



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: **FAIRVIEW MUNICIPAL ADVISORY COUNCIL**

HEARING DATE: **AUGUST 4, 2020**

PROJECT: **Fairview Specific Plan Update**

RECOMMENDATION:

1. Consider the proposed Addendum to the Public Review Draft Fairview Specific Plan and the Responses to Comments on the Initial Study-Mitigated Negative Declaration (IS-MND).
2. Recommend approval of the Fairview Specific Plan by the Alameda County Board of Supervisors, inclusive of the Addendum.
3. Recommend approval of the Fairview Specific Plan IS-MND by the Alameda County Board of Supervisors, including the Response to Comments.

BACKGROUND:

The County of Alameda initiated an update of the 1997 Fairview Specific Plan in 2015. Following four years of stakeholder input, data collection, and policy development, an Administrative Draft Plan was published in March 2019. The Fairview MAC considered the Administrative Draft at its regular meetings on April 2, June 4, and August 7, 2019, and on January 7 and May 5, 2020.

Three Administrative Drafts of the Specific Plan were produced during this time, including:

- The initial Administrative Draft, which was published in March 2019
- The second Administrative Draft, which was published in October 2019, incorporating MAC comments and public comments received between April and September
- The third Administrative Draft, which was published in March 2020, incorporating MAC comments and public comments received between October 2019 and February 2020

On May 5, 2020, the MAC provided final edits to the Administrative Draft and recommended release of the document as a Public Review Draft. The MAC also recommended circulation of a Draft Initial Study-Mitigated Negative Declaration (IS-MND) at that meeting.

The Public Review Draft 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 (Nextdoor and Facebook). 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 has incorporated MAC feedback in the Draft Specific Plan Addendum, and in the Response to Comments on the IS-MND.

At the August 4 meeting, the MAC will be asked to make a recommendation to the Board of Supervisors to adopt the Specific Plan and IS/MND. The document will then be scheduled for consideration by the Alameda County Planning Commission in September. The Planning Commission will hold one or more hearings and will ultimately consider a resolution to forward the Plan and IS/MND to the Board of Supervisors. At that point, one or more hearings before the Board of Supervisors will be held before the document is adopted. The Specific Plan will remain a “Draft” until it is adopted, and additional changes may be made to the document during the public review period.

PLAN ADDENDUM

Attachment 1 to this staff report is the proposed Specific Plan Addendum. The Addendum indicates line by line edits to different chapters of the Plan in response to the comments received thusfar. Most of these comments are from MAC members and were submitted in writing or expressed verbally at the July 7 meeting.

Proposed edits are summarized below:

- Page 2-5 clarifies that “existing land uses” include agriculture
- Page 3-19 changes a “should” to “shall” (re: siting of stormwater detention facilities)
- Page 3-24 changes a “should” to “shall” (re: outdoor decks and roof decks not counting toward the ground level usable open space requirement)
- Page 3-26 clarifies the parking requirement approved by MAC members, which is a minimum of five off-street spaces for new homes
- Page 3-34 includes a guideline for the orientation of homes on corner lots
- Page 4-6 clarifies that agricultural uses are acceptable on encumbered lots less than one acre in size (43,560 square feet, rather than 40,000 square feet)
- Page 5-5 requires public streets in subdivisions with four lots or more (not five)
- Page 6-3 adds the North, Middle, and South Forks of Sulphur Creek to the discussion of creeks
- Page 7-3 expands the discussion of flood hazards to address the negative consequences of diverting stormwater across watershed boundaries
- Page 7-7 changes a “should” to a “shall” regarding wildfire prevention measures
- Page 7-13 prohibits diversion of stormwater runoff between watersheds without demonstration that downstream impacts can be fully mitigated
- Page 7-16 places further urgency on development of an evacuation plan for Fairview

- Page 8-22 clarifies that the proposed community Hydrology Analysis should address the cumulative impacts of diverting stormwater across watershed boundaries and measures to avoid and mitigate further impacts
- Appendix B will be replaced with a “clean” copy (the existing copy was reproduced from another source)

The Addendum will be forwarded to the Planning Commission with the Public Review Draft and will be incorporated by reference into the document. The Addendum may be supplemented (and edited) by the Planning Commission and Board of Supervisors in the course of their hearings on the document.

A “Final” Addendum will be prepared prior to the Board of Supervisors action on the Plan. This Addendum will include the mitigation measures listed in the IS-MND.

RESPONSE TO COMMENTS

The “Response to Comments” document is included as Attachment 2 of this Staff Report. It will be incorporated by reference into the IS/MND when it is presented to the Planning Commission and Board of Supervisors. The Draft IS/MND itself is included as Attachment 3 of this Staff Report. An earlier version of this document was included with the May 5, 2020 staff report.

There were six written comments received on the IS/MND. There were also oral comments on the IS/MND received at the July 7 meeting. These comments are included in the Response document.

The six comments were from:

- **Bay Area Air Quality Management District.** These comments were advisory in nature, and encouraged the IS/MND to mitigate greenhouse gas emissions by applying best practices in construction and design.
- **East Bay Municipal Utility District (EBMUD).** These comments requested clarification and corrections to information in the IS/MND and indicated EBMUD service policies for new development.
- **Ohlone Indian Tribe.** A clarifying question regarding data collection was asked.
- **Brenda/Bob Clark.** Several edits were suggested to align the IS/MND with the Specific Plan.
- **Dale Silva.** MAC Councilmember Silva presented a series of comments and requested corrections and clarifications.
- **Chris Higgins.** MAC Councilmember Higgins provided information on drainage, flooding, and water quality issues and requested a more complete discussion of flooding problems arising from diversion of stormwater runoff across watershed boundaries.

Responses to these comments are provided in Attachment 2. In addition, the Response to Comments document identifies edits to the Draft IS/MND that reflect the comments. The specific text changes listed will be incorporated into the IS/MND when it is adopted.

NEXT STEPS

Staff will provide a short overview of the Addendum and Response to Comments at the August meeting. The MAC will have an opportunity to discuss these two documents and consider public comments.

The MAC will be asked to consider the following actions. Each of these actions will be considered separately.

1. Forward the Public Review Draft Specific Plan to the Alameda County Planning Commission, inclusive of the Addendum, with a recommendation that the Plan be adopted by the Alameda County Board of Supervisors.
2. Forward the IS/MND, inclusive of the Response to Comments, to the Alameda County Planning Commission, with a recommendation that it be certified by the Alameda County Board of Supervisors.

Prior to voting on these items, the Fairview MAC may consider changes to the Addendum. The MAC can also identify specific issues and considerations it would like the Planning Commission and/or Board of Supervisors to address as they conduct hearings on the Plan. These recommendations will be articulated as discussion points in the Staff Reports that will be prepared prior to Commission and Board hearings.

The first Planning Commission hearing will be scheduled for September 2020. The timing of hearings before the Board of Supervisors will depend on the number of Planning Commission hearings required.

ATTACHMENTS

1. Addendum to Public Review Draft Specific Plan
2. Response to Comments on the Draft Initial Study and Mitigated Negative Declaration
3. Draft Initial Study and Mitigated Negative Declaration

In addition to these attachments, the Public Review Draft Fairview Specific Plan, which was provided previously, may be reviewed at [this link](#).