REPORT - PLANNING COMMISSION MEETING
June 23, 2005

Project Name and Number: **Remax Executive Realty (PLN2004-00254)**

Applicant: JP Mobasher

Proposal: To consider a Planned Unit Development Amendment, Tentative Parcel Map (TPM-8395) and Variance for a three-lot residential lot subdivision, where two residential lots currently exist

Recommended Action: Approve based on findings and subject to conditions

Location: 45208 & 45216 South Grimmer Boulevard in the Mission San Jose Planning Area

Assessor Parcel Number(s): 519-1677-17 & 519-1677-15-1

Area: 0.41 acres

Owners: Thomas & Barbara Vegh and Chun & Helen Cheng

Agent of Applicant: JP Mobasher

Consultant(s): Al Pascual and Associates, Inc.

Environmental Review: This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Project

Existing General Plan: Low Density Residential (3 to 5 dwelling units per acre)

Existing Zoning: R-1-10, Single-Family Residence District

Existing Land Use: Two Single-Family dwellings

Public Hearing Notice: Public hearing notification is applicable. A total of 62 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Sage Court, Washo Drive, Tolteca Court, Imnaha Court, South Grimmer Boulevard and Little Foot Drive. The notices to owners and occupants were mailed on June 10, 2005. A Public Hearing Notice was delivered to The Argus on June 6, 2005, to be published by June 9, 2005.

Executive Summary: The applicant is requesting approval of an amendment to an existing Planned Unit Development (PUD-77-5) that was approved in 1977, to create three single-family residential lots where two residential lots with homes exist. The applicant also requests approval of a Tentative Parcel Map and a Variance to allow five-foot side yard setbacks for the two existing homes, where six feet is required. Staff recommends that the Planning Commission approve the amendment to the Planned Unit Development, Tentative Parcel Map and Variance to allow the development of one additional single-family residential lot. The subject property is surrounded by single-family residences on 10,000 square foot lots. There are larger lots to the north, and smaller lots to the south of the subject site in neighboring subdivisions.

Project Description: On December 8, 1977, the Planning Commission approved PUD-77-5 for a 214 unit single-family residential subdivision generally located at the northwest quadrant of Grimmer Boulevard and Mission Boulevard. On June 25, 1992 the Planning Commission approved an amendment to the Planned Unit Development (PUD-77-5A), for the subdivision of one large single-family lot on Imnaha Court into two lots. The applicant currently proposes an amendment to the existing Planned Unit Development for the subdivision of two residential lots into three residential lots. The two existing subject parcels are occupied by one single-family dwelling unit on each lot, constructed in 1980.

The new "flag" lot is proposed to be located behind the two existing lots. Accessed to the lot will be provided by a 20' wide driveway located between the two existing residences. Within the 20' wide flag pole portion of the lot will be 16' of paved surface consisting of decorative dark red brick pavers, and 2' of turf cells on each side of the paved driveway. There will also be five feet of landscaping between the turf cells and the existing residences. Staff worked with the applicant to ensure that quality materials will be used for the driveway and that the area between the two existing homes will be clear of structures including fences that may attribute to clutter and a visual narrowing of the area between the two homes. To mitigate the potential "tunnel" effect between the two existing homes, staff has included a condition (No. 4a) prohibiting any fences or other structures from being constructed between the existing residences on Lots 1 and 2. New landscaping and irrigation will be installed between the new driveway leading to Lot 3 and the existing homes located on Lots 1 and 2 as well as along the new lattice-topped fences. The landscape and irrigation plan shall be reviewed through the Development Organization (see condition No. 23).

The new Lot 3 will contain one single-family residence. Because Lot 3 may be sold to another party, the applicant states that they will let the new owner design the residence. The applicant proposes the future residence meet the same design standards as the five-lot single-family residential development located immediately west of the subject site on Sage Court. Although the adjacent tract was approved in 1986, it was in 1998 that a PUD was developed to allow varied setbacks and to create a Mediterranean design theme. The applicant states they helped develop the PUD design guidelines for the Sage Court property and that they are pleased with the outcome of the project.

Project Analysis:
General Plan/Zoning Conformance: The General Plan land use designation for the project site is Low Density Residential 3 to 5 dwelling units per acre. The R-1-10 zoning district requires a minimum lot size of 10,000 square feet per lot; however, PUD-77-5 requires the dwellings meet the less stringent R-1-6 setback standards. Pursuant to *Principle No.1* of the Development Policy for Planned Unit Developments, the "Density for planned unit developments is computed by dividing the net area of the parcel (exclusive of any present or required dedicated perimeter streets right-of-way) by the lot area requirement for the zoning district which applies to the project". Based upon this density calculation, the site has the following development potential:

$$\text{PUD Density} = \frac{\text{Net combined parcel area}}{\text{Lot area required}} = \frac{40{,}805 \text{ sq. ft.}}{10{,}000 \text{ sq.ft.}} = \text{Up to 4.08 dwelling units}$$

Therefore, the proposed density of three residential lots is consistent with the existing PUD development density, and is in conformance with the existing General Plan land use designation for the site.

Size and Setback Standards: All three of the proposed lots will be larger than the 10,000 square-foot minimum lot area requirement as outlined in the R-1-10 zoning district. The proposed lot sizes are as follows:

Lot 1: 11,971 square feet
Lot 2: 10,887 square feet
Lot 3: 17,947 square feet

The following analysis outlines the R-1-6 Zoning District Standards and the setback provisions proposed for the existing and new dwelling unit through PUD-77-5B. The requirements are as follows:

		PUD-77-5B		
	R-1-6 Setbacks	**Lot 1 (Existing)**	**Lot 2 (Existing)**	**Lot 3 (Proposed)**
Lot Size Provisions (R-1-10)	10,000 sq. ft.	18,968 sq. ft.	23,630 sq. ft.	17,947 sq. ft. (To be located behind Lots 2 & 3)
Front Yard	20 ft.	20 ft.	20 ft.	20 ft.
Interior Side Yard				
One Story	5 ft. (12 ft. total)	26 ft.	16 ft.	8 ft. (20 ft. total)
Two Story	6 ft. (15 ft. total)	15 ft. (41 ft. total)	15 ft. (31 ft. total)	10 ft. (20 ft. total)
Rear Yard	25 ft.	180 ft.	360 ft.	55 ft.

The applicant proposes side and rear yard building setbacks that are greater than that of the R-1-6 standards used in the existing PUD that governs the subject site. The applicant's proposed side yard setbacks are 15'. This is more than double the required side yard setback requirements. The applicant's proposed rear yard setbacks are 30' for a one-story residence and 35' for a two-story residence. This represents a five and ten foot increase, respectively, over the required R-1-6 setbacks.

Planned Unit Development and Variance Justification: There is a 30' building separation between the two existing residences. The driveway access for Lot 3 is proposed to be located between the two existing homes. Because the "pole" portion of the flag lot must be 20' wide, it will result in the required side yards of the existing residences located on Lots 1 and 2 to become deficient, as the setbacks will be 5', where 6' is required. However, the opposite side yard setbacks for these two residences substantially exceed the minimum width of nine feet. Lot 1 has an opposite side yard of 26' and Lot 2 has an opposite side yard of 16'. The applicant has submitted a Variance for this project to address the minor side yard setback deficiency. Because the project is proposed to be conditioned such that no additions or structures can be constructed between the two existing residences, staff supports the Variance request to reduce the side yards between the homes from six-feet to five feet in the area where the driveway for Lot 3 is proposed to exist.

The applicant also requests a Variance to eliminate the required three-foot side yard setback for an existing 6' x 10' pool equipment building located in the rear yard of Lot 2. Because the structure will be on the new side property line, the applicant will build a good neighbor fence around the structure that will begin at the rear corner of the existing house and arc around the existing swimming pool and terminate at the back corner of the rear yard. The new side yard and rear yard fences on Lot 1 and Lot 2 will have one foot of lattice above five-feet of solid boards (see condition No. 4b) for privacy. The new fence will be attractive and provide visual continuity along the driveway leading to Lot 3. Staff supports the Variance to eliminate of the side yard setback for the existing pool equipment enclosure because of its small size and substantial distance (85') from South Grimmer Boulevard. The small structure also does not adversely impact the continuity of the landscape planter as plants will be installed adjacent to it at each end.

The Development Policy for Planned Unit Development, adopted by City Council Resolution No. 5114, September 21, 1982 allows a PUD to provide "a more desirable living environment than would be possible through the strict application of ordinance requirements" (*Objective No. 1* of the Development Policy), if it can be demonstrated that it is in conformance with *Principle No. 1.*

Land Use Compatibility: Staff has concluded that the proposed Planned Unit Development amendment, Variance and Tentative Parcel Map will have a beneficial effect. The beneficial effect results from the better utilization of this site, which is consistent with the City's General Plan policy of maximizing in-fill sites to provide additional housing, as well as from the design of this project which will assure high quality and a well designed residence within the City (General Plan Land Use Policy, Goal H2). The proposed project will be developed in conformance with the existing General Plan and all conditions of approval by the Planning Commission. The building design standards will complement and enhance the existing single-family residential neighborhood. The project will be consistent with the existing nearby land uses, and is not anticipated to create an adverse impact on either the surrounding residential area, nor be incompatible with the adjacent uses.

Architecture: The applicant has no house plans proposed for the new home site; however, the applicant does propose to use the design guidelines that were approved for a five-lot custom home development located west the subject site on Sage Court. The architecture of the future residence on Lot 3 will exhibit Mediterranean characteristics that include stucco walls with colonnades, recessed doors and windows and muted red tile roofs (see enclosure). The new residence will be subject to review through the Development Organization to ensure compliance with all City codes, policies, and design guidelines.

Grading & Drainage: This is an infill project. Grading of the site will conform to the surrounding development. Runoff of surface drainage will be to the public street and existing public storm drainage system on South Grimmer Boulevard.

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's National Pollutant Discharge Elimination System requirements (NPDES). Conditions of approval are included to reflect this requirement.

Development Impact Fees: The new dwelling unit within this project will be subject to Citywide Development Impact Fees. These fees will include fees for park facilities, park dedication in-lieu fees, capital facilities, traffic impact, and fire protection. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Environmental Analysis: This project has been determined to be exempt from environmental review pursuant to guidelines of the California Environmental Quality Act section 15332, In-Fill Development Project.

Enclosures: Exhibit "A" Tentative Parcel Map 8395
Exhibit "B" PUD 77-5B (Design Guidelines)
Exhibit "C" Findings and conditions of approval for Variance, PUD-77-5B and Tract 8395

Information: Applicant's PUD and Variance Justification
Tree Survey

Exhibits: Exhibit "A" Tentative Parcel Map 8395
Exhibit "B" PUD 77-5B (Design Guidelines
Exhibit "C" Findings and conditions of approval for Variance, PUD-77-5B and Tract 8395

Recommended Actions:

1. Hold public hearing.

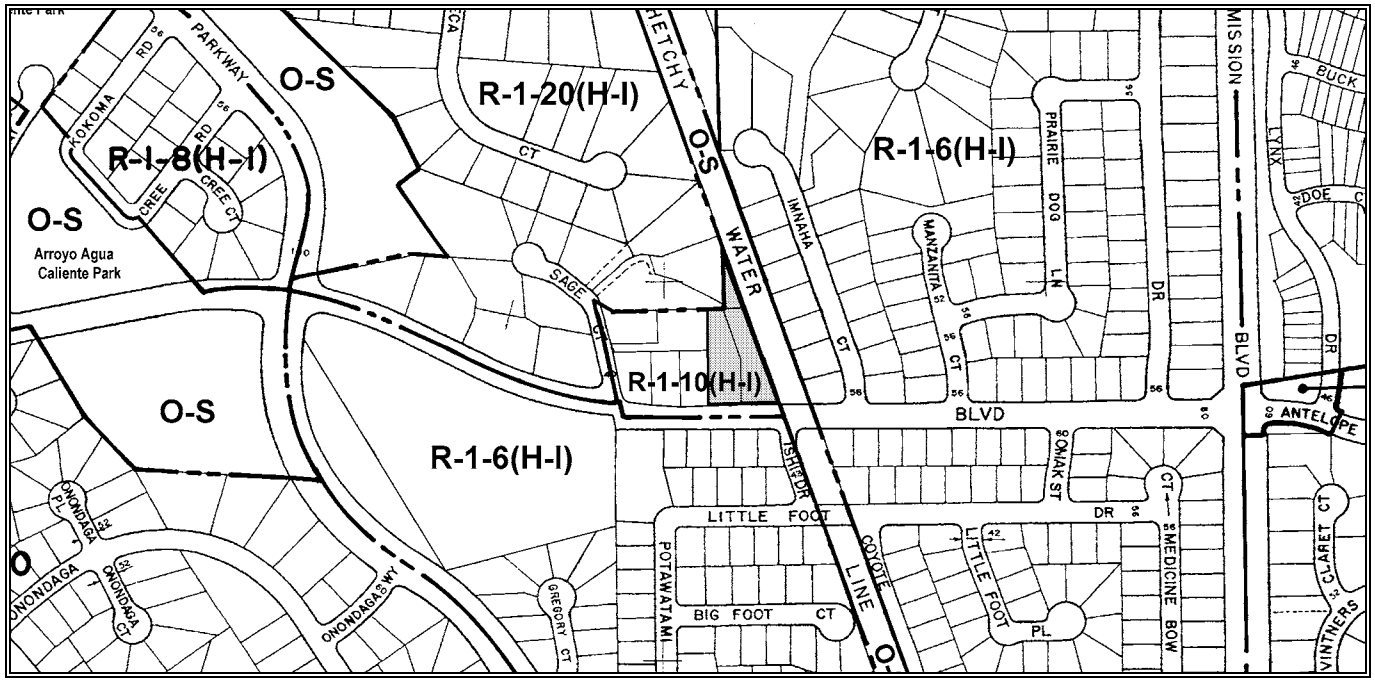
2. Find the project categorically exempt from California Environmental Quality Act per Section 15332, In-Fill Development Project.

3. Find PLN2004-00254 consisting of as Variance, Planned Unit Development Amendment (PUD-77-5B) and Tentative Parcel Map 8395 are in conformance with the relevant provisions contained in the City's existing General Plan.

4. Find PLN2004-00254 consisting of as Variance, Planned Unit Development Amendment (PUD-77-5B) (as shown on Exhibit "A"), and Tentative Parcel Map 8395 (as shown on Exhibit "B"); fulfill the applicable requirements set forth in the Fremont Municipal Code.

5. Approve PLN2004-00254 consisting of as Variance, Planned Unit Development Amendment (PUD-77-5B) and Tentative Tract Map 8395 in conformance with Exhibit "A" and "B" based upon the findings and subject to the conditions of approval set forth in Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

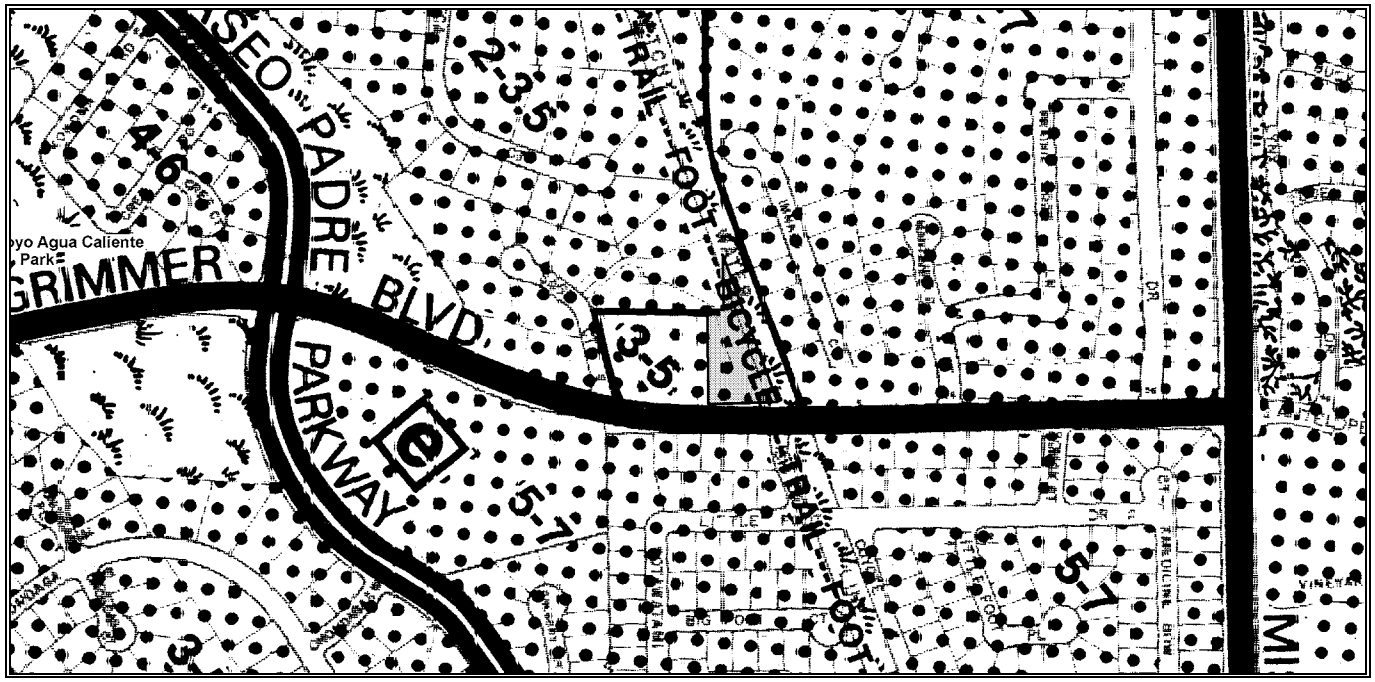


EXHIBIT "C"

REMAX EXECUTIVE REALTY VARIANCE, PLANNED UNIT DEVELOPMENT AMENDMENT (PUD-77-5B) & TENTATIVE PARCEL MAP 8395 (PLN2004-00254)

FINDINGS

The findings below are made on the basis of information contained in the staff report to the Planning Commission and testimony at the public hearing of June 23, 2005, incorporated hereby.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the requirements of the Map Act are being followed and no modifications are proposed. The new lot meets the intent set forth in the Subdivision Ordinance because the existing two lots are approximately twice the minimum lot size of 10,000 square feet. There is an existing 12' wide private storm drain easement located along the west side of the property, which also impacted the design of the site plan.

2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plans since the proposed lot configuration is in conformance with the low density residential requirements of the General Plan.

3. The site is physically suitable for the type and proposed density of the development since the proposed lot configuration is in conformance with the low-density residential (R-1-10) lot-size requirements of the Zoning Ordinance. The applicant's proposed setbacks for the new residence on Lot 3, substantially exceeds the setback requirements of the Planned Unit Development (PUD-77-5b) with R-1-6 standards.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because of the design and location of the development, and because the lot already has existing development.

5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.

6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements is required prior to final parcel map approval.

7. Alternative easements for public access through or use of property within the subdivision are substantially equivalent to ones previously acquired by the public.

8. The variance shall be subject to such conditions that will assure that the adjustment hereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located because the residences on the lots that the variances pertain to, already exist and no new structures are proposed.

9. Because of special circumstance applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning districts because there will be adequate building separation to accommodate a new driveway to serve a new residence behind the two existing homes.

10. The conditions or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make reasonable/practical the formulation of a general regulation for such conditions or situations because there are no other lots in the vicinity that have the potential of subdividing in the same manner as the subject lots.

CONDITIONS:

Conformance with staff amended Exhibits "A" “B” and “C”, attached hereto and made a part hereof.

1. This Tentative Parcel Map (TPM) is being conditionally approved based on the accuracy of the information shown in Exhibit "A" and submitted with the TPM application. If any of the information is shown to be inaccurate subsequent to approval of the TPM by the City, such inaccuracy may be cause for invalidating this approval.

2. Only one final Parcel Map is allowed to accomplish the lot splits proposed by this vesting tentative parcel map. "Phasing" of final parcel maps is not allowed.

3. All development of the site shall be in conformance with the revised Planned Unit Development (PUD 77-5B) Design Guidelines (Exhibit “B”) and the approved variances for side yard setbacks.

4a. No fences or any other structures may be constructed between the existing building envelopes along the Lot 3 driveway of the residences located on Lots 1 and 2. All fencing abutting the Lot 3 shall be set back at least five feet from the paved and/or turf-celled driveway surfaces. The area between the driveway and fence shall be landscaped and maintained with plant materials that are in a healthy and attractive condition.

4b. The design of the new side yard and rear yard fences on Lot 1 and Lot 2 shall include a one-foot lattice section above five-feet of solid boards. Any future change in fence design or location (consistent with the provisions of the Planned Unit Development Amendment (PUD-77-5B)) shall require Planning Division approval. Any increase in fence height (over six feet) shall also require a building permit.

5. The driveway serving Parcel 3 shall be made of decorative pavement material (16 feet in width). An additional two feet of turf cell shall be installed and maintained along each side of the paved driveway. The turf cell shall be maintained in a healthy and attractive condition at all times.

6. Pursuant to FMC Section 8-1300(e), a preliminary grading plan for the site may be required at the time of building permit application to determine whether the existing and/or proposed grading is in compliance with the requirements for grading and erosion control as set forth in the Grading Ordinance. Original and proposed final contours are required (at five-foot intervals where the ground slope exceeds 5% and at one-foot intervals where the ground slope is less than 5%) to indicate the extent of the proposed grading. Site grading must not obstruct natural flow from abutting properties or divert drainage from its natural watershed. The drainage area map developed for the drainage design for this project shall be based on the original drainage area map developed for the existing storm drain system and shall clearly indicate all areas tributary to the project site.

7. A private storm drainage easement is necessary across Parcel 3 to accept drainage from Parcel 1 and Parcel 2 and transmit it to the existing storm drainage system. The dimensions and location of this easement shall be subject to the approval of the City Engineer. The private storm drainage easement (P.S.D.E.) is to be shown on the final parcel map, and the owner's statement is to contain wording to the effect that the owner reserves, for the use of Parcels 1& 2, the right to construct and maintain storm drainage facilities and their appurtenances under, on, and over those certain strips of land for the purpose of constructing, maintaining, reconstructing, or repairing said storm drainage facilities and their appurtenances. Any similar private storm drain easements (PSDE) necessary for development of any parcel shall be dedicated on the final parcel map.

8. Pursuant to FMC Section 8-1523, the record owner(s) are to dedicate the required public easements as shown on the Exhibit "A". Any additional easements required by the various public utilities and public agencies shall be dedicated prior to final parcel map approval.

9. Pursuant to FMC Section 8-3107(f), any improvements in the public right-of-way necessitated by the proposed use of the subdivided property can be deferred until building permit issuance. The necessary agreements, guarantees and plans for the construction of the improvements shall be subject to the approval of the Development Organization Engineer. A note referencing this future improvement obligation is to be placed prominently on the face of the final parcel map.

10. Utility service connections, including electrical and communications, shall be installed underground.

11. Review of the tentative map by the Fire Department relative to local and State Fire Code is based on the material submitted. Therefore, if the map is revised prior to final submittal, the Fire Marshal should be contacted so that any changes may be properly reviewed and evaluated. The on-site and/or off-site fire hydrants were required, as per tentative parcel map annotations, in accordance with Fremont Fire Code Article No. 13.

12. Removal of existing trees over four inches in diameter, excluding nut bearing and fruit-bearing trees except for olive trees, shall be subject to the approval of the Senior Landscape Architect for the City. The precise location of such existing trees shall be shown on the site plan and/or landscape plan at the time of building permit application.

13. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (E.V.A.E.) on the final parcel map will be required. The easement geometrics are to provide for a 20-foot inside wheel turning radius and shall be subject to the approval of the City Engineer.

14. The subdivider is required to provide cash payment to the City of Fremont for microfilming the recorded parcel map. The subdivider is also required by ordinance to provide the City with a mylar copy of the recorded parcel map subsequent to its recordation.

15. Provide a letter from Alameda County Water District giving the location and sealing specifications for all water wells within the subdivision boundary. If there are no wells, a letter so stating must be provided.

16. Any existing private utility service must lie entirely within a parcel being created; otherwise, a private utility easement will be required.

17. In accordance with Section 8-1314(d)(1) of the City's Subdivision Ordinance, the Director of Development and Environmental Services has determined that the division and development of the property in the manner set forth on conditionally approved Vesting Tentative Parcel Map 8395 will not unreasonably interfere with the free and complete exercise of the existing easements located within the parcel map boundary. The signatures of easement holders may, therefore, be omitted from the final parcel map.

18. Any development on this site shall conform to the storm water treatment measures in effect at the time of building permit plan submittal.

19. The new residence on Lot 3 will be subject to Citywide Development Impact Fees. These fees include fire protection, capital facilities, park facilities, park in-lieu and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit approval.

20. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall indemnify and hold harmless the City of Fremont or it's agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or it's agents, officers, or employees to attack, 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.

21. The City of Fremont shall promptly notify the subdivider of any claim, action, or proceeding to attack, set aside, void or annul it's approval and shall cooperate fully in the defense.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of tentative parcel map approval. Any fee, dedication, reservation or other exaction is deemed imposed on the date of this tentative parcel map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date they are imposed. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

LANDSCAPING:

22. Removal of any of the trees for TPM 8395 shall be limited to those proposed on Exhibit “A”.

22. To mitigate the removal of several mature redwood trees on the site, the subdivider shall install a minimum of two large canopy trees (minimum 36-inch box size) in the front yard of Lot 3. Such trees shall be planted with sufficient clearance from the building and pavements. In addition, the applicant shall install other trees on the parcel for screening and shading purposes.

23. A landscape and irrigation plans for the yard area along the driveway access to Lot 3 shall be submitted to the Development Organization for review and approval.

FIRE PREVENTION:

24. The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.

25. The applicant shall install an automatic fire sprinkler system in the future residence for fire protection purposes.

26. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A.13D with local amendments.

27. Automatic fire suppression systems in this occupancy shall have residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater closets, closets, laundry rooms, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.

28. The applicant shall comply with Fremont code requirements for installation of a Class A fire retardant roof coverings for the future new residence.

29. The applicant shall provide an all-weather surface (driveway/fire lane) paving for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed per (CFC 901.3, C.F.C 903.2. and C.F.C 903.3). The driveway shall be designated as a fire lane with 95% compaction, and shall be reviewed and approved prior to construction.

30. The applicant may be required to install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion, a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable. Please indicate this information on the plan sheets.

31. Address must always be visible from Public Street. Flag lots must have monument sign and green bott dot. The applicant shall provide a monument sign for address and a green bot dot in the street for flag lot identification. Please indicate this information on the plan sheets.

32. A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway/access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's may be required in addition to those listed. (CFC Sec. 902.2 as amended)

33. The proposed driveway/fire lane shall have sign lettering, red curbs installed this shall include the turnaround area at the front of the dwelling. All on site parking shall be limited to garage apron. The 20-foot wide "Fire Lane" shall be at the same elevation and only ground cover (turf cell) shall be allowed in the two-foot area on each side of the driveway.

34. This project shall meet all Hazardous Fire Area requirements including construction type and roof materials.

HAZARDOUS MATERIALS UNIT

35. The applicant shall immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

36. The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.