



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SCHEDULED

Meeting: 01/15/19 07:00 PM
Div/Dept: Planning
Category: Development Project

STAFF REPORT (ID # 3634)

Sponsors:
DOC ID: 3634

OLIVEIRA FARM COTTAGES – 39392 Blacow Road – PLN2018-00292 – Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Rezoning of a 1.19-acre site from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map No. 8477, and a Private Street to Allow Development of Eight Small-Lot Single-Family Homes and Related Improvements Including the Extension of the Blacow Road Frontage in the Irvington Community Plan Area, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA).

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Executive Summary: The applicant is proposing a Rezoning of the project site from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map No. 8477, and a Private Street entitlement to allow development of eight small-lot single-family homes at 39392 Blacow Road. The proposed project would be accessed via a new private street connecting to an extension of the Blacow Road frontage across the front of the site. The subdivision would consist of two commonly-owned parcels (one of which would consist of the private street, and one would contain the stormwater treatment area), and eight single-family lots.

On December 13, 2018, the Planning Commission held a public hearing to consider the proposed project and voted 4-1-0-2 (one Commission opposed and two Commissioners absent) to recommend that the City Council adopt a Mitigated negative Declaration and approve the project. A summary of the Planning Commission's action is provided below in the Background section of this staff report.

BACKGROUND: The project site consists of one parcel totaling 1.19 acres located at 39392 Blacow Road. Three buildings (a single-family home, which is currently occupied, a detached garage, and an agricultural shed) currently occupy the site. The parcel is currently accessed via a driveway located at the end of the Blacow Road frontage. The Blacow Road frontage dead-ends at both sides of the project site as the current property line extends into Blacow Road's right-of-way. This is the only break in the otherwise complete Blacow Road frontage between Mowry Avenue and a commercial development at Boone Drive, a distance of approximately 0.8 miles. Prior to the mid-1950s, the parcel was used for agricultural purposes, but all agricultural activities ceased by the 1940s when the area was subdivided for residential uses. The existing home currently occupying the site was built in 1929.

There have been two previous entitlement applications for the subject property. Conditional Use Permit U-64-83 was an application for a church. That permit was denied by the Planning Commission on November 9, 1964. In 1970, an application for a Conditional Use Permit (U-70-22) was submitted for a social club and residence. That application was withdrawn.

The three existing buildings on the subject property were evaluated for their potential historic significance. This evaluation resulted in the preparation of a California Department of Parks and Recreation (DPR) Primary Record form, which determined that none of the buildings are potentially historic.

Planning Commission Action

On December 13, 2018, the Planning Commission held a public hearing to consider the proposed project and voted 4-1-0-2 (one Commissioner opposed and two Commissioners absent) to recommend that the City Council adopt a Mitigated Negative Declaration and approve the project. During the public hearing, two neighboring property owners spoke and expressed concern with temporary construction impacts (e.g., vibration and rodents) and privacy impacts from the new construction. In their deliberations, one Planning Commissioner did not like the proposed bulb outs at the project entry and the roof pitch/height of the single-story home on Lot 7. To address the later, the Planning Commission motion to recommend approval of the project included a condition of approval to require the applicant to work with staff to lower the roof pitch of the home on Lot 7. Draft minutes from the Planning Commission meeting are attached hereto as Informational Item #4.

DISCUSSION/ANALYSIS:

Project Description

The applicant is proposing a Rezoning of the project site from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map No. 8477, and a Private Street entitlement to allow development of eight small-lot single-family homes at 39392 Blacow Road. The proposed project would be accessed via a new private street connecting to an extension of the Blacow Road frontage across the front of the site. The subdivision would consist of two commonly-owned parcels (one of which would consist of the private street, and one would contain the stormwater treatment area), and eight single-family lots.

The single-family homes would be located on lots of between 4,073 and 4,481 square feet. There would be seven two-story homes and one single-story home. The project proposes three different two-story floor plans ranging in size from 2,274 to 2,877 square feet, including attached two-car garages, with four bedrooms each. One lot would contain a single-story three-bedroom home measuring 1,723 square feet. All eight single-family homes would be provided with attached side-by-side two-car garages. A 1,345-square-foot stormwater treatment area would be located between Lots 7 and 8.

A total of eight on-street guest parking spaces would be provided throughout the development. The proposed private street would feature a single five-foot wide accessible sidewalk along the southeast side of the private street that would connect to the Blacow Road public sidewalk. Off-site improvements would include the completion of the Blacow Road frontage street, construction of new curb, gutter, sidewalk and planter strip with street

trees along Blacow Road, and a reconstructed median between the Blacow Road frontage and the main travel lanes of Blacow Road. Accessible curb ramps and traffic calming bulb-outs would also be provided where the new public sidewalks along Blacow Road would cross the entrance to the private street. The 14 existing trees on the site and within the Blacow Road frontage would be removed (four within the frontage and ten within the site) and mitigation trees would be planted on the site as part of the development. The size, location, and species of trees selected as mitigation was determined by City Landscape Architect.

General Plan Conformance

The project site is designated Low Density Residential, 2.3 – 8.7 dwelling units per acre. The proposed Planned District zoning would conform to the existing General Plan land use designation by providing a net density of 7.84 dwelling units per acre. The proposed project would be consistent with the following General Plan goals, policies and implementation measures:

LAND USE GOAL 2-2: Directing Change – Growth and development that is orderly and efficient, leverages public investment, ensures the continued availability of infrastructure and public services, reduces adverse impacts on adjacent properties, and protects the natural environment.

LAND USE IMPLEMENTATION MEASURE 2-2.5.2.F: Planned (P) District – Use Planned Development (P) zoning to provide flexibility in application of the zoning code, encourage more desirable site planning outcomes, or achieve particular mixes of land uses or unit types. Within mixed-use areas, P District zoning may be used to indicate sites or portions thereof on which housing or commercial is a required land use.

LAND USE POLICY 2-3.4: Infill Development – Support infill development on vacant and underutilized land in Fremont’s neighborhoods, particularly where there are vacant lots or parcels that create gaps in the urban fabric and disrupt the continuity of a neighborhood. Such development should respect the scale and form of surrounding properties.

LAND USE POLICY 2-3.6: Connectivity – Improve the ability to travel through neighborhoods and between neighborhoods on foot, bicycle, or automobile. Street layouts should facilitate pedestrian travel and connect homes with nearby services to the greatest extent feasible. Cul-de-sacs and dead-ends should be avoided if they require circuitous routes for pedestrians. Incomplete links in the City’s street system should be eliminated to improve circulation and reduce trip lengths.

COMMUNITY CHARACTER POLICY 4-3.7: Massing and Scale - Ensure that the massing and scale of new development, additions, and alterations reflects its context and compatibility with adjacent structures. Require transitions in scale where higher density development abuts lower density development. Overpowering contrasts in scale and height should be avoided by requiring taller buildings to step down or recess as they approach lower density areas. Privacy impacts on nearby side and back yards should be avoided through building design and orientation

COMMUNITY CHARACTER POLICY 4-3.11: Well-Designed Sites – Ensure that sites are designed in context and relationship to surrounding uses and landscapes; and that they include pedestrian connections with clear definitions of building locations, parking lots, landscaped areas and other features included on the site. Ensure the street-to-building relationship is in context with the scale, setback, form and height of adjacent buildings.

Analysis: The proposed project would create a new low density residential development consisting of small-lot single-family homes. The project would provide ownership opportunities for medium-sized families seeking individual lots with private yard space, but also desiring membership in a homeowners association that would be responsible for maintaining the internal street and common stormwater treatment. The proposed development has a similar massing and scale to the surrounding community in that the rear setbacks conform to the adjacent R-1-6 development standards. The proposed density of 7.84 units per acre is within the allowed General Plan land use designation of Low Density Residential (2.3 – 8.7 du/ac). The completion of the Blacow Road frontage would significantly improve pedestrian and cyclist connections to nearby schools and shopping while including traffic calming measures to reduce speeding.

HOUSING ELEMENT GOAL 3: Encourage the Development of Affordable and Market-Rate Housing in Order to Meet the City’s Assigned Share of the Regional Housing Need.

HOUSING ELEMENT POLICY 3.02: Promote existing opportunities to intensify development.

HOUSING ELEMENT POLICY 3.03: Encourage the development of a diverse housing stock that provides a range of housing types (including family and larger-sized units) and affordability levels throughout the community.

Analysis: The proposed development would be consistent with the above-listed Housing Element goals and policies in that it would provide a market-rate housing project offering small-lot single-family home ownership opportunities in a market that has recently seen higher density townhouse and condominium-type development projects, thereby offering a different type of living environment that may be better suited to medium-sized families and/or families with children.

MOBILITY POLICY 3-1.2: Contextual Street Design – Ensure that the design and scale of city streets is sensitive to the context of surrounding neighborhoods.

MOBILITY POLICY 3-1.7: Sidewalks – Require the provision of sidewalks in all new development, including infill development and redevelopment, in order to eventually complete the City’s sidewalk network. Sidewalks shall be required on both sides of all public streets, except in hillside areas where a single sidewalk may be adequate. Sidewalks and direct pedestrian connections between uses should also be provided in parking lots.

MOBILITY POLICY 3-1.9: Private Streets – Allow construction of private streets in certain circumstances as a way to reduce City maintenance responsibility, preserve natural or historic resources, and meet the unique needs of a parcel of land or project. An exception to this policy shall be made for new street segments which provide a through-connection on existing “stubbed” public streets; such streets shall be public.

MOBILITY POLICY 3-2.3: Pedestrian Networks – Integrate continuous pedestrian walkways in Fremont’s City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City’s pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.

MOBILITY POLICY 3-2.4: Improving Bicycling Circulation – Enhance bicycle circulation, access, and safety throughout Fremont, particularly in the City Center, the Town Centers, around existing and planned BART stations, and near schools and other public facilities. Barriers and impediments to bicycle travel should be reduced.

MOBILITY POLICY 3-3.2: Street Connectivity – Promote connectivity in the street network. Except where necessitated by topography, the use of dead-ends and cul-de-sacs shall be minimized, and the extension or preservation of a grid street pattern shall be encouraged. Additional street network connectivity (i.e., a “grid pattern”) should be created and existing gaps in the road, bike, and pedestrian networks should be closed.

MOBILITY POLICY 3-4.5: Traffic Calming – Incorporate measures to slow down or “calm” traffic on local streets, or in some special circumstances, collector streets, that experience cut-through traffic, hazardous conditions for bicycles or pedestrians, or a high incidence of vehicles traveling at excessive speeds. A variety of approaches, such as road design, increased enforcement, streetscape improvements, crosswalk pavers, chicanes, raised crosswalks near schools, and curb “bulbouts” should be used to address this issue.

Analysis: The completion of the Blacow Road frontage would significantly improve pedestrian and cyclist connections to nearby schools and shopping while including traffic calming measures to reduce speeding. There is currently no sidewalk or bike lane along Blacow Road in front of the project site. Pedestrians trying to reach the nearby Mowry East shopping center must currently travel several blocks out of their way because of the barrier resulting from the current dead end condition on the Blacow Road frontage. The “bulbouts” at the private street entrance would reduce the potential for speeding while allowing vehicles safe visibility along the frontage road.

Zoning Regulations

The project site is currently zoned R-1-6. The applicant is proposing to rezone the site to Preliminary and Precise Planned District P-2018-00292 to enable it to be developed into a residential development containing small-lot single-family homes. As described in FMC Section 18.110.010, the purpose of Planned District zoning is to encourage projects that feature variations in siting and different housing types. Project amenities and compatibility

of a Planned District are ensured through the adoption of a precise site plan, showing proper orientation, desirable design character and compatible land uses. Pursuant to FMC Section 18.110.030, small-lot single-family development projects are evaluated for consistency with the City’s Design Guidelines for Small-Lot Single-Family Residential Developments (SLDG). A comparison of the proposed project with the SLDG is provided in the “Design Analysis” section, below.

Affordable Housing Ordinance: Pursuant to the City’s Affordable Housing Ordinance (AHO), the applicant has proposed payment of an affordable housing fee rather than providing below market rate (BMR) units on-site. The AHO specifies that payment of fees is allowed as an alternative to providing BMR units on-site with the project. The final fee amount would be calculated based on individual home square footages with the fee in effect at the time of issuance of building permits.

Design Analysis

As a low density, small-lot single-family development, the overall design, architecture and layout of the project has been reviewed for consistency with the City’s SLDG in conformance with FMC Section 18.110.030. Based on this review, staff has found that the proposed project would substantially conform to the design guidelines contained within the document. The small site would not support a standard public street cul-de-sac width along with standard R-1-6 conforming lots, so staff worked with the applicant to design a subdivision that meets the density and design guidelines and reacts to site-specific limitations. The following table shows how the project conforms to the SLDG. It should be noted that the intent of the SLDG is to be specific enough to guide development while still providing flexibility to afford design creativity. Where proposed projects such as small-lot single-family developments do not conform to certain guidelines, exceptions can be approved through the Planned District rezoning process.

<i>Development Standard</i>	<i>Small-Lot Single-Family Residential Development Design Guidelines</i>	<i>Proposed Project</i>
Minimum/Maximum Lot Size	Min. 4,000 square feet Max. 6,000 square feet	4,073-4,481 square feet
Maximum Floor Area Ratio	0.50-0.60 project-wide with maximum 0.70 FAR for any single lot	±0.65 project-wide; 0.51-0.71 for each lot
Minimum Front Yard Setback	7 feet to porch; 10-15 feet to façade	7 feet to porch; 10 feet to façade
Minimum Rear Yard Setback	15 feet	10 - 20 feet to facade, 5 feet to single-story garage
Minimum Garage Recess	12 feet behind façade	10 feet behind façade
Garage Locations	Mix of attached and detached garages	All 8 garages attached
Minimum Separation Between Two-Story Units	15 feet	10 feet

<i>Development Standard</i>	<i>Small-Lot Single-Family Residential Development Design Guidelines</i>	<i>Proposed Project</i>
Minimum Private Rear Yard Area	Min. 15 feet x 20 feet (300 square feet)	Min. 15 feet x 20 feet (300 square feet)
Second Floor to First Floor Size Ratio	15% of homes should be single-story, with remainder having a mix of 30%, 50% and 70% second floor to first floor ratios	One home is single story. The other seven homes range from 28% to 53%
Minimum No. of Colors and Building Materials per Unit	Two colors and two building materials	Two colors and two building materials

As the table above shows, the project would be consistent with a majority of key guidelines for small-lot single-family residential developments. However, it would not meet all of the key site planning and massing guidelines, particularly those that address the maximum FAR, minimum rear yard setback, minimum garage recess and minimum separation between two-story units.

It should be noted that it is not the expectation that the project meet all the design guidelines, thus, staff worked with the applicant to achieve a project that closely conforms to the guidelines, and that meets their overall intent.

The floor area ratio (FAR) for the proposed project would range between 0.51 and 0.71 for each lot with an average FAR, project wide, of 0.65, which would be higher than the maximum 0.60 specified in the design guidelines. The maximum proposed FAR for each lot would be slightly higher than the maximum FAR of 0.70. Lots 1 and 8 are the two lots which would exceed the maximum FAR by .01. These proposed design for these corner lots feature large wraparound porches and recessed garages to help minimize the apparent bulk and massing of the homes. Coupled with varied first and second floor setbacks the two home designs would not appear to be significantly larger than the other homes which would fall within the allowed FAR range. The living space of these two designs would be less than 2,500 square feet, a reasonable size for a two-story home in an R-1-6 zoned neighborhood. The rest of the proposed homes would also feature varied first and (where applicable) second floor setbacks and recessed garages. Some lots have the garage at the far rear of the lot making the home appear relatively small from the street.

Each lot within the project would meet the minimum rear yard size requirement of 15 feet by 20 feet in the SLDG. With regard to rear yard setbacks, the project strives to be compatible with the adjacent R-1-6 neighborhood in that where the rear of a proposed home faces the rear yard of an existing home, the setback would be a minimum of 10 feet. Single-family homes in the R-1-6 zoning district are allowed a minimum rear yard setback of 10 feet on the first floor as long as no more than 30 percent of the required rear yard (25 feet) is covered. The first floor of the proposed homes would not be any closer to the rear property line than homes in the adjacent R-1-6 neighborhood. The proposed rear yard setbacks vary between 10 and 20 feet with Lots 2, 5 and 7 the only lots that would have a 10-foot rear yard setback. The proposed attached rear yard garages on Lots 3, 4 and 6

would maintain a minimum setback of five feet which is similar to what a detached garage or other accessory structure would be allowed to have in the R-1-6 zoning district. The second floor rear yard setback on Lots 3, 4 and 6 would be the closest to the rear property line at 21 feet. There are no second floor windows proposed on the rear elevation of these models.

The project would not meet the minimum separation of 15 feet between two-story units on Lots 1 and 2. In all instances, except between lots 1 and 2, the second floors of the proposed homes would not be adjacent to one another. Lot 1 is a corner lot with second floor windows that would face Lot 2. Lot 2 would have small windows on the second floor facing Lot 1 with no bedrooms facing Lot 1 to reduce potential privacy impacts. None of the proposed designs have large second floor windows facing the adjacent single-family homes outside the development. Plan 1A on Lot 4 does have a single large window in the middle of the staircase which would face an adjacent single-family home outside the development but because of its location at the midpoint of the staircase and approximately 40 feet from the neighboring home, the potential privacy impacts are limited.

The proposed project would not meet the minimum garage recess requirement of 12 feet on Lots 1 and 2. However, in all cases the minimum recess would be 10 feet. The two lots which would not meet the 12 foot garage recess requirement are the two facing Blacow Road. The adjacent existing homes on Blacow Road do not recess their garages so the slightly reduced garage setback would help the new homes better blend into the existing neighborhood.

Most of the instances where the project would not comply strictly with a design guideline occur only on two lots and would reinforce the eclectic nature of the proposed neighborhood design. This eight-lot subdivision actually has four different models proposed. In some cases, such as maximum second floor area and the rear yard size, the project would exceed the minimum requirement. Overall, the project would integrate well into the surrounding neighborhood and make effective use of an infill opportunity. The project generally would conform to the applicable design guidelines, and would achieve the intent of the guidelines "to be specific enough to be able to guide development, while at the same time flexible so as not to preclude creative design solutions." As previously noted, exceptions to the SLDG may be allowed by the Planning Commission and City Council through the Planned District rezoning process when a finding can be made that they will result in a desirable living environment and are warranted by the design and amenities incorporated in the precise plan or provided to the community at large. Staff's analysis of the project's ability to satisfy the requirements of this finding is provided in the "Findings for Approval" section, below.

Parking: The following table identifies the minimum parking requirements for the proposed development of eight small-lot single-family dwellings pursuant to both the SLDG and FMC Section 18.183.030 (Required Parking Spaces by Type of Use), and demonstrates how the project would comply:

Land Use Category	Parking Standard	Spaces Required	Spaces Provided
Small-Lot Single-Family Dwellings	2 covered (garage) spaces plus 1 driveway space per unit; 1 on-street guest space per unit	16 garage spaces plus 8 driveway spaces for 8 units; 8 on-street guest spaces	16 garage spaces plus 16 driveway spaces; 8 on-street guest spaces

As demonstrated in the table above, the project would exceed the minimum parking requirements by providing both two-car garages and driveways large enough for two vehicles on each lot. Street parking would be provided primarily along the private street but the two lots facing Blacow Road (Lots 1 and 8) would have street parking on the Blacow Road frontage next to the private street entrance.

Circulation/Access: The project would be accessed by a private street with a single entrance on the Blacow Road frontage. The private street would dead-end at the end of the development and would include a short side street stub to allow large vehicles such as fire trucks and garbage trucks to turn around on the site. Lots 1 and 8 would have driveways accessing the Blacow Road frontage, whereas the rest of the lots would have driveways off the private street. A pedestrian sidewalk would be provided along the eastern side of the private street which is the side where street parking would be allowed. This sidewalk would connect to the public sidewalk at the entrance to the development. The private street would be maintained by the project's homeowners association.

The site currently blocks the Blacow Road frontage as the front property line extends out to the edge of the main travel lanes of Blacow Road. A portion of the site would be dedicated for public right-of-way to allow the planned frontage road condition to continue past the project site and connect to the rest of the frontage road on the other side. A new public sidewalk would be included as part of the frontage extension. A pair of traffic calming bulbouts would be installed at the entrance of the private street extending into the Blacow Road frontage as requested by the City's Transportation Engineering Division. The purpose of these bulbouts is to discourage speeding along the newly connected frontage road and to provide an added measure of traffic visibility, both vehicular and bicycle, for vehicles leaving the project site.

Architecture: The proposed architectural style of the development is contemporary craftsman with pitched composition shingle roofs of varying heights, gridded windows, and a mix of traditional building materials. The elevations feature a variety of building materials, including smooth stucco, horizontal lap siding, board and batten, shingles, and brick. The homes would feature architectural details such as exposed rafter tails, window trim, and corbels to provide additional visual interest. The elevations have been provided with a significant amount of relief through the inclusion of projecting bays and varying roofline heights. The color scheme features primary colors in various shades of taupe, and tan, with gray, olive and darker brown accents. The two models at the entrance to the site would include large, wrap-around porches while some other models have porches wide enough for a small seating area. No additions would be permitted to the homes in the future and accessory structures would be limited by conditions of approval to patio covers and small garden sheds.

Privacy: The proposed floor plans and elevations were designed with special attention to the privacy of adjacent lots outside the development. None of the models would have second floor windows which look out onto the rear yards of neighboring homes outside the development. The only exception to this would be Lot 4 which utilizes model 1A. This model has two small second floor windows on the right side which would look out towards the adjacent home's rear yard. These two small windows look out from the second floor bathroom and bedroom. Visibility from these windows would be limited due to their size. A large window located at the middle landing of the staircase would also look out towards the adjacent lot but because of the window's location within the stairway, visibility would be limited and not as high as a true second-floor window.

Landscaping: The project would feature front yard landscaping consisting of shrubs and ground cover. Each lot would have a new street tree, either a magnolia or a maple tree. The corner lots would have landscaped front yards which wrap around the building along the street frontages. The entrance to the project would include landscape within the traffic calming bulbouts. The Blacow Road frontage would receive a new landscape median between the Blacow Road frontage and the main travel lanes. This median would include five new maple trees. Behind the public sidewalk, the private street would have a decorative pavement area consisting of concrete pavers at the entrance. The end of the private street would feature a decorative trellis and planting area which would help shield the neighboring homes from headlights. Between Lots 7 and 8 would be the project's stormwater treatment area consisting of a bio-retention basin. The perimeter of the stormwater treatment area would feature a 30-inch tall two rail fence.

Each lot would include a private rear yard area ranging in depth from 15 to 20 feet. The landscaping of these private rear yards would be left to the individual homeowners as is common with single-family homes. Fencing between lots would consist of a six-foot tall good neighbor fence. A one-foot tall lattice would be added to the good neighbor fences where the fence faces the street.

A total of 14 trees would be removed from the site. These trees were evaluated in late 2017 by a certified arborist, who found that many of the existing trees were in poor health and those that were healthy were located on portions of the lot slated for development. A City Landscape Architect reviewed the arborist's report and recommended the removal of the existing trees. Mitigation for the removed trees would consist of the planting of 32 new trees throughout the site and frontage, a greater than two to one mitigation.

Street Right-of-Way Dedication and Improvements: The applicant would be required to dedicate right-of-way and install street improvements in accordance with the Subdivision Ordinance and Street Rights-of-way and Improvement Ordinance. Half-street improvements would be required along the entire Blacow Road project frontage per the City's Subdivision Ordinance.

The applicant would dedicate 44 feet for public right-of-way along the entire 167 foot wide project site. Required street improvements would include, but are not limited to: removal of existing sidewalk, curb, gutter, driveways, and median, and installation of new curb, gutter, sidewalk, asphalt pavement, driveways, streetlights, street trees, tree well planters, sewer and storm drainage facilities, joint trench facilities, signing and striping, and reconstructed median between the new frontage and the existing main travel lanes.

Grading/Drainage: The project site is relatively level and the project only proposes minor grading. The total proposed cut and fill would result in a net cut of 300 cubic yards throughout the project site, mostly related to accomplishing positive drainage, establishing stormwater management features, and cutting for the private street road bed. No retaining walls are proposed and the new ground level would be similar to the adjacent lots. The proposed private street would be sloped one way with runoff collected in a curb and gutter along the lower side of the street. Runoff from paved areas would be channeled to and treated in a landscape-based treatment area located between Lots 7 and 8 before connecting to the existing public 18-inch storm drain main within the Blacow Road frontage.

Urban Runoff Clean Water Program: The Municipal Regional Stormwater NPDES Permit (MRP) requires all new and redevelopment projects to incorporate measures to prevent pollutants from being conveyed in stormwater runoff and into the public storm drain system. The proposed project would be required to comply with the MRP by incorporating source controls and treatment measures into the project design.

The applicant intends to meet the qualitative stormwater treatment requirements by constructing a large stormwater treatment area between Lots 7 and 8 which would double as a landscaped dry depression during the dry season. As required by the Alameda Countywide NPDES Municipal Stormwater Permit, the applicant would be required to enter into a maintenance agreement for the long-term operation and maintenance of the project's private stormwater treatment measures. The agreement would require the ongoing maintenance of all designated treatment facilities. The applicant would also be required to integrate a pavement sweeping program to help prevent debris and other pollutants from entering storm drains.

Findings for Approval

Planned District Findings: Pursuant to FMC Section 18.110.070, the following findings must be made by the City Council in order to establish a new Planned District:

(a) The P district is consistent with the city's general plan and any applicable community or specific plan.

Analysis: The proposed Planned District would be consistent with the General Plan in that the proposed density of 7.84 dwelling units per acre would be consistent with the site's General Plan land use designation of Low Density Residential (2.3-8.7 units per acre). In addition, the project would comply with the applicable goals and policies of the Land Use, Community Character, Housing and Mobility Elements of the General Plan, as described in the staff report.

(b) The precise plan and supplementary documents incorporate and conform to the required standards of Section 18.110.020 and, where applicable, Section 18.110.030.

Analysis: The proposed Planned District conforms to the required standards of FMC Sections 18.110.020 and 18.110.030 in that the proposed project conforms to the standards of the Design Guidelines for Small-Lot Single-Family Residential Developments, as described in the staff report.

(c) The uses proposed will not be detrimental to present and potential surrounding uses.

Analysis: The proposed uses would not be detrimental to present and potential surrounding uses in that the project would replace an existing single-family home on a very large lot with new residential development of similar density and scale as that currently occupying the surrounding properties to the north, south, and east. The project would be fully independent through the creation of a new private street and the new Blacow Road frontage extension would include traffic calming measures. Furthermore, the development would be governed and maintained by a homeowners association that would be responsible for ensuring that the dwellings, streets, common areas, and other on-site improvements are maintained in a fully-functional and aesthetically-pleasing manner at all times. In addition, the project has been designed to minimize impacts on adjacent development through the provision of landscaped setbacks with trees and fences for privacy and buffering, and the dwellings and all other proposed improvements would be designed and built in accordance with current applicable building and life safety codes.

(d) The project provides suitable and adequate connections and capacity for both circulation and infrastructure to surrounding properties.

Analysis: While no opportunities to connect the project directly to the adjacent residential neighborhoods exist because of various physical barriers which include Blacow Road to the west, and the existing single-family homes which border the site, the project would provide suitable and adequate connections to the public street and sidewalk system and capacity for circulation and infrastructure in that it would provide a private street leading into the development from Blacow Road and locate all of the necessary utilities to serve the subdivision within its private streets. Furthermore, the proposed plans would include a sidewalk within the development which would connect directly to the Blacow Road sidewalk. The project would also complete the Blacow Road frontage which is currently blocked on either side of the project site. The number of estimated trips generated by the project would not significantly increase existing traffic volumes on Blacow Road.

(e) Existing or proposed utility services are adequate for the development.

Analysis: Existing or proposed utility services are adequate for the development in that there are existing water, sewer, and storm drain systems serving the site within Blacow Road, all of which have been confirmed by their respective service providers as being capable of accommodating the proposed homes, and no additional off-site easements need be secured or extensions constructed in order to connect the project to these systems.

(f) Any exception or modification from standard ordinance requirements will encourage a desirable living environment and is warranted by the design and amenities incorporated in the precise plan or provided to the community at large.

Analysis: The applicant is requesting exceptions to the maximum FAR, minimum rear yard setback, minimum garage recess and minimum separation between two-story units. These exceptions only occur on one or two lots and no lot would need all of the exceptions. Allowing the proposed increase in maximum FAR, and reductions in minimum rear yard setback, minimum garage recess and minimum separation between two story units is warranted in this case in that it would enable the developer to respond to the site-specific limitations to create a two-sided neighborhood that completes the frontage road and respects the adjacent density, thereby providing additional homeownership opportunities for a unique product type. The proposed exceptions would also not result in significant loss of privacy or private yard space in that there would still be at least 10 feet between units and 300 more square feet of useable rear yard space than the minimum required by the SLDG. Furthermore, the deviations from the FAR guidelines of the SLDG would enable the developer to build detached single-family homes that are consistent in size and scale with the adjacent single-family homes while offering slightly larger floor plans for larger families. Overall, the project would generally conform to the applicable design guidelines and reinforces the eclectic nature of the proposed neighborhood design. The proposed homes would sit on pad foundations and would range between 24 and 28 feet to the peak of the roof. The project has been designed to integrate cohesively with adjacent development in a manner that minimizes its impacts on the surrounding properties through provisions that feature high quality architectural elements, low-scale massing, significant articulation, and colors compatible with adjacent properties.

(g) The project substantially conforms to the applicable Design Guidelines.

Analysis: The proposed project was designed with general conformance to the Small Lot Single-Family Design Guidelines as described in the staff report above.

Vesting Tentative Tract Map Findings: Based on the analysis contained in the staff report, and pursuant to FMC Section 17.20.200 and Government Code Section 66474, the proposed Vesting Tentative Tract Map is in conformance with the General Plan, Zoning Ordinance, and the Subdivision Map Act, and none of the following findings can be made:

- (a) The map fails to meet or perform one or more of the requirements or conditions imposed by the Subdivision Map Act or Title 17 of the Municipal Code (Subdivisions);**
- (b) The proposed subdivision, together with the provisions for its design and improvements, is not consistent with applicable general and specific plans;**
- (c) The site is not physically suitable for the type or proposed density of development;**
- (d) The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;**
- (e) The design of the subdivision or the type or improvements is likely to cause serious public health problems; and**

- (f) **The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

In addition, the following finding should be made pursuant to Government Code Section 66473.5:

- (g) **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan or any specific plan for the reasons stated in this staff report.**

Private Street Finding: Pursuant to FMC Section 17.25.040, all lots created by a subdivision must have access to a public street, except that a private street may be approved if the following finding can be made:

- (a) **The most logical development of the land requires private street access;**

Analysis: In this case, allowing a private street is the most logical approach in that the project site is only 167 feet wide along Blacow Road. The City's standard street section for a public residential street is two travel lanes (one in each direction), and on-street parking, curbs, gutters, and sidewalks with planter strips along both sides of the street, for a full right-of-way width of nearly 60 feet. If the applicant were required to construct a full public street section to this standard, the amount of developable land remaining on the property after the 60 feet of roadway width are subtracted would not be sufficient to accommodate a residential development with small single-family lots at a density that is compatible with the adjacent residential development or to provide adequate private yard space for each lot. Allowing the applicant to construct a private street with on-street parking on one side only and a single sidewalk along one side of the street would enable the development of a project at a density that is both consistent with the adjacent single-family neighborhoods, and has ample space for private yards and a decorative landscape-based stormwater treatment area within the development.

Tree Removal Finding: Pursuant to FMC Section 18.215.070, the following finding is required in order to allow for the proposed removal of trees that are subject to protection under the City's Tree Preservation Ordinance:

- (a) **Development project plans currently filed for the lot indicate that it is necessary to damage, remove, or relocate the trees to enable reasonable and conforming use of the property or to achieve a superior project; and the trees cannot be preserved or left undamaged by a reasonably required**

redesign of the project.

Analysis: The majority of the 14 trees proposed to be removed are located within the middle of the project site or in the proposed public street improvements for the Blacow Road frontage. The trees within the public street improvements would conflict with the Blacow Road frontage (including new sidewalks and landscape planter strips with all new street trees) that would be required to be installed along the project's street frontage. According to an arborist report prepared for the project, many of the trees on the site are in poor condition and are not good candidates for preservation and/or relocation. In order to comply with the City's Tree Preservation Ordinance, which requires one new 24-inch box replacement tree to be planted for each protected tree being removed, the applicant would plant more than the minimum number of replacement trees throughout the project using several different species which were selected by a City landscape architect. Furthermore, the project would also include seven new street trees within the public right-of-way. For these reasons, the requested removal of the 14 trees is warranted in this case and would be adequately mitigated by the proposed planting plan.

FISCAL IMPACT: None

ENVIRONMENTAL REVIEW: An Initial Study was prepared for this project by staff in accordance with CEQA (see Informational Item #1). The Initial Study determined that the project could have a potentially significant impact on: air quality related to construction, hazardous materials related to the demolition of the existing home and accessory structures, and noise generated by traffic on the lots facing Blacow Road.

As such, a Draft Mitigated Negative Declaration was prepared and circulated for public review in accordance with the requirements of CEQA (see Exhibit "A"). One public comment for the Draft Mitigated Negative Declaration from Alameda County Water District (ACWD) was received. The comment raised concerns with groundwater well destruction, potential hazardous materials at the site related to the former dairy cattle dip tank, and drilling.

ACWD's comment about groundwater well destruction noted that the agency has previously sent the City letters stating no wells exist within the boundaries of the site. However, since the home was built in 1929 and the former wells on the property prior to its initial subdivision early in Fremont's history were located far from the house, ACWD is concerned that there is potential for additional undocumented wells to be located closer to the house. ACWD requests the City require the applicant to work with ACWD during demolition in the event they locate any wells on the current site. Condition of approval no. 3 requires the applicant to obtain a demolition permit prior to the commencement of any demolition or site clearing activities. A standard requirement to obtain a demolition permit from the Fremont Building Division is to obtain a letter from ACWD regarding any existing or potential wells on site. This condition would address ACWD's concern.

ACWD's other comment regarding the now removed cattle dip tank is related to the site's former use as a dairy farm which ceased at least 60 years ago. Cattle dip is a process to remove ticks and other parasites from livestock by having them walk through an open trough containing pesticides. The project's Phase I Environmental Site Assessment (ESA) touched on the cattle dip tank and mentioned it had been removed in 1985. Per the Phase I, "cattle dip from that period was comprised of organophosphate pesticides, which do not persist in the environment for more than a few years and would not be detectable in

the soil some 30 years later.” The Fremont Fire Department has reviewed the project’s Phase I ESA and did not have concerns related to the former cattle dip tank or potential contamination of the surrounding soil.

Lastly, ACWD notes the requirement for any drilling activity to be done with permits from their agency. Though no drilling is proposed, condition of approval no. 35 requires that the applicant to obtain any applicable permits from outside agencies, and that would apply in this case.

The applicant has agreed to implement mitigation measures that would reduce the identified impacts to less-than-significant levels, and these measures have been incorporated as conditions of approval for the project. In addition, mitigation for the removal of all existing, protected trees located within the project boundaries would be required by the City’s Tree Preservation Ordinance in accordance with FMC Section 18.215.080.

ATTACHMENTS:

- Exhibit A - Draft Mitigated Negative Declaration and MMRP
- Exhibit B - Planned District Rezoning
- Exhibit C - Project Plans
- Exhibit D - Findings & Conditions
- Exhibit E - Planned District Land Use & Development Provisions
- Informational 1 - Initial Study
- Informational 2 - Project Location
- Informational 3 - Public Correspondence
- Draft Ordinance - Oliveira Farm Cottages Rezoning

RECOMMENDATIONS:

1. Hold public hearing; and
2. Find that the Mitigated Negative Declaration as shown in Exhibit “A” was prepared in accordance with the requirements of CEQA, that there is no substantial evidence that the project will have a significant effect on the environment, and that this action reflects the independent judgment of the City of Fremont;
3. Introduce an ordinance approving a Rezoning of the subject parcel from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292 as shown on Exhibit “B,” based on the findings set forth in Exhibit “D;”
4. Approve Preliminary and Precise Planned District P-2018-292 as shown in Exhibits “B” and “C,” and the accompanying land use and development provisions set forth in Exhibit “E,” based on the findings and subject to the conditions of approval set forth in Exhibit “D;” and
5. Approve Vesting Tentative Tract Map No. 8477 and the accompanying Private Street entitlement as shown in Exhibit “C,” based upon the findings and subject to the conditions of approval set forth in Exhibit “D;”
6. Approve the proposed removal and mitigation of fourteen protected trees, pursuant to the Tree Preservation Ordinance based on the findings and subject to the conditions of approval in Exhibit “D;” and
7. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.