

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA**

**RESOLUTION NO. 11-16 - AT MEETING HELD NOVEMBER 07, 2011**

**RESOLUTION RECOMMENDING APPROVAL OF A SPECIFIC PLAN AMENDMENT  
CREATING A CONDITIONAL USE PERMIT PROCESS TO ALLOW LESS RESTRICTIVE  
DEVELOPMENT STANDARDS RELATING TO GROUND FLOOR RETAIL, FLOOR TO  
AREA RATIO AND PARKING REQUIREMENTS IN THE ASHLAND/CHERRYLAND  
BUSINESS DISTRICT PLAN.**

**Introduced by Commissioner Ratto  
Seconded by Commissioner Loisel**

**WHEREAS** the Planning Commission did hold a public hearing on the proposed updates to the *Ashland and Cherryland Business Districts Specific Plan* to allow a Conditional Use Permit process with certain findings for development located within the TA (Transit Access) land use designation if the development does not conform to development standards of: 1) maximum allowed on-site parking for commercial uses of 3.5 spaces per 1,000 net leasable square feet, and, for residential uses, not exceed 1.1 per unit; 2) minimum floor area to site area ratio (FAR) of 0.75:1 for new, non-residential development, the purpose being to create more intense development oriented to pedestrian use; or 3) support and specialty retail for all or a significant portion and in no case less than 50% of ground floor space; and

**WHEREAS** this Commission did find on that date that the *Specific Plan* language change was necessary and appropriate, and recommended this amendment to the Board of Supervisors for approval after an appropriate process as prescribed by law; and

**WHEREAS** the proposed amendment to *ACBD Specific Plan* would create a Conditional Use Permit process to review proposals for development within the Transit Access land use designation that do not meet current maximum on-site parking regulations, minimum Floor Area Ratio, and minimum commercial ground floor area regulations, only if certain findings can be made that the development is consistent with the sustainability, economic development, and land use pattern principles, policies, and goals of the *ACBD Specific Plan*; and

**WHEREAS** part of the Commission's finding and recommendation to the Board of Supervisors is that the *Specific Plan* language change is exempt from environmental analysis under CEQA pursuant to CEQA Guidelines, Section 15061(b)(3), 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 exempt from CEQA; and

**WHEREAS** this Planning Commission held a duly noticed public hearing to consider this recommendation for the *Ashland and Cherryland Business districts Specific Plan* Conditional Use Permit process for Transit Access land use designations when development projects do not conform to certain existing development standards, at the hour of 6:00 p.m. on Monday, the 7th day of November, 2011, in the Auditorium of the Alameda County Building, 224 W. Winton Avenue, Hayward, California; and

**WHEREAS** the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters of Zoning Ordinance or *Specific Plan* amendments related to planning and zoning; and

**WHEREAS** the Planning Commission believes that the proposed Use Permit process is a reasonable and necessary amendment to the ACBD plan to allow much needed development to occur, with the understanding that findings must be made in consideration of ACBD sustainability goals; 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 94544.

**NOW, THEREFORE,**

**BE IT RESOLVED** that this Planning Commission finds and recommends that the Board of Supervisors does also find, on the basis of the whole record before it, that there is no substantial evidence in the record that the project will have a significant effect on the environment and that the CEQA Guidelines, Section 15061(b)(3) General Rule Exemption reflects the lead agency's independent judgment and analysis; and

**BE IT FURTHER RESOLVED** that this Planning Commission does hereby recommend approval of the *ACBD Specific Plan* language amendments to allow a Conditional Use Permit process with special findings for development projects in the Transit Access land use designation that do not meet certain existing development standards, as outlined in Attachment A.

**ADOPTED BY THE FOLLOWING VOTE:**

**AYES:** Carbone, Jacob, Loisel, Ratto Ready, Rhodes,

**NOE:**

**EXCUSED:** Imhof

**ABSENT:**

**ABSTAINED:**

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