

ALAMEDA COUNTY PLANNING DEPARTMENT

• Development Planning • Housing & Community Development • Policy Planning & Research • Zoning Administration & Enforcement

399 Elmhurst Street, Hayward, CA 94544 (415) 670-5400 FAX (415) 785-8793

December 5, 1990

Tony Jelincich
Ivanko Development Company
P.O. Box 620541
Woodside, CA 94062

Dear Mr. Jelincich


Subject: Tentative Map, Tract 6102

Accompanying this letter are documents approving Tentative Map, Tract Map 6102, including Resolution 90-85, Conditions of Approval and Exhibit B, dated December 5, 1990.

Action on the Tract Map may be appealed within 15 days after the date of this letter by submitting a letter to the Clerk, Board of Supervisors, Administration Building, 1221 Oak Street, Oakland, CA 94612. The letter should include reference to the map number, aspects of the action being appealed, and reasons for the appeal. The project applicant will be charged actual County costs for consideration of appeals. An appeal fee of \$100.00 must be submitted by anyone else appealing an action.

A Final Map prepared by a Civil Engineer or Land Surveyor must be filed before the land division is completed. It will be necessary to comply with the conditions of approval contained in the resolution before the tract can be filed. The Final Map may be filed within three years after approval of the Tentative Map. Filing information may be obtained from the Alameda Public Works Agency, Room 111, Public Works Building, 399 Elmhurst Street, Hayward, California 94544, telephone 670-5480.

Very truly yours,


James Sorensen

Assistant Planning Director

JS:PSK:hjt

Enclosure

cc: See Attached Page

Approval Letter
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cc: S. Buresh
Public Works, Land Development
Public Works, Survey
BID
Fairview Fire Protection District
Clara & Joseph Jelincic, 3290 Jelincic Drive, Hayward, 94542
Jay Jelincic, 3249 Jelincic Drive, Hayward, 94542
Charles Snipes, Fairview Community Club, P.O. Box 394, Hayward, 94542
Kristy Bennett, Ridgeview Homeowners Assn., 4303 Machado, Hayward, 94541
Bob Chan, MacKay & Soms, 40515 Encyclopedia Circle, Fremont, 94538
Diane Kay, Brady and Associates, Inc., 1828 Fourth Street, Berkeley, 94701
Ed Renk, 2827 Hansen Road, Hayward, 94541
Arthur Larson, Lone Tree Cemetary, 24591 Fairview Avenue, Hayward, 94541
Dennis & Helen Locke, 3241 Jelincic Drive, Hayward, 94542
Sherry & Steve Schroeder, P.O. Box 8823 Incline Village, NV 89450
Jewell Spalding, 27647 Fairview Avenue, Hayward, 94542
Helene Buchanan, 1145 Grove Way, Hayward, 94541
Mary Hughes, 24462 Fairview Avenue, Hayward, 94541
Leon Temple, 24532 Fairview Avenue, Hayward, 94541

THE COUNTY PLANNING DIRECTOR OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA

TENTATIVE MAP, TRACT 6102 - ADOPTED ON DECEMBER 5, 1990

RESOLUTION NO. 90-85

WHEREAS IVANKO DEVELOPMENT COMPANY has filed with the Alameda County Planning Department Tentative Map, Tract Map 6102, to divide into 55 lots a parcel located at the end of Jelincic Drive, one block east of Fairview Avenue, Fairview Area, unincorporated Alameda County; bearing County Assessor's Designations: 417-260-1, 417-260-3, and 417-260-12; and

WHEREAS the Planning Director is designated by the Alameda County Subdivision Ordinance as the Advisory Agency for taking action on maps of this type; and

WHEREAS this tract map has been reviewed in accordance with the provisions of the California Environmental Quality Act and an Environmental Impact Report was prepared, circulated for all comments, and reviewed and considered by the Planning Director; and

WHEREAS the California Environmental Quality Act and State and County Guidelines adopted pursuant thereto require the Planning Director to make findings where the Environmental Impact Report identifies one or more significant effects which would or would likely result from approval of this project; and

WHEREAS the original concept and objectives of the project have not changed since the project was first submitted for review in May, 1989, but in response to comments from agencies and the public and mitigation measures recommended through the environmental review process, the land use plan has been refined; and

WHEREAS the Planning Director does find that based on the project, as shown on Exhibit B, Tentative Map, Tract 6102, dated December 5, 1990; the adopted Final Environmental Impact Report for the project, consisting of the Draft Environmental Impact Report, April, 1990, and the Final Environmental Impact Report, September, 1990; and the following Conditions of Approval, Tentative Map, Tract 6102, the following potential impacts of the project are either insignificant or will be mitigated to an acceptable level; and the statements of environmental effects, findings and facts relied upon by the Planning Director are as discussed in the Final Environmental Impact Report for the project and as follows:

1. **Visual and Design Factors - Significant Effect:** The proposed project would result in the replacement of open space views with views of suburban development.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 9 requires that perimeter landscaping be installed to reduce off-site views between the site and those existing homes (Machado Court and Jelincic Drive) that will be affected. The site plan has been modified to reduce grading and density of perimeter lots 16-20 and 25-29.

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Significant Effect: Five mature oak trees and one mature Monterey pine may be removed, depending upon placement of homes.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 8 requires that the trees not be removed without approval and mitigation measures by the Planning Director.

Significant Effect: The proposed project would introduce several new topographic features, including a 20 foot embankment at the back of two lots and a sloping wall created by the filling of a narrow swale.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: The revised project design eliminates the embankment at the back of lots 25 and 26 and eliminates the filling of the swale on lot 16. House design is to conform to the site topography and the areas around the homes will follow the natural grade as much as possible.

Significant Effect: Development of homes on the ridge at the eastern property line is likely to interrupt views from Fairview Avenue, a designated scenic corridor.

Finding: Further review in the Final Environmental Impact Report found that there would be no significant impact.

Statement of Facts: The realignment of Fairview Avenue and the construction of homes as part of the Rancho Palomares project will block views of the proposed homes on the ridge as seen from Fairview Avenue.

Significant Effect: Homes built on the steeper slopes of the site may create visual impacts resulting from exposed underpinnings and designs not sensitive to steep hillsides.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 40 requires that a deed restriction be placed on all down-sloping lots. The deed restriction will require that the Planning Director review site, grading and house plans prior to the issuance of a building permit. Home designs will be required to use split pads, pier foundations, stepped footings, grade separations, and varied articulated elevations and rooflines to soften the appearance of large vertical surfaces.

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2. **Traffic - Significant Effect:** Jelincic Drive would not be able to accommodate the increased traffic generated by the project during peak periods due to the narrowness of the roadway.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 16 requires that Jelincic Drive from Fairview Avenue to the project entrance be widened with a curb-to-curb width of 36 feet. P.C.C. curbs and gutters on both sides and a concrete sidewalk on one side will be installed. In addition, sight distance will be improved at the intersection of Jelincic Drive and Fairview Avenue, as required by Condition 20.

Significant Effect: The 150 foot distance between the Jelincic Drive/Fairview Avenue and the Hansen/Fairview Avenue intersections would create potential traffic conflicts for left turning movements.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 19 requires that a third lane be added to Fairview Avenue between Jelincic Drive and Hansen Road for northbound left turns to Hansen and southbound left turns to Jelincic Drive.

Significant Effect: The existing entrance to the Lone Tree Cemetery at Hansen Road and Fairview Avenue is an unorthodox entrance and forms a confusing fourth leg to this "T" intersection.

Finding: Specific economic, social, or other considerations make this mitigation of this condition infeasible.

Statement of Facts: As stated in the EIR, alternatives to the existing cemetery entrance are impractical and unacceptable to the Lone Tree Cemetery Association. While the entrance is on a corner of the intersection, there is no evidence of it having caused significant or hazardous traffic conflicts. Future traffic controls including stop signs, traffic signals, striping, etc. will have to consider and work around this existing situation.

Significant Effect: The proposed 25 foot road width within the project would not accommodate on-street parking and provide for emergency vehicle access.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: On-street guest parking spaces are being provided in parking bays at a ratio of 1.85 to 1 in addition to driveway apron parking in front of two and three car garages. The private street travel way of 25 feet will be posted for no parking. In addition, a secondary emergency access route will be reserved and constructed, by the adjacent landowner, when the property to the east is developed.

Significant Effect: The proposed steep on-site road gradients present potential problems with emergency services, downhill runaway vehicles, driveway/parking access and pedestrian use.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Proposed street grades will not exceed the County's standard of a maximum 20 percent on the private streets.

Significant Effect: Traffic and pedestrian safety would deteriorate on local roadways due to cumulative traffic increases in the project area. There would be significant deterioration in the level of service to certain intersections due to projected traffic volumes resulting from cumulative projects in the area.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: By ordinance, the County will collect a Traffic Mitigation Fee from the applicant to help fund traffic improvements in the area. The intersections planned to be improved include Kelly Street/Center Street/B Street, Kelly Street/Maud Avenue, D Street/Maud Avenue, and Hansen Road/Fairview Avenue.

3. **Geology - Significant Effect:** If new fill or houses are placed on top of existing fill or unstable colluvium, they could be susceptible to damage from settlement or soil creep.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 27 requires that unengineered fill and colluvium must be identified and removed during development.

Significant Effect: Soils are susceptible to erosion and gullyng if drainage and runoff are not carefully controlled.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 30 requires implementation of an erosion and sedimentation control plan as approved by the County Public Works Agency. The drainage will be controlled, particularly where downspouts and road drains discharge and where runoff enters and exits the site in order to prevent erosion. Roof drains shall discharge to paved areas and/or be connected to an enclosed storm drain system.

Significant Effect: The geotechnical investigation recommends the use of two foundation types for the project determined by soil depth and type. Geotechnical quality assurance problems could arise from the indefinite foundation types for each lot. Difficulty may arise in monitoring and ensuring the use of appropriate foundation types during construction.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 39 requires that the foundation design be consistent with the recommendations of a geotechnical consultant and be approved by the Building Department prior to the issuance of the building permit.

4. **Hydrology and Storm Drainage - Significant Effect:** Foundations of homes located on fills in drainage swales could perform poorly if adequate provisions for drainage are not made.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Subdrains will be placed in any swales with fill or to be filled. Areas where fill exists will have subsurface drainage to prevent fill destabilization and sliding.

5. **Water Service - Significant Effect:** The Fairview Pressure Zone pumping and storage facilities are close to capacity and there could be some difficulty serving the project if planned improvements to the Pressure Zone are not completed by the time the majority of the homes are built.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: New facilities are scheduled for completion in 1991 or 1992. Condition 45 requires that if the proposed project is completed before the new facilities come on line, the project will be limited to domestic hookups or, if landscaping is permitted, drip irrigation and drought tolerant plants.

6. **Fire Protection - Significant Effect:** The proposed road gradients, which exceed the County's maximum of 20 percent grade in places could pose access problems for the Fire District.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Street grades will not exceed 20 percent on the private streets. Sprinkler systems and fire hydrants will be placed as required by the Fire District under Condition 49.

Significant Effect: If parking occurs on the street the proposed private street widths and cul-de-sac bulbs could be too small for the Fire District purposes.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: On-street parking spaces are being provided at a ratio of 1.85 to 1 in separate parking bays in addition to driveway apron parking in front of two and three car garages. The private street and cul-de-sac travel ways will be posted for no parking. In addition, a secondary emergency access route will be reserved and constructed by the adjacent landowner when the property to the east is developed.

Significant Effects: Vegetation to the east and south of the site creates wildland fire hazard conditions.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 9 requires that homes located on the eastern and southern boundaries near open space lands be landscaped with fire retardant plants. In addition, Condition 41 requires that fire breaks be cleared between these homes and field vegetation, subject to the requirements of the Fire District. Roofs will also be required to be constructed with fire retardant materials.

7. **Police Protection - Significant Effect:** The project will result in an increased demand for police services. This increased demand would place a greater burden on the already understaffed department. The cumulative demand could result in delayed response time.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: The project will provide design features such as deadbolt locks, adequate street and home lighting, and a neighborhood crime watch program which will reduce the need for police protection.

8. **Vegetation and Wildlife - Significant Effect:** The proposed project will result in direct impacts to the majority of the existing vegetation.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: The project redesign reduces the amount of grading required and the amount of disturbance of the vegetation. Condition 8 requires that specific significant trees not be removed without approval and mitigation measures by the Planning Director.

Significant Effect: Disturbance of the spring, which may serve as a seasonal water source, could adversely impact wildlife.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: The project redesign identified the spring area and created a 50 foot buffer area as recommended in the EIR. Condition 28 requires that no disturbance occur within the 50 buffer area.

9. **Air Quality and Noise - Significant Effect:** The project would result in particulate emissions related to construction activities, mainly grading and use of equipment on exposed ground.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 33 requires that dust shall be controlled and adjoining public street and private drives shall be kept clean of project dirt, mud, materials and debris, to the satisfaction of the Director of Public Works.

Significant Effect: Construction of the project would create short-term construction noise impacts due to truck traffic and use of construction equipment.

Finding: Changes and alterations required in and incorporated into the project will reduce the level of this impact to a less than significant level.

Statement of Facts: Condition 32 requires that grading and heavy construction activities be limited to the hours between 7:00 a.m. and 6:00 p.m. Monday through Friday.

WHEREAS the Planning Department considered various project and design alternatives as analyzed in the Environmental Impact Report and makes the following findings:

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1. **No Project Alternative - Effect:** This alternative would leave the site in its existing state with its current zoning (R-1-B-E, 10,000 square feet minimum building site area). The majority of the site would temporarily remain as undeveloped open space with one single family residence located along the northern property line.

Finding: This alternative would have substantially similar impacts to the proposed project; the magnitude depending upon the eventual number and configuration of units.

Statement of Fact: Because the existing zoning and Fairview Area Specific Plan permit single family residential development, it is likely that a similar proposal with the same environmental effects would take the place of the current development proposal.

2. **Reduced Density Development Alternative - Effect:** This alternative would reduce the number of lots to approximately 29 with a minimum size of 20,000 square foot.

Finding: This alternative would have substantially similar impacts to the proposed project; the magnitude depending upon the number and configuration of units.

Statement of Fact: Although the reduction in total units would incrementally decrease project contributions to cumulative traffic, municipal services, air quality and noise impacts, the impacts to these factors would still be similar in kind to those identified for the proposed project and the necessary mitigation would be identical to that required for the proposed project. Impacts on wildlife due to the loss of open space would remain the same since wildlife habitat would be lost whether lots are 10,000 or 20,000 square feet in size. Fencing, ornamental landscaping and presence of humans and domestic animals will still impact wildlife and habitat.

3. **Clustered Development Alternative - Effect:** This alternative would maintain the requested density, but cluster the development as detached units in the areas of least impact. Lot size would range from 10,000 to 6,000 square feet.

Finding: Specific economic, social, or other consideration make this project alternative infeasible.

Statement of Fact: Although the overall density of the site would be the same as that of the proposed project, the introduction of a clustered subdivision with little variation in lot size would be a departure from the varied and informal lotting pattern in the area. Because this alternative would involve the same number of residences as the proposed project, it would have impacts similar to the proposed project on traffic, municipal services, loss of open space and habitat for wildlife, air quality and noise.

4. **Alternative Site Alternative - Effect:** There are no feasible alternative sites in the area which would mitigate adverse impacts associated with the project or large enough to meet project objectives.

Finding: Specific economic, social, or other consideration make this project alternative infeasible.

Statement of Fact: Alternative sites considered were rejected because their development would create similar or greater impacts than development of the project site.

WHEREAS the proposed subdivision is adjacent to existing development on two sides which reduces the value of the site for wildlife habitat and restricts the migration patterns for wildlife; and

WHEREAS the Planning Director does find that despite the revised project design as shown on Exhibit B, the cumulative negative impact on regional wildlife due to the loss of open space would be lessened but cannot be fully mitigated; and

WHEREAS the Planning Director does find that there are compelling social and economic benefits from this project, which outweigh the remaining unavoidable impact and justify allowing the development as indicated on Exhibit B; and

WHEREAS the project would be in the public interest for the reasons that it will provide needed housing on an infill site that is zoned and planned for this use; and

WHEREAS the development of infill parcels within an existing urban area is an efficient means of producing housing where access, utilities and services exist and where infrastructure is adequate to accommodate such development; and

WHEREAS development of infill parcels is consistent with principles and policies of the Alameda County General Plan and the Fairview Area Specific Plan; and

WHEREAS under conditions to be made as part of the map, it is determined that:

1. The proposed map and the proposed design and improvements are consistent with applicable general and specific plans in that the area is planned and zoned for the proposed use.
2. The site is physically suitable for the proposed development in that there is ample buildable area on each lot.
3. The site is physically suitable for the proposed density of development in that lot design and topography will accommodate conforming development.
4. This division will not cause serious public health problems in that public sewer and water services will be made available to each lot in the land division.

5. The design or the improvements will not cause substantial environmental damage in that potential impacts will be mitigated by changes in project design and conditions of approval.
6. The design of and access to the lots will not conflict with easements acquired by the public at large for access through, or for use of, property within the proposed land division in that:
 - a) Jelincic Drive between Fairview Avenue and the tract was offered for dedication to the County as part of Parcel Map 1966, which anticipated future improvement and extension of Jelincic Drive to serve undeveloped lands including the subject property; and
 - b) The County of Alameda retains the authority to accept the offer of dedication for Jelincic Drive and intends to do so with the development of this tract.

WHEREAS improvements, as specified in the conditions of approval of this map, are found to be necessary for the public health and safety and a necessary prerequisite to the orderly development of the surrounding area; and

WHEREAS testimony submitted at the public hearings and other information in the public record have been considered by the advisory agency prior to this action;

NOW THEREFORE

BE IT RESOLVED that the Environmental Impact Report is hereby certified to comply with the requirements of the California Environmental Quality Act and all State and County Guidelines and is adopted as the Environmental Impact Report for this project; and

BE IT FURTHER RESOLVED that the Tentative Map, Tract 6102 is hereby approved as to area, improvements and lot design, flood and water drainage control and as to all requirements of the Alameda County Subdivision Ordinance, subject to the design and statements shown on the copy of the map labelled TR-6102, "Exhibit B" (2 sheets) and the following conditions:

GENERAL CONDITIONS

1. All conditions must be accomplished prior to or concurrent with filing the Final Map, unless another time of compliance is specified below or on the face of Exhibit B. Installation of improvements shall be guaranteed under a County-Developer Tract Contract, as approved by the Director of Public Works. All improvements guaranteed under this contract shall be completed by the land divider and accepted by the Board of Supervisors, prior to release of improvement guarantees.

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2. The design and improvement of this land division shall be in conformance with the design and improvement indicated graphically or by statement on Exhibit B, as modified by these conditions, including road location, grade, alignment, width and intersection design; design and grading of lots; location and design of storm drainage facilities; and location and design of frontage improvements.
3. All required plans, specifications, and technical data necessary to complete the Final Map shall be filed with the Director of Public Works. Requirements for filing the map, review fees, improvements and inspections of work shall be determined by the Director.
4. Appropriate action in order to lessen the impacts on the County storm drainage system and Sulphur Creek shall be determined when the detailed hydrology and hydraulic studies are submitted to the County Public Works Agency for review. Measures may include improvements to the downstream system and/or on-site retention of augmented runoff. Lotting may be modified or reduced in number if a retention basin is required to alleviate downstream impacts.
5. The existing section of Jelincic Drive from Fairview Avenue to the entrance of the project shall become a public street prior to the filing of the Final Map. This will require that the County accept the offer of dedication that exists from Parcel Map 1966. The entrance to the site from Jelincic Drive shall not be gated.
6. A current title report and copies of the recorded deeds of all parties having record title interest in the property to be divided and if necessary, copies of deeds for adjoining properties shall be submitted to and accepted by the Director of Public Works.
7. Where easements are not obtained, rights of entry and drainage releases shall be acquired by the land divider in writing from the adjoining property owners for use of improvement of drainage ways outside the boundary of the tract map. Original copies of right of entry shall be provided to the Director of Public Works.
8. The five oak trees and one Monterey pine shall be preserved as shown on Exhibit B. A tree evaluation and protection plan shall be submitted to and approved by the Planning Director prior to any site disturbance or issuance of a grading permit and shall be implemented. This plan shall include measures to be taken during grading and construction to protect trees. If any healthy trees are damaged by clearing, grading or other construction activity, or if any tree is removed without prior approval, then affected tree(s) shall be replaced at a ratio to be approved by the Planning Director. Where trees conflict with grading and/or proposed lot locations, alternatives shall be considered in which grading limits and/or lot locations are modified to preserve the trees. No tree may be removed without prior approval of the Planning Director.

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9. Secure approval from the Planning Director of a specific landscaping plan prepared by a Landscape Architect. Said landscaping plan shall include fire retardant plants along the eastern and southern boundaries, fruit bearing trees, and perimeter landscaping which will reduce off-site views between the site and existing adjacent homes. In addition, said plan shall include street trees of 15 gallon size at a ratio of 1 per every 35 feet of street frontage. Said plan shall include a timetable for implementation, mechanical irrigation plan, planting and staking details, landscape maintenance program, perimeter fencing plans and details, and outdoor and security lighting.
10. Subdivider shall pay fees in lieu of park dedication to the Hayward Recreation and Park District based on the requirements of the Alameda County Subdivision Ordinance.
11. A deed restriction shall be recorded on each lot which prohibits further subdivision of any lot within the tract.
12. Draft CC&R's for a homeowner's association shall be approved by the Planning Director. CC&R's as approved by the California Department of Real Estate shall be subsequently approved by the Planning Director and recorded prior to the release of improvement guarantees. CC&R's shall be recorded prior to release of improvement guarantees by the Board of Supervisors. CC&R's shall require that:
 - a. payment of dues and assessments shall be both a lien against the assessed land and a personal obligation of each property owner;
 - b. the association shall maintain in good repair all fences, walls, and common areas, including private street and parking areas and any drainage improvements, fire breaks, and any slopes and retaining walls required for installation of the private streets;
 - c. parking within the development shall be permitted in designated locations only; the private street shall be so posted; and the association shall enforce parking restrictions;
 - d. common landscaped areas, project entry, and parking areas shall be maintained consistent with the approved landscape plan for the project;
 - e. architectural review of any proposed modifications or additions to homes, fences, or other structures within the development.
 - f. the association shall be responsible for establishing and maintaining a neighborhood crime watch program and the establishment of a secondary emergency access route when the adjacent property to the east is developed.
13. Arrangement for access to adjoining properties, such as Assessor's Parcel Number: 417-250-22 (McCartney), shall be made prior to the filing of the Final Map. Cost for access and access rights shall be determined by the Planning Director prior to the filing of the Final Map.

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14. As soon as possible but in any event prior to the filing of the Final Map, subdivider shall pay \$10,000 to the County of Alameda to help fund the cost of the EIR to study the effects of closing Fairview Avenue. Funds shall be submitted to the County Planning Department who will place them in trust and expend them for the above purpose.
15. Subdivider shall pay to the County of Alameda full costs incurred by the County for review, approval administration and monitoring of all conditions. This may require the hiring of additional personnel on either a part-time or full-time basis. When required by the Planning Director and/or Director of Public Works, subdivider shall post a cash deposit to cover the estimated costs to satisfy this condition. The Planning Director and/or Director of Public Works are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make necessary approval determinations. In addition, subdivider shall reimburse the County, its agents, officers, or employees for any court costs and/or attorney's fees which the County, its agents, officers, or employees expend in defense of a legal challenge to this action or portions thereof.

ACCESS/STREET IMPROVEMENTS

*40 feet per SP - 2002
Jan 1990*

16. The existing section of Jelincic Drive shall be widened within the existing right of way to a curb-to-curb width of 36 feet as indicated on Exhibit B. Portland cement concrete curbs and gutters on both sides, and sidewalk on one side of the street shall be installed.
17. The existing median island on Jelincic Drive shall be removed.
18. Streets and easements shall be improved as shown on Exhibit B, TR-6102. Said improvements shall be guaranteed under the County-Developer Tract Contract, as approved by the Director of Public Works.
19. A third lane shall be added to Fairview Avenue between Jelincic Drive and Hansen Road for northbound left turns to Hansen Road and southbound left turns to Jelincic Drive. If adequate right-of-way is not available and or cannot be acquired at a cost determined reasonable by the Planning Director then alternative measures shall be considered. If alternative measures are unavailable or impractical then the condition may be considered for deletion. Design and installation of these improvements shall in no way require modifications of the entrance to the Lone Tree Cemetery.
20. Intersection geometrics shall be improved to County standards for intersection of Jelincic Drive and Fairview Avenue, including sight distances. The embankment along Fairview Avenue at Jelincic Drive shall be graded to provide safe stopping sight distances.
21. Relocation of improvements or public facilities shall be accomplished at no expense to the County.

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22. Street lights shall be approved by the Planning Director and County Traffic Engineer and be non-reflective, directed downward and placed at an adequate distance from adjacent off-site properties to minimize potential light and glare impacts.
23. Traffic safety signs and devices shall be installed in accordance with standards of Alameda County. Proposed street names shall be cleared through the Planning Department and such approved names shall appear on the Final Map.
24. All travel ways of the private streets and cul-de-sac bulbs shall be posted for no parking.
25. A secondary emergency access easement shall be recorded, as shown on Exhibit B. The secondary emergency access route shall be provided by the adjacent landowner when the adjacent property (Assessor's Parcel Number 417-260-4) to the east is developed.

SITE ALTERATIONS/IMPROVEMENTS

26. Design and improvement of the land division shall comply with recommendation and requirements of the Public Works Agency as detailed in its letters dated April 21, 1989, July 7, 1989, and April 13, 1990, as amended by these conditions.
27. All unengineered fill shall be identified and removed prior to development of the site. The depth of the soil and colluvium shall be identified for each lot and reviewed by the County Engineering Geologist and Director of Public Works.
28. No disturbance or clearing shall occur within 50 feet of the spring habitat as shown on Exhibit B. Restrictions to this effect shall be placed on the deeds of lots 30 and 31.
29. Grading shall conform to the applicable portions of the Alameda County Grading Ordinance, Ordinance No. 82-17. A Grading Permit shall be secured from the Director of Public Works, as needed, in accordance with requirements of the Alameda County Grading Ordinance.
30. No grading shall be permitted until grading, drainage, erosion and sedimentation control plans have been approved by the Director of Public Works. Grading plans shall also be approved by the Planning Director prior to filing the Final Map or grading of the site.
31. Grading shall not augment rate of flow or concentrate runoff to adjacent properties or block runoff from adjoining properties.
32. Grading operations, construction and installations of public improvements, and any heavy equipment operation activities shall be limited to weekdays (Monday through Friday) and the hours of 7:00 a.m. to 6:00 p.m., unless otherwise authorized by the Director of Public Works.
33. Dust shall be controlled and adjoining public street and private drives shall be kept clean of project dirt, mud, materials and debris, to the satisfaction of the Director of Public Works.

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34. The minimum uniform street gradient shall be 0.50 percent.
35. The following shall be submitted to the Director of Public Works, prior to acceptance of final improvements by the Board of Supervisors:
 - a. An as-built grading plan prepared by a registered Civil Engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage, and location of surface and subsurface drainage facilities.
 - b. A complete record including location and elevation of all field density tests, and a summary of all field and laboratory tests.
 - c. A declaration by a Civil Engineer and Geologist that all work was done in accordance with the recommendations contained in the soil and geologic investigation report and approved plans and specifications.
 - d. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval and shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement and seismic activity.
36. Any known water well without a documented intent of future use that is shown on the map, is known to exist, is proposed, or is located during the course of field operations must be destroyed or backfilled prior to any demolition or grading in accordance with a well destruction permit obtained from the Public Works Agency.
37. Operations shall cease in the vicinity of any suspected archaeological resource until an archaeologist is consulted and his or her recommendations followed, subject to approval by the Planning Director. If evidence of human remains is discovered on the site, the County Coroner shall be notified immediately.
38. Roof drains shall discharge to paved areas and/or be connected to an enclosed storm drain system, as approved by the Director of Public Works, in order to prevent erosion.
39. Foundation design shall be consistent with the recommendations of a geotechnical consultant and be approved by the Building Department prior to the issuance of the building permit.
40. Deed restrictions shall be recorded on all down-sloping lots (lots 1-8, 16-23, 25-26, 27-29, 40-53) which require, prior to the issuance of a building permit, the review and approval from the Planning Director of site, grading and house plans, including building elevations. Buildings shall use split pads, pier foundations, stepped footings, grade separation and/or varied articulated elevations and rooflines in order to minimize grading and be sensitive to the hillside

location. Special design requirements, as shown on Exhibit B, shall be noted on the Final Map or in the individual deeds (lots 2, 3, 16, and 17).

41. Fire breaks shall be cleared between the homes located on the eastern and southern boundaries near open space lands and field vegetation, subject to the requirements of the Fire District. These fire breaks shall be maintained by the homeowner's association. Roofs shall be constructed with fire retardant materials as required by the Fairview Fire Protection District.
42. All residences shall be equipped with deadbolt locks and adequate home lighting.

SERVICES AND UTILITIES

43. All utility distribution facilities within the land division shall be placed underground.
44. The East Bay Municipal Utility District water supply system is to be extended to provide water for each lot in the land division at the expense of the land divider in accordance with the requirements of said District and approval by the Director of Public Works.
45. A letter from the East Bay Municipal Utility District stating that it has agreed to provide water to each lot in the land division shall be submitted to the Director of Public Works. If improvements to the East Bay Municipal Utility District pumping and storage facilities are not completed by the time the majority of the homes are constructed, the project will be limited to domestic hookups or, if landscaping is permitted, drip irrigation and drought tolerant plants.
46. Sanitary sewers are to be provided to service each lot and are to be connected to the Oro Loma Sanitary District system of sewers and installed at the expense of the land divider in accordance with the requirements of said District and the approval by the Director of Public Works.
47. A letter from the Oro Loma Sanitary District stating that it has agreed to provide a connection to its sanitary sewer system for each lot in the land division shall be submitted to the Director of Public Works.
48. Prior to final preparation of the subgrade and placement of base materials for the private street, all underground utility mains shall be installed and service connections stubbed out beyond curb lines. Public utilities and sanitary sewers shall be installed for each lot in a manner which will not disturb the street pavement, curb and gutter, and sidewalks when service connections are made.
49. Fire protection improvements (including hydrants and sprinklers) are to be installed by the subdivider in accordance with the requirements of the Fairview Fire Protection District. A letter from this District stating that it has approved the design and improvements shall be submitted to the Director of Public Works.

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50. Prior to release of guarantees, all improvements as specified herein or shown on Exhibit B shall be installed in accordance with the improvement plans approved by the Director of Public Works. Inspections shall be certified by a registered Engineer or by Public Works Agency staff, at the option of the Director of Public Works. Fire protection improvements shall be inspected and approved by the Fairview Fire Protection District.

JAMES SORENSEN
REPRESENTING PLANNING DIRECTOR
AS DESIGNATED ADVISORY AGENCY