

Shape Our Fremont

State Forces Approval of Housing Projects -- and Not Just for Affordable Housing

Last fall, the State of California passed several laws that together are referred to as the Affordable Housing Bills. Generally, they are meant to expedite the construction of Affordable Housing projects for those of Moderate Income or below. Projects that conform to the objective standards set by a city, and that have no health and safety concerns, must not be denied nor have conditions placed upon them that would lower the density or make them financially infeasible to build. The penalties set by the State are very high.

Benefits High-end Projects

However, these same rules apply to housing projects for those in the Above-Moderate Income range. These too must be approved even if they have no units designated for Affordable Housing. Fremont has approved well over 400 percent of its state-mandated housing quota for the Above-Moderate level. While housing that is affordable will benefit from these bills, local control over high-end projects has also been constrained.

Conforming Projects

Conforming housing projects are those that follow the Land Use and Zoning regulations like density, setbacks, heights, etc. In Fremont, they go to the Planning Commission for approval of a Design Review Permit (DRP). In the past, the commission had some ability to condition the projects to improve the layout, density, etc. and had some subjective reasons, like not fitting the Community Character of the neighborhood, to deny them. Now they can only condition minor things like color palette or siding material.

Unlike conforming projects, developments that propose a Planned District, require a General Plan Land Use Designation Amendment, or require other legislative action like rezoning, are not subject to these new rules. These types of developments must be approved by the City Council and often involve subjective decisions.

Some Examples

Several large projects have recently been submitted for Preliminary Review Procedures (PRP). This is a preliminary review of the plans to give the developer feedback as to whether its plans would be acceptable. If these projects are submitted later in the year as formal applications for a conforming Design Review Permit, the City and the residents basically have no say on their approval (providing that they have no health and safety issues.)

247 apartment units are proposed for the vacant lot adjacent to Paragon Apartments. The Fore Property Company submitted the 3515 WALNUT AVE APARTMENTS PRP with plans for a parking structure wrapped with five stories of residential units. The City Staff Planner is David Wage at dwage@fremont.gov

84 residential units in a six-story mixed-use building are proposed in the 3411 CAPITOL AVE MIXED-USE PRP. This lot is where the Schoeber's Athletic Club used to be located at the intersection with Liberty St. SPSD Developers LLC plans for a two-level, at-grade parking garage, and 14,400 sq. ft. of retail space. The City Staff Planner is Steve Kowalski skowalski@fremont.gov

303 apartments above retail in a six-story building are proposed for the HUB at the corner of Fremont Blvd. and Mowry Ave. The FREMONT HUB MIXED-USE PRP was submitted by KIMCO. The City Staff Planner is Joel Pullen at jpullen@fremont.gov

Another Dilemma

If a developer purchases land that is currently slated by the City for Affordable Housing and they apply for a conforming but high-end project, not only will we have to approve it but we will have to designate an equal amount of land somewhere else in Fremont as for Affordable Housing. Fremont currently only designates such land by setting the required density very high. Unless the City finds another way to reserve land for Affordable Housing, we'll be in a bind.

What Can We Do?

The State could amend these new bills to limit their restrictions to housing projects that really are affordable. Contact your State representatives and ask them to work on your behalf to change the law. The California Building Industry lobby is strong and State representatives will have a tough row to hoe. Without your support, Fremont may not be able to say "No" again.

State Senator for District 10 Bob Wieckowski - Contact information at: sd10.senate.ca.gov

State Assemblymember for District 20 Bill Quirk - Contact information at: a20.asmdc.org

State Assemblymember for District 25 Kansen Chu - Contact information at: a25.asmdc.org