

8. IMPLEMENTATION

The purpose of this chapter is to provide a framework for the implementation of the Specific Plan. This framework contains five major components:

- Workforce Housing Policy;
- Consistency with the General Plan and Other Applicable Laws;
- Land Use Regulation;
- Community Facility Improvements, Finance and Phasing; and
- Administration of the Crow Canyon Specific Plan.

Workforce Housing Policy

Policies of the General Plan (Land Use and Housing elements), Crow Canyon Redevelopment Plan, and the City's Affordable Housing Density Bonus Ordinance require the development of affordable Below Market Rate housing. The definitions of affordable housing, moderate-income, low-income, very-low income and senior citizens in those documents are incorporated into this plan by reference.

The following policies and regulations are incorporated into the Specific Plan:

Inclusionary Zoning

Each residential development with more than 10 housing units shall provide Below Market Rate (BMR) units through new construction and the payment of in-lieu fees. A minimum of 25 percent of the total number of units (excluding any bonus units) shall be very-low-income, low-income or moderate-income, of which at least 15 percent shall be built by the developer; the developer shall contribute in-lieu fees for the balance. Affordability shall be controlled for 50 years.

The BMR units shall meet one of the following income distributions:

1. At least 10 percent very-low income and up to 15 percent low income or moderate income.
2. At least 20 percent low income and up to 5 percent moderate income.
3. Condominiums only: At least 25 percent moderate income.

Housing Density Bonus

Each residential development that satisfies the Inclusionary Housing requirements shall be eligible to receive the density bonuses in accordance with state law (Government Code Sections 65915-65918). Density bonuses shall apply to both the maximum allowable density (whether measured as units per net acre or lot area per unit) and the maximum allowable net floor-area ratio.

As an additional incentive, the development standards of this Specific Plan require fewer parking spaces for low-income and very-low-income households.

Consistency with the General Plan and Other Applicable Laws

Consistency with the General Plan

The Specific Plan is generally consistent with the 2020 General Plan's land use diagram, objectives and policies, but varies in its details in order to create appropriate incentives. Concurrent with adoption of the Specific Plan, the General Plan is amended for consistency.

Land Use Diagram: The land use diagram of the General Plan designates the whole Crow Canyon Specific Plan area as "Mixed-Use (FAR 0.70), Includes Residential (FAR 0.35)." The land use diagram of the Specific Plan divides the area into four districts and two overlays, and permits mixed uses in the Village Center Mixed-Use (VCMU) and Residential Overlay (RO) districts. The Specific Plan permits somewhat higher intensities and densities of development than the General Plan for two reasons: (1) to create meaningful incentives for developers to aggregate parcels and redevelop existing uses; and (2) to create a critical mass of residents and tenants to support an active mixed-use district.

Objectives and Policies: Policy 4.7-I-2 states: "Prepare a Crow Canyon Specific Plan for the area delineated on the General Plan Diagram to guide the future redevelopment of this area as a mixed-use neighborhood integrating multi-family

housing with office, retail, and service uses at a pedestrian scale, and to implement the Smart Growth mandate of this General Plan." The Crow Canyon Specific Plan meets or exceeds the General Plan's requirements for housing (including workforce housing), non-residential floor area, infrastructure improvements and this implementation program.

The Specific Plan's policies and regulations accomplish the objectives of the General Plan by:

- Providing opportunities for the redevelopment of sites with a dense mix of pedestrian-oriented uses.
- Setting requirements and providing incentives for residential projects to incorporate significant numbers of affordable housing units. The density bonuses that accompany inclusionary housing requirements should relieve the burden of projects having to internally subsidize affordable units. Also, requirements for parking – which is a major development expense – are reduced for affordable housing and mixed-use projects.
- Making a significant contribution to the City's stock of affordable housing by incorporating a "catalyst" project, partially on Redevelopment Agency-owned land, with up to 55 units of low- and very-low income housing. The Plan identifies funding sources.
- Permitting existing uses to remain and protecting them from becoming nuisances by requiring new development to build suitable noise and visual barriers and buffers.

- Incorporating a program of public improvements with a viable funding mechanism to improve and beautify public streets, build a new bridge extending Twin Creeks Drive to Old Crow Canyon Road, and create an open space system linking Redevelopment Agency-owned land and San Ramon Creek and its tributary.

Consistency with Housing Policies

The Specific Plan exceeds the General Plan’s Land Use Element and Housing Element (dated May 4, 2004) with respect to the total number of housing units, the total number of affordable (very low, low and moderate income) units, and the year-2006 “quantified objectives.”

The Land Use Element (Policy 4.7-I-2) and Housing Element (Table 11.3-3) target 460 and 457 housing units, respectively, in the Specific Plan area. In contrast, the Specific Plan adds 735 residential units.

The Housing Element requires that 25 percent of the housing units (i.e., 114 units) developed in the Specific Plan area be affordable in the ratio of 20 percent very low income, 30 percent low income and 50 percent moderate income or 23, 34 and 57 units, respectively. Of the Specific Plan’s 735 residential units, up to 81 affordable units would be developed as a “catalyst” project -- 43 very-low-income and 38 low-income. Per the inclusionary housing requirements, at least 15 percent of the balance (15% of 654 or 98 units) must be affordable and built by developers; the income mix will depend on which of the three options developers select. Thus, the Specific Plan totals 179 affordable units, and satisfies the Housing Element’s very-low-income and low-income requirements with the catalyst project. Additional affordable

units would be funded by in-lieu fees.

The Housing Element reiterates requirements of state redevelopment law and the Crow Canyon Redevelopment Plan with respect to housing production (i.e., 15% of all units constructed or rehabilitated), and proposes revisions to the City of San Ramon’s Affordable Housing Density Bonus ordinance. The Specific Plan is consistent with both.

Land Use Regulation

The Crow Canyon Specific Plan is a long-term plan providing direction for new development in the area. The Specific Plan recognizes the viability of many existing businesses and the benefits of providing opportunities for interim uses as a bridge to the realization of the ultimate plan as described in the Land Use and Urban Design chapter.

Status of the Specific Plan

The Crow Canyon Specific Plan will be adopted by both resolution and ordinance. When adopted by resolution, the Specific Plan becomes a policy document similar to the General Plan. When adopted by ordinance, the Specific Plan effectively becomes a set of zoning regulations that provide specific direction to the type and intensity of uses permitted and defines other types of design criteria including architectural standards.

Where there are discrepancies between the Specific Plan and Zoning Ordinance, the Specific Plan will control. Where the Specific Plan is silent on certain issues, such as definitions or procedures, the Zoning Ordinance will control.

The Specific Plan takes the place of the Crow Canyon Redevelopment Area Conservation and Enhancement Program for the Crow Canyon Specific Plan area only. The Conservation and Enhancement Program remains in effect for the balance of the redevelopment area.

Requirements of Law

The specific plan statute under California Government Code Section 65455 states that “No public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.” In addition to Section 65455, the following statutes will require consistency between the Crow Canyon Specific Plan and implementing measures:

Annexations, Detachments, and Incorporation: Government Code Section 56841(g) requires Local Agency Formation Commissions (LAFCO) to consider, among other issues, the consistency of proposals for annexation, detachment, or incorporation with applicable specific plans prior to approval.

Capital Improvement Programs: Five-year capital improvement programs prepared by special districts, school districts, or other agencies created by joint powers agreements, must be referred to the planning agency of each affected city and county within which the district or agency operates, for review as to its consistency with any applicable specific plan.

Development Agreements: A specific plan facilitates the administration of a development agreement through the separation of policies and

regulations which are specific to the site from those of the jurisdiction as a whole. As such, Government Code Section 65867.5 requires that a development agreement be approved only if the provisions of the agreement are consistent with any applicable specific plan.

Housing Projects: Housing projects are defined by Health and Safety Code Section 34212 as being housing or community-related activities involving governmental funding or assistance. These projects are subject to applicable planning, zoning, sanitary, building laws, ordinances, and regulations. Any housing authority planning a housing project must take into consideration the relationship of the project to any larger plan or long-range program (specific plan) for the development of the area in which it is located consistent with Health and Safety Code Section 34326.

Land Projects: Government Code Section 66474.5 restricts local agencies from approving a final subdivision map for any land project unless: (a) the local agency has adopted a specific plan covering the area included within the project; and (b) the agency finds that the land project, together with the provisions for design and improvements, is consistent with the specific plan. Land projects are defined by Section 11000.5 of the Business and Professions Code.

Park Land (Quimby Act): Local agencies may, by ordinance, require the payment of fees or dedication of land for park or recreational purposes as a condition of the approval of a tentative or parcel map. Prior to imposing this requirement, the local legislative body must adopt a general plan or specific plan with policies and standards for parks and recreational facilities. The required fee or dedication must be consistent with these poli-

cies and standards pursuant to Government Code Section 66477(d).

Public Utilities: Public Utilities Code Section 12808.5 requires public utility districts to refer proposals to locate or construct lines and accessory structures for the transmission and distribution of electricity to each affected city or county for their approval.

Public Works Projects: Local public works projects may not be approved unless they are consistent with any applicable specific plan pursuant to Government Code Section 65455.

Subdivisions: Government Code Section 66473.5 requires that the local legislative body only approve a tentative map, or a parcel map for which a tentative map was not required, if it finds that the subdivision, together with the provisions for its design and improvement, is consistent with any specific plan which has been adopted covering the area of the proposal.

Subdivision Land Reservations: A local agency may, by ordinance, require the reservation of real property in a subdivision for parks and recreational facilities, fire stations, libraries or other public uses. Government Code Section 66479 requires that reservations be based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses. The reservations must be consistent with these policies and standards.

Zoning: Government Code Section 65455 requires that the adoption or amendment of a zoning ordinance be consistent with any applicable specific plan covering the same area. A planning commission, in its written recommen-

dation to a city council or board of supervisors regarding the adoption or amendment of a zoning ordinance, must describe the relationship between the proposed zoning ordinance or zoning amendment with the applicable general and specific plan pursuant to Government Code Section 65855.

Consistency of Crow Canyon Specific Plan with Applicable Law

The following plans, ordinances and policies are generally consistent with the Specific Plan:

General Plan: The Specific Plan treats the General Plan's policies, land use intensities and housing goals as targets, exceeding them where necessary to create meaningful incentives and to support a vibrant mixed-use district. The General Plan is amended in conjunction with adoption of the Specific Plan to reconcile the two documents.

Zoning Ordinance: The Specific Plan will take the place of the Zoning Ordinance, except in such technical areas as definitions and procedures. The adopting ordinance should indicate that the Specific Plan is the primary land use and development regulatory document for the Crow Canyon Specific Plan area.

Housing Policies: The Specific Plan has been crafted to meet or exceed the goals for affordable, workforce housing of California planning and redevelopment law, San Ramon's redevelopment plan, the City's General Plan and its Housing Element, the Affordable Housing Density Bonus provisions of the Zoning Ordinance, and the Inclusionary Housing Ordinance. Due to the complexity of the subject, there are some technical inconsistencies among these documents and the Specific Plan in terms of geographic appli-

cability, threshold development size, percentage requirements, on-site versus in-lieu requirements, duration of rent and price restrictions, etc. The Specific Plan has attempted to resolve these differences by adhering as closely as possible to the provisions of the Housing Element.

Subsequent Development Entitlements

The environmental impact report for the Crow Canyon Specific Plan is programmatic; subsequent projects will require additional environmental evaluation. However, the EIR is project-specific for the catalyst project (also referred to as the Phase I project), meaning that subsequent environmental review will be required only if the project increases in size and impacts and/or only for those impacts for which detailed design drawings are required.

As the Specific Plan will be adopted by ordinance as well as resolution, it will function as the Zoning Ordinance for the area. The Zoning Ordinance may be amended to identify that the planning area is governed by the Specific Plan, but no technical amendments will be required. Development projects in the planning area will require the normal development and building permits.

Some sites in the Specific Plan area are more critical than others because of their location on heavily trafficked arterials, prominent corners or other highly visible sites. In order to avoid piecemeal and uncoordinated development, applications for the following sites shall be accompanied by a conceptual master plan.

- All sites with frontage on Deerwood Road.

- All sites north of Purdue Road and its westward extension proposed for service-commercial uses.
- Any other site that the Planning Director determines is critical.

The conceptual master plan shall illustrate:

- The proposed project.
- On abutting and facing sites, newly constructed, entitled or proposed development, whichever is most likely to be in place within the next five years.
- On abutting and facing sites where no new development is expected in the next five years, prospective development per this Specific Plan. In the absence of more definitive information, the Illustrative Plans (Figures 4-3 and 4-4) may be used.
- Public improvements including streets, sidewalks, landscaping, parks and trails that have been newly constructed or that are programmed for construction in the next five years.

Improvements in the channel and/or floodplain of San Ramon Creek and its tributary will require the approval of the Corps of Engineers and resource agencies.

Role of Environmental Impact Report

The environmental impact report is project-specific for the catalyst project (also referred to as the Phase I project). Subsequent environmental review will be required only: (1) if the project

increases in size and impacts, and/or (2) only for those impacts for which detailed design drawings are required.

As noted above, the environmental impact report for the Crow Canyon Specific Plan is programmatic for the development program outlined the Land Use and Urban Design chapter. Subsequent projects will require additional environmental evaluation, particularly to insure that they do not generate trips exceeding the trip budget.

The Specific Plan anticipates that many existing uses will remain. The development program is based on a professional judgment as to which sites might be redeveloped and at what intensities. It does not represent full build-out according to the land use regulations and development standards. If and when redevelopment exceeds the development program, development maximum and/or trip budget, the Specific Plan would have to be amended and supplemental environmental review would be required.

In addition to the policies and standards of the Specific Plan and other applicable regulations, individual projects shall implement and demonstrate compliance with the mitigation measures in the Final Environmental Impact Report.

Community Facility Improvements, Finance and Phasing

This section summarizes the budget for infrastructure and community facility improvements in the Specific Plan area, identifies sources and mechanisms, and sets forth a plan for project phasing.

Community Facility Improvements

Table 8-1 summarizes the estimated cost of the public improvements outlined in Chapters 4 through 6. Figure 8-1 illustrates the location of the five improvement packages.

Financing Measures

As a policy, the Specific Plan calls for the coordinated implementation of public improvements to serve as a catalyst for private development. All public financing options should be pursued to cover the \$18.36 million in public improvements and subsidies (as described in Table 8-1). This includes \$11.76 million in public improvements (Packages 1 through 4) and a \$6.6 million public subsidy (Package 5) to support the \$19 million mixed-use affordable housing project. The following sources have been identified.

- Redevelopment Agency tax increment revenues will be the most significant source of funding, though Measure C sales tax revenues and Park Development Funds may also provide funding over the course of the plan's implementation.
- Initial public investment efforts should be focused on supporting the catalyst project which includes \$19 million in construction, land acquisition, and parking costs, and \$900,000 of public improvements in the Old Crow Canyon streetscape (Package 1A). It is expected that \$350,000 from the RDA's housing/capital fund reserves will be invested in relocating the Recycling Center during fiscal year 2004/05.

Table 8-1: Summary of Public Improvement Costs

Package 1: Old Crow Canyon Road Corridor Reconstruction (including Omega and Hooper)	
1A: Old Crow Canyon Between Beta Court and Deerwood (including screen wall for Morgan's Masonry); \$900,000 included in Package 5	\$ -0-
1B: Old Crow Canyon Between Deerwood and Creek (adjacent to Cortese, Athletic Club and Church)	\$ 895,000
1C: Omega Road Between Beta Court and Purdue	\$ 895,000
1D: Omega Road/Hooper Between Purdue and San Ramon Valley Road	\$ 1,640,000
1E: Old Crow Canyon South of Creek to Crow Canyon Road (Assumes Landscaped Curb Extensions)	\$ 298,000
Total Package 1:	\$ 3,728,000
Package 2: Twin Creeks Extension Project	
2A: Land Acquisition for Roadway Extension (1.2 acres)	\$ 1,300,000
2B: Bridge and Roadway Improvements	\$ 3,400,000
Total Package 2:	\$ 4,700,000
Package 3: San Ramon Valley Boulevard Beautification	
3A: San Ramon Valley Blvd. Between Purdue and Sierra Suites (Assumes Landscaped Curb Extensions)	\$ 200,000
3B: San Ramon Valley Blvd. Between Purdue and City Limits	\$ 400,000
3C: San Ramon Valley Blvd. Between Sierra Suites and Crow Canyon Road	\$ 400,000
Total Package 3:	\$ 1,000,000
Package 4: Park and Creekscape Improvements	
4A: Park Improvements (83,000sf x \$16/sf)	\$ 1,330,000
4B: Creekscape Improvement Program	\$ 1,000,000
Total Package 4:	\$ 2,330,000
Package 5: Mixed Use Affordable Housing Catalyst Project	
5: Construction/Land/Parking (Estimated Public Subsidy)	\$ 6,600,000
Total Package 5:	\$ 6,600,000
TOTAL ALL PACKAGES	\$18,358,000

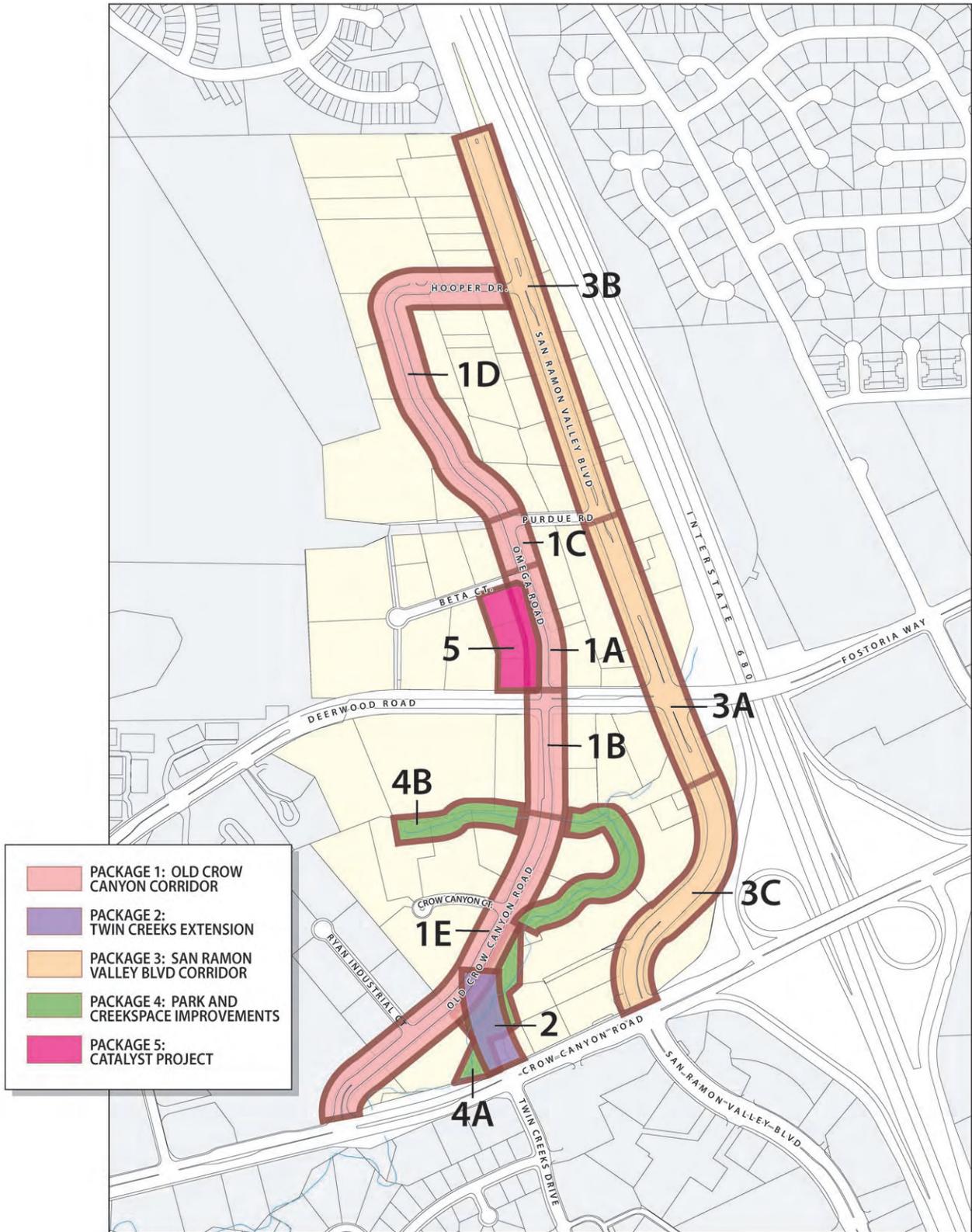


FIGURE 8-1
PUBLIC IMPROVEMENT PROJECTS

- Public investments will be required to subsidize about one-third of the \$19.9 million cost, or about \$6.6 million. This investment will include: (1) land assembly and acquisition; (2) the Old Crow Canyon Road improvements; (3) parking costs over and above the provision of 1.5 spaces per residential unit; and (4) a retail subsidy to support lease rates while stable retail tenants are found. The remaining construction and parking costs will be covered by the non-profit affordable housing developer and any other development partners.
- The \$6.6 million City/RDA investment should be covered by the \$2 million available for this project from the housing/capital fund reserves and surplus tax increment funds accruing to the housing fund over time.
- The housing fund is expected to generate surplus tax increment revenues starting in fiscal year 2005/2006 of about \$250,000 and increasing to over \$650,000 by the end of 2007/2008. A bond issuance at the end of 2005/06 or 2006/07 could cover the majority of the outstanding catalyst project costs. A bond issuance at the end of 2007/08 could cover the full outstanding cost. Earlier bond issuances would be best packaged with a redevelopment fund issuance to reduce issuance costs.
- Beyond the catalyst project and its associated public improvement project (Package 1A), \$11.76 million in public improvement costs remain.
- While Measure C sales tax revenues may be available to fund a portion of the Twin Creeks extension project and Park Development

Funds may be able to fund some of the park and creekscape improvements, tax increment funds accruing to the non-housing redevelopment fund will be required to fund the majority of these improvements.

- Although the combined redevelopment and debt service funds are expected to generate a negative fiscal balance in the 2004/05 fiscal year, the surplus is expected to grow quickly thereafter from a small surplus by the end of 2005/06 to \$200,000 by the end of 2006/07, and to nearly \$1 million by the end of Fiscal Year 2009/10. These projections are, however, subject to significant uncertainty, in particular due to future payments the State may require.
- An initial non-housing redevelopment fund bond issuance at the end of Fiscal Year 2006/07 could be combined with a housing fund bond to generate partial funding for these public improvements. Alternatively, by the end of Fiscal Year 2009/10 there may be sufficient redevelopment funds to issue a bond to cover most of the remaining public improvements. However, a proportion of any such issuance is likely to be required to fund other investments in the Redevelopment Area.

Phasing Plan

Overall, it is expected that the catalyst project could be funded in the early years after plan completion, while the other improvements could be completed incrementally over the course of the next ten years.

The initial phase has been identified as the mixed-use “catalyst” project on a 1.3-acre site at the northwest corner of Omega and Deerwood Roads.

It would include up to 55 units of Below Market Rate housing, 13,390 square feet of ground floor commercial space and 153 parking spaces. Subsidies are included as Package 5 in the Public Improvement costs. Package 1A would be implemented at the same time, as the necessary right-of-way becomes available.

The balance of the Specific Plan and public improvements are conditional on two things: (1) the timing of private redevelopment activities, and (2) the availability of funds. To improve Old Crow Canyon Road, Omega Road and Hooper Drive, developers will be required to dedicate the necessary right-of-way as a condition of their projects, whenever they may be proposed. There is no intent to use eminent domain to acquire the right-of-way or to accelerate the public improvements.

The Northwest Specific Plan proposes to extend Purdue Road west of Omega Road. The cost of land acquisition and public improvements will be borne by the Northwest Specific Plan, not the Crow Canyon Specific Plan.

Commercial Rehabilitation Loan Program

The Plan recommends that the San Ramon Redevelopment Agency consider funding a Commercial Rehabilitation Loan Program. The cost is estimated at \$5,000,000 over 10 years. As the program would apply to the entire City of San Ramon Redevelopment Project Area, of which the Specific Plan area is a portion, it is not included in Table 8-1 or the Public Financing Evaluation.

Administration of the Plan

The Crow Canyon Specific Plan will be administered as set forth in the Land Use Regulation section, above. Any amendment to the Specific Plan will be adopted by both resolution and ordinance, the same as the plan was initially adopted, and will require findings of consistency with the General Plan and other applicable law. Environmental review will also be required in conformance with the California Environmental Quality Act.

While not currently enabled by the redevelopment plan, eminent domain is a tool that can be used to facilitate site assembly.

The cost of the preparation of the Specific Plan and EIR will be recovered from applicants for building permits in proportion to the value of the development proposed. The City will develop the fee structure following adoption of the plan.