

# Planning Commission

## August 22, 2019

|                        |   |
|------------------------|---|
| <b>Proposal:</b>       | Villas of Irvington - 3800 Adams Avenue - PLN2017-00250 - To consider a Vesting Tentative Tract Map, Private Street and Discretionary Design Review Permit to allow the construction of 11 townhome units on a 0.61-acre property located in the Irvington Community Plan Area, and to consider an exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects. |
| <b>Recommendation:</b> | Approve - Based on Findings and Subject to Conditions   |
| <b>Location:</b>       | 3800 Adams Avenue (APN 525 060502200) in the Irvington Community Plan Area  |
| <b>Area:</b>           | Gross Area: 26,364 square feet (0.61 acres)<br>Net Area: 25,314 square feet (0.58 acres)  |
| <b>People:</b>         | Ying Wang, WRD Green Inc., Owner/Applicant<br>Fahed Habayeb, Architect<br>Spencer Shafsky, Staff Planner, (510) 494-4452,<br>sshafsky@fremont.gov   |
| <b>General Plan:</b>   | Medium Density Residential, 14.6 to 29.9 dwelling units per acre  |
| <b>Zoning:</b>         | R-3-18, Multifamily Residential   |

### **EXECUTIVE SUMMARY**

---

The applicant, WRD Green, Inc., requests approval of a Vesting Tentative Tract Map, a Private Street and Discretionary Design Review Permit to allow the construction of 11 three-story attached townhouses on a 0.61-acre (0.58-net acre) site. The project would be consistent with the General Plan and Zoning Ordinance, and substantially conforms to the City's Multifamily Design Guidelines. Staff recommends that the Planning Commission approve the proposed project as shown in Exhibit "A," based on findings and subject to conditions provided in Exhibit "B."

### **BACKGROUND AND PREVIOUS ACTIONS**

---

The subject site consists of a single 0.61-acre (0.58-net acre) lot located at 3800 Adams Avenue, which is developed with a ranch style single-family home built in 1952. A historical evaluation was completed for the property and the existing residence was determined not to be a possible historic resource.

#### *Surrounding Uses*

The project site is located at the southwest corner of the intersection of Roberts Avenue and Adams Avenue, in a residential neighborhood containing a mix of single-family homes, apartments and townhouses. To the south of the site lies a two-story ranch-style single-family house on a 19,629 square-foot lot. To the west of the site lies a single-story single-family house on an 8,720 square foot lot. To the east, across Roberts Avenue, lies a mix of one and two-story single-family homes. To the north of the site, across Adams Avenue, lies a three-story apartment complex.

#### *Evolution of Plan Development*

Beginning in March of 2017, the applicant has submitted numerous iterations of project

plans for review, and staff and the applicant have worked collaboratively to ensure that the proposed project exemplifies high quality architecture and site design. Some of the project refinements that came out of the iterative process include: 1) minimizing privacy impacts along the south and west property lines; 2) increasing articulation by breaking up the building roofline and elevations through variations in the roof forms and architectural detailing and varied exterior materials; 3) increasing private open space areas in the form of a mix of private rear yards and exterior balconies; and 4) enhancement of building elevations along Adams Avenue and Roberts Avenue to improve the appearance of the streetscape.

### **PROCEDURE FOR TONIGHT'S HEARING**

---

The Planning Commission is charged with the following:

1. Consider a finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects.
2. Consider approval of Vesting Tentative Tract Map No. 8400 and a Private Street as shown in Exhibit "A," based on findings specified in Fremont Municipal Code (FMC) Sections 17.20.200 and 17.25.040 and subject to conditions of approval as provided in Exhibit "B."
3. Consider approval of a Discretionary Design Review Permit PLN2017-00250, as shown on Exhibit "A," based on findings specified in FMC Section 18.235.060 and subject to conditions of approval provided in Exhibit "B."

### **PROJECT DESCRIPTION**

---

The applicant proposes to demolish the existing single-family home on the project site and construct 11 attached three-story townhouse units. Three buildings are proposed as part of the project. Two of the buildings would contain four units and one would contain three units. All units would consist of four bedrooms and would range in size from approximately 1,940 to 2,330 square feet. Each unit would have a two-car garage and would provide a ground floor living room and powder room.

The four-unit building located along the west property line would provide private rear yards for private open space while the other two buildings would provide balconies for private open space. A six-foot redwood fence would be provided along the south and west property lines, as well as a row of Cyprus trees along the west property line to enhance privacy. Six uncovered guest parking spaces would be provided on-site.

Two new driveways would be constructed on Adams Avenue to serve a new U-shaped private street, which provides complete access to the site, including emergency vehicle access. New storm water, wastewater and other utilities would be connected to existing facilities adjacent to the site. A 1,050 square foot street dedication would be provided along the Adams Avenue frontage, reducing the net acreage of the project site from 0.61-acres to 0.58-acres.

### **PROJECT ANALYSIS**

---

#### ***General Plan Conformance***

The General Plan land use designation for the project site is Medium Density Residential, 14.6 to 29.9 dwelling units per acre, which allows garden apartments, condominiums, flats, townhouses, and low-rise multifamily complexes. Projects developed under the Medium

Density Residential land use designation are multifamily in character but retain some of the qualities of suburban neighborhoods such as landscaped yards, off-street parking, common open space and low building heights (less than four stories). The proposed three-story townhome project would be consistent with the density and characteristics of the Medium Density Residential land use designation. The proposed residential project would be compatible with the Medium Density Residential land use designation, and the following General Plan goals and policies:

**Land Use Policy 2-1.11: Infill Emphasis** – Focus new development on underdeveloped of “skipped-over” sites that are already served by infrastructure and public streets.

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

**Analysis:** The proposed project would create 11 new dwelling units on a site that is designated for medium density residential development, but is currently underutilized with a single-family residence. The proposed development would be on an infill site that is in close proximity to shopping centers, commercial services, restaurants and transit. The subject property is currently served with existing public facilities including streets, sewer and water. As an infill project with compatible surrounding uses, there would be minimal impact on public services, adjacent properties and the natural environment.

**Land Use Policy 2-1.7: Becoming a More Transit Oriented City** – Plan for Fremont’s transition to a community that includes a mix of established lower density neighborhoods and new higher-density mixed use neighborhoods with access to high-quality transit.

**Land Use Goal 3-2: Reducing Vehicle Miles Traveled** – Improve mobility in Fremont while reducing the growth of vehicle miles traveled.

**Analysis:** The proposed project would place future residents in close proximity to the future Irvington BART station, which would be located less than ½ mile away. The project site is located in close proximity to commercial uses, services and amenities found in the nearby Irvington Town Center.

**Conservation Policy 7-9.1: Implement Green Building Standards** – Continue to implement and strengthen green building standards.

**Conservation Implementation 7-9.3.A: Solar Energy** – Promote the integration of solar energy sources into all types of development.

**Analysis:** The proposed project would incorporate sustainability measures meeting requirements for electric vehicle (EV) charging stations, solar energy and green building as follows:

1. Electric Vehicles: The proposed project would include one uncovered EV charging station for one of the guest parking spaces. In addition, the private garages would be required to provide raceway to accommodate an EV charger in accordance with the Fremont Municipal Code.
2. Solar: The project would include a photovoltaic solar system for each townhome in accordance with the Fremont Municipal Code.

**Zoning Regulations**

The following table illustrates how the proposal would comply with key development standards applicable to a new residential development in the R-3-18 District, as provided in FMC Sections 18.90.050 and 18.183.030.

**Table A – Compliance with Applicable Development Standards**

| <b>Development Standard</b>  | <b>R-3-18 Zoning District or FMC Requirement</b>  | <b>Proposed Project</b>   |
|--|---|---|
| Allowable Density Range (units/net acre)   | 14.6 – 18 units/net acre  | 18.97 units/net acre <sup>1</sup>   |
| Minimum Interior Side and Rear Yard Depths (feet)  | 10 feet   | 10 feet (minimum)   |
| Distance between windows of separate units on walls angled 90 degrees or less from each other (feet)             | 15 feet   | 24-27 feet  |
| Distance between parking or circulation areas and a public street right-of-way or private street easement (feet) | 15 feet   | 115 feet  |
| Maximum Building Height (feet)   | 36 feet   | 33 feet   |
| Common Open Space (square feet)  | 500 sf minimum (500 sf for first five units, 50 sf for each additional unit)  | None <sup>2</sup>   |
| Private Open Space (square feet)   | Balconies, decks, porches <ul style="list-style-type: none"> <li>• Minimum area: 60 sf</li> <li>• Minimum interior dimension: 6 feet</li> </ul> Patios or private yards <ul style="list-style-type: none"> <li>• Minimum area: 100 sf</li> <li>• Minimum interior dimension: 10 feet</li> </ul> | Private decks Lot 1 115 s.f., Lots 2-4 97 s.f., Lots 5-6 96 s.f., Lot 7 120 s.f with min. dimension 6 feet and private yards Lot 8 with 115 s.f. with min. dimension 10 feet and Lots 9-11 with 270 s.f. with min. dimension 10 feet. |
| Enclosed Storage Closet  | 100 cubic feet (cf) for each dwelling unit  | 100 cf minimum  |
| Parking  | <ul style="list-style-type: none"> <li>• Resident Parking: 17 spaces (requirement:</li> </ul>   | <ul style="list-style-type: none"> <li>• Resident Parking: 17 spaces</li> <li>• Guest Parking: six spaces</li> </ul>  |

| <b>Development Standard</b>  | <b>R-3-18 Zoning District or FMC Requirement</b>   | <b>Proposed Project</b>                   |
|--|--|---|
|  | one covered space plus 0.5 covered or uncovered space per unit)<br>• Guest Parking: six spaces (requirement: 0.5 spaces per unit)<br>• Bicycle Parking: five short term spaces (requirement for multifamily residential with private garages: four, plus one per 10 units) | • Bicycle Parking: five short term spaces |
| <p><sup>1</sup> Per FMC Section 18.25.1995, net acreage does not include the portions of a lot that are unavailable for development, including non-developable easements and public rights-of-way. Based on this definition, the public right-of-way dedication along Roberts Avenue for street improvements reduces the net density of the project site from 0.61 acres to 0.58 acres. The calculated net density for the project is slightly above the allowable density range for the R-3-18 zoning district. However, per FMC Section 18.90.050(b)(2)(C), minor deviations of no more than one dwelling above or below the permitted range may be allowed when rounding the density calculation.</p> <p><sup>2</sup> Per FMC Section 18.90.050(g)(1)(A)(v), small development sites of 12 units or less may be exempted from providing common open space when exceeding private open space area standards. Private open space areas provided exceed the minimum requirement.</p> |  |   |

*Affordable Housing*

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

**Design Analysis**

*Multifamily Design Guidelines*

Staff has found that the proposed project would meet all applicable design rules and be consistent with the design guidelines contained within the City’s Multifamily Design Guidelines (MFDG).

The MFDG are organized based on the following basic design principles:

**SITE PLANNING & LAYOUT PRINCIPLE.** The proposed site layout would include private open space areas and pedestrian pathways that would enhance safety, convenience, and social interaction among residents.

**OPEN SPACE & LANDSCAPE PRINCIPLE.** The proposed project would provide usable private open space areas for each unit in both balconies and private rear

yards in excess of the minimum square-footage requirements, and include plantings that would provide a variety of colors and textures appropriate to the proposed project.

**BUILDING DESIGN & ARCHITECTURE PRINCIPLE.** The proposed buildings embody quality design elements and materials and include elevations and architectural elements to provide variation in building massing.

**CONTEXT SENSITIVE DESIGN PRINCIPLE.** The proposed buildings, site improvements, and private street would create a cohesive community setting that is compatible with surrounding uses.

Discussion of the project's conformance with these design principles is below:

#### Site Planning and Layout

As required by the MFDG, the units along Roberts Avenue and Adams Avenue would be oriented to face the street to enhance the appearance of the project from the public right-of-way. The front of these units include a semi-enclosed landscaped front yard with a covered porch, which would connect the building entries to the street while still providing a physical barrier to distinguish public and private open space. Guest parking for the project would be provided in the rear and accessed by the proposed private street in order to reduce the visual impact of surface parking from the public right-of-way.

#### Site Planning and Layout

The landscape plan proposes a variety of low water usage shrubs and trees throughout the site, as encouraged by the MFDG to create visual interest. The project would remove five existing trees located on the site, which include a mix of fruit and nut trees, none of which would be considered a protected tree under the City's Tree Preservation Ordinance. Seven existing trees would be preserved on site and additional trees would be planted throughout the site with a mix of Crape Myrtle, Chinese Pistache and Grecian Laurel along with shrubs and ground cover.

#### Building Design and Architecture and Context Sensitive Design

The proposed architectural style of the buildings are contemporary and feature a variety of modern building materials, including stucco, stone, metal awnings and canopies, vinyl and aluminum window frames, and varied gabled roof forms and facades. The color scheme features colors of sand, rust and green with stone accents. The varied materials, color applications and architectural features are consistent with the design rules in the MFDG to create visual interest and individuality, and reduce the appearance of mass and bulk. Per the MFDG, the building design also adds architectural detailing and variation so that each unit is clearly differentiated and one half of the building would not mirror the other.

The MFDG encourage architectural design that creates public, welcoming, and pedestrian-friendly building fronts. The proposed design addresses this goal by designing the units closest to Adams Avenue and along Roberts Avenue so that the main entrances face the streets with a walkway leading from the public right-of-way to the front door. This design creates a stronger connection with the public realm.

Potential privacy impacts on adjacent single-family homes would be addressed by glazing the lower portion of the upper-floor windows of the units along the west property line to prevent people from looking down into the adjacent property's rear yard. Further, an additional 20 Italian Cyprus trees would be planted along the west property line to provide

privacy for the adjacent property. There are existing mature trees on adjacent properties to further enhance privacy.

#### *Vehicle Trip Generation*

The project would have vehicular access from two new driveways on Adams Avenue. Trip generation estimates were based on Residential Condominium/Townhouse. The proposed project consisting of 11 single-family homes is estimated to generate 53 weekday vehicle trips, 5 Weekday AM (7-9) peak hour trips, and 5 Weekday PM (4-6) peak hour trips. Trip generation estimates are based on ITE Trip Generation Handbook, 9<sup>th</sup> Edition, ITE #230 Residential Condominium/Townhouse. Since the project is estimated to generate less than 100 new peak hour trips, a traffic impact analysis was not required, which is a threshold set by the Congestion Management Agency.

#### *Irvington BART Station Area Plan*

The subject site is located within the boundaries of the Irvington BART Station Area Plan (SAP), but the design rules and guidelines contained within the SAP Plan do not apply to this project. The SAP design rules and guidelines only apply to Urban Residential (30-70 dwelling units/net acre), commercial, and mixed-use projects within the SAP Plan Area. Additionally, this project was deemed complete well prior to the adoption of the SAP in July 2019.

### **FINDINGS FOR APPROVAL**

In order to approve the proposed Discretionary Design Review Permit and Vesting Tentative Tract Map the project must be found consistent with the General Plan and Zoning Ordinance. Based on the above analysis, staff finds the proposed project would be in conformance with General Plan and Zoning Ordinance and recommends the following findings:

#### **Discretionary Design Review Permit.**

- (a) **The proposed project is consistent with the general plan, any applicable community or specific plan, planning and zoning regulations, and any adopted design rules and guidelines.**

**Analysis:** The proposed project is consistent with the density range of the R-3-18 zoning district and the Medium Density Residential General Plan land use designation. The proposed project would be consistent with General Plan policies related to Land Use, Safety and Conservation as discussed in the staff report. The project would also be consistent with applicable development standards for the R-3-18 zoning district and the Multifamily Design Guidelines, as discussed in the staff report.

- (b) **When a proposed project is inconsistent with an adopted design rule, the purpose and intent of the design rule is met through alternative means.**

**Analysis:** The proposed project is consistent with all applicable design rules in the Multifamily Design Guidelines as discussed in the staff report.

- (c) **The multifamily residential project's architectural, site, and landscape design will not be detrimental to the public health or safety; or a nonmultifamily project's architectural, site, and landscape design will not**

**unreasonably interfere with the use and enjoyment of adjacent development nor be detrimental to the public health, safety, or welfare.**

**Analysis:** The proposed project is consistent with all applicable design rules in the Multifamily Design Guidelines, which ensure that a multifamily project exemplifies high quality architectural, site and landscape design. The proposed project is consistent with applicable development standards for the R-3-18 zoning district and will be built in accordance with applicable building codes, which will ensure that the project will not create any impacts detrimental to public health or safety.

**Vesting Tentative Tract Map No. 8400 Findings.**

Pursuant to FMC Section 17.20.200, based on the analysis of the project contained in this staff report, the proposed Vesting Tentative Tract Map is in conformance with the General Plan, FMC Title 17 (Subdivisions), 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 the Subdivisions Ordinance (FMC Title 17);
- (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.

**Private Street Finding.**

Pursuant to FMC Section 17.25.040, the following finding is required in order to allow for the proposed private street:

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

**Analysis:** The land being subdivided would be used for residential units that would include private garages. Rather than creating additional driveways on the public street, which would disturb traffic flow, the proposed project would include a single private street with two driveways that would provide vehicle access to and from the proposed units. The City's standard street section for a public residential street requires two travel lanes and on-street parking, curbs, gutters, and sidewalks with landscape planters on both sides of the street. If the applicant were required to construct a full public street section to this standard, the amount of developable land remaining would not allow development at a density appropriate for medium density residential development. As such, allowing the applicant to

construct a private street would allow for a superior site layout and enable the applicant to develop a townhome project at a density appropriate to the land use designation.

The findings above are also contained in Exhibit "B" enclosed.

### **CITY FEES**

---

This project would be subject to citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities and traffic impact. All applicable fees would be calculated and paid at the fee rates in effect at the time of building permit issuance. The applicant may elect to defer payment in accordance with the City's Impact Fee Deferral Program.

### **ENVIRONMENTAL REVIEW**

---

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects, which exempts in-fill development when the project would be consistent with the General Plan and Zoning Ordinance; proposed development would occur on a site no greater than five acres substantially surrounded by urban uses; the site has no habitat value for endangered, rare or threatened species; approval would not result in significant effects relating to traffic, noise, air quality and water quality; and the site is adequately served by utilities and public services.

As documented in the staff report, the project would be consistent with the General Plan and Zoning Ordinance. The 0.61-acre (0.58-net acre) site is located on a corner lot with urban development to the south and west, is developed with one single-family home and, thus, does not contain any natural vegetation nor provide habitat for endangered, rare or threatened species. Standard development requirements for resource protection contained in FMC Section 18.218.050(b) (Biology, Special-Status Species) would be included as conditions of approval and implemented with project development. These standard requirements would ensure that there would be no impacts to burrowing owls and nesting birds. The proposed project would generate less than 100 new peak hour trips, a threshold set by the Congestion Management Agency, and would not have significant effects relating to traffic. Likewise, given the small nature of the project and similar characteristics to surrounding urban development, the project would not have noise, air quality or water quality impacts. Hours of construction would be regulated per FMC Section 18.160.010 to address short-term noise during construction, the standard development requirements contained in FMC Section 18.218.050(a) (Air Quality) would be included as conditions of approval and implemented during project construction to address short-term air quality impacts. The project is below the BAAQMD screening threshold to require a more detailed analysis of air quality impacts. The project would implement the City's stormwater runoff requirements. Finally, there are existing utilities and public services available to serve the site, including but not limited to: water, sanitary sewer, storm water facilities, electricity, natural gas, roadways, and transit.

### **PUBLIC NOTICE AND COMMENT**

---

Public hearing notification is applicable. Notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on August 9, 2019. A Public Hearing Notice was published by *The Tri-City Voice* on August 6, 2019.

**RECOMMENDATION**

---

1. Hold public hearing.
2. Find the project is categorically exempted from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects.
3. Find the project is in conformance with the relevant provisions contained in the City's General Plan and the designated goals and polices set forth in the Land Use, Conservation and Safety Elements of the General Plan as enumerated in the staff report.
4. Approve of Design Review Permit PLN2017-00250, as shown on Exhibit "A," based on the findings and subject to the conditions of approval set forth in Exhibit "B."
5. Approve Vesting Tentative Tract Map No. 8385 and a Private Street as shown in Exhibit "A," based on the findings and subject to the conditions of approval set forth in Exhibit "B."

**ENCLOSURES**

---

- PLN2017-00250 Exhibit A
- PLN2017-00250 Exhibit B