The subject property is located with the Irvington Community Plan’s TOD overlay. The proximity to the proposed BART station allows the property to be a marquee development and contribute to the revitalization of Irvington while being respectful to the existing fabric.*
 - *Osgood Road Corridor - Encourage high-density residential development along Osgood Road south of the new BART station. Development should be designed to facilitate safe, convenient pedestrian access to the station. The area along Osgood Road south of Blacow Road should remain Service Industrial.*
 - *Becoming a More Transit-Oriented City – Plan for Fremont’s transition to a community that includes a mix of established lower-density neighborhoods and new higher-density mixed-use neighborhoods with access to high-quality transit. Transit-oriented development (TOD)—or the placement of higher density uses around transit facilities—should be recognized as the key strategy for accommodating Fremont’s growth in the next 20-25 years.*
- **Teacher/Workforce Housing Needs and Smaller Unit Sizes:** The City notes that “Other Interests” include addressing school needs. The Applicant is working with DCG Strategies which has been engaged by Fremont Unified School District to analyze opportunities to provide affordable Teacher/Workforce Housing units. This project offers the potential of providing onsite affordable units for these key District employees using smaller units that range in size from 560 SF – 910 SF.
- **Desirability of Land Use Change:** The stated benefit as detailed by the City is; *“Converting and potentially cleaning up an isolated industrial site surrounded by residential uses or removing and/or redeveloping a blighted site that has been identified as a nuisance.”* The subject property is the only site that is not zoned in accordance with surrounding residential uses, and is thereby isolated, and portions of the site could be deemed as blighted and have recently been the target of city code enforcement efforts. The Applicant seeks to enhance this property through a conversion and redevelopment of the site in accordance with surrounding residential properties.

We look forward to working with you and colleagues. We will be glad to provide any additional information or answer any questions that arise.

Please feel free to contact our Owner Representative Dominic Dutra (510.366-9931; ddutra@dcrealestate.com) and/or Angelic Williams (925.236-9681; awilliams@dcrealestate.com) with any questions you may have.

Sincerely,

Herman Betchart

PROJECT DATA

Address: 41655 Osgood Road, Fremont

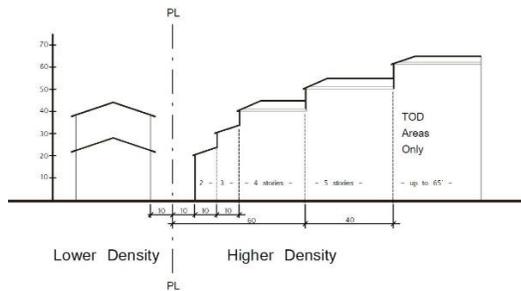
Jurisdiction: City of Fremont

^	SITE_ADDR	SITE_CITY	SITE_ZIP	APN	ACREAGE	ZONING
2	41655 OSGOOD RD	FREMONT	94539	525-342-7-2	1.82	Industrial Light
3	41655 OSGOOD RD	FREMONT	94539	525-342-1	1	Industrial Light
4	41655 OSGOOD RD	FREMONT	94539	525-342-2	0.77	R-3-27
5	41753 OSGOOD RD	FREMONT	94539	525-342-3-2	0.55	R-1-6
TOTAL:					4.14	

Proposed Zoning: R-3-35

Density: 30-35 allowable net density rate (units/acre)

Minimum Lot area: 6,000 SF, Minimum lot street frontage: 35', Minimum Lot width: Interior: 80', Corner: 80', Minimum Lot depth: 100', Minimum interior side yard and rear depths: 10'



Maximum building height: 45'

Maximum lot coverage 55%

Common open space: 500 SF for five units, plus 50 SF for each additional unit. Minimum width is 15'

Balconies: 60 SF with min. dim. of 6'. Patios at ground level: 100 SF (10' min width), or 200SF (6' min. width)

Parking stall standards: Standard stall 9x19', Compact 8'x16' (can overhang curb by 2'). Compact up to 35%

Parking requirements:

Per Studio and one bedroom: One covered stall per unit plus 0.5 uncovered space per unit for guest only

Per Two or more bedrooms: One covered stall per unit plus 0.5 uncovered space per unit per live/work plus 0.5 uncovered space for guest only.

Parking Required:

	Units per Floor	Number of Units	Covered Parking	Additional Stalls Required	Visitor
Studio	4	12	12		6
1-Bed	15	45	45		23
2-Bed	10	30	30	15	15
3-Bed	4	12	12	6	6
		99	99	21	50
			Total Parking required: 170		

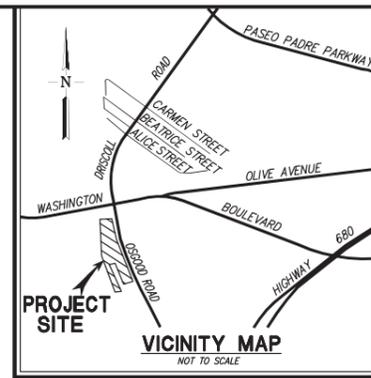
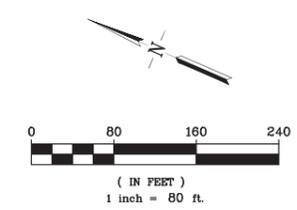
Parking Provided:

	Units per Floor	Number of Units	Covered Parking Provided	Additional Stalls Provided	Visitor
Studio	4	12	12		
1-Bed	15	45	45		
2-Bed	10	30	30	15	
3-Bed	4	12	12	6	
		99	99	21	50
			Resident Parking provided: 170		
			Overflow Parking: 73		
			Total parking: 243		

Building Size per floor:

Floor	Areas (SF)
Parking Partial Basement	32,025
First Floor Common Area	5,823
First Floor Flats	31,076
Second Floor Flats	36,899
Third Floor Flats	36,899

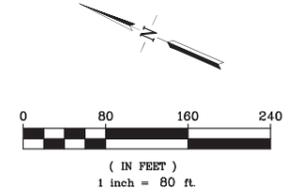
Project includes a fitness center, coffee shop, clubhouse, pool, daycare and playground



CONTEXT MAP
41655-41753 OSGOOD ROAD
 CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
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 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
 PHONE: (925) 227-9100 FAX: (925) 227-9300

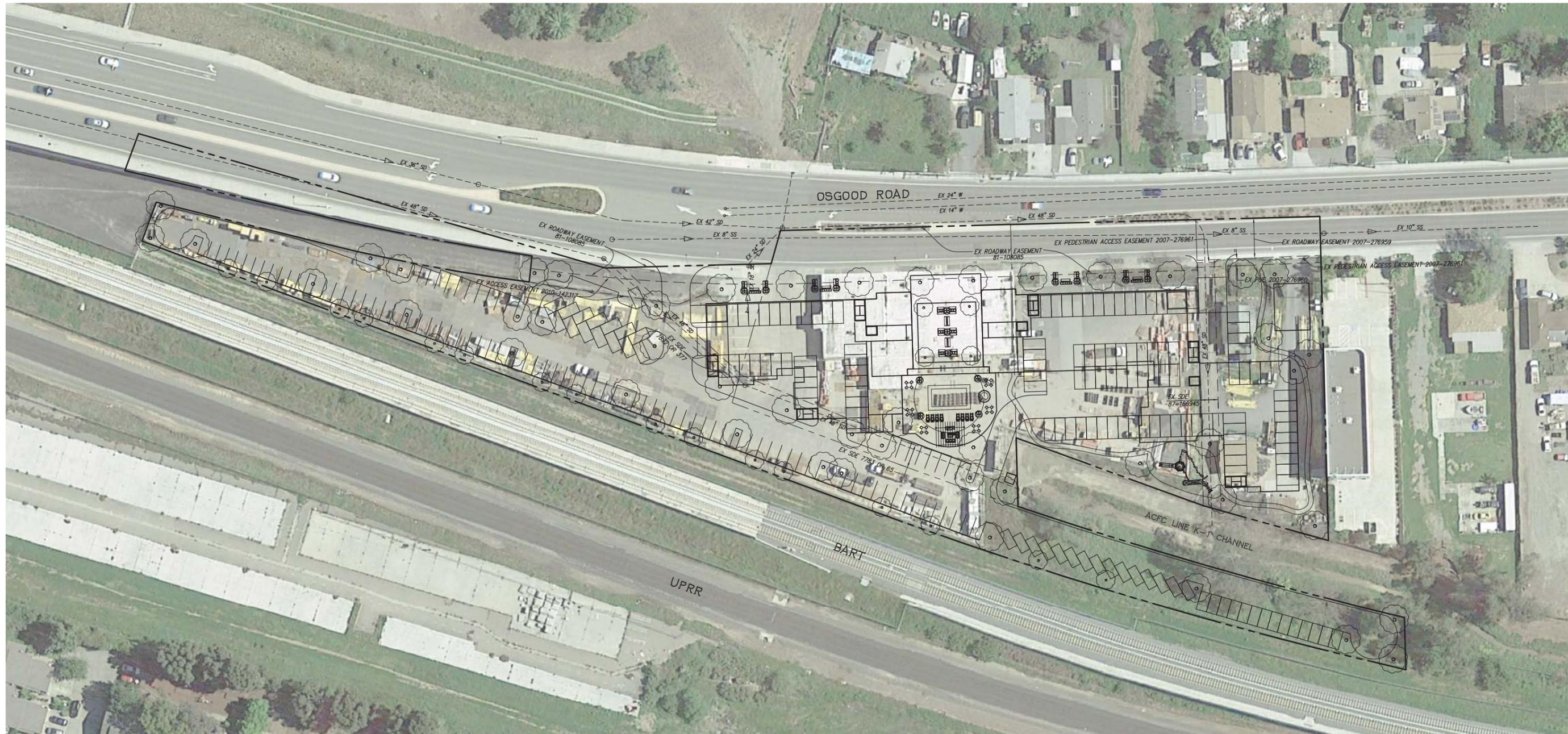
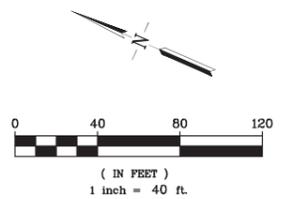
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CONTRAINTS MAP
41655-41753 OSGOOD ROAD
 CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA

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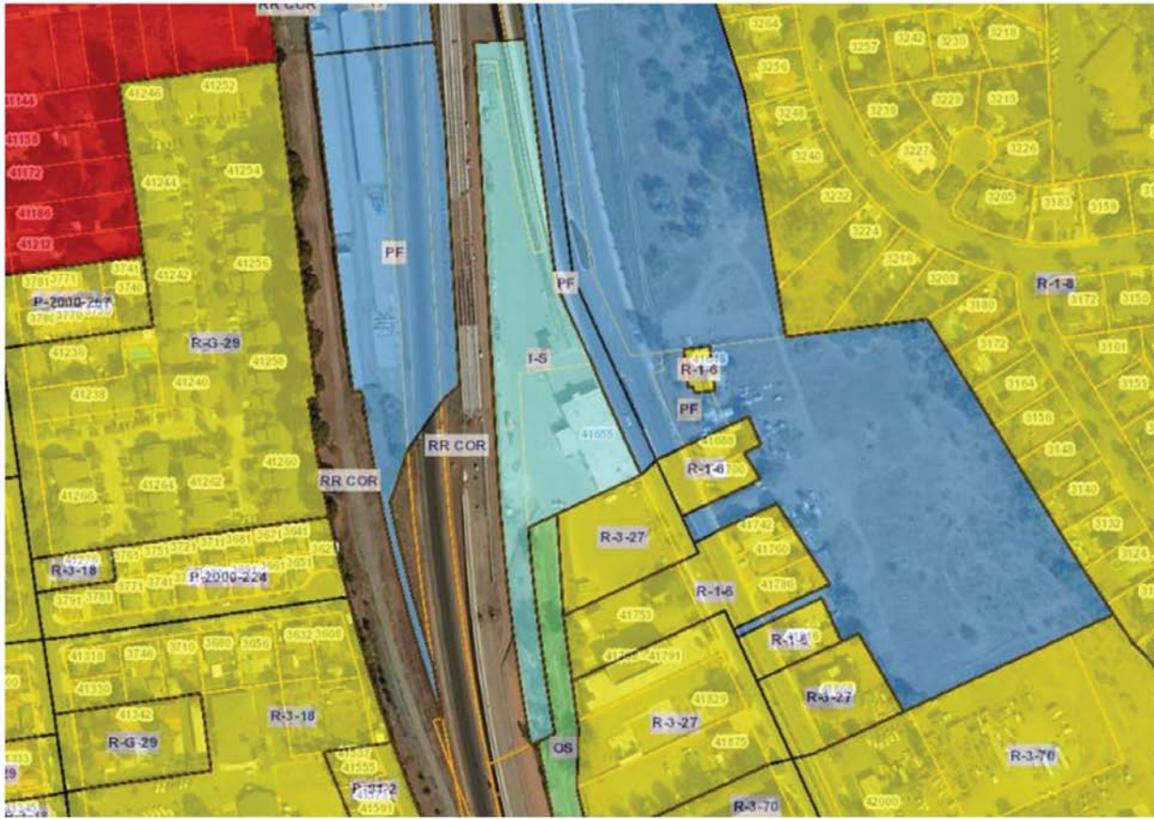


NET SITE AREA (LESS EXISTING ROADWAY EASEMENT) = 3.5± AC

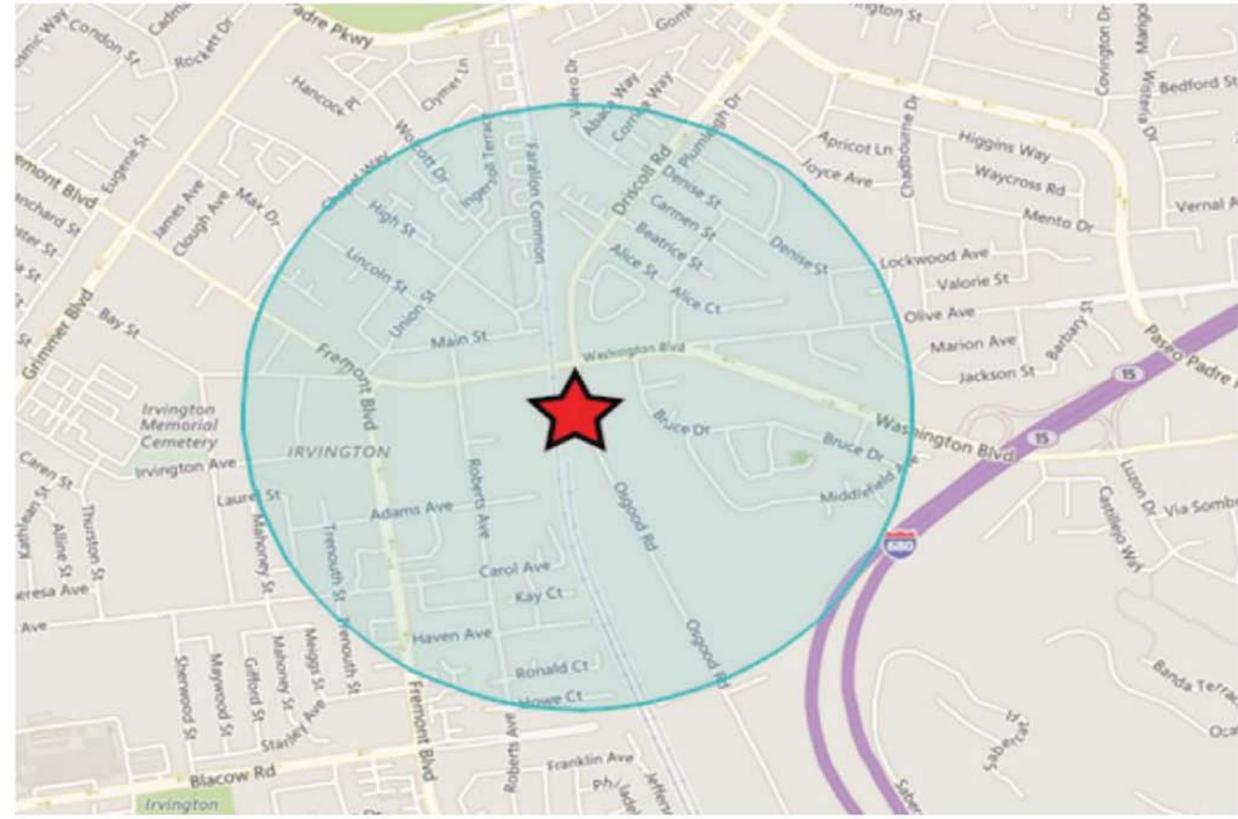
SCHEMATIC SITE PLAN
41655-41753 OSGOOD ROAD
 CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA

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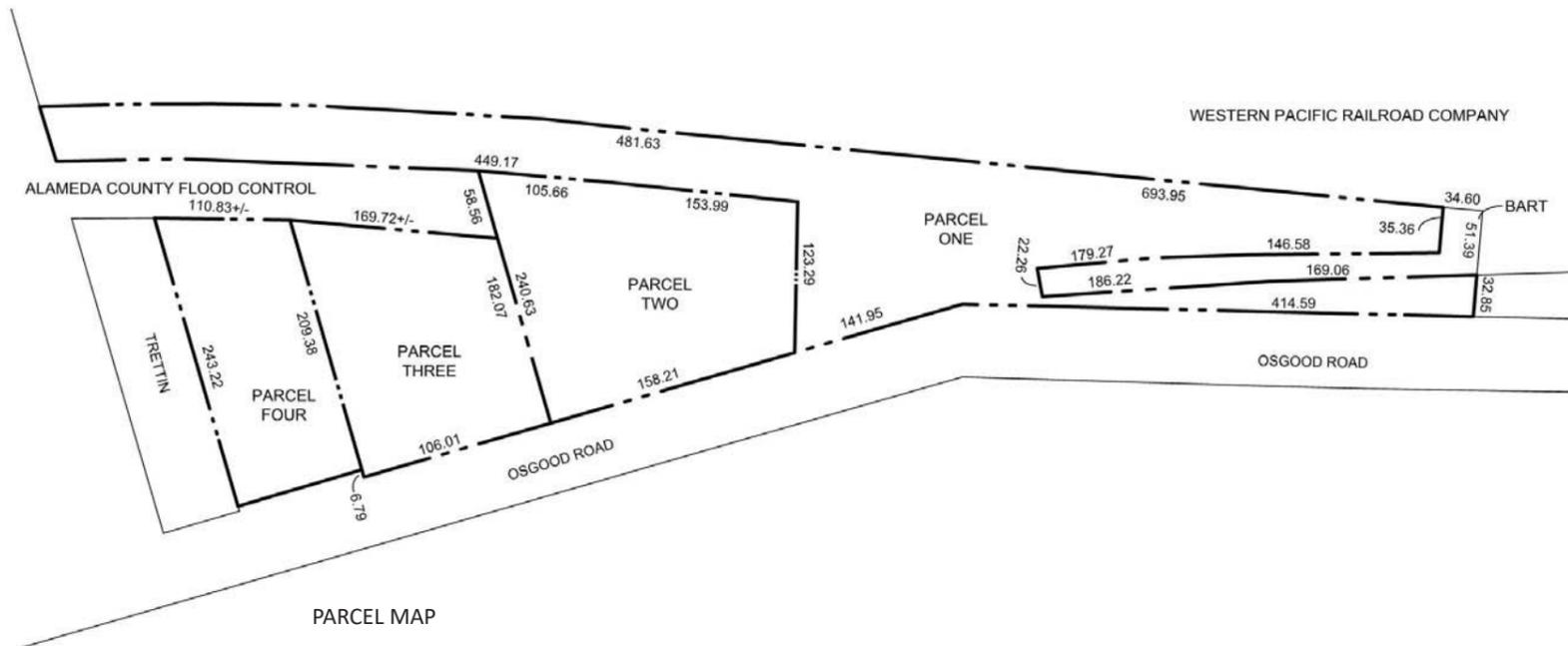
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ZONING MAP



LOCATION MAP



PARCEL MAP

PROJECT DATA

SITE ADDR	SITE CITY	SITE ZIP	APN	ACREAGE	ZONING
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 TEL: 803.725.0571

41655 OSGOOD ROAD, FREMONT, CA

SCHEMATIC SITE PLAN

DATE: NOVEMBER 15, 2017

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TITLE SHEET
A1.0



1 SITE PLAN

SCALE : 1"=40'-0"
- - - A-RR



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41655 OSGOOD ROAD, FREMONT, CA

ADDRESS

SCHEMATIC SITE PLAN

DATE: NOVEMBER 15, 2017

NEW CLASSROOMS

CKC

NEW
RMS

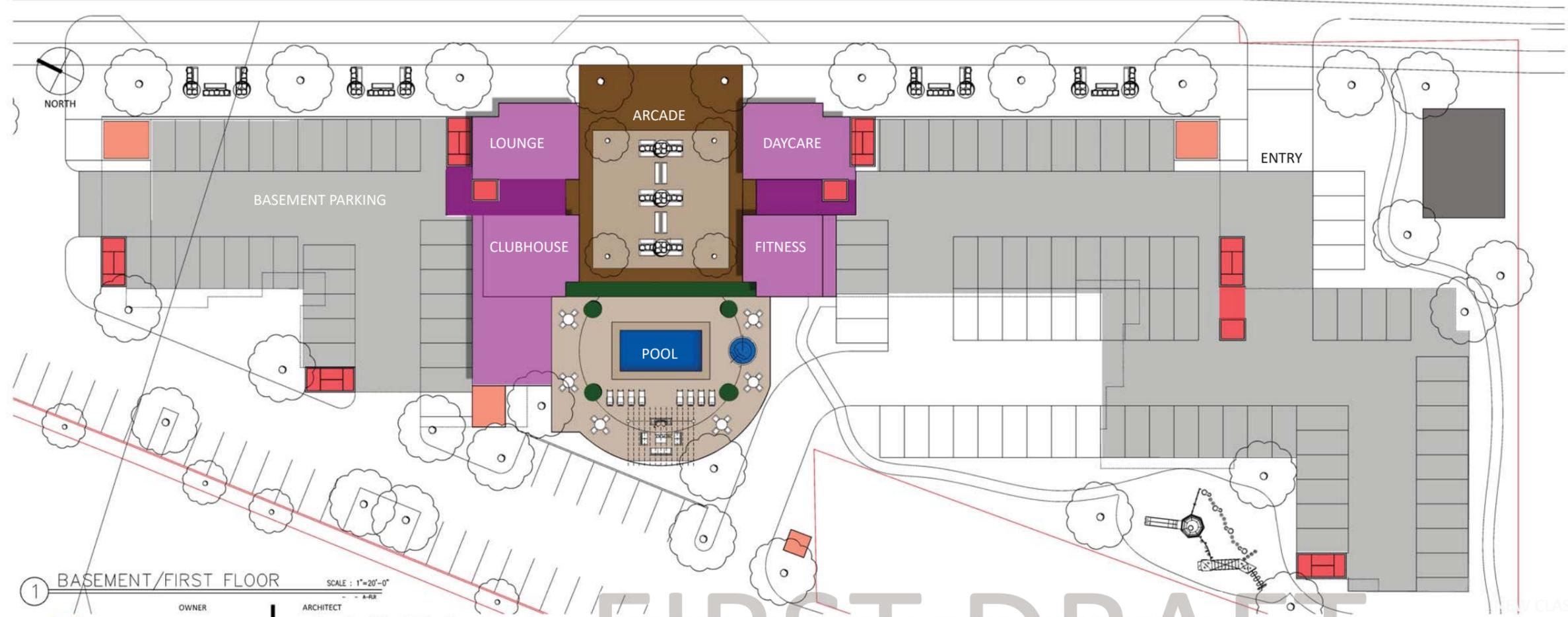
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SITE PLAN

A1.1



② TYPICAL FLOOR 1,2,3, SCALE : 1"=20'-0"



① BASEMENT/FIRST FLOOR SCALE : 1"=20'-0"



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41655 OSGOOD ROAD, FREMONT, CA
 SCHEMATIC FLOOR PLANS
 DATE: NOVEMBER 15, 2017

ADDRESS

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A2.1