

Planning Commission

August 25, 2016

- Proposal:** VISTA GRANDE - 822 Hunter Lane - PLN2016-00127 - To consider Vesting Tentative Parcel Map No. 10451 to allow the subdivision of an existing ±1.59-acre parcel into three single-family residential lots, each approximately 21,000 - 27,000 square feet, located in Planned District P-90-17 in the Mission San Jose Community Plan Area, and to consider a categorical exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (In-Fill Development Project).
- Recommendation:** Approve Vesting Tentative Parcel Map No. 10451 based on findings and subject to conditions of approval.
- Location:** 822 Hunter Lane in the Mission San Jose Community Plan area; APN 513-0746-017
- Area:** ±1.59 acres
- People:** Ramesh Karipineni, Deccan Pacific Vista Grande, LLC, Owner/Applicant
Trang Tu-Nguyen, HMM Engineering, Project Engineer
Aki Snelling, Staff Planner, (510) 494-4534, asnelling@fremont.gov
- General Plan:** Residential – Hillside, <2.3 or <8.7 dwelling units per acre

EXECUTIVE SUMMARY

The applicant, Ramesh Karipineni of Deccan Pacific Vista Grande, LLC, is requesting approval of Vesting Tentative Parcel Map No. 10451 (Exhibit "A") to subdivide an existing vacant ±1.59-acre parcel into three lots, each approximately 21,000 - 27,000 square feet, which would allow for future development of a single-family residence on each lot. The site is situated within the existing Vista Grande subdivision, which resulted in the creation of 17 residential lots. Lot 17 of the Vista Grande subdivision is the subject property and has remained vacant and undeveloped.

Should the Planning Commission approve the Vesting Tentative Parcel Map, future project entitlements would include Design Review Permits for the development of single-family residences on each lot. At this time, the applicant is only seeking entitlement for the subdivision.

Staff recommends that the Planning Commission approve Vesting Tentative Parcel Map No. 10451 as shown in Exhibit "A," based upon findings and subject to conditions contained in Exhibit "B."

BACKGROUND AND PREVIOUS ACTIONS

The project site is a vacant parcel that was created as part of the 17-lot Vista Grande subdivision with Planning Commission approval of Vesting Tentative Tract Map No. 6546 (see Informational 1) on September 24, 1992. Vesting Tentative Tract Map No. 6546 was approved in accordance with Planned District P-90-17 (see Informational 2), which was

approved by the City Council on November 19, 1991, to accommodate the development of up to 19 single-family residential lots. The subject property was identified as "Lot 17" and was conditioned to "remain undeveloped until such time the Alameda County Water District (ACWD) and the City of Fremont determined the soils in the vicinity of the Mayhew Reservoir would be capable of supporting residential development, including associated roadways."

Vesting Tentative Tract Map No. 6546 was granted several extensions by the Planning Commission between 1997 and 2005, and the Final Map was ultimately recorded on July 11, 2005. Since recordation of the Final Map, 10 out of the 17 residential lots originally created have been developed with homes in accordance with Planned District P-90-17. Seven lots still remain vacant and undeveloped. If the proposed Vesting Tentative Parcel Map is approved, this would complete the anticipated build-out of the Vista Grande subdivision into 19 single-family residential lots in accordance with Planned District P-90-17.

The natural slope of the existing site has been modified by grading work conducted in May 2007 that repaired mudflow movement in the area and for development of the existing portion of the Vista Grande subdivision. This work included construction of a mudflow separation pier and debris fence approximately 100 feet in length located along the site's southeastern property line, along the eastern perimeter of proposed Parcel 3, to protect the homes due to a history of slope instability in the area and the proximity of the Mayhew Reservoir to the east. Further, mitigation measures contained in the previously-adopted Mitigated Negative Declaration for Vesting Tentative Tract Map No. 6546 to address expansive clay soils, undocumented fill, relic landslide features and mudflow materials were implemented to the satisfaction of the City Engineer with the grading work conducted in May 2007 for the originally created 17 residential lots. Additionally, a concrete-lined v-ditch exists along the subject property's eastern perimeter within a 10-foot wide private storm drain easement for the Vista Grande subdivision. The v-ditch drains to Hunter Lane near the northwest corner of the property.

PROCEDURE FOR TONIGHT'S HEARING

The Planning Commission is charged with completing the following tasks:

1. Consider a finding that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (In-Fill Development Projects).
2. Consider the applicant's request to approve Vesting Tentative Parcel Map No. 10451 as depicted in Exhibit "A," to allow for the subdivision of one lot into three single-family residential lots, based upon the findings contained in Fremont Municipal Code (FMC) Section 17.20.200 and state law, and subject to conditions of approval as shown in Exhibit "B."

PROJECT DESCRIPTION

Existing Conditions

The project site is currently vacant and undeveloped, and is covered primarily with non-native grass vegetation. There are no existing City-protected trees on the project site. The subject property is located on the east side of Hunter Lane, south of Hunter Terrace and north of Vista Grande Court and is bounded by ACWD land containing the Mayhew Reservoir to the north and east, and single-family residential developments to the west across Hunter Lane and to the south on Vista Grande Court. The existing developed portion of the Vista

Grande subdivision is located to the south and east of the project site. Existing street improvements in front of the site along Hunter Lane include a five-foot wide landscape strip and a four and a half-foot wide detached sidewalk constructed at the time the existing Vista Grande subdivision was developed to match the surrounding streetscape. These street improvements would remain as part of the proposed project. Therefore, no street dedications or improvements would be required as part of the proposed project.

Vesting Tentative Parcel Map No. 10451

Vesting Tentative Parcel Map No. 10451 proposes to subdivide a ±1.59-acre vacant parcel into three single-family residential lots as follows:

- Parcel 1 would be 27,085 square feet, and would be the northern-most lot on the site adjacent to the Mayhew Reservoir site entrance from Hunter Lane.
- Parcel 2 would be 21,315 square feet, and would be the middle lot west of the Mayhew Reservoir.
- Parcel 3 would be 20,910 square feet, and would be the southern-most lot surrounded by the Mayhew Reservoir to the east, Parcel 2 to the north and two single-family residences to the south within the existing Vista Grande subdivision.

A 10-foot wide private storm drain easement and 30-foot wide wetband easement both exist along the northern and eastern perimeters of the property. The wetband easement serves as a fire break. Both easements would remain as part of the proposed project. Additionally, there is a 10-foot wide private storm drain easement along the southern perimeter of the project site. This easement would also remain. Based on conceptual footprint and building pads for the future residences, approximately 600 cubic yards of cut would be required for project development. No street dedication would be required for the project as right-of-way improvements were installed when the Vista Grande subdivision was originally developed.

PROJECT ANALYSIS

General Plan Conformance

The General Plan land use designation for the project site is Residential - Hillside, less than 2.3 dwelling units per acre, or less than 8.7 dwelling units per acre where previously-subdivided, and precludes the creation of new lots less than 20,000 square feet outside of existing subdivisions and planned developments. Additionally, the project site is within the Measure A hillside area, which does not permit increases in density through subdivisions and lot splits within existing subdivisions and planned developments. The proposed Vesting Tentative Parcel Map would be consistent with the General Plan and Measure A in that the additionally proposed lots are within the density already approved in Planned District P-90-17 allowing up to 19 single-family lots. Therefore, there would be no increase in density as part of the proposed subdivision. Further, the proposed project would be consistent with the General Plan in that the three proposed lots would all be greater than 20,000 square feet. Additionally, the proposed project would be consistent with the following General Plan policies contained in the Land Use Element:

Land Use Policy 2-1.4: Neighborhoods - *Sustain and enhance Fremont's neighborhoods as the basic "building blocks" of the community. Fremont's neighborhoods should accommodate a high quality of life by providing diverse housing choices, safe and walkable streets, and convenient access to services, schools, and parks. While the basic pattern of land uses in most neighborhoods is set, over time the City's residential areas will adapt and*

evolve to reflect Fremont’s vision for a more sustainable future.

Land Use Policy 2-1.11: In-Fill Emphasis - *Focus new development on under-developed 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 Policy 2-3.4: In-Fill 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 a ±1.59-acre undeveloped and vacant parcel which would allow for residential development in accordance with the Residential-Hillside General Plan land use designation. Further, the site is surrounded primarily by single-family residences in an existing residential neighborhood and would be considered an in-fill development site, as it would “complete” the future build-out of the Vista Grande residential neighborhood. As noted by the above General Plan policies, the proposed project would sustain and enhance the surrounding area as a residential neighborhood and would support in-fill development on underutilized land that is already served by infrastructure and public streets.

Zoning Regulations

The project site is zoned Planned District P-90-17, which allows for a maximum development of 19 single-family residential lots in the Vista Grande subdivision, as further specified below. The proposal to subdivide the subject property from one lot into three lots would essentially complete the intended build-out of the existing planned development.

The development regulations in Planned District P-90-17 do not specify minimum lot area and width requirements, but do provide minimum setback requirements. Setback requirements are provided in Condition of Approval No. 26 in P-90-17 as follows:

- Front yard: 35 feet
- Rear yard: 35 feet
- Side yards: Minimum 15 feet each side
- Side street side yard: 17.5 feet

The proposed project, due to its location within the hillside area, is also subject to the applicable requirements of the Hillside (H-I) Combining District zoning regulations per FMC Chapter 18.130. However, the minimum lot area and lot width requirements per the H-I Combining District are not applicable to this site since the planned district did not specify a residential district or development standards of a residential district to which the planned district should comply.

The existing lots within the Vista Grande subdivision have been developed in accordance with P-90-17 and vary widely in lot area from approximately 12,700 square feet to 58,000 square feet, and in lot width from approximately 90 feet to 200 feet. As previously noted, the proposed subdivision would create three lots ranging in size from 20,910 to 27,085 square feet, which would meet the minimum lot size requirement of the General Plan. In addition, the three lots would be consistent with the average lot size of the existing developed lots within the Vista Grande subdivision of approximately 26,738 square feet. Further, the proposed lot widths would range from approximately 80 to 169 feet and, likewise, would be consistent with the existing subdivision.

The requirements of Planned District P-90-17 and the H-I Combining District would apply to the development of the individual residences, and conformity to these requirements would be reviewed as part of the Design Review Permit process for each residence. Additionally, the new residences would be subject to the Citywide Design Guidelines.

Design Review Process

Although the proposed application only seeks approval of the subdivision at this time and does not entail entitlements for residential development on these lots, should the creation of these lots be approved, future entitlements would require site plan and architectural review for development of each lot through the City's Design Review Permit process.

In accordance with the City's Design Review Permit process, the site plan and architectural design of a residence may be approved by a Ministerial Design Review Permit if the proposed residence is 7,500 square feet or less. Essentially, if the proposed residential design meets the standards in the H-I Combining District and the requirements of Planned District P-90-17, and the proposed residence is 7,500 square feet or less, the project may be reviewed and approved at staff level. However, if a proposed residence exceeds 7,500 square feet, a Discretionary Design Review Permit would be required, which would be decided upon by the Zoning Administrator, unless the Zoning Administrator determines that the application would warrant review and approval by the Planning Commission. A public hearing would be required as part of a discretionary Design Review Permit process.

Affordable Housing Requirements

The proposed project would subdivide the subject property into three lots for future development of a single-family residence on each lot and would be subject to the requirements of the City's Affordable Housing Requirements per FMC Chapter 18.155. The applicant has chosen to meet the City's affordable housing requirements by paying an in-lieu fee based upon the creation of three single-family residential lots. A condition of approval is included to address this requirement.

Geotechnical Requirements

As noted earlier, a condition of approval of Planned District P-90-17 requires that the City and ACWD make a determination that the project site could support residential development. Condition of Approval No. 4 of P-90-17 states:

*The maximum number of dwelling units shall not exceed 19 single-family detached residences, plus the existing residence, plus one caretaker's residence (in conjunction with the existing residence) on Lot 21. The balance of Lots 20 (**now Lot 17**) and 21 shall remain undeveloped until such time the Alameda County Water District and the City of Fremont have determined the soils in the vicinity of the Mayhew Reservoir are capable of supporting residential development, including associated roadways. At such time, the applicant may apply for a Major Amendment to this Planned District for an increase in density (for the Phase II portion of the site). The total density of Phase I (this application) and Phase II shall not exceed 35 dwelling units.*

The project site is within the Earthquake Induced Landslide Zone on the official Seismic Hazard Zone maps, released by the State Geologist. In accordance with State law, a seismic hazard report is required to be prepared by a licensed geotechnical engineer. To address this requirement and Condition of Approval No. 4, Geotechnical Engineering Inc. (GEI), the applicant's original geotechnical engineer of record, prepared a report in February 2015, which was submitted to the City for review. Upon review, both the City of Fremont

and ACWD requested that additional analysis be prepared by the applicant's geotechnical engineer to further address concerns about slope stability and evaluate the relative risk of future landslide on the project site under seismic conditions. Subsequent analysis was conducted by the applicant's new geotechnical engineer of record, UPP Geotechnology. Peer reviews of the reports prepared by the applicant's geotechnical engineers were conducted by both the City's and ACWD's geotechnical consultants (Cotton, Shires and Associates, Inc. and Kleinfelder, respectively). A summary of the subsequent analysis and peer reviews is provided below.

On May 25, 2016, the applicant submitted additional slope stability analysis prepared by UPP Geotechnology (see Informational 3), which concluded that the potential for landsliding to occur beneath the proposed building sites would be low.

ACWD subsequently reviewed the analysis and provided a response letter (see Informational 4) to the City, dated June 30, 2016, including Kleinfelder's recommendation that a debris flow fence be installed and extended from the eastern perimeter of proposed Parcel 3 to the eastern perimeter along proposed Parcel 2, should the project be approved. Additionally, ACWD recommended that the City conduct a peer review of UPP Geotechnology's supplemental analysis, and provide means to ensure appropriate grading and construction measures be implemented. Cotton, Shires, and Associates, Inc. provided a peer review report (see Informational 5) on July 26, 2016, and concurred with Kleinfelder's recommendation to extend the debris flow fencing along the eastern perimeter of proposed Parcel 2.

Although the peer review report by Cotton, Shires and Associates, Inc. recommends that the construction plan for the extended debris flow fence be submitted to the City prior to approval of the proposed project, Engineering Division staff is recommending that construction plans be submitted at the time of the Design Review Permit application and that the debris flow fence be constructed prior to occupancy of a residence on proposed Parcel 2. Staff has included conditions of approval requiring that prior to occupancy of a residence on Parcel 2 that: 1) the extended debris flow fence be installed; 2) a deferred improvement statement be added on the Final Parcel Map requiring that the extended debris flow fence be constructed prior to occupancy; and 3) a deed restriction be placed on Parcel 2 notifying any future property owner that the debris flow fence must be installed prior to occupancy.

In accordance with the analyses conducted by GEI, Inc., UPP Geotechnology, Kleinfelder and Cotton, Shires and Associates, Inc., and the attached conditions of approval, City staff believes the proposed project would meet Condition No. 4 of P-90-17 as noted above that the soils could support the development of residences on the proposed project site. Additionally, the letter from ACWD indicates support of the City's consideration, but will defer to the City the appropriateness of the proposed subdivision and future residential development of the lots based upon the analyses that have been performed.

Biological Requirements

The conditions of approval for P-90-17 also included requirements to protect burrowing owls, if present on-site, prior to any grading or construction activities and a replacement ratio for any trees proposed to be removed. Condition No. 43 and 45 of P-90-17 are as follows:

Condition No. 43: *Should removal of any of the existing trees on-site be required, the applicant shall replace the trees at a ratio of three trees for every one tree removed, subject to the review and recommendation of the*

City's Senior Landscape Architect. The new trees should be minimum of 25 gallon in size. These new trees would be in addition to the required street trees for this project.

Condition No. 45: *Thirty days prior to the commencement of any grading or construction activities, a site investigation, subject to the approval of the Community Development Director, shall be completed by a certified wildlife biologist to determine if any burrowing owls are present on the site. If a determination is made that burrowing owls are indeed present, all work shall be ceased until the wildlife biologist has relocated the owls.*

Given that the site has been determined to have no trees other than a coast live oak sapling under two feet in height, a tree survey was not required of the applicant. Therefore, other than the existing coast live oak sapling, no existing on-site trees would be affected by future development of the site. However, if tree removal of the sapling is proposed, Condition of Approval No. 43 would still apply requiring a replacement ratio of three trees for each one removed.

A biological field reconnaissance was conducted by LSA Associates, Inc. on December 29, 2015, to determine if any special-status animal and/or plant species were present or could occur on-site, and a subsequent report was prepared dated January 27, 2016 (see Informational 6). The report noted the presence of California ground squirrel burrows, but no burrowing owls or signs of burrowing owls. However, because burrowing owls could potentially occupy the California ground squirrel burrows, conditions of approval to address the potential presence of burrowing owls were recommended by LSA Associates, Inc. and are included for this project. Further, the site was identified as a potential area for presence of nesting birds, and a condition of approval is included to address requirements for construction activities in the event nesting birds are found to be present.

Alameda County Water District and Public Works Agency of Alameda County

During circulation of the proposed project to applicable agencies, the City received letters from ACWD on November 6, 2015, and from the Public Works Agency of Alameda County (ACPWA) on October 13, 2015 (see Informational 7 and 8, respectively).

ACWD provided comments requesting that signed disclosures be provided to potential property owners of the adjacent Mayhew Reservoir to the north and east of the project site as the area is known for potential landslides and debris flow; that District clearance requirements be met between water facilities and other utilities; requirements for trenching meet District requirements, particularly related to the water mains, and that any replacements required be done by the District at the developer's expense; that copies of the District's Standard Specifications for Water Main Installation and Development are available at ACWD; for any modification to existing water facilities or new water service, ACWD's Engineering Department is to be contacted; and due to the water shortage, restrictions on water use are required to be met.

Following the provision of these comments, ACWD indicated further concerns regarding the geotechnical review of the project. As a result, additional conditions as noted in the above *Geotechnical Requirements* section of the report have been added.

The comments from ACPWA indicated that the applicant must comply with the Regional Water Quality Control Board's (RWQCB) C.3 requirements and other Federal or local water quality standards and regulations, and particularly to ensure prevention of contaminated material discharge into storm drain facilities; that the development not augment run-off to flood control facilities, unless mitigated; that a complete Drainage Review Checklist must be

submitted for review to ACPWA; that run-off to adjacent sites not be blocked or augmented; and that any water well, cathodic protection well, or exploratory boring is properly destroyed in accordance with groundwater protection ordinances.

The applicant responded that he understands these comments and reiterated that this application involves only a subdivision at this time; however, he would address the comments at the time future applications for the development of individual homes are submitted to the City. Additionally, the applicant indicated that there are no wells on the property; therefore, no wells or exploratory borings would need to be destroyed.

ACPWA's comments indicated that the applicant's responses are acceptable at this time; however, the Agency requested that a condition of approval be added to ensure that the development does not augment run-off to the flood control facilities, unless mitigated. Therefore, a condition of approval is included to address this comment.

Subdivision Design

The proposed project would involve the subdivision of one parcel into three lots, each of which would be accessed by Hunter Lane. The project would involve no right-of-way improvements and/or right-of-way dedication or easement dedications, other than the installation of City standard driveway approaches for the future development of Parcels 1 and 2.

Grading and Drainage Analysis

The topography of the site is hilly and generally sloping to the southwest, with elevations ranging approximately between 400 feet above mean sea level (AMSL) at the western corner adjacent to Hunter Lane, and 450 feet AMSL at the easterly corner of the site. The slope has an average gradient of 8:1. Proposed grading for individual lots would be subject to the approval of the City Engineer.

A concrete v-ditch runs along the northeast perimeter of the property conveying runoff upstream from the east through a privately owned storm drain system. The concrete v-ditch ultimately drains to Hunter Lane near the property's northwest and southeast corners. The drainage system proposed for individual lots would be subject to the approval of the City Engineer.

FINDINGS FOR APPROVAL

Based on the analysis of the project contained in this staff report, the proposed Vesting Tentative Parcel Map would be in conformance with the General Plan, Zoning Ordinance, Fremont Municipal Code (FMC) Title 17 (Subdivisions), and the Subdivision Map Act, and, in accordance with FMC Sections 17.20.200 and 17.20.340, none of the following findings can be made:

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

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

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

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

CITY FEES

The project would be subject to the Citywide Development Impact Fees that include, but are not limited to, fire protection, park facilities, park land in lieu, art, capital facilities, and traffic impacts. All applicable fees will be calculated and paid prior to permit issuance. The applicant may elect to defer payment in accordance with the City's Impact Fee Deferral Program.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (In-Fill Development Projects) in that:

- (a) The project would be consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with applicable zoning designation and regulations as documented in the staff report.
- (b) The proposed development would be within City limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species, as documented in the biological resources analysis prepared by LSA Associates.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality given that it would add minimal additional vehicle trips to nearby intersections, and would comply local and regional requirements to address noise, air quality and water quality impacts.
- (e) The site can be adequately served by all required utilities and public services.

In addition, a Mitigated Negative Declaration was previously-adopted for the Vesting Tentative Tract Map No. 6546, which included Lot 17. The proposed conditions of approval incorporate mitigation measures in accordance with the previously-adopted Mitigated Negative Declaration to address ACWD's concerns pertaining to the geotechnical requirements for the site, and the protection of potential burrowing owls and nesting birds.

PUBLIC NOTICE AND COMMENT

Public hearing notices were mailed to a total of 35 property owners within 300 feet of the site. The notices to property owners were mailed on August 12, 2016. A public hearing notice was published by *Tri-City Voice* on August 9, 2016.

Planning Commission Comment

In March 2016, City staff received questions from a Commissioner regarding the history of the project site in accordance with Planned District P-90-16. Staff has attached the questions from the Commissioner and staff's responses to the questions (see Informational 12).

Neighborhood Concerns

During the week of February 22, 2016, staff received phone calls from three neighbors who indicated their concerns about the proposed subdivision, including impacts of views of the hills from their homes that could be blocked, additional traffic that would be generated with new homes, and potential for security issues with additional homes. Further, each of the neighbors stated that they had been told by the developer when the Vista Grande subdivision was constructed that only one residence would be developed on the subject property.

Given the number of neighbors who voiced their concerns, the Planning Manager determined that the public interest would best be served by referring this item to the Planning Commission, as permitted under FMC Section 17.20.340(c).

On March 1, 2016, the applicant invited neighbors to a meeting to discuss the project but the applicant stated that no one attended.

On March 23, 2016, the City received a letter (see Informational 9) via email from surrounding neighbors on Hunter Lane and Vista Grande Court who expressed their concerns about the proposed subdivision and feel that the project would further densify the neighborhood, increase traffic and safety impacts, and would also diminish their views of the hills.

During the Planning Commission meeting of March 24, 2016, although this item was continued, two members of the public provided comments on the project regarding their concerns about impacts to the neighborhood.

The City also received an email (see Informational 10) dated April 24, 2016, from Mr. and Mrs. John Sullivan, property owners of 815 Hunter Lane, who reside across the street from the project site. They indicated that they strongly oppose the proposed project as they feel over-development of the hillside is occurring and impacting the open space of the hills. The letter further expresses concerns about the impact on hillside views if additional houses would be constructed on the project site, the potential size of homes on these sites, and additional traffic on the streets. Further, the letter stated that the development is not in keeping with the intent of Measure T.

On April 29, 2016, staff received a call from a resident on View Point Circle who conveyed her concerns about loss of hillside views, impacts on preservation of green areas on the hillsides, and additional traffic and crime in the area, if the proposed subdivision was approved. Further, she also expressed her concerns regarding the potential for landslides due to proximity to the Mayhew Reservoir.

On May 12, 2016, staff received a letter (see Informational 11) from Mrs. Joanna Lung who resides on View Point Circle. She indicated her objection to the development based upon her

concerns about potential geotechnical risks of the project site, water pollution and flood risks from the Mayhew Reservoir, potential for environmental risk, and other types of impacts related to traffic, noise, loss of privacy and crime.

RECOMMENDATION

1. Hold a public hearing.
2. Find that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (In-Fill Development Project).
3. Find that on the basis of the information submitted, and a project review, that the project is in conformance with the General Plan, Zoning Ordinance, and other development policies and provisions of the City of Fremont, and pursuant to FMC Sections 17.20.200 and 17.20.340, and Government Code Section 66474, none of the following findings to deny the map can be made:
 - a. The map fails to meet or perform one or more requirements or conditions imposed by the Subdivision Map Act and FMC Title 17 (Subdivision);
 - b. The proposed subdivision, together with the provisions for its design and improvements, is not consistent with applicable general and specific plans;
 - c. The site is not physically suitable for the type or proposed density of development;
 - d. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - e. The design of the subdivision or the type of improvements is likely to cause serious public health problems; and
 - f. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
4. Find that, pursuant to Government Code Section 66473.5, the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan or any specific plan for the reasons stated in the staff report.
5. Approve Vesting Tentative Parcel Map No. 10451 as depicted in Exhibit "A," to allow for the subdivision of one lot into three single-family residential lots, based upon findings and subject to conditions of approval as shown in Exhibit "B."

ENCLOSURES

- Exhibit A -- Vesting Tentative Parcel Map No. 10451
- Exhibit B -- Findings and Conditions
- Informational 1 -- Vesting Tentative Tract Map No. 6546
- Informational 2 - Planned District P-90-17
- Informational 3 -- UPP Geotechnical Report dated May 25, 2016
- Informational 4 -- ACWD/Kleinfelder Letter dated June 30, 2016
- Informational 5 -- Cotton, Shires and Associates, Inc. peer review dated July 26, 2016
- Informational 6 - LSA Biological Report

- Informational 7 -- ACWD comments
- Informational 8 -- Alameda County Public Works Agency comments
- Informational 9a -- Letter from Walia & Neighbors
- Informational 9b -- VISTA GRANDE- Signatures from Walia & Neighbors
- Informational 10 -- Letter from Mr. and Mrs. Sullivan
- Informational 11 -- Letter from Joanna Lung
- Informational 12 -- Questions from Planning Commissioner and staff's responses