

A Planning Commissioner has asked the following questions with staff's responses regarding the proposed Vista Grande Vesting Tentative Tract Map on the March 24 agenda. *Please note that staff will be requesting a continuance of this item (Item 2 on the agenda) to the April 28, 2016 Planning Commission meeting.*

Question: The Final Map for Vista Grande, according to the staff report, was recorded on July 11, 2005. The Conditions of Approval (Informational 2) adopted by the Fremont Planning Commission in 1991 Item #4 specified that the dwelling units would not exceed 19 single-family detached residences. Were the Conditions of Approval recorded as a matter of public record recorded against Parcels 1 through 16 as part of the final map or otherwise? Or was there some other matter of public record that specified that Vista Grande could include construction of up to 19 single-family detached residences? And such recordation would have occurred before any of the lots were sold to the neighbors, correct? Alternatively, did the developer, if staff knows, disclose the conditions of approval in its sale of the lots to the neighbors?

Staff Response: *The conditions of approval of Planned District P-90-17 did not specify that they were required to be recorded with the Final Map. Therefore, the City is unaware if the conditions of approval of P-90-17 were recorded onto the properties by the developer. The approved Planned District specified that the number of dwelling units would not exceed a maximum of 19 single-family detached residences, plus an existing residence and caretaker's residence on Lot 21 that is located above (east) of the Mayhew Reservoir. Staff is not aware if the developer disclosed the conditions of approval prior to sale of the lots; however, staff would have conveyed the requirements of the conditions of approval to property owners prior to construction of each residence.*

Question: Under the heading of Neighborhood Concerns in the Staff Report, there is an allegation that "they had been told by the *developer* when the Vista Grande subdivision was granted that only one residence would be developed on the subject property." (Italics added.) Isn't the developer and the applicant one and the same entity/individual?

Staff Response: *Yes, the developer at that time and the current applicant are one and the same. The developer/applicant is Ramesh Karipineni of Deccan Pacific Vista Grande LLC.*

Question: Would any of the other lots (Lots 1 through 16) potentially be eligible to be subdivided so as to allow construction of two or three units on their lots? If so, which lots?

Staff Response: *As noted in the staff report, lots would need to be a minimum of 20,000 square feet in area; therefore, some of the existing lots would not be eligible for potential subdivision. Although Condition No. 4 of the Planned District conditions of approval did not specify the location of the 19 lots, the Planned District did include a condition of approval to conform to Exhibit "B," which is the Preliminary and Precise Site Plan for Vista Grande Unit I (see Page 38 of the agenda packet). The Plan conceptually provides the layout for the subdivision, noting potential lots on Lot 20, which is the proposed project site. However, upon comparing the existing subdivision as constructed (which is consistent with the approved Vesting Tentative Tract Map 6546 that created the subdivision) with the Preliminary and Precise Site Plan, there is some variation in the layout of the lots. Therefore, in accordance with the Planned District requirements and the Residential Hillside General Plan designation for the site, no more than 19 single-family lots may be developed in the Vista Grande subdivision and each lot must meet the minimum lot size of 20,000 square feet.*

Question: Did any of the neighbors claim they were told by the developer they could not subdivide their own lots by the developer?

Staff Response: City staff has not heard claims by any neighbors whether they were told by the developer that they could not subdivide their own lots.

Question: Are you able identify the years when the Planning Commission recommended to Council approval of Lots 1 through 16? I don't believe the Lots were approved in sequential order but just a synopsis of the first such recommended approval and the last recommended approval before this application. And presumably the Council adopted PC recommendations for all previous 16 lots, correct?

Staff Response: *As noted in the staff report, Vesting Tentative Tract Map 6546 was approved by the Planning Commission on September 24, 1992 (Informational Item 1), creating all 17 lots. Staff could not find any information regarding a difference in the sequential order of approving the lots. The City Council later upheld the applicant's position that the delay of the preparation of the Mission Peak Landslide Area Development Policy created a de facto moratorium and subsequently extended Vesting Tentative Tract Map 6546 for 16 months from January 27, 2004. Prior to this application, on February 9, 2006, the Planning Commission approved action to extend (for one additional year) the vesting rights to allow construction of the homes in accordance with regulations in place at the time of approval of Vesting Tentative Tract Map 6546 in 1992, rather than new requirements in place in 2006.*

Question: Is it the role of the Planning Commission in considering whether to approve the applicant's planned subdivision to deny the application based on the allegation that neighbors were allegedly told only one residence would be developed on Lot 17?

Staff Response: *The allegation of the neighbors is not a basis for denial. If the Planning Commission were to deny the project, the Planning Commission would need to make one of the findings per Section 17.20.200 (Approvals or disapprovals of tentative maps) of the Zoning Ordinance.*