

ATTACHMENT A – Current as of March 28, 2012

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**

PROPOSED LANGUAGE CHANGES

Section 1.4” Relationship to the Alameda County Zoning Ordinance” of the *ACBD Specific Plan* would be modified to read as follows (new text shown in **bold underline font**):

1.4 RELATIONSHIP TO THE ALAMEDA COUNTY ZONING ORDINANCE

According to State law, a specific plan may be administered as, and thus have the force of, zoning. Policies and regulations developed by the Ashland and Cherryland Business Districts Specific Plan take precedent over and replace standard zoning and the provisions of the Alameda County Zoning Ordinance for the Plan Area. Where the Specific Plan is silent, or perceived to be silent, provisions of the Zoning Ordinance will apply. The County’s Site Development Review process may impose more, but not less, restrictive requirements where appropriate. Violation of the provisions of the Ashland and Cherryland Business Districts Specific Plan shall constitute a violation of the Zoning Ordinance, and enforcement of the provisions of the Specific Plan shall be done in the same manner as enforcement of the provisions of the Zoning Ordinance. Amendment to the land use policies of the Specific Plan shall be made in the same manner and according to the procedures established for amendments to the Zoning Ordinance, **except as provided for a Conditional Use Permit process with certain findings as heard by the County Board of Zoning Adjustments, when development within the TA (Transit Access) land use designation does not meet certain development standards of that land use designation, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the *Ashland and Cherryland Business Districts Specific Plan*”.**

Also, a new section would be added within Section 1.6 “Structure of the Specific Plan”, after the “Land Use” and before the “Design Guidelines” subsections, to read as follows (new text shown in **bold underline font**):

Exceptions to the *Ashland and Cherryland Business Districts Specific Plan*

The Conditional Use Permit process at the County Board of Zoning Adjustments shall be utilized in cases where exceptions to the Transit Access (TA) land use designation of the *ACBD Specific Plan* are proposed (3.2.1.1 “TA: Transit Access”) in order to facilitate implementation of the plan goals and objectives. These exceptions will only apply to numerical standards for parking requirements, the allowable percentage of ground floor retail, and floor to area ratio (FAR). This exceptions clause shall expire and be of no force or effect three (3) years from the date of implementation. Special TA land use designation findings, in addition to the standard Conditional Use Permit findings, shall be made before such an exception can be granted.

The TA land use designation findings are:

1. **Is the granting of the Use Permit necessary to allow development to occur?**
2. **Does the project result in significant positive Economic Development impacts such as:**

- a. Increase sales tax and/or property tax revenue; or
 - b. Provide living wage jobs; or
 - c. Provide a needed service or product not available nearby in the corridor; or
 - d. Include local hiring practices and/or apprenticeship program?
3. Are there project amenities and exceptional design features integrated into the project to support ACBD Specific Plan sustainability goals?
 4. Does the project promote the goals and land use objectives of the Eden General Plan regarding primary and secondary uses?
 5. Has the project been the subject of adequate environmental analysis pursuant to the California Environmental Quality Act?

Section 3.2.1.1 “TA: Transit Access” would be modified within the “Development Regulations” subsection, to read as follows (new text shown in **bold underline font**):

“Development Regulations”

All **additions of 1,000 sq. ft or more, or** new development **of any size,** on properties with the –TA, Transit Access designation must adhere to the following regulations:

- **except as provided for a Conditional Use Permit process with certain findings, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the Ashland and Cherryland Business Districts Specific Plan”,** support and specialty retail for all or a significant portion, and in no case less than 50%, of ground floor space;
 - **except as provided for a Conditional Use Permit process with certain findings, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the Ashland and Cherryland Business Districts Specific Plan”,** 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;
- [...]
- **except as provided for a Conditional Use Permit process with certain findings, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the Ashland and Cherryland Business Districts Specific Plan”,** parking for commercial uses not to exceed 3.5 spaces per 1000 net leasable square feet, and, for residential uses, not to exceed 1.1 per unit.