REPORT - PLANNING COMMISSION MEETING
August 28, 2003

Project Name and Number:	**Ocotillo Slide Repair, Preliminary Grading Plan (PLN2003-00302)**
Applicant:	**F.J. Kennedy**
Proposal:	A Preliminary Grading Plan for the repair of a landslide and to restore the slope to its original grade. This development is part of a previously approved Tract Map (TR 3723)
Recommended Action:	Approve based on findings and subject to conditions.
Location:	47000 Ocotillo Ct. in the Mission San Jose Planning Area.
Assessor Parcel Numbers:	519-1662-004-00, 519-1662-011-00
Area:	2.57 acres
Owner:	Maria Park/ Wilkie Laui
Agent of Applicant:	F.J. Kennedy, Consulting Engineer
Consultant:	Lawrence B Karp, Geotechnical Engineer
Environmental Review:	This project is categorically exempt from CEQA per Section 15269.
Existing General Plan:	Low Density Residential (3 to 5 dwelling units per acre)
Existing Zoning:	R-1-10 (H-I) (Single Family Residential with a Hillside Combining Overlay)
Existing Land Use:	Single Family Residential.

Public Hearing Notice: Public hearing notification is applicable. A total of 100 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Crucillo Court, Curtner Road, Galindo Drive, Joshua Place, Ocotillo Court, Palo Amarillo Drive, Yakima Drive, Zapotec Drive. The notices to owners and occupants were mailed on August 15, 2003. A Public Hearing Notice was delivered to The Argus on August 11, 2003 to be published by August 14, 2003.

Executive Summary: The applicant is requesting the approval of a Preliminary Grading Plan in accordance with the original Tract Map (TR 3723) to repair a landslide at 47000 Ocotillo Ct. and to restore the site to its original grade.

Project Description: The project site is located at the end of Ocotillo Court (47000 Ocotillo Court) and covers a total area of approximately 2.57 acres. The site is located on a slope (average slope 25%) trending downward from east to west and the proposed slide repair area is approximately 0.72 acres. The construction intends to repair a slope that failed in 1988. The intent of the repair is to stabilize ground, improve drainage and restore surface topography to the approximate contours that existed prior to the slope failure to the reasonable extent possible. By constructing an engineered fill benched and keyed into sound sub-strata, sub-drains will be installed and the slope will be stabilized. There are no natural or artificial swales or creeks on the project site.

The construction will consist of removing slide debris, weak and loose soil and excavation of a series of horizontal benches into relatively compacted ground. The repair process also includes cutting trenches into the heel of the benches of sub-drain trenches, placing sub-drainage assemblies in the trenches, backfilling benches with lifts and compact soils and trimming of newly created slopes. Following the completion of the construction, a report will be issued verifying repairs and its compliance with the standards.

Soils and Vegetation
The surface soils in the project area are silt-clay with organic material. The claystones present in the area weather rapidly to form highly expansive soils (adobe soils). Expansive soils are known to cause foundation distress and are common cause of lateral movement of slopes and slope failures. Additionally, portions of the upslope are considered to be imported fill material and might have contributed to slope failure. Surface vegetation is perennial wild oat grasses, wild mustard and one small tree that will be removed as part of the slope repair.

Critical areas
The slope is unstable due to imported fill that was apparently neither engineered nor placed on a benched and keyed slope. There is significant groundwater that exacerbates the situation. The proposed project will strip topsoil within the limits of the slide and will be stockpiled on site. The site will then be excavated to a stable sub-grade, mostly in the crushed clay-stone of the Santa Clara Formation. The excavation will be brought back to original finish grade with an engineered fill comprised of drain rock, sub-drains, and layered compacted placement of the existing site materials. The work is planned to be completed within two months. The applicant is proposing a contingency plan as shown on figure 2, for the placement of dikes, swales and retention/sedimentation basins if the work cannot be completed before the rainy season.

Erosion and Sedimentation Control Program
The slope will be repaired from the top down in segments. Each upper segment will be stabilized and completed before beginning the adjacent down slope segment. As each segment is completed it will be hydro-seeded, and, if directed by the engineer, fiber mats will installed. Wattles will be installed at the down slope edge of the active work, and at the down-slope limits of the slide to prevent erosion. To prevent the transport of excessive dust, sufficient water, or dust palliative will be used. Water will be controlled to prevent erosion during dust control operations.

Maintenance Program
Each day the erosion and sedimentation control measures will be inspected, and cleaned or repaired as necessary. Site control Best Management Practices (BMPs) such as swales and sedimentation basins will be inspected daily. During storms, the BMPs will be observed for effectiveness. Any breaches in swales or dikes will be repaired daily. Sediment will be cleaned from the sedimentation basins when the sediment builds up to within 2 ft of the inlet elevation. These levels will be designated by a red line painted inside the basin at the inlet. The spoil material will be disposed of so as to not reenter the basin, or cause erosion or sedimentation problems elsewhere.

Seeded areas will be repaired, re-seeded, and mulched as soon as possible after being damaged.

Seeding Specification
Seed and mulch will be applied to all disturbed surfaces as the work proceeds, but in no case later than the completion of the work or prior to the beginning of the rainy season. The slopes shall have machine placed grooves parallel to the contours, or shall be left sufficiently rough to allow hydro-seed materials to take hold. Appropriate seed materials for the Bay area are shown in Table 33 of Manual of Standards for Erosion and Sedimentation Control, Second Edition, May 1995, Association of Bay Area Governments.

Maintenance Notes

1. During the rainy season (October 1 to April 15), all erosion and sedimentation control measures will be inspected daily and repaired at the end of each working day, and in addition, after each storm.

2. The sediment basin will be cleaned out to its original dimensions as started above. Seeded areas will be repaired as soon as possible after being damaged.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designations for the project site are Low Density Residential (3 to 5 dwelling units per acre). The proposed project (Preliminary Grading Plan) will repair the land slide and restore the slope to its original grade General Plan Goals, Objectives and Policies:

  Goal H1. Conserve and enhancement of existing residential neighborhoods throughout the City.

  Goal HS1. Minimum feasible risk to the community from land instability and other non-seismically induced geologic hazards.

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

The soils report prepared for the proposed project has identified measures that minimize geologic hazards. Additionally, the conditions incorporated in the conditions of approval section are designed to minimize geologic hazards.

- **Zoning Regulations:** The Fremont Municipal Code 8-4108(a)(1) requires a Preliminary Grading Plan be approved by the Planning Commission for projects involving over 1,000 cubic yards of fill. The landslide repair work is anticipated to exceed the 1,000 cubic yards of fill.

Circulation/Access Analysis: Ocotillo Court is a residential collector street abutting the project frontage. Access to the project site is from Ocotillo Court. Tract Map (TR 3723), approved in 1977 designated Ocotillo Court as a public street.

Grading & Topography*:* The landslide repair project is located primarily within the 6.5 acre Maria Park property, but a portion extends into the adjacent 1.0 acre Wilkie Laui property. Each lot is currently developed with a single-family residence and accessory buildings. The Park property also has a swimming pool located at the base of the proposed landslide repair. The area to be repaired is approximately 0.4 acres in size.

The existing topography of the project site is steep with elevations of 317 feet at the top of the repair to an elevation of 253 feet at the base of the repair. The project civil engineer estimates the grading quantities for the repair to be 14,000 cubic yards of excavated landslide material. This material will be removed, reconditioned, replaced, and compacted under the direction of the project geotechnical engineer. The engineer estimates import of 400 cubic yards of crushed drain rock to be used in the subdrain system.

A report entitled “Park Property, Ocotillo Court & Joshua Place, Fremont, Landslide Repair, Investigation & Recommendations,” dated June 7, 2003, was prepared by the project geotechnical engineer, Lawrence B. Karp. The City’s geotechnical peer review consultant was asked to review both the geotechnical report and the grading plans. The City’s consultant has approved the report and repair plan, subject to the following recommended conditions:

CITY’S CONSULTANTS' COMMENTS ANDCONDITIONS WILL BE ON A GREEN SHEET

Some of the peer review consultant’s recommended conditions are included within the Preliminary Grading Plan conditions of approval.

Drainage: The slide repair includes installation of drainage facilities. A concrete v-ditch is proposed near the middle of the landslide repair. The v-ditch connects to a new drain inlet and underground drainpipe. Subsurface drainage facilities consist of several perforated drainpipes running laterally (across) the repair. These perforated pipes will collect groundwater and direct it to closed pipes that take the water down slope for eventual overland release west of the utility building and driveway. The drainage system shall be subject to approval of the City Engineer prior to issuance of the grading permit.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Geologic Hazards: The southern half of the Park property, 47000 Ocotillo Court, is located within the boundary of the Alquist-Priolo Special Study Zone, as shown on maps published by the State Geologist. The boundary of the Special Study Zone coincides with the open space easement on the property. The landslide repair is not considered a project under the Alquist-Priolo Earthquake Fault Zoning Act, because it is not being completed in anticipation of a subdivision or development of structures for human occupancy.

Environmental Analysis: This project has been determined to be exempt under the provisions of the California Environmental Quality Act, Section 15269. However, it should be noted that issuance of a grading permit will be conditioned to comply with air and water quality requirements.

Response from Agencies and Organizations: No responses have been received to date

Enclosures: Exhibit "A" (Preliminary Grading Plan)
Exhibit "B" (Findings and Conditions of Approval)
Informational (Supplemental Geologic and Geotechnical Review, letter dated September 2003)

Exhibits: Exhibit "A" (Preliminary Grading Plan)
Exhibit "B" (Findings and Conditions of Approval)

Recommended Actions:

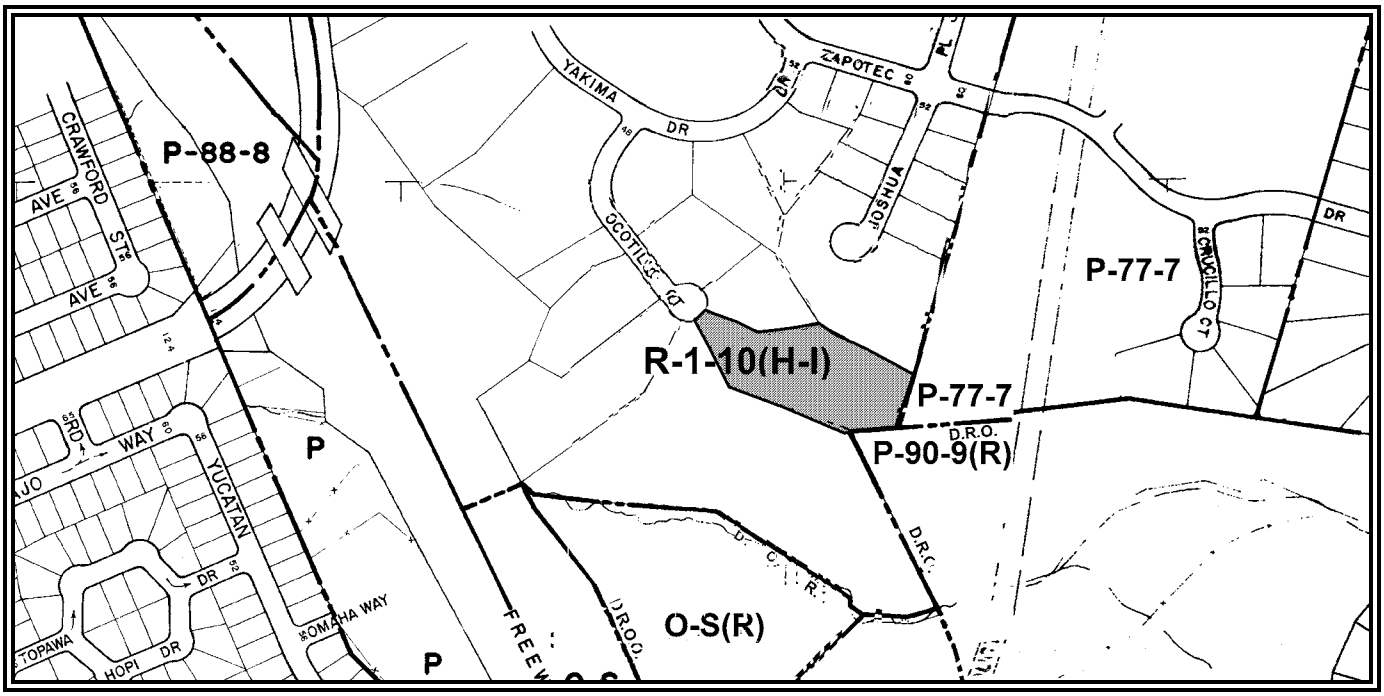
1. Hold public hearing.

2. Find PLN2003-00302 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan as enumerated within the staff report.

3. Approve PLN2003-00302, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

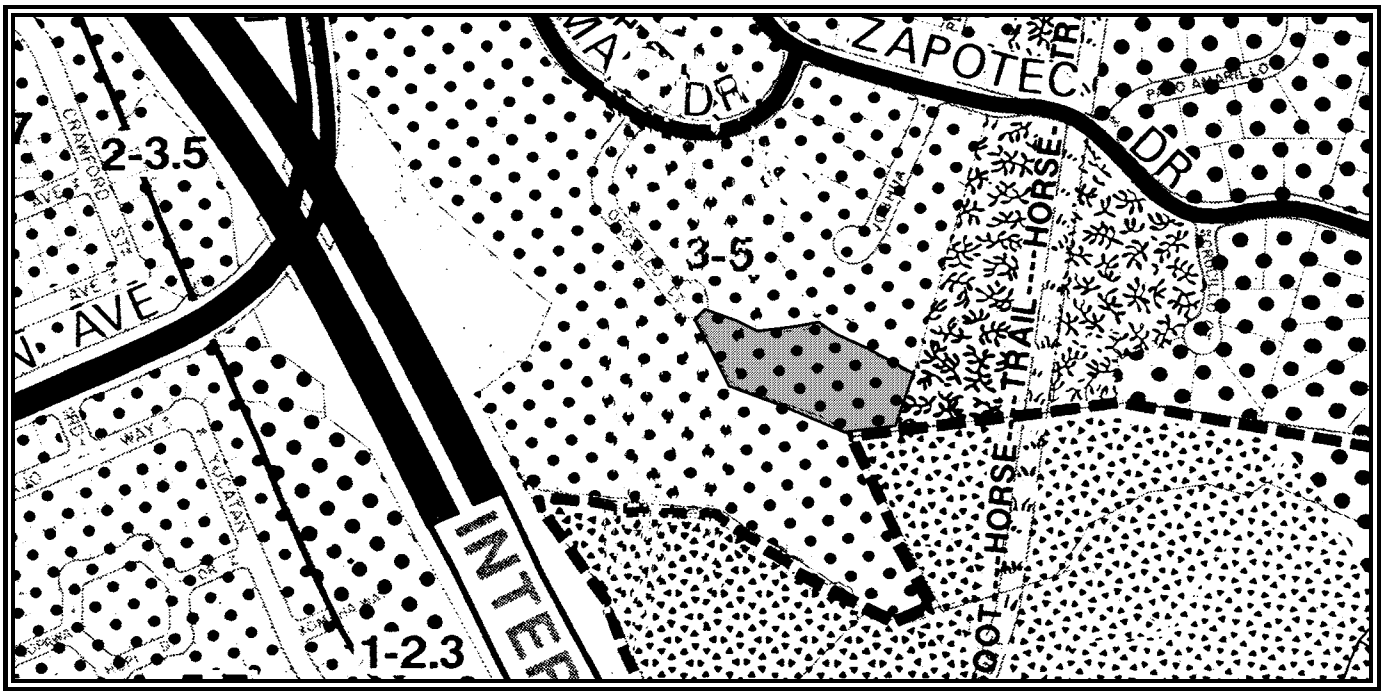


EXHIBIT "B"
Ocotillo Slide Repair
Preliminary Grading Plan
(PLN2003-00302)

FINDINGS

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated August 28, 2003, incorporated herein.

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.

2. The proposed project described in the application will not endanger public sewers, storm drains, water courses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.

3. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

4. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of slides on the site which might be aggravated by the grading of the development. A soil study will be done and submitted in conjunction with the Development Organization submittal.

5. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

1. The project shall conform to Exhibit “A” (staff amended Preliminary Grading Plan) and all conditions of approval set forth herein.

2. Approval of this preliminary grading plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.

3. Approval of this preliminary grading plan shall terminate 24 months from the date of approval by the Planning Commission.

4. The applicant shall obtain a final grading permit. Grading shall be subject to the approval of the City Engineer.

5. The project excavation operations shall be inspected by Certified Engineering Geologist. The Geologist shall ensure that all active landslide debris and associated basal rupture surface be fully removed during grading operations.

6. The project excavation operations shall be inspected by a Geotechnical Engineer. The Geotechnical Engineer shall ensure satisfactory placement of subdrain systems and verify that compaction specifications and surface drainage requirements, including erosion control, are met.

7. Measurements shall be made during the progress of site grading operations to document the final as-built locations of keyways, subdrain systems, and subdrain clean-out locations. As-built project documentation shall include a scaled cross section and plan view map depicting the locations of the above noted items.

8. The applicant shall submit “as-built” plans by a registered engineer for the work completed to repair the landslide. Included with the as-built plans shall be a letter from the applicant’s geotechnical consultant describing the inspections and as-built conditions. These documents shall be submitted for City Engineer approval prior to approval of the as-built repair.

9. The applicant shall post a performance bond, in accordance with the Fremont Municipal Code, Section 8-4118. The amount of the performance bond will be based upon the work to be done as estimated by the project civil engineer.

10. Applicant shall provide for a functional drainage system subject to approval of the City Engineer. The applicant’s geotechnical engineer shall review and approve any proposed on-site drainage system. The drainage system shall conform with the recommendations in the Lawrence B. Karp report, “Park Property, Ocotillo Court & Joshua Place, Fremont, Landslide Repair, Investigation & Recommendations”, dated June 7, 2003, or any subsequently approved soils report or addendum.

11. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.

12. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer. A separate plan shall be submitted for this purpose. The project plan shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction, in accordance with the practices outlined in the Association of Bay Area Governments Erosion and Sediment Control Handbook.

13. Grading operations shall be in accordance with recommendations contained in the Lawrence B. Karp report, “Park Property, Ocotillo Court & Joshua Place, Fremont, Landslide Repair, Investigation & Recommendations”, dated June 7, 2003, or any subsequently required soils report or addendum. All grading is to be supervised by an engineer registered in the State of California to do such work.

14. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.

15. The applicant may be allowed grading deviation up to a maximum of one foot (plus or minus) between the preliminary grading plan and the final grading plan. Deviation over one foot may be referred to the Planning Commission subject to approval of the City Engineer.

16. The developer shall comply with the City’s Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State’s Water Quality Control Board.

17. All on-site storm drains are to be cleaned prior to City acceptance of the as-built grading and also be cleaned each year immediately before the beginning of the rainy season (October 15), or as recommended by the project geotechnical engineer. The City Engineer may require additional cleaning.

18. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

19. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.

20. The project plans shall identify Best Management Practices appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.

21. The developer is responsible for insuring that all contractors are aware of and implement all storm water quality measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

22. After completion of grading, the fill slope shall be planted with deep-rooted native plants to minimize erosion, as required in the Lawrence B. Karp, geotechnical report. The applicant shall submit a landscape plan, subject to review and approval of the City Engineer and the City Landscape Architect, prior to issuance of the grading permit.

23. The project shall comply with dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control.

24. To reduce rodent infestation that may be caused by the disturbance to the slope, the applicant is required to use rodent traps or terminator services.

25. To reduce construction noise, all 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
    No Construction Activities on Sunday