

EXHIBIT “E”
Preliminary & Precise Planned District P-2018-292 (Oliveira Farm Cottages)
39392 Blacow Road

**Provisions for Permitted Land Uses & Additions/Alterations/Accessory Structures;
Provisions Listing Approved Exceptions and Modifications; and
Provisions of Zoning District Most Similar in Nature and Function to P-2018-292 (R-1-6 District)**

I. *Provisions for Permitted Land Uses & Additions/Alterations/Accessory Structures:*

Permitted Uses. The following land uses shall be permitted:

- **Residential Uses:** Eight detached single-family dwellings. The size, design and orientation of all eight dwelling units, as well as the parking and common areas provided for the project shall generally be in accordance with Exhibit “C.”
- **Ancillary/Accessory Uses:** Only those uses listed as permitted (“P”) or Accessory (“A”) in all R-1 zoning districts in Table 18.90.080 of the Fremont Municipal Code, as shown below.
- **Interim Uses:** All existing uses currently occupying the project site shall be allowed to continue operating in their current capacities until such time as the applicant/developer has obtained the permits necessary to demolish the buildings.

Additions, Alterations & Accessory Structures. The following restrictions shall apply to additions, alterations and accessory structures:

- **Additions:** No additions of habitable (living) area are permitted.
- **Alterations:** Alterations may only be made to the interiors of the units, provided that in no case shall any alterations result in the creation of additional bedrooms. No interior additions to create habitable space in the attic of the single story unit on Lot 7 shall be permitted.
- **Accessory Structures:** Attached or detached, non-habitable, open-air structures such as patio covers and trellises are permitted in rear yards to within 10 feet of the rear property line on all single-family lots, as long as they do not cover more than 30 percent of the useable yard space, which shall be defined as the area behind the rear wall of the house spanning the entire width of the lot from the left side property line to right side property line. Enclosed accessory structures shall be limited to no more than 120 square feet in area and 12 feet in height when measured to the midpoint of the roof.
- **Permit Requirements:** Any accessory structures larger than 120 square feet in area shall require approval of a building permit.

II. *Provisions Listing Approved Exceptions and Modifications:*

<i>Provisions for Small-Lot Single-Family Residential Developments</i>		
Development Standard/Guideline	Requirement	Exceptions Approved Under P-2017-285
Maximum Floor Area Ratio	0.50-0.60 project-wide with maximum 0.70 FAR for any single lot	±0.65 project-wide; 0.51-0.71 for each lot
Minimum Rear Yard Setback	15 feet	10 - 20 feet
Minimum Garage Recess	12 feet behind façade	10 feet behind façade
Garage Locations	Mix of attached and detached garages	All 8 garages attached
Minimum Separation Between Two-Story Units	15 feet	10 feet

III. *Provisions of Zoning District Most Similar in Nature and Function to P-2018-292
(Fremont Municipal Code Chapter 18.90)*

RESIDENTIAL DISTRICTS

Sections:

- 18.90.010 Purpose and establishment of residential districts.
- 18.90.030 Development standards and requirements applicable to all residential districts.
- 18.90.040 Additional development standards applicable to R-1 and R-2 districts.
- 18.90.080 Uses within residential districts.

18.90.010 Purpose and establishment of residential districts.

The residential districts are locations primarily devoted to stabilizing and protecting the predominantly residential characteristics of the districts. Residential districts are also intended to promote and encourage new infill developments; and foster improved sustainability through such methods as reductions to impervious surface area,

installation of solar and wind energy systems, and other building related improvements. Finally, residential districts may incorporate related housing types, services and accessory uses that generally serve the area or community as a whole. The specific purpose(s) for each residential district is further described as follows:

- (a) R-1 (Single-Family Residential) District. To promote and maintain predominantly single-family home neighborhoods together with compatible accessory and supporting uses.
- (b) R-2 (Duplex and Two-family Residential) District. To promote and maintain duplex/two-family home neighborhoods in order to increase housing opportunities for both ownership and rental homes.
- (c) R-3 (Multifamily Residential) District. To promote and encourage well planned, suitable, and appropriate multiple dwelling developments within low-medium and medium density land use designations as shown on the general plan land use map insofar as compatible with the intensity of existing and future land use. The district also seeks to promote a full range of choices in housing types and sizes and to improve access to affordable housing. The district may also incorporate service uses and limited commercial uses. Finally, the district is intended to allow developers the flexibility necessary to accomplish such goals.
- (d) R-G (Garden Residential) District. To maintain and provide for developments constructed prior to the adoption of the R-3 multifamily residential district on July 22, 2003. No additional property is envisioned to be redesignated to this district. Property developed in this district is distinguished by ample garden/open space areas. District standards are maintained to ensure that developments are not considered nonconforming while providing for property improvements to meet sustainability goals of the general plan. The district may also incorporate service uses and limited commercial uses. (Ord. 16-2015 § 36, 6-2-15.)

18.90.030 Development standards and requirements applicable to all residential districts.

The following standards shall apply in R districts:

- (a) Design review permit approval shall be required pursuant to Chapter 18.235.
- (b) Building setbacks (front and street side yard depths) shall be measured from the right-of-way line of the public street (usually behind the sidewalk) or, in the case of a private street, the back edge of the private street improvements including any gutter, curb, planter strip and sidewalk to the face of a building wall. Building setbacks (interior side yard depths) shall be measured from the property line to the face of the building wall.
- (c) Exterior lighting, except streetlights, shall be diffused or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties.

(d) Electrical, telephone and utility transformers shall be placed underground. In no case shall a transformer be visible from any public or private street right-of-way.

(e) Mechanical, meter and other equipment screening shall be required in accordance with Section 18.190.320.

(f) Utility lines shall be located so as not to preclude the placement of street or front yard tree per individual single-family lot. Multiple family (including townhome and attached home) lots are required to space trees along the entire street frontage or alternatively their pedestrian walkway frontage. In those instances where sidewalks are integral with the curb, the street tree(s) shall be placed in the front yard setback area. Utility lines shall be placed under or directly adjacent to the driveway area if necessary to accommodate the street tree(s).

(g) The pedestrian circulation system within a development site must connect the main entrance of a building to the public pedestrian circulation system and must meet adopted accessibility requirements. Pedestrian systems shall be no less than five feet in width unless an alternative system meeting accessibility standards is provided. Where the system crosses driveways, parking areas and loading areas, the system shall be clearly identifiable, through use of a different paving material, or similar method. Striping alone does not meet this requirement. The on-site system must be lighted to a level where the system can be used at night.

(h) Individual single-family homes shall be limited to one driveway from public or private streets except as provided in Section 18.183.110(k). Driveways leading to individual garages shall be a minimum of 18 feet in length behind any approved sidewalk or pedestrian system. For attached housing developments¹ without standard length driveways, approaches must be less than four feet from the street edge. Driveways shall be a minimum width of 10 feet for single/tandem parked cars and 18 feet for two-car-width driveways.

(i) Parking:

(1) Parking (inclusive of bicycle parking, car share and electric vehicle spaces) shall be provided as required in Chapter 18.183.

(2) Individual garages shall remain reserved for vehicular parking and bicycle parking and shall not be used as a storage area so as to preclude required parking.

(j) All yard areas shall be landscaped according to their purpose, such as ornamental landscaping, recreational space, private yard area, or storm water treatment. Landscape improvements may include trees,

shrubs, flowers, groundcover, and hardscape as required by the city's landscape development requirements and policies. Furthermore, front and side yard hardscape shall be limited to essential driveways leading to parking and pedestrian walkways.

(k) Side yard buffers for single-family driveways shall generally be a minimum of six feet in width adjacent to perimeter property lines to allow for landscape screening and large tree growth. As provided in Section 18.183.180(a)(2)(C) the side yard buffer may be reduced to three feet for extended driveways. In developments with garages located to the rear of the lot, the side yard setback can be reduced to a minimum of one foot six inches, when the yard is landscaped.

(l) Landscape design shall include planter space for large canopy tree species of a minimum dimension of 10 feet at the ground level with additional space for canopy maturity at upper building levels. Tree planting shall be provided at a rate of one large tree for every five units, in addition to other landscape requirements for parking areas contained in Chapter 18.183. Additional accent trees and landscape elements shall be provided for every unit and should be integrated into each individual unit design and sized appropriately to the intended space. Landscape planting requirements may vary through design review permit approval in recognition of tree preservation efforts.

(m) Bay friendly and water efficient landscapes meeting state water efficiency standards are required.

(n) All fencing shall conform to the standards set forth in Chapter 18.171.

(o) Internal and external storage of municipal solid waste, recyclables, and yard waste shall conform to standards set out in Section 18.190.440.

(p) Visual privacy shall be incorporated through the use of open space between buildings, careful attention to window placement, landscaping treatment and structural screening.

(q) Adherence to universal design provisions of Chapter 15.67.

(r) For residential districts in the hill area, the city engineer or building official may require a new or additional on-site geotechnical report for grading plans, subdivision maps, or building permits on lands which are in a landslide area, in the path of a landslide, at risk of a landslide, or in an area of slope instability as reasonably determined by the city engineer or building official. The evidence to be considered by the city engineer or building official may include any or all of the following:

- (1) Fremont general plan;

- (2) An on-site geotechnical report;
- (3) A survey by the United States Geological Survey;
- (4) A survey by the California Geologic Survey;
- (5) A report available to the city; or
- (6) Observation of physical conditions.

The investigation shall be prepared by a state-licensed professional. The scope of such investigation shall be determined by the city engineer or building official based on the type of development or construction proposed, and the constraints to the land. The city engineer or building official may require approval of the investigation through peer review by an independent geologist selected by the city engineer or building official with the cost borne by the applicant. Based upon the results of the investigation, the city engineer or building official may approve or issue the requested plan, map or permit.

(s) The city may enforce any landscaping requirement set forth as a design rule in the Citywide Design Guidelines, or that is required as a mitigation measure. The city may also require that a property owner acknowledge (prior to issuance of a building permit) that they understand these requirements and agree to disclose them upon sale of the property.

(t) Air conditioning units may be placed in the interior side yard of properties subject to the R-1 development standards; provided, that a minimum three feet is provided between the air conditioning unit and the interior side yard property line. (Ord. 16-2015 § 36, 6-2-15; Ord. 04-2016 § 22, 3-1-16; Ord. 07-2016 § 1, 3-15-16; Ord. 17-2016 § 19, 9-13-16; Ord. 17-2017 § 1, 11-7-17; Ord. 05-2018 § 5, 3-20-18; Ord. 23-2018 § 17, 10-2-18.)

18.90.040 Additional development standards applicable to R-1 and R-2 districts.

The following minimum standards, set forth in Table 18.90.040, shall be observed, except where increased for conditional uses. Combining small parcels may be necessary to fulfill the requirements of this chapter and other city standards and regulations.

Table 18.90.040
R-1 and R-2 District¹ Development Standards

Zoning District ^{1,10} Development Standard (measurement)		R-1-6	R-1-6 Glenmoor Gardens ²	R-1-8	R-1-8 Mission Palms	R-1-8 Mission Ranch ³	R-1-10	R-1-20	R-1-40	R-2 ⁴	Exceptions, Adjustments and References	
Minimum lot area ¹ (square feet)	Single- family	6,000	6,000	8,000	8,000	8,000	10,000	20,000	40,000	6,000		
	Duplex	8,000 ⁵	8,000 ⁵	10,000 ⁵	10,000 ⁵	10,000 ⁵	12,000 ⁵	20,000 ⁵	40,000 ⁵	8,000		
Minimum street frontage ¹ (feet)	Regular lot ¹	35										
	Flag lot ¹	26	–	26	–	–	26	26	26	–	18.190.165	
Minimum lot width ¹	Interior (feet)	55	55	70	70	75	80	100	150	70		
	Corner (feet)	65	65	80	80	80	90	110	160	80		
Minimum lot depth ¹ (feet)		100										
Minimum front yard ¹ depth (feet)		20	20	25	25	25	25	35	40	25	18.170.030	
Minimum rear yard ¹ depth	One story ¹ (feet)	25	25	25	25	25	30	40	50	25	18.170.050	
	Two story ¹ (feet)	25	–	30	30	30	35	40	50	25		
Minimum interior side yard ¹ depth ^{6,7}	First story ¹	Minimum (feet)	5	5	7	7	7	8	10	20	7	18.170.040
		Total (feet)	12	12	16	16	16	20	25	45	16	
	Second story ¹	Minimum (feet)	6	–	8	8	8	10	10	20	8	18.170.040
		Total (feet)	15	–	20	20	20	20	25	45	20	

Table 18.90.040

R-1 and R-2 District¹ Development Standards

Zoning District ^{1,10} Development Standard (measurement)			R-1-6	R-1-6 Glenmoor Gardens ²	R-1-8	R-1-8 Mission Palms	R-1-8 Mission Ranch ³	R-1-10	R-1-20	R-1-40	R-2 ⁴	Exceptions, Adjustments and References
Solar setback	Minimum (feet)		Varies	–	Varies						18.186	
Minimum street side yard ¹ depth on corner lots ¹ (feet)			10	10	12.5	12.5	12.5	12.5	17.5	20	12.5	18.170.040
Maximum building height ¹	Principal structure ¹	One story ¹ (feet)	17	17 ⁸	17	17 ⁸	17 ⁸	17	17	17	17	18.170.020
		Two story ¹ (feet)	30	–	30	27 ^{8,9}	27 ^{8,9}	30	30	30	30	
Maximum height above grade for finish floor level (first story ¹ over basement) ⁹ (inches)			28	28	28	28	28	28	28	28	28	
Roof pitch ⁹ (rise: run)	Minimum		3:12	3:12	3:12	3:12	3:12	3:12	3:12	3:12	3:12	
	Maximum		7:12	5:12	7:12	5:12	5:12	7:12	7:12	7:12	7:12	
Maximum lot coverage ¹ for first story ¹ (includes garage area), as a percentage of lot area			40	40	40	[Foot- note 11]	[Foot- note 12]	40	40	40	40	
Maximum size of second story (or understory on a downhill lot) (as a percentage of first story area, not to exceed specified square footage) ¹³			50 or 1,000 s.f. max.	–	50 or 1,250 s.f. max.	–	–	50 or 1,500 s.f. max.	50 or 3,000 s.f. max.	50 or 6,000 s.f. max.	50 or 1,000 s.f. max.	
Accessory structures ¹			See Chapter 18.153									

Table 18.90.040
R-1 and R-2 District¹ Development Standards

Zoning District ^{1,10} Development Standard (measurement)	R-1-6	R-1-6 Glenmoor Gardens ²	R-1-8	R-1-8 Mission Palms	R-1-8 Mission Ranch ³	R-1-10	R-1-20	R-1-40	R-2 ⁴	Exceptions, Adjustments and References
Fences ¹ and hedges ¹	See Chapter 18.171									

¹ Term is defined in Chapter 18.25.

² See Glenmoor Gardens Design Guidelines.

³ See Mission Ranch Design Guidelines.

⁴ Standards listed are for development of duplex units. Single-family residences may utilize R-1-6 standards; however, this may preclude subsequent duplex development.

⁵ Duplexes are only permitted on corner lots.

⁶ Rear and side yards may be substituted for one another, except that on a corner lot such substitution shall be made only between a rear yard and an interior side yard.

⁷ For combination one- and two-story structures, the one-story portion of the structure shall meet the one-story setback requirements and the two-story portion of the structure shall meet the two-story setback requirements. In no case shall the total side yard setback for combination one- and two-story structures be less than that required for a one-story structure only. The wider setback shall be on the two-story side.

⁸ For Glenmoor Gardens, Mission Ranch, and Mission Palms, height is measured from grade to the top of the roof ridge.

⁹ Does not apply when matching existing conditions.

¹⁰ Development standards for R-1-X districts were specified at the time of district establishment but are subject to the lot coverage and maximum second story size standards of the district closest in size to the actual lot size as well as the solar setback requirements. No new R-1-X zones are permitted.

¹¹ Lot coverage varies based upon the number of stories. A one-story home may have up to 40 percent lot coverage. The overall square footage of a two-story home is limited to 35 percent of the lot area. The square footage of the second story is limited to 60 percent of the square footage of the first story, or 1,000 square feet, whichever is less.

¹² Lot coverage varies based upon the number of stories. A one-story home may have up to 40 percent lot coverage. A two-story home is only possible if the first floor lot coverage first reaches 22 percent but does not exceed 30 percent. The overall square footage of a two-story home, however, then becomes limited to 30 percent of the lot area.

¹³ Second story may have an area up to the lesser of 50 percent of the first floor area or 1,000 square feet in R-1-6 zoning district, 1,250 square feet in R-1-8 zoning district, 1,500 square feet in R-1-10 zoning district, 3,000 square feet in R-1-20 zoning district, 6,000 square feet in R-1-40 zoning district, and 1,000 square feet in R-2 zoning district.

(Ord. 16-2015 § 36, 6-2-15; Ord. 04-2016 § 23, 3-1-16; Ord. 16-2016 § 1, 9-13-16; Ord. 27-2016 § 17, 12-6-16; Ord. 17-2017 § 2, 11-7-17; Ord. 21-2018 § 1, 10-2-18.)

18.90.080 Uses within residential districts.

(a) Use Table. Table 18.90.080 sets forth those uses which are permitted, permitted with approval of a zoning administrator permit, permitted with approval of a conditional use permit, and not allowed in residential districts, and the type of approval each use requires. The following terms are used in Table 18.90.080:

- (1) Permitted (“P”) uses are allowed subject to conformance to standards or conditions of this title.
- (2) Conditional (“C”) uses may be permitted with a conditional use permit, provided all other requirements of this title are met.
- (3) Zoning administrator (“Z”) uses may be permitted with a zoning administrator permit, provided all other requirements of this title are met.
- (4) Accessory (“A”) uses are allowed when subordinate to or part of a principal use on the same lot and serve as a use incidental to such principal use.
- (5) The symbol “--” indicates a use is prohibited within the zoning district.

(b) Permitting Procedures. Permitting procedures for a conditional use permit and zoning administrator permit shall be as provided in Chapters 18.230 and 18.275, respectively.

Table 18.90.080 Allowed Land Uses and Permit Requirements
for Residential Zoning Districts

Land Use	2012 NAICS ²	R-1	R-2	R-3	R-G	Specific Use Regulations
Accessory or ancillary use ¹		A	A	A	A	
Agriculture ¹ , except for the raising of animals or fowl for commercial purposes, or for sale of any products at retail on premises		Z	Z	-	-	
Ambulance service ²	621910	C	C	C	C	
Children's nursery school ¹		C	C	C	C	18.190.400
Civic and social organizations ² , except those operated as a business for profit	813410	C	C	C	C	
Club, community ¹ , and other noncommercial recreation areas and facilities, such as country clubs and golf courses		C	C	C	C	18.190.050 18.190.090 18.190.530
Continuing care retirement communities and assisted living facilities for the elderly ²	6233	C	C	C	C	
Day care homes, family ¹ (small and large)		P	P	P	P	
Commercial uses		-	-	C ⁴	C ⁴	
Duet dwelling ¹		-	P	P/Z ³	P/Z ³	18.90.050(i) 18.90.070(c)
Duplex or two-family dwelling ¹		P on corner lots	P	P/Z ³	P/Z ³	18.90.050(i) 18.90.070(c)

Table 18.90.080 Allowed Land Uses and Permit Requirements
for Residential Zoning Districts

Land Use	2012 NAICS ²	R-1	R-2	R-3	R-G	Specific Use Regulations
Dwelling group ¹		Z	Z	-	-	18.190.130
Elementary and secondary schools ¹		C	C	C	C	
Emergency shelters ¹		C	C	C	C	18.190.150
Guesthouses ¹		A	-	-	-	18.190.205
Home occupation ^{1,7}		A	A	A	A	18.190.240
Junior accessory dwelling units		A	A	A ³	A ³	18.190.005
Live/work units ¹		-	-	C	-	18.190.290
Meal service facility ¹ accessory to a public or quasi-public use, except when located within a special flood hazard area ¹		C	C	C	C	
Multiple dwellings, including attached or detached townhome style units, and apartment efficiency or single room occupancy units ¹		-	-	P	P	
Nursing care facilities (skilled nursing facilities) ²	6231	-	C with less than 15 patient beds	C	C	18.190.410
Nursing homes or convalescent hospital, licensed ¹		-	C with less than 15	C	C	18.190.410

Table 18.90.080 Allowed Land Uses and Permit Requirements
for Residential Zoning Districts

Land Use	2012 NAICS ²	R-1	R-2	R-3	R-G	Specific Use Regulations
			patient beds			
Public or quasi-public use ¹ not including: corporation/contractor/fleet/service yards ¹ and warehouses ¹ or any use specifically listed in this table as a permitted, zoning administrator or prohibited use		C	C	C	C	18.190.025
Residential care facility, special ¹		P	P	P	P	
Rooming and boarding of not more than two persons per dwelling unit		A	A	A	A	
Rooming and boardinghouses ¹		-	C ⁵	C	C	
Single-family dwelling ¹		P	P	P/Z ³	P/Z ³	18.90.050(i) 18.90.070(c)
Standard accessory dwelling units		A ⁶	A ⁶	A ^{3,6}	A ^{3,6}	18.190.005
Swimming pools, private (exclusively for use by residents and guests)		A	A	A	A	18.190.530
Supportive housing ¹		P ⁵	P ⁵	P	P	
Supportive services for on-site supportive housing ¹		A	A	A	A	
Transitional housing ¹		P ⁵	P ⁵	P	P	
Use determinations, land (See 18.250.030)		P/Z/C	P/Z/C	P/Z/C	P/Z/C	

¹ Term is defined in Chapter 18.25.

² Term is elaborated on in North American Industry Classification System (NAICS) Manual¹.

³ Single-Family and Accessory Dwelling Units. See Section 18.90.050(i) or 18.90.070(c) for single- and two-family home requirements. See Section 18.190.005 for accessory dwelling units, and Section 18.190.005(b)(4)(B) for ADU limitations on larger multifamily zoned lots.

⁴ Uses allowed in the city's neighborhood or office commercial districts can be permitted as long as the commercial use is located at the first story of a multifamily residential or live/work building three or more stories tall and located on an arterial or collector street.

⁵ Up to a maximum of six persons.

⁶ A ministerial design review permit may be required.

⁷ A home occupation permit is required in accordance with Section 18.190.240.

(Ord. 16-2015 § 36, 6-2-15; Ord. 17-2016 § 21, 9-13-16; Ord. 27-2016 § 19, 12-6-16; Ord. 01-2017 § 9, 1-3-17; Ord. 08-2017 § 6, 6-6-17; Ord. 23-2018 § 9, 10-2-18.)

[Notes Applicable to Chapter 18.90]

¹ This term is defined in Chapter 18.25.