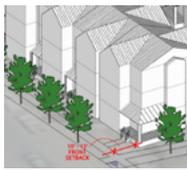


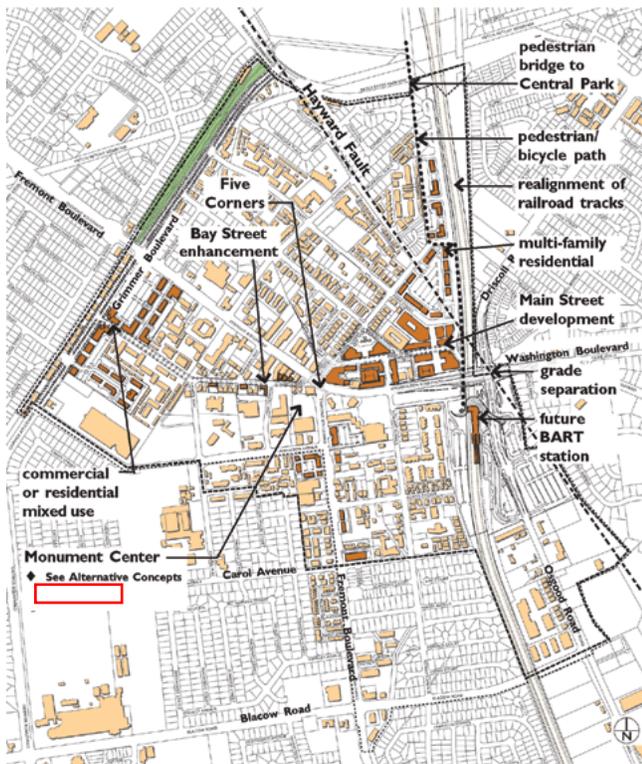


City of Fremont



Development Policies

- | | |
|---|--------------------|
| A. Procedures for Development Policies, Regulations, and General Plan | Resolution 2709 |
| B. Agricultural Preserves | Resolution 5362 |
| C. Mobile Home Parks | Resolution 5445 |
| D. Railroad Grade Crossings and Separations | Resolution 2537 |
| E. Private Vehicle Accessway (PVAW) | Resolution 2013-64 |



City of Fremont Planning Division
39550 Liberty St, Fremont, CA 94537-5006
www.fremont.gov/planning

Reprinted - October, 2013

*The information in this document may have changed after it was printed.
Please consult the Planning Division or appropriate agency for the most recent information or status.*

Users should verify designations, policies, regulations, and restrictions before making project commitments.

ADOPTED BY CITY COUNCIL RESOLUTION NO. 2709

Resolution of the City Council Approving Procedures for Development Policies, Regulations, & General Plan

WHEREAS, on various and several occasions this City Council has adopted resolutions, usually acting upon recommendation of the Planning Commission, promulgating policies as general guides for developers, citizens, City Council, Planning Commission, City personnel and other concerned persons, in connection with determinations to be made in the implementation, application and administration of the General Plan of the City of Fremont, Zoning Ordinance and other provisions of the Fremont Municipal Code and California statutes concerned with the planning and development of the City of Fremont (illustrative of such development policies are the so-called “Multi-Family Policy” adopted by Council Resolution No. 811, the “Hillside Street Standards Policy” adopted by Resolution No. 1292, the “Service Station Policy” adopted by Resolution No. 2600); and

WHEREAS, an effort was commenced in about 1967 to organize and compile such policies into a format which would provide for more convenient reference than merely to resolutions adopting and amending such policies, such effort resulting in the adoption and re-adoption (of some of the policies adopted prior to 1967) of such development policies by Council resolution as part of a compilation entitled “Development Policy Criteria Manual,” which included the titling, outlining, paragraphing, sectioning and subsectioning of such policies as part of the official action of the City Council (comparable to the codification of ordinances into the Fremont Municipal Code); and

WHEREAS, since the compilation of such development policies as aforesaid has had as its primary purpose to serve the practical convenience of City personnel and developers in the day to day administration (including implementation, application and communication) of such development policies, General Plan, Zoning Ordinance and other provisions of the Fremont Municipal Code and California statutes, the Director of Planning and Community Development, the City Manager and other concerned City personnel have found, from time to time, that the administration of such development policies would be better served if such development policies and also the “development regulations” of the City (Zoning Ordinance and other ordinances regulating development), and General Plan, were organized, printed and distributed as a compilation with a different format than the format approved by the official actions of the City Council, and also, that such administration would be aided by the further addition in the compilations of such official actions, of explanatory notes or comments directed to specific provisions of such development policies, development regulations and General Plan which comments or notes convey information, interpretations, judgments and staff guides or policies relating to the administration of such provisions; and

WHEREAS, the Director of Planning and Community Development has had prepared, and the City Manager has submitted to this City Council for its perusal and review, three loose-leaf binders entitled respectively, “Development Policies”, “Development Regulations”, and “General Plan”, consisting of compilations of the aforementioned policies, regulations and General Plan of the City, the contents of which compilations this City Council takes notice are basically a literal transcription of the contents of certain resolutions and ordinances officially adopted by City Council relating to planning and development, which are organized, titled, indexed and compiled to accomplish the aforementioned purposes in the administration of said resolutions and ordinances adopted by the City Council; notice is also taken that reference to the resolution and ordinance numbers are made on the pages reprinting the specific provisions of such resolutions and

ordinances (it is noted, however, that the contents of the printed pages which have been submitted contain few explanatory notes or comments as aforementioned); and

WHEREAS, this City Council is cognizant of the possible effect that developers and other citizens will tend to consider the reprinting of the officially adopted ordinances and resolutions, as compilations as mentioned herein, including indexing, titling and other organization and explanatory notes and comments of such compilations, as the “official” word of the City and therefore of the City Council, and thus deserving of official sanction and approval by the City Council, nevertheless, it appears from the foregoing findings and statements in these premises by this City Council that the best interest of the City will be served in connection with the day to day administration of the development policies, development regulations and General Plan if the compilations thereof, as aforementioned, are delegated to and under the reasonable discretion of responsible personnel of the City staff, without the specific details of such compilations requiring the specific and official approval of the City Council.

NOW, THEREFORE, be it resolved by the City Council of the City of Fremont, as follows:

1. The Director of Planning and Community Development hereby is authorized, subject to the availability of funds and the administrative direction of the City Manager, to prepare compilations of the development policies (Council resolutions), development regulations (Zoning Ordinance and other ordinances regulating development) and the General Plan of the City of Fremont, or excerpts or portions thereof, in the manner and for the purpose aforementioned in the premises of this resolution.
2. The organization and format of the compilations of the development policies, development regulations and General Plan as set forth in the aforementioned compilations submitted to this City Council for review appears to this City Council to satisfactorily meet the purpose aforementioned in the premises of this resolution, but the City Council does not approve herein such compilations as the “official” action of the City Council, and in connection with the adoption of resolutions and ordinances of the City Council in the future, only the substantive wording of such actions shall be deemed to be approved by the City Council and not any particular organization or format thereof; also, development policies heretofore adopted by resolutions of the City Council may be reorganized and re-compiled in accordance with the foregoing.
3. The specific provisions in the compilations of such development policies, development regulations and General Plan shall include specific references to the numbers of the adopting or amending resolutions or ordinances which are the source of the substantive provisions of such compilations; explanatory notes or comments approved by the Director or City Manager shall be identified as such; if excerpts or rearrangements of Council ordinances or resolutions are made, such fact shall be ascertainable in the organization or format of such compilations; no revision of the wording of the official adopted action of the City Council shall be made unless adopted by action of the City Council; any interested person may inspect the official resolution or ordinance on file with the City Clerk and which is the source of such provisions in such compilations; approval by the City Attorney are to the form of such compilations is not required provided that any advice that the City Attorney may give in regard to the legal significance of such compilations shall be considered and provided further, that the codification scheme of the Fremont Municipal Code shall be modified in compilations of ordinances, and; the City Council reserves its prerogative to direct general or specific modifications to the organization and format and contents of any such compilations. In the event there is any conflict between the contents of such compilations and the substantive contents of the

official resolutions and ordinances adopted by the City Council, the latter shall prevail and no person shall maintain to the contrary.

4. A fee or schedule of fees may be established by resolution of the City Council, providing for the sale of such compilations, or portions thereof, which are prepared and made available for distribution. Fees may also be charged, as in the case of any identifiable public record, for the reproduction of a copy of any ordinance, resolution or other official action of the City Council which is the source of any provision in such compilation. The fees charged shall be sufficient to reasonably reimburse the City for the direct and indirect costs of preparation, materials, production, sale and distribution, provided, that the City Manager may, for a period not to exceed one year, prescribe fees for new items made available for distribution and sale, or revise fees for items covered by Council resolution where costs have increased.

BE IT FURTHER RESOLVED by the City Council of the City of Fremont that, notwithstanding that the subject matter of the hereinabove provisions of this resolution are limited to the subject of planning and development, the department heads of the City administration hereby are authorized, subject to the availability of funds and the administrative direction of the City Manager, to prepare compilations of ordinances, resolutions, and other official actions of the City Council and the Commissions, Committees, and Boards of the City, which are of significant administrative importance in connection with the programs and responsibilities of the respective departments, provided that any such compilations shall comply with the spirit and intent of this resolution and shall be subject to the same limitations.

ADOPTED March 2, 1971, by the Council of the City of Fremont, California.

This page intentionally blank

ADOPTED BY CITY COUNCIL RESOLUTION NO. 5362

Development Policy for AGRICULTURAL PRESERVES

April 20, 1982

GENERAL:

The method of establishing, maintaining, and terminating of agricultural preserves and contracts shall conform with provisions of the California Land Conservation Act of 1965, as amended.

ESTABLISHMENT OF AGRICULTURAL PRESERVES:

An agricultural preserve may be established after public hearings before the Planning Commission and City Council if the evidence demonstrates the desirability of such preserve, within those areas shown on the General Plan for:

1. Open space, agricultural, or other nonurban uses such as parks, and recreation; and
2. Urban uses if it can be shown that:
 - a. The property is presently in agricultural use and has a history of agriculture or related uses, including continuity of ownership; and
 - b. Surrounding uses are agricultural; and
 - c. Adjoining or nearby lands of similar characteristics are not proposed for urban development and are not considered likely to develop for at least ten years; and
 - d. A major portion of the site has physical constraints which render unlikely to develop for at least ten years. Such constraints include excessively sloped lands, evidence of severe soil instability, low elevation, etc.; and
 - e. Extension of sanitary and storm sewer, water, utilities, and other services necessary for development of the property are considered economically infeasible for at least ten years; and
 - f. No future street improvements of major importance are planned on the property or if planned, the completion of such improvements would not be hindered by the lack of development on the site.

AGRICULTURAL PRESERVES SIZE CATEGORIES:

The minimum size of an agricultural preserve shall be as delineated on the attached map, and as follows:

1. Category A: 200 acres;
2. Category B: 10 acres;
3. Category C: 160 acres;

provided however, that the City Council may establish smaller preserves if it finds upon recommendation of the Planning Commission that a public purpose would be served by the establishment of a preserve area smaller than said minimum preserve area because of the unique location, surroundings or type of use of the

proposed preserve; and provided that said preserve meets the required minimum contract and parcel sizes. A preserve may include noncontiguous parcels.

The minimum size of an agricultural preserve parcel entering into contract with the City shall be twenty acres for nonprime agricultural preserve lands and ten acres for prime agricultural lands.

RESTRICTIONS ON SUBDIVISION:

It shall be the policy of the City to restrict the subdivision of agricultural preserve lands under contract so that subdivision may not occur below a minimum parcel size of twenty acres for nonprime agricultural lands and ten acres for prime agricultural lands.

CLASSIFICATION OF LANDS WITHIN PRESERVES AND ACCEPTABLE USES THEREIN:

Lands within preserves shall be zoned as “A” (Agricultural); A(H-I) (Agricultural Hillside Combining) A-F (Agricultural Flood Plain); O-S (Open Space); or P (Planned District) pursuant to the Zoning Ordinance. The following uses will be considered appropriate ones on lands under agreement:

1. Agriculture
2. Living quarters and home occupations
3. Quarters for transient labor
4. Roadside sale of agricultural products grown on the premises and including appurtenant signing not in excess of twenty square feet of area.
5. Wildlife refuges
6. Commercial animal feed and sales yards
7. Extraction of chemicals from sea water by natural evaporation
8. Accessory uses to the above.

CANCELLATION OF AGRICULTURAL PRESERVE CONTRACTS:

The City Council may grant tentative approval for cancellation of a contract upon request of the property owner and after public hearings before the Planning Commission and City Council provided that one of the following findings are made:

1. The cancellation is not inconsistent with the purposes of the Land Conservation Act in that:
 - a. Cancellation is for land on which notice of nonrenewal has been served;
 - b. Cancellation is not likely to result in the removal of adjacent lands from agricultural use;
 - c. Cancellation is for an alternative use which is consistent with the General Plan;
 - d. Cancellation will not result in discontinuous patterns of urban development;
 - e. No proximate noncontracted land is available and suitable for the use proposed for the subject contracted land; or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

OR

2. The cancellation is in the public interest in that:
 - a. Other public concerns substantially outweigh the purposes of the Land Conservation Act;
 - b. There exists no proximate uncontracted land that is available and suitable for the use to which it is proposed the contracted land be put; or that development of the subject contracted land would provide more contiguous patterns of urban development than the development of proximate noncontracted land;
 - c. Contiguous or proximate lands have developed or are proposed for development to urban uses.
 - d. Utilities and services necessary for development of the site are available within a reasonable distance from the site.
 - e. There is no other reasonable or comparable agricultural use to which the land may be put.
 - f. The proposed use furthers City-wide goals providing for:
 - infill versus scatteration development;
 - a balance of residential to commercial or industrial growth.

Cancellation of an agricultural preserve contract shall be subject to the payment of a cancellation fee equal to 12.5% of the cancellation value established by the County Assessor.

PROCEDURE FOR AGRICULTURAL PRESERVE APPLICATIONS:

1. A property owner may initiate the establishment of an agricultural Preserve by filing an application, including a map and description of the property, with the Planning Director, and paying the established fee. The City Council and the Planning Commission may also initiate the establishment of such preserves.
2. The Planning Commission shall hold a public hearing to consider applications for agricultural preserves at its first meeting in December. Applications shall be filed with the Planning Director on or before November 1 of the year. A report shall be prepared containing a statement as to the conformance of the proposed preserve with the General Plan and the criteria for the establishment of agricultural preserves set forth above. The Planning Commission shall submit its recommendations to the City Council. Upon receipt of the Planning Commission recommendation, the City Clerk shall place the matter upon the agenda of the first City Council meeting in February. The procedures for such hearing shall be the same as that required for zoning applications. Agricultural preserves shall be established by the adoption of a resolution.

EXECUTION OF CONTRACTS:

1. Concurrent with Initiation of Preserves
 - a. For any preserves established in the foregoing manner, the City Council shall authorize the Mayor to execute appropriate contracts between the City and the property owner. The property owner may initiate the execution of such a contract by filing an application with the City Clerk. The applicant shall supply two copies each of an appropriate contract and associated maps. The contract shall constitute an enforceable restriction as required by Section 422 of the California Revenue and Taxation Code and with terms and conditions substantially similar to or more restrictive than those required by the Land Conservation Act of 1965

regarding contracts. The contract supplied by the City shall serve as a model for all such contracts.

- b. The City Clerk shall file certified copies of the resolution establishing each preserve and of any contracts entered into with owners of land within the preserve together with descriptions of such land and any other pertinent documents with the Alameda County Recorder and such other officials and agencies as may be concerned.

2. Properties within Previously Established Preserves

- a. Where a property owner holds land that is within an agricultural preserve but for which no land conservation contract has been executed, said property owner may initiate the execution of such a contract by filing an application with the City Clerk as described in Paragraph A.1. above and by paying the established fee. No public hearing is necessary to consider a contract for lands within an already established agricultural preserve.
- b. Following signing of a contract by both the property owner and the Mayor, the City Clerk shall record and notify as described in Paragraph A.2 above.

PROCEDURE FOR AGRICULTURAL PRESERVE NONRENEWAL AND CANCELLATION:

1. A property owner may nonrenew an agricultural preserve contract by serving written notice of nonrenewal to the City Clerk at least 90 days prior to the renewal date as stipulated in the contract. Since the renewal date of agricultural preserve contracts is normally January 1 of the year, written notice of nonrenewal should normally be filed on or before September 1 of the preceding year. The City may nonrenew an agricultural preserve contract by serving written notice of nonrenewal to the property owner at least 60 days prior to the renewal date as stipulated in the contract, or normally on or before November 1 of the preceding year.
2. A property owner may make application requesting the cancellation of an agricultural preserve contract on his or her property. Such applications for cancellation shall be filed with the Planning Director. The landowner's application shall be accompanied by a proposal for a specified alternative use of the land. The proposal for alternative use shall be in the form of a staff processed preliminary review plan (PRP) or equivalent and shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use. The Planning Commission shall hold a public hearing to consider a request for cancellation. A report shall be prepared containing a statement as to the conformance of the requested cancellation of an agricultural preserve contract set forth above. The Planning Commission shall submit its recommendations to the City Council. The procedures for such hearing shall be the same as that required for zoning applications, except that owners of contracted lands within one mile of the contracted land proposed for cancellation shall also be notified of the hearings. Tentative cancellation of agricultural preserve contracts shall be accomplished by resolution.

During the period starting January 1, 1982, and ending May 31, 1982, there will be a one-time opportunity for contract holders to apply for contract cancellations under the following special provisions.

The City Council may grant tentative approval for a contract cancellation only if it finds that:

- a. The cancellation and alternative use of the land will not result in discontinuous patterns of urban development;

- b. The alternative use is consistent with the applicable provisions of the General Plan prior to January 1, 1982.

A tentative approval of a petition shall be valid for one year from the date of recordation in the County Recorder's Office. If the landowner has been unable to satisfy all the conditions and contingencies within that period, the tentative approval shall be withdrawn unless the landowner has paid the required cancellation fee. However, the Council may extend the one-year time period for a maximum of one additional year, if it makes a finding that the landowner has proceeded with due diligence and has been prevented from satisfying the conditions and contingencies by circumstances beyond his or her control. Conditions and contingencies to be satisfied include payment of cancellation fee and approval of a final tract map necessary to commence the project. Other conditions may be required by the City Council.

An application under the special cancellation described above shall conform to the requirements for conventional cancellation requests relative to submittals, public hearing, cancellation fees, and other processing requirements.

Adopted by City Council Resolution No. 5362, April 20, 1982.

HISTORICAL NOTE:

1. Originally adopted by City Council Resolution No. 2175, February 3, 1970.
2. Amended by City Council Resolution No. 4267, December 20, 1977.
3. Amended by City Council Resolution No. 4430, September 12, 1978.
4. Amended by City Council Resolution No. 5119, June 16, 1981.

This page intentionally blank

ADOPTED BY CITY COUNCIL RESOLUTION NO. 5445

Development Policy for MOBILE HOME PARKS

July 6, 1982

OBJECTIVES:

1. To recognize the mobile home as a means of adding variety to the City's supply of housing;
2. To provide for a balance between mobile homes and other types of housing;
3. To encourage the construction of well-designed mobile home parks; and
4. To provide for as simple and expeditious a method of application and plan review for mobile home parks as is compatible with the public interest.

PRINCIPLES:

1. The site should possess the following characteristics:
 - a. Be generally located on the periphery of a residential area (as defined by physical features and/or changing land use patterns) to avoid interruption of local public street service and desirable land use development patterns;
 - b. Front on a thoroughfare street, or a collector street of sufficient capacity to carry anticipated traffic; and
 - c. Be accessible from a state highway by way of streets with no intervening portion having a grade in excess of seven percent.
2. Mobile home parks should be considered as having land use characteristics similar to both single dwellings and duplex type housing.
3. Convenience market and personal services within walking distance are considered desirable.
4. Mobile home parks should be evaluated in terms of their impact upon adjacent areas in order to avoid land use and circulation problems and undesirable environments.
5. Individual mobile home parks should not be severed by public streets unless there is no interruption of pedestrian circulation within the park as a result of such severing.

STANDARDS:

1. To provide a sound base for services and amenities, a mobile home park should contain at least twenty acres, but lesser amounts may be added to existing parks, in which case the Planning Commission may request the meeting of reasonable conditions based on the following standards.
2. Mobile home parks should be generally distributed throughout selected areas of the City in proportion to the total supply of other dwelling units. The Development Organization shall certify that the construction plans conform to the planned unit, conditional use permit or planned district development site plans as approved by the City, and the State shall not issue a permit to construct the park until the City, in writing, certifies such conformances.

3. Mobile home parks may be permitted within areas designated on the General Plan for densities of 5 to 7 or 6.5 to 10 dwelling units per acre. Project site area is defined as the area or single leasehold interest that is used or usable by residents of the park.
4. Open Space should be provided as follows:
 - a. *Private Open Space*: Each mobile home site should be of sufficient size to accommodate two hundred square feet of patio area having a minimum dimension of twelve feet. In addition, each mobile home site should be large enough to accommodate a mobile home sixty feet in length, including required setback areas.
 - b. *Total Open Space*: Fifty percent minimum open space coverage, which may include plazas, pedestrian ways, landscaped greens, planting pockets, recreational facilities and private open space areas.
5. Parking should be provided as follows:
 - a. Each mobile home site should have available to it at least two off-street parking spaces, one of which should be on the site and be covered.
 - b. Parking to serve the community center should be at a ratio of one space for each ten sites.
 - c. Off-street visitor parking should be at a ratio of one space for every five mobile home sites, with no mobile home site to be further than four hundred feet from visitor parking.
6. Storage should be provided as follows:
 - a. *Boat, camper, and trailer storage*: All boats, campers, and trailers shall be stored in an area set aside for such storage on the site. This storage area shall be located to avoid conflict with adjoining residential properties and should be screened from view from inside and outside of the park by a fence, wall, and landscaping a minimum of six feet in height. Such storage area should be provided at a ratio of one space for each five mobile home sites and should be a minimum of ten feet by twenty feet in size.
 - b. A private dead storage area should be provided for each site.
7. A car washing and minor auto repair area should be provided as part of the boat, camper, and trailer storage area.
8. Setbacks should be provided as follows:
 - a. No mobile home unit shall be located nearer to a public street than twenty-five feet, and such setback shall be landscaped and the perimeter wall shall be no closer to the public street than the twenty-five foot setback line.
 - b. No mobile home unit shall be located closer than ten feet to a private vehicular access way.
 - c. The distance between mobile home units shall not be less than an average of fifteen feet, with a minimum of ten feet required between any two mobile homes.
 - d. No mobile home unit's patio or carport roof shall be located less than eight feet from any other unit or any other unit's patio or carport roof.

- e. No mobile home unit's patio or carport roof shall be located closer than five feet to a private vehicular access way.
9. All mobile home parks shall meet Private Vehicular Access Way standards.
10. Television reception should be by means of one or several common antennas rather than exposed individual antennas.
11. Lighting of streets should be from supports not in excess of ten feet in height.
12. A planted strip at least ten feet wide and devoid of other uses should separate the mobile home sites from other residential areas. The planted strip may average ten feet in width when the adjacent land is in other than residential uses, such as railroads, utility transmission lines, etc. The planted strip shall not be required if the adjacent land is composed of a natural creek channel or similar natural barrier. Planting shall include trees at a ratio of one per twenty-five lineal feet of the frontage of the area to be planted. An automatic irrigation system shall be included within the planted strip, and other assurances given prior to development of the mobile home park that the planting and landscaping shall be adequately maintained.
13. Refuse disposal areas, individual or group, should be screened.
14. The mobile home park should be enclosed by a masonry or combination masonry and heavy timber wall at least six feet in height.

PROCEDURE:

1. All mobile home parks shall be subject to a conditional use permit, planned unit development or planned district approval process.

HISTORICAL NOTES:

1. Originally adopted by City Council Resolution No. 2163, September 24, 1968.
2. Amended by City Council Resolution No. 2213, January 21, 1969.
3. Amended by City Council Resolution No. 2746, May 18, 1971.

This page intentionally blank

ADOPTED BY CITY COUNCIL RESOLUTION NO. 2537

Development Policy for RAILROAD GRADE CROSSINGS & SEPARATIONS

June 23, 1970

A. OBJECTIVES:

Establish specific guidelines to staff as to application of Street Improvement Ordinance requirements for the issuance of building permits or the approval of a major or a minor subdivision involving an existing railroad crossing or a new crossing proposed to be constructed initially at grade. The provisions of the Street Improvement Ordinance shall prevail over any provision of this policy in conflict thereto.

B. Affected thoroughfare has a direct relationship to and is necessary for circulation and access to the involved parcel or development.

Right-of-Way:

1. Dedication: Right-of-way dedication shall be in accordance with the Street Improvement Ordinance and shall be based on construction of the roadway at grade.
2. Slope easements necessary to support and/or protect the right-of-way required in "1" above shall be provided by the developers, without cost to the City.
3. Areas required for future slope easements (to accommodate the grade separation) shall be protected from encroachment by permanent buildings or required elements of the circulation and/or parking facilities. This protection is to be regulated by the development organization at the time of site review. The future slope area may be used for storage of materials and/or readily relocatable uses, the elimination of which will not have a major and detrimental effect upon the primary use.
4. Acquisition of the area required in above for these future slope easements shall be made by the City at the time of the grade separation construction.

Access:

1. Interim access to the property shall be allowed to the property within the area of the grade separation. Provision shall be made at the time of minor subdivision and/or site plan approval for elimination of this interim access, to take place at the time the grade separation construction is undertaken.
2. Permanent access shall be provided to the property from the areas outside of the future grade separation in such a manner as to minimize future severance and disruption to the property and the operations thereon.

Improvements:

1. Street improvements shall be provided in accordance with the Street Improvement Ordinance, based on construction of the railroad crossing at grade.
2. The abutting property owner on other than major thoroughfares shall pay a share of the cost of constructing the railroad crossing and any required protection thereto in the same quadrant ratio as his property relates to the total number of developable quadrants of the railroad crossing.

C. Affected thoroughfare has no direct relationship and is not necessary for the circulation and access to the involved property, and the future railroad separation is to be constructed as an undercrossing.

[NOTE. This situation differs from “B” above in that the roadway involved herein is in every instance a new roadway (thus does not provide current access to the property) and the property being developed will have no direct visibility (benefit) from traffic utilizing the grade separation by virtue of the roadway being an undercrossing. The term “undercrossing,” for these purposes, applies where the roadbed is sufficiently depressed that the vehicle would be “out of sight” from abutting property levels when crossing under the railroad.]

Right-of-Way:

1. No dedication of right-of-way will be required for the proposed railroad crossing or the thoroughfare approach thereto.
2. The area required for the future grade separation will be delineated by the staff, and the site planning for the parcel shall be made on the basis of this area being unavailable for development.
3. The City staff will determine the area required for this grade separation and will include provisions for the acquisition of same in the next ensuing fiscal year street construction budget unless sufficient unbudgeted gas tax funds should be available for its acquisition at the time of property development and consideration shall be given to purchasing the area required for the grade separation, at the time of the development.

Access:

1. Acquisition of the right-of-way for the proposed thoroughfare shall include acquisition of the direct access rights from the property being developed to the new thoroughfare.
2. No minor subdivision of the property adjoining a proposed railroad crossing shall be approved which shall result in severance of access to abutting property by the application of this policy, unless alternate approved access is provided by and at the expense of the developer.

Improvements:

1. No street improvement requirements will be required from the developing property for this new thoroughfare facility.

VEHICULAR CIRCULATION:

Objectives:

1. To provide the optimum traffic service consistent with a safe, convenient, and efficient pedestrian, bicycle, vehicular and transit system in the Central Area.
2. To establish a policy for the guidance of the Planning Commission, City Council, staff, and property owners as to location, width, and number of permitted driveways to provide adequate access to abutting properties while preserving the traffic carrying capacity of the City street system.

Principles:

1. The Core Area shall be related to other areas of the City by streets and thoroughfares that provide for maximum convenience and safety. The system shall be designed to avoid attracting through trips oriented out of the Core Area.
2. Vehicular access points along major and secondary thoroughfares shall be limited to provide for the most efficient traffic flow and maximum traffic safety.

Standards:

1. The Driveway Policy shall be used in determining the location and number of vehicular access points, subject to the approval of the Planning Commission.
2. Access points to the public street system shall be located and designed so as to maximize the investment in the public street system and minimize adverse effect on the traffic carrying capacity of the street.

HISTORICAL NOTE:

Originally adopted by City Council Resolution No. 2708.

This page intentionally blank

ADOPTED BY CITY COUNCIL RESOLUTION NO. 2013-65

Development Policy for PRIVATE VEHICLE ACCESSWAY (PVAW)

October 8, 2013

WHEREAS, the Development Policy of the City of Fremont for Private Vehicle Accessways was adopted by the City Council on November 16, 1971 and amended on November 20, 1984 by Resolution No. 6201; and

WHEREAS, on January 24, 2013 the Planning Commission held a duly noticed public hearing to consider amendments to the Private Vehicle Accessway (PVAW) Development Policy, along with new Multifamily Design Guidelines (MFDG) and revisions to Fremont Municipal Code Chapter 18.75 (R-3 Multifamily Residence District), and, at the close of the hearing, made recommendations to adopt the revised PVAW Development Policy along with the MFDG and revisions to the R-3 Multifamily Residence District; and

WHEREAS, the City Council, at a duly noticed public hearing held on October 8, 2013, considered the recommendation of the Planning Commission, and conducted a public hearing to consider testimony on the MFDG and amendments to the PVAW Policy and R-3 Multifamily Residence District.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT HEREBY RESOLVES AS FOLLOWS:

SECTION 1.

The Development Policy of the City of Fremont for Private Vehicle Accessways is hereby amended to read as follows:

OBJECTIVE:

To establish guidelines and standards for developments using Private Vehicle Accessways.

DEFINITION:

“Private Vehicle Accessway” shall mean a private right-of-way, under common ownership, which provides a means of pedestrian and vehicular access to condominium, stock cooperative, or townhouse style units. The private right-of-way shall either be a separate fee parcel or an easement.

PRINCIPLES AND STANDARDS:

1. A public utility easement and emergency vehicle access easement is to be established over the entire area of circulation not occupied by covered or uncovered parking spaces for privately owned lots.
2. Fire hydrants are to be located on the private streets at the entry to the private vehicle accessways or as recommended by the Fire Chief.
3. The maximum length of any dead-ended private vehicle accessway is to be 150 lineal feet, consistent with fire department access road requirements. Private vehicle accessways should be loops rather than cul-de-sacs wherever possible. Dead-ended accessways should not contain more than one turn.
4. Backfill of all utility trenches in private vehicle accessway areas is to meet the recommendation of a licensed civil engineer specializing in the field of soils engineering. In the absence of such a recommendation, City public street standards for trench backfill shall be utilized. The civil engineer shall provide full-time inspector services when trenches are being backfilled in accordance with his or

her recommendations. All other work in the accessway is to be inspected by the recommending soils engineer and/or the City Public Works Department.

5. The homeowners association is to covenant and be responsible for the maintenance of the facilities in the private vehicle accessway which are not maintained by a public utility agency, except that all utility work resulting from backfill failure is to be the responsibility of the homeowners association.
6. All private vehicle accessways are to be designed to accommodate utility installation; utility separation requirements; parking backup; fire access road requirements, including clear area based upon proposed building height and design; and fire hydrant access. Private vehicle accessways shall have a minimum paved clear width at the vehicle level dependent on use of the road for circulation and access to parking. Accessways shall provide for a minimum clear width of 20 feet when no parking (excepting parallel spaces) is directly accessed from a roadway. Minimum clear width is 24 feet for uncovered parking space access. Covered parking spaces require additional clear space for adequate vehicle backup and maneuvering to access standard carport and garage spaces and are dependent upon parking space width, parking space depth, and paved surface area beyond the structure. Carport walls and support posts shall be no closer than 16 feet from the center of a 24-foot clear width accessway. Enclosed garages with standard door widths require a minimum of 28 feet of clear width as measured from garage door to edge of curb opposite of the garage door.
7. Portland cement concrete curbs or concrete valley gutters shall be used where storm water runoff is involved. Curb and gutter design may include provisions for diverting runoff for storm water treatment purposes.
8. Minimum at edge of pavement radius is to be twenty feet, except reductions in edge of pavement radii may be permitted consistent with circulation standards of Fremont Municipal Code Chapter 18.183 (Parking, Loading Areas and Vehicle Storage), if the approving agency finds the reduction results in adequate access for passenger vehicles, service vehicles, and emergency vehicles..
9. An adequate turnaround is to be provided at the end of a dead-end private vehicle accessway unless the design incorporates a "T" or four-way intersection within one hundred fifty feet of the end of the accessway. Turnaround facilities are to be adequate to allow fire apparatus and other emergency and service vehicles to turnaround without backing into parking spaces.
10. The connection between the private vehicle accessway and the public street is to be by a City standard driveway.
11. The pavement in private vehicle accessways shall be designed on the basis of a traffic index using the number of dwelling units, predicted traffic generation and a thirty year pavement design life. In no case will the traffic index be less than 5.5. Alternate pavement design structures shall be subject to approval of the City Engineer.
12. Safety lighting is to be provided on private vehicle accessways and on pedestrian facilities connecting thereto. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide and average maintained feet candle level of 0.12.
13. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the entrance of each intersection of the private vehicle accessway with a dedicated public street. The name of the accessway is to be placed on this sign in clearly legible four inch letters. The sign is also to have painted, in at least one inch letters, "Private Property. Not dedicated for public use."

14. Private vehicle accessways shall provide for pedestrian circulation when no other pedestrian circulation system is incorporated into the development adjacent to the private vehicle accessway. In accordance with the Multi-family Design Guidelines for street hierarchy and pedestrian circulation, private vehicle accessways may require separated sidewalks from the vehicular circulation area. A walkway connection is to be provided from the private vehicle accessways to public sidewalks and to the main pedestrian pathway system and to common open spaces.
15. The curbs shall be painted red or “No Stopping Anytime” signs posted along the entire restricted width of all accessways. These signs shall be in accordance with Sections 22651, 22652 and 22658 of the California Vehicle Code and City standards.
16. Plans and specifications for all utilities and vehicle accessways shall be subject to approval by the Public Works Director and by the servicing utilities.
17. All public and private utilities (including meters, hydrants, etc.) shall be shown clearly on the improvement plans, as submitted to the agencies for their review. Utilities are defined as storm and sanitary sewer, water, gas, underground electrical and television.
18. All utilities in public utility easements shall be shown in cross-sections so as to indicate typical vertical and horizontal configuration. Vertical dimensions shall be shown from finished grade to the various utilities.
19. Lot outlines shall be shown on improvement plans with designations of building type indicated on each.
20. The developer’s engineer shall be responsible to make all agencies whose signatures appear on the plans immediately aware of changes in any of the utility locations from approved plans as a result of changes in field conditions.
21. The approving authority may approve variations to the site development standards for private vehicle accessways as part of the design review for site plan and architectural approval and for zoning and design guidelines conformance as part of a tentative map approval.

SECTION 2.

The City Council finds, based on its own independent judgment, that the proposed PVAW Policy amendments are within the scope of the environmental impacts previously analyzed for the General Plan Update for which Environmental Impact Report (EIR) SCH# 2010082060 was previously certified, and that none of the conditions requiring a new subsequent or a supplemental environmental impact report stated in Section 21166 of the Public Resources Code or in Sections 15162 and 15163 of the CEQA Guidelines are present. A Notice of Determination will be filed with the County Clerk.

SECTION 3.

The effective date of this resolution shall be January 1, 2014.

This page intentionally blank