



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**STAFF REPORT**

**TO: PLANNING COMMISSION**

**HEARING DATE: September 8, 2020**

**GENERAL INFORMATION**

**PROPOSAL:** **Fairview Area Specific Plan** - Proposal to adopt two Resolutions recommending that the Alameda County Board of Supervisors: (a) adopt the Initial Study-Mitigated Negative Declaration for the Fairview Specific Plan Update; and (b) adopt the updated Fairview Specific Plan.

All material for this item can be found on the County's website:  
<http://www.acgov.org/cda/planning/landuseprojects/fairview-update.htm>

**APPLICANT:** County of Alameda

**ZONING DISTRICT:** Not applicable

**SPECIFIC PLAN  
DESIGNATION:** Fairview Area Specific Plan

**ENVIRONMENTAL**

**REVIEW:** Because the Specific Plan Update is considered a "project" under CEQA, an Initial Study was prepared and the potential impacts of the Specific Plan on the environment were evaluated. The analysis concluded that the Specific Plan will not have a significant effect on the environment, provided that specified mitigation measures are adopted and implemented concurrently with the Plan. A Mitigated Negative Declaration was prepared and circulated, and responses to comments were prepared.

**RECOMMENDATION**

That the Planning Commission take public testimony, consider revisions to the Fairview Specific Plan, and approve resolutions recommending that the Board of Supervisors adopt the Initial Study-Mitigated Negative Declaration and updated Fairview Specific Plan.

## **BACKGROUND**

In 1980, the County of Alameda adopted a Specific Plan for the unincorporated Fairview Area, located southeast of Castro Valley and east of Hayward. An update to the Specific Plan was adopted in 1997 and has guided development in the community for the last 23 years. Fairview is formally covered by the Eden Area General Plan, although that Plan explicitly defers to the Fairview Specific Plan for policy direction.

The County initiated an update of the Fairview Specific Plan in 2015. The Plan's preparation was guided by a Working Group of Fairview residents and other stakeholders, who met periodically between 2015 and 2018. In 2017, the Fairview Municipal Advisory Council (FMAC) was created, providing an additional vetting body for the Specific Plan prior to its adoption.

An Administrative Draft Revised Specific Plan was released in March 2019. The FMAC convened hearings to discuss this document on April 2, June 4, and August 6, 2019. A community open house on the Plan was held at the San Felipe Community Center on October 24, 2019. The Administrative Draft was revised based on input from the FMAC, commenting agencies, stakeholder organizations, and the general public. A detailed Addendum was prepared, listing each comment received on the Draft and explaining how it was incorporated. An additional FMAC hearing was convened on January 7, 2020, followed by an updated version of the Administrative Draft Plan, which was published in March 2020.

A CEQA Initial Study on the Draft Specific Plan was completed in April 2020. It was determined that a Mitigated Negative Declaration (IS/MND) was required, including measures to reduce potential Plan impacts to less than significant levels. At its regular meeting on May 5, 2020, the MAC voted to release the Specific Plan and IS/MND as public review drafts, beginning the official public review process.

The Public Review Draft Specific Plan and IS-MND were published on May 20, 2020. The IS-MND was subject to a 30-day statutory review period, which was extended to 51 days (July 10, 2020) to provide additional time for public comment. A Notice of Intent (NOI) was filed with the County Clerk Recorder and State Clearinghouse, as required by State law. State, regional, and local agencies were provided with a summary of the IS-MND (including hyperlinks to the document) and were notified of the opportunity to comment. Outreach to Fairview residents was provided through community list-servs (emails) and via social media. The IS/MND and Public Review Draft Specific Plan were posted to the Community Development Agency's website, with hyperlinks to the documents included. Consultation with Native American tribal representatives also occurred, as required by State law.

The MAC's regular meeting on July 7, 2020 included an informational item on the Draft Specific Plan and IS-MND. At that time, the formal comment period on the IS-MND was still open. An opportunity for public comment on both the Plan and the IS-MND was provided. MAC members discussed both documents and provided direction to staff on additional changes. Staff incorporated MAC feedback in a Specific Plan Addendum, and in the Response to Comments on the IS-MND.

At its August 4, 2020 meeting, the MAC completed its discussion of the Plan and made final changes to the Specific Plan Addendum. The MAC voted on two recommendations at that meeting:

- That the Board of Supervisors adopt the Specific Plan, inclusive of the revised addendum revisions (approved 5:0)

- That the Board of Supervisors adopt the IS/MND, inclusive of the revised Response to Comments document (approved 4:1)

The Planning Commission is tasked with holding at least one public hearing on the Specific Plan before making a recommendation to the Board of Supervisors to adopt the Plan and IS/MND.

## OVERVIEW OF SPECIFIC PLAN

This section of the staff report provides a summary of the Specific Plan, with a focus on changes between the 1997 Plan and the 2020 Plan. Substantive changes are as follows:

- The Plan now includes general goals and policies, allowing it to function more like a General Plan for Fairview, as well as a Specific Plan.
- A Land Use Map has been included, showing the General Plan designations of property in Fairview.
- Like the existing Specific Plan, the new Plan is organized into thematic chapters. However, the content and format has been organized to more closely match traditional General Plan elements.
- Guiding principles have been added.
- Background information and data on Fairview has been added.
- Previously adopted animal keeping standards for Fairview have been included by reference as appendices to the Specific Plan. The standards themselves have not been revised.

A summary of Plan Chapters is provided below:

1. **Introduction** (Chapter 1) describes the purpose of the document, the planning process, and the Specific Plan's relationship to other existing plans and ordinances.
2. **Planning Context** (Chapter 2) provides background information on the Fairview Specific Plan Area, including its history, demographics, and physical characteristics.
3. **Land Use and Community Design** (Chapter 3) provides policies and standards for development in Fairview and includes a Land Use Map and Zoning Map. This chapter includes standards for density, lot size (required area, depth of parcels), setbacks, lot coverage, floor area ratio, height, parking, usable open space, views, hillside development, and accessory dwelling units.
4. **Agriculture** (Chapter 4) includes policies and standards to sustain agriculture in the Plan Area.
5. **Transportation** (Chapter 5) includes policies and standards for roads, bike and pedestrian paths, traffic safety, parking, and other issues relating to transportation in Fairview.
6. **Conservation** (Chapter 6) provides policies and standards for protecting Fairview's hillsides, woodlands, creeks, air, water, and other natural resources. It also references County Plans covering sustainability and climate-related issues.
7. **Environmental Hazards** (Chapter 7) addresses protection of life and property from the principal hazards in the community, which include earthquakes, landslides, wildfires, and flooding. It applies principles of the County's Local Hazard Mitigation Plan to Fairview.

8. **Community Services and Infrastructure** (Chapter 8) includes policies and standards for local services, including water, sewer, drainage, police and fire protection, schools, and waste management.
9. **Implementation** (Chapter 9) provides guidance on “what happens next” after the Specific Plan is adopted, including priority actions.

Adoption of the Specific Plan would not directly impact the number of potential housing units that could be built in Fairview. With a few minor exceptions, the zoning map would be unchanged, with no “up-zoning” or “down-zoning” proposed. Prior studies for Fairview, including the 2015-2023 Alameda County Housing Element, determined that Fairview has the potential for 200-300 new homes. This is based on the number of vacant and sub-dividable parcels in the community, and consideration of development constraints such as access and slope. The Specific Plan does not change this estimate. Development would take place gradually over the next 20 years based on the actions of individual property owners. The projected rate of growth is equivalent to roughly 15 new homes a year over a 20-year period, although this would likely vary from year to year, as it has in the past.

### **Summary of Changes to Development Standards**

Table 1 provides a comparison of development standards in the 1997 Plan and the proposed 2020 Plan. The key changes relate to clarification of the “prevailing lot size rule” for new subdivisions, introduction of Floor Area Ratio (FAR) limits and maximum house size requirements, use of a sliding scale for side yard setbacks on small lots (based on lot width) and a sliding scale for lot coverage (based on lot size), clarifications to the open space requirement, and increases to parking requirements for new homes.

In addition, the Plan requires the use of public streets in new subdivisions of four lots or greater, expands the County’s creek setback requirement in future subdivisions, and prohibits new structures on the tops of ridgelines. It would also allow agricultural uses (using the L-combining zone) on residential parcels smaller than one-acre if those parcels are otherwise undevelopable due to overhead transmission lines. Finally, the Plan requires Site Development Review for “substantial remodels and additions”, which are defined as projects that encompass more than 50% of the existing gross floor area of a house, or increase the size of an existing house by more than 50% .

The intent of these changes is to maintain Fairview’s character, preserve its natural resources, sustain agricultural uses, ensure adequate access for emergency vehicles, and provide opportunities for public input when major expansions of existing homes are proposed.

### **Policy Changes**

As previously noted, the Specific Plan establishes planning policies for Fairview on topics such as transportation, conservation, hazards, and community services. These policies are consistent with countywide policies, as well as those in the Eden Area and Castro Valley Area General Plans but are more specifically focused on Fairview. For example, transportation policies reference possible traffic calming projects and bicycle and pedestrian improvements on specific streets in Fairview. Hazards policies address the need for a Fairview Evacuation Plan and a hydrology study that addresses flooding problems. Some of these issues were addressed in the 1997 Plan, but in a more general way.

**Table 1: Comparison of Development Standards in 1997 Plan and 2020 Plan**

Topic	1997 Specific Plan	Revised Specific Plan
Developable Site Area requirements for new lots	The following portions of a site may not be counted as “developable”: 1) Areas of 30% slope or more; 2) Areas in private streets, access easements, and driveways serving more than one lot; 3) Riparian areas; 4) Other un-servable or unbuildable areas.	Existing language carried forward as Sec 3.4.3(e) in new Plan. No substantive edits.
Prevailing lot size rule for determining allowable lot size in new subdivisions	Allowable lot size in a new subdivision is determined by zoning PLUS consideration of “prevailing lot” characteristics in the surrounding neighborhood. Definition of “surrounding neighborhood” is vague and subjectively defined.	Carried forward at 3.4.4, but “surrounding neighborhood” is defined as other parcels within the existing subdivision (for lots in subdivisions) or as <b>all lots within 500’ of the subject parcel’s centerpoint, excluding PD lots</b> , if the parcel is not in an existing subdivision.
Allowances for Planned Developments	Allowed through a rezoning, provided the density limits are maintained—may be townhomes or condominiums.	Allowed, <b>subject to a 10-acre minimum site requirement</b> . No reference to townhomes or condominiums. May be used to allow smaller lots, with greater sensitivity to the environment and more of the site preserved as open space.
Setbacks (minimum yards)	Varies based on lot size.	Existing standards generally carried forward for lots larger than 10,000 SF. <b>Sliding scale for setbacks on smaller lots, with side yard setbacks based on lot width.</b>
Lot coverage	Standards vary by zoning district: 40% in R-1, R-1-6000; 30% in R-1-10,000 and 20,000; 20% in the 1 and 5 acre zones.	Standards vary by lot size: 40% on lots that are 10,000 SF or less; 30% for 10-15,000 SF 27.5% for 15,000-19,999 25% for 20,000-43,559 SF 20% for one acre or more. <b>Added a 5-10% lot coverage bonus for one-story homes (to encourage age-friendly design)</b>
Floor area ratio	No standards	<b>FAR standards introduced, using a formula based on lot size.</b> 0.55 on lots less than 5,000 SF; .15 plus 2000 SF on lots 5,000-10,000 SF; .10 plus 2500 SF on lots larger than 10,000 SF.
Limits on total floor area	No standards	<b>No home may exceed 5,000 SF in floor area on lots in the single family zoning districts; No home may exceed 12,000 SF in floor area in the rural residential zoning districts (1 acre and 5 acre minimum)</b>
Open space requirements	A minimum of 1000 sf of private usable open space should be provided on each lot. “Usable” is not defined.	Carried forward. <b>“Usable” is further defined as being 20% or less in slope, minimum dimension of 15’, and not visible from street.</b> Parking spaces may not be counted as usable open space.

Topic	1997 Specific Plan	Updated Specific Plan
Height	25' max, with an additional 5' allowed using a sliding scale on lots wider than 70' and more than 100' deep	Carried forward but defers to the County Design Standards for where an additional 5' is allowed (must be 15' from property line).
Hillside Sites	Not addressed	On sloped sites, <b>building shall be located on portions of the site where the slope does not exceed 30%</b> . Subject to County Design Guidelines and Standards.
Secondary Units	Requires rezoning to a Planned Development (PD) and a number of criteria that must first be satisfied.	The <b>PD re-zoning requirements are eliminated</b> (they are now prohibited by recent state law). The statewide exemption for off-street parking only applies to units within ½ mile of the 2nd Street corridor since it is the only high-frequency bus route in Fairview.
Parking	Not stated; countywide requirements apply.	Countywide requirements apply to existing homes. For new homes, <b>five off-street spaces per home are required</b> (they may be covered or uncovered).
Design Guidelines	Not addressed	Existing Countywide Residential Standards and Guidelines (adopted in 2014 for unincorporated Alameda County) are referenced and apply unless they would conflict with provisions of the Specific Plan.
“L” combining district regulations	Not addressed. Existing County regulations prohibit the application of this district (which allows certain agricultural activities) on lots less than one acre.	<b>The Specific Plan would allow the L combining district to be applied on residential lots smaller than one acre if those lots are encumbered by transmission lines that make residential uses infeasible.</b>
Substantial Remodels and Additions	Not addressed	<b>Site Development Review required for projects that increase the size of an existing house more than 50% above its existing size.</b>

## Zoning Map Changes

The resolution adopting the Specific Plan includes Zoning Map changes to three parcels. These are “consistency” amendments and will not have a substantive impact.

- Two developed parcels are proposed to be rezoned from R-1-BE 7000 to R-1-BE 6000. The parcels are: APN 417-250-35 (6,278 SF)-24260 Fairview Avenue and APN 417-250-36 (7,088 SF)-24270 Fairview Avenue. All other properties in the vicinity of these parcels are zoned R-1-BE-6000, and the change would allow both of these parcels to conform to lot size standards. This is currently the only place the R-1-BE-7000 zone appears in Fairview.
- The “SU” overlay is proposed to be removed from APN 416-190-49 (2798 D Street). It had been applied to allow an ADU on the property but is no longer needed.

## OVERVIEW OF INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

The IS/MND, including a Response to Comments, is include as an attachment to this Staff Report. The IS/MND evaluates the cumulative impact of adding roughly 300 housing units on scattered sites in Fairview over a 20-year period while applying the Specific Plan’s policies and standards. It is a program-level analysis and does not address the impacts of any one development project.

Adoption of the IS/MND does not provide “automatic” CEQA clearance for future development projects or capital improvements, which would be subject to their own environmental review procedures unless they are statutorily exempt under CEQA. Evaluation of environmental issues such as traffic, hydrology, and geologic hazards will continue to be required when future projects are proposed. In some cases, future projects could reference the analysis done in the IS/MND to determine that further analysis on particular topics is not required.

The IS/MND includes the CEQA “checklist” showing the potential environmental factors affected by the project. Potential impacts found to be “less than significant” included aesthetics, agriculture, energy, hazards, hydrology, land use, mineral resources, population/housing, public services, recreation, transportation, utilities, and wildfire. This is largely because the Plan itself includes policies and standards that anticipate and mitigate these impacts (for example, wildfire impacts are partially mitigated because the Specific Plan requires that a Wildfire Protection Plan be prepared when new development is proposed). The IS/MND cites these policies and standards as appropriate.

Potential significant impacts were identified for air quality, biological resources, cultural resources, geology/soils, greenhouse gases, noise, and tribal cultural resources. These impacts can be mitigated to less than significant levels through the mitigation measures listed in the IS/MND. When the Plan is adopted, the mitigation measures will be incorporated into the document itself. A summary of the mitigation measures is provided in Table 2.

Following circulation of the IS/MND to the State Clearinghouse, local and regional agencies, service providers, and the general public, six comment letters were received. In addition, oral comments on the document were made at FMAC hearings. The Final IS/MND includes responses to each letter and verbal comment, as well as an annotated list of changes to the document.

**Table 2: Summary of Fairview IS/MND Mitigation Measures**

Topic	#	Description
Air Quality	AQ-1	Future development must comply with the latest Bay Area Air Quality Management District measures for reducing construction emissions of particulate matter.
	AQ-2	Health risk assessment (toxic air contaminants) required for any new subdivision within 1,000 feet of Interstate 580, consistent with State Office of Environmental Health Hazard Assessment policies and procedures.
Biological Resources	BIO-1	Development that includes demolition of buildings or removal of mature trees must conduct focused surveys to determine the presence of roosting bats.
	BIO-2	Applies seasonal limitations on construction activities where nesting birds may be present. Similar requirements have been applied to projects in Fairview in the past, and to projects in other parts of Alameda County.
	BIO-3	Habitat assessment for Alameda whipsnake required on undisturbed sites where potentially suitable habitat exists.

**Table 2, continued**

Cultural Resources	CR-1	identifies specific steps to be taken if cultural (historic or archaeological) resources are encountered during ground-disturbing activities such as excavation and grading. These steps include consultation with a qualified archaeologist and potential recovery of the resource.
Geologic Resources	GEO-1	Requires projects involving over one acre of grading or excavation greater than 10 feet in depth to contact a certified paleontologist in the event that subsurface paleontological resources are encountered.
Greenhouse Gas Emissions	GHG-1	Requires at least one electric vehicle (EV) charging station in each future subdivision.
	GHG-2	Requires the screening of future projects to determine their potential to exceed applicable specific greenhouse gas thresholds and implement additional measures to reduce greenhouse gas emissions if necessary.
Noise and Vibration	N-1	Includes specific measures to reduce construction-related noise, including requirements for mufflers, quieter air compressors, and noise blanket barriers
	N-2	Requires construction within 100 feet of sensitive institutional uses (churches, schools, etc.) to use best available control technology to reduce construction-related vibration impacts.
Tribal Cultural Resources	TCR-1	Identifies the steps to be followed in the event that Native American cultural resources are identified during future construction, including contact with an appropriate Native American representative and development of a mitigation plan.

**HIGHLIGHTED ISSUES**

As noted earlier, the Specific Plan was considered by the Fairview MAC at seven public hearings. These hearings represented more than 15 hours of discussion. All of the hearings included public testimony and several involved testimony from service providers (including the Fairview Fire Protection District and East Bay Municipal Utility District) and stakeholder groups (Ohlone Audubon, California Wildlife Society, etc.). FMAC members had extensive discussions of Plan issues, with several recurring issues emerging. These are highlighted below.

“Should” vs “Shall.” A number of the edits to the March 2019 Draft involved changing the word “should” to “shall” (or “encourage” to “require,” etc.). The intent of these edits was to improve accountability, reduce ambiguity, and ensure that the objectives of the Plan were accomplished. A potential downside is that the changes reduce flexibility and may increase Variance and Site Development Review requests.

Transfer of Fairview to Castro Valley General Plan Area. Several MAC members expressed that Fairview should be formally moved from the Eden Planning Area to the Castro Valley Planning Area, given that Fairview’s land uses and development issues are more akin to Castro Valley than the Eden Area. The Specific Plan suggests that this change be considered in 2022 as part of a two-year progress report on Specific Plan implementation. This would avoid further delays to adoption of the Fairview Specific Plan (associated with a General Plan Amendment) and would allow engagement of the Castro Valley MAC in the discussion.

Environmental Review. County staff, and its environmental consultant, determined that an Initial Study-Mitigated Negative Declaration (IS/MND) was the appropriate CEQA action for the Specific Plan



Update. The Draft Plan does not substantively change the Zoning Map and would not increase the number of housing units that can be built in Fairview. Its policies and standards have been drafted to mitigate potential environmental impacts. At least one member of the MAC expressed that a full Environmental Impact Report should be prepared, since one has not been prepared before.

Parking Standards. Staff's initial recommendation (in the March 2019 Draft) was that the parking standard be two covered off-street spaces for homes with three bedrooms or fewer; three covered spaces for 4-5 bedroom homes; and four covered spaces for homes with six bedrooms or more. Staff also recommended one guest parking space per home, which could be on-street. The MAC instead recommended a parking standard of five off-street spaces per home for new homes. Several members of the public spoke in opposition to this standard at the MAC's hearings, arguing that it was excessive.

Public vs Private Streets. The initial version of the Plan (March 2019) indicated required public streets for any new street that would potentially become a "through" street (e.g., serving properties other than the property being subdivided) and strongly encouraged public streets elsewhere. The County Public Works Department concurred with the preference for public streets but suggested that private streets be allowed at the County's discretion. The MAC's recommendation, now expressed in the Public Review Plan Addendum, is that public streets be required for any new subdivision with four lots or more.

Follow-Up Studies. The Specific Plan identifies several studies to be completed following Plan adoption. These include an area-wide hydrology study (including recommendations to reduce flooding and improve storm drainage), an evacuation plan, and a traffic study, including updated traffic counts and an evaluation of potential future improvements.

## **NEXT STEPS**

If the Planning Commission approves the attached resolutions at its next meeting, the Specific Plan will be scheduled for an adoption hearing before the Board of Supervisors. The Commission can also approve the resolutions with amendments, specifying changes to the text that should be made when the document is considered by the Board of Supervisors. If the Planning Commission seeks more substantive changes to the draft, or wishes to allow more time for Commission discussion, it can continue the item to a second public hearing, which would likely be scheduled for October, 2020.

## **EXHIBITS**

- A. Resolution Recommending Adoption of Initial Study and Mitigated Negative Declaration for the Fairview Specific Plan
- B. Resolution Recommending Adoption of the Fairview Specific Plan
- C. Public Review Draft Fairview Specific Plan (May 2020)
- D. Fairview Specific Plan Addendum (August 2020)
- E. Draft Initial Study/ Negative Declaration (May 2020)
- F. Final Initial Study/ Negative Declaration, including Responses to Comments (August 2020)