



Alameda County

Fairview Specific Plan

County of Alameda

FAIRVIEW SPECIFIC PLAN

Adopted by the Alameda County Board of Supervisors

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Chapter 1

Introduction



1.1 PURPOSE

The purpose of the Fairview Specific Plan is to guide growth and development in the unincorporated community of Fairview in Alameda County. The Specific Plan is consistent with—and helps to implement—the Alameda County General Plan. It applies the broad direction provided by the countywide plan at a finer level of detail, reflecting Fairview’s unique history, natural features, land uses, and growth issues. The Plan provides land use, circulation, environmental, safety, infrastructure, and implementation policies for the Fairview area. It provides specific development standards to protect Fairview’s environment and distinctive character.

Fairview is a unique and special place. Despite its location near the geographic center of the Bay Area, it remains a community with strong connections to its agricultural past. Fairview provides a mix of suburban and rural residential neighborhoods set against a backdrop of scenic open spaces and hillsides. It is easily accessible to the region’s transportation system and services but retains relatively low traffic volumes and few commercial uses. Cherished institutions such as parks, elementary schools, and the Fairview Fire Protection District add to the sense of community and identity.

The qualities that make Fairview special are also vulnerable to the effects of growth. Population and employment in the Bay Area have increased dramatically over the last 40 years, increasing development pressure and creating concerns about traffic, community services, and environmental quality. New homes and subdivisions have changed Fairview’s visual character and created conflicts between agricultural and residential activities. Development has also raised concerns about public safety, flooding, and wildfire risks.

At the same time, there is recognition that some level of growth is appropriate to meet housing needs and support continued investment in the community. The key is to achieve a balance between growth and conservation that respects and preserves Fairview’s quality of life. While countywide policies and zoning regulations address these concerns on a general level, they do not always reflect the unique history and geography of the individual communities that comprise Alameda County. This Specific Plan fulfills that purpose.



1.2 BACKGROUND

1.2.1 Evolution of the Plan

The need for a Fairview Specific Plan was first raised in 1977, when several large-scale developments were proposed in the area. Residents requested a moratorium on development until the cumulative effects of multiple projects could be studied. While the moratorium was not approved, a study of the area was completed by Alameda County. That provided the basis for the first Fairview Specific Plan, a 12-page document which was adopted on December 23, 1980.

In the mid-1990s, the Fairview Community Club (a local association) requested that the Alameda County Planning Department update the 1980 Plan. A citizens committee was formed to guide the process. Public meetings were convened to consider changes to the Plan in response to local issues and concerns. The Board of Supervisors amended the Plan in 1997.

By 2014, development-related issues again prompted a request to update the Specific Plan. A Steering Committee was convened and met a number of times in 2015 and 2016. In early 2017, the County retained a consulting team to complete the Plan update. Additional Steering Committee meetings were held in 2017 and 2018 and a Draft Plan was completed in March 2019. The newly created Fairview Municipal Advisory Council (MAC) convened study sessions on the Plan throughout 2019 and 2020, soliciting further public input.

The Fairview Specific Plan was presented to the Alameda County Planning Commission in September 2020. Revisions were made in response to the public and Planning Commissioners and additional hearings were held in December 2020 and February 2021. On February 16, 2021, the Commission recommended

adoption of the Plan by the County Board of Supervisors. The Plan was adopted by the Alameda County Board of Supervisors on June 3, 2021.

1.2.2 Authority

(a) General Authority

According to State law, a specific plan may be administered as the zoning regulations for the area it covers. Policies and regulations developed by the Fairview Specific Plan take precedent over and replace provisions of the Alameda County Zoning Ordinance for the Plan Area. Where the Specific Plan is silent, provisions of the County Zoning Ordinance will apply. Enforcement of the provisions of this Plan shall be done in the same manner as enforcement of the provisions of the Zoning Ordinance, and violation of the provisions of this Plan shall constitute a violation of the Zoning Ordinance.

The Fairview Specific Plan includes a combination of goals, policies and development standards. The goals are broad statements that express the values of Fairview residents and the collective vision for the community's future. The policies are statements of intent that guide day to day decisions. Policies using terms such as "shall" and "must" (or verbs such as "Require") should be literally interpreted and indicate a mandate. Policies using terms such as "should" or "may" (or verbs such as "Encourage") should be flexibly interpreted. Such policies are advisory and recognize that decisions must balance multiple factors.

The development standards that appear in the Plan are specific criteria that must be met unless otherwise specified in the text or impacted by the requirements of SB 330, described below. These address attributes of construction, such as building height, lot size, and road width. Unless otherwise indicated, standards must be followed as prescribed in order to successfully achieve the intent of the Specific Plan.

(b) Impacts of SB 330 on Specific Plan Authority

In October 2019, the California legislature adopted Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019. Provisions of SB 330 apply to this Specific Plan and remain effective until the SB 330 sunset date of January 1, 2025, or longer if the provisions are extended.

Among the requirements of SB 330 are:

- (1) Local governments must complete their review and approval for housing developments within certain time periods;
- (2) Local agencies may not apply new standards, policies, and laws to a development after a project sponsor submits a preliminary application; and
- (3) Local governments are limited from enacting policies, standards, and conditions that would limit housing development.

SB 330 states that residential parcels may not be downzoned and that Specific Plan designations may not be changed to a less intensive use. Exceptions are permitted if changes in land use designations or zoning elsewhere in the jurisdiction ensure no net loss in residential capacity.

The legislation specifically references reductions in heights, density, or floor area ratio. Thus, provisions of this Specific Plan that apply to floor area ratio (Section 3.4.7) are only enforceable to the extent they are found consistent with SB 330 (e.g., they do not limit housing development). Provisions related to height, density, and open space are generally unchanged from the regulations in effect at the time this revised Specific Plan was adopted. Revisions related to lot coverage are minor and consistent with those currently in effect. Parking standards proposed in the initial Draft of the Specific Plan have been revised to reflect SB 330 requirements.

Requirements related to street design standards, allowable lot size, and the elimination of steep slopes and environmentally sensitive areas from calculations of developable area, may only be enforced to the extent they do not reduce development capacity below what was permitted prior to the effective date of this Plan. At the same time, compliance with SB 330 should not compromise the health, safety, and welfare of Fairview residents. Creative approaches to development that meet the intent of SB 330 while also preserving environmental quality, reducing exposure to natural hazards, and creating equitable outcomes for Fairview residents are encouraged.

1.2.3 Location of Planning Area

This Plan covers the unincorporated community of Fairview, as shown on the map in Figures 1-1 and 1-2. Fairview is located 17 miles southeast of Downtown Oakland and 30 miles north of Downtown San Jose, in the north-central part of Alameda County. It is north and east of Hayward, south of Castro Valley, and west of Palomares Canyon. The Planning Area encompasses approximately 1,800 acres (2.8 square miles). Almost all of this area is within the Alameda County Measure D Urban Growth Boundary adopted by voters in 2000.

At one time, the Fairview Specific Plan was coterminous with the boundaries of the Fairview Fire Protection District and included a larger area. The Five Canyons neighborhood, including nearly 1,000 homes, was removed from the Plan Area following its development as a 600-acre master planned community in the late 1990s.



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 Plan Area Boundary



Map 1-1 Regional Location

Figure 1-1

Regional Location



Figure 1-2

Fairview Planning Area Boundary

1.3 RELATIONSHIP TO OTHER PLANS

1.3.1 Alameda County General Plan

Every city and county in California is required to adopt a General Plan guiding its long-term physical and economic growth. The Alameda County General Plan is comprised of several different documents, including countywide elements addressing housing, conservation, open space, noise, recreation, safety, scenic routes, and climate action. These documents generally govern the unincorporated portions of the County only, as the incorporated areas are covered by municipal General Plans for the County’s 14 cities. Three “area plans” have been developed to address land use and transportation issues. These cover Castro Valley, Eden Township, and East County (the unincorporated areas around Dublin, Pleasanton, and Livermore).

1.3.2 Eden Area General Plan

The Eden Area General Plan serves as the County General Plan for unincorporated Eden Township, an area that includes Ashland, Cherryland, Hayward Acres, San Lorenzo, and Fairview. However, the Eden Area Plan explicitly defers to the Fairview Specific Plan as the source of “goals, policies, and zoning regulations that apply to this area.” This created a policy gap for Fairview in the past, as the Specific Plan was structured as a regulatory document rather than a collection of policies.

The updated Fairview Specific Plan aims to close that gap by adapting relevant Eden Area policies to Fairview. Because Fairview is less urban than Ashland, Cherryland, and San Lorenzo, not all of the policies are applicable. In cross-referencing the Eden Area Plan, the focus is on policies that preserve the natural environment, retain open space, reduce hazards, maintain neighborhood character, address traffic congestion and parking, and ensure quality community services.

1.3.3 Castro Valley General Plan

The Castro Valley General Plan was adopted in 2012 to guide land use and transportation in unincorporated Castro Valley. The Castro Valley Planning Area includes Five Canyons (east of Fairview), the area along Grove Way and Center Street (west of Fairview), and the remainder of Castro Valley north of I-580. In many respects, Castro Valley’s planning policies are more reflective of Fairview’s setting than the Eden Plan, since parts of the community are semi-rural. Consequently, the updated Fairview Specific Plan has incorporated appropriate Castro Valley General Plan policies, with modifications to reflect Fairview’s unique context.

FAIRVIEW MAC AND THE SPECIFIC PLAN

In July 2017, the Alameda County Board of Supervisors approved the creation of a 5-member Municipal Advisory Council (MAC) serving the Fairview area. The Fairview MAC was modeled on a similar Advisory Council created in 1981 for Castro Valley. Members are appointed by the County Supervisor representing Alameda County District 4 and generally serve four-year terms (with a three-term limit). The first Fairview MAC meeting occurred in December 2017.

The Fairview MAC is responsible for advising the Alameda County Board of Supervisors on matters of public safety, welfare, public works, and planning. As appropriate, they may review development applications, capital projects, transportation improvements, and other matters that are addressed by this Specific Plan. Although the MAC does not make final decisions on these applications, they will play a critical role in the implementation of this Specific Plan and advising elected officials on land use and development matters.

1.3.6 Previous (1997) Fairview Specific Plan

This Specific Plan supersedes the 1997 Plan completely. Provisions of the 1997 Plan no longer apply and the topics it addressed are now governed by the policies and regulations in the 2020 Plan.

1.4 PLAN ORGANIZATION

Following this Introduction, the Fairview Specific Plan contains the following chapters:

- Planning Context provides background information on Fairview, including its history, demographics, and physical characteristics.
- Land Use includes policies and standards for development in Fairview and includes a Land Use Map and definitions of land use categories. This chapter also addresses the preservation of rural character, and design and aesthetic issues related to new development.
- Agriculture includes policies and standards to sustain agriculture in the Planning Area and avoid conflicts with residential uses. It is linked to several appendices providing standards for the keeping of animals in the community.

- Transportation includes policies and standards for roads, bike and pedestrian paths, traffic safety, parking, and other issues relating to getting around Fairview.
- Natural Features includes 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.
- Environmental Hazards 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.
- Community Services and Infrastructure includes policies and standards for local services, including water, sewer, drainage, police and fire protection, schools, and waste management.
- Implementation provides guidance on “what happens next” after the Specific Plan is adopted.

1.5 PANDEMIC IMPACTS

During the public review process for the Fairview Specific Plan Update, a highly contagious coronavirus led to extended shelter-in-place orders across the country and around the world. In addition to its direct impacts on public health, the COVID-19 pandemic has caused dramatic disruptions to the ways we live, work, travel, and socialize. Commute patterns, shopping, schools, public transit, and many aspects of day-to-day life remained in an altered state at the time this Plan was adopted. The data cited in this Plan reflect “pre-pandemic” conditions, and the long-term forecasts presume full recovery. In fact, it will take many months and even years to fully assess the long-term impacts of this health crisis.

The policies and standards in this Plan remain applicable, despite uncertainties about the future. This Specific Plan is an expression of Fairview’s underlying values, which remain unchanged in the wake of the pandemic. The Plan provides a critical anchor during an uncertain time and is intended to unify and align the community as we recover.

Chapter 2

Planning Context



2.1 INTRODUCTION

This section of the Specific Plan provides the context for planning in Fairview. It describes Fairview's history, demographics, and physical features. The remainder of the Specific Plan builds on this information and reflects existing conditions, projected conditions, and community goals.

2.2 FAIRVIEW HISTORY

The East Bay was initially inhabited by Native Americans, with evidence of settlements dating back more than 5,000 years. While there are no known culturally significant sites in Fairview, resources have been discovered on Walpert Ridge and along San Lorenzo Creek not far from Don Castro Reservoir. The area around Fairview would have been an ideal location for hunting and fishing, and it is likely that temporary camps existed along creeks and in nearby upland areas.

The indigenous population declined after the Spanish missions were established in the late 1700s. The area that is now Fairview was initially included in the territory of Mission San Jose. In 1841 and 1843, Rancho San Lorenzo was created through two grants made by Governor Juan Alvarado to Guillermo Castro. The Rancho consisted of nearly 27,000 acres in what is now Fairview, Castro Valley, and much of Hayward. Subdivision of the Rancho accelerated in the years after the California Gold Rush of 1849. The town of "Haywards" (later shortened to "Hayward") was laid out in 1854 and became a stop on the transcontinental railroad in 1869. By 1870, its population had reached 1,000 residents.

As Hayward grew, roads radiated out to the surrounding farmland. Tillable soil, mild temperature, and accessible water supported a prosperous farming and ranching culture in the rolling hills to the east. Local farms produced grains, vegetables, fruit, dairy products, and meat. Lone Tree Cemetery was established in 1868; today it is the oldest visible link to Fairview's early history.

During the first decades of the 20th Century, many of the larger farms were divided into smaller plots. The area's topography and location provided an ideal climate for raising chickens, and for fruit and nut orchards. The name "Fairview" appears to have been established around 1920. The northern part of the community became known as Kelly Hill, as much of the land was owned by County Roadmaster Manuel Kelly. In 1938, community volunteers formed the Fairview Fire Department and, in 1947, residents established the Fairview Fire Protection District.

Figure 2-1 chronicles Fairview's history between 1939 and 1998, the period of its greatest growth.

The Central East Bay Area experienced a population boom in the years during and after World War II. Hayward's population soared from 7,000 in 1940 to 72,000 by 1960. Fairview also experienced substantial growth during this time period. Single family subdivisions with lots generally ranging from 5,000 to 15,000 square feet were developed along the rural roads extending northeast from Hayward, including Kelly Street, D Street, East Avenue, E Street, and Second Street. Many of these tracts were developed without through-street requirements, resulting in a pattern of short dead-end and cul-de-sac streets.

On the hillier terrain south of Fairview Avenue, the Castle Homes area was subdivided into large lots and "ranchettes." The Hayward Hills Property Owners Association was formed in 1954 to represent this area and preserve its rural character. The Fairview Community Club also was created during this time, with a clubhouse behind Fairview School on Maud Avenue.

Fairview has experienced continued growth over the last five decades, doubling in population since 1970. Much of this growth has consisted of small "infill" subdivisions on former agricultural and rural residential properties. Larger-scale changes have taken place nearby, including the Stonebrae development to the south and Five Canyons to the east. Substantial areas have also been dedicated as open space, including much of Walpert Ridge and the slopes around Five Canyons. An Urban Growth Boundary, first established by the Fairview Specific Plan in 1980 and subsequently adopted by Alameda County voters in 2000, further limited development to the south and east. There are still a number of properties in Fairview with the potential for subdivision, creating the need for strong zoning and environmental review requirements.

KELLY HILL AND THE CIVIL RIGHTS MOVEMENT

During the late 1950s and 1960s, a considerable number of African American families began to move to Fairview. Home sales to Black households exceeded sales to White households for several years in the early 1960s. In 1965, a civil rights agency suggested that the Alameda County Human Relations Committee study the factors behind this trend, speculating that realtors, lending institutions, and other parties were "steering" Black residents to Fairview and away from predominantly White neighborhoods in Hayward.

This was a time when racial covenants prohibiting the sale of homes to minorities still existed and laws requiring equal property rights were rarely enforced. It was also a time when urban renewal had resulted in the displacement of many Black residents from the community of Russell City in South Hayward. Fairview soon became one of the most integrated suburban communities in the East Bay.

When the Commission's study was released in 1966, no immediate action was taken but the gravity of the situation came to light. Some 18 months later, the federal Fair Housing Act was approved and practices such as red-lining and racial covenants became illegal. Today, Fairview remains a diverse and welcoming community.



1939

1958



1982



1998

Source: Environmental Data Resources

Figure 2-1:
Aerial Photos of Central Fairview, 1939-1998



The mix of suburban development, large-lot residences, and open space—in a setting characterized by hilly terrain, woodlands, creeks, and panoramic views—gives Fairview a special character.

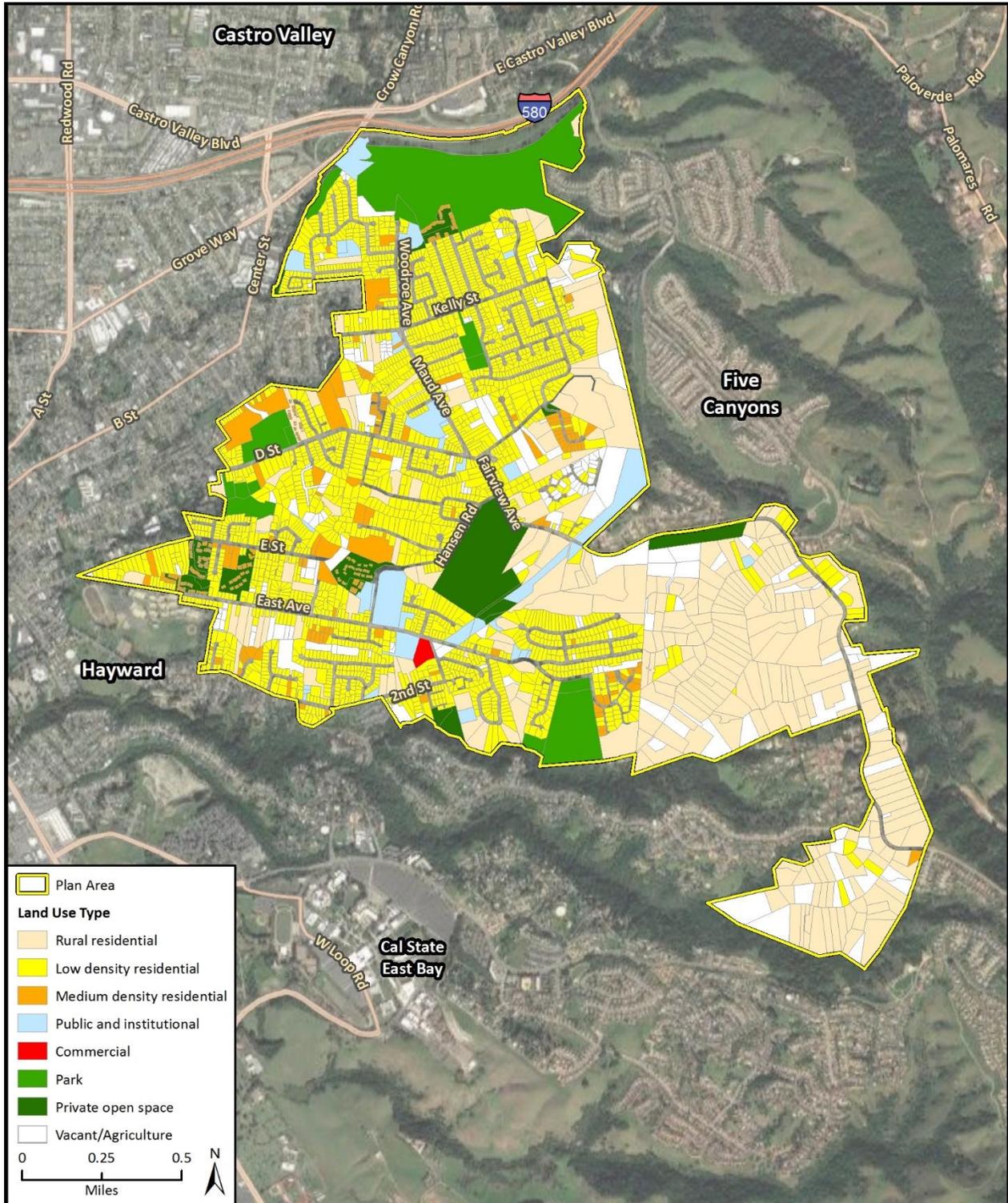
2.3 FAIRVIEW TODAY

There are approximately 3,600 homes in Fairview today. Average residential density is two units per acre, ranging from apartment complexes near San Felipe Park to rural residences on properties exceeding 10 acres. Residential densities roughly correlate to elevation and slope. The highest densities occur in the lower-elevation, flatter areas along Kelly Street, D Street, and East Avenue. The lowest densities occur in the area east of Lone Tree Cemetery and include a mix of large higher-end homes and older ranch style homes on steep or sloping lots.

Table 2-1 indicates existing land use acreages in Fairview in 2017. Approximately 65 percent of the community is comprised of residential uses. The remaining 35 percent is comprised of parks, schools, churches, private open space, vacant land, and roads. Commercial uses represent just one-tenth of one percent of Fairview, with only two acres. Agricultural uses occur in several of the categories shown in Table 2-1, especially on rural residential land and on land classified as “vacant” by the Alameda County Assessor’s Office.

Table 2-2 shows the number of single family properties by lot size. While much of Fairview is rural, most of its neighborhoods are suburban in character. The median single-family lot size is about 7,500 square feet. About two-thirds of Fairview’s parcels are less than 10,000 square feet. Only 8.4 percent of Fairview’s lots are over an acre in size, but these lots represent 44 percent of the community’s single family residential acreage. Some of the larger lots have the potential for further subdivision, particularly those located in the more urbanized parts of Fairview. The larger lots often have constraints such as slope, limited street frontage, and dimensions that make them difficult to develop with multiple homes.

Figure 2-2 illustrates existing land uses graphically.



Imagery provided by Google and its licensors © 2017;
Additional data provided by USGS, 2017; Alameda County, 2017.

Figure 2-2

Fairview Existing Land Uses, 2017

Table 2-1: Existing Land Use Acreage in Fairview, 2017

Land Use (excludes water)	Acres	Percent of Total
Rural Residential (lots > 1 acre, including small ag)	483.7	26.9%
Low Density Residential	595.6	33.1%
Medium Density Residential	79.7	4.4%
Agriculture and Vacant Land	178.3	9.9%
Commercial	2.4	0.1%
Public/ Quasi-Public	49.9	2.8%
Local Parks	52.9	2.9%
Regional Parks	95.5	5.3%
Private Open Space	93.5	5.2%
Roads and Public Right-of-Way	167.8	9.3%
TOTAL	1,799.3	100.0%

Source: Alameda County Parcel Data Base, 2014. Barry Miller Consulting, 2017

Table 2-2: Single Family Lot Sizes in Fairview, 2017 (*)

Lot Area	Number of Lots	Percent of all Single Family Lots	Total Land Area (Acres)	Percent of Total Acres
Smaller than 5,000 SF	103	3.5%	9.2	0.9%
5,000-7,499 SF	1,369	46.7%	187.7	18.3%
7,500-9,999 SF	473	16.1%	92.1	9.0%
10,000-14,999 SF	421	14.4%	113.6	11.1%
15,000-19,999 SF	130	4.4%	51.5	5.0%
20,000-29,999 SF	109	3.7%	60.9	5.9%
30,000-43,559 SF	80	2.7%	67.9	6.6%
43,560 (1 acre)-59,999 SF	125	4.3%	140.0	13.6%
60,000-79,999 SF	42	1.4%	66.4	6.5%
80,000-99,999 SF	32	1.1%	65.9	6.4%
100,000-149,999 SF	28	1.0%	79.2	7.7%
Larger than 150,000 SF	18	0.6%	91.9	9.0%
GRAND TOTAL	2,930	100.0%	1,026.3	100.0%

Source: Alameda County Parcel Data Base, 2014. Barry Miller Consulting, 2017

(*) Includes lots developed with single family homes only

2.4 FAIRVIEW DEMOGRAPHICS

Fairview’s current (2016) population is estimated to be 10,568 residents. Chart 2-1 shows how population has changed over the last 65 years. The decades of most rapid growth were the 1950s and 1980s. The 1990s and 2000s have been characterized by slower rates of growth, with roughly 500 persons added each decade. There were 3,567 households in 2016, with an average household size of 2.82 persons.

The median age of Fairview’s residents is 39.7, compared to the County median of 37.1. Fairview has a higher percentage of older adults, with 15 percent of its residents over 65 compared to 12 percent countywide. As shown in Chart 2-2, the community is racially diverse, with no single ethnic group predominating. About 25 percent of the community’s residents are foreign born, and about 30 percent are bilingual or speak a language other than English at home.

A majority of Fairview’s households—about 75 percent—are families. Only 8 percent consist of unrelated individuals living together, and 17 percent are persons living alone. Approximately 78 percent of Fairview’s households are homeowners and 22 percent are renters. Median income in Fairview is \$96,678, which is higher than the countywide median of \$75,619.

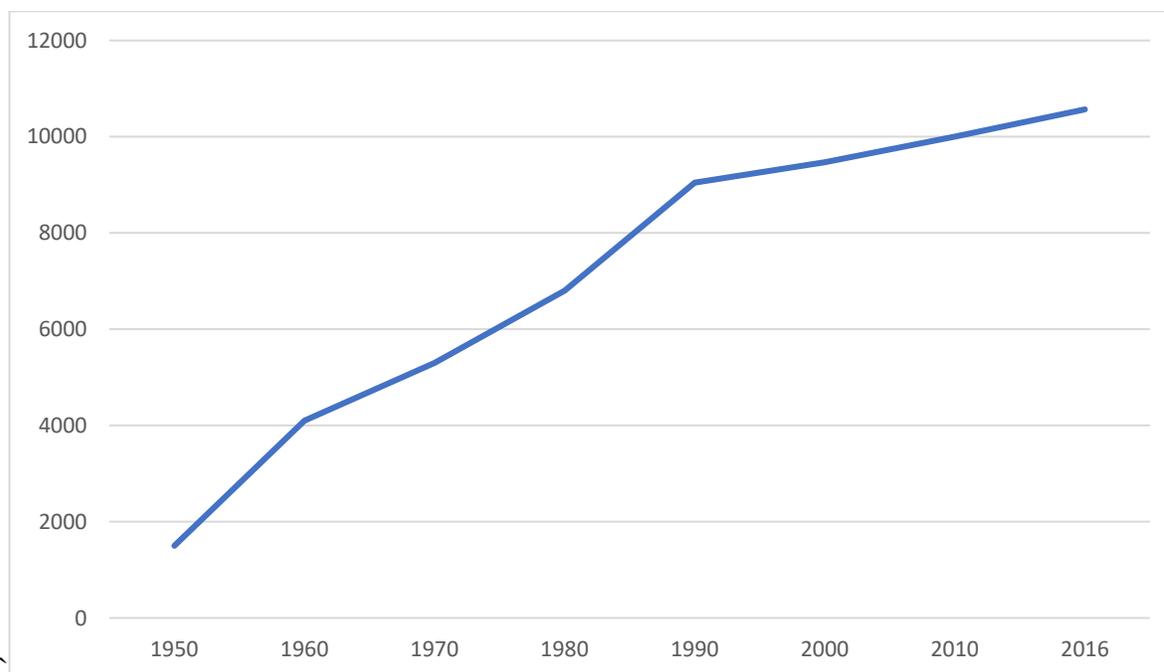
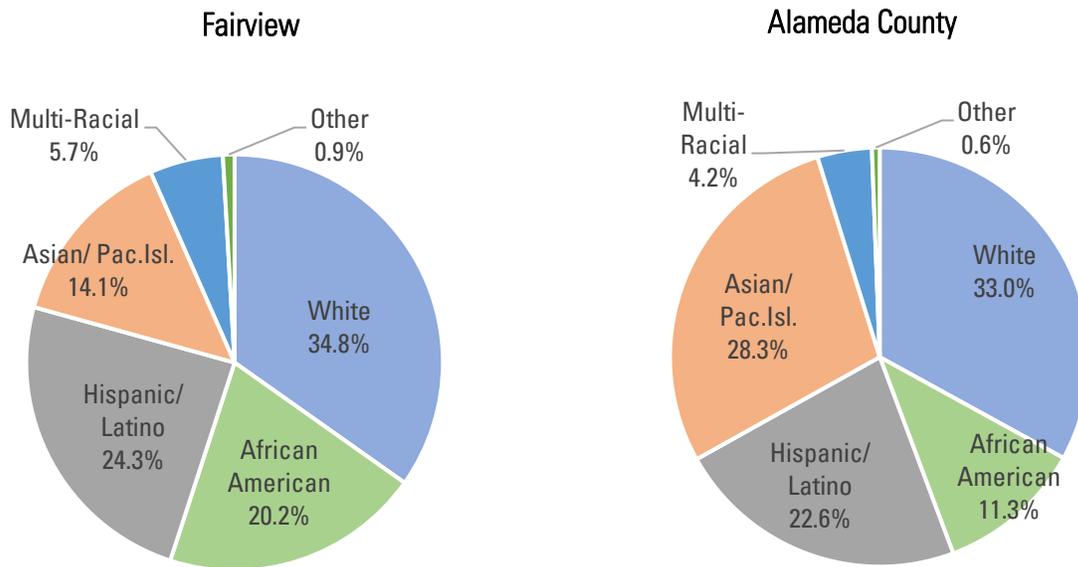


Chart 2-1: Fairview Population, 1950-2016



Source: American Community Survey, 2017

Chart 2-2: Racial and Ethnic Composition of Households in Fairview and Alameda County

Because of its location and low densities, most Fairview residents are auto-dependent. More than one-third of the community’s households own three or more cars, and less than 2 percent own no car at all. Only 8 percent of Fairview’s employed residents use transit in their daily commutes, which is about half the county average. Residents also have slightly longer commutes, with 54 percent driving more than 30 minutes each way to their jobs.

Almost 83 percent of the housing units in Fairview are single family detached homes. About 9 percent are townhomes and the remaining 8 percent are multi-family units. Homes tend to be larger than those in Alameda County as a whole, but housing costs are somewhat lower. However, the median price of a single family home has been increasing rapidly since 2012. At that time, the median was \$347,000. By March 2018, it had increased to \$769,000. Median rent was \$3,051, an increase of more than 50 percent in the last six years.

2.5 FORECASTS AND ASSUMPTIONS

Fairview will continue to experience strong demand for new single family homes in the coming decades. Given road, infrastructure, and environmental constraints, this will require land use controls that carefully guide the subdivision of land, and the character and scale of new construction. Fairview will also continue to remain a residential community—this plan does not increase the land area zoned for commercial uses.

The Fairview Planning Area currently has approximately 200 vacant lots. Many are constrained and are unlikely to be developed in the next 20 years. Others have the potential to be subdivided. There are also a number of properties that are developed with a single home but have the capacity for additional dwelling units based on current zoning. Based on past trends, residential developers may aggregate multiple parcels into single ownership, enabling larger projects to be proposed. While such projects are potentially more impactful due to their size, they also present opportunities to cluster development on less sensitive land and set aside larger areas as open space.

Based on historic trends, regional forecasts, existing conditions, and zoning, it is expected that Fairview will add 10 to 15 homes a year during the lifetime of this plan. This will yield roughly 200 to 300 new homes by 2040, excluding accessory dwelling units. Development will occur on scattered sites, rather than in one particular area. The expected rate of growth is similar to the growth rate experienced since 1990.

Jobs in Fairview are principally associated with public and private schools, faith institutions, nursing facilities, and home-based services and businesses. There are no major office or retail uses other than Bay Hill Market, a small grocery store located at East Avenue and Windfeldt Road. Based on the countywide data used for transportation planning, there are approximately 800 jobs in the community. This number is not expected to increase in the future.

2.6 GUIDING PRINCIPLES

The following principles provide a framework for the policies in this Plan. They are not intended to be regulatory but rather are an expression of community values and aspirations for the future:

- Fairview’s defining quality is its balance of agriculture, open space, and low-density residential neighborhoods. This quality is vital to the community’s identity and quality of life, and it must be protected.
- Development standards should be rational, sensitive to local context, consistently enforced, and avoid “cookie cutter” architecture. The County will strive to fully engage the community when new development projects are proposed.
- Reinvestment in the existing housing stock shall be strongly encouraged.
- Fairview’s creeks, hillsides, woodlands, and other important natural resources shall be conserved. Development must respect the natural landscape and visual character of the community.
- Community resilience should be improved, particularly with respect to wildfire and earthquake hazards. Roads and infrastructure should provide for adequate emergency vehicle access and water supply. Fire hazards should be reduced through vegetation management, enforcement, and continued investment in fire protection services. Residents should be better prepared for natural disasters.

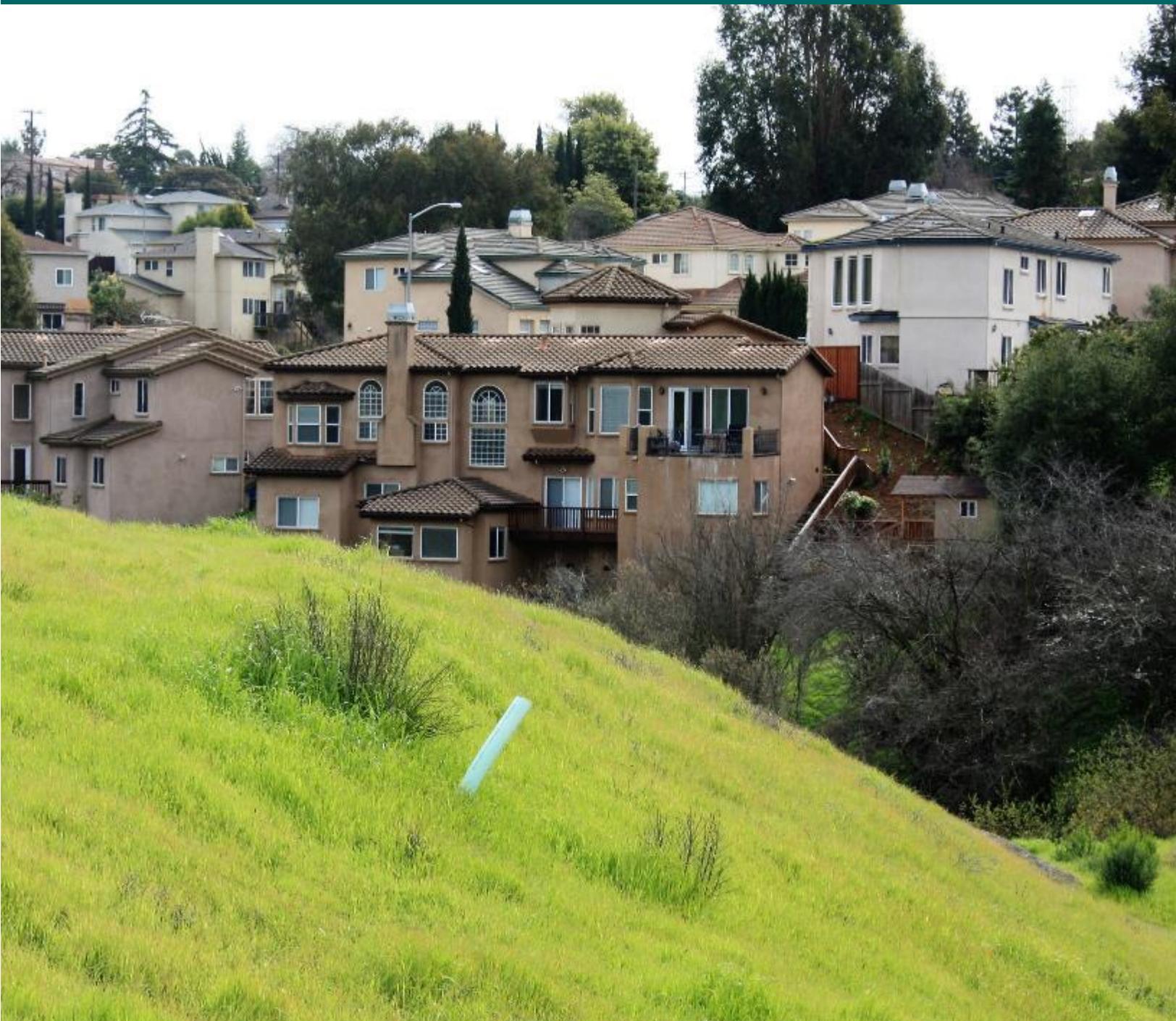




- Agriculture is an essential part of Fairview’s identity and shall be sustained. But steps must also be taken to enforce existing standards so that agriculture comfortably co-exists with nearby residential uses and the natural environment.
- Local streets shall be maintained, improved, and made safer for motorists, bicyclists, pedestrians, and transit users. Strategic improvements to the transportation system shall be made to address bottlenecks and improve safety. However, road expansion which would facilitate through-traffic across Fairview is strongly discouraged.
- Adequate parking must be required for new development, and for improvements to existing homes that increase parking needs.
- Parks, multi-use trails, and other community services shall be expanded and improved as population grows.
- Commercial uses in Fairview shall continue to be limited to existing locations.
- Community institutions, including schools, must be acknowledged as important gathering places and centers of community life. Investment in these institutions shall be encouraged.
- There should be greater awareness and recognition of Fairview’s heritage and history.

Chapter 3

Land Use and Community Design



3.1 INTRODUCTION

This chapter includes the land use and zoning maps guiding Fairview’s future development, as well as standards for construction. These standards address:

- Residential density (the number of units permitted per acre of land)
- Lot size (the required area, width, and depth of parcels)
- Setbacks (the minimum distance required between structures and property lines)
- Lot coverage (the maximum percentage of a property that can be covered with buildings)
- Floor Area Ratio (the maximum ratio of habitable floor area to lot area on a given parcel)
- Height
- Accessory dwelling units

The chapter begins with a framework for land use decisions in Fairview, building on the data provided in Chapter 2. This is followed by a set of broad policies intended to guide land use and community design decisions in Fairview. The policies have been developed based on existing General Plan policies governing other parts of Eden Township, including Ashland-Cherryland-San Lorenzo and Castro Valley. The development standards are provided after the policies.

3.2 BACKGROUND

Chapter 2 of the Specific Plan (Sections 2.4 and 2.5) provides statistics on existing land uses and parcel sizes in Fairview, and forecasts for the Year 2040 based on land use patterns and zoning. This data provides the context for the land use plan and development standards presented later in this Chapter.

The Fairview Specific Plan uses zoning designations that apply throughout Alameda County, as well as special development standards that respond to local conditions in Fairview. About 88 percent of all parcels in Fairview have a base zone of R-1, meaning they are intended for single family homes. The basic requirement for an R-1 lot is that it be at least 5,000 square feet, with a median width of at least 50 feet (60 feet if on a corner).

Of the roughly 3,200 R-1 lots in Fairview, 58 percent are subject to a “suffix” or “combining zone” (overlay) which expresses further limitations. These limitations primarily relate to higher minimum lot size requirements, minimum building site area requirements, and allowances for certain agricultural uses. Each of these is discussed below.



Minimum Lot Size Suffixes. More than half of Fairview’s parcels include a suffix indicating a minimum allowable lot size that is larger than the 5,000 square feet allowed in the basic R-1 district. The predominant categories are R-1-6,000 (6,000 square foot minimum), R-1-10,000 (10,000 square foot minimum), R-1-20,000 (20,000 square foot minimum), R-1-1 acre (one acre minimum), and R-1-5 acres (five acre minimum). Approximately 36 percent of Fairview’s R-1 lots are R-1-6000, 13 percent are R-1-10,000, and 7 percent are R-1-5 acres.

Minimum Building Area Suffixes. Just over half of the parcels in Fairview are further modified by a “B-E” combining zone designation. The B-E designation is “combined” with the base zone to establish limits on the minimum building site area and setbacks required for a dwelling unit on a parcel. This recognizes that topography, access, water and sewer services, and other issues must also be considered when creating a new parcel.

Agricultural Suffixes. About 255 parcels in Fairview have an “L” (or “Limited”) combining designation, in addition to their base R-1 designation. The L overlay allows additional uses of a “rural nature” on the property, recognizing that the parcels are large and the uses are compatible with a rural environment. Most of the supplemental regulations relate to animal keeping.

In addition to the R-1 parcels, about 11 percent of Fairview’s parcels (roughly 400 properties) have PD—or Planned Development—zoning. These properties are contained in subdivisions where variations from conventional single family zoning were allowed to make the project more feasible and preserve sensitive natural areas on the site. PD areas have many of the essential qualities of a single family neighborhood, but the homes are typically clustered on the portion of the site where they are most accessible and least impactful. PDs often include common open space areas that are owned and maintained by a local Homeowners Association.

The remaining one percent of the community’s parcels have base zones of Agriculture (7 parcels), Commercial (2 parcels), or Suburban Residential (33 parcels). These parcels make up less than one percent of Fairview’s land area.

Like the R-1 parcels, the Suburban Residential (RS) zoned parcels are subject to suffixes and combining zones that apply additional limitations. Most RS parcels in Fairview are zoned RS-2.5 or RS-3. The “2.5” suffix means that 2,500 square feet of lot area is required for each dwelling unit on the property. In other words, a 50,000 square foot parcel may have up to 20 dwelling units. Multi-family housing is permitted in this zone, subject to that density standard. Most of the multi-family housing in Fairview in the RS-2.5 zone was developed before this standard was in place, at densities that exceed this level. Some of the RS parcels are also subject to “B-E” combining zone requirements; these require minimum building site areas of 10,000 square feet per unit, which limits the feasibility of further multi-family use on these parcels.

All residentially zoned property in Fairview is further subject to residential design standards and guidelines that have been adopted for the unincorporated communities of West Alameda County. The standards and guidelines complement the zoning standards and should be consulted for all residential alterations and new construction.





3.3 GUIDING POLICIES FOR LAND USE AND COMMUNITY DESIGN

GOAL LU-1 Maintain Fairview’s low-density character and mix of open space, agriculture, and residential uses.

Policies

- LU-1.1 New development should be consistent with community character, protect sensitive biological resources, and minimize exposure to natural hazards.
- LU-1.2 Future lot sizes should be consistent with the designations and prevailing lot size requirements established by this Specific Plan.
- LU-1.3 Infrastructure needed to serve new development shall be in place or planned and committed prior to project approval.
- LU-1.4 New residential development shall provide, or pay its fair share of the cost of, the capital improvements needed to serve that development.

- LU-1.5 In the event that narrow adjacent properties are subdivided, encourage the use of shared access streets or driveways along property lines to avoid redundant parallel driveways or streets.
- LU-1.6 When a single lot is divided into two lots, maintain street frontage for both lots that meets lot width standards. Where street frontage cannot be provided for both lots due to insufficient width, creation of a flag lot (a lot with only enough street frontage for a driveway, with the bulk of the lot located to the rear of an existing lot) may be considered.
- LU-1.7 Preserve commercial zoning and land use designations on the sites in Fairview where they exist today and encourage the use of these properties with activities that provide goods and services to Fairview residents. Commercial zoning shall not be expanded beyond its current extent.
- LU-1.8 The project referral process shall be used to ensure ample review time of pending projects by Homeowners Associations, Neighborhood Groups, and other community organizations.

GOAL LU-2 Conserve, enhance, and maintain Fairview’s existing residential neighborhoods.

- LU-2.1 Review applications for alterations, additions, and infill development to ensure that they enhance the character and quality of neighborhoods. New residential construction should demonstrate a high level of craftsmanship, with exterior materials and façade designs that enhance the appearance of each neighborhood. Infill projects with repetitive facades and identical home designs are discouraged.
- LU-2.2 Allow home occupations provided that they do not present nuisances to surrounding residential uses and have any necessary licenses and permits.¹
- LU-2.3 Ensure that fences and walls are designed to reflect the prevailing character of neighborhoods, especially in rural residential and agricultural areas.

¹ Per Chapter 17 of the Alameda County Code, a “home occupation” is an activity customarily carried on by a resident of a dwelling unit, when activity is incidental and subordinate to the use and maintenance of the dwelling unit as living quarter. Home occupations are usually limited to businesses that do not generate customer traffic or parking needs, require outdoor storage or alterations to the home, or employ persons not living on the property.

- LU-2.4 Exceptions to design standards and guidelines may be considered through a discretionary review process. Exceptions should only be approved if:
- There are site specific conditions that make it physically infeasible to follow the standards or guidelines; and
 - The proposed design provides an equal or better design solution in terms of livability for residents and impacts on neighboring properties.
- LU-2.5 Undertake capital improvement projects such as street redesign, community landscaping, and beautification projects that improve Fairview’s appearance and foster a stronger sense of community identity.
- LU-2.6 When County, State, federal, and other agencies undertake capital improvement projects, the projects should include landscaping and other design improvements that mitigate impacts and improve the appearance of the community.
- LU-2.7 Create and maintain landscaped areas with entry signs at key entries into Fairview.
- LU-2.8 Do not add curbs, gutters, and sidewalks to existing residential streets that do not already have such improvements, except where requested by a majority of residents or along collector streets where such improvements are necessary for pedestrian safety or to create safe routes to schools.





GOAL LU-3 Protect and enhance the hillsides, canyons, and creeks that are the foundation of Fairview’s natural setting and character.

- LU-3.1 Residential development on or near hillsides, canyons or creeks should employ creative site design, landscape and architecture that protect the natural characteristics of each location.
- LU-3.2 Ensure that development projects do not diminish views of natural features along public rights-of-way, including San Francisco Bay and the East Bay Hills. Visual impact analyses should be required when necessary to ensure protection of views.
- LU-3.3 As funds become available, support undergrounding of utilities . A priority should be placed on scenic roadways or culturally important areas such as Lone Tree Cemetery.
- LU-3.4 Street tree planting in Fairview’s residential neighborhoods is encouraged and may be required in new development.
- LU-3.5 Preserve important cultural resources and features that reflect Fairview’s history and traditions, such as residences, public buildings, open spaces, barns, stables, and fence lines.
- LU-3.6 Allow planned unit developments on larger properties with sensitive natural or visual features as a way to increase permanent open space acreage and avoid environmental impacts.

GOAL LU-4 Accommodate civic uses and community facilities such as churches, schools, and day care while minimizing the impacts of those facilities on nearby residences.

- LU-4.1 Civic uses and community facilities should comply with zoning standards and be compatible with the scale and character of surrounding development.
- LU-4.2 Proposed non-residential uses shall be reviewed to minimize traffic impacts on residential areas.
- LU-4.3 Maximize joint use of existing schools, religious uses, and community centers to provide facilities to serve surrounding residents.
- LU-4.4 Land designated for utilities and services shall be appropriately located.
- LU-4.5 Permit child care, elder care, and convalescent facilities in a manner that is consistent with state and county codes and regulations. Community concerns about parking, traffic, and other impacts shall be addressed.

GOAL LU-5 Keep Fairview attractive and free of public nuisances.

- LU-5.1 Ensure adequate maintenance of housing and commercial properties to protect the health and safety of Fairview residents.
- LU-5.2 Building inspection and code enforcement procedures shall be followed to properly permit construction and ensure that projects are completed as approved.
- LU-5.3 Code enforcement staff shall work collaboratively with homeowners associations and community groups to abate nuisances, eliminate substandard construction, and maintain community aesthetic standards.
- LU-5.4 Prioritize graffiti removal programs and respond promptly and effectively to resident complaints.
- LU-5.5 Public property should be maintained in a manner that contributes to community pride and promotes health and safety.
- LU-5.6 Minimize the visual impacts of recreational vehicles and boats on streets and in front yards by enacting and enforcing appropriate County regulations.



3.4 DEVELOPMENT STANDARDS

3.4.1 Extent of Urban Area

The area designated for agricultural uses on Figure 3.1 shall be preserved as open space. As approved by Alameda County voters through Measure D in 2000, the line delineating the boundary between agricultural and residential land uses (Urban Growth Boundary) shall be the limit of urban development within the Fairview Area. The Urban Growth Boundary is intended to be permanent and to define the line beyond which urban development shall not be allowed.

3.4.2 Land Use Map

- (a) *Introduction.* Figure 3.1 is the Land Use Map for Fairview. The map uses color coded categories to indicate the general character of land uses permitted on each parcel, and the permitted density or intensity of development allowed. Zoning designations must be consistent with the land uses depicted on this Map. The categories are defined below.

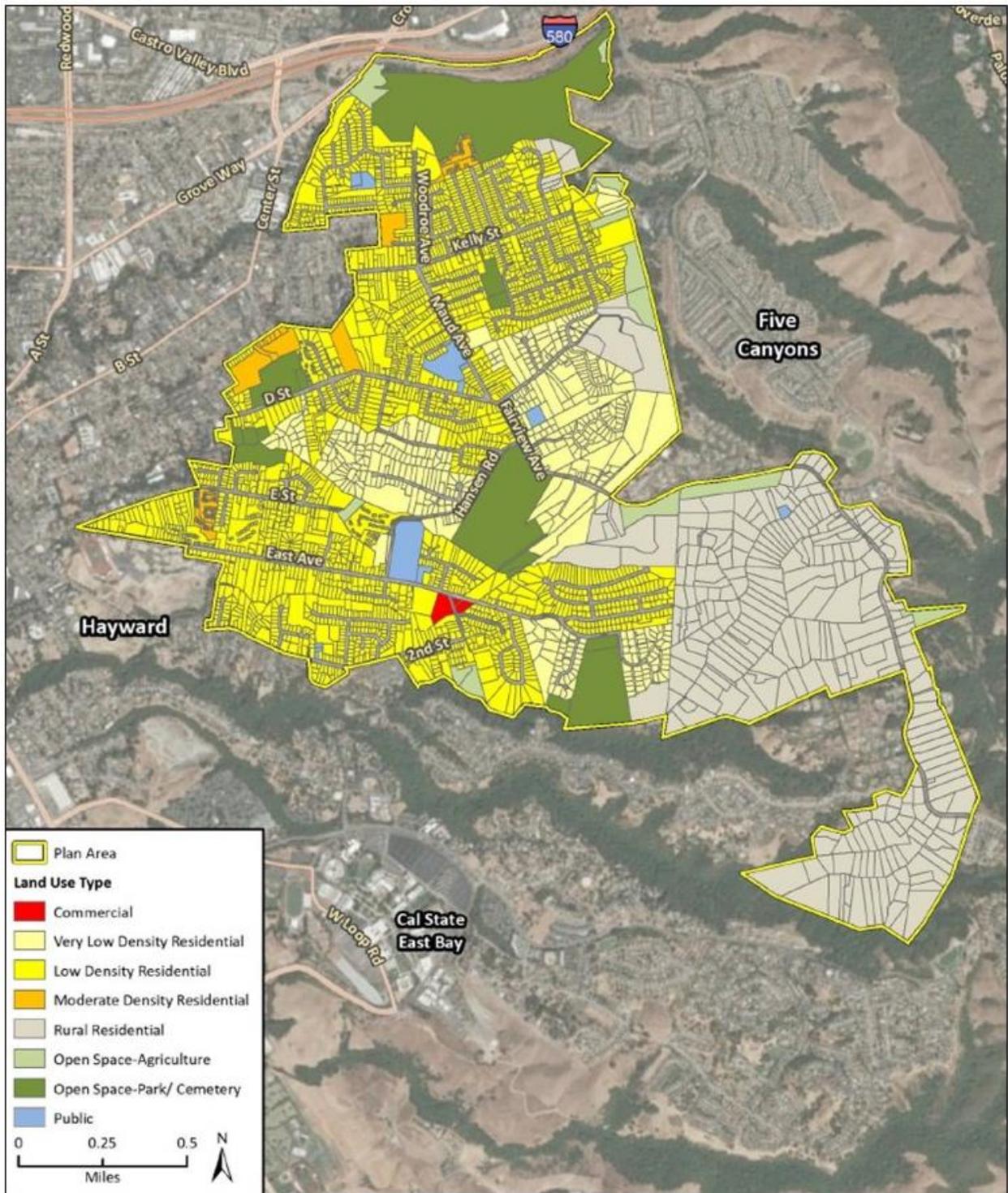


Figure 3-1

Fairview Land Use Map

- (b) *Rural Residential*. This is the least dense residential land use category in Fairview. Maximum allowable density ranges from 0.2 units per net acre to 1.0 units per net acre. This category corresponds to most of the Castle Homes neighborhood in the southeast part of the community. A five-acre minimum lot size applies in most areas, although much of the existing development consists of lots in the one to five acre range. Areas with this designation have a rural character, with roads built to rural standards and limited agricultural uses such as vineyards and pasture. Zoning in these areas is R-1-L-B-E-5 acres, R-1-L-B-E-1 acre, and R-1-B-E-1 acre.
- (c) *Very Low Density Residential*. This category corresponds to areas that are single family residential in character, but with lots that are larger than a typical suburban neighborhood. Maximum allowable density ranges from 2.2 to 4.3 units per net acre and no minimum density applies. Two zoning districts are represented: R-1-B-E-20,000 and R-1-B-E-10,000. A 20,000 square foot minimum lot size applies in the former and a 10,000 square foot minimum lot size applies in the latter.
- (d) *Low Density Residential*. This category corresponds to areas that are single family residential in character, with a variety of lot sizes. The maximum allowable density ranges from 7.2 to 8.7 units per net acre and no minimum density applies. Most Fairview neighborhoods are in this category. Zoning districts compatible with this designation include R-1-B-E-6,000, and R-1. Minimum lot sizes in Low Density Residential areas are 6,000 and 5,000 square feet, depending on zoning.
- (e) *Moderate Density Residential*. This category corresponds to areas that are residential in character, with a variety of housing types. Areas with this designation typically include single family homes, townhomes, flats, and apartments. The maximum allowable density ranges from 18 to 22 units per net acre, and no minimum density applies. Areas with this designation are zoned RS, with combining zones applying to specify the allowable density in each case.
- (f) *Commercial*. This category corresponds to areas that are appropriate for neighborhood-serving and general commercial uses such as grocery stores, banks, restaurants, and other small businesses. The maximum allowable floor area ratio on these properties is 1.0. Residential uses are discouraged on these properties in order to maintain opportunities for businesses serving Fairview residents. Only two parcels in Fairview have this designation, and their continued use with activities serving the local community is encouraged. Parcels with this designation have Commercial zoning.

- (g) *Public*. This category corresponds to public facilities such as schools and fire stations. Recreation facilities and nature centers are not included, since they are classified as parks (as noted below). A variety of zoning districts may be used for land with this designation.
- (h) *Open Space – Parks and Cemeteries*. This category applies to existing and planned public parks, and to Lone Tree Cemetery. Parks with this designation include neighborhood and community parks operated by the Hayward Area Recreation District, and Don Castro Regional Park, operated by the East Bay Regional Park District. Parks provide a range of activities and facilities, including picnic areas, sports facilities, play equipment, recreation centers, and natural open spaces. A variety of zoning designations may apply to land in this category, but activities that are not related to the underlying land use are not permitted.
- (i) *Open Space – Agriculture*. Land with this designation is typically used as rangeland, cropland, or pasture. However, this category may also be applied to private property set aside as permanent open space, as well as privately owned property that is not suitable for development due to poor access, natural constraints or hazards, or sensitive environmental resources. Areas with this designation have agricultural (A) zoning.



(j) *Other Provisions.* The following other provisions apply to the Land Use Map:

1. Institutional uses such as churches, child care centers, and private schools occur throughout Fairview. These are acceptable uses in areas with Residential, Commercial, and Public designations, but may be subject to conditional use permit requirements that ensure the activities are compatible with surrounding uses.
2. The “Moderate Density” Residential designation shall only be applied to properties that are already developed with townhomes, multi-family development, or other residential uses in the Moderate Density range. Application of this designation to vacant or underutilized land would be inconsistent with the guiding principles of this Specific Plan.
3. The designations shown on Figure 3-2 apply to the public and private streets within each area, as well as land parcels themselves. Different Land Use Plan designations generally adjoin each other at street centerlines. Public land along the south side of I-580 within the Fairview Plan Area is owned by Caltrans and is not designated.
4. Some of the land use categories on Figure 3-2 have more than one associated zoning district. For example, Low Density Residential includes zones with 5,000 and 6,000 square foot minimum lot sizes. The designation of property with a particular land use category does not guarantee the application of the highest density zoning district within that category. Other factors, including the provisions in this Specific Plan for prevailing lot size and environmental constraints, shall apply.

3.4.3 Zoning

(a) *Single Family and Rural Residential Districts.* Figure 3-2 is the zoning map for Fairview. Zoning regulations associated with each district are contained in the Alameda County Code of Ordinances (Title 17) and are further subject to the provisions of this Specific Plan. The “B-E” designation accompanying Fairview’s R-1 zones indicates that the minimum allowable lot size is larger than the 5,000 square feet associated with the basic R-1 district. On parcels zoned for single family residences, the following density limitations shall apply:

1. In the R-1-B-E-5 acre district, each lot must include five acres (217,800 square feet) of developable site area.
2. In the R-1-B-E-1 acre district, each lot must include one acre (43,560 square feet) of developable site area.

3. In the R-1-B-E-20,000 district, each lot must include 20,000 square feet of developable site area.
4. In the R-1-B-E-10,000 district, each lot must include 10,000 square feet of developable site area.
5. In the R-1-B-E-6,000 district, each lot must include 6,000 square feet of developable site area.
6. In the R-1 district, each lot must include 5,000 square feet of developable site area.

The method for calculating developable site area is described in Section 3.4.3(e) below. Zoning overlays may apply to the districts listed above, as defined in Section (d) Combining Zones below.

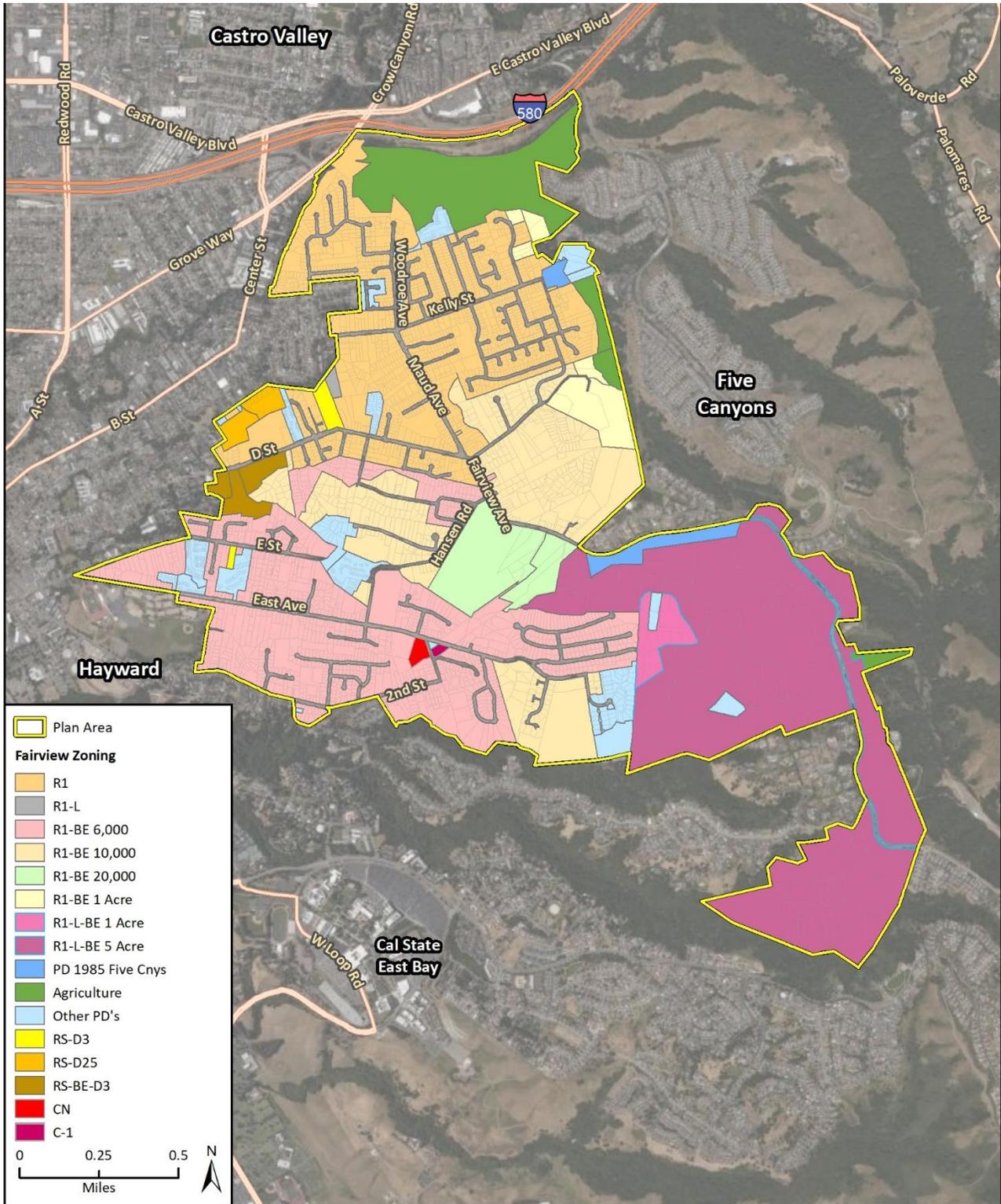
- (b) *Existing Non-Conforming Parcels.* A parcel of contiguous land that does not meet the area standards above may be developed if such parcel existed lawfully under the previous Specific Plan and zoning controls.
- (c) *Other Districts.* Other districts occur in Fairview, reflecting established land uses. These include PD (Planned Development), RS (Residential Suburban), Commercial, and Agricultural. Development in these districts shall be subject to the provisions of the Alameda County Zoning Ordinance and the Alameda County *Residential Design Standards and Guidelines*, as well as the Fairview Specific Plan.
- (d) *Combining Districts.* The Residential districts listed above may be further combined with other districts to recognize unique or desired characteristics. In addition to the “B-E” designation, other combining zones that apply within Fairview include:
 1. The “L” or Limited zone is used in R-1 areas to allow additional uses of a rural nature where the lot pattern, size, and other conditions will not be incompatible with the residential environment. This includes certain activities related to horses, livestock, and other domestic animals. Section 17.26 of the Zoning Ordinance includes a full description of the “L” zone.
 2. The “D” combining district is used in the RS zone to specify the maximum density permitted on the property. For example, parcels in Fairview zoned RS-D25 may have one unit per each 2,500 square feet of lot area (17.4 units per acre). Section 17.24 of the Zoning Ordinance includes a full description of the “D” zone.

(e) *Developable Site Area.* For lots created after the effective date of this Specific Plan, the density allowances in Section 3.4.3(a) refer to the required amount of developable site area for each dwelling unit on the property. Developable site area excludes:

1. Any portion of the parcel that has a slope greater than 30 percent.
2. Any area within a street or access easement (including the “stem” on a flag lot or a driveway serving more than one lot)
3. Any area within riparian zones or required creek setbacks. For the purposes of this Plan, a riparian zone is defined as an area with vegetation, habitat, or ecosystems that are dependent on adjacent bodies of water (streams, ponds, or creeks). The limits of a riparian area are typically the demarcation line between wetlands and uplands.
4. Other portions of the lot that may be unserviceable or unbuildable.

(f) *Boundaries Between Districts.* Where boundaries between zoning districts do not lie along streets or other easily defined physical features, the exact boundary shall be determined by a survey prepared by a civil engineer or licensed surveyor.





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 Additional data provided by USGS, 2021; Alameda County, 2021.

Figure 3-2
Zoning Map

3.4.4 Additional Considerations in Determining Allowable Lot Size

The division of any parcel of land into two or more parcels shall be subject to the provisions of this section, to the extent consistent with the requirements of SB 330 or subsequent legislation with similar intent.

- (a) *Introduction.* In addition to the developable site area per unit requirements established by zoning, the determination of allowable lot size shall consider neighborhood character and external influences which affect that character. Factors that may be considered include but are not limited to prevailing lot size (see Section 3.4.4(b)), traffic conditions, street width, parking, the availability of public services and utilities, slopes and grading, impacts on natural features such as mature vegetation and creeks, and impacts on open space. The decision-making body may consider additional issues raised by the public during the review process. Changes to neighborhood character that would adversely impact the neighborhood may result in project denial or modifications that would reduce the number of lots and/or increase proposed lot sizes and widths.
- (b) *Allowable Lot Size Determination.* New parcels must be consistent with the existing land use pattern of the surrounding neighborhood. Even though subdivision proposals may meet the minimum requirements for lot size specified above, new lots that are substantially smaller than the prevailing lots in the surrounding neighborhood may not be created. The allowable area for any new lot shall be based on the prevailing lot size in the surrounding neighborhood, defined as follows:
1. For the proposed subdivision of a parcel within a discrete tract that was developed at one time or that functions as a cohesive neighborhood, the surrounding neighborhood is the boundary of that tract.
 2. For the proposed subdivision of all other parcels, the surrounding neighborhood encompasses all lots within 500 feet of the edge of the subject parcel, including those lots that are partially contained within this radius.
 3. In making the calculations above, existing lots in Planned Developments (e.g., areas with PD zoning) and existing lots that are smaller than the lot size allowed by zoning shall be excluded. Large vacant, unsubdivided parcels with development potential also shall be excluded.

- (c) *Fractional Units.* When calculating density, fractions of units shall be considered. If the fraction is over 0.5, the allowable number of housing units may be “rounded up” to the next whole number.
- (d) *Exceptions for Planned Developments.* On parcels designated for Very Low, Low, or Moderate Density Residential with the potential for future subdivision, Planned Developments (PDs) that incorporate smaller lot sizes are permitted. The overall number of units on the parcel shall not exceed the maximum number permitted if the allowable lot size provisions were applied. PD zoning should only be used where the outcome will be a larger percentage of the property dedicated as permanent open space, or less site disturbance due to the clustering of development on the flattest or least environmentally sensitive part of the site.
- (e) *Stormwater Detention Facilities.* Agreements for access and ongoing maintenance of stormwater facilities shall be required at the time of subdivision. Creation of a separate parcel for stormwater detention may be required if it is determined by a certified hydrologist that this is necessary to protect public health and safety. The intent is to ensure that stormwater facilities will be maintained and will not be filled in or modified by homeowners, thereby exacerbating downstream flooding.
- (f) *SB 330 Consistency.* In the event that application of the standards in Section 3.4.4(b) reduces the number of units permitted on the property relative to what was permitted prior to January 1, 2021, the following shall be required: (a) the number of units permitted prior to January 1, 2021 shall be permitted; or (b) a finding shall be made that there will be no net loss in development potential in Fairview due to an increase in the number of units allowed elsewhere within the Specific Plan boundary. This provision shall remain in effect until the SB 330 sunset date of January 1, 2025, or longer if SB 330 provisions are extended or replaced by equivalent legislation.

3.4.5 Required Yards²

(a) *Rural Residential Districts.* The following minimum yard requirements shall apply in Rural Residential areas:

Base Zoning District	Side Yard	Corner Side Yard (street-facing)	Front Yard	Rear Yard
R-1-B-E-1 acre	20 feet	20 feet	30 feet	20 feet
R-1-B-E-5 acres	20 feet	20 feet	30 feet	20 feet

(b) *Very Low Density Residential Districts.* The following minimum yard requirements shall apply in Very Low Density Residential areas:

Base Zoning District	Side Yard	Corner Side Yard (street-facing)	Front Yard	Rear Yard
R-1-B-E-10,000	15 feet	15 feet	30 feet	20 feet
R-1-B-E-20,000	15 feet	20 feet	30 feet	20 feet

(c) *Low Density Residential Districts.* The following minimum yard requirements shall apply in Low Density Residential areas³:

Base Zoning District		Side Yard	Corner Side Yard (street-facing)	Front and Rear Yards
R-1 and R-1-B-E-6000	On lots less than 80' in width	7 feet	10 feet	20 feet
	On lots less than 90' in width (but 80' or greater)	8 feet	12 feet	
	On lots less than 100' in width (but 90' or greater)	9 feet		
	On lots 100' in width or more	10 feet	15 feet	

² Zones listed in the tables may be combined with other districts, such as the "L" combining district.

³ But see Fairview Specific Plan Section 1.2.2(b) on SB 330 compliance.

(d) *Districts Not Listed.* Minimum yard requirements for Zoning Districts not listed above shall be consistent the Alameda County Zoning Ordinance.

(g) *Measurement of Yards.* Yards shall be measured as indicated below:

1. Front yard setbacks shall be measured from the front property line on public streets and from the edge of the access easement on private streets.
2. Corner side yard setbacks shall be measured from the back of the sidewalk to the building wall or, in the absence of a sidewalk, from the edge of the right-of-way or access easement to the building wall.
3. On stem lots (also known as flag lots) the minimum front yard setback shall be 20 feet from the front property line of the developable area, excluding the stem portion. For purposes of this section, the front property line is the lot line closest and parallel to the street from which the property gets access. This may or may not be the “front” of the house, as houses on stem lots may be differently oriented due to lot dimensions.



3.4.6 Maximum Lot Coverage

- (a) *Definition.* Maximum lot coverage is defined as the percentage of each lot that may be covered by buildings or structures. In calculating the percentage of lot coverage, the area at ground level of all roofed buildings on the premises shall be included, excluding the architectural appurtenances and other features listed in Section 17.52.370 of the Alameda County Zoning Ordinance.
- (b) *Incentives for One-Story Homes.* To encourage single story construction, lot coverage bonuses are provided for one-story homes as indicated in the Table below. To qualify as a one-story home, no portion of any structure on the property may exceed 15 feet in height, excluding pitched roofs.
- (c) *Standards.* The following maximum percentages of building lot coverage shall apply:

Square footage of lot	Maximum Lot Coverage	Additional coverage allowed for parcels with one-story homes
Less than 5,000	40%	5%
5,000-9,999	40%	10%
10,000-14,999	30%	10%
15,000-19,999	27.5%	7.5%
20,000-43,559	25%	5%
43,560 (one acre) or more	20%	0%

3.4.7 Maximum Floor Area Ratio

- (a) *Definition and Intent.* Floor area ratio (FAR) is the ratio of building area to lot area on a given parcel. Regulating the allowable FAR on a parcel provides a way to avoid massive structures that may not be appropriate in the context of a suburban or rural residential neighborhood. FAR limits work in tandem with lot coverage limits, height limits, and design guidelines to ensure that future development and improvements to existing homes are compatible with the desired character of Fairview.

- (b) *Site Development Review Thresholds.* The FAR limits for Fairview establish thresholds for discretionary action. Improvements that would cause the limits shown below to be exceeded shall require Site Development Review through a noticed public hearing by the Fairview MAC. These limits apply to all Fairview parcels with R-1, R-1-L, and R-1-B-E zoning. They do not apply to parcels with R-S, Agricultural, Commercial, or Planned Development zoning.

Lot Size	Maximum FAR
Smaller than 5,000 SF	0.55
5,000-9,999 SF	0.15, plus 2000 SF
10,000 SF or larger	0.10, plus 2500 SF

To illustrate application of the standard, the maximum floor area permitted on a 12,000 square foot lot would be 3,700 square feet [(0.10 X 12,000) + 2500] = 3700].

- (c) *Lot Area Exclusions.* When calculating the lot size for a floor area determination, portions of the parcel included in private street easements shall be excluded.
- (d) *Floor Area Exclusions.* When calculating the allowable floor area on a parcel, exclusions apply to non-habitable spaces such as garages, storage sheds, mechanical equipment rooms, and attics or basements not eligible for habitation; and spaces outside the walls of the house, such as decks (including covered decks and lanais), patios, atrioms, and outdoor stairs.
- (e) *Limits on Total Floor Area.* The Planning Commission may, at its discretion, allow FARs exceeding the limits shown in Section 3.4.7(b) above. However, under no circumstance may any single-family home in the R-1, R-1-L, R-1-B-E-6,000; -10,000, or -20,000 zoning district exceed 5,000 square feet in floor area; and under no circumstance may any single family home in the R-1-B-E-1 acre, R-1-L-B-E-1 acre, or R-1-L-B-E-5 acre zoning district exceed 12,000 square feet in floor area.
- (f) *Consistency with SB 330.* The provisions of Section 3.4.7 are enforceable to the extent they are found to be consistent with SB 330 and determined to not to reduce the potential for additional housing in Fairview. This provision shall remain in effect until the SB 330 sunset date of January 1, 2025, or longer if SB 330 provisions are extended or replaced by equivalent legislation.



3.4.8 Open Space

Open space is an essential part of Fairview’s character. One of the purposes of the lot coverage standards at Section 3.4.6 is to ensure that a substantial portion of each parcel remains open as landscaped area, gardens, natural open space, or hardscape surfaces (patios, pools, etc.). All parcels should include usable outdoor areas for recreation or aesthetic purposes.

Usable open space areas on private parcels should have the following general characteristics:

- A slope of less than 20% gradient, unless this would conflict with the provisions of this Plan discouraging grading
- A minimum width of at least 15 feet
- A total area of at least 1,000 square feet
- Not visible from the fronting street
- Not used for off-street parking or property access

As specified in the *Alameda County Residential Design Standards and Guidelines*, outdoor decks and rooftop areas may be counted toward the usable open space requirement.

3.4.9 Height

- (a) *Maximum Height Limit.* No structure shall have a height of more than two stories or 25 feet, whichever is greater, except as provided by the Alameda County *Residential Design Standards and Guidelines* and Sections (c) and (d) below. The building height limitations do not apply to chimneys, church spires, flag poles, or mechanical appurtenances incidental to the permitted use of a building.
- (b) *Height Measurement.* The measurement of height shall be consistent with the diagrams in the Alameda County *Residential Design Standards and Guidelines*.
- (c) *Exceptions to Height Limit.* Consistent with the Residential Design Standards, structures may be up to 30 feet in height provided that the roof is pitched and any portion of the structure over 25 feet in height is at least 15 feet away from the property line.
- (d) *Exceptions for Institutional Uses.* As specified in Section 17.52.090(a) of the Zoning Ordinance, schools, churches, and other permitted buildings of an institutional character may have a building height in excess of the limitations herein but not in excess of seventy-five (75) feet; provided that the requirements for front, rear and side yards shall be increased by one foot for each foot of the building height in excess of forty (40) feet.
- (e) *Fence Height.* For permitting purposes, fence height shall be calculated in accordance with the provisions of the Alameda County Municipal Code and the Residential Design Standards and Guidelines, except that fences constructed on retaining walls shall be measured based on the actual height above grade. The County Code provision (17.52.450) that allows the retaining wall beneath the base of a fence to be counted at half of its actual height shall not apply in Fairview.

3.4.10 Hillside Sites

- (a) *Developable Areas.* On hillside parcels, defined as parcels with an average slope exceeding 10%, buildings shall be located on portions of the site where the slope does not exceed 30%. In such instances, the maximum height of understory blank walls should be consistent with provisions of the *Alameda County Residential Design Guidelines and Standards*.
- (b) *Minimizing Bulk.* Tall downhill facades shall be avoided by stepping structures with the natural terrain or cutting into the hillside to reduce the effective visual bulk. Graduated heights and/or varied setbacks, as well as architectural elements shall be encouraged to reduce the scale of the buildings.
- (c) *Constrained Sites.* Natural and man-made slopes of 30% gradient or greater should not be developed or altered. Exceptions may be granted for road construction if it is the only feasible access to a site, modifications of minor terrain features, and custom designed homes and lots that otherwise conform to the intent of these policies.

See also Section 6.4.1(b) on Ridgelines.

- (d) *Retaining Walls.* Retaining walls on hillside sites shall comply with the *Alameda County Residential Design Guidelines and Standards*.





3.4.11 Parking

- (a) *Requirements for Existing Residences.* Parking for residences constructed prior to the adoption date of this Specific Plan shall be subject to the requirements specified in the Alameda County Zoning Ordinance.
- (b) *Minimum Required for New Residences.* Each new dwelling unit added after the effective date of this Specific Plan shall be required to provide a minimum of two (2) off-street parking spaces. For new dwelling units with four or five bedrooms, three (3) off-street parking spaces shall be required. For new dwelling units with six or more bedrooms, four (4) off-street spaces shall be required. Parking spaces shall be at least 9 feet in width and 20 feet in depth, exclusive of maneuvering space and driveways. For the purposes of determining the required off-street parking area, tandem parking (including but not limited to outdoor driveway spaces behind indoor garage spaces) is permitted. Parking for Accessory Dwelling Units (ADUs) is addressed at 3.4.12(c)(1) below.
- (d) *Design.* Driveway and garage design, including width and access, shall comply with the Alameda County *Residential Design Standards and Guidelines*.
- (e) *Other Uses.* Parking for uses not listed above shall be consistent with the Alameda County Zoning Ordinance.

- (f) *Residential EV Chargers.* New development projects of five units or more shall be equipped with a minimum of one single-port electric vehicle (EV) charging station. The EV charging stations shall achieve a similar or better functionality as a Level 2 charging station. In the event that the installed charging stations use functionality/technology other than Level 2 charging stations, the parameters of the mitigation obligation (i.e., the number of parking spaces served by EV charging stations) shall reflect the comparative equivalency of Level 2 charging stations to the installed charging stations on the basis of average charge rate per hour. For purposes of this equivalency demonstration, Level 2 charging stations shall be assumed to provide charging capabilities of 25 range miles per hour. (CEQA Mitigation Measure GHG-1)

3.4.12 Accessory Dwelling Units

- (a) *Definition.* An Accessory Dwelling Unit (ADU) is a separate attached or detached residential unit on a property that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single family dwelling. ADUs are sometimes referred to as “second units” or “in-law apartments.”
- (b) *Background.* Between 1997 and 2017, the Fairview Specific Plan strictly limited the construction of ADUs. Rezoning to a Planned Development (PD) was required, and units were only permitted where it could be found that there was sufficient infrastructure and traffic capacity, a demonstrated ability to maintain the property, and aesthetic compatibility. Units were also subject to a variety of development standards.

In 2017, statewide legislation superseded most local ordinances related to the regulation of ADUs in California. The County of Alameda adopted interim controls that were consistent with the state rules and began a process to adopt permanent controls. The new state rules respond to California’s housing shortage and recognize the role that ADUs play in providing housing for seniors, students, young adults, family members, and lower income households.

Under state law, the County has very little discretion in regulating ADUs that are entirely within the envelope of an existing dwelling. Greater discretion can be exercised for units that add habitable floor space, but even these units must be permitted “by right” if they meet specified criteria related to size and location on the property. Local jurisdictions are also limited in their ability to require parking, prohibit garage conversions into ADUs (if off-street parking is provided elsewhere on the property), and apply setback standards to units above garages in side or rear yards.

Local jurisdictions are allowed to designate areas where ADUs may be subject to additional requirements, provided that there is justification. Fairview's road and access constraints, high fire hazards and steep terrain, lack of sanitary sewer on some properties, and limited public transit suggest such limitations may be appropriate in at least some parts of the community.

(c) *Requirements Applicable to Fairview.* The following requirements for ADUs are intended to supplement those that apply countywide:

1. With the exception of the 2nd Street corridor, the parking exemption that applies to units within one-half mile of a transit stop shall not apply in Fairview due to the infrequent nature of transit service in the community. Most of Fairview is more than one-half mile from a bus transit stop. The #95 bus (D Street/Maud Av) has a 40-minute headway and the #94 bus has a one-hour headway and only operates during the commute hours. Only the 2nd Street corridor is served by a bus (#60) that operates more regularly. A parking exemption shall apply to ADUs within one half mile walking distance (as measured along road centerlines) of established bus stops along this route.
2. Approval of an ADU that adds habitable floor space to a property that is not connected to a public water and sewer system shall include a determination that well and septic capacity is adequate to serve both dwellings, and that emergency vehicle access is adequate to serve both dwellings.
3. An ADU may be permitted without rezoning to an SU (second unit) Combining District, provided the ADU conforms to applicable countywide standards, including the County's *Residential Design Standards and Guidelines*.
4. All other attributes of ADU construction, including size, setbacks, and location on the lot, shall be governed by the countywide regulations in effect at the time of application.

3.4.13 Medical and Residential Care Facilities

Medical and residential care facilities include homes licensed by the State Department of Social Services, Community Care Licensing Division. They also include group living quarters for persons placed by an authorized agency for rehabilitation purposes and funded, operated, or licensed by a federal, state or county governmental agency. Facilities are classified by the State as "small" (up to six persons) or "large" (seven or more persons). Small facilities are permitted by right under state law. Large facilities typically require conditional use permits.

Sections 1267.9 and 1520.5 of the California Health and Safety Code stipulate that no facility shall be closer than three hundred (300) feet from other similar activities or facilities unless findings can be made that such an additional facility would not have a negative impact upon residential activities in the surrounding area. Given the low-density character of Fairview and prevailing land uses in the community, such impacts would be possible and must be avoided. To the extent consistent with State law, the overconcentration of large residential care facilities in a single part of the community is strongly discouraged.

3.4.14 Substantial Additions

Fairview has a large inventory of smaller and relatively affordable single family homes, many built in the 1950s, 60s, and 70s. These homes contribute to Fairview's economic diversity and provide housing for a range of income groups. Over the past few decades, there has been growing demand to update and dramatically expand older housing stock, resulting in diminished affordability as homes grow larger. Consequently, this Specific Plan requires that additions which increase the gross floor area of a home by more than 50 percent) be subject to a Site Development Review (SDR) process. This provides an opportunity for public review and will promote housing investment that is consistent with Fairview's character. Efforts to streamline and expedite the SDR process, consistent with countywide housing policy, will continue to be encouraged.

3.4.15 Design Guidelines

In 2014, the County of Alameda adopted design standards and guidelines for all residential development in the western part of unincorporated Alameda County, including Fairview. The purpose of the standards and guidelines is to preserve single-family neighborhoods and ensure that new development is consistent in scale with existing development. The standards and guidelines provide recommendations to create high quality buildings and plans that will result in more livable and attractive neighborhoods. They include prescriptive instructions that communicate design requirements for the unincorporated areas, as well as flexible language that allows for innovation and creativity.

The County's Design Guidelines address the following 13 topics:

- A. Development Intensity and Neighborhood Compatibility
- B. Building Height and Form
- C. Building Relationship to the Street
- D. Building Design
- E. Building Setbacks for Light, Air, and Privacy
- F. Auto Circulation: Site Access, Streets, and Driveways
- G. Parking Location and Design

- H. Facilities for Walking, Bicycling, and Transit
- I. Site Landscaping
- J. Usable Open Space
- K. Fences and Walls
- L. Services

The County’s Residential Design Guidelines shall apply to all new residential construction, additions, and remodels, unless they conflict with the development standards in this Specific Plan. The text box on the following pages includes a list of guidelines that are particularly relevant to Fairview; however, these are not the only guidelines that apply. The full text of the [Guidelines](#) should be consulted for further detail.

3.4.16 Views

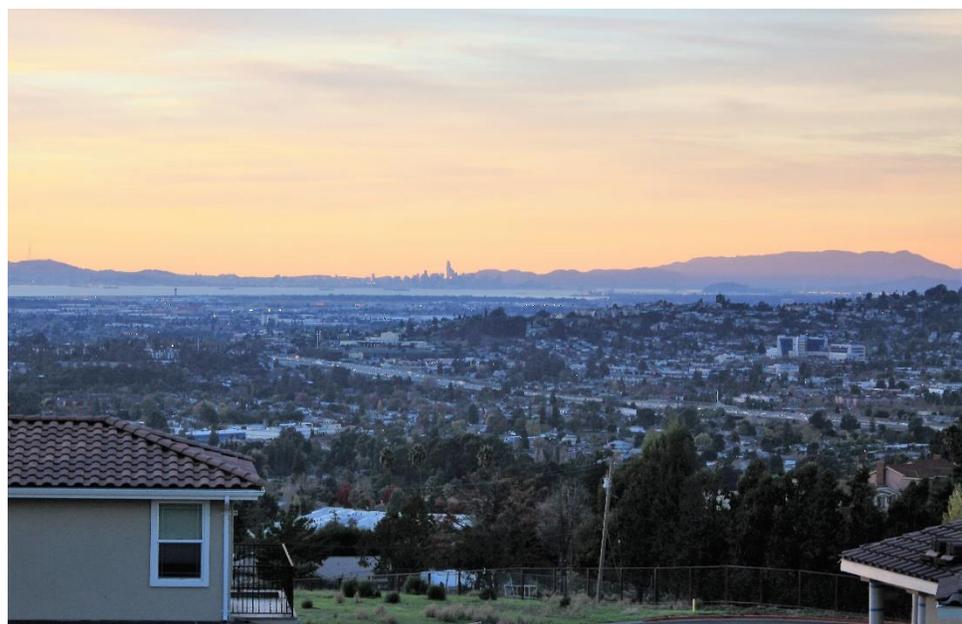
- (a) *Introduction.* Views and vistas are an important part of Fairview’s character. The community’s hilly terrain affords numerous short-range, mid-range, and long-range views, providing orientation and identity while providing an aesthetic amenity. Views are vulnerable to impacts from a number of natural and human activities. Natural impacts are typically associated with tree growth and view obstruction. Human impacts are associated with construction, grading, and other activities that can obscure or change the character of a view.
- (b) *Protection from Natural Impacts.* Protection of views from the natural impacts of tree growth is addressed by Chapter 6.66 of the Alameda County Code of Ordinances (Views and Sunlight—Fairview District). Chapter 6.66 is adopted by reference as part of this Specific Plan and included as Appendix C. It was established to establish the right



of persons to preserve views or sunlight which existed at the time they purchased or occupied their properties from unreasonable obstruction by tree growth. It includes a process through which a person may seek restoration of such views and associated solar access. Chapter 6.66 includes general guidelines for view restoration, along with criteria for determining when an unreasonable obstruction has occurred and a process for resolving disputes.

(c) *Protection from Human Impacts.* Protection of views from human impacts is generally addressed by the provisions of this Specific Plan to limit development on steep slopes, discourage large-scale grading, restrict building heights, and regulate floor area and lot coverage based on the amount of developable area on each parcel. Additional direction is provided by the Countywide Design Guidelines, and by policies and standards throughout this Specific Plan that discourage adverse visual impacts. It is the intent of this Specific Plan to protect the visual character of Fairview and preserve views to the greatest extent possible. As a follow-up to this Specific Plan, the Fairview MAC and County Community Development Agency may consider ways to strengthen view protection requirements associated with new construction.

(d) *Definition of View.* As defined by Chapter 6.66 of the County Code, a view is generally medium or long-range in nature. Views include but are not limited to skylines, bridges, landmarks, distant cities, distinctive geologic features, hillside terrains, wooded canyons, ridges, and bodies of water. Near-term features such as individual trees on a street or open space on an adjacent property, would not be included.



KEY DESIGN GUIDELINES APPLICABLE TO FAIRVIEW

Consistent with the Alameda County Residential Design Guidelines and Standards, single family home construction, additions, and remodels in Fairview should adhere to the following design principles:



- Respect the development pattern of the neighborhood and complement the neighborhood character valued by the community
- Enhance the appearance of, and contribute positively to, the existing visual context of the neighborhood
- Locate and orient buildings to respect the need for privacy, light, and air of surrounding structures
- Design buildings to be respectful of adjacent buildings and create transitions of appropriate height and scale
- Locate the taller portions of residential projects away from adjoining properties
- Reduce visual and shadow impacts by locating upper stories in the center of the property, stepping back the upper stories from below, or tucking upper stories inside a pitched roof, or pitched roof with dormer windows
- In areas where the prevailing development is single story, step back the upper stories along the street frontage to maintain compatibility
- Avoid large box-like building forms with continuous unrelieved surfaces
- Articulate the façade and limit building length to reduce perceived bulk and mass

- Design front yard setbacks to enhance the street, with setback dimensions that are generally consistent with the other buildings on the block.
- Homes on corner lots should be oriented in a manner that is consistent with the other homes on the block. On rectangular lots, the narrower dimension is generally considered the “front” of the lot.
- Limit the paving of front yard areas to the minimum necessary for parking and driveways
- Incorporate landscaping to create an attractive visual outlook, create usable open space, maximize stormwater infiltration, and provide privacy
- Avoid combining structural and decorative characteristics from different architectural styles into a single building
- Use building materials that convey a sense of durability and permanence
- Design doorways, columns, overhangs, and other architectural elements to be substantial in depth, in order to create shadow and architectural relief
- Incorporate variable roof forms into building design to avoid a boxy appearance
- Design additions to existing buildings with consideration for the overall form of the resulting building; additions should not mix styles or introduce incongruous design motifs
- Minimize the prominence of garage doors as an element of the front façade
- Use design strategies to protect privacy, such as offsetting windows of adjacent units, locations minor windows above eye level, and using opaque glass for minor windows
- Design fences and walls to be an attractive part of a residence, with materials and designs that are compatible with exterior building materials.



Chapter 4

Agriculture



4.1 INTRODUCTION

Fairview originated as an agricultural community—poultry farms, orchards, pasture, and grazing land were once its primary land uses. Although much of Fairview has been subdivided, the community has two active vintners, a honey bee keeper, an avocado grower, remnant orchards, and numerous properties with horses and other livestock. Fairview’s large lots and agricultural heritage make it a logical location for boutique and recreational farming. Agriculture continues to shape Fairview’s identity and contributes to local aesthetics and character.

The purpose of this Element is to support the continued presence of agriculture and animal-keeping in Fairview, while minimizing the potential for conflicts between these activities and adjacent uses. It is the County’s intent to enforce zoning and animal-keeping standards to the fullest extent possible in order to maintain the quality of life in Fairview.

4.2 BACKGROUND

Soil and topographic conditions in Fairview are generally not conducive to traditional field crops and commercial agriculture. Fairview does not contain Prime Farmland, Unique Farmland, or Farmland of Local Importance. A small area near East Avenue and Hansen Road is designated as potential Farmland of Statewide Importance, but it is already urbanized. There are no properties in Fairview covered by the Williamson Act, a program that provides reduced taxes for landowners if they retain their properties in agricultural or open space land uses.

Despite its natural limitations, Fairview has supported small farming and livestock operations for well over a century. As these operations were replaced by rural residential uses, many owners continued limited agricultural operations, including the keeping of horses and other livestock. Fairview residents own goats, chickens, sheep, hens, and other large and small animals.

The proximity of livestock to residential uses has caused conflicts as suburban-density housing has encroached into formerly rural areas, and as residents new to living in a rural environment have moved in. The situation has been exacerbated by limited resources for monitoring and enforcement, and the presence of unpermitted animals on some properties. Problems associated with odor, noise, flies, traffic, dust, and runoff have occurred, sometimes affecting adjacent properties.

Section 4.4 of this Element provides further detail on standards for animal keeping in Fairview. The standards themselves are in Appendices A and B.

4.3 GUIDING POLICIES FOR AGRICULTURE

GOAL AG-1 Sustain agriculture in Fairview and strive for greater compatibility between agricultural and residential uses.

Policies

- AG-1.1 Encourage small-scale agriculture and farming, subject to standards that minimize off-site impacts.
- AG-1.2 Standards for equestrian uses should be enforced to support existing activities while minimizing impacts on surrounding properties.
- AG-1.3 Special setback requirements for barns, stables, and other buildings used to house livestock shall be maintained when such structures adjoin single family zoned properties. These setbacks are defined in Appendix A of this Specific Plan.



- AG-1.4 Consistently enforce and monitor compliance with Animal Fancier Permit conditions, including coordination and communication between residents, horse owners, and County agencies.
- AG-1.5 Encourage future development to incorporate features that reflect Fairview’s agricultural legacy, such as space for orchards or viticulture.
- AG-1.6 Continue to use Alameda County’s Right to Farm Ordinance as a tool for advising new and prospective property owners of the potential impacts associated with pre-existing agricultural uses near their properties. The ordinance alerts property owners within 2,000 feet of agricultural operations that agriculture and agriculture-related activities are permitted. Buyers of properties within this zone are advised that the property may be subject to noise, odor, dust, night operations, and other impacts associated with agricultural uses.
- AG-1.7 Where appropriate, measures to mitigate impacts on nearby agricultural operations may be required when residential development is approved.
- AG-1.8 Support the use of land trusts and conservation easements to protect open space and agricultural land in Fairview.
- AG-1.9 Agricultural activities with industrial-type impacts, such as truck traffic, night lighting, and noise levels that exceed standards for residential areas, are not appropriate in Fairview and shall not be approved.

4.4 DEVELOPMENT STANDARDS

4.4.1 Animal Keeping

- (a) *Purpose.* The County has established licensing requirements for the keeping and maintenance of livestock. These requirements permit residents to keep horses and other animals under appropriate conditions while protecting and promoting public health, safety, welfare, comfort, and convenience. One of the objectives of this Specific Plan is to ensure that animal keeping requirements are adequately and consistently enforced.
- (b) *Standards, Rules, and Regulations.* Standards for the Keeping Animals in the Residential Zones of the Fairview Unincorporated Area of Alameda County were developed by the Alameda County Sheriff's Office in 2011 and are included as Appendix A of this Specific Plan. Alameda County has also adopted an Ordinance requiring Animal Fanciers Permits for the keeping of livestock in residential zoning districts (Chapter 5.12 of the County Code). The Alameda County Sherriff's Office has further adopted Animal Keeping Rules, Regulations, and Standards for the Unincorporated Fairview area. These documents are included in Appendix B of this Specific Plan.



- (c) *Discussion of Standards.* Animal Fancier Permits (AFPs) are required in all Residential (R) zoning districts for households with more than two dogs, two cats, or any livestock. Certain exemptions are provided; for example, youth participating in 4-H programs.

In 2011, the Alameda County Board of Supervisors modified the County Code to add standards that were specifically tailored to Fairview. Before 2011, the standards conflicted with the requirements of the “L” (Limited Agriculture) combining district, which were more restrictive in terms of the number of animals permitted. The standards adopted in 2011 were also broader in scope, covering animals not included in the Countywide standards. An amortization period was provided, giving holders of existing AFPs three years to comply with the new rules.

The Animal Keeping Standards address the minimum lot size for keeping animals, and the square footage of available space required per animal. A minimum of 40,000 square feet is required to own a horse, steer, cow, sheep, goat, potbelly pig, llama, alpaca, or similar large animal. In general, 20,000 square feet of available space is required for each animal.

Standards also have been adopted for fowl (chicken, ducks, geese, turkeys), rabbits, pigeons, and smaller animals. These standards likewise require 40,000 square feet of lot area in the L combining district and establish the maximum number of animals per parcel (generally 50). On residential (R-) parcels outside the L overlay, there is no minimum lot size to keep fowl and small animals, but there are ratios of allowable animals per square foot of available space. Beekeeping is also permitted in the R- and R-L districts, with one colony for each 10,000 square feet of space. Parcels in the L combining district are subject to a further provision that the animal keeping activity is accessory (subordinate and secondary) to the principal use of the parcel.

The Ordinance also includes performance standards for the keeping of animals in all districts. These standards require that accessory structures (e.g., corrals or stables) comply with zoning. It also addresses operational aspects of animal keeping, such as manure removal, watering troughs, hay and grain storage, and debris removal. The standards are intended to avoid nuisance conditions, such as flies and odors, that might affect nearby properties.

- (d) *Encumbered Parcels.* In the event that a parcel is encumbered by transmission lines that make residential uses infeasible, the “L” combining zone may be applied to parcels smaller than one acre in order to facilitate the productive use of such sites with agriculture.



4.4.2 Equestrian Trails

The development of future equestrian trails, or multi-purpose trails that can accommodate hikers, cyclists, and horses, is strongly encouraged in those areas of Fairview that have a rural or open space character. Trails should be designed to minimize impacts on adjacent properties and ensure the safety of all users and motorists on nearby roads.

4.4.3 Other Agricultural Uses

As noted in Chapters 17.08 and 17.12 of the Alameda County Zoning Regulations, the cultivation of field crops, orchards and gardens is allowed on all residentially zoned properties in Fairview. This includes activities such as community gardens, private backyard gardens, and small farms such as vineyards and orchards. Plant nurseries or greenhouses used only for the cultivation and wholesale of plant materials may be considered in residential zones with a conditional use permit. In the “L” combining district, the on-site sale of permitted agricultural products may be considered with a conditional use permit.

Chapter 5

Transportation



5.1 INTRODUCTION

This chapter addresses transportation and circulation issues in Fairview. The focus is on ensuring the safe, efficient operation of the roadway system and coordinating transportation improvements with land use and development decisions. The chapter also addresses the needs of bicycles, pedestrians, and transit users. Consistent with Alameda County’s “complete streets” policy, Fairview’s streets must be designed and operated to serve all modes of travel and meet the needs of multiple users.

The chapter begins with an overview of transportation conditions in Fairview. It then provides guiding transportation policies that have been adapted from the Eden Area and Castro Valley General Plans or developed in response to public input during the Specific Plan Update. The final section of the chapter includes more specific standards and guidelines for transportation that apply to Fairview.

5.2 BACKGROUND

Fairview’s street network includes collector streets that link the community to the regional arterial and freeway system and local streets that serve individual neighborhoods. The backbone of the street system is shown in Figure 5-1 and consists of the following streets:

- *D Street* is a two-lane east-west local street, with a posted 30 mph speed limit that provides access to Downtown Hayward.
- *Fairview Avenue* is a two-lane local street with a posted 30 mph speed limit that extends from the east end of D Street to Hayward Boulevard in the Hayward Hills, with a connection to Five Canyons Parkway. It is also a locally designated scenic road.
- *Kelly Street* is a two-lane east-west local street with a posted 30 mph speed limit that provides access to Hayward (where the speed limit drops to 25 mph).
- *East Avenue* is a two-lane east-west local street with a posted 25 mph speed limit that provides vehicle access and a walking route to Downtown Hayward.
- *Second Street* and *Windfeldt Road* are also important collector streets, providing access through Fairview to Cal State East Bay and a connection to the East Avenue corridor.



- Major Street
- Monitored Intersection (per 1997 Fairview Plan)
- Fairview Plan Boundary

Figure 5-1:

Fairview Principal Street Network

Other major streets within Fairview do not provide connections to adjacent communities:

- *Maud Avenue* is a two-lane local street with a posted 30 mph speed limit that runs from Kelly Street to D Street and provides access to Fairview Elementary School. It becomes Woodroe Avenue north of Kelly Street, which is the main access road into Don Castro Regional Recreation Area.
- *Hansen Road* is a two-lane north-south local street with a posted 30 mph speed limit that runs between East Avenue and Fairview Avenue and provides access to East Avenue Elementary School.
- *E Street* is a two-lane east-west collector street, providing an access spine that connects a number of Fairview neighborhoods to Downtown Hayward.

Each of the collector streets listed above provides access to subdivisions with local private and public streets. Since these subdivisions were developed incrementally over many years, their street systems tend to be self-contained with limited connectivity between them. Many of the subdivisions consist of only one or two streets with cul-de-sacs or dead-ends.

There are no logical direct routes through Fairview, suggesting that most trips on local streets begin and end in the community. On occasion, some motorists may use Fairview's collector streets to bypass congested arterials and freeways nearby—but the routes are circuitous. Residents report that on-line applications such as WAZE contribute to this problem by directing motorists through Fairview. Some of the community's collectors provide secondary access between Hayward and the Hayward Hills, and between the 580 corridor and the Cal State East Bay campus.

Traffic congestion may occur around the elementary schools at the start and end of the school day, at the community's only signalized intersection (Kelly and Maud), and at the Five Canyons roundabout on Fairview Avenue. More substantial congestion occurs outside Fairview's boundaries along B Street, Center Street, and Grove Way. The operation of intersections along these streets affects Fairview residents, as they are primary access routes to the 580 and 238 freeways as well as BART, shopping, services, and regional destinations.

Excessive vehicle speeds are a concern in Fairview. Speed surveys done in 2012 found that prevailing speeds were 41 MPH near the elementary schools on D Street and East Avenue, whereas posted speed limits were 30 MPH and 25 MPH respectively. Likewise, prevailing speeds were 39 MPH on Kelly Street and 37 MPH on Maud Avenue, well above the posted speed limits. Speeding is also an issue on Second Street, Windfeldt Road, and lower-volume residential streets.

Fairview is heavily dependent on private vehicles for transportation, with limited options for transit users and relatively long travel distances or challenging conditions for bicyclists and pedestrians. AC Transit operates two bus lines that are partially in Fairview. Line 95 provides access to Hayward BART via D Street, Maud Avenue, and Kelly Street. Buses run every 40 minutes. Line 94 also provides BART access, but runs along East Avenue and Second Street. The bus runs once an hour, and operates between 6-10 AM and 3-9 PM. Just beyond Fairview's boundary, Line 32 runs along Center and B Streets, while Line 60 runs along Second Street and Campus Drive.¹

Most Fairview collector streets were not designed with bicycles in mind. Although traffic volumes are low, vehicle speeds are often high and road curves and topography can make cycling difficult for casual riders. There is a Class II bike lane on westbound D Street extending from the Hayward city limits to the entrance to San Felipe Park. East of the park, there are sharrows on D Street in both directions. Bike sharrows have also been placed on Fairview Avenue. There are also bike route signs on Kelly Street and Maud Avenue, but bikes share the road with motor vehicles. No other bicycle facilities currently exist.



Speed monitor on D Street

Conditions for pedestrians vary. Many Fairview subdivisions include sidewalks, but the main collector streets have sidewalk gaps and areas where pedestrians must walk on unpaved shoulders. The lack of a connected network of local streets means that pedestrians sometimes must walk long distances to reach destinations that are relatively closeby.

Sidewalk improvements have been made to facilitate student crossings around Fairview Elementary School, including high visibility crosswalks, curb extensions, and rapid flashing beacons. The sidewalk system at East Avenue Elementary School includes high visibility crosswalks at the East Avenue / Hansen Road intersection and at the East Avenue/Mead Way intersection, and sidewalks adjacent to the school along both streets. However, there are limited sidewalks on the west side of Hansen Road.

¹ At the time of adoption of this Plan, bus service to Fairview had been severely curtailed by the COVID-19 pandemic. The timing of service restoration is unknown.

5.3 GUIDING POLICIES FOR TRANSPORTATION

GOAL T-1 **Maintain a circulation system that is consistent with Fairview’s low density, semi-rural and residential character.**

Policies

- T-1.1 Roadway design standards for Fairview should reflect adjacent uses, visual and aesthetic conditions, and the semi-rural and residential character of the community.

- T-1.2 Improvements to the circulation system should preserve scenic views and mature vegetation.

- T-1.3 Limit road widening projects in Fairview to ensure that roadways do not become barriers between neighborhoods, and to avoid speeding and induced traffic.

- T-1.4 Consider the use of turning lanes, stop signs, roundabouts, and other traffic control devices to improve traffic flow in Fairview. Installation of new traffic signals within Fairview is discouraged.

- T-1.5 Seek ways to improve connectivity in Fairview without impacting neighborhood character or increasing motor vehicle volumes on existing local streets.

- T-1.6 Encourage the beautification of existing Fairview roads and neighborhoods streets through tree planting and landscaping.

- T-1.7 Strongly discourage gated communities, including the addition of access control gates on entry streets serving existing developments as well as the use of such gates in new development.



Sharrow (shared bicycle and vehicle lane) on D Street

GOAL T-2: Create a multi-modal transportation system that improves mobility and travel safety for all Fairview residents.

- T-2.1 Consistent with Countywide complete streets policies, the design of the road system shall consider not only vehicle circulation but also the needs of pedestrians, bicycles, and transit users.
- T-2.2 Support additional investment in road maintenance and safety improvements on Fairview’s roadways. Fairview should receive its fair share of countywide investment in road resurfacing and maintenance projects.
- T-2.3 In general, new roads serving areas designated for residential densities greater than two units per net acre should include concrete curbs, gutters, and sidewalks. Roads serving areas designated for rural densities may be designed with gravel walkways or other features to address the needs of pedestrians who may be using those streets.
- T-2.4: Prioritize the installation of sidewalks or improvement of sidewalks in the following locations:
- Areas adjacent to schools and parks
 - Locations with a high level of pedestrian collisions
 - Areas with small, existing gaps in the sidewalk network
 - Locations with high pedestrian volumes
 - Along collector streets that are served by AC transit buses

- T-2.5 Explore the potential to connect dead-end streets in close proximity to one another through pedestrian and bicycle paths, thereby making it easy to walk or cycle between neighborhoods and to parks, schools, and bus stops. New development should provide direct pedestrian connections to streets in adjacent neighborhoods wherever feasible.
- T-2.6 Provide marked pedestrian crossings along collector streets at controlled intersections and pedestrian destinations such as parks and schools.
- T-2.7 Implement improvements as outlined in the Alameda County Pedestrian Master Plan and the Alameda County Bicycle Master Plan. Ensure that updates to these plans include substantial investment in pedestrian and bicycle improvements serving Fairview.
- T-2.8 Where supported by residents and emergency services personnel, consider “road diets” which reduce pavement width to reduce traffic speeds and improve pedestrian and bicycle safety. Appropriate streets for road diets include those with paved widths that considerably exceed County standards
- T-2.9 Work with AC Transit to increase service frequency and extend hours of operation on its routes in Fairview to make transit use more viable. Local buses should provide easy and convenient access from Fairview to the Hayward and Castro Valley BART stations, with minimal transfers and waiting times.



AC Transit bus on Kelly Street

- T-2.10 Improve transit stops and stations to create a more pleasant, comfortable, and safe waiting environment for transit users.
- T-2.11 Plan for the increased presence of electric vehicles in Fairview, including the development of electric car charging infrastructure at community gathering places (such as the elementary schools and recreation centers)
- T-2.12 Encourage para-transit, on-demand ride services, and rides for persons with special needs living in Fairview.

See Policy CS-1.7 (Chapter 8) and Section 8.4.1(h) for guidance on trails, including equestrian trails

GOAL T-3: Protect residential neighborhoods from traffic, speeding, and overflow parking.

- T-3.1 Discourage the use of Fairview’s major road network for “cut through” vehicle trips that begin and end in other communities. Road design and signage should redirect through-traffic to arterial streets designed for higher volumes and freeway access.
- T-3.2 A variety of traffic calming methods, consistent with Alameda County engineering standards and Neighborhood Traffic Calming Program procedures, should be encouraged to reduce speeding and other traffic violations on neighborhood streets. Traffic calming should be prioritized on those roads where posted speed limits are most commonly exceeded and/or where the most extreme safety hazards exist.
- T-3.3 Discourage traffic calming methods that completely block local traffic on residential streets (e.g., through the installation of gates or barriers across all travel lanes), even when such barriers are temporary in nature.
- T-3.4 Require review and approval of any traffic calming or road modification proposals by the Alameda County Sherriff’s Office and the Fairview Fire Protection District to ensure that adequate emergency vehicle access is provided.
- T-3.5 Consider localized parking management programs in portions of Fairview where there is a shortage of on-street parking, or where there is overflow parking from nearby multi-family development.
- T-3.6 Ensure that new development provides a sufficient number of off-street parking spaces to meet demand, and that streets in such development are designed to meet expected on-street parking needs.



Discontinuous sidewalk on E Street

- T-3.7 Improve the enforcement of speed limit and stop sign laws, especially on D Street, E Street, East Avenue, Kelly Avenue, Maud Avenue, Hansen Road, Second Street/ Windfeldt Road, and Fairview Avenue. Additional measures should be taken to improve traffic safety on these streets.
- T-3.8 Enforce commercial traffic and truck regulations. Truck parking on local streets, and the use of Fairview streets for truck traffic other than local pick-ups and deliveries, shall be prohibited.
- T-3.9 Work with the Hayward Unified School District to address traffic and safety impacts in the vicinities of Fairview and East Avenue Elementary Schools, as well as Hayward High School.

See Section 3.4.11 (Land Use Element) for parking standards

GOAL T-4: Ensure that transportation needs and impacts associated with new development are adequately addressed.

- T-4.1 New development shall mitigate the impacts of their projects on the transportation system, to the extent consistent with State law. A variety of mitigation measures should be considered.
- T-4.2 Ensure that streets in new subdivisions are designed for adequate emergency vehicle access and turning radius requirements, expected parking demand, and the needs of multiple users, including pedestrians and bicycles. Road design should ensure that parked cars are not obstructing or partially obstructing travel lanes or sidewalks.
- T-4.3 Maintain level of service standards for local roads that are compliant with state laws and consistent with Countywide policies. Variations from these standards may be considered when the construction of the improvements necessary to attain or maintain them would be physically infeasible, prohibitively expensive, or have significant environmental or community character impacts. Variations may also be considered if the existing or projected congestion is primarily the result of traffic generated by development located outside of Fairview or would negatively impact transit, bicycle, or pedestrian circulation.
- T-4.4 Ensure that countywide capital improvement programs include local projects that reflect anticipated growth in Fairview, respond to existing deficiencies, and address ongoing maintenance and safety needs. To the greatest extent feasible, transportation impact fees collected in Fairview should be spent on improvements in Fairview.
- T-4.5 Work with the City of Hayward to address the impacts of Hayward’s development on Fairview streets and to ensure that technically sound, environmentally appropriate, and financially equitable solutions are implemented. The City and County shall maintain information on traffic conditions in order to evaluate the impacts of new developments and the timing of proposed improvements.

5.4 DEVELOPMENT STANDARDS AND IMPROVEMENTS

5.4.1 Measuring Future Traffic Impacts

The County has traditionally measured the traffic impacts of new development using a “Level of Service” (or LOS) standard. LOS compares the volume of cars moving along a road segment or through an intersection with the design capacity of that road segment or intersection. Roads are graded on a scale of A (best) to F (worst) based on how congested they are (e.g., the higher the ratio of traffic to capacity, the more congestion and the lower the rating). New development projects are often required to pay fees and make improvements to ensure that roads and intersections operate at acceptable levels of service.

Prior specific plans for Fairview established a standard of LOS “C” for all streets and intersections. This standard presumes a relatively low-traffic environment, with only minor delays at intersections during peak periods. The 1997 Plan noted that LOS “D” was acceptable at one intersection, but that intersection is located just outside the Fairview boundary at Kelly Street, B Street, and Center Street. As of 2016, that intersection was still operating at LOS “C.”

In 2013, SB 743 was signed into law, starting a process that disallows the use of LOS as a metric for evaluating the impacts of new development projects under the California Environmental Quality Act (CEQA). Projects must instead be evaluated based on the number of vehicle miles they are likely to generate. This is intended as an incentive to design new projects so that they generate fewer motor vehicle trips—which in turn can lead to lower greenhouse gas emissions and reduced rates of global climate change.

Designing a project to reduce Vehicle Miles Traveled (VMT) is typically done by making it easier to walk, bicycle, or use transit, or by including a mix of uses that reduce the length of trips or amount of time one must spend driving. These strategies are not easily accomplished in Fairview, given the community’s character, topography, and limited services and employment base.

Although LOS may not be used for CEQA purposes, this Plan continues to maintain LOS “C” as the standard for monitoring road performance and planning future capital improvements within Fairview’s boundaries. LOS can also provide an indirect measure of cut-through traffic, which could increase in Fairview due to increasing congestion on I-580 and surface streets in Hayward. LOS

goals may also continue to be used to identify when traffic calming measures should be considered, taking into account both volume and speed.

Reducing vehicle miles travelled in Fairview will primarily be accomplished by making it safer and easier to walk, bicycle, or use transit. County investment in bike lanes, sidewalks, bus stops and shelters is strongly supported and should be encouraged. Fairview should receive at least its “fair share” of County dollars for such improvements based on its share of the County’s population. New development should support walking, bicycling, and transit, while also mitigating increases in traffic through impact fees and on-site improvements.

Projecting Future Traffic Conditions

What will Fairview’s traffic be like in 2040? A forecast of future conditions was prepared as part of this Specific Plan, taking into account potential development in Fairview over the next 22 years as well as development throughout the region. The analysis indicated the following Levels of Service (LOS) are projected in 2040 during the morning and evening peak hours at these four intersections:

Year 2040 Projected Operations at Key Fairview Intersections

Intersection	Control	LOS (AM)	LOS (PM)
D Street/Maud	All-Way Stop	B	B
Fairview/Hansen	Roundabout	A	A
Kelly/Maud	Signalized	C	B
Kelly/B/Center (Hayward)	Signalized	C	D

Source: Kittelson & Associates, 2018

The analysis found only moderate increases over current conditions, with all intersections in Fairview operating at LOS C or better. The intersection of Kelly/ B Street/ and Center Avenue is projected to operate at LOS D during the evening peak hour. Actual conditions in 2040 will depend on a number of factors that are difficult to predict at this time, including the impacts of new technology.



Fairview Avenue / Hansen Road Roundabout

5.4.2 Traffic Monitoring and Capital Improvements

(a) *Monitoring by County of Alameda.* The County will monitor traffic volumes and congestion levels at key road segments and intersections and will pursue improvements as needed so that service levels do not deteriorate substantially below Level of Service “C.” Intersections to be monitored include:

1. Kelly Street/ Maud Avenue/ Woodroe
2. Maud Avenue/ D Street
3. Hansen Road/ Fairview Avenue
4. Hansen Road/ East Avenue
5. Center Street/ Grove Way
6. Fairview Avenue/Five Canyons Parkway (roundabout)
7. Second Street at Campus Drive

Depending on volumes, the feasibility of adding a dedicated left turn lane to eastbound Kelly Street at Woodroe Avenue should be considered.

(b) *Coordination with Hayward.* The County will work with the City of Hayward to encourage monitoring of volumes and congestion levels at the following intersections:

1. B Street/ Center Street/ Kelly Street
2. D Street/ Second Street
3. D Street/ Seventh Street
4. E Street/ Second Street

The County will coordinate with the City to mitigate development impacts on the performance of these intersections, ensure that

improvements comply with “complete streets” principles, and develop programs to reduce delays and improve safety. The City of Hayward’s participation, both technically and financially, in developing solutions to traffic problems at these intersections is essential. At the B Street/Center/ Kelly intersection, Alameda County and the City of Hayward should work together to improve operations. This includes adjusting signal timing so it is based on demand rather than a fixed interval, in order to reduce unnecessary idling. In the long-term, there should be physical improvements made to improve traffic flow.

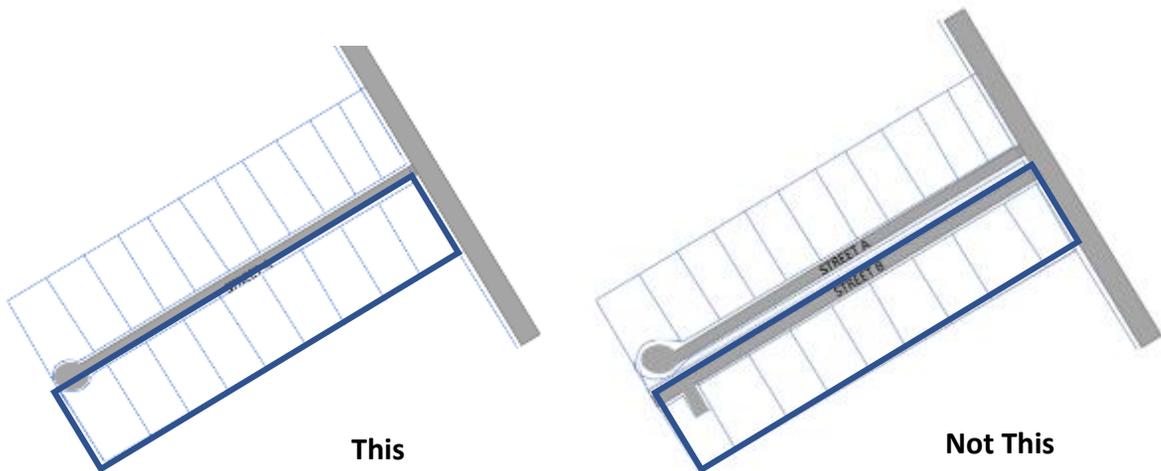
- (c) *Traffic Studies.* Traffic studies shall be required for new development in accordance with the policies and procedures of the Alameda County Public Works Agency and the Alameda County Community Development Department.
- (d) *Intersection Controls.* The installation of additional traffic signals in Fairview is discouraged. Other traffic control methods, such as roundabouts and four-way stop controls, are preferred, provided that any future roundabouts are designed based on standards that minimize the potential for driver confusion and ensure safety. The need for traffic improvements must be balanced against the desirability of preserving existing neighborhoods.

5.4.3 Local Street and Driveway Design

In addition to the general policies presented earlier in this chapter, the following specific guidelines and standards are provided:

- (a) *Preference for Public Streets.* Public streets shall be used for all subdivisions with five or more lots, except as noted in (b) below.
- (b) *Allowance for Private Streets.* At the discretion of the County Engineer, private streets may be considered in locations where public streets are infeasible or would conflict with State laws related to housing production, and where public health and safety would not be compromised. Where private streets are constructed, they shall comply with the County Engineering Design Guidelines and Standards in effect at the time.
- (c) *Street Design.* All streets shall be complementary and consistent with the character of the existing neighborhood and proposed development. Where streets have the potential to be extended or connected in the future, design standards should ensure that that widths, shoulders, and design features are consistent from one segment to the next.

- (d) *Street Maintenance.* In the event private streets are used, a maintenance agreement shall be executed or a homeowners association formed to maintain private street improvements. The use of County Service Areas (CSAs) may be considered as a means of maintaining existing and future private streets. New subdivisions with private streets would be required to join the CSA through conditions of approval. Existing private streets could be added to the CSA with the consent of property owners.
- (e) *Acceptance of Public Streets.* Existing private streets in the Fairview area which are through-roads or provide access to other streets should be considered for acceptance into the County road system.
- (f) *Curb Cuts.* The number of curb cuts on residential streets should be minimized in order to reduce sidewalk disruption and maximize the number of potential on-street parking spaces.
- (g) *Shared Driveways.* Maximize the use of shared access driveways when driveways are closer than 50 feet apart. If a proposed project's access driveway is adjacent to an existing driveway, a landscaping buffer at least five feet in width should be provided between the driveways.
- (h) *New Internal Streets.* When property is subdivided, the internal streets serving that property should be aligned to avoid the creation of redundant parallel streets separated only by a fence or narrow buffer (see Figure below). Wherever possible, new streets should be aligned so there may ultimately be accessible parcels on both sides.



(i) *Development on Existing Private Streets.* Future development along existing private streets (such as Fairlands Road and Speed Lane) may be allowed only upon demonstration to the County that:

1. Street improvements are or will be upgraded to County standards.
2. Existing satisfactory street maintenance agreements will not be disrupted.
3. Existing unsatisfactory street maintenance and maintenance agreements will be improved.

(j) *Consistency with Master Plans.* Evaluate public and private development projects for consistency with adopted transit plans and bicycle and pedestrian master plans.

See Chapter 8 for additional policies and standards on maintenance, resurfacing, and coordination with infrastructure projects.



Pedestrian crossing improvements on Kelly Street

5.4.4 Bicycle and Pedestrian Improvements

(a) *Bicycle Improvements.* Pursue the following bicycle facility improvements:

1. D Street: Class II bike lanes on both sides of the street from the Hayward city limits to Maud Avenue. Currently, a Class II lane only exists on the westbound side of the street from San Felipe Park to the Hayward city limits.
2. Fairview Avenue: Class II bike lanes from Maud Avenue to the Hayward border (near Stonebrae) (this improvement is shown on the 2018 Alameda County Draft Bicycle and Pedestrian Master Plan).
3. Kelly Street: Class II bike lanes from the Hayward city limits to the Woodroe/ Maud intersection (this improvement is shown on the 2018 Alameda County Draft Bicycle and Pedestrian Master Plan).



Green-painted sharrow on Fairview Avenue

4. Class III bicycle route signage on East Ave (Hayward city limits to Hackamore), Hansen Road (Fairview Ave to East Ave), Maud (Kelly to D Street), and Woodroe (Kelly to Don Castro). The feasibility of Class II striped lanes on these routes should be explored.

(b) *Pedestrian improvements.*

Fairview's street pattern results in a fragmented network for pedestrians, with a significant difference between the "straight line" distance between points and the actual walking distance. Walking to elementary schools, local parks, and even transit stops requires considerably more time than would be required in an area with a grid street pattern. Creating pedestrian-only connections through easements between cul-de-sacs or dead-end streets in adjacent subdivisions could reduce walking time considerably.

Pedestrian improvements along existing streets also would improve pedestrian safety and access in Fairview. A priority should be placed on routes serving popular pedestrian destinations such as elementary schools and parks, and major through routes such as Fairview Avenue. Specific areas for improvement include:

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

BICYCLE FACILITY CLASSIFICATIONS

“Class I” facilities, or “bike paths,” are dedicated off-road bicycle lanes, similar to the Bay Trail along the Hayward Shoreline and the Iron Horse Trail in the San Ramon Valley.

“Class II” facilities, or “bike lanes,” are separate striped lanes within the road right-of-way that is reserved for bicycle use.

“Class III” facilities, or “bike routes,” are designated route where bicycles are encouraged to travel; however, they must share the right of way with motor vehicles. Bike routes are sometimes designated with pavement markings called “sharrows.”

“Class IV” facilities, or “buffered bike lanes,” are like Class II facilities, but are buffered from the travel lanes by bollards, a parking lane, or other physical separation that places the cyclist further from moving vehicles.



5.5 TRAFFIC CALMING

5.5.1 Alameda County Traffic Calming Program

The Alameda County Public Works Agency has developed a program to address the impacts of speeding traffic and motor vehicle violations on the safety and well-being of neighborhoods. A variety of measures have been developed to slow traffic, increase the safety and visibility of pedestrians and bicyclists, and protect other drivers, parked cars, and private property from collisions. The need for traffic calming has become especially apparent since the start of the 2020 pandemic, as lighter traffic volumes have led to even more speeding on local streets.

The foundation for the traffic calming program is a Traffic Calming Manual outlining potential solutions based on conditions at a given location. Solutions are classified according their complexity (see Table 5.1). A formal procedure has been established for residents to petition the County to implement traffic calming measures.

Table 5.1: Measures Included in Alameda County Traffic Calming Program

Level 1	Level 2	Level 3	Level 4
<ul style="list-style-type: none"> • Roadway Centerline Removal • Speed Enforcement • Neighborhood Watch Speed Program • Residential Neighborhood Gateway • Street Trees 	<ul style="list-style-type: none"> • Rumble Strips • Highlighted Pedestrian Crossings¹ 	<ul style="list-style-type: none"> • Bulb-out/ Curb Extension • Roundabout • Chicane • Single Lane Point Slowdown • Speed Hump • Road Hump • Crosswalk 	<ul style="list-style-type: none"> • Diagonal Diverter • Half Roadway Closure • Full Roadway Closure

Source: Alameda County Neighborhood Traffic Calming Program

Note 1: In this context, "highlighted" refers to accentuated in some way through the use of stamped concrete, or by raising the crossing above grade.



Speed table at Amyx Court and Fairview Avenue

5.5.2 Global Traffic Calming Measures for Consideration

The following measures from the County's traffic calming program would be appropriate and applicable throughout Fairview.

- (a) *Neighborhood Speed Watch Program.* This program involves participation of neighbors, County staff, and California Highway Patrol (CHP). The program includes county staff collecting speed data using radar equipment or loaning such equipment to residents for use in identifying speeding motorists. Staff and residents record information about speeding – when and where it occurs – which can inform selective enforcement for CHP. This measure could be beneficial for any location within Fairview with a group of residents concerned about speeding. Funding for the program should be restored to make it fully effective.
- (b) *Residential Neighborhood Gateway.* Gateway treatments are visual cues to drivers that they have entered a residential area. Typically they may include signage, an entry structure or archway, or other aesthetic features. Fairview abuts Hayward, Castro Valley, and Five Canyons along various streets. Thus, thematic gateway treatments would be useful at multiple locations to remind drivers to slow down.
- (c) *Temporary Speed Tables.* These are movable speed tables that can be placed in intersections or along roadways to slow traffic. They are useful for testing the impacts of more permanent measures, as well as raising driver awareness of their surroundings.

5.5.3 Location-Specific Traffic Calming Measures for Consideration

Table 5.2 presents potential traffic calming measures for specific streets in Fairview. A discussion of each measure and its appropriate use is included in the text box following the table.

Table 5.2: Potential Traffic Calming Measures and Locations

Street	Potential Traffic Calming Measure	Potential Locations
D Street	Roadway Centerline Removal	<i>Various locations</i>
	Highlighted / Raised Crossing	San Felipe Community Park Entrance
	Bulb Out / Curb Extension	San Felipe Community Park Entrance
	Speed Humps / Road Humps	<i>Various Locations</i>
	Intersection and sight-line improvements	<i>At Fairview Avenue</i>
	Chicane	Between Hayward and Maud Avenue
Fairview Avenue	Temporary Speed Tables	West of the Intersection with Five Canyons Parkway
Kelly Street	Roadway Centerline Removal	<i>Various Locations</i>
East Avenue	Highlighted Pedestrian Crossing	East Avenue / Hansen Road Intersection
	Chicane	<i>Various locations</i>
Maud Av / Woodroe Av	Roadway Centerline Removal	Between Kelly Street and Don Castro Reservoir
Windfeldt Rd.	Stop Sign	Southbound, at intersection with 2nd St.
Hansen Road	Highlighted Pedestrian Crossing	East Avenue / Hansen Road Intersection
	Bulb Out / Curb Extension	<i>Various Locations</i>

Source: Alameda County Traffic Calming Program; Kittelson & Associates, 2018.

Typical Traffic Calming Measures Appropriate in Fairview

The following measures offered through the Alameda County Neighborhood Traffic Calming Program could be considered on Fairview’s collector streets. Some of these measures also may be appropriate on local streets where speeding is a documented problem.

- *Roadway Centerline Removal.* This creates the appearance and visual cues of a minor residential roadway, which can reduce traffic speeds. Centerline removal is not recommended for roads with significant curves.
- *Rumble Strips.* Rumble strips consist of raised pavement markings that alert drivers to conditions ahead, including curves or residential areas. Because rumble strips create noise as vehicles pass over them, written concurrence from adjacent property owners is required before they are installed.
- *Highlighted Pedestrian Crossing:* This measure calls attention to—or “highlights”—existing crossing locations. Highlighting may include using textured concrete, raising the crossing above the existing grade, adding pavement markings within the crossing, and similar methods. Each method is intended to increase driver awareness of a crossing location and induce slower speeds. A highlighted pedestrian crossing using textured concrete is present at the Maud Avenue / Romagnolo Street intersection.
- *Bulb Out / Curb Extension.* Bulb outs physically narrow the pavement at a specific point (often an intersection), thus encouraging slower speeds. They serve the dual purpose of reducing the crossing distance for pedestrians. A bulb out is present at Maud Avenue / Romagnolo Street.
- *Chicane.* Chicanes introduce “artificial” curves on travel lanes that force a driver to slow down. Chicanes can be beneficial on long, straight, flat sections of roadway where there are no natural elements to slow traffic.
- *Speed Hump / Road Hump.* Speed humps are raised elements of the roadway which induce slower speeds. Speed humps are typically approximately 12 feet in length, and 3 inches in height. Road humps are smaller (shorter) versions of speed humps. Speed humps and road humps are not recommended on roadways with significant grade.

Chapter 6

Conservation



6.1 INTRODUCTION

The purpose of the Conservation Chapter is to provide policies and standards to protect Fairview's natural resources and environment. These resources include air, water, soil, minerals, and plants and animals, as well as natural features such as hillsides, lakes, and creeks.

The Conservation Chapter fills a gap between the Eden Area General Plan, which does not address natural resources, and the Alameda County Conservation Element, which focuses on wilderness and agricultural areas. Fairview's natural resources exist in a different context, defined by the interface of residential uses and open space.

The Chapter begins with an overview of natural resources in Fairview, followed by guiding policies. Some of these policies have been adapted from the Castro Valley General Plan, where conditions similar to Fairview exist. The policies are followed by more specific standards and directives for conservation. In some cases these are carried forward from the previous Fairview Specific Plan. In other cases, they reflect best practices and community feedback on resource management issues.

6.2 BACKGROUND

Fairview is located in an area characterized by grassland, woodland, riparian areas, agriculture, and urban land uses. Topography varies from relatively flat in the northwest part of the community to steep hillsides and canyons in the east and southeast. A number of creeks and tributaries cross this landscape, generally flowing from Palomares Ridge west toward the Bay. These areas provide habitat for a variety of native and non-native plants and animals.

Although only about 20 percent of Fairview consists of vacant land or formally designated open space, natural areas in the community are substantial. Many of the developed residential lots are large and heavily vegetated. There are also large areas of managed open space within planned developments. Fairview is also bordered by regional parkland on the east, Don Castro Reservoir on the north, and Green Belt Park on the south, creating a natural buffer on the edges of the community. Vegetation management is critical for fire prevention, habitat conservation, erosion control, water quality, and the health of local wildlife.



PG&E Right of Way at East Avenue

The California Department of Fish and Wildlife has not identified any sensitive natural communities or critical habitat in Fairview. East of the Fairview Plan Area boundary, a large area extending through the Palomares Hills almost to Dublin is considered critical habitat for the Alameda whipsnake and California red-legged frog. In total, there are 27 special status animal species and 14 plant species that are known to occur or have the potential to occur within a five-mile radius of Fairview. These species are protected by federal and State agencies because they are either rare, threatened, endangered, or on various watch lists. The State Water Resources Control Board has identified oak woodlands; areas adjacent to essential habitat of rare, endangered or threatened species; wetlands and streams; and riparian corridors as being “sensitive habitat.” All of these are present in Fairview.

The creeks that cross Fairview provide natural movement corridors for wildlife, particularly where the corridors are protected open space. This occurs along San Lorenzo Creek on the north and along Ward Creek on the south, and along the North, Middle, and South Forks of Sulphur Creek, as well as un-named tributaries and drainageways in the Plan Area. The creeks are an important natural resource. Development in their watersheds can cause erosion and sedimentation, which can exacerbate flooding and adversely affect water quality. The creeks are also subject to the adverse effects of urban runoff, which may include pesticides, herbicides, oil, grease, litter, and other pollutants. Water quality also has the potential to be impacted by runoff from cattle and horse pastures and other agricultural activities.

New development in Fairview is subject to federal stormwater permit requirements administered by the San Francisco Bay Regional Water Quality Control Board. Measures are required to control runoff during construction and to limit increases in runoff once a project has been completed. Compliance involves a series of practices related to erosion control, stormwater retention and

treatment, and on-site infiltration of stormwater. Permitting for Fairview is administered by the Alameda County Public Works Agency, following design standards developed through the Countywide Clean Water Program. The Clean Water Program includes components to reduce pollution from existing development as well as new development, including public education, illegal dumping compliance, monitoring, and green infrastructure.

Fairview’s creeks are also protected by a Watercourse Protection Ordinance, aimed at enhancing the recreational and beneficial uses of watercourses. While much of the Ordinance is focused on reducing potential flood damage, it also recognizes the benefits that creeks provide for wildlife, and their role in enhancing community character.

Like other unincorporated communities in Alameda County, Fairview is subject to tree preservation requirements. Alameda County Tree Ordinance 0-2004-23 and Chapter 12.11 of the County Code provides protection to any tree in the public right-of-way (ROW) meeting specific height and diameter criteria. Under the Ordinance, no tree meeting these criteria may be removed from the County ROW without first obtaining a permit from the Director of Public Works. Tree removal must also be mitigated through tree replacement or payment of an in-lieu fee. A Tree Advisory Board has been created for appeals.

Changes to the Ordinance in 2016 clarified that property owners are responsible for maintaining trees in the public ROW adjacent to their properties, even if they did not plant the tree. Fines and penalties for violating the Ordinance also were increased in 2016. Although the Tree Ordinance does not cover trees on private property, the County encourages the retention of trees unless they pose a hazard, interfere with utilities, or have a negative effect on neighborhood aesthetics. Trees have many positive environmental and climate-related impacts and contribute to property values and community character.



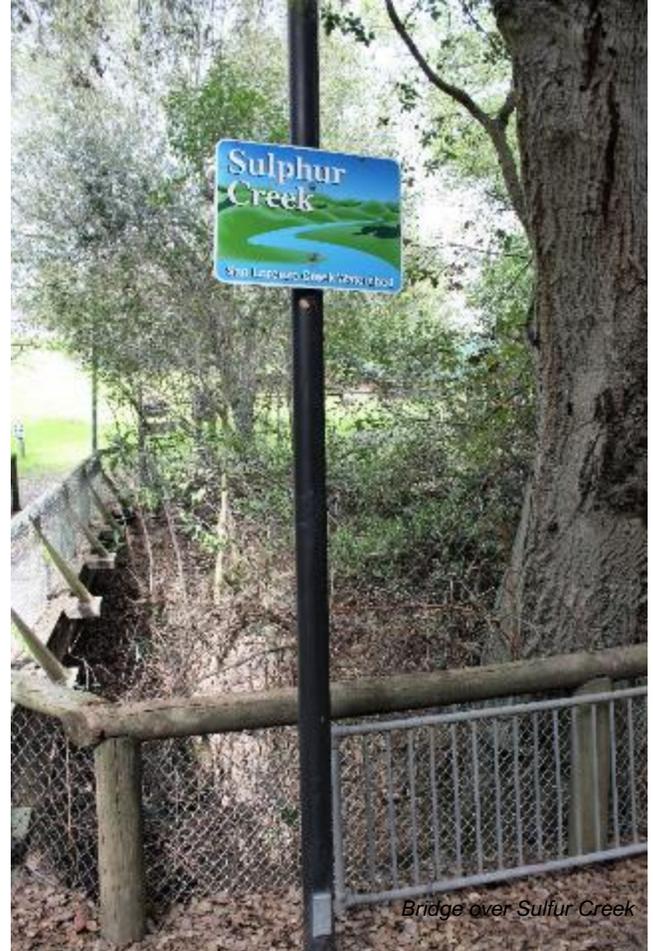
Ward Creek at East Avenue Park

6.3 GUIDING POLICIES FOR CONSERVATION

GOAL CO-1 Protect and conserve Fairview’s natural features, including hillsides, woodlands, and creeks.

Policies

- CO-1.1 Design new development projects in a way that minimizes impacts on natural resources. Development should employ creative site design, landscaping, and architecture that blends with the natural characteristics of each location and surroundings and offers superior design solutions.
- CO-1.2 Design roads, utilities, and infrastructure improvements in a way that minimizes impacts to creeks, hillsides, regional trails, and other resources.
- CO-1.3 Open space areas within new developments should be designed to achieve multiple objectives, including recreation, aesthetics, habitat protection, and public safety.
- CO-1.4 Visual impact analysis may be required during the development review process for public and private projects to ensure the protection of views to natural areas from public streets, parks, trails, and community facilities.
- CO-1.5 Retain creeks in their natural channels rather than diverting them into man-made channels or altering their flow. Mandatory development setbacks shall be maintained along creeks in order to maintain and enhance their natural functions while minimizing flood hazards.



GOAL CO-2 Protect Fairview’s plant and animal life.

- CO-2.1 Require compliance with all state and federal wetland protection regulations.
- CO-2.2 Conserve and sustain the health of existing habitat, especially riparian woodland and oak woodland plant communities.
- CO-2.3 Preserve areas known to support special status species, as required by State and Federal laws. In adjacent areas where development is permitted, mitigation measures may be required as needed to reduce impacts to such species.
- CO-2.4 Protect the major wildlife corridors that run through or are adjacent to Fairview, including creeks and canyons, the Palomares Hills, and the Don Castro Reservoir area south of I-580. Wherever possible, open space should be protected in contiguous bands of land, rather than in piecemeal disconnected sites. Continuous open spaces provide more viable wildlife habitat and better opportunities for recreational activities such as hiking.
- CO-2.5 For projects with the potential to adversely affect important plant and animal resources, the County shall require environmental assessments by biologists who are trained and specialized to evaluate the species that may be present on the site.
- CO-2.6 Preserve and enhance native trees wherever feasible and encourage the use of native and/or drought-tolerant vegetation in landscaping.



Recovering hawk at Sulfur Creek Nature Center

GOAL CO-3 Encourage more sustainable development, reduced consumption of non-renewable resources, and land use and transportation decisions that are consistent with the County’s Climate Action Plan.

- CO-3.1 Protect groundwater and surface water quality through grading/ construction runoff and agricultural runoff controls, maintenance of storm drains and culverts, reduced use of pesticides and herbicides, enforcement of regulations for illicit discharges, public education, and site design features that prevent runoff from developed areas. Water quality measures shall comply with applicable County, State, and Federal requirements.
- CO-3.2 Landscaping should minimize the use of potable water and emphasize drought tolerant and low-water use plants.
- CO-3.3 Support programs to divert waste from landfills, such as composting, green waste recycling, e-waste recycling, and improved recycling facilities at existing multi-family development.
- CO-3.4 Encourage energy conservation, renewable energy systems, recycled material use, and other green building methods in new development and major construction projects.
- CO-3.5 Support public education and outreach programs that increase awareness of Fairview’s environmental resources and ways that residents can reduce greenhouse gas emissions.
- CO-3.6 Encourage partnerships between the County, Fairview’s community-based organizations, residents, non-profits, and businesses to achieve sustainability goals.



Karina Street

6.4 DEVELOPMENT STANDARDS

6.4.1 Site Planning

- (a) *Retaining Natural Features.* Future development proposals in Fairview shall strive for maximum retention of topographic and landscape features, soils, geology, hydrology, and other natural conditions on the site. Development shall enhance these natural features and qualities where feasible.
- (b) *Ridgelines.* Development near or on prominent ridgelines should be subordinate to the surrounding environment. Residences should blend into the natural topography, creating minimal visual disturbance to the existing ridgeline and views. To the extent consistent with SB 330 or equivalent subsequent legislation:
1. Structures should not be located in a manner that projects above a ridgeline or hilltop unless there is no other site on the parcel for the structure.
 2. New parcels should not be created that have no building site other than a location where a structure would protrude above a ridgeline or hilltop, unless there is no other possible configuration.

(c) *Location of Structures.* Structures should be placed, grouped, and designed to complement one another, as well as the natural landscape. Building pads should be located so that panoramic views are not interrupted or blocked by structures. Rows of residences with similar setbacks and elevations shall be discouraged.

(d) *Design of Structures.* Modifications in conventional housing design, setbacks, and construction techniques may be considered to help conserve steep slopes, wooded areas, and areas of special scenic beauty. The use of Planned District (PD) zoning may be considered on larger sites, consistent with Section 3.4.4(d) of this Specific Plan. The intent is to allow smaller lots clustered together, enabling steep slopes and environmentally sensitive areas to be conserved.

(e) *Open Space Dedication.* The dedication of conservation easements or private open space areas is encouraged on development sites to ensure the long-term protection of steep hillsides, creeks, and other environmentally or visually sensitive areas.

(f) *Minimizing Grading.* Future development and construction shall be oriented so that grading and other site modifications are kept to a minimum.



Hillside grading at a new Fairview home

6.4.2 Limitations on Steep Slopes

(a) *Preservation of Slopes Over 30 Percent.* As noted in Section 3.4.10 of this Specific Plan, slopes of 30% or greater shall not be developed or altered unless no other feasible alternative exists or this standard conflicts with State housing law. No buildings, including swimming pools, shall be permitted on such slopes. Exceptions may be granted in the following situations:

1. Grading of slopes greater than 30 percent may be permitted for roads or driveways if there are no other feasible alternatives to provide access to the site.
 2. Provisions of Section 3.4.10(c) shall apply.
- (b) *Limitations on slopes of 25-30 percent.* Any building on slopes between 25% and 30% shall begin within 70 feet of the access road. This shall keep cuts for private driveways to a minimum and generally keep development away from sensitive areas.
- (c) *Limitations on slopes greater than 20 percent.* Grading for construction on slopes greater than 20 percent should be limited to individual lots and should be related to activities necessary to fit the house, its access, and useful yard areas. Recontouring of continuous areas spanning multiple lots with slopes greater than 20 percent is strongly discouraged.

6.4.3 Grading

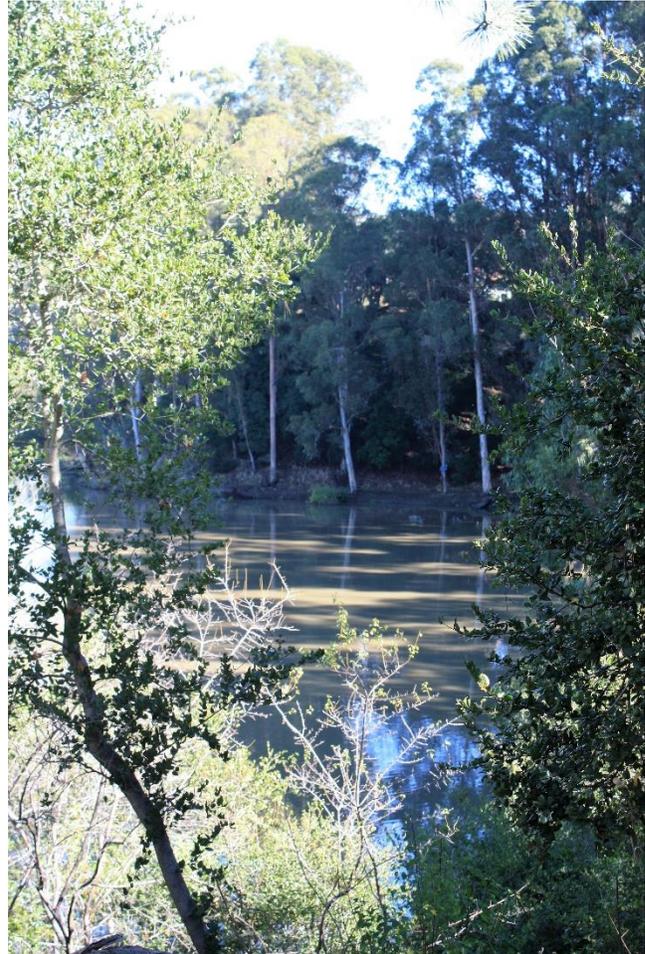
- (a) *Appearance of Graded Areas.* Any grading shall be required to complement and blend with natural landforms and improve relationships to other developed areas. Grading practices shall reduce soil loss and erosion, stabilize slopes, and mitigate impacts commonly associated with earth movement.
- (b) *Foundation Design on Graded Slopes.* Buildings on hillsides should be designed with stepped, pier and grade beam, or custom foundations to reduce grading and retain a more natural appearance. Tall downhill facades should be avoided by stepping structures with the natural terrain.
- (c) *Maximum Grade.* Consistent with the Alameda County Code (Section 15.36), the slope of graded areas should not exceed a 2:1 horizontal to vertical gradient. (For excavation, steeper slopes may be allowed per County Code section 15.36.470)
- (d) *Construction Timing.* Grading activities should be timed so that large areas are not left bare and exposed during the rainy season. Larger grading projects should be completed in one construction season wherever feasible.
- (e) *Best Management Practices.* All grading shall employ best management practices, as prescribed by the County of Alameda, and shall comply with Alameda County Grading Erosion and Sediment Control standards and the Alameda County Residential Design Guidelines and Standards.

6.4.4 Tree Preservation

- (a) *Tree Protection Ordinance.* All provisions of the Alameda County Tree Ordinance shall continue to be implemented and enforced to protect trees in public rights of way.

Provisions (b) through (e) below address tree management issues associated with new development only.

- (b) *Development-Related Tree Preservation.* Large, mature, natural and introduced trees are to be preserved when a site is developed. Large, mature trees are defined as follows:
1. 20" diameter breast height (dbh) or greater in circumference measured 4.5 feet above ground level for trees native to this area of California.
 2. 30" dbh or greater in circumference measured 4.5 feet above ground level for introduced tree species.



Don Castro Reservoir

- (c) *Tree Preservation Exceptions.* Exceptions to the tree preservation requirements in Section 6.4.4 (b) may be made in the following circumstances:
1. Alternative designs that would preserve the trees are found by the County to be infeasible or undesirable.
 2. A certified arborist, determined to be acceptable by the County Planning Director, recommends that the trees be removed because they are:
 - Dead, dying, or in irreparable condition
 - An existing or potential future fire or safety hazard
- (d) *Tree Replacement.* The following rules shall apply:
1. In the event trees must be removed, the developer, builder, or owner shall reestablish at least five 15-gallon sized trees or one boxed, native specimen tree for every large tree removed. The

species, location, and method of installation shall be approved by the County Planning Director. Factors such as fire hazards, maintenance needs, water consumption, compatibility with infrastructure, and potential view impacts should be considered in selecting replacement trees.

2. Any native oak trees that are removed should be replaced with native oak trees, with a seven-year maintenance period provided for the replacement trees.

- (e) *Eucalyptus Management.* Eucalyptus trees shall be thinned and pruned for safety reasons. Any eucalyptus trees removed shall be replaced with native trees as outlined above.
- (f) *Oak Woodlands Preservation.* Oak woodlands are particularly threatened by urbanization. Development in such habitat presents a potential conflict as fire prevention “defensible space” standards now call for the removal of potentially flammable vegetation within 100 feet of most homes. The removal of mature oak trees and “ladder fuels” mean the removal of cover, food, and nesting habitat that many species require. Future increases in allowable density in oak woodland areas should be strongly discouraged.
- (g) *Non-Development Related Tree Removal.* Tree removal that is not related to a development or construction application shall be subject to same requirements that apply in other parts of Alameda County. Preservation of trees on developed properties is strongly encouraged. Tree removal is only appropriate when the tree is dead or dying, or creates a hazard or nuisance condition. Provisions of the Fairview View Ordinance (Appendix C) shall apply.
- (h) *Modifications to County Tree Standards.* Strengthening of Countywide tree regulations, including reducing the diameter threshold for protected trees on development sites, should be considered in the future.

6.4.5. Protection of Creeks and Riparian Areas

- (a) *Riparian Conservation.* Natural riparian areas shall be preserved except where life or property is endangered due to potential flood hazards. In such areas, flood control improvements shall preserve the natural riparian character of the channel and minimize alteration of streambanks.
- (b) *Watercourse Protection.* Natural riparian corridors are to be designated and protected through the development review and permitting process, and through the Alameda County Watercourse Protection Ordinance. The Ordinance shall be consistently applied and enforced.

- (c) *Expanded Creek Setbacks.* As prescribed by the Alameda County Watercourse Protection Ordinance (Section 13.12.120(E) of the Alameda County General Code), the Director of the Public Works Agency shall have the authority to require a larger setback at a particular site based on the recommendations of a study performed by a qualified wildlife biologist for the purpose of protecting riparian habitat, including but not limited to the protection of special status species.

6.4.6. Landscaping Plans

- (a) *Landscape Plans.* A landscape plan prepared by a registered landscape architect shall be submitted for all development projects. The plan shall include landscaping of slopes, especially around the development's perimeter, to mitigate the effects of grading and man-made structures. The landscaping shall be installed and inspected (or guaranteed through a bond) as a part of the grading or subdivision improvements. The Planning Director may waive this requirement for projects which retain significant natural vegetation.
- (b) *Water Efficiency.* Landscape plans should be consistent with the County's Water Efficient Landscape Ordinance.

6.4.7 Development Review

- (a) *Best Practices.* All development proposals shall be objectively evaluated based on best practices in soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architecture, and landscape architecture.
- (b) *Environmental Review.* Development proposals shall be required to comply with all provisions of the California Environmental Quality Act.
- (c) *Biological Resource Assessments.* Biological resource assessments shall be required for new subdivisions in areas where special status species may be present.

6.4.8 Wildlife Protection (CEQA Mitigation Measures)

- (a) *Special Status Bats*. New development that includes demolition of vacant buildings and/or removal of mature trees large enough to contain crevices and hollows that could support bat roosting shall conduct focused surveys to determine the presence/absence of roosting bats. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting sites during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, the California Department of Fish and Wildlife. (CEQA Mitigation Measure BIO-1)

- (b) *Nesting Birds Avoidance*. New development in the Plan Area requiring site disturbance activities such as vegetation and concrete removal, shall comply with all requirements of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). This includes retaining a qualified biologist to conduct nesting bird surveys in the event site disturbance is proposed during the general avian nesting season (February 1 to August 30), as well as implementing measures to develop buffers around the nests as appropriate and avoid the destruction of active nests. (CEQA Mitigation Measure BIO-2)

- (c) *Alameda Whipsnake Protection*. For future development on undisturbed parcels where potentially suitable habitat is present (i.e., open areas in canyons, rocky hillsides, chaparral scrublands, open woodlands, pond edges, and stream courses), a qualified biologist shall conduct a habitat assessment for Alameda whipsnake. The project proponent will submit the habitat assessment to Alameda County for review prior to project approval. The report will include the location and description of all proposed work areas, the location and description of all suitable habitat for Alameda whipsnake, and the location and description of other sensitive habitats (e.g., vernal pools, wetlands, and riparian areas), if present. Additionally, the report will outline where additional species- and/or habitat-specific mitigation measures are required. This report may provide the basis for any applicable permit applications where incidental take may occur. (CEQA Mitigation Measure BIO-3)



6.4.9 Cultural, Tribal Cultural, and Paleontological Resource Protection (CEQA Mitigation Measures)

- (a) *Discovery of Cultural Resources During Grading or Excavation.* For new development that involves grading or excavation below the previous level of disturbance, if cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as data recovery excavation may be warranted to mitigate any significant impacts to cultural resources. In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures. *(CEQA Mitigation Measure CR-1)*
- (b) *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-1 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. *(CEQA Mitigation Measure TCR-1)*

- (c) *Discovery of Paleontological Resources During Grading or Excavation.* For new development that involves grading over one acre or excavation below 10 feet in depth, if evidence of subsurface paleontological resources is found during construction, excavation and other construction activity shall cease and the construction contractor shall contract a paleontologist certified by the County of Alameda to evaluate the find and make appropriate recommendations. If warranted, the paleontologist shall prepare and implement a standard Paleontological Resources Mitigation Program for the salvage and curation of the identified resources. *(CEQA Mitigation Measure GEO-1)*

Chapter 7

Environmental Hazards



7.1 INTRODUCTION

This chapter addresses the protection of life and property from environmental hazards in Fairview. It includes policies and standards intended to reduce casualties and property damage related to earthquakes, landslides, floods, wildfires, and hazardous material incidents. It also addresses hazards related to noise.

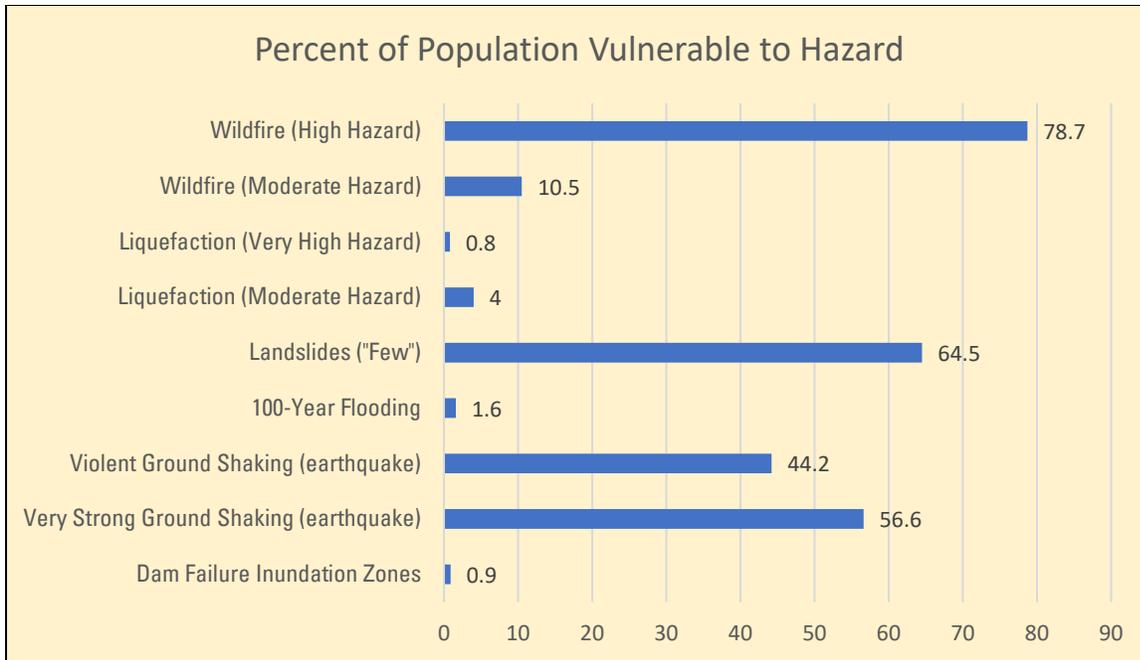
The need for clear, enforceable standards to mitigate environmental hazards has been made more evident and urgent by recent catastrophic wildfires in the California Wine Country (2017) and Butte County (2018). Fairview's development pattern is similar to these areas, with urban-wildland interface conditions in much of the community, low density residential development, abundant tree cover, and narrow dead-end streets providing access to many homes. Fairview also sits alongside the Hayward Fault, considered the greatest seismic hazard in the Bay Area at this time. It is also traversed by creeks with the potential for damaging flooding. Effective hazard mitigation can reduce losses of life and property for both new and existing development.

As in the other chapters of the Specific Plan, this chapter begins with an overview of environmental hazards in Fairview. It presents guiding policies to inform future planning decisions. This is followed by development standards and guidelines aimed at improving community safety. The policies, standards, and guidelines in this chapter are consistent with and help implement the Safety Element of the Alameda County General Plan, the Alameda County Community Wildfire Protection Plan, and the 2016 Countywide Local Hazard Mitigation Plan (LHMP).

7.2 BACKGROUND

Chart 7-1 provides a summary of the percentage of Fairview's population that is considered vulnerable to various categories of natural disaster. The community's location in a seismically active area susceptible to wildfire and landslides creates a high risk profile.

Although no earthquake fault zones cross Fairview, the community is located just one-half mile east of the Hayward Fault. The San Andreas Fault is 19 miles to the west and the Calaveras Fault is 7 miles to the east. Movement along any of these faults could generate violent to very strong ground shaking, as well as landslides, liquefaction, and other seismic hazards. The 2016 Alameda County LHMP indicates that 44 percent of Fairview is susceptible to "violent" ground shaking, while the remainder is susceptible to "very strong" shaking.



Source: 2016 Alameda County Local Hazard Mitigation Plan

Chart 7-1: Percent of Fairview’s Population Vulnerable to Environmental Hazards

Parts of Fairview are susceptible to landslides, although the hazard level is considered low in most of the community. Landslides result when the weight placed on a slope is greater than the slope’s natural resisting forces. Many other factors affect slope stability, including height and steepness, type of materials, material strength, structural geologic relationships, ground water level and seismic activity. Landslide hazard zones exist along San Lorenzo Creek and its tributaries, and on steep hillsides throughout Fairview.

Flooding may occur along streams and creeks and in low-lying areas with poor drainage. The primary hazard is San Lorenzo Creek, but upstream tributaries also experience overbank flooding and erosion during heavy rains. Standing water may occur when storm drains and culverts are inadequate to handle runoff volume or are clogged by debris. Flood hazards can be exacerbated by development, since the reduction in permeable surfaces can increase the rate and volume of runoff. Parts of Fairview also have the potential to be flooded in the event of dam failure at Don Castro Reservoir or upstream at the Cull Canyon Dam.

Another factor contributing to flood hazards is the diversion of runoff from one watershed to another resulting from past development. Pumping of stormwater runoff across watershed boundaries has particularly impacted the North Fork of Sulfur Creek, causing local flooding where the creek traverses private property and private streets. A community-wide approach to hydrology and stormwater management is recommended to address existing hazards and avoid further problems.



Goats clear a hillside along Fairview Avenue

Probably the greatest hazard facing Fairview is wildfire. According to the Alameda County Local Hazard Mitigation Plan, nearly 80 percent of Fairview residents live in a “High Fire Hazard” risk area. This compares to 24 percent in Castro Valley and less than one percent in Ashland and San Lorenzo. According to [hazard maps](#) prepared by the Association of Bay Area Governments (ABAG), almost all of Fairview has been designated an Urban-Wildland interface fire threat area.¹

Wildfire hazards have always been present in coastal California, but have been heightened by prolonged fire suppression activities, the introduction of invasive species such as eucalyptus, and semi-rural and exurban development in fire-prone landscapes. The possibility of warmer weather and more prolonged future drought, both effects of global climate change, may exacerbate this hazard in the future. Wildfire resilience must be an essential part of planning in Fairview.

Most of the measures to reduce wildfire hazards address vegetation management, including the removal or thinning of highly flammable trees such as eucalyptus, and the creation of defensible space (areas with limited flammable vegetation) around residences. Emergency access improvements and access to fire-fighting water supplies also are important. Building codes include requirements for fire-resistant materials and sprinklers in certain circumstances. In addition to fire prevention strategies, provisions for evacuation, rescue, temporary shelter, and disaster recovery and rebuilding, are also essential.

¹ ABAG Resilience Program, *Urban Wildland Interface Fire Threat Maps*

Fairview is also susceptible to hazards related to global climate change. These hazards include poor air quality, excessive heat, more severe and extended drought, and increased storm intensity. Alameda County has adopted a Climate Action Plan (CAP) to address the root causes of climate change. Its intent is to reduce greenhouse gas emissions through the ways we live, build, travel, dispose of waste, and consume energy. Additional work is needed to address adaptation to the challenges and hazards of a warming planet.

Hazardous materials are another category of environmental hazard. The State Department of Toxic Substances (DTSC) data base indicates two closed Leaking Underground Fuel Tanks sites and one voluntary clean-up site within the Fairview Plan Area boundary. Hazards at these three sites have been fully remediated.² Given Fairview's residential character and lack of transportation through-routes, the major issues relate to past agricultural uses of properties (e.g., pesticides and herbicides) and the safe disposal of household hazardous waste (cleaning products, motor oil, solvents, etc.). The Alameda County Department of Environmental Health has primary responsibility for enforcing most regulations pertaining to hazardous materials in Fairview.

Noise is also an environmental hazard. The primary sources of noise in Fairview are transportation-related, including noise from Interstate 580, vehicles on local roads, and passing aircraft. The community is also subject to noise from domestic sources such as leaf blowers, sirens, and construction equipment. Because noise levels are low, even small increases have the potential to be noticeable or create a nuisance. Alameda County has adopted regulations to manage noise and maintain quiet conditions in residential and open space areas (see Chapter 6.60 of the County Code). This Specific Plan includes measures addressing construction noise, limits on noise-generating activities, and land use and building design controls that consider ambient noise levels as a planning factor.

² The two DTSC clean-up sites in Fairview are at 24200 Fairview Avenue (Fire Station) and 2701 East Ave (vacant former gas station). Both have been remediated and the cases have been closed. Highland Trails (25329 2nd Street) is noted as a voluntary clean-up site due to past agricultural activities, and no further action is required there.

7.3 GUIDING POLICIES FOR ENVIRONMENTAL HAZARDS

The following guiding policies represent a composite of policies in the Eden and Castro Valley General Plans, the previous Fairview Specific Plan, and new policies based on best practices and community feedback during the Specific Plan Update.

GOAL EH-1 Minimize risks to life, property, and the environment from natural hazards, including earthquakes, landslides, wildfires, and floods.

Policies

- EH-1.1 All State and County Building Code, Fire Code, and Subdivision Code requirements related to seismic hazards, landslides, flooding, erosion, wildfire, and weed abatement shall be enforced.
- EH-1.2 All buildings shall be designed and constructed to withstand the ground-shaking forces of a major earthquake. Critical facilities such as schools and fire stations shall be designed and constructed to remain standing and functional after such an event.
- EH-1.3 Major infrastructure, including roads, pipelines, water lines, gas mains, and communication facilities, shall be designed to minimize damage and service disruptions during and after an earthquake.
- EH-1.4 Earthquake retrofitting shall be strongly encouraged, particularly for structures that are potentially seismically unsafe.
- EH-1.5 Construction on landslide-prone or potentially unstable slopes shall include drainage and erosion control provisions to avoid slope failure. Construction may only be permitted if the County can determine that feasible measures can be implemented to reduce the potential risk to acceptable levels, based on site-specific analysis.
- EH-1.6 The construction of barriers that would result in the diversion of flood waters or otherwise increase flooding potential along local creeks and streams shall be prohibited.

EH-1.7 Minimize the potential for damage, injury, or loss of life due to wildfire. Planning decisions should support Fairview Fire Protection District efforts related to 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.

EH-1.8 Create and maintain effective fire breaks that provide protection from wildfire hazards.

EH-1.9 Implement the Alameda County Community Wildfire Protection Plan, which mitigates fire hazards in Fairview and other parts of unincorporated Alameda County.



Fire danger signage along Kelly Street

GOAL EH-2 Minimize risks associated with the production, use, storage and transportation of hazardous materials.

EH-2.1 Risks of exposure or contamination by hazardous materials shall be minimized through public education, performance standards for uses that involve hazardous materials, development review, and monitoring and enforcement programs.

EH-2.2 Developers shall be required to conduct the necessary level of environmental investigation to ensure that soil and groundwater affected by hazardous material releases from prior land uses and lead or asbestos from prior building materials will not have a negative impact on the natural environment or safety of future property owners or users.

EH-2.3 Transport of hazardous materials on Fairview streets should be limited. Because Fairview does not have arterial streets, direct freeway access, or land uses associated with hazardous materials, its streets should not be used for the transport of such materials. Applicable County regulations for commercial trucks should be fully enforced.

GOAL EH-3 Improve emergency preparedness to reduce casualties and improve recovery in the event of a natural or manmade disaster.

EH-3.1 Work with Alameda County, the Fairview Fire Protection District, and emergency response agencies in adjacent jurisdictions to prepare for disasters.

EH-3.2 The County shall consult with local water providers and fire departments to ensure the adequacy of emergency water flow, emergency vehicle access, and evacuation routes prior to approving any new development.

EH-3.3 Ensure that proposed road improvements, including traffic calming, bicycle trails, and pedestrian amenities, do not impede evacuation capacity or the ability of law enforcement and fire personnel to quickly respond to an emergency. Barriers to emergency response should be removed and new routes to enhance evacuation and response capability should be developed.

EH-3.4 Continue public education and outreach to improve disaster readiness and post-disaster recovery.



Eucalyptus thinning along a Fairview creek



Construction on Ashwin Court

GOAL EH-4: Maintain the peace and quiet of Fairview’s neighborhoods.

- EH-4.1 New development shall be designed in a way that reduces the potential for residents to be exposed to high levels of noise. Appropriate construction methods and materials should be used to reduce interior noise levels.

- EH-4.2 Avoid siting new noise-sensitive uses in areas with existing or projected noise levels that exceed the standards established by the County of Alameda. Where such uses are permitted, mitigation measures shall be required to ensure that interior noise levels are reduced to acceptable levels.

- EH-4.3 In cases where new development has the potential to increase noise levels on adjacent properties, require the reduction of such impacts through site planning, building orientation, landscaping, acoustical barriers, and similar measures.

- EH-4.4 Traffic speed limits should be set at levels that minimize excessive vehicle noise.

- EH-4.5 Measures to reduce construction noise shall be required when approving development projects and/or issuing building permits.

7.4 DEVELOPMENT STANDARDS

7.4.1 Seismic and Geologic Hazards

- (a) *Site Specific Geotechnical/ Geologic Hazard Assessments.* Site specific geotechnical/ geologic hazard assessments, conducted by a licensed geologist and/or a civil engineer practicing within the area or his or her competence, shall be completed prior to development approval in areas with landslide or liquefaction hazards. Soils and Geotechnical reports should be consistent with the requirements of Section 15.36.350 of the Alameda County Grading Code. Hazards to be identified and mapped include seismic features, landslide potential, and liquefaction potential. Where necessary, mitigation measures to reduce the risk to life and property from earthquake induced hazards shall be identified and incorporated into the project.
- (b) *Soils Report for Tentative Map Filing.* A Soils and Geotechnical Report shall be submitted for review for all tentative tract map applications.
- (c) *Fault Lines.* New structures are not to be built over any known trace of an active fault.
- (d) *Building Design.* New structures or substantial alterations in areas prone to geologic or seismic hazards are required to incorporate design elements to reduce building failures. All new or substantially altered structures shall be located, designed, and constructed in accordance with current seismic standards as defined by the California Building Code.
- (e) *Critical and Sensitive Land Uses.* High risk land uses and critical public facilities, such as schools and communications centers shall not be located in fault zones or other areas of special geologic risk, including landslide and seismic hazards.
- (f) *Mitigation of Hazardous Structures.* Existing structures that are highly susceptible to seismic damage should be rehabilitated or demolished. Priority for abatement should be based on the type of occupancy and the severity of risk.

(g) *Limitations on Development.* New development is not to be permitted in areas of severe environmental hazard if such development would:

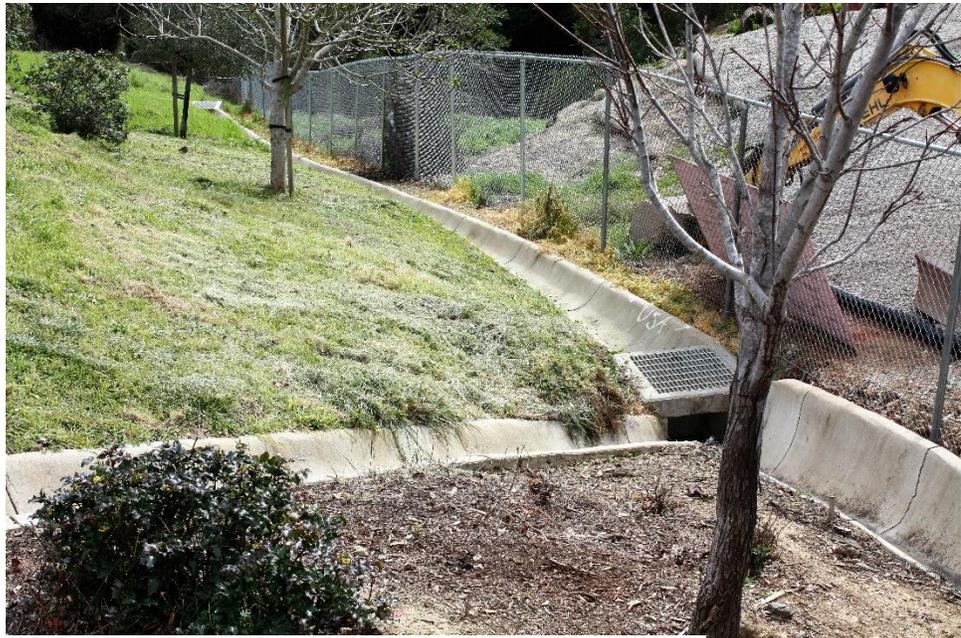
1. Subject residents to unnecessary and unacceptable risk;
2. Aggravate existing hazards;
3. Entail excessive public expenditures for the installation and/or maintenance of facilities and service; or
4. Impede the ability to provide emergency services in event of a natural catastrophe.



Hillside development in Fairview often requires graded building sites.

7.4.2 Erosion and Sedimentation

- (a) *Minimizing Erosion.* Erosion shall be minimized by following best management practices for drainage, grading, planting, and vegetation maintenance, as prescribed by the Alameda County Code and the County's engineering standards and guidelines.
- (b) *Minimizing Sedimentation.* New public or private projects are to be designed so that they do not cause increases in erosion or sedimentation that exceed natural rates. Sedimentation shall be held to levels that ensure the long-term preservation of creeks, ponds, and other water bodies in Fairview and downstream. In the event sedimentation has occurred or occurs in the future, restoration of the water body shall be pursued.
- (c) *Avoiding Erosion Prone Areas.* Building construction on streambanks and other areas that are particularly prone to erosion and soil loss shall be prohibited unless it can be demonstrated to the Alameda County Public Works Agency that satisfactory mitigation measures have been incorporated.
- (d) *Water Quality Protection.* Require compliance with the County Clean Water Program, including integration of stormwater quality protection into construction and post-construction activities.



Stormwater management at Highland Trails

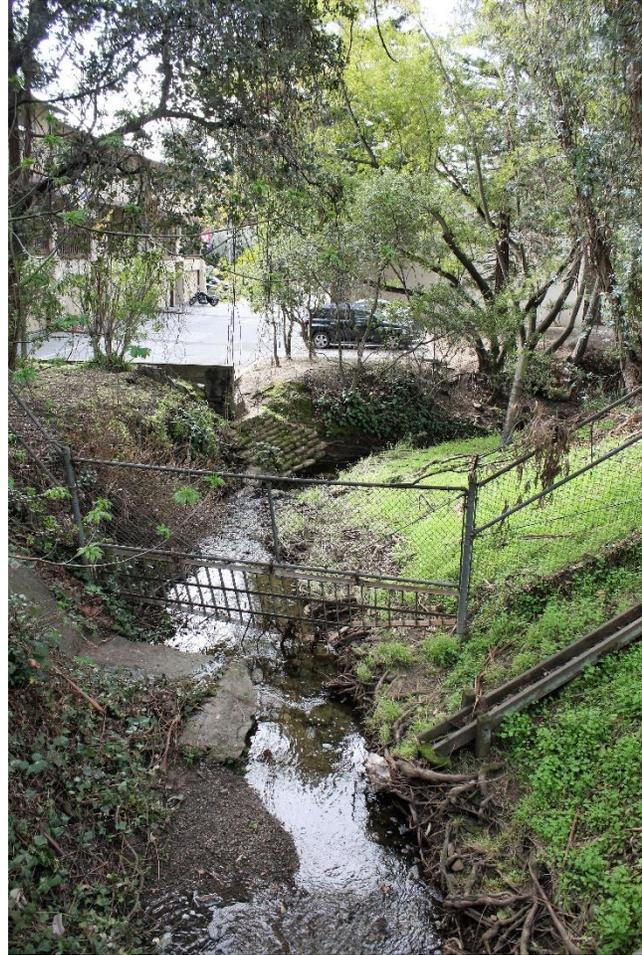
7.4.3 Flooding

(a) *Limits on Flood-prone or Flood-inducing Structures.* New structures that will be endangered by or restrict the flow of flood waters of a 100-year storm are prohibited.

(b) *Adequacy of Downstream Drainage Facilities.* New development that would exceed the capacity of downstream creeks and drainage facilities is not to be approved unless those downstream facilities are upgraded to handle the increased runoff.

(c) *Runoff Reduction Measures.* Surface runoff from new development shall be controlled by the provisions of the Alameda County Watercourse Protection Ordinance as administered by the Alameda County Public Works Agency, including the requirements of the Municipal Regional Stormwater Permit (MRP). Best management practices shall be followed so that permanent features are included in each project to reduce pollutants in stormwater and erosive flows once the project is completed. These measures include low impact development (LID), which preserve and re-create natural features, minimize impervious surfaces, and use stormwater as a resource rather than a waste product. As needed, the County may apply restrictions on grading, vegetation removal, creation of impervious surfaces, and construction periods to avoid the creation of downstream flood hazards related to new development.

(d) *San Lorenzo, Sulphur, and Ward Creeks.* Any changes to San Lorenzo, Sulphur, or Ward Creeks should ensure the continued ability of each waterway to accommodate runoff from storms and should not expand the area within the 100-year flood zone. Likewise, development in the watersheds of these creeks should not divert stormwater across watershed boundaries unless it can be demonstrated that downstream impacts in the receiving watershed will be mitigated, as established in a report by an independent certified hydrologist to be retained by the County.



Eroded bank conditions along Sulphur Creek

7.4.4 Air Quality

- (a) *Land Uses Creating Air Emissions.* Land uses producing toxic air contaminants or air pollution levels that result in unacceptable health conditions are prohibited.
- (b) *Construction Emissions.* New development involving grading or excavation or development on sites over one acre shall comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM₁₀ (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines). (*CEQA Mitigation Measure AQ-1*)
- (c) *Toxic Air Contaminant Exposure.* New development located within 1,000 feet of the edge of the pavement of I-580 shall comply with Bay Area Air Quality Management District Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRA) for residential development and other sensitive receptors near sources of toxic air contaminants. Based on the results of the HRA, the County shall require applicants to identify and implement measures (such as air filtration systems, waterproofed caulking on windows and doors, and/or requirements for closed windows) as appropriate to reduce potential exposure to particulate matter, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of the proposed project. (*CEQA Mitigation Measure AQ-2*)

7.4.5 Wildfire Prevention and Response

- (a) *Fire Protection Plan Requirements.* New development bordering an urban/wildland interface shall implement a wildfire protection plan, to be approved by the County after consultation with the Fairview Fire Protection District and Hayward Fire Department. New development under this paragraph does not include existing residential structures which are to be remodeled or enlarged. The Plan shall address brush clearing, limb pruning, grazing, limiting access to high hazard areas, the location of graded emergency access roads into open space areas, and other techniques to minimize wildfire hazards. It shall also include recommendations for building and roof materials, provision for fire breaks, and open space access requirements for fire protection purposes.
- (b) *Fire Department Review.* County ordinances should clearly establish that the Fire Department may require the use of appropriate fire-resistant building materials, installation of fire sprinklers, and/or vegetation management, and that such requirements shall be based on a property's access, slope, water pressure, and proximity to wildland areas. Such

requirements shall apply particularly to projects proposed within urban-wildland interface area but also may apply to other properties where access for emergency vehicles does not fully comply with adopted standards. Codes and Code Enforcement policies should be periodically reviewed to ensure that they are appropriate for the high fire danger environment in Fairview.

- (c) *Interdepartmental Coordination.* Establish and maintain an interdepartmental review process for proposed projects where the Fairview Fire Protection District, Alameda County Public Works Agency, Planning Department, and other County Departments consult and establish reasonable and consistent requirements for streets, driveways, and emergency access prior to approving projects in urban-wildland interface areas.

- (d) *Adequacy of Fire Fighting Capacity.* As part of the development review process, ensure that the following are addressed for any project that proposes an increase in density:
 - 1. The adequacy of water pressure for fire hydrants and fire flows for fire suppression purposes;
 - 2. The adequacy of the roadway serving the project for emergency vehicle access; and
 - 3. Any access improvements needed to ensure the safety of future occupants, such as roadway widening or additional off-street parking.

- (e) *Private Street Standards.* Establish consistent standards for private streets depending on the number of units that the street will serve, the number of required parking spaces per unit, and reasonable access requirements and operational needs of emergency access vehicles and garbage trucks. Safety standards should include:
 - 1. Minimum paved roadway width requirements;
 - 2. Turnaround requirements; and
 - 3. Red curbs and signage for no parking zones.

- (f) *Emergency Access Requirements for Hillside Areas.* In hillside areas where street widths are substantially below the minimum 20-foot width standard required for emergency access, one or more of the following requirements should be imposed to ensure adequate emergency access:
 - 1. Sprinklers;
 - 2. Turnouts along the paved roadway;



Urban-wildland interface in the Castle Homes area

3. Additional on-site parking;
4. Increased roadway width along the front of the property; and
5. Parking Restrictions.

7.4.6 Hazardous Materials

- (a) *Environmental Investigation.* Developers shall be required to conduct the necessary level of environmental investigation to ensure that soil, groundwater and buildings affected by hazardous material releases from prior land uses and lead or asbestos in building materials will not have a negative impact on the natural environment or health and safety of future property owners or users.
- (b) *Soil and Groundwater Assessments.* Where there is evidence of contamination due to prior activities, including agriculture, soil and groundwater assessments shall be conducted in accordance with regulatory agency testing standards.
- (c) *Remediation.* If contamination exceeds regulatory action levels, the project applicant shall be required to undertake remediation procedures prior to grading and development under the supervision of appropriate agencies, such as the Alameda County Department of Environmental Health, the Department of Toxic Substances Control, and the Regional Water Quality Control Board.

7.4.7 Emergency Preparedness

- (a) *Emergency Management Plans* The Alameda County Office of Emergency Services, Hayward Fire Department, and Fairview Fire Protection District should work collaboratively to regularly update emergency management plans for Fairview, and to engage and educate Fairview residents in emergency preparedness and response.
- (b) *Evacuation Plan.* An evacuation plan for Fairview should be prepared in consultation with the Municipal Advisory Council (MAC) and other entities responsible for emergency preparedness, public safety, fire prevention and response, and service delivery. The Plan shall include the designation of evacuation routes and procedures in the event of a fire, earthquake, or other disaster. The MAC should proactively facilitate formation of this Plan.

7.4.8 Noise

- (a) *Interior Standard.* All new residential land uses, schools, hospitals, convalescent homes, and similar noise-sensitive land uses shall be designed to maintain a standard of 45 dB Ldn maximum in building interiors.
- (b) *Exterior Standard.* New residential development shall maintain a noise level standard of 60 dB Ldn maximum for exterior private use areas. Noise standards for other uses shall be consistent with the Alameda County Noise Ordinance, Alameda County Building Code, and Title 24 of the California Health and Safety Code.
- (c) *Acoustical Study Requirements.* Acoustical studies shall be required for residential developments proposed within areas with noise levels exceeding 60 db Ldn and projects that may result in potentially significant noise impacts to nearby noise-sensitive land uses. The acoustical study shall determine current noise levels, estimated future noise levels with the project, and recommendations to mitigate any significant noise impacts. This requirement does not apply to alterations or remodels of existing single family homes.
- (d) *Noise Mitigation Measures.* Measures to mitigate noise impacts may include but are not limited to: building placement, landscaping, berms, insulation, orientation of less noise-sensitive activities between noise sources and the sensitive receptors, and the use of low-noise or noise-muffling equipment. Sound walls along roads and property lines are discouraged.

- (e) *Construction Noise.* All construction in the vicinity of noise sensitive land uses, including residences, hospitals or convalescent homes, shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and to 8:00 a.m. to 5:00 p.m. Saturday and Sunday. These noise source standards may be exceeded as specified in the Alameda County Noise Ordinance in order to allow for temporary construction, demolition or maintenance noise and other necessary short-term noise events. All construction within 200 feet of noise-sensitive land uses such as residences, schools, or convalescent homes, shall implement noise reduction measures including, but not limited to: mufflers on equipment, locating noise generating equipment away from sensitive receptors, using quieter air compressors, installing noise control blanket barriers around pile drivers to shield adjacent uses, and similar measures to reduce noise impacts. *(CEQA Mitigation Measure N-1)*
- (f) *Additional Provisions.* Changes to the Countywide Noise Ordinance should be considered to increase accountability, notification, and enforcement and reduce the potential for construction-related conflicts. This should include posting the contractor's contact information on the construction site, in addition to posting contact information for the County. Special efforts to reduce noise impacts on vulnerable populations such as nursing home residents should be incorporated as appropriate.

7.4.9 Vibration

New development that would involve construction activity in the Plan Area within 100 feet of institutional land uses that are sensitive to vibration, such as houses of worship and schools, shall use the best available technology to reduce construction-related vibration on construction sites. Vibration levels shall not exceed the guidelines established by the Federal Transit Administration's *Transit Noise and Vibration Impact Assessment Manual* for annoyance. Applicants shall also coordinate with adjacent institutional land uses that are sensitive to vibration and schedule vibration-generating construction activities during less sensitive times of day. *(CEQA Mitigation Measure N-2)*

Chapter 8

Community Services and Infrastructure



8.1 INTRODUCTION

This chapter addresses parks, schools, libraries, law enforcement, fire protection and related public facilities serving Fairview. It also covers infrastructure including water, sewer, storm drainage, solid waste, energy, and telecommunication facilities.

Community services and facilities are an important part of Fairview's identity and quality of life. Local services such as fire protection and public education create a common bond among residents and build a sense of community. Facilities such as parks and schools are public gathering places and provide shared space for local residents. Because Fairview is unincorporated, residents must travel to other communities for some services and rely on other agencies for facilities like libraries and senior centers. The Specific Plan is an important tool to give voice to Fairview residents and express local priorities for future service delivery.

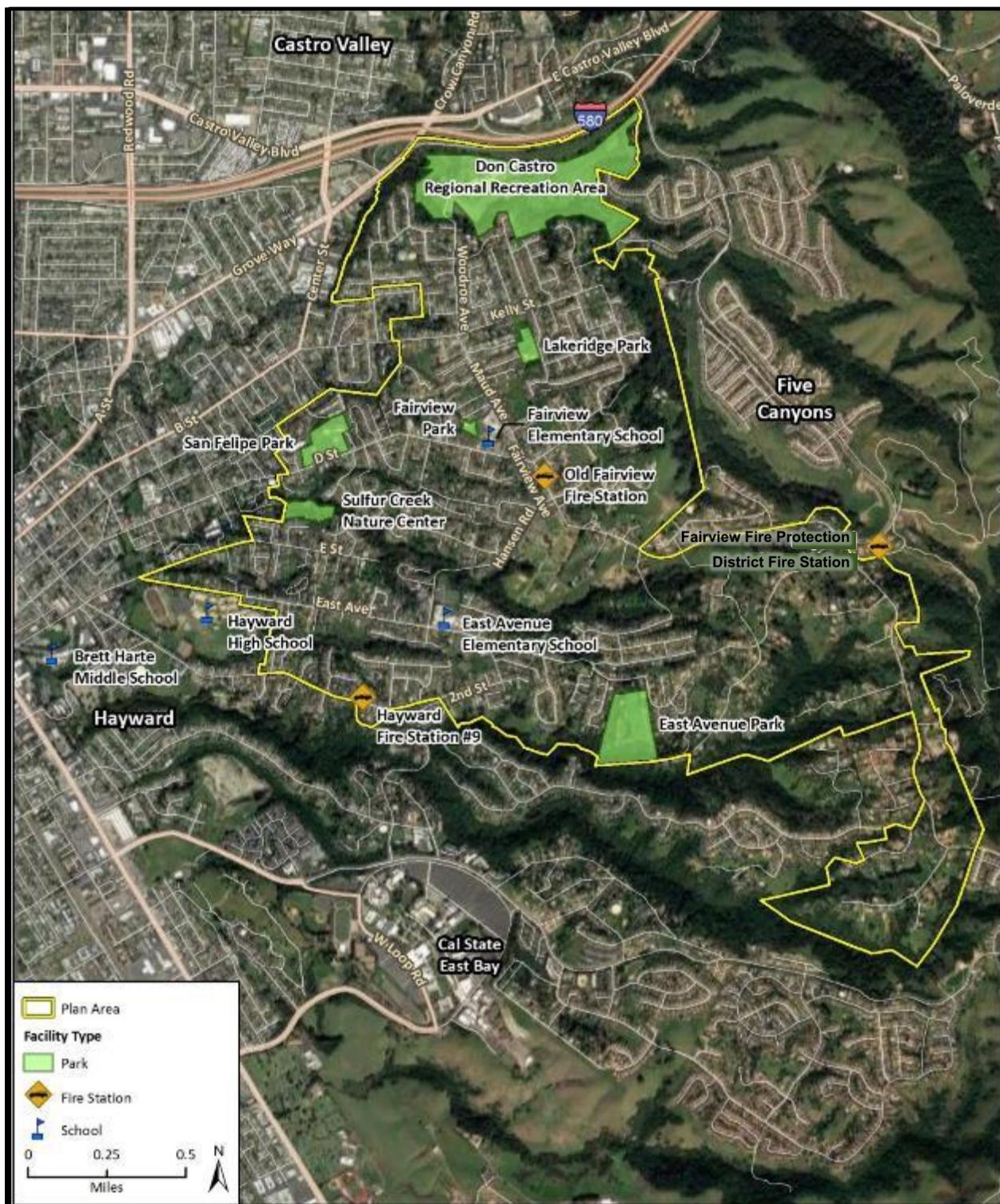
8.2 BACKGROUND

Figure 8-1 shows parks, schools, and public safety facilities in the Fairview Planning Area. Some of the public facilities serving Fairview are located in adjacent communities such as Castro Valley and Hayward.

8.2.1 Parks and Trails

Table 8-1 lists Fairview's parks and identifies the major amenities in each park. There are 53 acres of local parkland and 95 acres of regional parkland in the community. The local parks are managed by the Hayward Area Recreation District (HARD). The regional park acreage is associated with Don Castro Regional Park, which is managed by East Bay Regional Park District (EBRPD). Parks represent about 8 percent of Fairview's land area.

Don Castro is Fairview's largest park. It features a fishing lake, a swimming lagoon, picnic areas, and hiking trails. HARD facilities include East Avenue Park and San Felipe Park, both of which include picnic areas, basketball courts, play equipment, and large lawns. San Felipe Park also includes a community center with meeting space, restrooms, and classrooms for recreation programs. Nearby, Sulfur Creek Park includes a nature center with educational programs for youth, rehabilitation facilities for rescued wildlife, and picnic areas. Other parks include Lakeridge and Fairview. The community's parks are supplemented by Hayward Unified School District facilities at Fairview and East Avenue Elementary Schools.



Imagery provided by Google and its licensors, 2017
 Additional data provided by Alameda County and USGS, 2017

Figure 8-1
 Parks and Community Facilities

Table 8-1: Fairview’s Parks

Park Name	Owner	Type	Acreage	Facilities
Local Parkland				
East Avenue	Hayward Area Recreation District (HARD)	Local and Community	26.87	Picnic Tables, Barbecues, Play Area, Hiking/Riding Trails, Parking Lot, Basketball Courts, Horseshoe Courts, Restrooms, Open Lawn Area, Amphitheatre
Lakeridge	HARD	Local	5.64	Picnic Tables, Barbecues, Play Area, Half Basketball Court, Open Lawn Area
Fairview	HARD	Local and Special Use	1.00	Play Area, Day Care Building, Restrooms, Open Lawn Area
San Felipe	HARD	Local and Community	10.75	Picnic Tables, Group Picnic Area, Barbecues, Play Area, Parking Lot, Basketball Courts, Community Center Building, Meeting Rooms, Restrooms, Open Lawn Area
Sulfur Creek Nature Center	HARD	Special Use	8.64	Picnic Tables, Barbecues, Parking Lot, Restrooms, Open Lawn Area, Nature Center
Total Local Parkland			52.90	
Regional Parkland				
Don Castro	East Bay Regional Park District (EBRPD)	Regional	95.49	Picnic Tables, Barbecues, Parking Lot, Restrooms, Swimming Beach, Fishing, Trails, Open Space
Total Local and Regional Parkland			148.39	

Sources: HARD Master Plan, 2004; Alameda County Assessor Data, 2017



San Felipe Park

Based on Fairview’s current population of 10,500, there are 14.1 acres of parkland per 1,000 residents. When the regional parkland is excluded, the ratio drops to 5.0 acres per 1,000 residents. The latter standard is the one more traditionally used in park and open space planning, as Don Castro primarily consists of unimproved open space rather than recreational facilities. Subtracting Sulfur Creek Nature Center, which is considered a “special use” park due to its unique function, results in a further drop to 4.2 acres per 1,000 residents.

HARD has adopted benchmarks for determining the adequacy of park acreage in its service area. The service standard indicates that the cumulative total of local parks, school parks, and district parks should be at least 5 acres per 1,000 residents and ideally 9.0 acres per 1,000 residents.¹ Fairview is at the bottom of this range and will experience a deficiency if population grows without additional parkland being acquired.

HARD maintains and periodically updates a Parks Master Plan, including specific recommendations for meeting future recreational needs. The most recent (2019) Master Plan promotes health and fitness, conservation of natural resources, and adequate, equitable funding across the service area. The updated Master Plan recognizes the need to periodically adjust recreational programs and park facilities to meet changing demographics, recreational trends, and community preferences. Efficient management, sustained maintenance, cooperation with other park agencies, and community engagement are essential parts of long-range park planning.

¹ 1-2 acres/1,000 local park, 1-2 acres/1,000 school park, 3-5 acres/1,000 for community parks, community centers, and special use facilities

Fairview is also served by several equestrian and recreational trails. There is an internal system of hiking trails at Don Castro Regional Park, and the Hayward Plunge Trail follows Ward Creek on the southern edge of the community. The Don Castro trail system includes a segment of the Garin to Chabot Regional Trail, which links Fairview to the larger network of wildland trails extending throughout the East Bay Hills and around the Bay. The Garin to Chabot Trail runs through Five Canyons Open Space, with trailheads at the end of Blackstone Court and in Five Canyons Park. While the overall trail network is extensive, most segments are located along canyon bottoms or in nearby regional parks and do not have direct access from Fairview neighborhoods.

8.2.2 Schools and Libraries

Fairview is located within the Hayward Unified School District (HUSD). There are two K-6 elementary school campuses in the community. Fairview Elementary is located at 23515 Maud Avenue (near D Street) and East Avenue Elementary is located at 2424 East Avenue (near Hansen). Beyond 6th grade, Fairview public school students attend middle and high schools in the City of Hayward. Bret Harte Middle School (1047 E Street) is a few blocks west of Fairview while Hayward High School (1633 East Avenue) abuts Fairview's southwest border.

In 2017-18, there were 597 students at Fairview Elementary and 576 students at East Avenue Elementary. While both schools draw most of their enrollment from Fairview, they also serve adjacent areas in Hayward and other parts of unincorporated Alameda County. A small number of Fairview students attend Stonebrae Elementary in the Hayward Hills.



East Avenue Elementary School

According to HUSD forecasts, enrollment at Fairview Elementary is projected to increase by 23 percent over the next 7 years, while enrollment at East Avenue Elementary is projected to decline by 12.9 percent. Taken together, this represents a slight increase in enrollment overall. Both schools have the capacity to absorb a net increase of this magnitude.

Fairview does not have its own public library. Residents support the Alameda County Library System through property taxes and may use library branches located throughout Alameda County. The closest facility to Fairview is the Castro Valley Library, located on Norbridge Avenue about two miles to the northwest. The Library opened in 2009 and is the second largest in the County system. Continued investment in the facility will be required as Castro Valley, Ashland-Cherryland, and Fairview grow and library services evolve.

Fairview residents also have access to libraries not operated by Alameda County, including those operated by the City of Hayward. The new \$65 million Hayward Central Library opened in 2019 and is located less than two miles from Fairview.

8.2.3 Public Safety Services

Law enforcement services are provided to Fairview by the Alameda County Sheriff's Office. The Sheriff's Office also operates County jails, the Coroner's Bureau, Animal Control, and other services that are provided to all Alameda County residents, including those in the incorporated cities. Residents in unincorporated Alameda County pay a supplemental property tax to cover the service costs associated with day to day law enforcement activities. Services to Fairview residents are delivered from the Eden Township Substation located at 15001 Foothill Boulevard just east of San Leandro. Motor vehicle laws, including those relating to speeding and moving violations, are enforced by the California Highway Patrol (CHP).

Fire and emergency medical services are provided by the Fairview Fire Protection District (FFPD), which presently contracts with the City of Hayward to deliver these services (see text box). The community's original fire station at 24200 Fairview Avenue is now used for equipment storage and training only. In 2001, a new Fairview Fire Protection District (FFPD) fire station (known as Station 8 and as the Fairview/ Five Canyons Fire Station) was constructed at 25862 Five Canyons Parkway. A City of Hayward fire station (Station 9) is also located within Fairview's boundaries, at 24912 Second Street. Both Stations 8 and 9 serve FFPD but may also respond to calls outside the District.

The location of Fairview's fire stations provides good coverage across the community. Each station has a minimum of three firefighters at all times, with at least one also being an accredited paramedic. Stations 8 and 9 each have two fire engines, including one engine each with the capacity for fighting wildland fires. Back-up is provided by multiple stations in Hayward .



The Fairview Fire Protection District

Fairview has a long tradition of outstanding fire and emergency medical services, dating back to the formation of its first volunteer fire department in 1938. In 1947, the Alameda County Board of Supervisors created the Fairview Fire Protection District (FFPD) in response to a petition from Fairview residents. FFPD is an independent special district governed by a five-member elected Board of Directors. The District's service area includes Fairview and Five Canyons, with a combined population of about 14,000.

As the only locally controlled and elected entity in Fairview (as of 2020), the FFPD is an important community institution and a sounding board for the public on public safety and emergency preparedness issues. Since 1993, the FFPD has contracted for fire protection services with the City of Hayward, enabling more cost-effective service delivery.

8.2.4 Infrastructure

Fairview's infrastructure includes water storage tanks and distribution lines, sanitary sewer collection lines and lift stations, stormwater drainage facilities, and privately-operated energy and telecommunication systems. The community is also dependent on infrastructure in other communities, such as wastewater treatment facilities, landfills, and reservoirs. Although Fairview is not anticipating substantial growth, the maintenance and upkeep of its infrastructure is essential to sustain the quality of life, respond to emergencies, and ensure public health and safety.

Most Fairview residents receive their water from East Bay Municipal Utility District (EBMUD). Water is supplied primarily from the melting snowpack of the Sierra Nevada and runoff from protected watershed lands and reservoirs in the Mokelumne River watershed and the East Bay Hills. EBMUD distributes water to

the 1.4 million residents in its service area via aqueducts, treatment facilities, pumping plants, reservoirs and tanks, and distribution lines. A number of EBMUD water storage tanks are located in Fairview. The Castle Homes area in southeast Fairview receives water from the City of Hayward. Hayward receives its water from the San Francisco Public Utilities Commission, with water transported from the Sierra Nevada by the Hetch Hetchy Aqueduct.

Alameda County and EBMUD have both undertaken programs to conserve water and reduce the need for new water supply facilities. These programs include public education and information, economic and financial incentives, and a variety of best management practices (BMPs) such as water saving plumbing fixtures and drought tolerant landscaping. In 2016, EBMUD adopted an updated long-term Urban Water Management Program (UWMP). The UWMP, which is updated every five years, serves as a water supply planning guide through the year 2040. Fairview’s growth has been taken into consideration in EBMUD’s forecasts and its water supply and facilities planning.

The Oro Loma Sanitary District provides wastewater collection and treatment services to over 90 percent of Fairview households. The remaining 10 percent are in the Castle Homes area of southeast Fairview and are served by private septic systems.

Oro Loma serves over 139,000 residents in Central Alameda County, including Fairview, San Lorenzo, Ashland, Cherryland, and parts of San Leandro, Castro Valley, and Hayward. Most of the sewer lines in Fairview are six-inch vitrified clay pipes. The pipes are being systematically replaced and upgraded to reduce infiltration and outflow of wastewater during heavy rains.



Stenciled storm drain along Maud Avenue

Wastewater from Fairview is transported to a Water Pollution Control Plant located at the west end of Grant Road in San Lorenzo that is jointly owned by Oro Loma and the Castro Valley Sanitary District (CVSD). Most of the treated effluent is transported to a de-chlorination facility near the San Leandro Marina and is discharged via a 7-mile pipe to the deep waters of San Francisco Bay. Some of the treated effluent is used for golf course irrigation in Hayward.

Oro Loma is also the solid waste service manager for Fairview. The District contracts with Waste Management, Inc. of Alameda County to provide collection and disposal services. Solid waste is disposed at the Altamont Landfill and Resource Recovery Facility in eastern Alameda County. A growing proportion of the waste stream is composted or recycled. Countywide, the percent of total waste diverted from landfills rose from 56 percent in 1995 to 83 percent in 2016.

The Alameda County Public Works Agency operates and maintains most of Fairview's storm drains. Catch basins and conduits are periodically cleaned, and crews inspect storm drain inlets to clear debris and minimize blockages. Public Works also maintains standards for the design of stormwater drainage systems in new development, as well as Engineering Design Guidelines addressing drainage calculations, storm drain pipe locations and materials, slope and velocity, surface and gutter flow, storm drain structures, detention basin requirements, and similar attributes.



Stormwater is conveyed to local drainageways and creeks, and ultimately to flood control channels and San Francisco Bay. The flood control channels are managed by the Alameda County Flood Control and Water Conservation District. The flood control system includes levees, pump stations, erosion control devices, and culverts in the urbanized areas west of Fairview. A variety of measures are being taken to improve the quality of urban runoff and reduce stormwater pollution in the Bay. Components of the system are also being improved to reduce flood hazards and respond to the effects of sea level rise.

Other infrastructure in Fairview includes gas and electric lines and telecommunication cables. Gas and electric services are provided by Pacific Gas and Electric (PG&E) while a variety of businesses operate and maintain the infrastructure needed for telephone (land line), cable TV, internet, and cellular phone service.

PG&E transmission lines near Second Street



San Felipe Park Community Center

8.3 GUIDING POLICIES FOR COMMUNITY SERVICES AND INFRASTRUCTURE

The following guiding policies represent a composite of policies in the Eden and Castro Valley General Plans, the previous Fairview Specific Plan, and new policies based on best practices and community feedback during the Specific Plan Update. These policies provide a framework for the standards in Section 8.4.

GOAL CS-1 Provide a full range of park and recreational facilities that benefit Fairview residents of all ages and abilities.

Policies

- CS-1.1 Maintain and invest in Fairview’s existing parks to ensure continued public use and enjoyment, enhance public safety, and prevent deterioration.
- CS-1.2 Use a ratio of 5 acres of local and community parkland per 1,000 residents as the benchmark for long-range planning, including evaluations of park adequacy and requirements for park dedication or in lieu fees for new development. This ratio excludes regional parks and passive open space that is used purely for resource conservation.

- CS-1.3 Work with the Hayward Area Recreation District (HARD) to identify appropriately located land to meet the park standards identified in HARD’s Master Plan, including expansion sites for existing parks and new neighborhood-serving parks. To the extent feasible, investment in parks should be focused on neighborhoods that are currently the least served. Every Fairview resident should be able to walk or bicycle to a community, neighborhood, or regional park within a half-mile of their home.
- CS-1.4 Provide a range of quality recreational programs that meet the needs of Fairview residents at the San Felipe Community Center, the Sulfur Creek Nature Center, and other parks located in and around Fairview.
- CS-1.5 Ensure that the design of existing and planned parks accommodates the amenities needed and desired by the community, avoids conflicts with sensitive natural resources and adjacent land uses, and maximizes access for pedestrians and bicycles.
- CS-1.6 Expand Fairview’s park and recreational resources through joint use agreements with the Hayward Unified School District.
- CS-1.7 Develop hiking, biking, and equestrian spur trails that connect Fairview to the regional trail network, including the Bay Area Ridge Trail.



East Avenue Park

GOAL CS-2 Provide safe, modern, well-maintained schools and community facilities that meet the educational, civic, social needs of Fairview residents.

- CS-2.1 Work with the Hayward Unified School District to provide quality school campuses and excellent educational services that are available to all students in the Fairview Area.
- CS-2.2 Work with the HUSD to address facility planning and capital improvements at East Avenue and Fairview Elementary Schools.
- CS-2.3 Engage HUSD in the review of proposed residential developments to ensure they may provide feedback on the need for additional facilities.
- CS-2.4 Improve the safety of students walking and bicycling to Fairview’s schools through sidewalks, crossing improvements, bike lanes, enforcement of traffic laws, and other methods.
- CS-2.5 Ensure that the needs of Fairview residents are considered in the planning and delivery of County Library services.
- CS-2.6 In the event that future County-operated facilities are located in Fairview, pursue opportunities to incorporate meeting rooms and other amenities that enable the facility to serve as a community gathering place.
- CS-2.7 Require use permits for private schools and enforce approval conditions so that impacts on traffic, parking, noise, and nearby uses are mitigated to the greatest extent possible.

GOAL CS-3 Provide professional, responsive, and effective law enforcement, fire, and emergency medical services to Fairview residents.

- CS-3.1 Strive to continuously improve performance and efficiency in the Alameda County Sheriff’s Office.
- CS-3.2 Maintain law enforcement staffing, performance levels, and County Sheriff’s Department facilities that adequately serve Fairview’s existing and projected future population. Standards for Fairview should meet or exceed the standards adopted by incorporated cities in Alameda County.



Fire Station 9 on Second Street

- CS-3.3 Provide neighborhood security and crime prevention information and training to citizens, neighborhood groups, and homeowners associations, and work with the community in establishing Neighborhood Watch and other crime prevention programs.
- CS-3.4 Fairview’s fire and emergency response staffing levels and facilities should be adequate to meet existing and projected needs.
- CS-3.5 Disaster preparedness and emergency response plans covering Fairview should be regularly updated, and residents and businesses should be kept informed of such plans and procedures.

GOAL CS-4 Ensure that water, sanitary sewer, storm drainage, and solid waste services are provided to Fairview residents in an efficient, environmentally responsible, financially sound manner.

- CS-4.1 Prioritize infrastructure improvements to locations where deficiencies constitute a health and safety hazard or where current service levels do not meet adopted standards.
- CS-4.2 Coordinate with water and sewer service providers to ensure they continue to have the capacity available to serve present and future residents.

- CS-4.3 Development may only be approved upon determining that water supply and distribution facilities, and wastewater collection and treatment facilities, are sufficient to serve the project, as determined by the appropriate service provider and the Fairview Fire Protection District.
- CS-4.4 The efficient use of water shall be encouraged through conservation, drought-resistant landscaping, rain gardens and rainwater retention facilities, and the use of graywater or reclaimed water for irrigation.
- CS-4.5 Coordinate infrastructure projects among service providers to minimize costs, disruption of traffic, and disturbance to neighbors.
- CS-4.6 Require hydraulic and drainage studies when determined necessary by the Director of the Public Works Agency to meet County stormwater management requirements, avoid downstream flooding and the need for downstream improvements, and protect water quality.
- CS-4.7 Encourage regular maintenance of water, sewer, and storm drainage systems.
- CS-4.8 New development should be designed to reduce impervious surfaces and take other measures that reduce runoff and other stormwater-related impacts.
- CS-4.9 Drainage improvements should be designed to respect and preserve Fairview’s natural features, particularly creeks and drainageways.
- CS-4.10 Work with Alameda County Waste Management Authority, the Oro Loma Sanitary District, and solid waste service providers to reduce the volume of solid waste generated in Fairview.
- CS-4.11 Encourage, and where appropriate require, the salvage and reuse of demolition materials and debris at construction sites, consistent with County ordinances.
- CS-4.12 Work with PG&E to reduce safety and fire hazards around transmission and distribution lines, and to pursue additional undergrounding of overhead wires.

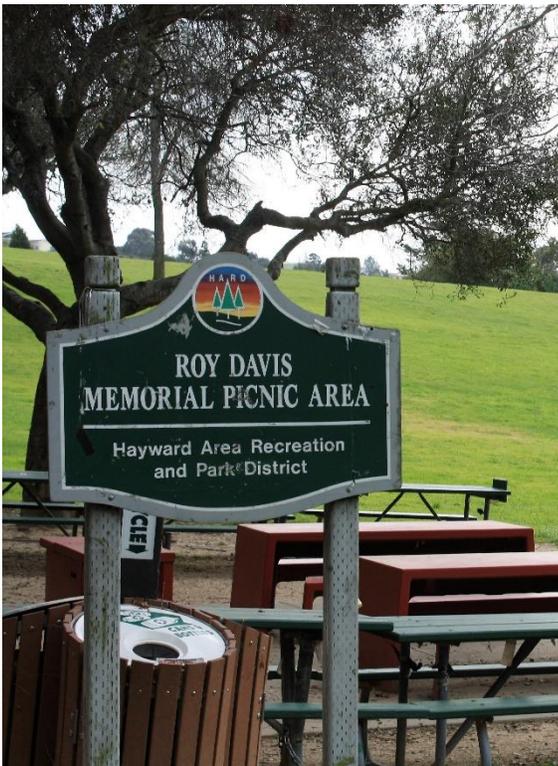
8.4 DEVELOPMENT STANDARDS

8.4.1 Parks

(a) *Parkland Dedication.* Continue to require parkland dedication equivalent to 5 acres per 1,000 residents – or the collection of an in-lieu fee that is banked to acquire and improve neighborhood parkland in Fairview.

1. Park in-lieu fees collected from development projects in Fairview should be spent on improvements serving Fairview residents.
2. The County’s park in-lieu fee should be periodically updated to ensure that new development is paying its fair share to meet the demand it creates for parks and recreational facilities.

(b) *Acquisition.* Work with East Bay Regional Park District (EBRPD) and the Hayward Area Recreation District (HARD) to identify opportunities to acquire open space and parkland in and around Fairview in a manner consistent with the intent of this Plan. The priority for acquisition should be as follows (not in ranked order):



East Avenue Park

1. Natural riparian areas, creeks, scenic hillsides, and rural landscape features that define the character of the community, particularly where such land would otherwise be vulnerable to development.
2. Sites that are adjacent to existing parks, thereby allowing that park to be “expanded.”
3. Excess public lands that may become available from State, County or school districts and that can satisfy area park needs.
4. Given Fairview’s low-density character, small pocket parks (“mini-parks”) of less than 10,000 square feet are generally not appropriate. However, such facilities may be permitted within private development in accordance with parkland dedication requirements when they primarily serve the residents of that development.
5. Expanded rights-of-way or easements suitable for spur trails, including horse and pedestrian trails connecting Fairview to existing local and regional park trails.

(c) *Facility Deficiencies.* Fairview is presently deficient in athletic facilities, including soccer fields, baseball fields, and other multi-use fields for organized sports. It also lacks many of the recreational amenities that one might expect in a community of over 10,000 residents, such as tennis courts, a skate park, and a fenced dog play area. As master plans are prepared for existing parks in Fairview, opportunities for such amenities and facilities should be pursued. Specific improvements to be considered include:

1. Renovate and upgrade the San Felipe Community Center to accommodate a wider range of indoor sports and meet changes in population and recreational needs in the surrounding community.
2. Consider opportunities for additional recreational facilities in East Avenue Park, given its large size and designation by HARD as a community park.

(d) *Maintenance Funding.* Identify potential supplemental funding sources to ensure adequate maintenance of existing park and recreational facilities in Fairview.

(e) *Joint Use Agreements.* The County will encourage and support collaborative partnerships and joint use agreements between the Hayward Unified School District and the Hayward Area Recreation District to provide and expand public access to facilities, including the soccer field at East Avenue Elementary School.



Lakeridge Park

- (f) *Access Improvements.* Seek measures to improve access to local parks from Fairview neighborhoods, such as bike lanes, sidewalks, and pedestrian connections between “dead-end” streets that reduce the distance from residences to parks. The special access needs of children, seniors, and those with mobility limitations should be considered in park planning.
- (g) *Don Castro Regional Park.* Continue to work with East Bay Regional Park District to maintain and improve Don Castro Regional Park and ensure that it is safe and accessible to Fairview residents.
- (h) *Hiking and Equestrian Trails.* Work with HARD and EBRPD to improve hiking and equestrian access to the Bay Area Ridge Trail and to Don Castro, Five Canyons, Chabot, and Garin Regional Parks through localized trail improvements.
- (i) *Planning and Programming.* Encourage HARD and EBRPD to conduct listening sessions, community meetings, and user surveys with Fairview residents to determine the needs of existing and potential park users. Community feedback should be considered in park planning and programming.

8.4.2 Schools and Libraries

- (a) *Mitigating Growth Impacts.* Work with the Hayward Unified School District (HUSD) to address and mitigate the impacts of new development on school facility needs.
 1. Impact fees will be collected by HUSD to address the demand for additional facilities associated with new development. These fees may be periodically adjusted by the School District based on state laws, enrollment forecasts, and facility planning studies.
 2. Enrollment forecasts and student generation rates should be periodically updated to ensure that development is “paying its way” to the greatest extent permitted by state law.²

² Student generation rates refer to the number of students typically associated with multi-family and single family housing units the District. They are used as a benchmark to project the likely number of students when development takes place. In 2017, HUSD used a generation rate of 0.226 students per single family home, including 0.143 for Grades K-6, 0.033 for Grades 7-8, and 0.05 for Grades 9-12. In 2017, the fee was \$2.97 per square foot for residential development and \$0.47 per square foot for commercial development.



Fairview Elementary

- (b) *Operations and Planning.* The County will continue to work with HUSD to address operational and planning issues around its Fairview campuses. A priority shall be placed on improving the safety of students walking to and from school, including the implementation of Safe Routes to School measures at Fairview and East Avenue Elementary Schools.
- (c) *Cal State East Bay.* Work with Cal State East Bay to address issues of mutual interest, such as traffic and access, housing needs, and facility planning.
- (d) *Libraries.* Continue to support access from Fairview to public library services in Castro Valley and Hayward. This could include additional mobile and “pop-up” services, facilities in local public buildings and schools, new on-line or technology-based services, and other evolving service delivery methods.

8.4.3 Law Enforcement

- (a) *Facility Improvements.* Support efforts to modernize the Alameda Sheriff’s facilities serving Fairview so that they can meet current and future needs and ensure rapid response to 911 calls.
- (b) *Staffing.* Ensure that County public safety staffing levels remain adequate to meet local needs, and that the number of personnel assigned to Fairview increases as population grows.
- (c) *Development Review.* Engage law enforcement personnel as needed when new development is proposed to ensure that projects are designed to reduce the potential for crime and ensure quick access.

8.4.4 Fire and Emergency Medical Services

- (a) *Response Time Standard.* Maintain a Fire/EMS response time standard of 5 minutes 50 seconds for the first fire engine and Effective Response Force in under 8 minutes, consistent with Fairview Fire Protection District Board directives. . The current average response times in Fairview are 4 minutes 57 seconds at Station 8 and 4 minutes 23 seconds at Station 9.
- (b) *Hazard Reduction.* Continue to implement wildfire hazard reduction measures, including the annual inspection program, wood chipping, and maintenance of defensible space.
- (c) *Water Supply.* Work with East Bay Municipal Utility District and the City of Hayward to explore increasing fire flow capacity in Fairview.
- (d) *Road Design.* Continue to engage the Hayward Fire Department in the review of development proposals. New streets should meet Hayward Fire Department standards, which are based on California Fire Code Appendix D.
- (e) *Fairview Fire Protection District (FFPD) Strategic Plan.* Support continued implementation of the Fairview Fire Protection District Strategic Plan by the FFPD, as well as periodic updates.
- (f) *Fire Flow.* Work collaboratively with EBMUD to address issues related to fire flow improvements per EBMUD's policies.
- (g) *SEMS Plan.* Work with the Hayward Fire Department, the Alameda County Office of Emergency Services, the FFPD, and public safety agencies in nearby communities to maintain a Standardized Emergency Management Systems Plan that covers Fairview.
- (h) *Emergency Access Constraints.* Identify and categorize streets where public safety response and emergency access are deficient due to street width or lack of parking controls. Identify projects and funding sources to improve or mitigate the deficient conditions.
- (i) *Evacuation Routes.* Improve public education and awareness of recommended evacuation routes in the event of an emergency.

(see also the Environmental Hazards discussion of Wildfire Safety at Sec 7.4 and provisions for an Evacuation Plan at 7.4.7(b))

8.4.5 Water Services

- (a) *New Water Connections.* Water service requirements for EBMUD and the City of Hayward shall be implemented as new development takes place. Per EBMUD’s Regulations Governing Water Service to Customers, Section 31 Water Efficiency Requirements, this includes a stipulation that water service shall not be furnished or expanded until water efficiency requirements have been met at the applicant’s expense.
- (b) *Water Conservation.* Water conservation practices shall be implemented to reduce potable water consumption. New development should meet the Landscape Water Conservation Guidelines adopted by the Alameda County Board of Supervisors as a condition of approval.
- (c) *Water Pressure.* Report any issues related to water pressure to EBMUD and the City of Hayward.
- (d) *Capital Projects.* Support EBMUD as needed in the completion of its capital improvement projects in the Fairview area.



EBMUD water tank near Fairview Avenue

8.4.6 Sanitary and Storm Sewer

- (a) *Sewer Replacement.* Continue working with Oro Loma Sanitary District, the County Public Works Agency, and the County Health Care Services Agency in the replacement of aging or deficient sewer lines.
- (b) *Limitations on Septic Systems.* Revise County regulations to limit the development of new septic systems on substandard lots not served by public sewer systems.
- (c) *Sanitary Sewer Extensions.* Continue working with property owners and local homeowner and community organizations to study the feasibility of providing public sewer services to homes currently relying on septic systems for wastewater disposal. Replacement of aging septic tank and leach fields with properly designed and monitored septic systems is also encouraged.

8.4.7 Drainage and Flood Control

- (a) *Fairview Hydrology and Drainage Study.* The County should seek funding for a **Hydrology Analysis and Storm Drainage Systems Capacity Evaluation Study** for Fairview. The study should evaluate existing hydrology conditions, identify problem areas and constraints, and identify solutions, including capital projects and drainage requirements for future development. The study should specifically evaluate the cumulative effects of diverting stormwater across watershed boundaries and include measures to avoid and mitigate further downstream impacts as future development occurs.
- (b) *Clean Water Program.* The County shall apply the Alameda County Public Works Agency's conditions of approval as development standards for new construction.
- (c) *Storm Drain Accessibility.* Ensure that new homes and other structures are not sited over storm drains or other sub-surface infrastructure.

8.4.8 Energy and Communication Systems

- (a) *Priorities for Undergrounding.* Pursue utility undergrounding along scenic routes and evacuation routes in Fairview, especially Kelly Street, Maud Avenue, D Street and Fairview Avenue.
- (b) *Undergrounding Requirements for Subdivision Frontage.* Undergrounding of utilities is currently required on internal streets within new subdivisions. The County should explore the feasibility of extending this requirement to the frontages of those parcels in the proposed subdivision facing existing streets on the project's perimeter.

- (c) *Telecommunication Standards.* Continue to work with County staff to develop standards and guidelines to minimize the aesthetic, environmental, and safety impacts of telecommunications facilities and encourage co-location of such facilities on existing structures.
- (d) *Greenhouse Gas Emission Reduction.* 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 but are not limited to: installation of solar photovoltaic energy systems, installation of energy-efficient lighting and all-electric appliances, tree planting, 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.
(CEQA Mitigation Measure GHG-3)



Solar Panels at East Avenue School

FUNDING AND ADMINISTRATION

8.5.1 Demonstration of Capacity

Prior to final map approval, applicants for new development should provide evidence that utilities will be available to serve their projects.

8.5.2 Development-Related Costs

In the event that improvements to utilities and services are required to support new development, the project sponsor shall pay its fair share of the associated improvement costs. Development also should support ongoing operation and maintenance costs where they would exceed costs normally associated with serving other development in the community. Fees shall be proportionate to the new development's impact.

8.5.3 Restoration of Road Surfaces

Water, sewer, electric, gas, cable, and other utility improvements should not undermine prior road improvement work. Any infrastructure project which impacts road surfaces should ensure that pavement condition at the conclusion of the project is equal to or better than it was at the start of the project. Moreover, if road or infrastructure improvement projects result in a change in the surface elevation of the roadway, the project should include provisions for changing driveway elevations such that access to individual properties is not adversely impacted.

8.5.4 Funding Mechanisms

As infrastructure needs arise, evaluate the feasibility of forming County Service Areas, Community Improvement Districts, or using other funding mechanisms to provide the necessary revenue to improve or replace inadequate infrastructure and public services.

8.5.5 Municipal Service Review

Regularly participate in the Alameda County LAFCO's municipal services review processes to evaluate the adequacy and need for community facilities and services in Fairview relative to other places in Alameda County.

Chapter 9

Implementation



9.1 INTRODUCTION

This chapter describes the ways in which the Fairview Specific Plan will be implemented following its adoption. Because this is an update of an existing Plan, many of the implementation measures are ongoing activities that will be continued in the future. The policies and standards in this Plan will be applied to guide future development, subdivision applications, capital improvements, service delivery, transportation projects, and environmental management decisions in Fairview. Implementation also will occur through the continued application of County policies and procedures, including the Residential Design Guidelines and Standards and the Engineering Design Guidelines.

9.2 ADMINISTRATION

The Specific Plan will be adopted by resolution by the Alameda County Board of Supervisors. The County of Alameda will be responsible for its administration. Various County agencies, including Community Development, Public Works, Environmental Health, and Fire, will consult the Plan when making development-related decisions and capital improvement recommendations. Amendments to the Specific Plan will be subject to the procedures indicated in the Alameda County Code, including hearings before the Planning Commission and Board of Supervisors.

The Fairview Municipal Advisory Council (MAC) will have an important role in Specific Plan implementation. While the MAC is advisory to the Board of Supervisors, they provide a sounding board for local concerns and an opportunity for Fairview residents to weigh in on the issues addressed by the Specific Plan. The MAC should consider the Plan when making recommendations on proposed development and considering other long-range planning matters.

The 2020 update of the Fairview Specific Plan introduces new standards and procedures that were not included in the 1997 Plan. As such, periodic review of the Plan is important to ensure that it is working as intended. Within two years following adoption, a review of the Specific Plan should be conducted to determine if any changes to the development standards, guidelines, policies, or procedures are needed. All amendments should be fully vetted with the Fairview MAC before they are carried forward.

The two-year evaluation could include a formal transfer of Fairview from the Eden General Plan Area to the Castro Valley General Plan Area, with input from appropriate appointed and elected bodies. While the Fairview Specific Plan covers most long-range planning issues, a formal amendment to the General Plan would eliminate ambiguities and recognize that Fairview's setting and issues are more closely aligned with Castro Valley than with the Eden Area.

9.3 DEVELOPMENT REVIEW

New construction in Fairview must comply with the provisions of this Specific Plan, including the zoning and subdivision standards in Chapter 3. Plans and permit applications will be reviewed for their conformance to the development standards throughout this Plan, such as setbacks, lot coverage, height, floor area ratio, open space and parking. While most of the zoning standards are carried forward from the 1997 Fairview Plan, modifications have been made (for example, the addition of Floor Area Ratio standards and maximum house size) to better reflect the Guiding Principles of this document.

The new standards become effective upon adoption of this Plan. As noted in Chapter 1 and throughout this document, implementation of some of the standards in this document may be contingent on a finding that the outcome is consistent with SB 330, the Housing Crisis Act of 2019. This finding would be that application of the standards in this Plan have not changed the land use designation or zoning to a less intensive use or reduced the intensity of land use allowable as of January 1, 2018. SB 330 sunsets on January 1, 2025. As such, this limitation expires at that time, unless it is extended by equivalent legislation or modified by new requirements.

Other standards in this Plan that establish exceptions to Countywide standards for the Fairview Specific Plan area will become effective with the adoption of this Plan. These exceptions include the calculation of fence height (Sec 3.4.9(e)) and the parking standards (3.4.11(b)). The Specific Plan also recommends that further consideration be given to regulating view impacts from new construction, further limits on building heights relative to County standards, and potential further limitations on development on steep slopes. The ability to implement these standards before January 1, 2025 will be constrained by SB 330's formal declaration of a statewide housing emergency.

A number of zoning map changes will be made concurrently with Plan adoption, ensuring that the General Plan and zoning maps are internally consistent, and reducing the number of instances where a single parcel has its own zoning district. The recommendations for Accessory Dwelling Units (ADU) in Chapter 3 should also be considered as the County transitions from interim regulations to final regulations for ADUs. Provisions to allow the "L" combining district on smaller parcels encumbered by high-voltage transmission lines (4.4.1(d)) also should be completed

Projects in Fairview also will be subject to the County's Residential Design Guidelines and Standards, as well as the design review procedures that are required throughout the unincorporated area. Building permits for new structures, alterations to existing structures, demolition, relocation, and other improvements subject to the California Building Standards Code will continue to be required, as they are today. Grading permits, encroachment permits, stormwater discharge and watercourse permits, tree permits, and drilling and well permits shall also continue be required where applicable.



China Court

9.4 ANIMAL KEEPING STANDARDS

From time to time, the Alameda County Sheriff's Office may update "Standards for the Keeping Animals in the Residential Zones of the Fairview Unincorporated Area of Alameda County" (Appendix A of this Plan) and the County of Alameda Animal Fanciers Ordinance, Rules, and Regulations (Appendix B). The standards and Rules will continue to be appended to this Plan when they are amended.

9.5 TRANSPORTATION

The Specific Plan includes transportation measures that will require action and a commitment of future resources. This includes the addition of sidewalks and bike lanes on certain collector streets, as recommended in Chapter 5. The Plan calls for additional investment in traffic calming, particularly near schools and on wide residential streets where speeding is a problem. It recommends more consistent enforcement of speed limits and traffic laws, which would be achieved in partnership with the California Highway Patrol and Alameda County Sheriff's Office. It also recommends that the feasibility of short pedestrian and/or bicycle connections between abutting dead-end streets be further studied, with potential capital projects to follow. Pedestrian connections between dead ends would improve walkability and facilitate evacuation in the event of a wildfire or other emergency.

Traffic studies will continue to be required for developments with the potential to impact traffic safety, intersection capacity, and road conditions. This requirement will be implemented collaboratively by the Community Development Department, the Public Works Agency, and the Alameda County Transportation Commission. Standards and requirements for private streets will continue to be evaluated following Plan adoption. There is interest in limiting the use of private streets to very small subdivisions only and ensuring that private streets are built to the same standards as public streets.

Ongoing coordination with the City of Hayward is also recommended. Development in Hayward will impact the roads and intersections that Fairview residents use on a daily basis, including those within Fairview and those in adjacent communities. The Specific Plan also identifies intersections for regular monitoring, including several in Hayward. There is also a program to monitor the Five Canyons roundabout and reduce non-local through-traffic on Fairview Avenue and Five Canyons Parkway.

9.6 CONSERVATION AND HAZARDS

The Conservation and Environmental Hazards chapters of this Specific Plan include policies and standards to conserve natural resources and mitigate environmental hazards such as wildfire, flooding, and landslides. Implementation of Plan policies will require ongoing programs and services provided by Alameda County Environmental Health, the Fairview Fire Department District, the County Sheriff's Office, the County Public Works Agency, and the County Community Development Agency. Many of these programs, such as the Clean Water Program and vegetation management, are already underway. Requirements for soils and geologic reports, biological resources assessments, landscape plans, grading plans, and similar submittals will continue to be required based on the guidance provided by this Plan.

The Fairview Specific Plan establishes a number of priorities that should be considered as County resources and the resources of other districts are allocated. This includes improvements to water pressure and delivery systems, emergency access provisions, vegetation management, and evacuation routes to improve wildfire preparedness. Wildfire protection, response, and recovery remain issues of significant concern that will require more focused attention and action in the coming years.



Highland Trail Lane

Protection of creeks and riparian areas must remain a high priority. Fairview also will participate in Countywide initiatives to address climate change and sustainability, including energy and water conservation and measures, green building, and solid waste diversion and reduction.

Several conservation and hazards topics were identified by the public as requiring further study in the course of preparing this Specific Plan. These are generally countywide issues that affect Fairview directly. For example, the County's Watercourse Protection Ordinance should be strengthened to provide greater protection to creeks and riparian areas. Greater consideration should be given to the protection of oak woodlands and tree protection requirements in general. There is also local interest in revisiting the Noise Ordinance and evaluating development restrictions on steep (30% or greater) slopes and narrow (<20' wide) streets.

Several measures specific to Fairview also are included. These include development of an Evacuation Plan for the community, a comprehensive traffic circulation study, and an areawide hydrology and drainage study. These are high priority implementation measures that must be considered during the horizon of this Plan. The hydrology and drainage study is a critical tool for reducing flooding and erosion hazards and should be a top priority for funding.

9.7 CAPITAL PROJECTS

Although this Specific Plan does not include a capital improvement program or financing plan, improvements to infrastructure are anticipated over the lifetime of this Plan. Several of the Plan actions call for future studies of community water, sewer, drainage, and energy systems to identify where improvements may be needed.

It is anticipated that over the next 20 years, some combination of the following improvements will be needed in Fairview:

- Traffic calming (to reduce speed and make streets safer for all users)
- Intersection improvements (stop signs, changes to the existing traffic signal phasing at Maud/Kelly, and potentially additional roundabouts)
- Connectivity improvements (trails or emergency access connectors linking adjacent dead-end streets)
- Wayfinding and street sign improvements
- Street resurfacing and striping
- Sidewalk improvements, especially along collector streets
- Pedestrian crossing safety improvements, especially near schools and parks
- Bicycle improvements (sharrows and bike lanes)
- Public art and gateway signage
- Landscaping
- Street tree planting

- Creek improvements and conservation projects
- Erosion control projects
- Tree management and removal or thinning of hazardous or invasive trees
- Stormwater management and water quality projects
- Flood control and drainage improvements
- Water distribution system improvements for fire flow
- Sanitary sewer collection system and lift station improvements
- Utility undergrounding projects
- New parks or recreation improvements
- Spur trails for hikers, bicyclists, and equestrians from Fairview neighborhoods to the regional trail system
- Street lighting and maintenance improvements

These improvements and enhancements should be planned with community input, including impacted landowners and utility customers. To the greatest extent possible, improvements should emphasize “green” infrastructure that minimizes environmental impacts, reduces greenhouse gas emissions, reduces fire hazards, and enhances natural resources. Public improvements should be supplemented by private utility improvements, including tree trimming and regular gas and electric system maintenance by PG&E.

A variety of funding sources will be explored to construct improvements, potentially including private funding, capital funds through the County’s Capital Improvement Program, grants, development impact fees, special assessments, and transportation funds through Measure BB and other County and regional improvement measures. As needed, tools such as Infrastructure Financing Districts and Community Facilities Districts could be considered to cover future infrastructure improvement costs. Impact fees will continue to be collected for new homes to offset the need for new capital facilities, and connection fees will continue to be required by water and sewer service providers.

9.8 ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) has been prepared for this Specific Plan. The MND assessed the environmental impacts of the Plan at a programmatic level. This means that the analysis did not consider the impacts of a specific development or changes on any one particular site. Rather, it addresses the incremental addition of about 300 single family homes on small scattered sites over a period of roughly 20 years. This forecast is reflective of the relatively large number of vacant lots in Fairview (over 200), as well as the large number of sites with the potential to be divided into two or three lots under current zoning. Mitigation measures are included in Appendix D of the Specific Plan.

Adoption of this Specific Plan does not increase buildout capacity in Fairview—in other words, it does not “upzone” or increase the allowable number of units on

any parcel. For the most part the Plan maintains existing zoning but adds new parameters so that future development is more compatible with its surroundings, mitigates its impacts, and reduces impacts on the environment. In this respect, the Specific Plan is consistent with SB 330 and affirmatively supports the production of housing in response to the State declaration of a housing emergency.

Future projects that are fully consistent with the Specific Plan may be considered with minimal new environmental analysis, or with environmental analysis that is focused on site-specific issues not addressed by the MND. For instance, such projects could be required to provide traffic studies or biological resource assessments but would not necessarily have to prepare a full Environmental Impact Report. The MND identifies required mitigation measures for impacts attributable to Specific Plan implementation, including the parties responsible for administering and monitoring these measures and when they will be required.



Sarita Street

9.9 INTERGOVERNMENTAL COORDINATION

Because Fairview is an unincorporated community, implementation of this Specific Plan will require collaboration and communication with multiple agencies. 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. Ongoing coordination between the Fairview Municipal Advisory Council, the Castro Valley Municipal Advisory Council, and the County Board of Supervisors should be strongly supported and encouraged moving forward.

Appendices

- A. Animal Keeping Standards
- B. Animal Fancier Permit Ordinance and Animal Keeping Rules and Regulations
- C. Fairview View Ordinance



APPENDIX A: Standards for the Keeping of Animals in the Residential Zones of the Fairview Unincorporated Area of Alameda County (Effective 1/1/2011)

The intent of these Standards, which were developed by the Alameda County Sheriff's Office, is to address the unique issues related to the keeping of animals in the Fairview Community. The impact and efficacy of these Standards will be evaluated by the Sheriff before they are considered for application in other areas of the unincorporated County.

I. ANIMAL FANCIERS PERMIT:

A. Permit Required: Section 5.12.010 of the General Code states that "no person shall keep more than two dogs or keep more than two cats, or keep any livestock as accessory to any dwelling located in any R zoning district ... except in accordance with the provisions of a valid animal fanciers permit...."

B. Exemption: Any livestock in a combining L district owned by an individual who is a member of a nonprofit youth organization formed primarily for agricultural purposes {for example, 4-H or Future Farmers of America (FFA) and raised by that individual as part of the regular activities of the organization may be granted a waiver from the Animal Fanciers Permit for up to one (1) year and are exempt from paying the permit fee.

II. MINIMUM LOT SIZE AND MAXIMUM NUMBER OF ANIMALS:

A. For Horses, Steers and/or Cows:

1. Combining L District: On a minimum lot of 40,000 square feet, the combining L district allows one (1) cow, or one (1) horse, or one (1) other similar domestic animal, or any combination thereof, for each 20,000 square feet of lot area when accessory (subordinate and secondary) to the principal use of the parcel.
2. Residential (R) District: On a minimum lot of 40,000 square feet, the R district allows one (1) horse, one (1) cow, or one (1) other similar large domestic animal, or any combination thereof, for each 20,000 square feet of available space per animal.

B. For Sheep, Goats, Potbelly Pigs, Pygmy Goats, Llamas, Alpacas, or Similar Animals:

1. Combining L District: On a minimum lot of 40,000 square feet, the combining L district allows two (2) sheep, or two (2) goats, or two (2) similar domestic animals, or any combination thereof, for each 20,000 square feet of lot area when accessory (subordinate and secondary) to the principal use of the parcel.
2. Residential (R) District: On a minimum lot of 40,000 square feet, the R district allows two (2) sheep, or two (2) goats, or two (2) similar domestic animals for each twenty thousand (20,000) square feet of available space per animal.

C. For Fowl (chicken, duck, goose, turkey)

1. Combining L District On a minimum lot of 40,000 square feet, the combining L district allows fifty (50) fowl (chicken, duck, goose, turkey) or similar birds when accessory (subordinate and secondary) to the principal use of the parcel.
 2. Residential (R) District: With no minimum lot size, the R district allows one (1) fowl for each 200 square feet of available space up to a total of fifty (50) fowl (chicken, duck, geese, turkey or similar birds).
- D. For Rabbits (or more than 5 Chinchillas or 5 Guinea Pigs) or Similar Small Animals:
1. Combining L District: On a minimum lot of 40,000 square feet, the combining L district allows fifty (50) rabbits, guinea pigs, or similar small animals when accessory (subordinate and secondary) to the principal use of the parcel.
 2. Residential (R) District: With no minimum lot size, the R district allows one (1) adult rabbit or similar small animal for each 200 square feet of available space up to total of fifty (50) such small animals.
- E. For Pigeons:
1. Combining L District: On a minimum lot of 40,000 square feet, the combining L district allows fifty (50) pigeons when accessory (subordinate and secondary) to the principal use of the parcel.
 2. Residential (R) District: With no minimum lot size, the R district allows one (1) pigeon for each 50 square feet of available space up to a total of fifty (50) pigeons. During breeding season, an increase of 20% in the number of pigeons allowed on a given lot is allowable for a period not to exceed ninety (90) days.
- F. For Bees:
1. Combining L District: With no minimum lot size, the combining L district allows one colony (one hive body) for each 10,000 square feet of space when accessory (subordinate and secondary) to the principal use of the parcel.
 2. Residential (R) District: With no minimum lot size, the R district allows one colony (one hive body) for each 10,000 square feet of available space.

III. CONDITIONAL USE PERMITS:

- A. Combining L District: The keeping of animals in a combining L district in excess of the number allowed in Section II (above) is permitted only if approved by the board of zoning adjustments in a conditional use permit (CUP).
- B. Residential (R) District: The zoning ordinance does not allow a CUP to be used to authorize the keeping of additional animals in the R district.

IV. PERFORMANCE STANDARDS FOR THE KEEPING OF ANIMALS IN ALL RESIDENTIAL “L” AND “R” DISTRICTS

- A. For Horses, Steers *andlor* Cows:

1. Any accessory structure used to shelter or enclose an animal (such as a corral or stable) must be located in a manner that complies with applicable zoning requirements. Accessory structures should be in the rear half of the lot and at least forty (40) feet from the front lot line. However, this restriction will not be applied to require the structure to be more than seventy-five (75) feet from the front lot line. Accessory structures should be at least forty (40) feet from any dwelling on an adjacent lot.
2. Manure should be removed daily from corral, stable, paddock or other holding areas. Manure should be removed from pasture or grazing areas when necessary to prevent the production of flies or unreasonable odors. Manure not removed from the premises on a daily basis must be stored in fly-tight containers, cans or holding boxes and removed from the containers to an approved disposal site at least once each week.
3. Watering troughs must be constructed and located so that they do not overflow in the stall, corral or paddock area.
4. Hay must be stored in such a manner so as not to become a nesting place for rodents (for example, in rodent-resistant buildings or stored at least 6" off the floor on pallets and away from walls, other material or equipment).
5. Grain feeds shall be stored in rodent-resistant containers or buildings (for example, in metal cans or rodent-resistant feed cribs).
6. The entire area set aside for the animals, including exercise areas, shall be maintained clear of all rubbish and debris.

B. For Sheep, Goats, Potbelly Pigs, Pygmy Goats, Llamas, Alpacas, or Similar Animals:

1. Any structure used to shelter or enclose an animal (such as a corral or stable) must be located in a manner that complies with applicable zoning requirements. Accessory structures should be in the rear half of the lot and at least forty (40) feet from the front lot line. However, this restriction will not be applied to require the structure to be more than seventy-five (75) feet from the front lot line. Accessory structures should be at least forty (40) feet from any dwelling on an adjacent lot.
2. Manure should be removed daily from corral, stable, paddock or other holding areas. Manure should be removed from pasture or grazing areas when necessary to prevent the production of flies or unreasonable odors. Manure not removed from the premises on a daily basis must be stored in fly-tight containers, cans or holding boxes and removed from the containers to an approved disposal site at least once each week.
3. Watering troughs must be so constructed and located that they do not overflow in the stall, corral or paddock area.
4. Hay must be stored in such a manner so as not to become a nesting place for rodents (for example, in rodent-resistant buildings or stored at least 6" off the floor on pallets and away from walls, other material or equipment).

5. Grain feeds shall be stored in rodent-resistant containers or buildings (for example, in metal cans or rodent-resistant feed cribs).
 6. The entire area set aside for the animals shall be maintained clear of all rubbish and debris.
 7. No male sheep or goats shall be kept in a residential area unless castrated. Castrated animals (raised for food) may be kept for a period not to exceed seven (7) months.
- C. For Rabbits (or more than five (5) Chinchillas or five (5) Guinea Pigs) or Similar Small Animals:
1. Any accessory structure used to shelter or enclose the animals, such as a rabbit hutch, must be located in a manner that complies with applicable zoning requirements. Accessory structures should be in the rear half of the lot and at least forty (40) feet from the front lot line. However, this restriction will not be applied to require the structure to be more than seventy-five (75) feet from the front lot line. Accessory structures should be at least forty (40) feet from any dwelling on an adjacent lot.
 2. All hutches and the area under them should be cleaned on a regular basis so as not to create an odor or fly problem. Daily cleaning is mandatory if worm beds are not maintained under the hutches.
 3. All feed must be stored in vermin resistant containers.
 4. Litters may be kept for a period not to exceed ten (10) weeks after birth.
- D. For Fowl (including Chickens, Turkeys, Guinea Fowl, Ducks and Geese):
1. Any accessory structure used to shelter or enclose fowl, such as a pen or coop, must be located in a manner that complies with applicable zoning requirements. Accessory structures should be located on rear half of the parcel and at least forty (40) feet from the front lot line. However, this restriction will not be applied to require the structure to be more than seventy-five (75) feet from the front lot line. Accessory structures should be at least forty (40) feet from any dwelling on an adjacent lot.
 2. All feed must be stored in vermin resistant containers.
 3. The area under any roost must be cleaned daily with manure stored in flytight containers with disposal at an approved dump at least once a week.
 4. No roosters or gobblers may be kept in any residential zone.
- E. For Pigeons:
1. Any accessory structure used to shelter or enclose the pigeons, such as a pigeon loft, must be located in a manner that complies with applicable zoning requirements. Accessory structures should be located on rear half of the parcel and at least forty (40) feet from the front lot line. However, this restriction will not be applied to require the structure to be

more than seventy-five (75) feet from the front lot line. Accessory structures should be at least forty (40) feet from any dwelling on an adjacent lot.

2. Lofts must be cleaned daily with manure stored in fly-tight containers with disposal at an approved dump at least once a week.
3. All feed must be stored in vermin resistant containers.
4. Birds may be exercised a maximum of one (1) hour per day immediately prior to feeding.

F. For Bees:

1. All aplanes must be registered with the Alameda County Agricultural Commissioner in the manner required by Food and Agricultural Code sections 29040-29046.
2. No apiary shall be located:
 - a. on any land without the written consent of the owner or person in possession of the land; or
 - b. closer than eighty (80) feet from any public street, sidewalk or other public thoroughfare; or
 - c. closer than forty (40) feet from any residence or property line unless the adjoining property owner gives their written consent to a lesser distance, but in no case shall the apiary (hive body) be closer than twenty-five (25) feet from any residence or property line.
3. If the person maintaining the apiary does not reside on the premises then the apiary must be identified by signage in the manner required by Food and Agricultural Code section 29046.
4. A water supply adequate in quantity for the apiary must be provided and maintained.

V. PROCEDURE FOR REMOVAL AND DISPOSAL OF ANIMAL WASTE.

Manure shall be removed and disposed of in compliance with Alameda County General Code Section 5.12.100, unless the County Health Officer has approved an alternative removal or disposal procedure.

VI. DEFINITIONS:

The definitions contained in Section 5.04.010 of the General Code apply to these Standards and, unless it is plainly evident from the context that a different meaning is intended, certain additional terms used in these Standards are defined as follows:

"Adequate" means an amount necessary given the specific environmental circumstances and biological needs of an animal or insect.

"Apiary" includes bees, comb, hives, appliances, or colonies, wherever they are kept, located or found.

"Appliance" means any implement or other device used in handling or manipulating bees or comb, any container of bees or comb, or any other equipment used in the practice of apiculture.

"Available Space" means the net exterior square footage of a lot, which is calculated by reducing the gross exterior square footage of the lot by the footprint of all built-out space on the lot (including, for example, the residential structure, any attached or detached garage, swimming pools, and similar uses).

"Bees" means honey-producing insects of the genus *Apis* and includes all stages of the insects.

"Colony" means one hive and its contents, including bees, comb, and appliances.

"Comb" includes all materials which are normally deposited into hives by bees. It does not include extracted honey or royal jelly, trapped pollen, and processed beeswax.

"Corral" means an enclosure or pen for confining livestock.

"Hive" means any receptacle or container which is made or prepared for the use of bees, or which is inhabited by bees.

"Paddock" means a small field or fenced area usually near a stable, barn or house for grazing or pasturing livestock.

"Pasture" means land for grazing livestock.

"Stable" means a building in which livestock, especially horses, are kept and which may be divided into separate stalls for individual animals.

VII. KEEPING MULTIPLE SPECIES

A. Different species of animal may be combined on a given lot as long as they do not exceed the total number of animals allowed by the zoning district and these Standards.

1. Combining L District: For example, in the L district a 40,000 square foot lot would permit the following combinations of animals:
 - One horse OR one cow AND two sheep OR two goats
 - One cow AND one horse
 - One horse OR one cow AND one sheep AND one goat
 - Two horses OR two cows
 - Four sheep OR four goats
 - Two sheep AND two goats
 - One sheep AND three goats

These examples do not show all possible combinations that may be allowed in the L district. In each example above, the L district zone would also allow up to fifty (50) fowl (which may consist of varying combinations of chickens, ducks, geese, turkeys) or rabbits, guinea pigs or similar small animals.

2. Residential (R) District: For example, in the R district a 40,000 square foot lot with 10,000 square feet of space being used for structures (houses, garages, etc.), leaving 30,000 square feet of available space for use by animals would permit the following combinations of animals:
- One horse OR one cow
 - Two sheep OR two goats
 - Two potbelly pigs OR two pygmy goats
 - One horse, 25 rabbits AND 25 chickens
 - Two sheep AND one apiary
 - One sheep, one goat AND 50 chickens

These examples do not show all possible combinations that may be allowed in the R district.

VIII. IMPLEMENTATION:

The holder of a current, valid Animal Fancier permit, or an applicant pending issuance of a renewed Animal Fancier permit, issued prior to the modification of these Standards on January 11, 2011, will have until January 11, 2014 to come into compliance with Article II of these Standards (Article II establishes the minimum lot size and maximum number of animals allowed on each lot or parcel). All new applicants for Animal Fancier permits must comply with these Standards as of July 31, 2011.

APPENDIX B

REGULATIONS FOR ANIMAL FANCIERS PERMITS

Part One: Alameda County Code of Ordinances; Chapter 5.12

5.12.010 - Animal Fanciers Permit Required.

No person shall keep more than two dogs or keep more than two cats, or keep any livestock as accessory to any dwelling unit located in any R zoning district as designated on the county zoning map (on file with the board of supervisors) except in accordance with the provisions of a valid animal fanciers permit issued by the director of field services.

5.12.020 - Permit Procedure.

- A. An application for an animal fanciers permit shall be in the form required by the director of field services and shall be accompanied by the fee established by resolution of the board of supervisors.
- B. Upon receipt of an application, the director of field services shall make any appropriate investigation and shall issue the animal fanciers permit if he finds all the following:
 - 1. The keeping of the requested animals at the location specified in the application will not violate any ordinance or other regulation of this county or any law of the state;
 - 2. The keeping and maintenance of the requested animals can be in accordance with those standards adopted for this purpose by the director of field services with the concurrence of the county health officer;
 - 3. The keeping and maintenance of the requested animals will not endanger the peace, health or safety of persons in the immediate vicinity, or in the county as a whole;
 - 4. The premises and housing where the requested animals are to be kept are in clean and sanitary condition, and any requested animal will not be subject to suffering, cruelty or abuse;
 - 5. The applicant has not had a permit, issued pursuant to this article, revoked within a year prior to the date of the application;
 - 6. The keeping and maintenance of the requested animals does not constitute a public nuisance.
- C. The animal fanciers permit shall be issued for a specified term, at the discretion of the director of field services, but in no event to exceed a three year term.

5.12.030 - Revocation and Suspension.

Any permit issued pursuant to this article may be revoked, if, after investigation and written notice to the permittee, the director of field services finds any of the following to be true:

- A. The permittee, his agent or employee has been convicted of any offense involving the violation of Sections 596 to 599 inclusive, of the Penal Code or is in violation of any zoning, health and safety or building ordinance relating to the keeping of the permitted animals; or

- B. The permittee has failed to keep and maintain the premises or housing for the permitted animals in a clean and sanitary condition; or
- C. The permittee has, at the place for which the permit is issued, failed to provide any animal with proper food, water, shelter or attention; or
- D. The permittee has violated any rules, regulations or conditions adopted by the director of field services as necessary to insure the permitted animal will not endanger the peace, health or safety of any person or property; or
- E. The permittee has changed the location of his residence or sells, assigns, transfers, donates, leases, or otherwise disposes of the permitted animal for which the permit was issued.

If, after investigation, the director concludes that it is probable that one or more of the above grounds for revocation has occurred, he shall cause written notice thereof to be transmitted by certified mail to the address of the permittee. Said notice shall specify the grounds of possible revocation of the permit and shall specify a date and time for an informal hearing to be held before the director thereon. Said date shall not be less than ten days subsequent to the date of deposit of the notice in the mail.

After the informal hearing, the director may modify the terms thereof or revoke the permit depending upon the permittee's ability and/or willingness to comply with the requirements of this article.

In the event that it is reasonably necessary to protect against an immediate threat of danger to the public health or safety, the director may suspend any permit summarily, without a hearing, for a period not to exceed thirty (30) days.

5.12.040 - Inspection.

Permits issued pursuant to the provisions of this article shall be surrendered for inspection by the permittee upon the request of the director.

The premises on which a permitted animal is maintained shall be open at any reasonable hour for inspection by the director.

5.12.050 - Impoundment.

The director shall have the authority to enter the premises at any reasonable hour in a lawful manner, and to take up, impound, and safely keep any animal upon denial, revocation, or suspension of a permit or when any owner refuses to apply for a permit.

Procedures for the reclamation, redemption and destruction of impounded animals shall be accomplished pursuant to [Chapter 5.36](#) of this code.

5.12.060 - Rules and regulations.

The director of field services shall adopt rules and regulations formulated with the concurrence of the county health officer in conformity with, and for the purpose of, carrying out the intent of this chapter. Compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any permit provided for in this chapter.

5.12.070 - Appeals.

Any person aggrieved by any decision or action resulting from the application of this chapter may appeal to the board of supervisors within five days from the date of permit denial. The filing of an appeal shall stay the decision or action appealed from; provided, that the filing of an appeal shall not stay any order of suspension or revocation.

5.12.080 - Exemption from permit fee—When.

The applicant for an animal fanciers permit for livestock shall be exempt from the permit fee required by Section 5.12.020A if such livestock are owned and raised by the applicant as a member of and as part of the regular activities of, a nonprofit youth organization which is formed primarily for agricultural purposes.

5.12.090 - Permit required to maintain certain animals.

Any person desiring to keep or maintain, or keeping or maintaining:

- A. Any commercial fur bearing animals, any poultry, rabbit, goat, cow, sheep, horse, mule, pony or similar livestock on any premises, in all zoning districts, except those districts designated "A" (agriculture) as described in [Title 17](#) of this code; or
- B. More than seventy-five (75) poultry and rabbits, or either thereof, in any zoning district designated "A" (agriculture) shall obtain an animal fanciers permit in accordance with the provisions of this chapter.

5.12.100 - Regulations for the keeping of animals permitted pursuant to Section 5.12.090.

- A. Construction and Maintenance. Places, areas, or structures where putrescible waste is allowed to accumulate shall be provided with such design and construction so as to allow adequate cleaning and drainage, and shall be provided with adequate access for removal of such waste.
- B. Storage of Putrescible Waste. When putrescible waste is stored on the premises prior to removal or disposal, such storage facilities shall consist of rain-proof, fly-tight, rodent-proof and easily cleaned structures; or other such structures as may be approved by the county health officer.
- C. Removal and Disposal of Putrescible Waste. A permittee shall not permit or allow putrescible waste resulting from the keeping or maintaining of animals to produce flies, fly larvae or pupae, or to serve as food for rodents, or to produce unreasonable odors. Each permittee shall:
 - 1. Follow such procedure as to the handling and disposal of such waste as is approved by the county health officer; or
 - 2. Remove such waste from the premises and dispose of it at an approved disposal site at least once weekly, except where circumstances and conditions occurring on other than the premises registered make such removal impractical or impossible; provided, however, that if the county health officer finds a fly, rodent or odor nuisance therein, he may order the permittee to apply or use any other procedure provided for in this section.

APPENDIX C

REGULATIONS FOR VIEWS AND SUNLIGHT—FAIRVIEW DISTRICT

The following regulations were adopted in 2012 as Chapter 6.66 of the Alameda County Code of Ordinances. No changes are proposed through the Specific Plan.

6.66.010 - Purpose and Principles.

This [Chapter 6.66](#) is applicable only to the Fairview area, as defined in [Section 6.66.020](#). This chapter is adopted by the county of Alameda for the following purposes:

- A. To establish the right of persons to preserve views or sunlight which existed at any time since they purchased or occupied a property from unreasonable obstruction by the growth of trees;
- B. To establish a process by which persons may seek restoration of such views or sunlight when unreasonably obstructed by the growth of trees or other vegetation. The rights and the restorative process are based upon the following general principles:
 1. The county recognizes that residents and property owners cherish their outward views from the Hayward Hills, and that they also cherish the benefits of plentiful sunlight reaching their buildings and yards. The county recognizes that both outward views and plentiful sunlight reaching property contribute greatly to the quality of life in the Fairview area, and promote the general welfare of the entire community.
 2. The county also recognizes the desire of many of its residents and property owners for beautiful and plentiful landscaping, including trees. The county realizes that this desire may sometimes conflict with the preservation of views and sunlight, and that disputes related to view or sunlight obstruction are inevitable.
 3. Owners and residents should maintain trees on their property in a healthy condition for both safety reasons and for preservation of sunlight and outward views. Before planting trees, owners and residents should consider view and sunlight blockage potential, both currently and at tree maturity. Persons have the right to seek civil remedies when threatened by dangerous tree growth.
 4. The county shall establish a process by which persons may seek to preserve and restore views or sunlight which existed at any time since they purchased or occupied property from unreasonable obstruction by the growth of trees. The county shall also establish a list of factors to be considered in determining appropriate actions to restore views or sunlight.
 5. When a view or sunlight obstruction dispute arises, the parties should act reasonably to resolve the dispute through friendly communication, thoughtful negotiation, compromise, and other traditional means, such as discussions with the appropriate neighborhood or homeowner association. Those disputes which are not resolved through such means shall follow the procedure established herein.
 6. It is the intent of the county that the provisions of this chapter receive thoughtful and reasonable application. It is not the intent of the county to encourage clear-cutting or substantial denuding of any property of its trees by overzealous application of provisions of this chapter.

6.66.020 - Definitions.

For the purpose of this [Chapter 6.66](#), the meaning and construction of words and phrases shall be as follows:

- "Arbitrator" means a neutral person who will conduct a process similar to a trial, and who will hear testimony, consider evidence, and make a binding decision for the disputing parties.
- "Benefitting party" means a property owner who will gain from the increase in value (aesthetic or monetary) created by restorative action.
- "Binding arbitration" means a legal procedure as set forth in Section 1280 et seq. of the California Code of Civil Procedure.
- "Complaining party" means any property owner (or legal occupant with written permission of the property owner) who alleges that trees located on the property of another person are causing unreasonable obstruction of his or her pre-existing views or sunlight.
- "Fairview area" means the portion of the unincorporated area of Alameda County that is coterminous with the current boundaries of the Fairview Fire Protection District, excluding the Five Canyons development, as shown on the map on file with the Alameda County planning department.
- "Mediator" means a neutral, objective third person who assists people in finding mutually satisfactory solutions to their problem.
- "Person" means any individual, corporation, partnership, firm, or other legal entity, excluding the county of Alameda.
- "Primary living area" means the portion or portions of a residence from which a view is observed most often by the occupants relative to other portions of the residence.
- "Removal" means the elimination of any tree from its present location.
- "Restorative action" means any specific requirement to resolve a tree dispute.
- "Stump growth" means new growth from the remaining portion of the tree trunk, the main portion of which has been cut off.
- "Sunlight" means the availability of direct or indirect sunlight to the primary living area of a residence.
- "Thinning" means the selective removal of entire branches from a tree so as to improve visibility through the tree and/or improve the tree's structural condition.
- "Topping" means the elimination of the upper portion of a tree's trunk or main leader.
- "Tree" means any woody plant with the potential to obstruct views or sunlight, including but not limited to trees, shrubs, hedges, and bushes. References to "tree" shall include the plural.
- "Tree claim" means the written basis for arbitration or court action under the provisions of this chapter.
- "Tree owner" means any person owning real property in the Fairview area of unincorporated Alameda County upon whose land is located a tree or trees alleged by a complaining party to cause an unreasonable obstruction.
- "Trimming" means the selective removal of portions of branches from a tree so as to modify the tree(s) shape or profile or alter the tree's appearance.
- "View" means a scene from the primary living area of a residence. The term "view" includes both upslope and downslope scenes, but is generally medium or long range in nature, as opposed to short range. Views include but are not limited to skylines, bridges, landmarks, distant cities, distinctive geologic features, hillside terrains, wooded canyons, ridges, and bodies of water. Some additional examples include: (1) San Francisco Bay; (2) The San Mateo Bridge; (3) The San Francisco-Oakland Bay Bridge; (4) Mt. Diablo; (5) The Golden Gate Bridge; (6) Mt. Tamalpais; (7) East Bay/Pleasanton Hills.
- "Windowing" means a form of thinning by which openings or "windows" are created to restore views and/or sunlight.

6.66.030 - Rights Established.

- A. Persons shall have the right to preserve and seek restoration of views or sunlight meeting all of the following criteria:
 - 1. The views or sunlight must have existed at any time since the complaining party purchased or occupied a property;
 - 2. The views or sunlight must have existed following the enactment of this chapter;
 - 3. The views or sunlight are from the primary living area and have subsequently been unreasonably obstructed by the growth of trees.

- B. In order to establish such rights pursuant to this chapter, the person must follow the process established in this chapter. In addition to the above rights, private parties have the right to seek remedial action for imminent danger caused by trees.

- C. Because this chapter shall only be applicable to views or sunlight that existed following the enactment of this chapter, the following protections exist for owners of trees that are blocking views or sunlight at the time of the enactment of this chapter:
 - 1. Owners of trees that are blocking views or sunlight at the time of the enactment of this chapter shall have the right to grant or to refuse to grant the removal of any part of a tree which existed in the view or blocked the sunlight of any neighbor prior to the passage of this chapter.
 - 2. The granting of the right to remove, trim, top, or thin a tree that is blocking a view or sunlight at the time of the passage of the chapter does not create an on-going right to the view or sunlight because the view was nonexistent at the time of the passage of this chapter. This applies to any surrounding property or to property purchased after the passage of this chapter. It is the responsibility of the seller of any property to inform any new buyer and their real estate agent about existing view rights.
 - 3. Owners of trees that are blocking views or sunlight at the time of the enactment of this chapter shall have no responsibility for the cost of the removal, trimming, topping, or thinning of a tree for any preexisting view or sunlight obstruction.

6.66.040 - Unreasonable Obstruction Prohibited.

Within the Fairview area of unincorporated Alameda County, no person shall plant, maintain, or permit to grow any tree which unreasonably obstructs the view from, or sunlight reaching, the primary living area of any other property.

6.66.050 - Criteria for Determining Unreasonable Obstruction.

The following criteria are to be considered (but are not exclusive) in determining whether unreasonable obstruction has occurred:

- A. The extent of obstruction of pre-existing views from, or sunlight reaching, the primary living area or active use area of the complaining party, both currently and at tree maturity.

- B. The quality of the pre-existing views being obstructed, including obstruction of landmarks, vistas, or other unique features.

- C. The extent to which the trees interfere with efficient operation of a complaining party's pre-existing solar energy systems.
- D. The extent to which the complaining party's view and/or sunlight has been diminished over time by factors other than tree growth.

6.66.060 - Criteria for Determining Appropriate Restorative Action.

When it has been determined that unreasonable obstruction has occurred, then the following unweighted factors shall be considered in determining appropriate restorative action:

- A. The hazard posed by a tree or trees to persons or structures on the property of the complaining party including, but not limited to, fire danger and the danger of falling limbs or trees.
- B. The variety of tree, its projected rate of growth and maintenance requirements.
- C. Aesthetic quality of the tree(s), including but not limited to species characteristics, size, growth, form and vigor.
- D. Location with respect to overall appearance, design, or use of the tree owner's property.
- E. Soil stability provided by the tree(s) considering soil structure, degree of slope and extent of the tree's root system.
- F. Privacy (visual and auditory) and wind screening provided by the tree(s) to the tree owner and to neighbors.
- G. Energy conservation and/or climate control provided by the tree(s).
- H. Wildlife habitat provided by the tree(s).
- I. The financial burden created by the costs of the restorative action.

6.66.070 - Types of Restorative Action.

- A. Restorative actions include, but are not limited to, the following:
 - 1. Trimming;
 - 2. Thinning or windowing;
 - 3. Topping;
 - 4. Removal with replacement plantings.
- B. In all cases, the documentable extent of view or sunlight existing at any time during the tenure of the present owner or legal occupant is the maximum limit of restorative action which may be required.
- C. Restorative action may include written conditions (including ongoing maintenance), and directions as to appropriate timing of such actions, and may be made to run with the land and apply to successors in interest. Removal of trees shall be discouraged and shall be a last resort. Where removal is required, replacement by appropriate species shall be considered.

- D. In cases where trimming, windowing, or other restorative action may affect the health of a tree which is to be preserved, such actions should be carried out in accordance with standards established by the International Society of Arboriculture for use in the state of California and an arborist report may be required.

6.66.080 - County Guidelines Concerning Restorative Action.

The county of Alameda provides the following general guidelines concerning restorative actions:

- A. **Undesirable Trees.** By reason of their tall height at maturity, rapid growth, dense foliage, shallow root structure, flammability, breakability, or invasiveness, certain types of trees have been deemed "undesirable" by the county, including Blue Gum Eucalyptus, Monterey Pine, Monterey Cypress trees, or any other tree which generally grows more than three feet per year in height and is capable of reaching a height of over thirty-five (35) feet at maturity. When considering restorative action for "undesirable" trees, aggressive action is preferred.
- B. **Stump Growth.** Stump growth generally results in the hazard of weak limbs, and its protection is not desirable. When considering restorative action for stump growth, aggressive action is preferred. Restorative action which will result in future stump growth should be avoided.
- C. **Trimming.** Trimming is the most minor form of physical restorative action. This option is recommended when minor unreasonable obstruction has occurred, provided that ongoing maintenance is guaranteed.
- D. **Thinning or Windowing.** When simple trimming will not resolve the unreasonable obstruction, thinning or windowing may be necessary. These should be supervised by a certified arborist.
- E. **Topping.** Topping as a restorative action should be used with caution. Topping can have deleterious effects on a tree's health, appearance, and cost of maintenance. Topping frequently results in stump growth. Tree removal, with replacement plantings, may be a preferable alternative.
- F. **Removal.** Tree removal may be required where such removal is essential to preserve pre-existing views or sunlight. While normally considered a drastic measure, tree removal can be the preferred solution in some circumstances.
- G. **Maintenance.** Ongoing tree maintenance requirements are strongly recommended as part of restorative action in order to achieve lasting preservation of pre-existing views or sunlight.
- H. **Permanence.** Conditions of restorative action should be recorded and run with the land to help guarantee permanent preservation of pre-existing views and sunlight.

6.66.090 - Process for Resolution of Obstruction Disputes.

The following process shall be used in the resolution of view and sunlight obstruction disputes between parties, recognizing that the complaining party has the burden of proof for determining view impacts.

- A. **Initial Reconciliation.** A complaining party who believes that tree growth on the property of another has caused unreasonable obstruction of views or sunlight from the primary living area or

active use area shall notify the tree owner in writing of such concerns. The notification should, if possible, be accompanied by personal discussions to enable the complaining party and tree owner to attempt to reach a mutually agreeable solution. If personal discussions fail, neighborhood associations may be willing to assist with the resolution of the obstruction dispute.

- B. Mediation. If the initial reconciliation attempt fails, the complaining party shall propose mediation as a timely means to settle the obstruction dispute.
1. Acceptance of mediation by the tree owner shall be voluntary, but the tree owner shall have no more than thirty (30) days from service of notice to either accept or reject the offer of mediation. If mediation is accepted, the parties shall mutually agree upon a mediator within thirty (30) days. It is recommended that the services of a professionally trained mediator be employed. The county of Alameda planning department can provide a list of mediators.
 2. The mediation meeting may be informal. The mediation process shall include the option to hear viewpoints of lay or expert witnesses, and shall include a site visit to the properties of the complaining party and the tree owner. Parties are encouraged to contact immediate neighbors and solicit input.
 3. The mediator shall consider the purposes and policies set forth in this chapter in attempting to help resolve the dispute. The mediator shall not have the power to issue binding orders for restorative action, but shall strive to enable the parties to resolve their dispute by written agreement in order to eliminate the need for binding arbitration or litigation.
- C. Tree Claim Preparation. In the event that the initial reconciliation process fails, and mediation either is declined by the tree owner or fails, the complaining party must prepare a tree claim, and provide a copy to the tree owner, in order to pursue either binding arbitration or litigation under the authority established by this chapter. A tree claim shall consist of all of the following:
1. A description of the nature and extent of the alleged obstruction, including pertinent and corroborating physical evidence. Evidence may include, but is not limited to photographic prints, negatives or slides. Such evidence must show absence of the obstruction at any documentable time during the tenure of the complaining party. Evidence to show the date of property acquisition or occupancy by the complaining party must be included. Such evidence may include, but is not limited to, photographic prints that are date stamped.
 2. The location of all trees alleged to cause the obstruction, the address of the property upon which the tree(s) are located, and the present tree owner's name and address.
 3. Evidence of the failure of initial reconciliation, as described herein, to resolve the dispute. The complaining party must provide physical evidence that written attempts at reconciliation have been made and have failed. Evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence.
 4. Evidence that mediation, as described herein, has been attempted and has failed, or has been declined by the tree owner.
 5. Specific restorative actions proposed by the complaining party to resolve the unreasonable obstruction.
- D. Binding Arbitration. In those cases where the initial reconciliation process fails and where mediation is declined by the tree owner or has failed, the complaining party must offer in writing to submit the dispute to binding arbitration, and the tree owner may elect binding arbitration.

1. The tree owner shall have thirty (30) days from service of notice to accept or reject binding arbitration. If accepted, the parties shall agree on a specific arbitrator within thirty (30) days, and shall indicate such agreement in writing. The county of Alameda planning department can provide a list of arbitrators.
 2. The arbitrator shall use the provisions of this chapter to reach a fair resolution of the tree claim and shall submit a complete written report to the complaining party and the tree owner. This report shall include the arbitrator's findings, a pertinent list of all mandated restorative actions with any appropriate conditions concerning such actions, and a schedule by which the mandates must be completed. A copy of the arbitrator's report shall be filed with county counsel and the planning director upon completion. Any decision of the arbitrator shall be enforceable pursuant to the provisions of California Code of Civil Procedure Section 1280 et seq.
- E. Litigation. In those cases where binding arbitration is declined by the tree owner, then civil action may be pursued by the complaining party for resolution of the view or sunlight obstruction dispute under the rights and provisions of this chapter. The litigant must state in the lawsuit that arbitration was offered and not accepted, and that a copy of the lawsuit was filed with county counsel and the planning director.

6.66.100 - Apportionment of Costs.

- A. Cost of Restorative Action. The complaining party shall bear all costs of the restorative action when it is clear that the complaining party is a benefiting party, and the tree owner is a willing participant in the restorative process, and the tree owner provides reasonable access allowing the complaining party to complete the restorative action. If there is a dispute between the parties as to the need or type of restorative action, and the parties cannot resolve their differences quickly and efficiently and must rely on mediation, arbitration, or litigation pursuant to [Section 6.66.090](#), then the costs of any restorative action will be apportioned in a fair and reasonable manner, taking into account, among other relevant factors, the financial burden of the costs of the restorative action and whether the complaining party is a benefiting party.
- B. Cost of Mediation and Arbitration. The complaining party and the tree owner shall equally pay the cost of mediation or arbitration fees, unless they agree otherwise or allow the mediator or arbitrator discretion for allocating costs.
- C. Cost of Litigation. To be determined by the court or through a settlement.

6.66.110 - Liabilities.

The issuance of mediation findings, an arbitration report or a court decision shall not create any liability of the county with regard to the restorative actions to be performed. Failure of the county to enforce provisions of this chapter shall not give rise to any civil or criminal liabilities on the part of the county.

6.66.120 - Limitations.

It is not the intent of the county in adopting this chapter to affect obligations imposed by an existing easement or a valid pre-existing covenant or agreement.

6.66.130 - Trees on County-owned Property.

Requests or complaints regarding trees located on county-owned property should be made in writing to the planning director for consideration in accordance with policies adopted by the county.