



## ZONING ADMINISTRATOR HEARING STAFF REPORT

DECEMBER 5, 2016

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| <b>Proposal:</b>       | <b><u>LOTUS COMMON – 36247 FREMONT BOULEVARD - PLN2016-00407</u></b> - To consider a Discretionary Design Review Permit for the development of a four-unit residential apartment building on a 0.26 acre parcel in the Centerville Community Plan Area, and to consider a categorical exemption from the requirements of 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>       | 36247 Fremont Boulevard in the Centerville Community Plan Area;<br>APN: 519-44-163-1   |
| <b>Land Area:</b>      | 11,241-square-feet (net), 0.26 acre  |
| <b>People:</b>         | Yadav Design Group (Neelu Yadav), Applicant<br>Padma Kalakuntla, Property Owner<br>Terry Wong, Staff Planner, 510-494-4456,<br>twong@fremont.gov   |
| <b>General Plan:</b>   | Residential – Medium, 14.6 to 29.9 dwelling units per acre   |
| <b>Zoning:</b>         | R-3-18, Multifamily Residential District   |

### **EXECUTIVE SUMMARY**

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The applicant, Yadav Design Group, requests approval of a Discretionary Design Review Permit to facilitate the development of a 0.26-acre site with a four-unit apartment building located at 36247 Fremont Boulevard. The project site contains one existing single-family residence that would be demolished. Staff recommends that the Zoning Administrator approve the proposed project as shown in Exhibit "A," based on the findings and subject to the conditions contained in Exhibit "B," attached.

### **BACKGROUND AND PREVIOUS ACTIONS**

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The project site is 0.26 acres (11,241 square feet) and contains one existing single-family residence that was constructed in 1924. Because the house was constructed more than 50 years ago, a historical property evaluation was required. A qualified historical consultant working with City staff determined that the structure is not historically significant and could be demolished. There was a previous application in 2009, for four proposed townhomes; however, the project was withdrawn. There are no previously approved entitlements related to the subject site.

The project site is surrounded by property with a General Plan land use designation of Medium Density Residential and developed with multifamily residential units. The project site has frontage along Fremont Boulevard, which is a four-lane arterial street and is improved with a curb, gutter and sidewalk.

## **PROJECT DESCRIPTION**

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The applicant requests approval of a Discretionary Design Review Permit to allow the development of an apartment building on a 0.26-acre parcel. The project would contain four, 920 square foot, two bedroom rental apartments in a two-story building with a height of up to 36 feet, 5 inches (32 feet, 11 inches at the mid-point of the roof).

A four-vehicle carport would provide one covered parking space for each apartment residence. Four guest parking spaces (including one accessible space) would also be provided. The two first-floor residences would each have a 105 square foot patio and the two, second-floor residences would each have a 60 square foot balcony. Although not required per the Fremont Municipal Code, a landscaped common open space area with benches would be provided on the west side of the project site. Vehicular access would be provided via a new driveway leading from Gibraltar Drive onto the property, which would also provide access to a four vehicle carport and four guest parking spaces. Decorative pedestrian walkways from Fremont Boulevard and Gibraltar Drive would provide access to the front entrances of each residence.

The new building was designed using craftsman-style architecture with earth-toned composite shingle siding; a composition shingle roof; enhanced gabled roofs; trellis wall elements; integrated balconies, and windows with lintel trim. The building would be solar ready so that photo voltaic panels could be installed on the roof in the future. Four new 24-inch box street trees would be planted in the City right-of-way, adjacent to the public sidewalk along the site's Fremont Boulevard and Gibraltar Street frontages.

## **PROJECT ANALYSIS**

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

The subject property has a General Plan land use designation of Residential – Medium, 14.6 to 29.9 dwelling units per acre. This land use designation is intended to accommodate multifamily developments such as townhomes, condominiums and apartments. The proposed project would provide a density of 15.5 dwelling units per acre. The following General Plan goals and policies are applicable to the project:

**LAND USE POLICY 2-1.11: Infill Emphasis** – *Focus new development on underutilized or “skipped over” sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.*

**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 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.*

**Analysis:** The project site is located within an existing developed area and would further the City's General Plan policies that emphasize infill development. The proposed project would provide new rental housing opportunities on an underutilized infill site where existing utilities and infrastructure adequately support such development. Over the course of several months, the applicant's design team worked with staff to refine its development plans to produce a project that would be attractive and well-articulated. The proposed project design would be compatible with the character of the surrounding neighborhood with a plan that provides proper orientation and placement of the building. These project features would meet the design and infill policies of the General Plan.

**LAND USE POLICY 2-3.1 Neighborhood Diversity** - *Sustain a diverse array of neighborhoods in Fremont, ranging from semi-rural hillside neighborhoods to dense urban neighborhoods that are oriented around transit stations. The positive elements that define each neighborhood should be protected and enhanced in the future.*

**Analysis:** The proposed project, at 15.5 units per acre, is at the low end of the General Plan density range, and would be compatible with the type and intensity of multifamily residential development that surround the site. The properties adjacent to the subject site also have a General Plan land use designation of Residential – Medium, 14.6 to 29.9 dwelling units per acre. Each of the four proposed apartment residences would be modest in size, and would match the scale and characteristic of the buildings in the immediate vicinity.

**Zoning Regulations**

The zoning of the project site is R-3-18, Multifamily Residential District, which would accommodate the development of a building with four apartment residences with 920 square feet each. The proposed project would provide a means of effectuating desirable development that would conform with and implement policies of the General Plan, as previously discussed.

*Land Use/Development Standards:* The proposed project has been designed in a manner to comply with the R-3, Multi-Family Residence zoning district. The following table illustrates how the proposal would be consistent with the development standards applicable to a new residential development in the R-3-18 zoning district:

| <b>Standard</b>       | <b>Requirement</b>   | <b>Proposed</b>    | <b>Complies?</b> |
|-----------------------|--|--------------------|------------------|
| Front Setback         | 15 feet, but may be reduced to 0 feet when fronting upon a Main Street Corridor or Urban Corridor street as identified in the General Plan | Min. 15 feet       | Complies         |
| Rear Setback          | 10 feet  | Min. 10 to 19 feet | Complies         |
| Interior Side Setback | 10 feet  | Min. 92 feet       | Complies         |
| Building Height       | Maximum 36 feet  | 32 feet, 11 inches | Complies         |

| <b>Standard</b>    | <b>Requirement</b>   | <b>Proposed</b>  | <b>Complies?</b> |
|--------------------|--|--|------------------|
|                    | at mid-point of roof   | at midpoint of roof, 36 to peak                                  |                  |
| Private Open Space | 100 sq. ft. for ground floor patios and 60 sq. ft. for balconies | 105 sq. ft. for ground floor patios and 60 sq. ft. for balconies | Complies         |

As the table above shows, the project would conform to, or exceed, all minimum applicable R-3-18 development standards.

*Parking:* Pursuant to FMC Section 18.183.030 (Required Parking Spaces by Type of Use), the minimum parking requirements for new multi-family residential developments are as follows in the table below.

| <b>Land Use</b>                                       | <b>Parking Ratio/Standard</b>  | <b>Spaces Required</b>  | <b>Spaces Provided</b>  | <b>Degree of Compliance</b> |
|---|--|---|---|-----------------------------|
| <b>Multi-Family Dwellings w/ Two or More Bedrooms</b> | 1 covered space and 0.5 uncovered space for residents per unit; 0.5 spaces for guests per unit | 4 covered spaces for residents; 2 uncovered spaces for residents; 4 spaces for guests | 4 covered spaces for residents; 2 uncovered spaces for residents; 4 spaces for guests | Complies                    |

*Affordable Housing:*

Pursuant to the City's Affordable Housing Ordinance (AHO), the applicant would pay a fee in effect at the time of issuance of building permits, based on the square footages of each residence.

**Design Analysis**

The proposed project has been reviewed for consistency with the City's Multifamily Design Guidelines. Based on this review, staff has found that the project would meet the design objectives and principles that are provided in the guidelines to augment the basic requirements of the R-3-18 zoning district standards as further described below.

*Multifamily Design Guidelines:* The project would be consistent with the following principles of the Multifamily Design Guidelines:

**CONTEXT SENSITIVE DESIGN PRINCIPLE.** The proposed building and site improvements would create a cohesive community setting that is compatible with surrounding uses because the building is relatively modest in size and would contain only two stories, which is compatible with the scale and characteristic of the two and three-story buildings in the immediate vicinity.

**SITE PLANNING & LAYOUT PRINCIPLE.** The proposed site layout would place the building toward the street corner of the site and locate the parking area at the rear of the site. The project would also include a common open space area and pedestrian pathways that would enhance safety, convenience, and social interaction among residents.

**OPEN SPACE & LANDSCAPE PRINCIPLE.** The proposed project would provide usable private and common open space areas with amenities 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 articulated entryways, recessed private open space and architectural elements to provide variation in building massing.

**SUSTAINABILITY PRINCIPLE.** The proposed building would conform to current building code requirements for energy efficiency.

*Site Planning:* The subject property is approximately 74 feet by 187 feet. The proposed apartment building would contain four modestly sized, 920 square foot rental units. Although not required, a landscaped common open space area would be provided and located on the west side of the building. A driveway off of Gibraltar Drive would provide access to the carports and guest parking spaces. Two of four residences would have front doors oriented towards Fremont Boulevard, and the two remaining residences would have a pedestrian path that would connect the entry doors to Gibraltar Drive.

*Context/Scale:* The site is adjacent to two- and three-story multifamily buildings on the north, west and south sides. American High School is located on the east side of the project site, on the opposite side of Fremont Boulevard. The General Plan land use designation of all the surrounding properties is Residential – Medium.

*Architecture:* The proposed new building was designed with a craftsman architecture that would complement the existing adjacent multifamily buildings. The four, 920 square foot apartment residences would each contain two bedrooms and two bathrooms. The exterior of the building would utilize shingle-style lap siding, gabled roofs and a moderate-scale 4/12 roof pitch with composition shingles. The building elevation details include enhanced entry porches; raised window trim; wall trellis elements; belly band trim and decorative gable vents. Staff worked closely with the applicant to refine the site plan, architecture and reduce the massing of the buildings. Architectural details were added such as wood trim; trellises above selected windows; decorative gable vents and tri-tone paint.

A steel framed carport for four vehicles would be provided on the west side of the subject site. The carport would have a metal roof that would be painted to match the proposed building. A concrete trash enclosure with tan split-face blocks would be installed adjacent to the carport.

*Colors and Materials:* Earth-tone exterior wall colors are proposed, with a variation of lighter and darker colors for the entry doors, trim and roof fascia boards. The varied earth-tone color palette is appropriate for buildings of this design and would serve to accentuate the architectural features, contributing to a project that is responsive to the site and neighborhood context.

*Landscape/Open Space:* The site would contain landscaped walkways that would be located around along the site's Fremont Boulevard and Gibraltar Drive street frontages. The proposed landscape plan emphasizes low water use groundcover, trees and shrubs. The applicant has incorporated a common open space area that would be provided on the west side of the project. There are 16 existing trees located along the south property line, which

provide privacy for the site and would be maintained and incorporated into the new landscape plan.

Each residence would have private opens space. The first floor units would each have a 105 square foot patio and the second floor units would each have a 60 square foot balcony. Although not required for residential developments with 12 or fewer units, the project would also contain a common open space area (618 square feet) with bench seating located on the west side of the project site.

*Street Right-of-way Dedication and Improvements:* The developer shall dedicate the right-of-way needed to accommodate the ultimate street configuration and a six-foot wide public service easement along the project street frontages on Fremont Boulevard and Gibraltar Drive to the satisfaction of the Public Works Director. The right-of-way dedication would reduce the lot size from 12,225 square feet to 11,241 square feet. Vehicular access to the project would be provided from an existing driveway on Gibraltar Drive. The existing driveway opening along the site's Fremont Boulevard street frontage would be closed and replaced with a new curb, gutter and sidewalk.

*Grading & Drainage:*

The runoff from roof areas and the driveway would drain to landscape-based treatment facilities. The connection to the existing storm drain facility is on Gibraltar Drive. The details of the proposed on-site storm drainage system and connection to public main would be included with the improvement plans for the project. The drainage system would be subject to approval of the Public Works staff.

*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. This project is required to comply with the MRP by incorporating source control measures into the project design. Any significant changes to the current design may require additional requirements for stormwater compliance, including the addition of sized stormwater treatment measures.

## **FINDINGS FOR APPROVAL**

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

***Discretionary Design Review Permit Findings***

Pursuant to FMC Section 18.235.060, the following findings must be made by the Zoning Administrator:

1. **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** in that the proposed four-unit rental apartment building would be an infill of an underutilized parcel. The project conforms to the General Plan land use designation and is an allowed use in the R-3-18 district. The project would comply with the City's City-wide Design Guidelines in terms of architectural design, massing, scale, building type, density, compatibility

with adjacent buildings, pedestrian orientation, vehicular circulation, landscaping and integration to adjacent uses.

2. **The 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** in that the design of the proposed project would fit into the context of the existing adjacent multifamily residential buildings in terms of the project's site plan and architectural design including building massing and scale.

## **CITY FEES**

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This project would be subject to citywide Development Impact Fees. These would include fees for fire protection, capital facilities, traffic facilities, park facilities, and park dedication in-lieu. All applicable fees would be calculated and paid at the fee rates in effect at the time of building permit issuance. A development impact fee credit would be given for the single-family residence that exists on the project site. The applicant would also pay an Affordable Housing fee. The applicant may elect to defer payment of the fees in accordance with the City's Impact Fee Deferral Program.

## **ENVIRONMENTAL REVIEW**

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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; would adequately be served with utilities and public services; 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. Finally, the project would generate minimal additional traffic and would not have significant effects relating to noise, air quality or water quality.

## **PUBLIC NOTICE AND COMMENT**

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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 November 10, 2016. A Public Hearing Notice was also published by *Tri-City Voice* on November 8, 2016.

Staff encouraged the applicant to conduct outreach to residents by holding a community meeting to present their project to neighbors. The applicant held a community meeting on November 2, 2016, which was attended by three property owners from the immediate vicinity. The applicant stated that the project was well-received.

## **ENCLOSURES:**

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- [Exhibit A](#)
- [Exhibit B](#)
- [Informational 1](#)

## **RECOMMENDATION**

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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, including the designated goals and polices set forth in the Land Use Element of the General Plan as enumerated in the staff report.
4. Approve the Discretionary Design Review Permit as shown in Exhibit "A," based upon the findings and subject to the conditions of approval set forth in Exhibit "B."