

MEMORANDUM

Date: June 26, 2019

To: Planning Commission

From: Kristie Wheeler, Planning Manager
Wayland Li, Principal Planner

Subject: Irvington BART Station Area Plan – Response to Planning Commissioner Comments

Below are comments received from Planning Commissioners regarding the draft Irvington BART Station Area Plan on the June 27, 2019 Planning Commission agenda. For those comments where staff has indicated that a recommendation has been accepted, the Station Area Plan will be revised prior to consideration by the City Council.

	Commissioner Comment	Staff Response
1.	Clarify use of restrictive language within rules and guidelines: shall/should--"should" is ineffective in a rule; "prohibited"--a guideline cannot prohibit.	Design Rules use "shall" statements and Design Guidelines use "should" statements. As described in the Chapter 4 of the Station Area Plan (SAP), "Design Rules" are mandatory requirements that must be satisfied in new development unless the approval authority finds that the intent of the design rule is met by alternative means. "Design Guidelines" are not mandatory requirements, but provide a defined framework of the design principles that supplement the mandatory Design Rules. The approval authority should evaluate overall consistency with Design Guidelines as well as strict compliance with Design Rules.

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2.	Guideline 2.1.1 ..."To achieve...parking SHALL be accommodated..." This should be a rule that ties the podium or underground parking to the minimum 30 density.	For practical reasons, most urban residential developments will generally include underground or structured parking. However, requiring that urban residential parking be provided exclusively in a parking podium or underground is too restrictive. Small surface parking areas may potentially be necessary or preferable to take advantage of unbuildable areas (e.g., within earthquake fault zones, or easements which preclude the construction of buildings).
3.	Guideline 2.1.3 .."efficient access to parking structures SHALL be provided." Should be a rule.	Staff accepts recommendation
4.	Guideline 2.1.5 ..."OFF STREET loading spaces near freight elevators should be provided." Should be a rule.	Staff accepts recommendation
5.	Guideline 2.1.6 -- Is this not a rule set by the Bike Ped Master Plan?	The Bicycle Master Plan does not specifically require a separate entrance and pathway for bicycle storage facilities. This Design Guideline is consistent with the intent of the Bicycle Master Plan to encourage the development of convenient and functional bicycle parking facilities.
6.	Guideline 2.1.7-- Please clarify.	Access to parking, housing, and amenities all compete for space within the ground floor of an urban residential building. Urban residential projects should be designed to balance all of these design elements while creating the best possible

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		experience for residents and visitors. Active uses should be prioritized on the ground floor to promote a more pedestrian-oriented environment.
7.	Guideline 2.1.8 to Guideline 2.1.10 All would be most efficiently resolved within the parking garage. Should be a rule.	Staff accepts recommendation
8.	<p>Guideline 2.1.11 As a guideline, this is ineffective, especially when restricted to two vaguely defined areas. If the purpose of this mission is to define the TOD at IBART Station Area, then it is imperative that we remove the potential of building any more townhomes.</p> <p>Replace with Rule 2.1.11: Development of Townhouse/ Rowhouse style dwelling units is prohibited within the Irvington BART Station Plan Area as defined in “Figure 4-1 Applicable parcels for site and building design guidelines and rules in the Irvington Station Plan Area”.</p>	Staff agrees that Design Guideline 2.1.11 should be a Design Rule. With regard to where townhouse style housing would be prohibited, Figure 4-1 specifically defines the Osgood and Town Center Subareas. Thus, townhouse development would not be permitted within these two subareas on parcels that have a General Plan land use designation of Urban Residential or Town Center. The other subareas within the Plan Area (Subareas with Secondary Influence) contain land with Low-Medium and Medium Density Residential General Plan land use designations where townhomes are permitted on parcels zoned R-3 (Multifamily Residential).
9.	Guideline 2.2.10--Change to rule. Bike parking is required, not only to encourage cycling, but also to reduce theft and control potential hazards of randomly parked bicycles. “Bicycle parking SHALL be provided near building entrances...” This should be a rule, as should all guidelines referencing positions addressed in the Bicycle Master Plan. Many experts have spent a lot of time and money making the Bike Master Plan. We should use the resource.	Staff accepts recommendation
10.	Guideline 2.5.9. Change to rule. Falls short of making the requirement to provide opportunity for public gathering space/park space on the roof. The TOD will (one day) be a densely	Staff accepts recommendation

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	<p>populated area. As such, we must take every opportunity to build in the infrastructure that will give these residents large private/public gathering areas for recreation and relaxation. Therefore: "Parking structure roofs visible from dwelling units SHALL include canopy structures, green roofs, or usable recreation spaces. The structure shall provide sufficient stairway access points to the roof as well as elevator access. The top floor of the parking structure SHALL not be used for parking." Should be a rule.</p>	
11.	<p>Guideline 2.5.13. Change to rule. Though it is new for Fremont, unbundled parking commonly exists. Unbundled parking must be part of the TOD to make it successful. We can err on the side of the TOD. Make it a rule and then study it's success or failure. We already know that free parking works against the TOD. We cannot afford to wait.</p>	<p>Staff accepts recommendation</p>
12.	<p>Rule 2.5.15 "Vehicle drop-off for passenger loading must be designed...." Should also follow that the City shall provide designated drop-off access points to increase public safety and reduce driveway cuts.</p>	<p>The City cannot commit to providing a drop off area in the public right-of-way for every urban residential development within the Plan Area. There are many locations where there is insufficient room within the right-of-way for a drop off area without impacting bike lanes and/or sidewalks.</p>
13.	<p>Guideline 2.7.2 "Podium tops and roof tops SHALL be enlivened..." Again, should be a rule. See above.</p>	<p>Staff accepts recommendation</p>
14.	<p>Figure 4-11 Mixed -Use Residential Building Frontage Along Washington Street...Is inconsistent with the plan to have no parking on Washington.</p>	<p>Staff acknowledges that the figure was in error and will remove the illustration of a vehicle.</p>
15.	<p>Rule 3.3.8 "The minimum building height...." How difficult would it be to meet the density requirement given the height/depth restriction of 3 stories for the first 50 feet?</p>	<p>It would be feasible to build to 30+ dwelling units per acre on Main Street, as evidenced by the mixed-use demonstration scenario (Figure 4-20), which shows an example of a mixed-use development representative of a residential density of 35-55 dwelling units per acre on the block Main-Roberts-</p>

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		Union-Washington, which comfortably exceeds the minimum residential density requirement for a mixed-use development. Ultimately, parcel consolidation will be important on that block to achieve the minimum residential density, as well as the orderly site planning and quality design supported by the SAP.
16.	Rule 3.3.13. Additional restriction: "...parking structures are preferred over surface parking. Up to 10% of the buildable lot may be used for surface parking. It is recommended to use this area to accommodate passenger loading zones, handicapped parking, etc.."	The goal/intention of this Design Rule is the second part - "Surface parking is not allowed except for passenger loading zones and accessible spaces." Restricting a site to 10 percent surface parking does not speak to the usage and shape of the site, and may encourage inefficient site planning.
17.	Rule 3.3.14. Additional restriction: "...one entrance from the sidewalk is required and must be used as the main business entrance."	Staff accepts recommendation. However, individual business owners may not be able to control how customers access the building if a secondary entrance is provided.
18.	Rule 3.3.16 paragraph needs editing (does not make sense): "...Preservation of historic resources is important to honor the character of Irvington while incorporating compatible designs to continually refresh neighborhood character". <ul style="list-style-type: none"> ● "Design features...should be incorporated..." --If it isn't a SHALL, it shouldn't be a rule. 	Staff accepts recommendation
19.	Guideline 3.4.13. If the recommendation is to "Locate...whenever feasible," should be a rule because it already gives a conditional exemption.	Staff accepts recommendation
20.	Rule 3.6.8 Should be a rule without restriction as noted above. Please explain reasoning behind restricting the open space	Staff accepts recommendation

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	requirements to only structures lower than surrounding and including residential? It seems commercial could also benefit by giving one parent the opportunity to take kids to play while other takes care of business, shoppers to take a breaks, workers to eat lunch....	
21.	Guideline 3.6.12 Change to rule: "...green roofs, or usable places. The top floor of the parking structure shall not be used for parking."	Staff accepts recommendation
22.	Rule 3.6.17 Parking structure ramps shall include LIGHTED pedestrian pathways."	Staff accepts recommendation
23.	Rule 3.6.20 Separate out guidelines: "...Parking for retail is recommended...parking for residential uses is recommended...." Recommendations should not be made in a rule. Perhaps these could be separated out into a guideline??	Staff accepts recommendation
24.	<p>Creating this level of density in the IRVINGTON BART Site Area TOD requires that our TRANSIT be effective and reliable, a true TOD. If we put this plan into effect, developers will not wait for BART to purchase the land, amass all the funding, and construct the station before beginning to change the face of this site. Already, we have multiple high density projects underway in this plan area. As we know that the BART station will not be viable for at least another seven years, it would be irresponsible to put this plan in place without a readily available, real transit component. Therefore, the IBART SAP must include:</p> <ul style="list-style-type: none"> ● Immediate investment in convenient and reliable shuttle service to BART. It is key as we await the completion of the new Irvington BART station. ● Shuttles should run in frequent loops from an accessible and non-intrusive point (e.g. Safeway parking lot at Roberts and Washington) to BART stations. ● Shuttles should run to Warm Springs BART in the AM and Fremont BART in the PM to avoid delays due to traffic congestion <p>Without the real TRANSIT in the TOD, we have nothing but over development where all our worst fears of gridlock will be realized.</p>	<p>It is important to note that the SAP does not propose any changes to the General Plan or Zoning that would result in more density within the Plan Area than what is already permitted. The SAP proposes Design Rules and Design Guidelines to ensure high-quality building and site design that connect Plan Area neighborhoods with the future Irvington BART Station.</p> <p>There are currently two AC Transit routes in the area that connect to the Fremont BART Station - 212 that runs along Fremont Boulevard and 215 that runs along Osgood Road. Line 215 on Osgood Road also connects to the Warm Springs/South Fremont Station. Therefore, there are transit connections in</p>

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		<p>Irvington to the existing BART stations. Providing additional shuttle service beyond the existing routes is not something the City can commit to at this time. The City does not have a sustainable source of funding for this and any additional service provided by AC Transit would require a like amount to be removed elsewhere in the City as AC Transit only provides the level of service in Fremont and Newark that those two cities generate in taxes.</p>
25.	<p>The "small park" at Fremont and Union...please identify the exact location. Will it be on Fremont Blvd? I don't see that Union actually comes to Fremont Blvd (it connects to Main, and Main hits Fremont). If not, how does it increase the vibrancy of that center (5 Corners) area?</p>	<p>Fremont Boulevard does intersect with Union Street at the Five Corners intersection. A small open space area could be provided in the right-of-way, or a larger open space area integrated into a new development. The General Plan is not specific about the size or design of the open space area at this location, only that it complements the plaza across the street.</p>
26.	<p>Why is Main/Bay being considered the "main" corridor? Main Street now has no significant buildings and will essentially become housing. According to the plan, it will be 3 stories stepping back 50' to higher density. Fremont Blvd and Washington with the commercial already present is the objective commercial corridor.</p>	<p>Main Street and Bay Street are designated as "Main Street corridors" in the Community Character Element Place Type Manual. As described in the General Plan, "Main Street corridors have very limited application in the Town Centers and are intended to enhance the historic retail district in which they are located.</p>

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		<p>These corridors typically have two travel lanes and on-street parking. Public transit is common along these corridors. Bike lanes or routes are provided. Streetscape furnishings are common as well as landscaping, public art and other pedestrian and transit amenities. Buildings are located along the street to further enhance the pedestrian environment.”</p> <p>Main Street is designated Commercial Town-Center in the General Plan. Residential uses are only permitted as part of a mixed-use development. Main Street is also anticipated to be activated with more pedestrian activity with the development of the Irvington BART Station, as Main Street will serve as a connection between Five Corners and the BART Station.</p>
27.	<p>According to Appendix A: Planning and Policy Context CITY OF FREMONT GENERAL PLAN, "The Plan Area is designated as a TOD because it is within a 1/2 mile radius of the Irvington BART Station". Then it goes on to make exceptions. "...only applies to properties with underlying land use designation in one of the seven commercial and industrial classifications or the Urban Residential Designation."</p> <ol style="list-style-type: none"> 1. As we are planning for the future, and not defining the present much less the past, we should be planning for the future of the entire footprint of the half mile radius. 2. The current uses are not forced to change UNLESS there is a change to the use. Why should a lot on Washington or Middlefield (which is closer to the proposed BART station than much of Fremont Blvd.) be allowed to subdivide to 	<p>To be clear, the language in this part of Appendix A is describing the General Plan, not the SAP.</p> <p>The General Plan anticipates a mix of land uses around transit hubs. Universally applying the development intensity requirements of the TOD Overlay District to every parcel within ½ mile radius of a transit hub does not account for neighborhood</p>

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	<p>town homes, or combine lots to build one mega home for that matter, within a TOD? The same rules should be evenly applied to all parcels within the designated site because we do not know what will happen in the future. All residences within the TOD are by definition going to be Urban Residential.</p>	<p>context, or other competing goals, such as preserving the character of existing single-family neighborhoods.</p> <p>Parcels not within the TOD Overlay District are still carefully planned and regulated through planning documents such as the Zoning Ordinance, Multifamily Residential Design Guidelines, Citywide Design Guidelines, and General Plan Community Character Element Place Type Manual.</p>
28.	<p><i>Guideline 2.1.11. Townhouse style developments are prohibited within the Osgood and Town Center subareas.</i></p> <p>REPLACE WITH - RULE 2.1.11 Townhouse style developments are prohibited within the Irvington BART SAP.</p> <p>Guidelines are by nature merely recommendations. To prohibit with a guideline is to invite exceptions. Make the prohibition a rule.</p> <p>Townhouse developments are inherently opposed to the TOD concept, and must be prohibited by rule throughout the SAP. Plenty of Single Family Residences already exist within the station area radius. We should allow no further construction of these counter-productive developments. This is a re-enforcement of Guidelines 3.1.1 and 2.1.1 as well.</p> <p>The entire radius of the Irvington BART SAP is a TOD. Specifying the Town Center and Osgood subareas for a townhome prohibition is essentially a redlining of the area. For example, the Town Center subarea in particular is markedly more traditionally "blue collar" in aspect than the Washington subarea. These allowance differences exacerbate division in the Site Area. The entirety of the Irvington BART SAP is essentially being upzoned to permit increased density. NO TOWNHOMES IN THE STATION AREA PLAN, please.</p>	<p>Refer to responses to Comment 8 and Comment 27.</p>
29.	<p><i>Guideline 2.5.13. Property owners are encouraged to unbundle the cost of parking from the cost of housing, consistent with</i></p>	<p>Refer to response to Comment 11.</p>

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	<p><i>applicable city parking standards.</i></p> <p>REPLACE WITH - RULE 2.5.13. The cost of parking shall be unbundled from the cost of housing within the TOD, consistent with applicable city parking standards.</p> <p>The fundamental notion of the TOD is as a planning tool to vigorously promote the availability of non-automotive transit options at an intermodal hub. Separated rental parking is an urban commonplace, and our transit districts should, as a rule, require unbundling. I can think of no amount or type of encouraging or enticement which would get the results we'd like to see as much as a rule would.</p> <p>These two changes would allow the Irvington Station Area a chance to perform as an actual TRANSIT-ORIENTED DEVELOPMENT. Without them, we would be inviting land speculation and enabling auto-centric development within the Irvington BART SAP.</p>	
30.	<p>At our last meeting, Mr. Li put forth the idea that this station area plan would be workable even in the absence of a BART station. I disagree.</p> <p>Imagine the scene on Washington at 680 if even a partial buildup of 70 unit per acre developments were to rise up in the center of Irvington without a BART station.</p> <p>I suggest that this plan be reviewed annually with a complete re-consideration at the time of the proposed BART groundbreaking in 2023.</p> <p>The Irvington Bart Station as a functioning intermodal hub is seven years away by best case scenario. Meanwhile, development within the proposed SAP proceeds apace.</p> <p>If the Station Area Plan is to go into effect upon passage by Council, a transit option MUST be provided in the interim between the Plan implementation and the first train out of the new station. The proposal of a shuttle to existing stations seems an unavoidable stop-measure.</p>	Refer to response to Comment 24.
31.	It has been suggested that this Irvington BART Station Area is largely unsuitable for business directions such as office-based tech business development, light industrial, or nearly any type of business beyond street level retail in service of the residents of the high density housing at the core of the SAP. This perspective	The Irvington Town Center is an established neighborhood shopping center, and is designated Commercial-Town Center in

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	<p>paints the Station Area as a mere “feeder residential” neighborhood, supplying workers to other cities and centers located a BART ride away from Irvington. This seems short sighted, and at odds with the idea that mass transit can produce an activating effect upon its nodes of access. The new station is an opportunity to envision bringing a range of business types to Irvington by providing business developers with just such access - to both people and space around Five Corners and the BART station.</p> <p>I would request Planning staff suggest a rule or guideline which would promote tech/office-oriented economic potential within the Station Area via the inclusion of office space within the Irvington BART SAP, which is to be a Transit-Oriented District.</p>	<p>the General Plan, which typically supports local services, retail, eating and drinking establishments, and civic facilities. However, this does not preclude the development of office space as a component of a mixed-use project, either in a vertical or horizontal configuration. The mixed-use development scenario in Figure 4-20 shows an example of office space integrated into a horizontal mixed use development.</p> <p>There is already a strong emphasis on research and development in the Warm Springs/South Fremont Community Plan Area, which is not far away and where the surrounding land uses and available sites are more appropriately sized for office uses.</p>
32.	<p>Can someone summarize the changes to the current SAP from the previous one after all the suggestions and questions that we posed from the last meeting on this subject?</p>	<ul style="list-style-type: none"> • Corrected Figures 4.20 through 4.24 to show correct street conditions, including the removal of wheeled trucks on Main Street and Washington Boulevard, replacement of on-street parking with bike lanes on Washington Boulevard, and placement of sharrows on Main Street, High Street, and Roberts Avenue. • Added Design Rule 2.5.15, which requires drop-off areas for

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		<p>passenger loading to be designed to "minimize conflicts with pedestrians, bicycles, and traffic."</p> <ul style="list-style-type: none"> • Amended Design Rule 2.5.10 to include adequate lighting for parking structure ramps. • Added Design Guideline 2.1.11, which prohibits townhouse style developments in the Town Center and Osgood subareas. • Amended Design Guideline 2.7.2 to include community event areas as a podium top and roof top amenity. • Amended Design Rule 3.3.8 to specify buildings on Main Street are limited to three stories in height for the first 50 feet of depth. • Amended Design Rule 3.3.13 to emphasize that parking structures are preferred over surface parking. • Amended Design Rule 3.3.16 to require new buildings adjacent to the Leal Theater be stepped back. • Amended Design Guideline 3.4.12 to specify mechanical equipment for restaurant spaces be designed to include

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		<p>“venting, grease traps, and properly sized sewer and water lines.”</p> <ul style="list-style-type: none"> • Added Design Rule 3.4.14 to require a minimum uniform depth of 50 feet for commercial spaces. • Amended Design Rule 3.6.22 to require the pedestrian pathway to connect people from parking areas to commercial spaces be well-lit.
33.	Is it necessary to build to 65 feet in height or can we propose a lower height restriction since many buildings in the area are much less in height?	To achieve minimum density requirements of 30+ dwelling units per acre within the TOD Overlay District, it would be difficult to require lower height restrictions.
34.	There was a discussion of having a Navigation Center at a BART location at the City Council meeting. Will this BART location be part of the Navigation Center discussion?	There is a City-owned parcel near the future Irvington BART Station that may be discussed at the July 9, 2019 City Council meeting regarding the proposed Navigation Center.
35.	In section 4, Site and Building Design, page 80, Rule 3.3.16 states, “New buildings shall not replicate the exact architectural style of the Leal Theater building or other historic resources or potential historic resources in the plan area.” Does that mean we are not able to blend modern architecture to closely match the existing architecture that is currently in the SAP?	This rule is intended to complement one of the principles of the Secretary of the Interior’s Standards for Treatment of Historic Properties, to encourage new development adjacent to historic resources to be readily distinguishable from historic buildings while still being harmonious in terms of scale, proportion, materials, and color. A balanced contrast helps historic buildings stand out

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		and allows new architecture to be “of its time.”
36.	Exhibit C, Appendix B - Community Feedback appears to be blank. Is this intentional, or am I missing something?	This was unintentional. Appendix B is attached to this memorandum. The online version will be updated.
37.	Regarding the disposition of rules, are there considered to be exceptions which when brought before Planning or Council can be granted in certain cases? How much leeway is generally permitted for a developer’s plan to be allowed to violate a rule?	As noted in response to Comment 1, “Design Rules” are mandatory requirements that must be satisfied in new development unless the approval authority finds that the intent of the design rule is met by alternative means
38.	Wheelchair accessibility should be explicitly addressed in the SAP.	Staff accepts this recommendation. Chapter 3 (Access and Mobility) will be amended to identify wheelchairs as a mode of transportation, and note that the Irvington BART Station, as well as surrounding infrastructure, will be designed in conformance with the requirements of the Americans with Disabilities Act, which includes wheelchair accessibility.