

Public Comments received between 2/13 and 2/18/2020

Comment #1

From: Michelle Powell [mailto:]

Sent: Thursday, February 13, 2020 6:07 PM

To: Lily Mei; Raj Salwan; Rick Jones - Councilmember; Teresa Keng; Vinnie Bacon; Jenny Kassan; Yang Shao; Hang Zhou

Cc: Craig Steckler

Subject: RE: General Plan Amendment for 34600 Niles Blvd. - OPPOSE

Councilmembers,

I am writing in opposition to a General Plan Amendment request for changing the zoning at 34600 Niles Blvd. from Open Space - Private to Residential - Low, medium, or high - whichever options the owners seek. There are several reasons for my opposition:

- Let's just call this situation what it is: The current owners bought a piece of property in Fremont at a very low price, and now claim the property is "worthless" unless the City increases its value for them by changing the zoning. There is no guarantee that the current owners will not flip the property immediately after the City exponentially increases its value for them.
- At the time of the Planning Commission meeting, the current owners claimed that not allowing development of the land would be a "taking" by the City. The owners purchased the land in its current zoning; therefore it cannot be seen as a "taking." They had full knowledge of the zoning upon purchase. It is disingenuous to say that the City is interfering with the new owners' ability to enjoy their property or make money from their property when they knew exactly what they were purchasing.
- At the Planning commission meeting, a COF staff attorney noted that staff has discussed possible uses of this private Open Space that could be an asset to the community. There are more options available than simply leaving the space as-is, but leaving the zoning as-is is of value to the community as well. Staff input on possible uses of private open space should accompany this decision.
- I have read the owners' claim that development will rid the property of homeless encampments. While that may be true for the property itself, it won't rid the surrounding area of the homeless and whatever trash or fire dangers their presence entails. They can simply move to the tracks right next door. Changing a city's General Plan due to claims that the new zoning will rid a small area of the homeless seems pretty extreme. So does removal of mature trees that are tied to the City's history in exchange for minimal units of affordable housing if higher density with a percentage of affordable is offered as a reason to allow the GPA.
- The trees on this property were part of the original California Nursery. Although they are not part of the park, the open space this property provides is a visual adjunct to the future park plans, and certainly adds value as-is to the surrounding community.
- Even if the owner claims that no "net" trees are lost due to replanting, the trees that will be lost forever are likely more than a century old and connected to a business that was integral to the area - enough so that a park celebrating it will be across the street. It would be a shame to lose mature trees with this kind of provenance in a historic district for the paltry percentage of "affordable" housing that may be created - possibly two units?
- The City recently used eminent domain to "take" property belonging to the owners of Dave's Auto Repair and seal off their driveway onto Nursery Avenue in the future in order to create enough space to satisfy Union Pacific Railroad's requirements for the "Quiet Zone" that the City has purportedly been working on for years. Wouldn't a "taking" of property on the other side of

the tracks be a possibility? Would the city then be “taking” a portion of one proposed unit’s parcel?

- The original configuration of the property owner’s development plans show a driveway going out to Nursery Ave. just across the tracks from Dave’s Auto Repair’s “taken” property. Trying to get in or out of that driveway during commute times would be pretty difficult, and would further congest a very heavy through-traffic pattern on the short street.
- Wouldn’t residential development interfere with future plans to widen Nursery Avenue for funneling more traffic?
- The corner of Niles Boulevard and Nursery Avenue is a commuters’ Wild West show every morning and evening. There’s little traffic monitoring in the area, and people behind those who have actually stopped for red lights have no qualms about pulling into oncoming traffic to go around them and through the intersection. Drivers turning left onto Nursery when the light is red block the intersection with impunity. Those turning right onto Niles Boulevard from Nursery on a red light don’t worry about checking for oncoming traffic - they practically dare drivers traveling toward Union City on a green to hit them. Even if the development plans change to higher density with one main driveway, that’s potentially up to four cars per unit needing ingress and egress to Niles Blvd. It will still snarl traffic just as much as the original plan’s four driveways.
- Whether one or the original proposed four driveways going out to Niles Boulevard, they will further snarl up an almost untenable situation as homeowners try to turn left into them when coming from the BART bridge toward Niles, to the right or left out of them, or complete a U-turn of sorts to access them, depending of what new “Vision Zero” or other traffic measures are applied. If levels of traffic service were still graded A to F, this spot would be a Q, and sometimes a Y.

I sincerely hope Council will deny this General Plan Amendment request.

Thank you,

Michelle Powell

36966 Niles Blvd.

Comment #2

From: KATRINA [mailto:]

Sent: Sunday, February 16, 2020 9:20 AM

To: Hang Zhou; Lily Mei; Raj Salwan; Vinnie Bacon; Teresa Keng; Rick Jones - Councilmember; Yang Shao; Jenny Kassan

Subject: SAY NO TO CHANGE IN ZONING - Niles Blvd. and Nursery Ave.

How many green spaces is the City of Fremont willing to sacrifice to line its pockets with developer money?

Everywhere I look, high density housing is overtaking every nook and cranny of our city. Where are the green spaces that are being developed to accompany the added population. Why is Fremont allowing less street set back? Where is the improved public transportation, human services, schools, roads.....in general, infrastructure to support the development?

What is the environmental impact? How is Fremont addressing global warming.....by removing trees and farms?

Why can this high density housing get constructed so quickly and DOWNTOWN FREMONT take 20+ years and not be done?

What is the Section 8, low income housing that Fremont is requiring of all of the new development? Is there any?

How can our teachers, safety officers, healthcare workers, and minimum wage service providers live here?

How can single mothers like myself continue to live here?

How can other, less strategically located cities with a smaller tax base be so family/community focused and thoughtfully planned than Fremont?

Please honor your commitments and preserve our green space.

Katrina Dyrby

Comment #3

From: The Cavettes [mailto:]

Sent: Sunday, February 16, 2020 7:14 PM

To: Lily Mei; Raj Salwan; Vinnie Bacon; Rick Jones - Councilmember; Teresa Keng; Jenny Kassan; Yang Shao

Cc: Joel Pullen; Hang Zhou

Subject: Rex Homes Trees Part of Original CA Nursery

Mayor and Councilmembers,

I apologize for not seeing this earlier.

The Staff Report on Rex Homes GPA speaks of trees being transplanted to the site as part of the 1971 PD. However, the current trees appear to have been there since the beginning of the California Nursery. See attached aerials.

So the remark about transplanting may not matter to this GPA Screening Request.

Staff Report (ID # 4008) Meeting of February 18, 2020 "In an effort to preserve trees to the maximum extent possible, the City Council also required that 19 individual trees (not landmark or heritage) and a grove of 50 taxus trees be transplanted from the California Nursery to the proposed project site. Based on the tree survey provided by the applicant, there are 35 trees currently growing in eight rows on the site, which could be an indication of transplantation. However, no record has been provided to confirm whether these trees were transplanted."

Regards,

Alice Cavette

Comment #4

From: [mailto:]

Sent: Monday, February 17, 2020 8:31 AM

To: Hang Zhou

Subject: Proposed Niles Blvd general plan amendment

Importance: High

Good morning,

When is enough, enough? We have open spaces for purposes of open space. When an owner of a property decides to purchase or own a property knowing it is designated as open space then request a general plan change to build and remove the beautiful trees on this property it is just wrong. We have just about used up every open space in Fremont. We do not have any more food produced on Fremont farms for the sake of housing. Traffic at this intersection is difficult to get in and out of my neighborhood already. I am NOT in favor of a general plan amendment change taking away the open space.

Theresa DeAnda

Fremont/Niles resident

Comment #5

From: Nat [mailto:]

Sent: Monday, February 17, 2020 9:18 AM

To: Hang Zhou

Cc: Vinnie Bacon; Raj Salwan; Lily Mei; Rick Jones - Councilmember; Teresa Keng; Yang Shao; Jenny Kassan; Nathaniel Skinner

Subject: Oppose Niles Blvd General Plan Amendment

Mr. Zhou and Fremont City Council Members,

I am writing in the strongest opposition to the general plan amendment being taken up for Niles Blvd and Nursery.

These overly large houses will destroy some of the little remaining character after years of overdevelopment in the city. They will destroy some of the last remaining greenspace along Niles Blvd. You bear a moral obligation to stop this destruction and begin holding accountability for rampant development in Fremont.

The new owner and the developer they have hired are trying to engage in naked profiteering at the expense of our community. They have misrepresented facts in their application to the general plan amendment, and want to develop eyesores not in the character of our community.

Turning to the misrepresentations, I am encouraging you to conduct an investigation into both the new owner of the property and Hogan Land Services for materially misrepresenting facts in their application.[1] There can be no regulatory taking for a property that has been listed as private open space decades ago which the more recent purchaser would have been reasonably well-aware-of at the time of purchase.

The most recent listings show that the land cannot be developed. Alameda county tax records show the land as "Vacant Residential Land Zoned 4 units or less." There is no proposed change in regulation, ergo there is no regulatory taking that would have influenced this investment decision. On this basis alone the city must deny the application.

Stop the greed, stop the overdevelopment, hold people accountable, and deny this general plan amendment. Act in the interest of Fremont.

Nat in Niles

Nathaniel W. Skinner, PhD

Comment #6

From: LJaynes [mailto:]

Sent: Tuesday, February 18, 2020 12:14 PM

To: Hang Zhou; Lily Mei; Raj Salwan; Vinnie Bacon; Teresa Keng; Rick Jones - Councilmember; Jenny Kassan; Yang Shao

Subject:

Dear Council,

The proposed project at 34600 Niles Boulevard was rejected by the Planning Commission for many good reasons. The proposed amendment does little, if anything, to address the issues. That location is hazardous enough as it is, with one death recently. Adding more housing and a driveway onto Niles Blvd will just make matters worse. Moreover, amending land use designations under the General Plan to placate property owners is wholly inappropriate. It is not wise to buy property designated as open space and expect it to be changed to allow housing and it is not the job of the council to ameliorate ill-advised investment decisions.

Best regards,

Lorna Jaynes