



## Fairview Specific Plan Update

### Responses to Comments on the Draft Initial Study-Mitigated Negative Declaration

SCH# 2020050392

*prepared by*

**Alameda County**

Planning Department

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**August 2020**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

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# 1 Introduction

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## 1.1 Purpose of the Response to Comments on the Draft IS-MND

This document contains responses to comments (RTC) received on the Draft Initial Study – Mitigated Negative Declaration (IS-ND) prepared for the proposed Fairview Specific Plan Update. The Draft IS-MND identifies the likely environmental consequences associated with implementation of the proposed Specific Plan. This document, together with the Draft IS-MND, constitutes the Final IS-MND for the proposed Specific Plan.

## 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the draft environmental document.

On May 20, 2020, Alameda County circulated a Notice of Intent to Adopt an IS-MND (NOI). The NOI, along with the Draft IS-MND, circulated for an extended public review period that ended on July 10, 2020. The NOI was filed with the State Clearinghouse and the County Clerk and mailed to public agencies. Notices were also posted to social media and sent to Fairview residents via email list-servs. The County received six comment letters on the Draft IS-MND. Copies of written comments received during the comment period are included in Chapter 2 of this document. A public hearing was held on July 7, 2020. A summary of comments and responses to those comments is also included in Chapter 2.

## 1.3 Document Organization

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this RTC Document and the Final IS-MND and summarizes the environmental review process for the proposed Specific Plan.
- **Chapter 2: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft IS-MND and summarizes verbal comments provided at the public hearing. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Revisions to the Draft EIR.** Changes to the Draft IS-MND that have been made in light of the comments received are contained in this chapter.

## 2 Comments and Responses

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### 2.1 Written Comments and Responses

This chapter includes written comments received during the circulation of the Draft IS-MND and responses to those comments. The Draft IS-MND was circulated for a 51-day public review period that began on May 20, 2020 and ended on July 10, 2020. The County received six comment letters on the Draft IS-MND.

The commenters and the page number on which each commenter's letter appear are listed below.

The comment letters and responses follow. A list of agencies, organizations, and interested parties who have commented on the Draft IS-MND is provided in the table below. Each separate issue raised by the commenter has been assigned a number.

The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Letter No. and Commenter	Page No.
<b>Agencies/Governments</b>	
1 Bay Area Air Quality Management District (BAAQMD)	3
2 East Bay Municipal Utility District (EBMUD)	6
3 Ohlone Tribe	11
<b>Individuals</b>	
4 Brenda and Bob Clark	14
5 Dale Silva	17
6 Chris Higgins	25

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# Letter 1

**From:** Areana Flores <[aflores@baaqmd.gov](mailto:aflores@baaqmd.gov)>  
**Sent:** Thursday, June 18, 2020 10:17 AM  
**To:** Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>  
**Cc:** Alesia Hsiao <[ahsiao@baaqmd.gov](mailto:ahsiao@baaqmd.gov)>  
**Subject:** RE: Fairview Specific Plan Update

Hi Albert,

Thank you for your quick response on my inquiry.

1 | I have reviewed the response and it looks like there are plans to mitigate impacts from VMT. I wanted to provide a report by the California Air Pollution Control Officers Association, specifically Chart 6-2 on page 55 (page 62 of the pdf) where you will find additional VMT reduction strategies for your consideration.

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

2 | In addition, below are recommendations by Air District staff on measures to consider as part of mitigation GHG-2: Greenhouse Gas Reduction Plan for Operational Emissions:

1. Require use of electrically powered landscape equipment,
2. Require the use of 100% renewable electricity,
3. Install all-electric appliances, and
4. Eliminate the use of natural gas, a high global warming potential greenhouse gas.

Please let me know if you have any questions, happy to discuss anytime.

Thank you and have a wonderful day,



**AREANA FLORES, MSc**  
**ENVIRONMENTAL PLANNER**

Bay Area Air Quality Management District  
375 Beale St. Suite 600 | San Francisco, CA 94105



415-749-4616 | [aflores@baaqmd.gov](mailto:aflores@baaqmd.gov)

## Letter 1

**COMMENTER:** Areana Flores, Environmental Planner, Bay Area Air Quality Management District (BAAQMD)

**DATE:** June 18, 2020

### Response 1.1

The commenter suggests that the lead agency consider strategies from the California Air Pollution Control Officers Association to reduce vehicle miles traveled (VMT).

As discussed in Section 17, *Transportation*, of the Draft IS-MND, CEQA Guidelines Section 15064.3(b) identifies criteria for evaluating impacts related to roadway facilities, using the metric of VMT. Section 15064.3(c) states that the requirement to use these criteria only applies on and after July 1, 2020. Because the Notice of Intent to Adopt an IS-MND and the Draft IS-MND were published in May 2020, prior to the deadline of July 1, 2020, the lead agency is not required to apply Section 15064.3 to the proposed Specific Plan or to the analysis in this IS-MND. Therefore, the proposed Specific Plan would not have a significant impact related to VMT that requires mitigation in the CEQA document, and revisions to the Draft IS-MND are not necessary. Nonetheless, Page 38 of the Draft IS-MND finds that the proposed Specific Plan includes policies that would reduce VMT attributable to people in Fairview:

...the Specific Plan includes policies that would reduce vehicle trips and emissions by facilitating walking, bicycling, and transit use. As acknowledged in the Specific Plan, strategies to reduce vehicle miles traveled and associated mobile emissions are not easily accomplished in Fairview because of the community's rural character, topography, and limited services and employment base. However, the Transportation chapter of the Specific Plan includes policies to improve bicycle and pedestrian networks and lists specific street segments for proposed improvements. For example, Policy T-2.4 which identifies several priority areas for installing or improving sidewalks. Policy T-2.9 also would have the County "work with AC Transit to increase service frequency and extend hours of operation on its routes in Fairview," providing access to both the Hayward and Castro Valley BART stations with minimal transfers and waiting times. These policies and listed improvements would lead to better bicycle, pedestrian, and transit access, facilitating a reduction in vehicle miles traveled and mobile emissions associated with the Specific Plan.

### Response 1.2

The commenter recommends several measures to add to Mitigation Measure GHG-2, for the purpose of reducing greenhouse gas (GHG) emissions from the Plan Area. To incorporate these recommendations, Mitigation Measure GHG-2 on Page 80 of the Draft IS-MND has been revised as follows:

*GHG-2 Greenhouse Gas Reduction Plan for Operational Emissions*

The following development standard shall be added to the proposed Specific Plan:

*Greenhouse Gas Emissions.* New development in the Plan Area shall be screened for potential to exceed applicable project-specific GHG thresholds based on BAAQMD screening criteria. If projects are determined to exceed thresholds, the development

shall include GHG reduction measures which may includeing but are not limited to: installation of solar photovoltaic energy systems, installation of energy-efficient lighting and all-electric appliances, tree planting, ~~or~~ purchase of carbon offsets, the use of electrically powered landscape equipment, the use of 100 percent renewable energy, or avoiding the use of natural gas.

The above revisions to Mitigation Measure GHG-2 would enhance the menu of strategies to reach project-specific GHG thresholds that ensure consistency with the State's GHG reduction targets in SB 32 and Executive Order B-55-18. With implementation of revised Mitigation Measure GHG-2, the impact from GHG emissions associated with the proposed Specific Plan would still be less than significant with mitigation incorporated. No further revisions to Draft IS-MND are required in response to this comment.



June 19, 2020

Albert Lopez, Planning Director  
Alameda County Planning Department  
224 West Winton Avenue, Room 111  
Hayward, CA 94544

Re: Notice of Intent to Adopt an Initial Study and Mitigated Negative Declaration (IS-MND) for the Fairview Specific Plan Update

Dear Mr. Lopez:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Initial Study and Mitigated Negative Declaration (IS-MND) for the proposed Fairview Specific Plan Update (Specific Plan) which covers the unincorporated community of Fairview in western Alameda County (County). EBMUD has the following comments.

**GENERAL**

1 | On page 14, Table 6, Updates to Community Services and Infrastructure Standard, Topic Water, it states that standards have been added to achieve consistent water pressure and implement planned EBMUD improvements. The text should be rewritten to clarify that water pressure related issues should be reported to EBMUD or the City of Hayward and to support EBMUD as needed to complete planned improvements.

2 | On page 18, under Section 10, the text should be corrected to East Bay Municipal Utility District instead of East Bay Municipal “Utilities” District.

3 | On page 98, under Hydrology and Water Resources Setting, Impact Analysis b, paragraph 2 should clarify that potable water for the future residences would be provided by the City of Hayward in addition to EBMUD since about 10 percent of the parcels in the Specific Plan area receive water from the City of Hayward. Furthermore, the text should be corrected to East Bay Municipal Utility District instead of East Bay Municipal “Utilities” District.

**WATER SERVICE**

4 | EBMUD’s Quarry Pressure Zone, with a service elevation range between 200 and 400 feet, Jensen Pressure Zone, with a service elevation range between 350 and 500 feet, Fairview Pressure Zone, with a service elevation range between 400 and 600 feet, and Walpert Pressure Zone, with a service elevation range between 600 and 800 feet, will serve the

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cont  
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Specific Plan area. Any development project within the Specific Plan area will be subject to the following general requirements.

Main extensions that may be required to serve individual development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements, due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

EBMUD's Standard Site Assessment Report and the Specific Plan's IS-MND indicate the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning, and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **GEOLOGY**

- 5 On page 65, under Geology and Soils, Impact Analysis a.4, it states that localized areas of instability exist along San Lorenzo Creek and adjacent to streams, mostly in the western and southern portions of the Specific Plan area. When the project sponsor applies for water service, they will need to provide EBMUD with any proposed landslide mitigation measures for the development so that no landslide impact hazard is posed to proposed water main extensions that will serve the development.

## **WATER RECYCLING**

- 6 EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings, and other applications.

The Specific Plan area is not currently served by or close to any recycled water infrastructure and EBMUD's future master plans does not include any expansion or extensions reaching towards the Fairview community. As such, EBMUD does not anticipate serving recycled water to any development within the Specific Plan area.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:ATL:djr  
sb20\_093 IS-MND for Fairview Area Specific Plan Update.docx

## Letter 2

**COMMENTER:** David Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utility District (EBMUD)

**DATE:** June 19, 2020

### Response 2.1

The commenter states that Table 6 in the Draft IS-MND should be revised to clarify that issues related to water pressure should be reported to EBMUD or the City of Hayward, and that EBMUD should be supported as needed to complete planned improvements.

These requested revisions pertain to language in the proposed Specific Plan, which is summarized in Table 6 of the Draft IS-MND. They do not question or challenge the Draft IS-MND's analysis of environmental impacts related to utilities. Nonetheless, they have been forwarded to County decision-makers for their consideration of the proposed Specific Plan. The Specific Plan Addendum includes appropriate revisions.

### Response 2.2

The commenter requests that a reference to EBMUD on Page 18 of the Draft IS-MND be corrected.

This reference has been amended as follows:

In addition to County agencies, agencies potentially impacted by the Specific Plan include the Fairview Fire Protection District, the City of Hayward, the Hayward Unified School District, the East Bay Regional Park District, East Bay Municipal Utility District, Oro Loma Sanitary District, Caltrans, Hayward Area Recreation District, AC Transit, the Alameda County Library System, and the Alameda County Transportation Commission, among others.

No further revisions to Draft IS-MND are required in response to this comment.

### Response 2.3

The commenter requests that Page 98 of the Draft IS-MND be revised to disclose that potable water for future residences in the Plan Area would be provided by the City of Hayward in addition to EBMUD. The commenter also requests that a reference to EBMUD on Page 98 of the Draft IS-MND be corrected. This discussion in the Draft IS-MND has been amended as follows:

Potable water for the future residences would primarily be provided by the East Bay Municipal Utility District (EBMUD), which does not rely on groundwater for provision of potable water (see Table 23 in Section 19, *Utilities and Service Systems*). In addition, the City of Hayward would provide potable water for future residences in about 10 percent of parcels in the Plan Area. Hayward receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Hayward does not currently, nor does it plan to, use groundwater to meet the City's water demand (City of Hayward 2016).

With these revisions to the Draft IS-MND's analysis of impacts to groundwater, the proposed Specific Plan would still have a less than significant impact on local groundwater and groundwater recharge. No further revisions to Draft IS-MND are required in response to this comment.

## Response 2.4

The commenter describes several general requirements to which future developments in the Plan Area would be subject, in order for EBMUD to provide water service.

These requirements would apply to future individual projects in the Plan Area. The proposed Specific Plan itself does not include specific development projects; therefore, they are not directly relevant to the analysis in the IS-MND. These requirements do not question or challenge the Draft IS-MND's environmental analysis related to utilities but are acknowledged by County staff and will be forwarded to County decision-makers for their consideration during implementation of the proposed Specific Plan.

## Response 2.5

The commenter notes that the analysis of geology and soils on Page 65 of the Draft IS-MND identifies localized areas of instability along San Lorenzo Creek and adjacent to streams in the Plan Area. With regard to such areas, the commenter states that project sponsors would be required to notify EBMUD of mitigation measures for landslide hazards when applying for water service.

As discussed on Page 65 of the Draft IS-MND, Policy EH-1.5 in the proposed Specific Plan would require that construction on landslide-prone or potentially unstable slopes include drainage and erosion control provisions to avoid slope failure. In addition, according to Policy EH-1.1, all California and County Building Code, Fire Code, and Subdivision Code requirements related to seismic hazards, including landslides, shall be enforced. With implementation of these policies, future development in the Plan Area would not result in a substantial risk from landslide hazards. Therefore, the Draft IS-MND finds that impacts related to landslides would be less than significant. Nonetheless, the commenter's request that project sponsors notify EBMUD of measures to minimize landslide hazards will be forwarded to County staff and decision-makers for their consideration during implementation of the proposed Specific Plan.

## Response 2.6

The commenter states that EBMUD does not anticipate providing recycled water to developments in the Plan Area.

This comment is consistent with the Draft IS-MND's discussion of water service in the Plan Area, which does not assume the provision of recycled water to future developments under the proposed Specific Plan.

**Comments Received from Andrew Galvan, Ohlone Tribe  
Received by email June 18, 2020**

**From:** andrew galvan <chochenyo@aol.com>  
**Sent:** Saturday, May 30, 2020 6:48 PM  
**To:** Barry Miller <barry@barrymiller.net>  
**Cc:** Albert.Lopez@acgov.org  
**Subject:** Re: The Ohlone Indian Tribe & SB 18/ AB 52 Notification for Fairview (unincorporated Alameda County) Specific Plan

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Hi there,

thanks for the links.

I have no additional concerns.

Andrew Galvan  
The Ohlone Indian Tribe

From: Barry Miller <[barry@barrymiller.net](mailto:barry@barrymiller.net)>  
To: andrew galvan <[chochenyo@aol.com](mailto:chochenyo@aol.com)>  
Cc: [Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org) <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>  
Sent: Tue, May 26, 2020 11:10 am  
Subject: RE: The Ohlone Indian Tribe & SB 18/ AB 52 Notification for Fairview (unincorporated Alameda County) Specific Plan

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Hi Andrew

A Phase I literature search and foot survey were not done for this project, as there is no specific site involved and no development proposed. The project is an update of a 1997 plan for the unincorporated community of Fairview. It is focused on development standards for future projects that could be proposed in the area over the next 20 years. The IS/MND includes a specific measure for tribal consultation related to any future development that may occur in Fairview in the future (see page 136-137 of the IS/MND). I have excerpted it below:

"For new development that involves grading or excavation below the previous level of disturbance, in the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate Native American representative is consulted. If, in consultation with local Native Americans, it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archaeologist, if applicable, and the appropriate Native American tribal representative."

Please let me know if I can provide additional information.

Best-

Barry Miller  
Barry Miller, FAICP  
Barry Miller Consulting  
2512 Ninth Street, Suite 8  
Berkeley, CA 94710  
510-647-9270

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**From:** andrew galvan <[chochenyo@aol.com](mailto:chochenyo@aol.com)>

**Sent:** Saturday, May 23, 2020 11:48 AM

**To:** Barry Miller <[barry@barrymiller.net](mailto:barry@barrymiller.net)>

**Cc:** [Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)

**Subject:** The Ohlone Indian Tribe & SB 18/ AB 52 Notification for Fairview (unincorporated Alameda County) Specific Plan

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**Can you tell me if a Phase I Literature Search and/or a Foot Survey have been under taken for this project? And if so, may I have a copy of that report?**

**Thank you,  
Andrew Galvan  
An Ohlone Man  
The Ohlone Indian Tribe**

## Letter 3

**COMMENTER:** Andrew Galvan, Ohlone Tribe

**DATE:** May 30, 2020

### Response 3.1

The commenter asks if a Phase I literature search or foot search has been conducted for the proposed Specific Plan. The commenter also states they have no further comments on the IS-MND.

The items requested by the commenter were not conducted because the proposed Specific Plan applies to a general area of approximately 1,800 acres, not to a specific project site, and no development is proposed at this time. However, Mitigation Measure TCR-1 in the Draft IS-MND would require the inclusion of a development standard in the Specific Plan to protect cultural resources of Native American origin if discovered during future construction in the Plan Area. In this event, Mitigation Measure TCR-1 would require that an archaeologist evaluate the nature and significance of the find as a cultural resource and that an appropriate Native American representative, based on the nature of the find, be consulted. As discussed on page 137 of the Draft IS-MND, implementation of this measure would ensure that tribal cultural resources are identified properly and preserved, reducing impacts regarding disrupting tribal cultural resources to a less than significant level.

## Comments from Brenda and Bob Clark, Received by email June 23, 2020

**From:** Brenda Clark <[bdclark12@gmail.com](mailto:bdclark12@gmail.com)>

**Sent:** Tuesday, June 23, 2020 1:56 PM

**To:** Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>

**Subject:** Our public comments on the Fairview DIS-MND and the Specific Plan draft document:

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### Draft Initial Study – Mitigated Negative Declaration

**Page 33, 3rd sentence in Paragraph 1 states: In the Plan Area, several properties continue to support hobby farms and non-commercial livestock operations, including barns, stables, and facilities for horses.**

1 Please strike "hobby farms" since this term was removed from the Plan document in January as it is not supported. Also, "non-commercial livestock *operations*" is problematic as it potentially keeps the door open for interpreting it to mean "I can *operate* a horse rescue, boarding, breeding, have people come and go and drop off their horses and pick them up, etc., as long as I just take cash payments so it can't be proven that it's a commercial operation". This is why the commercial horse operations in Fairview cannot be proven. We propose that this language be changed to ".....**agricultural and livestock activities**, .....". It is clearly what always has, is and should continue to be supported.

**Page 33, 4th sentence in Paragraph 1 states: There are also several active agricultural operations, including a vineyard, in the Plan Area.**

2 There are only 2 agricultural parcels in Fairview and only 1 operation (the vineyard). Not sure why "several active" is in this sentence. Are there other active agricultural operations on parcels that are not zoned "A"? Just curious!

### **Page 86**

3 Policy EH-1.7: The potential for damage, injury, or loss of life due to wildfire shall be minimized. This (change "should" to "**shall**") be accomplished through a strategy that includes vegetation management and fuel reduction, maintenance of defensible space around structures, strictly enforcing the prohibition on fireworks in Fairview, ensuring adequate water supply and pressure in developed areas, and enforcing building and design standards that reduce fire risks.

### SPECIFIC PLAN

**7-6 EH-1.7** The potential for damage, injury, or loss of life due to wildfire shall be minimized. This (change "should" to "**shall**") be accomplished through a strategy that includes vegetation management and fuel reduction, maintenance of defensible space around structures, strictly enforcing the prohibition on fireworks in Fairview, ensuring adequate water supply and pressure in developed areas, and enforcing building and design standards that reduce fire risks.

### **APPENDIX B, ANIMAL FANCIERS ORDINANCE RULES AND REGULATIONS.**

**Page B-5 and B-6** is shown as page 1 of 3 and 2 of 3 but it's not three pages. It is a two-page document. It is a horribly copied inclusion. Can it be retyped? If not, **attached** is the best copy I have, not so good but better than the one in the Appendix.

As always, thanks for the opportunity to weigh in!

Sincerely,

Brenda and Bob Clark  
Star Ridge Road

## Letter 4

**COMMENTER:** Brenda and Bob Clark

**DATE:** June 23, 2020

### Response 4.1

The commenter requests that the Draft IS-MND's description of the agricultural setting on Page 33 be revised to remove the terms "hobby farms" and "non-commercial livestock operations."

In response to this request, Page 33 of the Draft IS-MND has been revised as follows, based on the corresponding language in Chapter 4, *Agriculture*, in the proposed Specific Plan:

~~In the Plan Area, continues to support small-scale agricultural activities, including properties with horses and other livestock several properties continue to support hobby farms and non-commercial livestock operations, including barns, stables, and facilities for horses.~~

No further revisions to Draft IS-MND are required in response to this comment.

### Response 4.2

The commenter indicates that although the Draft IS-MND mentions several active agricultural operations in the Plan Area, there are only two agricultural parcels and one agricultural operation (a vineyard). The commenter asks if there are other active agricultural operations on non-agriculturally zoned parcels.

The Plan Area supports several agricultural operations, most of which are non-commercial. Agricultural activities occur not only on agriculturally zoned parcels, but also on some rural residential lots of more than one acre, as disclosed on pages 2-5 through 2-7 of the proposed Specific Plan. In addition, Page 3-4 of the proposed Specific Plan states that the Plan Area includes seven parcels with a base zone of Agriculture. Therefore, the Draft IS-MND's description of the scale of agricultural operations and parcels is accurate.

### Response 4.3

The commenter suggests that Page 86 of the Draft IS-MND be revised to mandate strategies that minimize wildfire risks, as cited in Policy EH-1.7 of the proposed Specific Plan.

Page 86 of the Draft IS-MND quotes Policy EH-1.7, which requires that developments in the Plan Area minimize the potential for damage, injury, or loss of life due to wildfire. This policy states that minimizing wildfire risks "should be accomplished through" several strategies. Per a proposed edit to the Specific Plan articulated in the Plan Addendum, the word "should" is being changed to "shall." This recognizes a mandate to minimize the wildfire risks through such measures as vegetation management and fuel reduction, maintenance of defensible space around structures, strictly enforcing the prohibition on fireworks in Fairview, ensuring adequate water supply and pressure in developed areas, and enforcing building and design standards that reduce fire risks. As discussed in the Draft IS-MND, implementation of this and other related policies in the proposed Specific Plan would result in less than significant impacts associated with wildfire risks. Therefore, no revisions to the Draft IS-MND or proposed Specific Plan are required.

Letter 5

**From:** Caabco <[caabco@aol.com](mailto:caabco@aol.com)>  
**Sent:** Monday, July 6, 2020 9:49 AM  
**To:** [albert.lopez@acgov.org](mailto:albert.lopez@acgov.org)  
**Cc:** Barry Miller <[barry@barrymiller.net](mailto:barry@barrymiller.net)>  
**Subject:** Comments on the IS-MND

Hello Albert

I submitted the comments below using the form to email you found on the Fairview Specific Plan Update page but am concerned that this is too much for the box format used, so here is a copy. Don't want you to miss a single Golden Word. 😊

Dale

First, congratulations to the Planning Department, Rincon Consultants, and Barry Miller Consulting for this wonderfully written and well researched document. Besides accomplishing its main purpose of discussing potential environmental impacts associated with the Fairview Specific Plan, it provides a wonderful primer on the FSP, focuses on the concerns that shaped it, and discusses the policies that emerged.

The format of identifying potential environmental impacts and then showing how they either don't exist in Fairview or how the FSP mitigates them is easy to read, informative, and very helpful.

Further Comments:

- 1 | 1. A copy of the Specific Plan with the 11-12 Mitigation Measures cited in the IS-MND included needs to be made available.
- 2 | 2. On Page 5 the document states "In many respects, Castro Valley's policies are more reflective of Fairview's setting than the Eden Plan, since parts of much of the community are semi-rural."  
This supports the contention by some that Fairview belongs in the Castro Valley General Plan.  
The IS-MND advances that thought on Page 11. When discussing the FSP Conservation Chapter it states that the chapter "includes policies that have been adapted from the Castro Valley General Plan where conditions similar to Fairview exist..." and later on page 22 "Visually Fairview is more akin to parts of Castro Valley...than it is to the adjacent Hayward flatlands."
- 3 | 3. I'm happy to read on Page 15 that the IS-MND acknowledges that a requirement for adequate parking is a Guiding Principle behind the FSP.
- 4 | 4. When the FSP is adopted, will the General Plan need to be amended? On Page 17 it says "The Proposed Specific Plan is intended to be adopted without required amendments to the General Plan..." But on Page 18 it states that "...actions/approvals include...Amendments to General Plan. Amend General Plan text and maps to incorporate the updated Specific Plan."  
If the General Plan and the Municipal Code do need to be amended, what is that process? Will ask at the meeting.
- 5 | 5. On the Determination page, Page 20, the lower checked box states that "...potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards." There of course hasn't been an earlier EIR, but what is the date of the earlier Negative Declaration? Are you sure there was one?

6. On Page 21 the statement is made that “Fairview consists of an expansive area of hilly terrain that extends from the Sacramento River on the north to the Diablo Range in Santa Clara County on the south.”
- It would be more accurate to say “Fairview is part of an expansive area of hilly terrain that extends from the Sacramento River on the north to the...”
7. On Page 33 please strike the reference to Hobby Farms and replace it with something more descriptive like “small farming” or “limited agricultural operations.” The term Hobby Farms was removed from the FSP.
8. On Page 44 it is stated that “Additionally, the Plan Area is surrounded by open space areas including the East Bay Hills, located to the west, and the Green Belt Park to the South.” The East Bay Hills are east of Fairview. The City of Hayward is west.
9. On Page 86 the FSP Policy -1.7 is quoted to read “The potential for damage, injury, or loss of life due to wildfire shall be minimized. This should (please change to shall) be accomplished through a strategy of...” We will seek to change that “should” to “shall” in the FSP, a change that if accomplished should be reflected in the citation on this page.
10. On Page 88—Sulphur Creek is not mentioned as one of the named creeks flowing through the Plan Area. The text mentions only two creeks, omitting Sulphur Creek. There are three named creeks.
11. It is worrisome but illuminating to read on Page 114 of the IS-MND that the FSP fails to “...specify actions to reduce construction noise or provide performance standards for implementation”. Our policy has no teeth it says.
- Thus, says the IS-MND, the Specific Plan would have a potentially significant impact on the environment by not addressing construction noise in a meaningful way. The IS-MND addresses this failing with its Mitigation Measure N-1 Construction Noise Reduction Measures on Page 115 which is to be written into the FSP.
12. The IS-MND predicts on page 125 that by 2040 we may be expected to drop below our current level of 5 acres of parkland per 1000 people. (Is it true that 5 acres per 1000 people is the barely acceptable minimum by some standards?).
- This should raise a red flag because of Fairview’s lack of potential park space to add to the total, and because future residential development will be so small that we cannot demand dedicated land for parks as part of the approval.
13. On Page 130 sidewalks are discussed. In keeping with the semi-rural atmosphere in much of Fairview, I hope that future sidewalks are sand or gravel so as to seem more semi-rural and be more suitable for equestrians. The IS-MND would seem to agree with me when it says on Page 25 “The lack of curbs, gutters, and sidewalks on some roads add to a semi-rural character.”
- D St., Maud, and East Ave. all now have nice cement sidewalks. For my part I hope the rest of Fairview is spared all that. Sand or gravel sidewalks work just fine.
14. The chart at the start of the section entitled Tribal Cultural Resources on page 135 cites two items as “Less Than Significant with Mitigation Incorporated” meaning that the Is-MND will prescribe the mitigation to be incorporated for both items. There appears to be shown a Mitigation Measure for only one item, however.

Also the text of the Mitigation Measure addressing this, TCR-1 on Page 135, references a Mitigation Measure CR-2. In the section Cultural Resources there is a CR-1 shown but not a CR-2. Pages 51-53.

15. The document states on page 136 that “While there are no known Native American sites in Fairview...” I wish to report that there are several remarkable Native American acorn grinding pestles in bedrock along a creek in the unnamed wooded canyon between Amyx Ct. and Star Ridge Rd. in Fairview. Apparently it was a gathering place for grinding food. I don’t expect that the Is-MND would mention this. Just saying that it is there.

Thank you for the opportunity to comment!

## Letter 5

**COMMENTER:** Dale Silva

**DATE:** July 6, 2020

### Response 5.1

The commenter states that the lead agency needs to provide a copy of the Specific Plan that includes mitigation measures cited in the IS-MND.

The comment relates to the Specific Plan rather than the IS-MND. However, a revised version of the Specific Plan that includes the mitigation measures will be provided to the Board of Supervisors prior to adoption of the Plan. Additional edits made by the Fairview Municipal Advisory Council and the Alameda County Planning Commission would also be included in that document.

### Response 5.2

The commenter asserts that language in the Draft IS-MND is supportive of the idea that Fairview should be part of the Castro Valley General Plan.

As stated by the commenter, the Draft IS-MND notes instances in which the Plan Area's setting is more similar to the Castro Valley than to other surrounding areas. The proposed Specific Plan also acknowledges on Page 1-7 that it has incorporated appropriate Castro Valley General Plan policies, with modifications to reflect Fairview's unique context. As recommended by the commenter, Chapter 9, *Implementation*, of the proposed Specific Plan suggests that when the County conducts a required review of the Specific Plan within two years of its implementation, it consider a formal transfer of Fairview from the Eden General Plan Area to the Castro Valley General Plan Area. No revisions to the Draft IS-MND are required in response to this comment.

### Response 5.3

The commenter expresses support for the proposed Specific Plan's inclusion of adequate parking as a guiding principle.

This comment about the Specific Plan does not question or challenge the Draft IS-MND's environmental analysis but will be forwarded to County decision-makers for their consideration.

### Response 5.4

The commenter asks if adoption of the proposed Specific Plan will require a General Plan Amendment.

Adoption of the proposed Specific Plan would not involve a General Plan Amendment. However, as discussed in Response 5.2, Chapter 9, *Implementation*, of the proposed Specific Plan suggests a future action that the County consider a formal transfer of Fairview from the Eden General Plan Area to the Castro Valley General Plan Area. A transfer to the Castro Valley General Plan Area, while not part of the proposed Specific Plan, would require a General Plan Amendment.

### Response 5.5

The commenter notes that a checked box in the Determination section of the Draft IS-MND states that "all potential significant effects (a) have been analyzed adequately in an earlier EIR or

NEGATIVE DECLARATION.” The commenter asks if the Draft IS-MND relies on the findings of an earlier Negative Declaration.

The Draft IS-MND is a standalone CEQA document and does not tier off of, or depend on, the analysis or findings of an earlier Negative Declaration. In response to this comment, Page 20 of the Draft IS-MND has been corrected as follows to un-check the corresponding box:

- I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

No further revisions to the Draft IS-MND are required in response to this comment.

### Response 5.6

The commenter suggests a minor revision to the Draft IS-MND’s description of the regional visual setting. In response to this comment, Page 21 of the Draft IS-MND has been revised as follows:

Fairview is part ~~consists~~ of an expansive area of hilly terrain that extends from the Sacramento River on the north to the Diablo Range in Santa Clara County on the south.

### Response 5.7

The commenter requests that Page 33 of the Draft IS-MND be revised to remove a reference to hobby farms.

Please refer to Response 4.1. As discussed therein, Page 33 has been revised to remove the reference to hobby farms.

### Response 5.8

The commenter suggests a correction to the biological resources setting on Page 44 of the Draft IS-MND. In response to this comment, Page 44 has been revised as follows:

Additionally, the Plan Area is surrounded by open space areas including the East Bay Hills, located to the east ~~west~~, and Green Belt Park to the south.

### Response 5.9

The commenter expresses an opinion that Policy EH-1.7 in the proposed Specific Plan be revised to mandate the use of specific strategies to reduce wildfire risks.

Please refer to Response 4.3 for a discussion of this issue. The word “should” in Policy EH-1.7 has been changed to “shall,” indicating that wildfire prevention measures will be required.

### Response 5.10

The commenter states that Page 88 of the Draft IS-MND does not mention Sulphur Creek which flows through the Plan Area.

In response to this comment, Page 88 has been revised as follows to describe all named creeks that flow through the Plan Area, based on the Creek & Watershed Map of Western Alameda County provided by the Alameda County Flood Control & Water Conservation District:

As shown in Figure 12, the Plan Area is primarily in the watershed of San Lorenzo Creek and its tributaries, and to a lesser extent in the watersheds of Crow Creek and Palomares Creek. ThreeTwo named streams flow through the Plan Area; San Lorenzo Creek, Sulphur Creek, and Ward Creek (Figure 12). San Lorenzo Creek flows through the northern portion of the Plan Area, Sulphur Creek runs through the west-central portion of the Plan Area, and Ward Creek runs just inside the southern boundary of the Plan Area (Alameda Flood Control & Water Conservation District [ACFCWCD] 2020).

These changes do not change the analysis or conclusions in the IS-MND and impacts related to hydrology and water quality would remain less than significant. No further revisions to the Draft IS-MND are required in response to this comment.

### Response 5.11

The commenter indicates that Mitigation Measure N-1 in the Draft IS-MND fixes an inadequacy in the proposed Specific Plan by requiring measures to reduce construction noise.

This comment does not conflict with the Draft IS-MND's analysis of noise impacts. As discussed on Page 114 of the Draft IS-MND, Policy EH-4.5 of the proposed Specific Plan does not specify actions to reduce construction noise or provide performance standards for implementation, so it is uncertain how effective the policy would be in practice. However, implementation of Mitigation Measure N-1 would substantially reduce the exposure of sensitive receptors to construction noise, resulting in a less than significant impact from temporary or permanent increases in noise with mitigation incorporated. Mitigation Measure N-1 will appear in the final adopted version of the Specific Plan.

### Response 5.12

The commenter states that implementation of the proposed Specific Plan would reduce the ratio of parkland acreage to population to below the standard of 5 acres per 1,000 residents.

As discussed on Pages 125 of the Draft IS-MND, new residents under the Specific Plan would reduce the parkland ratio to 4.6 acres per 1,000 residents excluding regional parkland, and to an estimated 13.0 acres per 1,000 residents with regional parkland included. It is appropriate to include regional parkland in this calculation because the Plan Area includes Don Castro Regional Park, which is managed by East Bay Regional Park District (EBRPD). Because of its proximity, this regional park is accessible to local residents and offsets the deficiency in park acreage to some extent. The deficiency is further offset by the County's practice of collecting park impact fees (or requiring parkland dedication) for new residential development; the fees (or dedication requirements) are intended to acquire and improve land, thereby reducing future deficiencies.

The commenter also asks if 5 acres of parkland per 1,000 residents is acceptable. As discussed on Page 124 of the Draft IS-MND, this ratio is the service standard of the Hayward Area Recreation District (HARD), the local agency that manages parkland. Although HARD has also established 9 acres per 1,000 residents as the ideal ratio, it considers the basic service standard to be an acceptable parkland ratio.

### Response 5.13

The commenter suggests that future sidewalks consist of sand or gravel to maintain the Plan Area's semi-rural character and support equestrian use.

The County's Engineering Design Guidelines for sidewalks stipulate that "a standard sidewalk is constructed of Portland cement concrete," except that other materials approved in the County's Project Roadway Design, Streetscape Project Report, or Streetscape Master Plan may be used provided that they remain accessible to persons with disabilities. Although sand and gravel are atypical materials for sidewalks in the County, the commenter's opinion will be forwarded to County decision-makers for their consideration during implementation of the proposed Specific Plan.

### Response 5.14

The commenter notes that Page 135 of the Draft IS-MND indicates that the two checklist items for Tribal Cultural Resources require mitigation. The commenter states that the Draft IS-MND appears to include mitigate for only one of these items.

As shown on Page 136, the Draft IS-MND provides a combined analysis of both checklist items for Tribal Cultural Resources. Therefore, Mitigation Measure TCR-1 applies to both items. No further mitigation is required for this issue.

The commenter also identifies an erroneous cross-reference to another mitigation measure as part of Mitigation Measure TCR-1. In response to this comment, pages 136 to 137 of the document have been revised as follows:

#### *TCR-1 Unanticipated Discovery of Tribal Cultural Resources*

The following development standard shall be added to the proposed Specific Plan:

*Tribal Cultural Resources Protection.* For new development that involves grading or excavation below the previous level of disturbance, in the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource in accordance with Mitigation Measure CR-~~12~~ and an appropriate Native American representative, based on the nature of the find, is consulted. If, in consultation with local Native Americans, it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist, if applicable, and the appropriate Native American tribal representative.

No further revisions to the Draft IS-MND are required in response to this comment.

### Response 5.15

The commenter states that several Native American grinding pestles occur in the bedrock along a creek in the canyon between Amyx Court and Star Ridge Road in the Plan Area.

Alameda County  
Fairview Specific Plan Update

In response to this comment, Page 136 of the Draft IS-MND has been revised as follows to clarify that known settlement sites have not been identified in Fairview, even though Native American resources have been discovered:

While there are no known Native American settlement sites in Fairview, resources have been discovered in the vicinity on ridges, terraces, and near water courses such as San Lorenzo, Cull, and Crow Creeks.

No further revisions to the Draft IS-MND are required in response to this comment.

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Chris Higgins 23964 Madeiros Ave  
Hayward, CA 94541

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## Memorandum

To: Albert Lopez  
From: Chris Higgins  
CC: Barry Miller, FMAC Members, Tona Henninger  
Subject: Fairview Specific Plan IS Hydrology comments

Fairview Specific Plan Initial Study and Mitigated Negative  
Declaration

### Hydrology:

1 | **WaterSheds** Identification of creeks and watersheds in the report  
fails to address the smaller headwaters watersheds and the work the  
county has done to move water between these smaller watersheds.  
The document should address this. The following named creeks and  
their attendant watershed are in the plan area

- San Lorenzo Creek
- Sulfur Creek North Fork
- Sulfur Creek Middle Fork
- Sulfur Creek South Fork
- Ward Creek
- Old Alameda Creek
- Unnamed Creek drains between D and Kelly/B

1,  
cont.

↑ The source for this is the Creek and Watershed Map of Western Alameda County published by the Oakland Museum  
[www.museumca.org/creeks](http://www.museumca.org/creeks)

2

The county has permitted moving water between watersheds. Field observations indicate this has caused local flooding conditions where these creeks flow through private property. Drainage from almost 100 acres is being diverted or pumped into the North Fork of Sulfur Creek. Drainage from 9 acres that formerly flowed into San Lorenzo Creek via the Don Castro Flood Control Reservoir are now pumped over a hill into the North Fork of San Lorenzo Creek as part of the Jelincic development. Drainage from an additional 80 acres along Fairview Avenue that formerly drained into the Middle Fork of Sulfur Creek are captured by storm drains and diverted into the North Fork of Sulfur Creek.

In addition to the impact noted above people in the community observe the impact of development on the un-named creek between D Street and Kelley Street. The recent development of Ashwin Court resulted in homes being built on wetlands that hosted annual vernal pools. Satellite views of this corridor show how piecemeal development of this corridor has filled in vernal pools, intermittent and ephemeral streams demonstrating the need for area wide planning not just a project by project analysis

3

I was hoping the EIR would address this and what I suspect are other diversions. This is important as we develop property around the headwaters of these creeks. The county has historically ignored these impacts to the detriment of down stream property owners. Specific Plans and General Plans provide a forum for making policy decisions related to hydrology for the community as a whole. The present method of a case by case basis reduces individual

↓

3,  
cont.

development projects to statements that the individual projects do not have material impacts while ignoring a large cumulative impact. This forces down stream property owners to spend money on mitigation thus subsidizing the developers. This is not fair and is simply bad public policy

4

**Water Quality** The report states “*Water quality also may be impacted by runoff from horse pastures, livestock grazing, and other agricultural activities that occur in semi-rural areas such as Fairview.*” (p91). Yet Boarding stables domiciled on Fairview Avenue routinely dispose of manure in the middle fork of Sulfur Creek. Note that this creek runs through residential properties and children routinely explore the creek. The properties hosting these boarding stables are periodically cited for code violations but the county seems to lack the will to enforce these citations. Some have remained open in excess of 10 years Note these boarding stables are located on land zoned as R1.

5

**Drainage:** The report fails to note that the North Fork of Sulfur creek routinely floods private property while also washing over private roads during periods of high flow. It should be noted that these events did not occur before the county permitted pumping water between watersheds and diverting water between watersheds.

## Letter 6

**COMMENTER:** Chris Higgins

**DATE:** July 8, 2020

### Response 6.1

The commenter indicates that the Draft IS-MND fails to identify all streams in the Plan Area.

Please refer to Response 5.10 for revisions to the Draft IS-MND that list all named streams shown in the Creek & Watershed Map of Western Alameda County, provided by the Alameda Flood Control & Watershed Protection District. These will appear in the Final IS-MND and the Final Specific Plan.

### Response 6.2

The commenter states that the County has permitted the diversion or pumping of water between watersheds in the Plan Area and that field observations indicate this has resulted in local flooding where creeks flow through private property.

In accordance with CEQA, the Draft IS-MND examines potential for physical environmental impacts related to implementation of the proposed Specific Plan update in relation to existing conditions, rather than impacts related to past development. As described in the Draft IS-MND, overall, the addition of proposed Specific Plan policies and actions to current regulations related to flooding, hydrology, and water quality would result in future projects in the Plan Area doing a better job of managing runoff and avoiding flooding. Therefore, overall, impacts associated with Plan implementation were found to be less than significant. This finding does not relieve future projects of requirements to evaluate hydrology impacts and undertake site-specific mitigation measures. Moreover, the Specific Plan identifies completion of a Hydrology Study for Fairview as a top priority implementation item, acknowledging that additional study of drainage issues will take place and further guidance may be provided.

The Draft IS-MND provides a discussion of existing flood hazards based on the best available scientific data for the Plan Area: 100-year flood hazard zones mapped by the Federal Emergency Management Agency (FEMA). As discussed on pages 92 and 93 of the Draft IS-MND, the areas immediately adjacent to San Lorenzo Creek are at risk of inundation under 100-year flood events.

With respect to the proposed Specific Plan's effects on flooding, pages 99 and 100 of the Draft IS-MND state that future residential development in the Plan Area would be subject to Development Standard 8.4.7 (Drainage and Flood Control) in the Specific Plan. This would require that the adequacy of downstream drainage facilities be confirmed prior to approval of new developments. In addition, new development would be required to comply with runoff reduction measures provided by the Alameda County Watercourse Protection Ordinance to decrease on- or off-site flood hazards. As shown in Table 4 of the Draft IS-MND, the proposed Specific Plan would expand this ordinance's setback requirement from 20 to 50 feet from the top of a creek's bank if a parcel is being subdivided. This expanded setback would increase the required buffer between streams and new development. Therefore, the Draft IS-MND finds that implementation of the proposed Specific Plan would not substantially alter drainage in a manner that would result in flooding or impede/redirect flood flows.

The commenter also states that recent residential development in the Plan Area has filled in vernal pools and intermittent and ephemeral streams. As discussed on Page 48 of the Draft IS-MND, Policy

CO-2.1 in the proposed Specific Plan would require that development in the Plan Area result in no net loss of riparian and seasonal wetlands (including vernal pools) and comply with all State and federal wetlands protection regulations. With implementation of this policy, future development in the Plan Area would be required to preserve seasonal wetlands or compensate for the loss of such wetlands to result in no net loss. Therefore, the Draft IS-MND finds that the proposed Specific Plan would have a less than significant impact on protected wetlands.

### **Response 6.3**

The commenter indicates that new developments around the headwaters of streams have historically had a cumulative adverse effect on downstream property owners.

As discussed in Response 6.2, new development under the proposed Specific Plan would be required to comply with the Alameda County Watercourse Protection Ordinance, including runoff reduction measures to decrease off-site flood hazards. Therefore, the Draft IS-MND finds that implementation of the proposed Specific Plan would not substantially alter drainage in a manner that would result in flooding or impede/redirect flood flows.

### **Response 6.4**

The commenter indicates that boarding stables on Fairview Avenue routinely dispose of manure in Sulphur Creek, yet the County has not adequately enforced code violations relating to water quality.

This comment about the adverse effects of manure does not conflict with information presented in the Draft IS-MND about existing water quality in the Plan Area. Page 92 of the Draft IS-MND acknowledges that runoff from horse pastures and other agricultural activity may have an adverse effect on water quality. Chapter 4, *Agriculture*, of the proposed Specific Plan incorporates by reference the County's Animal Keeping Standards, adopted in 2011, which provides standards tailored to the conditions in Fairview. The Animal Keeping Standards include performance standards for manure removal. Properties in the Plan Area would be required to comply with these standards for proper removal of manure to avoid offsite nuisance conditions. Although it is the County's responsibility to fully enforce the Animal Keeping Standards, implementation of the proposed Specific Plan would reinforce existing requirements to properly dispose of horse manure. The proposed Specific Plan also would not allow for expanded agricultural use that could lead to increased manure disposal in streams. Therefore, it would not contribute to water quality violations related to manure disposal.

### **Response 6.5**

The commenter states that the Draft IS-MND does not address existing flooding of private property and private roads along the North Fork of Sulphur Creek.

Please refer to Response 6.2 for a discussion of the Draft IS-MND's approach to evaluating flooding conditions in the Plan Area, using 100-year flood zones mapped by FEMA. Further consideration of flooding issues may be provided through the Hydrology Study identified in the Specific Plan.

## 2.2 Verbal Comments and Responses

Verbal comments received at the public hearing (Fairview Municipal Advisory Council, July 7, 2020) from the public are summarized below. The verbal comments were similar to those identified in the written letters that are responded to in Chapter 2 of this document.

- *A Council member raised concerns about hydrology, waterways in the Plan Area, and flooding. The Council member also submitted a written comment letter (comment letter #6).*

Please see the Responses to Letter 6 which respond to the issues raised by verbal comments.

- *A Council member raised concerns about mistakes in the Notice of Completion (NOC), including the incorrect zip code and the omission of San Lorenzo Creek from the list of waterways on the form.*

The zip code error was corrected on the NOC and the State Clearinghouse issued a correction and notified reviewing State agencies that a corrected form had been provided. Although San Lorenzo Creek was omitted as a waterway, other waterways were listed and the NOC, Notice of Intent to Adopt an IS-MND, and the Draft IS-MND were circulated to several State agencies, including the State Water Board and Regional Water Quality Control Board who were offered the opportunity to comment on the Draft IS-MND. No comments from these agencies were received.

- *A Council member pointed out that the Agriculture section of the Draft IS-MND (page 32 of the document) includes a section heading on Animal Fanciers Permits, with a short description beneath it. The description states that a more detailed discussion of the Animal Fancier Permits is contained in the Land Use section of the IS-MND. However, there are no references to Animal Fancier Permits in the Land Use section of the IS-MND.*

Page 32 of the Draft IS-MND included an unclear reference. The reference should be to the proposed Specific Plan itself. In response to this comment, the last sentence of the text on Animal Fanciers Permits on page 32, which reads “The regulations are discussed in the Land Use section of this report” has been corrected to state: “The regulations are included as an appendix to the Specific Plan.”

### 3 Revisions to the Draft IS-MND

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Chapter 3 presents specific changes to the text of the Draft IS-MND that are being made in response to comments received or to make clarifications or corrections. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft IS-MND. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft IS-MND. None of the revisions change the analysis or conclusions in the Draft IS-MND.

Page 18 of the Draft IS-MND under “Required Approvals” has been revised as follows:

This IS-MND is intended to provide the information and environmental analysis necessary to assist the County in considering all the approvals and actions necessary to adopt and implement the Fairview Specific Plan Update. To summarize previous discussions in this chapter, such actions/approvals may include:

- **Adoption of the IS-MND.** Certify the Fairview Specific Plan Update IS-MND and make environmental findings pursuant to CEQA.
- **Adoption of the Updated Fairview Specific Plan.**
- **Amendments to General Plan.** Amend General Plan text and maps to incorporate the updated Specific Plan.
- **Amendments to the Alameda County Municipal Code.** Amend Municipal Code text and zoning map to incorporate the Specific Plan.

Page 18 of the Draft IS-MND under “Other Public Agencies Whose Approval is Required” has been revised as follows:

In addition to County agencies, agencies potentially impacted by the Specific Plan include the Fairview Fire Protection District, the City of Hayward, the Hayward Unified School District, the East Bay Regional Park District, East Bay Municipal Utility District, Oro Loma Sanitary District, Caltrans, Hayward Area Recreation District, AC Transit, the Alameda County Library System, and the Alameda County Transportation Commission, among others.

Page 20 of the Draft IS-MND has been revised as follows (checkmark deleted):

- I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Page 21 of the Draft IS-MND has been revised as follows:

Fairview is part ~~consists~~ of an expansive area of hilly terrain that extends from the Sacramento River on the north to the Diablo Range in Santa Clara County on the south.

Page 32 of the Draft IS-MND has been revised as follows:

#### **ANIMAL FANCIER PERMIT REGULATIONS**

Alameda County has adopted special regulations for the keeping of animals in Fairview. These regulations supersede those that apply in the County as a whole and were drafted to reflect Fairview's unique combination of suburban residential and small-scale agricultural uses. The regulations are ~~discussed in the Land Use section of this report~~ included as an appendix to the proposed Specific Plan.

Page 33 of the Draft IS-MND has been revised as follows:

~~In the Plan Area, continues to support small-scale agricultural activities, including properties with horses and other livestock several properties continue to support hobby farms and non-commercial livestock operations, including barns, stables, and facilities for horses.~~

Page 44 of the Draft IS-MND has been revised as follows:

#### **Biological Resources Setting**

**A comprehensive listing of special status animal and plant species in the Fairview Area is included in Appendix B of this document. Appendix B should be consulted for additional information supporting the findings of this section.**

Page 44 of the Draft IS-MND has been revised as follows:

Additionally, the Plan Area is surrounded by open space areas including the East Bay Hills, located to the ~~eastwest~~, and Green Belt Park to the south.

Page 47 of the Draft IS-MND has been revised to add a footnote:

Furthermore, there is no designated critical habitat in the Plan Area.<sup>1</sup>

<sup>1</sup>The determinations made here are based on data provided by the California Department of Fish and Wildlife in 2019. Anecdotally, Fairview residents have reported the presence of a number of special status species in the community. Policies, standards, and mitigation measures in this Plan require biological resource studies as appropriate to determine the presence of such species on individual development sites.

Page 80 of the Draft IS-MND has been revised as follows:

#### *GHG-2 Greenhouse Gas Reduction Plan for Operational Emissions*

The following development standard shall be added to the proposed Specific Plan:

*Greenhouse Gas Emissions.* New development in the Plan Area shall be screened for potential to exceed applicable project-specific GHG thresholds based on BAAQMD screening criteria. If projects are determined to exceed thresholds, the development shall include GHG reduction measures which may include ~~ing~~ but are not limited to: installation of solar photovoltaic energy systems, installation of energy-efficient lighting and all-electric appliances, tree planting, ~~or~~ purchase of carbon offsets, the use of

electrically powered landscape equipment, the use of 100 percent renewable energy, or avoiding the use of natural gas.

Page 88 of the Draft IS-MND has been revised as follows:

As shown in Figure 12, the Plan Area is primarily in the watershed of San Lorenzo Creek and its tributaries, and to a lesser extent in the watersheds of Crow Creek and Palomares Creek. Three~~Two~~ named streams flow through the Plan Area; San Lorenzo Creek, Sulphur Creek, and Ward Creek (Figure 12). San Lorenzo Creek flows through the northern portion of the Plan Area, Sulphur Creek runs through the west-central portion of the Plan Area, and Ward Creek runs just inside the southern boundary of the Plan Area (Alameda Flood Control & Water Conservation District [ACFCWCD] 2020).

Page 98 of the Draft IS-MND has been revised as follows:

Potable water for the future residences would primarily be provided by the East Bay Municipal Utilities District (EBMUD), which does not rely on groundwater for provision of potable water (see Table 23 in Section 19, Utilities and Service Systems). In addition, the City of Hayward would provide potable water for future residences in about 10 percent of parcels in the Plan Area. Hayward receives its water from the Hetch Hetchy system, owned and operated by the San Francisco Public Utilities Commission (SFPUC). Hayward does not currently, nor does it plan to, use groundwater to meet the City’s water demand (City of Hayward 2016).

Page 130 of the Draft IS-MND has been revised as follows:

**Table 1 Intersection Level of Service Summary**

<b>Intersection</b>	<b>Control</b>	<b>Existing A.M. LOS</b>	<b>Future Year A.M. LOS</b>	<b>Existing P.M. LOS</b>	<b>Future Year P.M. LOS</b>
B Street/Center Street/Kelly Street <sup>1</sup>	Signalized	C (28.5)	D (40.0)	C (23.3)	C (28.3)
Kelly Street/Maud Avenue <sup>1</sup>	Signalized	C (22.4)	C (31.2)	B (10.5)	B (11.4)
Hansen Road/Fairview Avenue <sup>1</sup>	Roundabout	A (6.0)	A (6.5)	A (5.8)	A (6.5)
D Street/Maud Avenue <sup>1</sup>	All-way Stop Control	B (13.9)	B (22.6)	B (12.6)	B (18.0)
Center Street/Grove Way <sup>2</sup>	Signalized	D (48.0)	D (49.3)	D (51.7)	E (58.8)

<sup>1</sup> Future year is 2027.

<sup>2</sup> Future year is 2025.

Existing AM and PM peak L.O.S. data reflects conditions prior to the COVID-19 pandemic

Source: Barry Miller 2017

Page 132 of the Draft IS-MND has been revised as follows as the project has already been completed and it has been removed from Policy T-2.4:

Policy T-2.4 in the Specific Plan identifies several priority areas for installing or improving sidewalks, consistent with the Alameda County BPMP. These include, but are not limited to,

areas near schools and parks, and areas with a high level of pedestrian collisions. The Specific Plan proposes the following specific pedestrian improvements:

- ~~Completion of Safe Routes to School improvements at East Avenue Elementary School.~~
- Crosswalks and pedestrian safety improvements in the vicinity of Sulfur Creek Nature Center and San Felipe Park.
- Pedestrian pathway improvements (sidewalk or gravel path) along Fairview Avenue adjacent to Lone Tree Cemetery and between the Cemetery and the Five Canyons roundabout.
- Sidewalk construction along East Avenue from the Hayward city limits to East Avenue Park, to close gaps and create a continuous sidewalk.
- Sidewalk construction along D Street from the Hayward city limits to Fairview Avenue, to close gaps and create a continuous sidewalk.

Page 136 of the Draft IS-MND has been revised as follows:

While there are no known Native American settlement sites in Fairview, resources have been discovered in the vicinity on ridges, terraces, and near water courses such as San Lorenzo, Cull, and Crow Creeks.

Pages 136 to 137 of the document have been revised as follows:

*TCR-1 Unanticipated Discovery of Tribal Cultural Resources*

The following development standard shall be added to the proposed Specific Plan:

*Tribal Cultural Resources Protection.* For new development that involves grading or excavation below the previous level of disturbance, in the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource in accordance with Mitigation Measure CR-~~12~~ and an appropriate Native American representative, based on the nature of the find, is consulted. If, in consultation with local Native Americans, it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist, if applicable, and the appropriate Native American tribal representative.

Page 155 of the Draft IS-MND has been revised as follows:

Alameda Flood Control & Water Conservation District (ACFCWCD). 2020. Creek & Watershed Map of Western Alameda County. Prepared by Fugro Consultants, Inc. 2014. <https://acffloodcontrol.org/the-work-we-do/resources/#explore-watersheds> (accessed July 2020).

Hatfield, R., Jepsen, S., Thorp, R., Richardson, L. and Colla, S. 2015a. *Bombus crotchii*. The IUCN Red List of Threatened Species 2015: e.T44937582A46440211. <http://dx.doi.org/10.2305/IUCN.UK.2015-2.RLTS.T44937582A46440211.en>.

Hayward, City of. 2016. Urban Water Management Plan. <https://www.hayward-ca.gov/sites/default/files/documents/City%20of%20Hayward%20Final%202015%20UWMP.pdf> (accessed July 2020).