

APPENDIX A

PLANNING AND POLICY

CONTEXT

This Planning and Policy Context appendix describes the geographic context of the Plan Area location, provides information on the current land use policies that govern Fremont and the Plan Area, and discusses the existing land uses (including historic resources) in the Plan Area.

A. STATION AREA PLAN CONTEXT

LOCATION

The Irvington BART Station will be located approximately halfway between the existing Fremont BART Station and Warm Springs/South Fremont BART Station in the Irvington District Priority Development Area (PDA), as shown in Figure A-1 and explained further in Section A-3, Local Geography, below.

REGIONAL GEOGRAPHY

Fremont is located in the southeastern region of the San Francisco Bay Area, approximately 27 miles southeast of downtown Oakland and 17 miles northwest of downtown San Jose. Fremont is bordered to the north by Union City, to the south by Milpitas, and to the west by Newark and San Francisco Bay. The cities of Fremont, Newark, and Union City comprise the “Tri-City” area. The Fremont hills to the east and baylands to the west provide Fremont with its defining open space frame.

LOCAL GEOGRAPHY

The area studied in the Station Area Plan is generally within a ½-mile radius (a 10- to 15-minute walk) of the Irvington BART Station. This area, referred to as the Plan Area, is generally divided from north to south by Osgood and Driscoll Roads and the Union Pacific Railroad (UPRR) and BART tracks. The Plan Area includes portions of two of Fremont’s original five towns—Irvington and Mission San Jose—which are governed by their respective Community Plans. Figure A-2 shows how the Plan Area includes the Irvington and Mission San Jose Community Plan Areas.

Because the Plan Area includes distinct pockets of higher and lower intensities of existing land uses, it has been further divided into five geographic subareas: Washington Subarea, Osgood Subarea, Roberts Subarea, Town Center Subarea, and High Subarea. The growth and development anticipated for the Plan Area will primarily occur in the Town Center and Osgood Subareas.

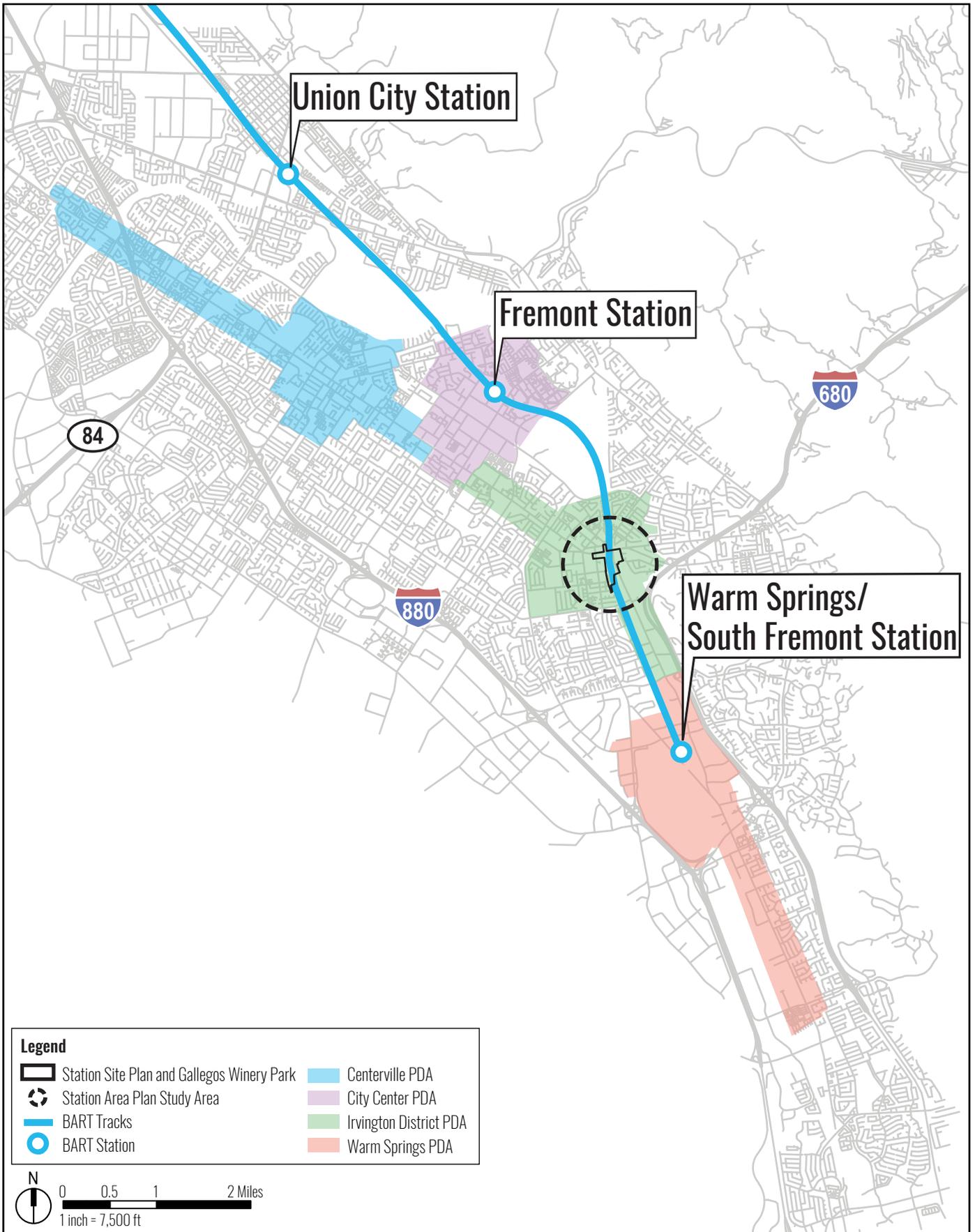


Figure A-1 - Regional Context

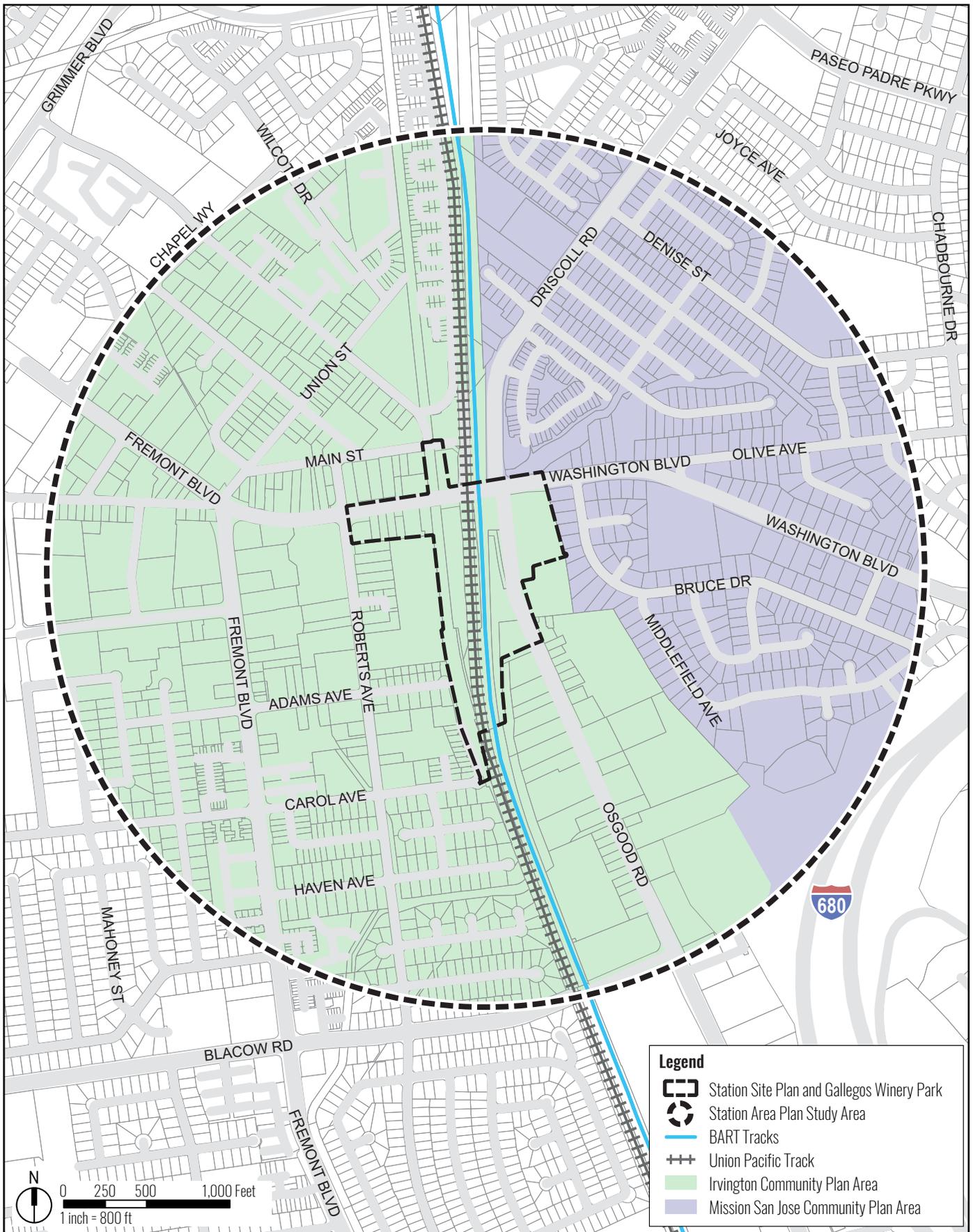


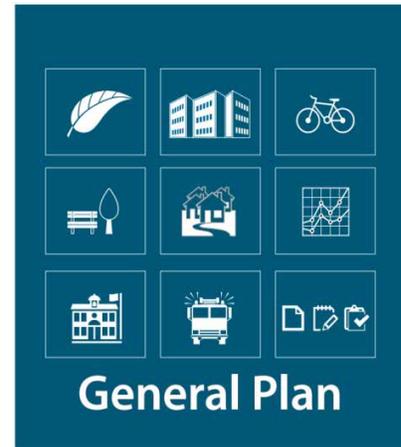
Figure A-2 - Community Plan Areas

OPPORTUNITIES AND CONSTRAINTS

Geological elements and the built environment have created both opportunities and constraints in the Plan Area. The access and mobility improvements of Chapter 3 and design rules and guidelines of Chapter 4 take these opportunities and constraints into consideration to facilitate development in the Plan Area that is safe, context-sensitive, and pedestrian-friendly.

As shown in Figure A-3, the Hayward Fault Line runs through the Plan Area east of Osgood Road. The Hayward Fault Zone is subject to the Alquist-Priolo Earthquake Fault Act, a state law that prohibits construction of most human-occupied structures across the traces of active faults. The location of the fault line limits the potential for transit-oriented development (TOD) in the Plan Area. Similarly, steep slopes and parcels in the 100-year floodplain in the Plan Area present obstacles to future development that would complement the station.

In December 2011, and the City of Fremont City Council adopted a comprehensive update to the General Plan, which included changes to the land use designations in the Plan Area to encourage TOD and other station-serving development that will add BART riders, local business patrons, and foot traffic in the Plan Area, thus, increasing vitality, economic opportunity, and a sense of place. Likewise, the existing active retail and historic, high-quality architecture in the Plan Area guide future, context-sensitive development that will serve and enhance the local community. Finally, the Plan Area's vacant and underutilized parcels provide opportunities for infill development that will add services and homes in this transit-rich, urbanized area.



City of Fremont
General Plan
Adopted December 2011



B. EXISTING PLANNING DOCUMENTS

The Plan Area is under the scope of several City of Fremont and BART planning documents that govern land use and future development. The two principal planning documents are the City of Fremont General Plan (2011) and the Fremont Municipal Code (2017). These documents and other previous planning work are summarized in this section.

Local and regional plans have designated the Plan Area as a suitable place for growth and development. The Plan Area falls within the Irvington District PDA as a Transit Town Center. PDAs are areas identified by local and regional governments for investment, new homes, and job growth. Transit Town Centers are a specific type of PDA designed to be local-serving centers of community and economic activity with a focus on commuter service to jobs in the greater region. The intensity of planned development for the Plan Area is in the mid-range for Transit Town Center PDAs, with a greater focus on accommodating homes than jobs.

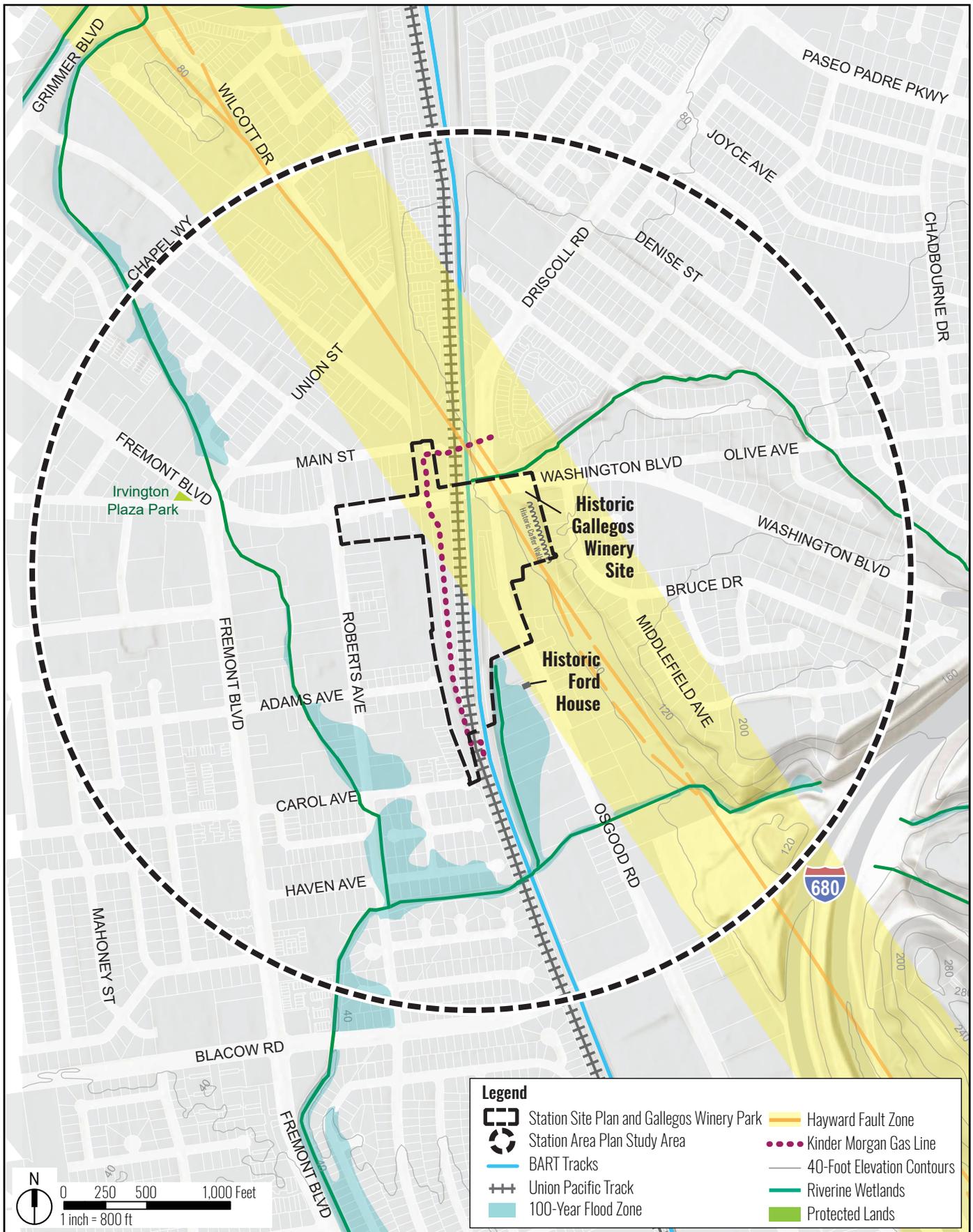


Figure A-3 - Environmental Constraints

CITY OF FREMONT GENERAL PLAN

The General Plan (2011) is a blueprint for Fremont's future growth through 2035. The General Plan designations, which establish the permitted land uses in the Plan Area, are shown in Figure A-4. The Plan Area is designated as a TOD Overlay in the General Plan because it is within a ½-mile radius of the Irvington BART Station. This designation only applies, however, to property with an underlying land use designation in one of the seven commercial and industrial classifications or the Urban Residential designation.

Several elements of the General Plan specifically mention Irvington and/or the Irvington BART Station:

- **Community Plans Element.** The Irvington Community Plan, found in this element, fits under the broad “umbrella” of the General Plan, but provides a more fine-grained vision for land use and development that is unique to the Irvington Community Plan Area. The Irvington Community Plan calls for well-designed bike and pedestrian connections to the Irvington BART Station, vibrant shopping and dining amenities, and TOD.
- **Community Character Element and Place Types Manual.** This element of the General Plan focuses on the ways in which Fremont's buildings, streets, and open spaces can work together to define the City's sense of place. It includes the Place Types Manual, which provides urban design principles for future development by “place type.” The corridor and center place types included in the Plan Area are shown in Table A-I. Irvington is identified as a Town Center in the Place Types Manual. Town Centers are pedestrian-oriented, neighborhood-serving commercial centers associated with the early development of Fremont's five original towns. The Station Area Plan has been prepared to be consistent with the Community Character Element and Place Types Manual, and provides more specific guidance to further the urban design principles contained within the Community Character Element and Place Types Manual.
- **Mobility Element.** The Irvington BART Station is specifically mentioned as an Implementation Strategy under the Mobility Element's goal of “Reducing the number of VMT [vehicle miles traveled] by Fremont residents and workers by providing more non-automobile travel options and more compact land use patterns.” This element specifies that the station should be designed to facilitate intermodal transfer from BART to buses and have convenient access for pedestrians and bicyclists.
- **Land Use Element.** The Land Use Element establishes established land use designations around the Irvington BART Station site to facilitate Transit-Oriented Development (TOD), which is development intended to increase transit use, vitality, and activity through land use, building form, and design.

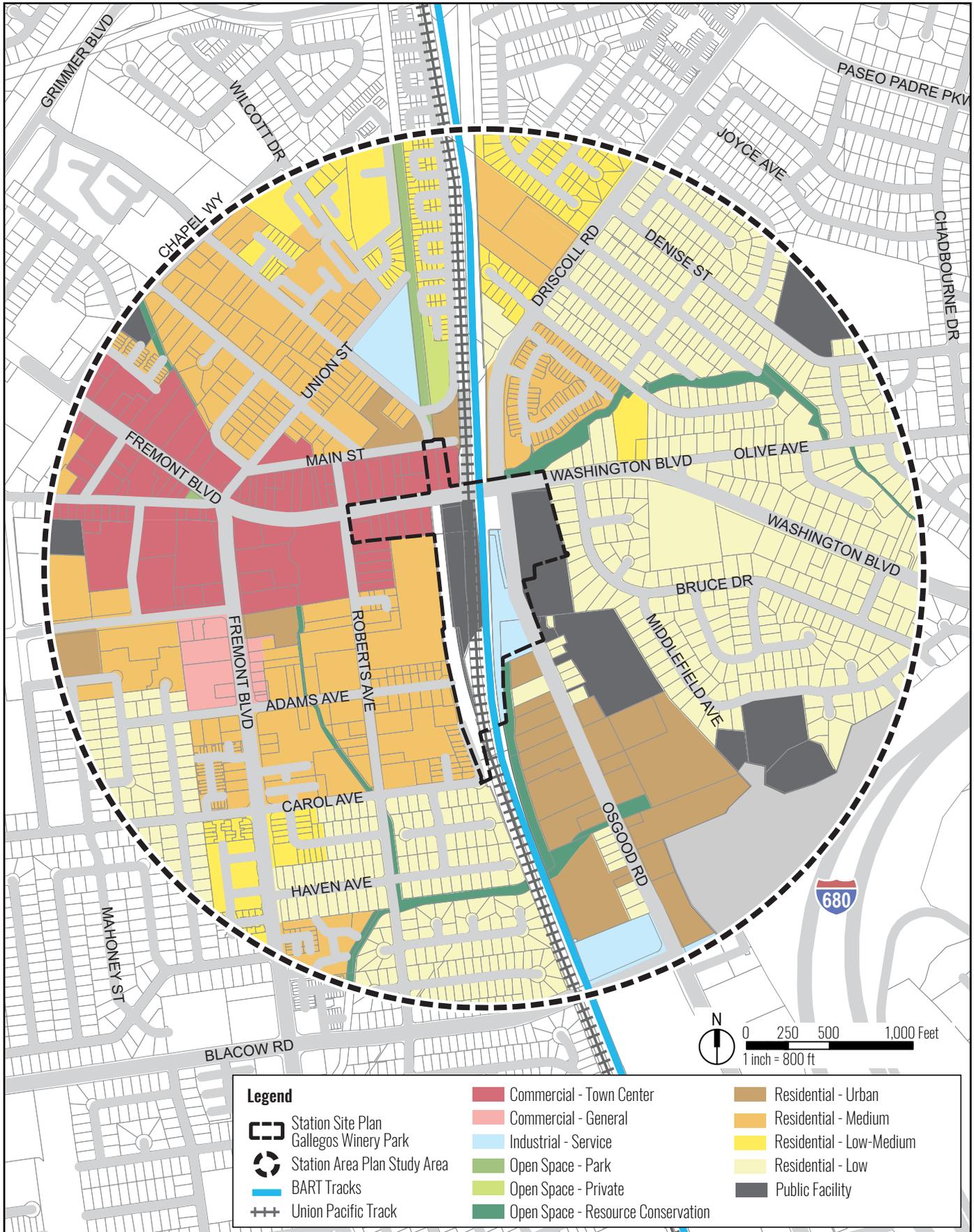


Figure A-4 - General Plan Land Use Designations

TABLE A-1 COMMUNITY CHARACTER PLACE TYPES

Place Type	Prescribed Development Character	Plan Area Application
Urban Corridors	High-density, pedestrian-oriented, mixed-use development and multimodal transportation	Fremont Boulevard, Washington Boulevard, Irvington Avenue, Osgood Road, Blacow Road
Main Street Corridors	Smaller-scale, fine-grained development pattern	Main Street, Bay Street
Landscape Corridors	Varied development pattern with building setbacks and abundant trees.	Portions of Washington Boulevard, Driscoll Road, Grimmer Boulevard
Town Center	Mix of retail, service, office, civic, and residential in mixed-use, pedestrian-oriented setting	All of the Town Center Subarea and part of the Roberts Subarea
Neighborhood Center	Neighborhood-serving retail and service uses. Potential for residential development if mixed-use	Along Fremont Boulevard in the southernmost portion of the Roberts Subarea

Source: General Plan, Community Character Element, 2011.

FREMONT MUNICIPAL CODE

Consistent with the General Plan, the Fremont Municipal Code establishes permitted land uses and development standards by zoning district. Future development in Irvington must conform to the regulations set forth in the Zoning Ordinance. As shown in Figure A-5, the TOD Overlay and Irvington Overlay Districts apply to certain parcels in the Plan Area, as outlined in Chapters 18.140 and 18.152 of the Fremont Municipal Code. The TOD Overlay District allows reduced parking, establishes parking maximums, restricts the establishment of land uses that are incompatible with TOD, and establishes other development standards that incentivize alternatives to vehicular travel and ensure compatibility with the future station. Figure A-5 illustrates the Plan Area’s zoning districts and Table A-2 briefly describes them. A summary of development standards for the Multifamily R-3 and Commercial Town Center zoning districts are provided in Tables A-3 and A-4.

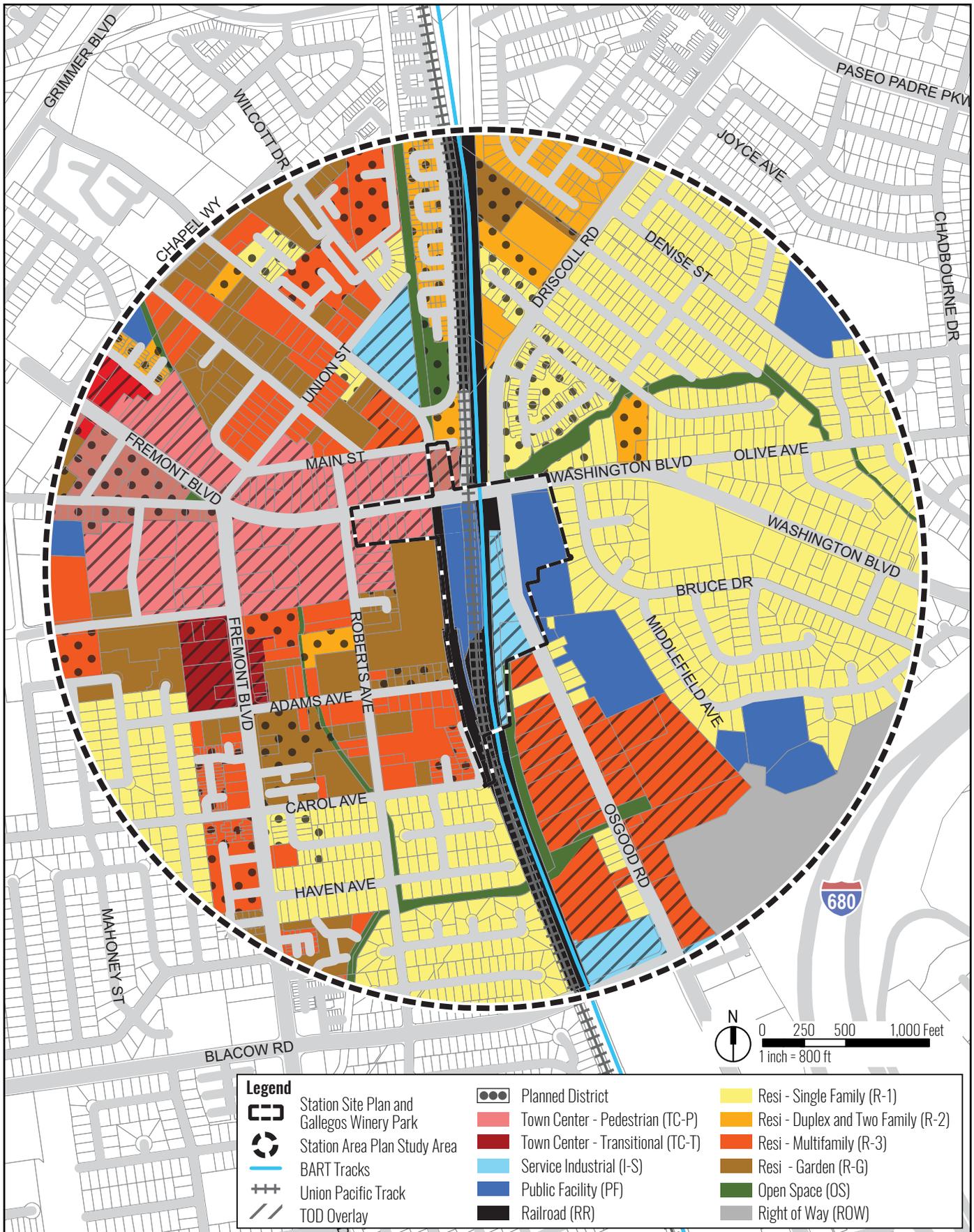


Figure A-5 - Zoning

TABLE A-2 ZONING DISTRICTS OF THE PLAN AREA

Zoning District	Purpose
Town Center – Pedestrian	Provide areas for mixed retail, service, office, and residential uses in a pedestrian-oriented setting. TC-P districts were developed before Fremont’s incorporation and are characterized by small parcels, a mix of older and newer structures, and a mixed-use context.
Town Center – Transitional	Provide areas for mixed retail, service, office, and residential uses in a pedestrian-oriented setting. TC-T districts are still transitioning from a suburban character to a walkable, mixed-use character.
R-1 (Single-Family Residential)	Promote and maintain predominantly single-family home neighborhoods together with compatible accessory and supporting uses.
R-2 (Duplex and Two-family Residential)	Promote and maintain duplex/two-family home neighborhoods in order to increase housing opportunities for both ownership and rental homes.
R-3 (Multifamily Residential) District	Promote and encourage well planned, suitable, and appropriate multiple dwelling developments within low-medium and medium density land use designations compatible with the intensity of existing and future land use. The district also seeks to promote a full range of choices in housing types and sizes and to improve access to affordable housing.
I-S Service Industrial	Provide locations for industrial uses which are generally oriented toward serving local businesses and residents and can operate in proximity to commercial and residential uses with a minimum of adverse effects.
Public Facility	Foster the orderly development of large-scale educational and public service uses in the community and special approved uses on publicly owned land.
Open Space	Permit limited but reasonable use of open lands while protecting the public health, safety and welfare from the dangers of seismic hazards and unstable soils.
Planned (P) District (e.g. Bay Street Planned District)	Encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mix of land uses and/or varied dwelling types. The amenities and compatibility of a P district are to be ensured through adoption of a precise site plan, showing proper orientation, desirable design character and compatible land uses. Bay Street is a Planned District.
TOD Overlay (Applicable to commercial, industrial, or urban residential parcels General Plan designations)	Create a compact and high intensity mix of residential, office, retail, service and public uses to promote areas of the city that have a high potential for pedestrian activity, generally within one-half mile of existing and planned transit stations.

The R-G (Garden Residential) District has been excluded from this table because R-G is only being used to recognize existing development; no additional parcels may be zoned to the R-G District.

Source: City of Fremont and Urban Planning Partners, 2019.

TABLE A-3 R-3-70 DEVELOPMENT STANDARD SUMMARY

Zoning	Urban Residential R-3-70
Lot Size	Minimum 6,000 square feet
Lot Coverage	Maximum 75%
Density	Urban Residential Designation: 50.1 du/acre to 70 du/acre Densities above 70 du/acre may be permitted
Street Frontage	Minimum 35 feet
Lot Width	Minimum 80 feet
Lot Depth	Minimum 100 feet
Front yard and street side yard depth	Minimum 15 feet
Distance between parking or circulation areas and a public street right-of-way or private street easement	Minimum 15 feet
Side or Rear Setbacks	Minimum front and side yard 15 feet, interior side yard and rear yard 10 feet, minimum setback from principal structures of five or more stories 60 feet (assume this one).
Width of double-loaded paseo and pedestrian path circulation areas	One- and two-story buildings: minimum 15 feet Three-story buildings: minimum 20 feet
Building Height	Maximum 65 feet
FAR	Maximum 2.5 (with TOD Overlay) (gross floor area does not include areas devoted to parking, atriums).
Upper Floor Height Requirement	Minimum 10 feet
Building Frontage	No regulation, except along urban corridors, main streets, and in Town Center place types. At least 50% of the building's street-facing façade must be built within the build-to layer, defined as within 5 feet of the front property line for interior lots and 5 feet of the street-facing property lines for corner lots.
Common Open Space	500 square feet for developments up to five units, plus 50 square feet for each additional unit. The minimum dimension of any common open space counting toward this requirement shall be 15 feet. (For projects with 12 or less units, see subsection (g)(1)(A) (v) of this section.)
Private Open Space	Balconies above ground-floor level: Minimum 60 square feet, the least interior dimension of which is 6 feet. Patios or Private Yards: Minimum 100 square feet, the least interior dimension of which is 10 feet, or minimum of 200 square feet, with an interior dimension between 6 and 10 feet.
Landscaping	Landscape design shall include planter space for large canopy tree species of a minimum dimension of 10 feet at the ground level with additional space for canopy maturity at upper building levels. Tree planting shall be provided at a rate of one large tree for every five units, in addition to other landscape requirements for parking areas contained in Chapter 18.183. Additional accent trees and landscape elements shall be provided for every unit and should be integrated into each individual unit design and sized appropriately to the intended space. Landscape planting requirements may vary through design review permit approval in recognition of tree preservation efforts.

TABLE A-3 R-3-70 DEVELOPMENT STANDARD SUMMARY

Parking Ratio	See Municipal Code Section 18.183.040 Parking regulations for certain town centers. TOD Overlay (18.152.070 TOD), Mixed-Use (18.183.090 Mixed Use)
	Residential: Minimum 1 per unit covered, 0.25 per unit guest spaces.
	Mixed-use commercial component: Minimum 2 per 1,000 square feet; Maximum 3 per 1,000 square feet.
	Commercial: Minimum 3 per 1,000 square feet; Maximum 4 per 1,000 square feet
	Parking cannot be less than required for Residential in a mixed-use building.

This table is a summary only and does not list all applicable zoning regulations. Please refer to the Fremont Municipal Code for complete and updated information.

Source: Urban Field Studio, 2018.

TABLE A-4 COMMERCIAL TOWN CENTER IN TOD OVERLAY DEVELOPMENT STANDARD SUMMARY

Zoning	Commercial Town Center (18.183.040 Town Center) in a TOD Overlay (18.152.070 TOD), Mixed-Use (18.183.090 Mixed Use).
Lot Width	Minimum 100 feet in MX designation.
Lot Size	Minimum 20,000 square feet (see Table 18.45.020 for MX designation).
Lot Coverage	No restriction.
Density	Town Center Designation: Min. 30 du/acre and FAR 0.5-2.5. Mixed-use projects must comply with the allowed FAR range and are not subject to the density range.
Street Frontage	No lot shall have a street frontage less than 35 feet, except for lots within attached housing and detached townhome developments, subject to approval by the reviewing agency. No lot shall have a width less than 45 feet at the building setback line, except for lots within attached housing and detached townhome developments, subject to approval by the reviewing agency. Corner lots for residential use shall be platted a minimum of 10 feet wider than interior lots to permit conformance with the required street side yard requirements of the zoning ordinance. No lot shall have a depth of less than 100 feet, except for lots within attached housing and detached townhome developments, subject to approval by the reviewing agency.
Side or Rear Setbacks	None, except 10 feet when adjacent to any lot designated residential in the general plan or residentially developed.
Landscaping	<p>(1) All yard areas shall be landscaped according to their purpose, such as ornamental landscaping, outdoor seating/dining, or storm water treatment. Landscape improvements may include trees, shrubs, flowers, groundcover, and hardscape as approved during the design review permit process.</p> <p>(2) Landscape design shall include planter space for large canopy tree species of a minimum dimension of 10 feet at the ground level with additional space for canopy maturity at upper building levels.</p> <p>(3) Bay-friendly and water-efficient landscapes meeting state rules are required.</p> <p>(4) Landscape requirements for parking areas are contained in Chapter 18.183.</p> <p>(5) Landscape planting requirements may vary through design review, permit approval in recognition of tree preservation efforts, and the overall landscape plan aesthetic.</p>
Building Height	Maximum 65 feet
FAR	Minimum 0.5/ Maximum 2.5
Min. Ground Floor Height	16 feet
Mixed-Use Commercial Component	Commercial component shall least be 50% of the floor area on the portion of the ground floor within 50 feet of the street frontage. For structures on corner lots, this requirement may also apply as determined through a design review permit. Additionally, mixed-use developments shall maintain commercial and other active uses along all frontages designated as a main street or urban street corridor, as shown in the General Plan Community Character Element and Place Types Manual, and shall comply with the storefront review requirements in Section 18.45.035.

TABLE A-4 COMMERCIAL TOWN CENTER IN TOD OVERLAY DEVELOPMENT STANDARD SUMMARY

Depth of Commercial Space	The minimum depth of commercial space shall be 50 feet. Where other functional or structural elements of a building design (e.g., stairs, elevators, fire equipment, bearing walls) preclude a 50-foot uniform depth, the approval body may allow for an exception to lessen the depth along up to 20% of the linear frontage of total commercial space provided. Depths less than 30 feet shall be avoided or repurposed so as not to create undesirable commercial spaces. A discretionary design review permit pursuant to Section 18.45.035(d) shall be required in instances where the storefront will be less than 50 feet in depth.
Parking Ratio	See Municipal Code Section 18.183.040 Parking Regulations for certain Town centers. TOD Overlay (18.152.070 TOD), Mixed-Use (18.183.090 Mixed Use). Residential: Minimum 1 per unit covered, 0.25 guest. Mixed-Use commercial component: Minimum 2 per 1,000 sq. ft.; Maximum 3 per 1,000 sq. ft. Commercial: Minimum 3 per 1,000 sq. ft.; Maximum 4 per 1,000 sq. ft. Parking cannot be less than required for Residential in a mixed-use building.
Depth of Commercial Space	The minimum depth of commercial space shall be 50 feet. Where other functional or structural elements of a building design (e.g., stairs, elevators, fire equipment, bearing walls) preclude a 50-foot uniform depth, the approval body may allow for an exception to lessen the depth along up to 20 percent of the linear frontage of total commercial space provided. Depths less than 30 feet shall be avoided or repurposed so as not to create undesirable commercial spaces. A discretionary design review permit pursuant to Section 18.45.035(d) shall be required in instances where the storefront will be less than 50 feet in depth.

This table is a summary only and does not list all applicable zoning regulations. Please refer to the Fremont Municipal Code for complete and updated information.

Source: Urban Field Studio, 2018.

OTHER POLICY/PLANNING DOCUMENTS

Other planning documents that govern land use in the Plan Area are presented in Table A-5.

TABLE A-5 ADDITIONAL PLANNING AND POLICY BACKGROUND DOCUMENTS

Policy Document	Description	Plan Area Application
Irvington Design Guidelines (2012)	Provides mandatory and preferred standards for street design and development in Irvington. The guidelines outline the required design elements for development based on which street type the parcel faces,	The Irvington Design Guidelines will be repealed. Chapter 4 of the Station Area Plan will functionally replace the Irvington Design Guidelines.
Multifamily Residential Design Guidelines (Adopted 2013, Amended 2018)	Provides mandatory design rules and suggested guidelines to ensure that multifamily development exemplifies high-quality, context-sensitive architecture.	Multifamily development in the Plan Area is subject to these guidelines.

TABLE A-5 ADDITIONAL PLANNING AND POLICY BACKGROUND DOCUMENTS

Policy Document	Description	Plan Area Application
Citywide Design Guidelines (2017)	Provides guidance for site design, crime prevention design, landscape design, and building design for commercial and mixed-use buildings.	The Design Guidelines in Chapter 4 of this plan are consistent with and build off of the Citywide Design Guidelines.
BART TOD Policy (2016) and TOD Guidelines (2017)	Provides goals and policies to catalyze TOD on BART-owned land.	BART-owned land in the Plan Area will only be used for transit facilities, so these policy documents have only been consulted insofar as they provide guidance for station area planning.
Irvington Concept Plan (2005)	Included a 20-year vision for the heart of the Irvington District with land use, transportation, and urban design recommendations. The Irvington Concept Plan was repealed and replaced with the Irvington Community Plan with the adoption of the 2011 General Plan. The Irvington Design Guidelines (mentioned above) were originally part of the Irvington Concept Plan.	The Irvington Concept Plan was repealed and replaced with the adoption of the 2011 General Plan.
Green Infrastructure Plan (under development)	<p>With the growing scarcity of water in the west, stormwater has become a critical environmental issue. This Station Area Plan is designed to meet ambitious new and pending sustainability goals from the state, county and city. At a minimum, development in the Plan Area will be required to provide stormwater treatment in conformance with the most current version of the San Francisco Bay Regional Water Quality Control Board’s Municipal Regional Stormwater NPDES Permit (MRP) Section C.3 and other applicable regulations. In an effort to meet long-term stormwater Green Infrastructure (GI) plan goals for the City, projects that do not meet the MRP’s “regulated project” definition requiring stormwater treatment shall strongly consider the installation of treatment measures or GI features in the design of the project.</p> <p>The City of Fremont will approve a GI Plan in compliance with Provision C.3.j of the MRP. Over the long term, the GI Plan is intended to describe how the City will shift its impervious surfaces and storm drain infrastructure from gray (traditional storm drain infrastructure where runoff flows directly into the storm drain and then to a receiving water body) to green (a more-resilient, sustainable system that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention and other green infrastructure practices to clean stormwater runoff). The design of GI features incorporated in any project in the Plan Area shall be in accordance with the GI guidelines, standard specifications, and typical designs included in the City of Fremont’s GI Plan.</p>	<p>Stormwater from the public streets will be treated using City standard or green infrastructure adopted treatment measures (e.g., tree well filters) installed at the face of the curb and will be accommodated on the public frontage of developments.</p> <p>Alternatively designed treatment measures may be used pending approval from the City. Treatment measure size may be adjusted to accommodate tree spacing and the impervious area being treated based on providing a planter box area equivalent to at least 4 percent of the impervious runoff area.</p> <p>Individual parcels will be responsible for their own stormwater quality treatment. It is anticipated that standard Best Management Practices will be implemented to provide stormwater treatment. Low impact development and stormwater treatment measures are required as part of the San Francisco Bay Regional Water Quality Control Board’s requirements.</p> <p>Low-impact development measures may include:</p> <ul style="list-style-type: none"> • Reuse of water. • Bio-infiltration areas. • Bio-retention areas. • Rain gardens. • Above grade or podium-level flow-through planters. • Green roofs. • Landscaped areas and tree planting. • Other methods.

Source: Urban Planning Partners, 2018.

C. LAND USE CONTEXT

This section provides information on the current and planned land uses within the Plan Area.

EXISTING AND PLANNED LAND USE BY SUBAREA

Five subareas and the Station site, shown in Figure A-6, have been identified to differentiate established residential neighborhoods from areas where TOD is appropriate. Three of the five subareas are identified as Secondary Areas of Influence because they contain single-family neighborhoods that will experience little change. The sections below discuss the existing land uses for each subarea and the land uses allowed by the General Plan and Zoning Ordinance.

OSGOOD SUBAREA

The majority of the Osgood Subarea is currently developed with a mix of light industrial uses and some single-family homes, although the portion closest to the station has been zoned for high-density multi-family housing consistent with the General Plan. Several high-density residential projects have been approved to replace existing single-family homes and construction materials yards. The southernmost portion of the Osgood Subarea is zoned for light industrial land uses.

TOWN CENTER SUBAREA

This business district is centered around the “Five Corners,” the intersection of Fremont Boulevard, Washington Boulevard, Bay Street, and Union Street that is considered the heart of Irvington. The Town Center Subarea currently includes shopping centers, banks, local businesses, and restaurants. This subarea also contains Irvington Plaza Park, the only public park in the Plan Area. The majority of the subarea is zoned Town Center-Pedestrian (TC-P), which provides areas for a mix of retail, service, office, and residential uses (as part of a mixed-use development) in a pedestrian-oriented setting.

SECONDARY AREAS OF INFLUENCE

The Station Area Plan does not focus on the Washington, High, or Roberts Subareas, which primarily consist of single-family homes and townhomes and some small-scale commercial uses. The character and development pattern of these subareas will remain the same.

HISTORIC RESOURCES

The Plan Area, and particularly the Town Center Subarea, is rich in historic resources, as seen in Figure A-7. The General Plan outlines the City’s goals and policies for historic preservation, emphasizing protection, adaptive reuse, compatibility, and documentation of historic resources. These goals are further reinforced through the Irvington Community Plan, Policy II-6.4: Historic Preservation in Irvington, which encourages “the preservation and adaptive reuse of Irvington’s historic buildings. New development should respect the scale and context of historic structures.”

The following section discusses existing historic resources in the Plan Area and the development review process required for proposed modifications or alterations (including demolition) of potential or identified historic resources, as outlined in the City’s Historic Resources Ordinance (FMC Chapter 18.275).

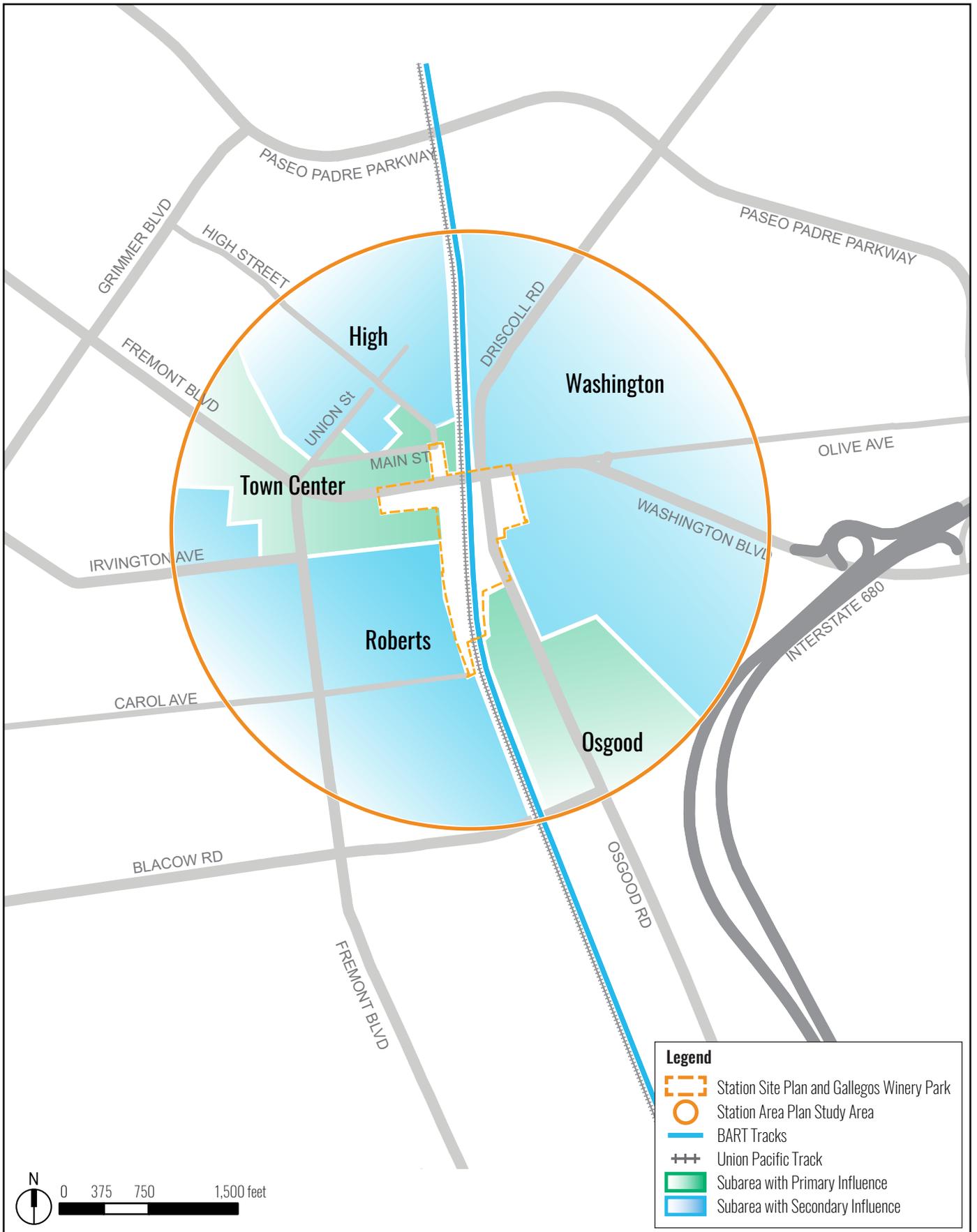


Figure A-6 - Area Plan Subareas



Figure A-7 - Key Fremont Register Resources/Potential Register Resources

Source: City of Fremont and Urban Planning Partners, 2019.

Under the Historic Resources Ordinance, any proposed modifications to historic or potentially historic resources require review (either by staff or the Historical Architectural Review Board) for compliance with the California Secretary of the Interior's Rules for the Treatment of Historic Resources and with the California Environmental Quality Act (CEQA).

EXISTING HISTORIC RESOURCES

The Fremont Register of Historic Resources is a local register of historic resources that was adopted by the City Council for the purpose of preservation planning. The following buildings/sites within the Plan Area are listed on the Fremont Register:

TABLE A-6 HISTORIC RESOURCES WITHIN THE PLAN AREA

Address/ Location	Common Name of Resource
Mission Creek	Laguna Creek; ACFC parcels
4000 Bay Street	WW Hirsch Building (Clark's Hall)
4032 Bay Street	Grimmer Residence
4071 Bay Street	Wright Home (A.O. Rix)
41004 Chapel Way	Odd Fellows Cemetery/Irvington Cemetery
40955-40961 Fremont Boulevard	Odd Fellows Hall
40979 Fremont Boulevard	O.N. Hirsch Building
40974-40986 Fremont Boulevard	Mack Grocery, Library, and Post Office site
40846 High Street	Hiram Davis home (Peixoto)
Lincoln and Union Street	Schoolhouse Site 1875
Lincoln and Union	Grammar School
3676 Union Street	Horner School Site (first Irvington school)
3400 Washington Blvd.	Gallegos Winery site and foundations
3996 Washington Blvd.	Old corners building site
Washington Corner	Early settlement site

Note: Property owners should consult with City staff for the most up-to-date list of Fremont Register Resources, as the City Council may designate additional buildings as Fremont Register Resources or remove buildings/sites from the list in the future.

Gallegos Winery

The historic Gallegos Winery was built in 1884 on a 600-acre site east of the UPRR track. At three-and-a-half stories and approximately 240 feet by 100 feet, the Gallegos Winery was considered the world's largest winery at the time of its construction. It also holds the distinction of being one of California's first wineries. The winery was condemned and demolished following the 1906 San Francisco earthquake. However, caves that were used to age the wine are still on site, as well as the original Canary Island date palm trees. Ruins from the winery wall and counterfort walls are also visible.



Photo 5. Gallegos Winery and grounds (Von Buskuh (?) pre-1906).

The impacts of the Irvington BART Station on the winery site were studied in the environmental review of the Warm Springs BART Extension. As part of that analysis, several conditions were established for the final design of the Irvington BART Station. These conditions ensure that the Gallegos Winery ruins and historic palm trees would be preserved, an appropriate barrier would protect the structural remains, an interpretive plaque would explain the history of the site, and any landscaping near the ruins would be compatible with the existing visual resources. Consistent with these requirements, the Gallegos Winery Site will be preserved, and the area surrounding the historic resource will be improved and opened to the public as a park. Site enhancements include interpretive signage, an observation area, uplighting to historic ruins and low-level pedestrian lighting along paths, landscaping consistent with the site's history, and a potential future connection to the Sabercat Interpretive Center.

As shown in Figure A-8, benches, picnicking, and other passive activities are envisioned near the historic palm trees. Curving pathways lined with interpretive panels and paving plaques will allow visitors to enter the site from Washington Boulevard, Osgood Road, and south of the winery and learn about the site's history. The signage and panels will describe the winery ruins, graded slope, palm trees, and Hayward Fault (which runs through the site).

To protect visitors from the fault line and to observe the Alquist-Priolo Earthquake Fault Zoning Act, a secure barrier will be erected to keep people away from the winery walls. An observation area near the winery wall will allow visitors to observe the architecture of the ruins from a safe vantage point. Overlooks are also proposed for the corner of Washington and Osgood Road and on Osgood Road near the new crossing to the Irvington BART Station.

POTENTIAL HISTORIC RESOURCES

Potential historic resources are those not listed on any official register—e.g., the National Register of Historic Places (federal), the California Register of Historical Resources (state), or the Fremont Register of Historic Resources (local)—but that have been identified as “potentially eligible” for such listing through a historic evaluation or on a California Department of Parks and Recreation inventory form. Such potential resources are protected under the City's Historic Resources Ordinance, and alterations are evaluated in the same manner as register resources.

The City maintains a database of properties/buildings that have been identified as potential historic resources. Property owners, applicants, and developers should consult with City staff in advance to determine whether a property is potentially eligible for a historic register and how to comply with the Historic Resources Ordinance.

HISTORICAL SCREENING EVALUATION (FOR STRUCTURES OVER 50 YEARS OLD)

Some structures/buildings within the Plan Area may not yet have been identified or analyzed for historic significance. In an effort to identify such items, all development applications within the Plan Area that involve structures or buildings over 50 years old must also include a historic screening application (FMC Section 18.15.160(b)). The City reviews these applications to determine whether additional research is needed to establish historic significance.



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 LANDSCAPE ARCHITECTS
IRVINGTON STATION / GALLEGOS WINERY SCHEMATIC SITE PLAN
 6/3/2019

Figure A-8 Historic Gallegos Winery Schematic Site Plan

REVIEW PROCESS FOR ALTERATIONS, RELOCATION, AND DEMOLITION OF POTENTIAL HISTORIC RESOURCES

Under the requirements of the City's Historic Resources Ordinance, any alteration, relocation, or demolition of a historic or potentially historic resource within the Plan Area requires historical architectural review. Table A-7 provides a summary for the level of review (depending on the proposed action) and findings for approval. This information is provided so potential applicants can anticipate the review process; however, applicants should still consult with City staff regarding the appropriate/applicable process for their project as well as specific submittal requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Projects that propose minor alterations for maintenance, preservation, or restoration and that demonstrate compliance with the Secretary of Interior Rules for Treatment of Historic Buildings could be considered exempt from CEQA, contingent on the evaluation of potential impacts in other issue areas. Physical demolition or relocation of a historic resource are considered substantial adverse changes under CEQA and would require preparation of an Environmental Impact Report.

ELEMENTS OF REVIEW

Proposed alterations to historic or potentially historic resources shall be reviewed for compliance with applicable rules and guidelines as well as for consistency with the Secretary of the Interior's Rules. Elements to be considered in review include architectural design, colors/textures, materials, height, scale, landscape, and compatibility with surroundings.

Summarized below are some of the key provisions of the Secretary's Rules that property owners, applicants, and/or developers should be aware of as they design for new additions or alterations to historic resources:

- The size, scale, massing, and proportions of a new addition should be compatible with the historic building to ensure that the historic form is not expanded or changed to an unacceptable degree.
- The new addition should be located as inconspicuously as possible, to minimize change to the form and character of the building and to minimize loss of exterior building materials and exterior features.
- Whenever possible, an addition to a historic building should be set back from the wall plane of the building to preserve the building's proportions and profile to the maximum extent possible.
- Materials, color, and detailing for a new addition should be compatible with the materials of the existing building, but should not attempt to replicate the materials. A visual distinction between the historic building and new addition should be made overall design harmony is maintained for the project.
- Additional stories should be set back from the roof edge to ensure that the proportions and profile of the historic building are not radically changed.

COMPLIANCE WITH SECRETARY OF THE INTERIOR'S RULES

A compliance evaluation prepared by a qualified architectural historian is required as part of the review process for alterations to historic resources. For additions to buildings designated as Register or Potential Register Resources, the Secretary's Rules state:

"...a modern addition should be readily distinguishable from the older work; however, the new work should be harmonious with the old in scale, proportion, materials, and color. Such additions should be as inconspicuous as possible from the public view."

TABLE A-7: HISTORICAL REVIEW PROCESS (FMC SECTIONS 18.175.240–300)

LEVEL OF REVIEW	STAFF	HARB	CITY COUNCIL	FINDINGS FOR APPROVAL
ALTERATIONS				
In-kind replacement of historically appropriate architectural features that are deteriorated or damaged beyond repair/preservation.	X			Consistency with Secretary of the Interior’s Rules.
Replacement/repair of roof covering materials, fences, walls, paving for driveways, walkways, or patios.	X			Consistency with Secretary of the Interior’s Rules.
Landscaping (where no other development is proposed and landscape features are not historic).	X			Consistency with Secretary of the Interior’s Rules.
Signs in areas with adopted sign guidelines.	X			Consistency with applicable design guidelines and sign ordinance.
All other alterations that do not fit within categories listed above.		X	X	Consistency with Secretary of the Interior’s Rules and other applicable rules/guidelines, compatibility with character-defining features, period of significance, and adjacent resources.
RELOCATION				
Potential Register Resource		X		No substantial damage or loss of integrity to resource.
Register Resource		X	X	
DEMOLITION				
Potential Register Resource		X		Retention of the resource would cause immediate and substantial hardship to owners because rehabilitation/restoration would:
Register Resource		X	X	a) Be technically infeasible; or b) Be disproportionately great relative to historic significance and functional value; or c) Leave property with no reasonable economic value; or d) Cause a hazard to other buildings.