Project: ST. JOSEPH'S RECTORY- (PLN2007-00106)

Proposal: To consider a Planned District Minor Amendment/HARB Review for relocation of the existing rectory (from its present location on Mission Boulevard to a new location on realigned Monticello Terrace located in the Mission San Jose Planning Area.

Recommendation: Approve based on findings and subject to conditions of approval.

Location: 43138 Mission Boulevard in the Mission San Jose planning area. APN(s) 513-0401-072-00 (See aerial photo next page)

Area: 3,835 square foot existing rectory and 696 square foot detached garage on a portion of the 13 acre site.

People: Steinberg Architects, Applicant
Clementine Mainini, Agent of Applicant
Roman Catholic Bishop of Oakland, Owner
Jeff Schwob, Staff Planner (510) 494-4527; jschwob@ci.fremont.ca.us

Environmental Review: A Mitigated Negative Declaration was previously adopted for the project.

General Plan: Residential, Low Density 2-3.5 units/acre, Historic Overlay and Primary Historic Resource

Zoning: P-2001-34(H), Mission San Jose East Planned District (Historic Overlay)

EXECUTIVE SUMMARY:

The applicant is requesting a Planned District Minor Amendment/HARB review and approval for relocation of the St. Joseph's Rectory and accessory garage structure. At the time the master plan was approved, St. Joseph's did not believe the rectory structure could be relocated. HARB requested that St. Joseph's re-examine the relocation concept and the applicant has now determined that relocation is feasible. The Planned District Minor Amendment allows a slightly larger building envelope for the structure. This new building envelope is a more rectangular shape than the square shape previously identified but it will also follow existing contours. HARB review will basically evaluate site plan, landscape and planning issues in that the structures will be relocated and therefore retain their existing architectural character.
SURROUNDING LAND USES:

North: Mission Creek, Single family homes
South: St. Joseph's Church grounds
East: Vacant church land
West: Future new church, Mission Boulevard
BACKGROUND AND PREVIOUS ACTIONS:

On March 26, 2006, the City Council approved a Planned District Major Amendment for development of a new church facility for the St. Joseph's congregation. The amendment identified a location for a new rectory because it was envisioned that the existing rectory could not be relocated. HARB had recommended that St. Joseph's further reevaluate the concept of relocation but went ahead and recommended the master plan with a planned rectory site location.

PROJECT DESCRIPTION:

The applicant is requesting a Planned District Minor Amendment/HARB review for the relocation of the existing rectory building. The proposed location is generally in the same area approved on the master plan; however, the proposed plan amendment now shows the relocated rectory partially inside and partially outside the envelope identified on the master plan. In large part this is due to the relocation of the existing linear building within a square envelope as well as the desire to minimize grading by orienting the building parallel with the natural contours. The existing garage (currently behind the rectory on Mission Boulevard) is also being considered for relocation or reconstruction in kind at the new site. The garage, however, will occupy a more prominent location, in front of the rectory on the new site.

PROJECT ANALYSIS:

Summary of Further Project Considerations:

- Landscaping/Tree Removal— The proposed plan results in the loss of one additional black walnut tree and potential grading related impacts to two trees slated for preservation/protection in the approved master plan. Staff is also recommending that the final landscape plans create a layering effect to help screen the accessory garage structure.

- Grading— The proposed plan follows contours of the site but does result in some fill areas adjacent to the creek. Staff has identified some potential solutions that would further minimize grading.

These considerations are further discussed in the Design Analysis section of this report.

General Plan Conformance:
The existing General Plan land use designation for the project site is Residential, Low Density (2-3.5 units/acre), Historic District and Primary Historic Resource. The proposed project is consistent with the existing General Plan land use designation for the project site because religious facilities are allowed within residential land use designations and the rectory itself is a residential building. Furthermore, the relocated rectory and accessory garage structures do not impact the Primary Historic Resources (Mission Creek and palm tree plantings located proximate to the relocation site). The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

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Land Use Goal 1: New Housing Development While Conserving the Character of the City’s Existing Single Family Residential Neighborhoods

Policy LU 1.1: Schools, Childcare Centers, Public and Semi-Public Facilities (e.g., churches and Nursing Care facilities). These uses may be allowed, although conditions may be established to limit impacts of these uses on residents.

Analysis: The relocated rectory and garage structures will primarily serve as a residence. The relocated rectory also provides a better transition to the residential neighborhood the east on Monticello Terrace.

Fundamental Goal F-13: Vital Connections Between the History and Heritage of the Community and Everyday Life

Policy LU 7.3: It is the policy of the City of Fremont to protect, enhance, perpetuate and use structures, sites and areas which are reminders of past eras, events, and persons important in local, State, or National history. Resources which provide significant examples of architectural styles of the past are unique and irreplaceable assets to the community and should be protected to provide for the present and future generations examples of physical surroundings in which past generations lived.

Analysis: The relocated rectory is adjacent to Mission Creek. 65 palm trees currently line the banks of this creek and together form one of Fremont’s Primary Historic Resources. The relocated rectory and garage structures, while not historic, would not be located within the identified riparian corridor and would not interfere with the historic palm tree plantings.

Natural Resources Goal 2: Protection and Conservation of Natural Resources in the Planning, Design and Management of the City’s Landscape

Objective NR 1.1: Protection of areas designated wetlands, including watercourses and riparian areas for their critical biological values including their uses as habitat for rare or endangered animals to maintain connections between habitat units.

Analysis: While the proposed rectory footprint is slightly larger than the envelope identified on the master plan; an adequate riparian setback is maintained. Conditions of approval provide for further measures to reduce fill placement within the creek’s watershed.
Zoning Regulations:

The previously approved master plan identified a building envelope. Figure 1, below, identifies the modified location proposed for approval in this Planned District Minor Amendment. If the revised location is approved by HARB the relocated rectory and accessory garage structures will be considered compliant with the zoning for the site.

Parking:

Two covered parking spaces in the form of a relocated two car garage along with two uncovered parking spaces for visitors are proposed. The proposed parking conforms to the requirements for single family homes and is adequate for the proposed project.

Design Analysis:

Site Planning:

While the location is somewhat closer to the creek, the relocated rectory structure would be sited parallel with existing site contours minimizing the amount of grading with the creek watershed. The applicant also proposes to relocate the existing two-car garage structure. This structure, however will occupy a more prominent position on the site than in current location behind! the rectory. As such, staff is recommending some additional landscaping be considered to soften the appearance from the future Monticello Terrace approach to create a more layered affect.
**Architecture:**
As the buildings are being relocated, the architecture will remain unchanged from the present condition today. If the garage is not relocated it will be reconstructed in the same architectural style.

**Setting:**
As previously noted, the relocated rectory structure will be proximate Mission Creek and the existing palm trees that form the bank and constitute one of the two Primary Historic Resources on this 13-acre site. The relocation of the existing structure requires a revision to the building envelope approved in the master plan because at the time, relocation was determined infeasible and therefore a smaller square-shaped envelope was approved. The smaller envelope would have resulted in more grading than currently proposed. The more rectangular footprint now proposed better preserves and relates to the existing creek in that it is more parallel to the existing contours and continues to preserve the palm trees that line the bank of the creek.

**Open Space/Landscaping:**
The rectory site includes ten trees that were surveyed during the prior master planning process. Two of these ten trees were identified for preservation/protection and are proposed to remain protected with the current relocation plan. The proposed grading and retaining walls, however, are proximate to these two trees and a condition of approval has been included to address tree preservation and protection (Condition 14).

In addition, one 12-inch black walnut tree was identified in the survey but was not identified as being either protected or removed. The revised rectory site location would require removal of this tree. The applicant’s Schematic Landscape Plan, however, proposes 28-15-gallon trees including: nine Buckeye (Aesculus californica) trees, eleven California Pepper (Schinus molle) trees, two Coast Live Oaks (Quercus agrifolia) and eight other ornamental trees. Appropriate mitigation will be determined consistent with the City’s tree ordinance as part of the Development Organization review and approval process.

The schematic landscape plan also identifies a palate of shrubs and ground covers for use in the landscape plan. The exact numbers and locations of these plant materials are not yet identified on the schematic plan. Staff is recommending that the landscaping palette create a layering effect to help screen the accessory garage structure which will be the first building visible as you approach the site on the re-aligned Monticello Terrace (Condition 15).

**View Impacts:**
As previously noted, the detached garage structure will be the first structure seen from those driving up Monticello Terrace. This smaller structure may serve to layer the sense of arrival and approach but should also be downplayed through the use of layered landscaping. Preservation of overall riparian corridor, palm trees and Mission Creek remain of paramount importance to the overall setting of this site.

**Circulation:**
Access to the site will be off of the newly realigned Monticello Terrace approved as part of the overall master plan for St. Joseph’s Church.

**Grading & Drainage:**

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The rectory building will be located on an existing eleven percent (11%) grade, sloping downwards towards the creek. The detached garage, proposed west of the rectory, is located on a twelve percent (12%) grade. The existing ground surface west of the rectory, including under the garage, was graded when the flat, grassy field was constructed.

Rectory Grading: The rectory finished floor is proposed at elevation 135.5 feet, which is between 1.5 feet below and 4.5 feet above existing grade. Along the south side of the building, the design proposes installation of 180 linear feet of retaining wall, with wall heights up to three feet. The design also includes a concrete walkway along the entire south and east sides of the rectory and a concrete patio area on the north, between the rectory and the creek.

The patio surface is 2 feet below the rectory finished floor, but up to 3.5 feet above existing grade. To create the flat patio and walkways the design proposes to fill between the rectory and the creek. Staff recommends that fill slopes be limited or eliminated, especially towards the creek. Instead of filling to support the patio, the design could be supported by integrated retaining walls or the patio could be lowered to be closer to existing grade. Alternatively, a deck could be constructed on the back of the rectory. The applicant shall work with staff during Development Organization to reduce or eliminate the fill slopes between the rectory patio/walkways and the creek.

Garage Grading: The garage finished floor (el. 333.7 feet) is approximately two feet below the rectory finished floor. The finished floor almost seven feet above the existing grade and over three feet above the curb of the future realignment of Monticello Terrace, a private street, on which the driveway will be located. The plans indicate that fill will be placed around the garage to match the proposed finished floor elevation.

Staff recommends that the fill proposed outside the garage be limited, especially in the area between the garage and the creek. Alternatives which would limit the grading include: lowering the garage finished floor, incorporating foundation walls into the garage to support the garage slab, or a combination of both. The applicant shall work with staff during Development Organization to reduce the amount of fill proposed around the garage, especially the fill proposed between the garage and creek.

Applicable Fees:
The rectory relocation project is not subject to Citywide Development Impact Fees.

Environmental Review:
A Mitigated Negative Declaration was adopted for the master plan project which envisioned a new rectory on the project site in nearly the same location as currently proposed. The environmental analysis identified concerns regarding potential impacts to archaeology, the riparian creek corridor and trees. The adopted Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

PUBLIC NOTICE AND COMMENT:

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Public hearing notification is applicable. A total of 66 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on October 20, 2006. A Public Hearing Notice was published by The Argus on October 19, 2006.

ENCLOSURES:

Exhibits:

Exhibit "A" Plans (Preliminary Grading and Utility Plan (Sheet C-2) Schematic Landscape Plan (Sheet L1.1) Garage and Rectory Elevation Plans Sheets A2.02 and A3.01
Exhibit "B" Findings and Conditions of Approval

Informational Items:

1. Adopted Mitigated Negative Declaration and Mitigation Monitoring Plan

Supplemental Hearing Materials (To be provided at the public hearing):

2. Photographic Survey (informational)
3. Photos of the existing Rectory and garage (informational)

RECOMMENDATION:

1. Hold public hearing.
2. Find the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Program adequately address the rectory relocation project in that the minor location change (from that shown on master plan) further minimizes environmental impacts through the retention of an existing structures and the preservation of significant vegetation, including Primary Historic Resources. Therefore, find that supplemental environmental review is not required. Find these actions reflect the independent judgment of the City of Fremont.
3. Find Planned District Minor Amendment/HARB application is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report. The project conforms to the goals and objectives of the City's General Plan land use maps as well as the goals and policies therein.
4. Approve the Planned District Minor Amendment/HARB application, as shown on Exhibit “A”, subject to findings and conditions on Exhibit “B”.

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Existing Zoning
Shaded Area represents the Project Site

Existing General Plan
Exhibit “B”
Findings and Conditions of Approval for PLN2007-00106 (PD MINOR/HARB)
St. Joseph’s Rectory Relocation
Currently 43148 Mission Boulevard (to be relocated to Monticello Terrace)

Findings:

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. Find that the proposed project is in conformance with the relevant provisions contained in the City’s General Plan. These provisions include the designations, goals and policies set forth in the General Plan’s Natural Resources and Land Use Chapters as enumerated within the staff report.

2. Find that the proposed project is in conformance with the standards and policies of the Statement of Principles, as governed by Mission San Jose (East) Planned District (P-2001-34), and the Design Guidelines and regulations for the Mission San Jose Historic Overlay District, based on the Site Plan and Architectural Approval process conducted, and the conditions of approval for this project.

3. Find that the proposed project described in the application is suitable and adequate for the site in the relocated structures and site improvements will be tailored to fit within a hillside context through the use of a retaining wall and through the use of foundation walls to minimize grading and impacts on the adjacent creek.

4. Find that the proposed project would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because adequate ingress and egress points are proposed.

Conditions:

1. The project shall conform with Exhibit “A” (Preliminary Grading and Utility Plan (Sheet C-2) Schematic Landscape Plan (Sheet L1.1) Garage and Rectory Elevation Plans Sheets A2.02 and A3.01), all conditions of approval set forth herein, and all conditions of approval of Planned District Major Amendment (PLN2003-00165).

2. All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement.

3. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.

4. The applicant shall work with staff during Development Organization to reduce or eliminate the fill slopes between the rectory patio/walkways and the creek. The applicant shall work
with staff during Development Organization to reduce the amount of fill proposed around the
garage, especially the fill proposed between the garage and creek.

5. Exterior retaining walls shall be limited to a maximum height of three feet. All retaining
walls supporting surcharge shall be reinforced concrete or approved equal. Pressure treated
wood retaining walls may be allowed for retaining walls 12-inches or less in height.

6. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered
with the State of California. The required report shall include grading and foundation
recommendations and shall include liquefaction analysis. Grading operations shall be in
accordance with recommendations contained in the required soils report and grading shall be
supervised by an engineer registered in the State of California to do such work.

7. A disposal site for the off-site haul dirt materials or source for the import fill shall be
approved by the City prior to the approval of the grading permit. The off-site haul truck route
for the excess dirt or import fill shall be subject to the approval of the City Engineer.

8. The applicant shall provide for a functional system to control erosion and siltation during and
after grading subject to review and approval by the City Engineer. An erosion and sediment
control plan shall be included as part of the grading plans.

9. The project storm drain system shall conform to City standards and shall be subject to review
and approval of the City Engineer. Drainage calculations shall be submitted with the grading
and drainage plans for the project.

10. Roof drains shall discharge and drain away from the building foundation to an unpaved area.

11. The developer shall comply with the City's Urban Runoff Clean Water Program in
accordance with the NPDES requirements issued by the State's Water Quality Control Board.

12. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses
conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The
plans will also include storm water measures for operation and maintenance of the project.

13. The developer is responsible for ensuring that all contractors and subcontractors are aware of
all storm water quality measures and implement such measures. Failure to comply with the
approved construction Best Management Practices will result in the issuance of correction
notices, citations, or stop orders.

14. The two trees identified to be preserved on the rectory site include: Tree #248 (Avocado) and
Tree #249 (California Black Walnut). The Walnut tree is in the vicinity of the concrete block
wall that is to be installed. The wall shall be designed to be outside the limits of the drip line
and the critical root zone of the two existing trees. No grading shall occur within the drip line
of both these trees. The City shall retain the services of a Consulting Arborist at the
Applicant's expense to provide monitoring and oversight of tree preservation measures for the
trees during Development Organization review and during construction.

15. Landscape plans shall be submitted to Development Organization for review and approval,
indicating full details regarding (1) paving materials and textures of walkways and paved
pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare

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type fixtures, and (3) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:

a) An underground irrigation plan.

b) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.

c) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate to the project.

d) The final landscape plan shall demonstrate a layered planting scheme that helps screen the accessory garage structure and foundation from Monticello Terrace.

16. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. A current copy of the LDRP is available at the Engineering Counter.

17. The applicant shall reuse clay roof tiles on the relocated rectory and accessory garage structure. If new (or previously unused tiles) are required they shall be of the same type and shall be interspersed amongst the old tiles rather than clustered in one area.

18. Any damage done to the exterior of the building during the relocation shall be repaired or replaced in kind. After the buildings are moved they shall be repainted in the same color.

19. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:

Monday-Friday, 7 a.m. to 7 p.m.
Saturday & Holiday, 9 a.m. to 6 p.m.
Sunday, no construction activity

End of Conditions