

## This is not a City Park

### Frustration

He had just spent a few months trying to understand what the Planning Department would, or would not, allow him to do with his property, and was completely frustrated. He knew I could help, as I lived in the neighborhood.

“ Hi, I’m Page...we’ve talked a few times during the Flee Market... right , right... you’re the architect with the cool addition to the house that you can see from the alley. I’ve been meaning to talk to you; How did you do that?”. I tried to talk to the City, but they were no help; actually I felt they were trying to stop me from doing anything right for Niles.

### Inappropriate Zoning Regulations



*This is not Public Property*

In all cities, understanding zoning regulations is very simple - but not in Fremont. To clarify; Niles is a 140 year-old town which is now governed by a 50 year-old Suburban new-town, Fremont. This new-town has plenty of zoning regulations for track houses and strip shopping malls, but nothing for this 1800’s town which was laid out, based on lot sizes of 50’ x 150’ with street frontage and alley access. Instead of developing a few zoning regulations for this original town, the City of Fremont resolves this problem by classifying all properties- existing and non-compliant, and then requires property improvements to be based on a standard suburban tract-house : 2 car garage in front, stumpy proportions, no relation to history, but strongly encourages - beige.

So, when a unknowing home owner visits the Planning Department, this is the conversation: 50 foot wide lot are too narrow, we require a minimum width of 65 feet to fit the two car garage. The existing house is too close to the side property line, so when you plan the addition you must off-set the new plan to comply with our requirements. The existing house needs a garage, and we will not allow you to use the alley to get to the garages, so you will need to eliminate your front garden in install a driveway.

To make it more confusing, Fremont has declared Niles as a historic district but still refuses to draft any specific zoning regulations which would support its historic development patterns, providing the community with simple building parameter to maintain the character of the area. In fact they actually have gone in the opposite direction and in 1997 they changed minimum lot size from 6,000 s.f. to 8,000 s.f., which put 75% on the houses on the substandard list and requires everyone to get a variance to do anything to their property. All of this inconsiderate behavior is very damaging to the historic character of Niles, and makes one think that the City is trying to suck the life-force out of it, rewrite its heritage and make it suburban.

This is just not acceptable! - to anyone in Niles - and is why I smiled when Page declared his frustration with the Fremont Planning Department; Page was not going to give in.

“So, how do you do it? How do you accomplish anything good?”

### **Now Everything is Historic**

Fremont has been so remiss for so many years in shepherding its historic resources, that when it finally established its historic regulations, it completely overreacted with policies that can't differentiate between preservation and conservation. To them there is no difference. Only those who rehabilitate old buildings know the financial impact of these words, but that is of no care to the City. So what they do, out of lazy ignorance, is to declare every building that is older than 50 years - historic, which requires an historical evaluation prior to any planning or building permits. Fremont was incorporated in 1956, so everything is now historic. They say they are trying to rectify their mistakes from the past, where historic buildings were demolished with their approval. The simpler solution would be to actually know what they value historically, and then take action to protect those resources.

### **This is not a City Park**

So Page, what are your problems, needs and desires. What do you want to do?



*This is not a City Park!*

“O.K., let me see if I can explain: I'm sick-and -tired of maintaining my property as a city park for the pleasure of the neighborhood. This house is ridiculously small with buildable land all around it. It takes a lot of work to maintain it and all I get out of it is ... people staring at me through the windows. I have to keep drapes shut all the time, its dark, - I'm a captive in my own house. They always say how much they enjoy the pastoral setting... well you know, I think I'm entitled to some of that also - after all, I do pay for it.”

“ So, I would like to build a little Garden Cottage with modern conveniences, at the edge of the alley that looks back at the house. I want some privacy, light and to be able to live outside as much as I can.”

“Also, this is actually a duplex. The room in the attic has a separate entrance, see the deck on the other side. There is an incredibly inadequate kitchenette up there, but it qualifies. This is a great piece of property because of this additional rental income.”

“I would just rather live in something new and contemporary, I work in the Digital Film Industry up in Berkeley. Oh, yea, the City told me that this house has some type of historic significance.”

These were rational ambitions.

## Living in the Garden



*The Garden Cottage Entry*

The plan, it made sense. We just needed to make sure the property remained a duplex to retain its unique value. The existing house would have to be decommissioned into the Unit #1 on the property. This would be simple, all we have to do is remove one of the Kitchens. The new structure - the Garden Cottage - would be Unit #2 and where they would live.

So this is what we planned for:

1. Retain the upper floor of the existing house as Unit #1
2. The lower floor of the existing house would be usable space for the new Garden Cottage. In the future, the floor could be converted to Digital Studio space (in-house office) for Pages fledgling film career.
3. The Garden Cottage (Unit #2) needed the following:
  - The main entry to the Cottage would be at the sidewalk, through a garden gate. This is where the address, mail box and door bell would be.
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  - The space between the new and old building would be unplanned - an empty canvas for their gardening passion.
  - One car garage also built-out as large screen film preview room for first showings.
  - All the living space would be on the ground floor: Kitchen, Living Room, Dining - a studio environment.
  - On the second floor: an adequately sized Master Bed Suite to include an outdoor Room; more than a deck, but not enclosed - a California Room.
  - Other outdoor amenities should include: an outdoor sink and countertop near the herb garden and portable grille (outdoor kitchen) and the laundry room, let's put it outside under cover; that would really enhance the outdoor living experience - like hanging up the laundry in the wind like we used to.
  - Sustainable design: green materials, flow through ventilation, southern overhangs, north facing windows, and no air-conditioning.



*Unique and Simple for Niles*

## Standing Up for Your Values

The project gets submitted to the planning department. Because of the City's lack of appropriate zoning regulations for this 1800's town, the design technically needs about five zoning variances because it is not a standard tract house. One could only imagine the contorted faces being made as they look at the design: It takes about a month for a response.

Their review comments claim that the design is not compatible with Niles and we can not use the alleys to get to the garage unless we prove we have the legal right to use them: What planet is the planning department from? They have the

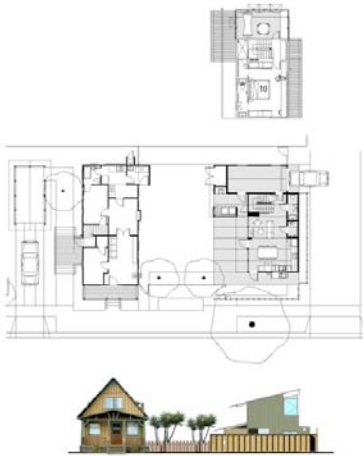
audacity to suggest we redesign the whole project so we do not have to use the alleys: But, we want to use the alley because they actually make Niles the unique place that it is.

What causes this divide between the planning department and the public? Is it really a cultural issue? Town vs. suburb? Apathy? Lack of historic stewardship? None of this makes any sense until one understands the breadth of the planning department: Few have city planning degrees, and many are educated only in public administration. A few years ago the head of the planning department resigned and the position remained open. Even the assistant-director of the department was not interested in the position: Not good.

After learning the disturbing facts about the planning department, it was clear that we need to craft our own method of maintaining the design of the project, which we felt, strongly supported the historic character of the neighborhood.

Our reply to the City was, "...We are not going to redesign it and we intend to use the alley". We accomplished this by proposing that the required parking space for the Garden Cottage would be provided by construction an open carport on the opposite side of the original structure, and the garage in the Garden Cottage which is accessed from the alley will be covered by a fence. This complied with their regulations and we received the necessary planning approvals.

So, what about the alleys? Well this resulted in ALLEY TALK.



*Standing up for your values*

Paul Welschmeyer, AIA  
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