

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA
RESOLUTION NO. 12-04 - AT MEETING HELD MARCH 19, 2011**

**ASHLAND-CHERRYLAND BUSINESS DISTRICT SPECIFIC PLAN AMENDMENTS,
TRANSIT ACCESS ZONES,
INITIAL STUDY AND NEGATIVE DECLARATION**

**Introduced by Commissioner Ratto
Seconded by Commissioner Imhof**

WHEREAS the Planning Commission did hold a public hearing on the proposed Ashland-Cherryland Business District Specific Plan Amendments, Transit Access Zones (Amendments) on 7 November, 2011; and

WHEREAS this Commission did find on that date (by unanimous vote with one excused) that the Amendments were necessary and appropriate, and recommended these Amendments to the Board of Supervisors for approval after an appropriate process as prescribed by law; and

WHEREAS part of the Commissions' finding and recommendation to the Board of Supervisors was that the Amendments are exempt from environmental analysis under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment" the project is not subject to CEQA analysis; and

WHEREAS concerns raised by members of the public required Planning Staff to prepare an Initial Study for the proposed Ordinance pursuant to CEQA to more closely examine the potential environmental impacts that may result from implementation of the Amendments, and submit this Initial Study to the Planning Commission for its consideration and for consideration of adoption of a Negative Declaration for the project pursuant to CEQA, which is appropriate when a project is found to have no significant effect upon the environment; and

WHEREAS CEQA Guidelines Section 15074 requires certain findings to be made in order that a Negative Declaration may be adopted by the decisionmaking body, specifically "only if it finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration...reflects the lead agency's independent judgment and analysis"; and

WHEREAS the Initial Study prepared by Planning Staff was circulated for public review as required by the CEQA for a period greater than 20 days, and whereas the public had the opportunity to comment on this document both during the review period and up to and during the public hearings by this Commission on March 5 and March 19, 2012; and

WHEREAS this Planning Commission held a duly noticed public hearing to consider a modification to the proposed Ashland-Cherryland Business District Specific Plan Amendments for the Transit Access Zones in the form of an additional finding, and the Initial Study and Negative Declaration recommendation for the entire proposed amendment, at the hour of 6:00 p.m. on Monday, the 5th day of March, and on Monday the 19th day of March, 2012, in the Auditorium of the Alameda County Building, 224 W. Winton Avenue, Hayward, California; and

WHEREAS an additional finding, "Has the project been the subject of adequate environmental

analysis pursuant to the California Environmental Quality Act?" has been considered by this Commission and has been found to be appropriate for this Amendment; and

WHEREAS the Amendments have thus been reviewed in accordance with the provisions of the California Environmental Quality Act; and

WHEREAS the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters of Specific Plan amendment related to planning and zoning; and

WHEREAS the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

WHEREAS the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94580.

NOW, THEREFORE,

BE IT RESOLVED that this Planning Commission does hereby find, and recommends that the Board of Supervisors do also find, on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence in the record that the project will have a significant effect on the environment and that the negative declaration reflects the lead agency's independent judgment and analysis; and

BE IT FURTHER RESOLVED that this Planning Commission accepts and approves the Initial Study for the Ashland-Cherryland Business District Specific Plan Amendments, Transit Access Zones as the appropriate and proper environmental analysis for the proposed Ordinance; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby recommend to the Board of Supervisors that the Board adopt the Initial Study and a Negative Declaration as the appropriate and proper environmental determination for the proposed Ordinance, and

BE IT FURTHER RESOLVED that this Planning Commission does hereby recommend to the Board of Supervisors adoption of the proposed Amendment to the Ashland-Cherryland Business District Specific Plan, Transit Access Zones, and that the following additional Special Finding be added to the requirements for approval of a Conditional Use Permit pursuant to the Amendments:

5. Has the project been the subject of adequate environmental analysis pursuant to the California Environmental Quality Act?

ADOPTED BY THE FOLLOWING VOTE:

AYES:	Carbone, Imhof, Jacob, Ratto, Ready
NOE:	None
EXCUSED:	Loisel, Rhodes
ABSENT:	None
ABSTAINED:	None

ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,
ALAMEDA COUNTY PLANNING COMMISSION