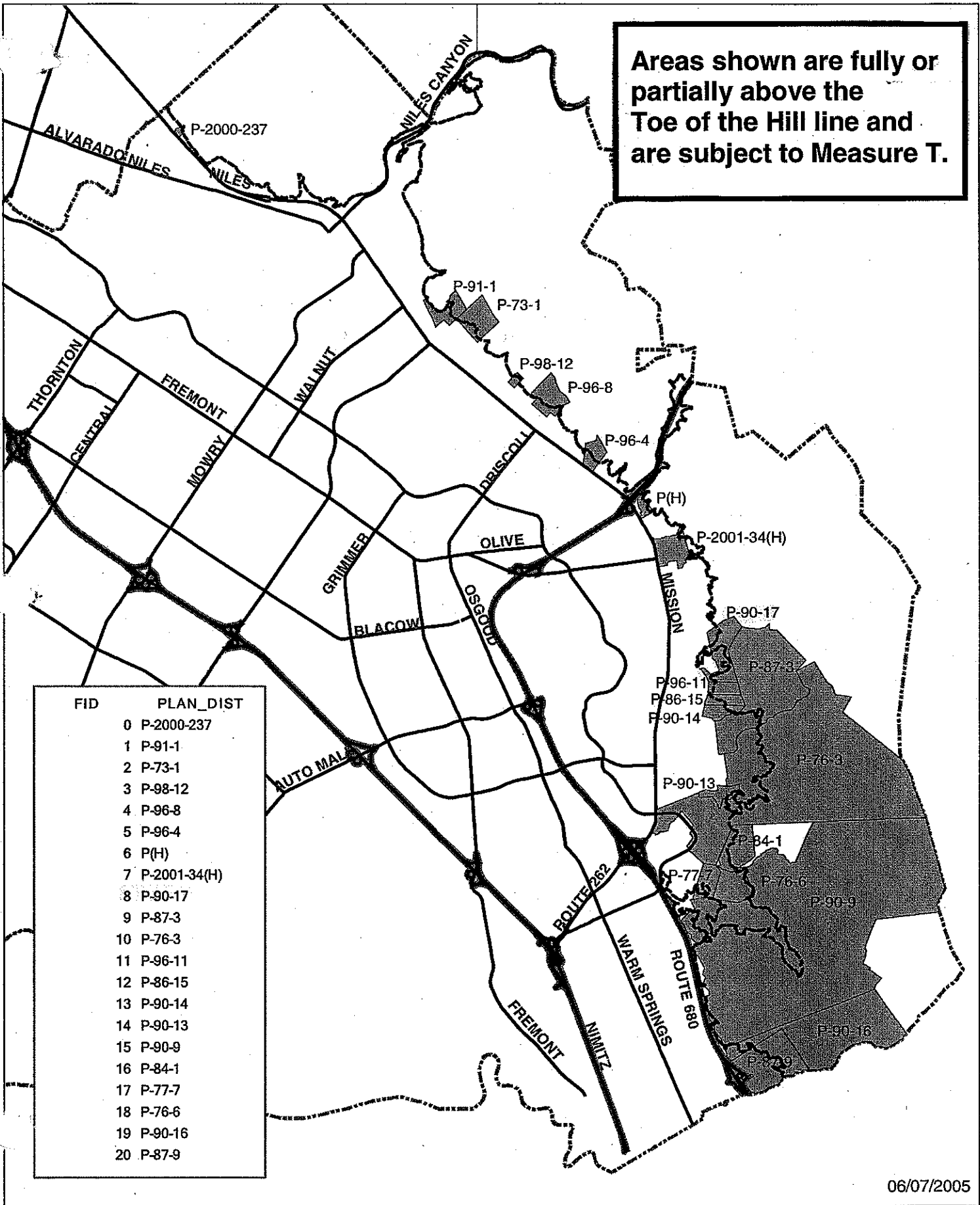


Planned Districts above the Proposed Toe-of-the-Hill Line

Areas shown are fully or partially above the Toe of the Hill line and are subject to Measure T.



FID	PLAN_DIST
0	P-2000-237
1	P-91-1
2	P-73-1
3	P-98-12
4	P-96-8
5	P-96-4
6	P(H)
7	P-2001-34(H)
8	P-90-17
9	P-87-3
10	P-76-3
11	P-96-11
12	P-86-15
13	P-90-14
14	P-90-13
15	P-90-9
16	P-84-1
17	P-77-7
18	P-76-6
19	P-90-16
20	P-87-9

**CONDITIONS OF APPROVAL FOR P-90-17 ADOPTED OCTOBER 10, 1991 BY THE FREMONT
PLANNING COMMISSION**

Note: Lot numbers modified per Final Vesting Tract Map recordation. All modifications are in parentheses and in ***bold italics***.

CONDITIONS

1. Conformance with Exhibits "B" and "D", and conformance with all conditions of approval for GP-90-16.

It should be noted staff has conducted no analysis for the Phase II portion of this site, and this recommendation for Phase I shall not extend to any future approvals for Phase II. Phase II, if and when submitted to the City for review, shall be subject to its own review and approval process. No approval for the Phase II shall be implied or assumed with this application.

2. Prior to the acceptance of the Final Map for this project, the applicant shall pay all cancellation and penalty fees associates with the cancellation of the agricultural preserve contract for this project site. The cancellation fees shall be established by Alameda County in conformance with the rules and regulations set forth by the State of California for the cancellation of agricultural contracts.
3. Plans must be submitted to the Development Organization for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
4. 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.
5. Provided they comply with the intent of this approval, minor modifications to street layouts and lot lines may be permitted subject to Director of Community Development.
6. It should be noted no open space is being requested at this time because of the soils constraints which impacts this site (which currently render the balance of the site unusable for residential purposes). Should the existing soil constraints be addressed and the applicant allowed to further subdivide the project site in the future, the total project area (i.e., 72 acres) shall be used to calculate the required open space dedications for this project site. This condition of approval shall be included as a deed restriction on the Final Map which shall run with the land, thereby alerting any future purchaser of this property to this dedication requirement.
7. Fees required in lieu of park dedication are to be based on the fee resolution in effect at the time the final map is filed and are to be allocated to Old Mission Community Park Benefit Area.
8. No accessory structures shall be constructed above the Toe of the Hill line on Lots 8 through 11 (***now Lots 7 through 10***). The tentative tract map shall reflect building pads for these lots which are entirely sited below the identified toe of the Hill line.
9. An open space easement granted to the City of Fremont shall be recorded across Lots 8 through 12 (***now Lots 7 through 10***) as reflected on Exhibit "B". This easement shall prohibit the construction of any structures of facilities within the open space easement. A restriction shall be

included on the Final Map prohibiting any construction or development within this open space easement. A covenant shall be recorded with each of the affected lots putting the owners on notice that no construction shall occur within this area. This easement area may be included in the required open space dedications for any future subdivision of this property.

10. The owners of Lots 8 through 12 (**now Lots 7 through 10**) shall be responsible for the maintenance of the open space easement area across each of the respective lots, subject to the review and approval of the Department of Public Works. Such wording shall be included within the deeds of trust for each lot.
11. The applicant shall dedicate right-of-way and install complete roadway improvements for the remainder of Hunter Lane (60-foot right-of-way) across the site's frontages.
12. Precise street geometrics shall be subject to the approval of the City Engineer.
13. The applicant shall dedicate and install complete street improvements for the 56-foot internal roadway.
14. The applicant shall provide a slope stability analysis for the whole site and provide remedial grading to address the recent landslide mapped within portions of Lots 11 and 12 (**now Lots 9 and 10**). The analysis and the remedial grading shall be subject to the review of a qualified Geotechnical Engineer and such review shall be required prior to the approval of the tentative tract map submittal. The remedial grading on Lots 11 and 12 (**now Lots 9 and 10**) shall be completed and accepted prior to the City's acceptance of the Final Map for this project.
15. Precise geometrics and location of all driveways shall be subject to approval of the City Engineer.
16. A preliminary grading plan showing finished contours at one foot interval is to be submitted with the Tentative Tract Map.
17. The City of Fremont shall promptly notify the subdivider or applicant of any claim, action, or proceeding to attack, review, set aside, void, or annul, its approval and shall cooperate fully in the defense.
18. The subdivider or applicant shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers or employees to attack, review, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Subdivision Map Act.
19. A tentative tract map shall be submitted for Planning Commission approval, and may be subject to modifications at the time of review.
20. All residence shall be subject to the review and recommendation of the Site Plan and Architectural Review Board.
21. All residences shall comply with the provisions set forth in the City's Hill Area Development Policy as they relate to the construction of single-family detached residences and associates facilities.
22. All structures must conform to the grades established with the grading plan. Residences shall be designed to minimize any cutting outside the structure's foundation and driveway. The residence shall fit the land, not vice versa.

23. The architectural style is not restricted, but buildings close to one another must have compatible design qualities. Conflicts in style and form, or needless obstructions to view corridors shall be deemed potential basis for disapproval.
24. Building mass and patterns of tree cover shall recognize views of adjacent properties and minimize the blocking of such vista corridors.
25. All homes shall be designed by a qualified licensed architect by the State of California. The Covenants, Conditions and Restrictions (CC&Rs) for the development shall require a signed statement by each buyer that requires the use of a California registered architect for the design of each unit. A copy of such agreement shall be required to be given to the buyer, plus a copy kept by the developer.
26. Yard requirements and setbacks shall be as set forth below:

Front yard:	35 feet
Rear yard:	35 feet
Side yards:	Minimum 15 feet each side
Side street side yard:	17.5 feet
27. Structural limitations – Pony walls shall be limited to a maximum height above ground to the bottom of the floor joists of the first floor of five feet (5') for any portion of the pony wall.
28. Roofs – Structures shall have roof surfaces pitched at or greater than 4 in 12.
29. Decks – Decks more than 12 inches above the ground shall be provided with a continuous screen wall that will conceal structural supports. In no case will decks be allowed to be more than five feet above the ground. Second story decks must be cantilevered from the main structure and they may not protrude more than six feet from the main structure.
30. Retaining Walls – Retaining walls used to construct garage pads will be limited to a retaining height of 6'8". All driveways and parking areas will be designed using engineered fill. The sides of any retaining walls installed for this purpose shall be architecturally treated to be compatible with the house.
31. Exterior retaining walls not attached to the dwelling unit will be limited to a maximum height of three feet. The use of a continuous series of retaining walls shall be prohibited.
32. Utility Installations – All utility sources shall be adequately screened from view including PG&E meters.
33. Outside Lights – Other than public roadway lights, no exterior lighting shall be permitted except that which has a concealed source.
34. Garbage/Trash containers – Garbage or trash containers shall be suitably concealed behind permanent screening or fencing contiguous to the structure.
35. CC&Rs shall state that no satellite antennas shall be placed on roofs or in front yards or side yards adjacent to streets and all antennas shall be shielded from view from any public right-of-way.
36. Site Drainage and Trenching – The structure shall be planned to minimize conflict with natural surface drainage on the site. All roof drainage shall be carried to the public street.

37. Exterior Metal – All exposed exterior metals, including flashing, chimneys, vents, crickets, and aluminum window frames shall be finished in dark color or with a finish as approved by the Director of Community Development.
38. Exterior Colors – Colors shall be restricted to natural or earth tones – no bright or garish colors will be allowed.
39. Fencing – Solid wood fencing may be used between adjoining structures and for privacy to a point 20 feet beyond the rear building line or as approved by the Director of Community Development. Open screen fencing will be used at all other locations, specifically in those lots which back up to the open space easement area. The design of all fencing to be approved by the Director of Community Development prior to issuance of building permits.
40. A professional engineer registered in the State of California shall be retained to prepare final grading Plans for each individual lot and upon the completion of the grading submit to the Director of Planning a statement that the as-built grading conditions do not deviate from the approved plan by more than one foot of vertical elevation.
41. All exterior grading shall be accomplished using slopes no greater than 3 horizontal to 1 vertical. Interior or temporary cuts may be as recommended by the Soils Engineer.
42. The vertical elevations of the back walls of all homes shall be broken by an offset of at least three feet in order to enhance the architectural interest of the structure.
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 a minimum of 25 gallon in size. These new trees would be in addition to the required street trees for this project.
44. No residence shall be sited closer than 50 feet to the centerline of the drainage corridor along the southern boundary of the site.
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.
46. In no case shall the height of the ridge for any section of the house exceed 30 feet above the finished grade directly below the ridge. No exceptions shall be allowed.
47. Construction activities shall be limited to the following hours of operation:
7 a.m. to 7 p.m., Monday through Friday
9 a.m. to 6 p.m., Saturday and Sunday

34. **Garbage/Trash Containers** - Garbage or trash containers shall be sustainably concealed behind permanent screening or fencing contiguous to the structure.
35. **CC&R's** shall state that no satellite antennas shall be placed on roofs or in front yards or side yards adjacent to streets and all antennas shall be shielded from view from any public right-of-way.
36. **Site Drainage and Trenching** - The structure shall be designed to avoid conflict with natural surface drainage on the site. All final drainage shall be carried to the public street.
37. **Exterior Metal** - All exposed exterior metals, including flashing, chimneys, vents, crickets, and aluminum window frames shall be finished in dark color or with a finish as approved by the Director of Community Development.
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**PLANNING COMMISSION MEETING STAFF REPORT
FEBRUARY 9, 2006**

- Project:** VISTA GRANDE- (PLN2006-00150)
- Proposal:** To consider a request to extend, for one additional year, the right to develop based on the regulations in place in 1992 per Vesting Tentative Tract Map 6546, for 17 lots.
- Recommendation:** Approve
- Location:** 44110 Hunter Lane in the Mission San Jose planning area.
APN 513-0325-005-00 and 513-0325-006-00
(See aerial photo next page)
- Area:** 12.62 acres
- People:** Deccan Pacific Vista Grande LLC, Applicant
Alan L. Reeves, Agent of Applicant
Deccan Pacific Vista Grande LLC, Owner
Barbara Meerjans, Staff Planner (510) 494-4451;
bmeerjans@ci.fremont.ca.us
- Environmental Review:** A Mitigated Negative Declaration has been previously adopted for this project.
- General Plan:** Very Low Density Residential, and Low Density Residential (0.5 – 1.5, and 2-3.5 dwelling units per acre), Hill Face Open Space.
- Zoning:** Planned District, P-90-17(R)

EXECUTIVE SUMMARY:

The applicant is requesting to extend, for one additional year, the right to develop based on the regulations in place in 1992 per Vesting Tentative Tract Map 6546, for 17 lots. The City of Fremont has the authority to grant this request pursuant to Government code 66498.5 and Fremont Municipal Code 8-1440.4.(c)(3). The vesting rights for this map are currently in effect until July 10, 2006. The proposed extension would allow the vesting rights to continue until July 10, 2007.

BACKGROUND AND PREVIOUS ACTIONS:

The Planning Commission recommended, to City Council approval of Planned District P-90-17 and adoption of Mitigated Negative Declaration EIA-90-92 and conditionally approved Preliminary Grading Plan GP-90-16 on October 10, 1991. On November 19, 1991, the City Council approved Planned District (P-90-17) and a Preliminary Grading Plan (GP-90-16) for the development of a proposed twenty-one lot subdivision, to accommodate 19 residential units. On September 24, 1992, the Planning Commission approved Vesting Tentative Tract Map 6546 for the subdivision of the subject property in the manner approved by the Planned District. The map was valid for two years and was then automatically extended by legislative action for an additional three years to September 24, 1997. The Planning Commission approved five one year time extensions for this Vesting Tentative Tract Map 6456 on October 23, 1997, November 19, 1998, November 18, 1999, October 26, 2000, and November 29, 2001. The applicant subsequently claimed that conditions added with the City granted extensions required compliance with the not yet adopted Mission Peak Landslide Area Development Policy and that the resulting delay was a de facto moratorium which automatically extends the life of the tract map by operation of the law. On January 27, 2004 the City Council upheld the applicant's position regarding the de facto moratorium and extended Vesting Tentative Tract Map 6456 for sixteen months. The final map for Vesting Tentative Tract Map 6456 (now 17 lots) was recorded on July 11, 2005.

PROJECT DESCRIPTION:

The applicant is requesting to extend, for one additional year, the right to develop based on the regulations in place in 1992 per Vesting Tentative Tract Map 6546, for 17 lots. The City of Fremont has the authority to grant this request pursuant to Government Code 66498.5 and Fremont Municipal Code 8-1440.4(c)(3). The vesting rights for this map are currently in effect until July 10, 2006. The proposed extension would allow the vesting rights to continue until July 10, 2007. The grading of the project site is substantially complete and the road and utilities are under construction.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Very Low Density Residential, and Low Density Residential (0.5 to 1.5, and 2 to 3.5 dwelling units per acre), and Hill Face Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because extension of the vesting rights for one year implements the approved Planned District (P-90-17) and Vesting Tentative Tract Map 6456. The following General Plan Goals, Objectives and Policies were previously found applicable to the approved Planned District and Vesting Tentative Tract Map 6456:

Housing Goal H2. High Quality and Well-Designed New Housing of All Types throughout the City.

Health and Safety Objective HS 1.1. Development which responds to and minimizes geologic hazards.

identified in previous environmental documents and accordingly, a Negative Declaration was approved by the Planning Commission on March 11, 2004.

Mitigation Measures from the 1991 and 2002 Mitigated Negative Declarations are as follows:

A. Mitigation Measures from EIA 90-92:

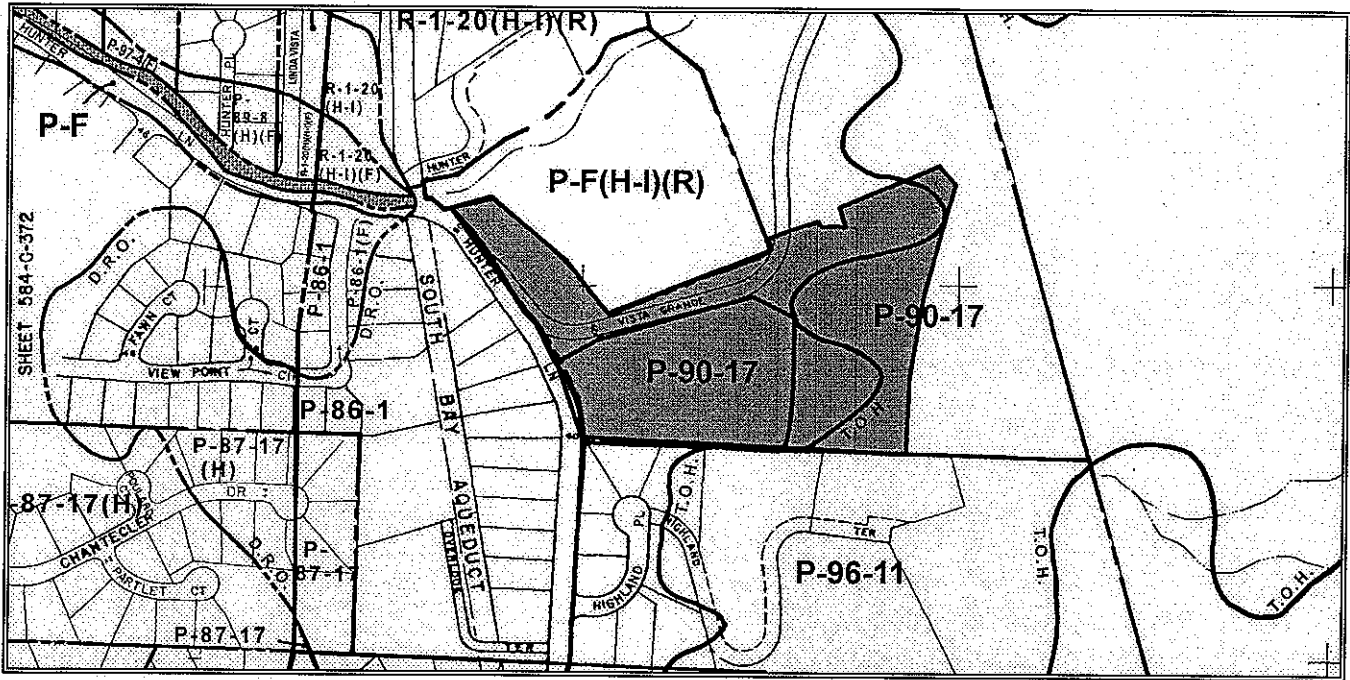
1. The City has recently implemented mitigation to survey sites prior to the commencement of any grading activities to determine whether or not the species (burrowing owl) is located on the site. Implementation of the City's mitigation measures for the protection of the burrowing owl will reduce the identified impact to a non-significant level.
2. Should removal of any of the existing trees on site be required, the replacement at a ratio of three trees for every one tree removed would mitigate the impact to a non-significant level. The new trees should be a minimum of 24 inch box specimens in size. These new trees would be in addition to the required street trees for this project. Implementation of the above-described mitigation measures would reduce any identified impacts to a non-significant level.

B. Mitigation measures from PLN2002-00325

1. Expansive clay soils: Expansive clay soils must be considered in the design of grading, foundations, drainage, and landscaping. The following three mitigation measures will simultaneously provide mitigation for the expansive clay soils at the site.
2. Undocumented fill: Fill must be removed during grading and if it is determined to contain less than 3% by weight of organic material, it can be reused and replaced as engineered fill. If it contains more than 3% by weight of organic material, it can be used in landscape areas or blended with new material and reused as engineered fill.
3. Relic Landslide feature: Further investigation by an engineering geologist or geotechnical engineer during grading to confirm the presence or absence of this feature and provide recommendation for mitigating any hazards. Any mitigation recommendations made by the consultant shall be implemented, with the approval of the City Engineer.
4. Mudflow material: Drill a row of piers along the north property line or excavate a minimum 30-foot wide strip of mudflow material along the north property line within the development area, and recompacting the excavation with engineered fill. A separation material such as geotextile fabric should be placed between the engineered fill and the north side of the property line.

The above mitigation measures will be implemented as the project proceeds.

Existing Zoning
 Shaded Area represents the Project Site



Existing General Plan

