

Chapter 7: Plan Implementation and Administration



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CHAPTER 7 PLAN IMPLEMENTATION AND ADMINISTRATION

7.1 INTRODUCTION

This chapter of the El Charro Specific Plan provides implementation strategies related to regulatory changes, design and development review, financing strategies, and other actions for executing and administering the Specific Plan. The Plan is intended to provide long-term direction for new development in the El Charro Specific Plan Area. It is important to view implementation of the Specific Plan as a public-private partnership between the City of Livermore and the property owners and developers who will undertake new development projects within the El Charro Specific Plan Area.

In addition to design and site planning directives unique to the El Charro vision, the Specific Plan implements the goals and policies of the 2003 Livermore General Plan. The Plan includes guidelines for the phasing, financing, and construction of infrastructure and public facilities necessary to serve the development within the Plan Area.

Livermore's City Council will adopt by resolution the El Charro Specific Plan, and the City of Livermore will be the public agency responsible for its administration. The Plan shall be implemented consistent with City policies and regulations with various other agencies involved with the permitting, ownership, and operation of the infrastructure. All projects approved within the Plan Area, including grading permits, public works projects, and other discretionary actions shall be consistent with the Specific Plan. Off-street parking requirements, signage, and other regulations not discussed in the Specific Plan are established in the Livermore Planning and Zoning Code (LPZC), unless specific modifications to these standards are adopted through the PD District.

7.2 IMPLEMENTATION GOALS

The Specific Plan is both a policy and regulatory document. The Specific Plan puts in place regulatory and policy mechanisms that are intended to streamline the development process, while simultaneously facilitating high quality projects in the El Charro area through the Plan's site and design guidelines and standards.

The City, developers and property owners have, as part of the Specific Plan process, identified a financing mechanism to ensure projects, as well as the associated infrastructure and public facilities, are completed in a timely manner. This chapter identifies financial resources, funding mechanisms and strategies to spur the amount and type of development and investment desired in the Specific Plan Area.

The goals and policies provided below guide the implementation of the Specific Plan:

Goal 7.1: Establish regulatory mechanisms necessary to implement the Specific Plan.

Goal 7.2: Create a plan that is financially feasible and fiscally responsible.

Policy 7.2.1: Property owners and developers in the El Charro Specific Plan Area will be required to pay into infrastructure financing mechanisms concurrent with development, to ensure timely construction and that all uses pay their fair share.

7.3 REGULATORY STRATEGIES

Implementation of the following regulatory strategies will ensure that development of the El Charro Specific Plan Area occurs in a manner consistent with the City’s requirements and vision. The various provisions, such as the application of new zoning districts for the El Charro Plan Area, will include comprehensive development standards and will be uniformly applied in conjunction with the design guidelines. Together, these standards and guidelines are intended to provide new development that is high-quality, attractive, pedestrian friendly, and reflective of the City’s established character.

7.3.1 Establishment of Specific Plan Zoning Districts

The City’s General Plan designates a majority of the El Charro Specific Plan Area as Business and Commercial Park (BCP). This designation is intended to provide the City with regional-serving commercial and retail uses with a maximum FAR of 0.3.

The remainder of the Specific Plan Area is designated as Limited Agriculture (LDAG), which is intended for agriculture, viticulture, or open space uses that would function as part of the flood management system and as a buffer to the adjacent airport. Under the City’s Planning and Zoning Code, the entire Specific Plan Area is zoned as Planned Development (PD), requiring any development proposals to obtain site plan approval by the City.

As the Specific Plan includes additional standards and guidelines unique to El Charro, three new zoning districts specific to the Plan Area will be established. New zoning districts will allow customization of development standards and permitted uses to reflect the unique nature and community character goals of the Specific Plan Area. The new districts will be consistent with the intent and direction of the General Plan, and intended to facilitate sufficient City review while ensuring adequate flexibility to achieve the goals outlined in the Specific Plan.

The Zoning District Diagram shown in Figure 7-1 includes the new Zoning Districts specific to the Plan Area: Planned Development–El Charro Specific Plan–Regional Commercial (PD-ECSP-RC), Planned Development–El Charro Specific Plan–Highway Regional Commercial (PD-ECSP-HRC),

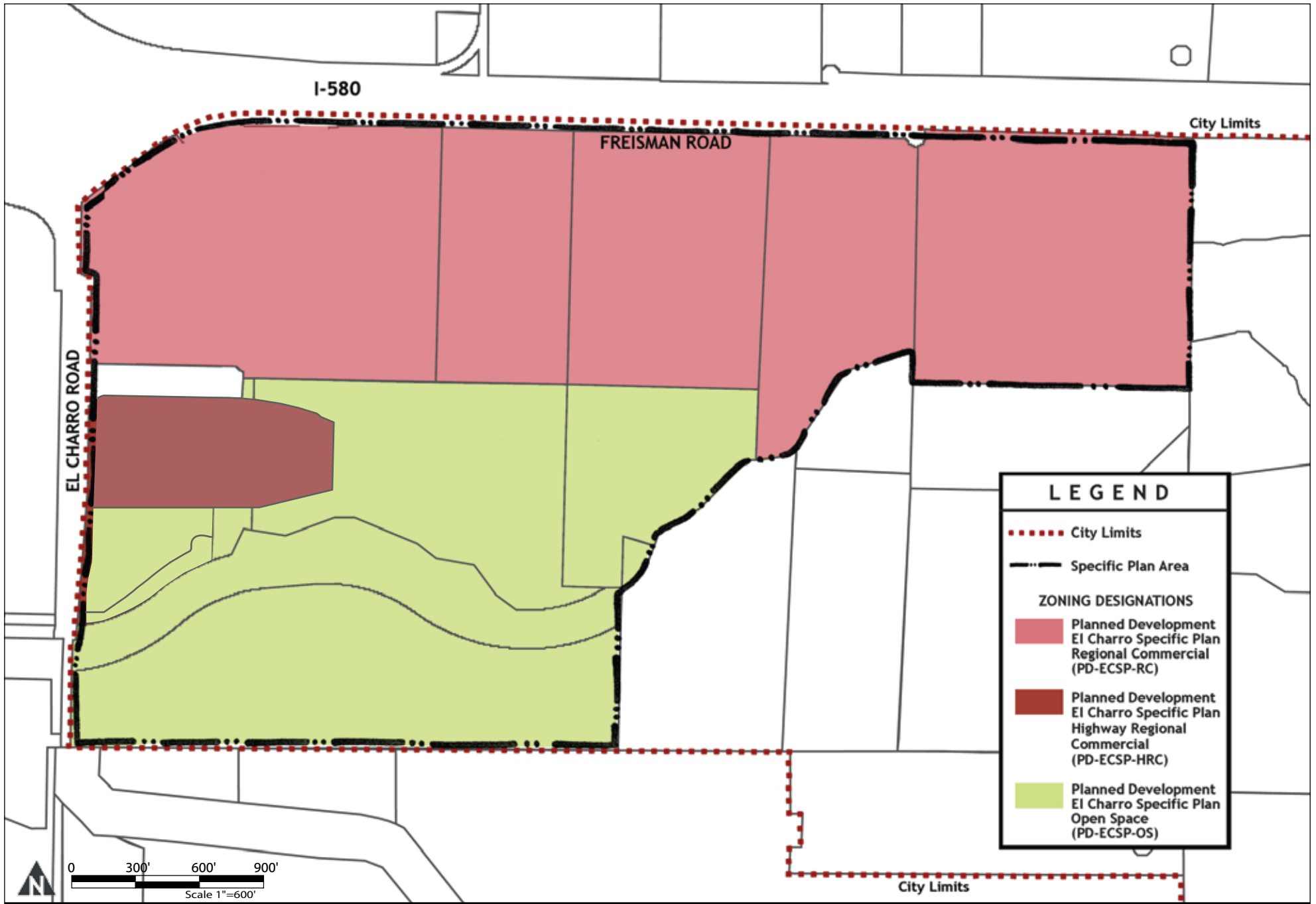


Figure 7-1 Zoning District Diagram
 CITY OF LIVERMORE EL CHARRO SPECIFIC PLAN

Revised July 2012

Note: This figure is conceptual in nature and subject to modifications based on subsequent development review.

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and Planned Development–El Charro Specific Plan–Open Space (PD-ECSP-OS). The City’s current PD district outlines directives for four different categories of PD; the PD-C (commercial) and PD-OS (open space) standards are applicable to the El Charro site. The following narrative and matrices provided in Tables 7-1, 7-2, and 7-3 outline the permitted (P) and conditionally permitted (CUP) land uses within the PD-ECSP-RC, PD-ECSP-HRC and PD-ECSP-OS districts.

Planned Development–El Charro Specific Plan–Regional Commercial (PD-ECSP-RC)

The PD-ECSP-RC zoning district applies to land within the Plan Area currently designated as BCP. The intent of this zoning district is to accommodate medium to higher end, regionally-serving retail, service commercial, and entertainment uses that are not currently found in the Tri-Valley area; to create a unique district in Livermore that provides its residents and visitors with a diverse district of shopping and nighttime leisure, including quality restaurants. Retail examples include apparel, housewares, sporting goods, and general merchandise. Finally, lifestyle and visitor services, such as a day spa, boutique hotel, and exercise facilities would also be encouraged.

Project entitlement will require a minimum of one acre of proposed development incorporated in a minimum 5-acre conceptual plan for entitlement. The conceptual plan will incorporate main access points and circulation spines, identify future pad sites, and common areas or infrastructure and easements necessary to facilitate appropriate and orderly buildout of the site.

In addition, plans are required to show the landscaping and architectural design standards and features to be implemented consistent with the Specific Plan. The maximum height allowed in this zone is 40 feet with limited exceptions; however, development must be consistent with the Scenic Corridor. Setbacks, as discussed under Chapter 3, are determined based on proximity to public streets or entry driveways, otherwise setbacks are determined through the design review process.

Table 7-1 provides a list of both the primary and accessory uses allowed in the PD-ECSP-RC. Uses are either permitted (P) or conditionally permitted (CUP). All permitted uses listed under the accessory use category are only permitted as a secondary uses to those listed under the primary use category.

Table 7-1: Planned Development-El Charro Specific Plan-Regional Commercial (PD-ECSP-RC) Permitted Uses

<i>Primary Uses</i>	<i>Classification</i>
Automotive Sales and Service	
New automotive dealers, including new accessory auto sales, and excluding auto wrecking and salvage and gasoline sales	P
Boat and RV Sales	CUP
Auto centers in conjunction with a department store or as part of a shopping center/mall development	CUP
Service repair and installation, only when directly appurtenant to uses	CUP

Table 7-1: Planned Development-El Charro Specific Plan-Regional Commercial (PD-ECSP-RC) Permitted Uses

<i>Primary Uses</i>	<i>Classification</i>
listed under permitted uses in this district	
RV storage on Children’s Hospital property	CUP
Commercial Amusement and Entertainment	
Amusement centers	CUP
Bowling alleys	CUP
Skating rinks (ice and roller)	CUP
Miniature golf courses	CUP
Tennis courts	CUP
Consumer Services	
Cocktail lounges	P
Day Spa	P
Fitness center/Exercise facility	P
Parking facilities	CUP
Restaurants, except for night clubs	P
Drive-in facilities	CUP
Fast food businesses	CUP
Personal Service Shops	
Pharmacies	P
Salons and cosmetic sales	P
Schools of music and dance	P
Studios, photographers and artists	P
Institutional Uses	
Public and Quasi-Public or Institutional Uses ¹	CUP
Travel Accommodations	
Hotel	P
Motel	P
Retail Uses	
Apparel and accessories	P
Bakeries	P
Bicycle sales and service	P
Furniture	P
Home furnishings and appliances	P
Garment stores	P
General merchandise stores (department stores)	P
Miscellaneous retail, including only candy or ice cream stores, drug stores, hobby or craft shops, liquor stores, newsstands, specialty shops, variety stores, pet stores, computer stores	P
Nursery sales and garden supplies	CUP
Regional shopping centers	P
Office Uses – more than 10% of total floor area and subject to traffic study	CUP

Table 7-1: Planned Development-El Charro Specific Plan-Regional Commercial (PD-ECSP-RC) Permitted Uses

<i>Primary Uses</i>	<i>Classification</i>
Administrative	CUP
Business	CUP
Dental	CUP
Medical	CUP
Optical	CUP
Professional	CUP
Similar uses and other retail businesses or service uses determined by the zoning administrator to be of the same general character as the uses listed in this section.	P
Similar uses and other retail businesses or service establishments determined by the decision-making body approving the conditional use permit to be of the same general character as the conditional uses listed in this section.	CUP
<i>Accessory Uses</i>	<i>Classification</i>
Office Uses – less than 10% of total floor area	
Administrative	P
Business	P
Dental	P
Medical	P
Optical	P
Professional	P
Signs	P

Note: Permitted Use (P) / Conditionally Permitted Use (CUP)

¹ Includes daycare and/or preschool ancillary to primary use and related non-profit children’s programs.

Planned Development–El Charro Specific Plan–Highway Regional Commercial (PD-ECSP-HRC)

The PD-ECSP-HRC zoning district applies to a small portion of land within the Plan Area that is on the western edge of the Plan Area, adjacent to El Charro Road. The intent of this zoning district is to accommodate highway serving commercial uses within the Plan Area, and to provide an area adjacent to the freeway interchange for uses that serve the traveling public and other limited commercial uses that need freeway exposure. Retail examples include service stations, fast food, and convenience commercial uses. Traveler accommodations would also be permitted.

The PD-ECSP-HRC district does not have a minimum district size. Setbacks, as discussed under Chapter 3, are determined based on proximity to public streets or entry driveways, otherwise setbacks are determined through the design review process. The minimum parcel size is one acre. The maximum height allowed in this zone is 40 feet, consistent with the Scenic Corridor. Finally, off-street parking requirements and signage regulations not discussed under Chapter 3 of the Specific

Plan are established in Chapter 3-20 and 3-45 LPZC, respectively, unless specific modifications to these standards are adopted through the PD District.¹ Table 7-2 lists the permitted uses in the PD-ECSP-HRC zoning district. All permitted uses listed under the accessory use category are only permitted as a secondary uses to those listed under the primary use category.

Table 7-2: Planned Development-El Charro Specific Plan-Highway Regional Commercial (PD-ECSP-HRC) Permitted Uses

<i>Primary Uses</i>	<i>Classification</i>
All uses permitted in the PD-ECSP-RC district, including those listed below:	P
Retail Uses	
Automobile service stations subject to the requirements of LPZC 3-10-070	P
Drive-in facilities	P
Fast food business	P
All uses conditionally permitted in the PD-ECSP-RC district	CUP
<i>Accessory Uses</i>	<i>Classification</i>
Office Uses – less than 10% of total floor area	
Administrative	P
Business	P
Dental	P
Medical	P
Optical	P
Professional	P
Signs	P

Planned Development–El Charro Specific Plan–Open Space (PD-ECSP-OS)

This zoning district applies to the areas designated as LDAG found within the Plan Area. The intent of this zoning district is to accommodate a variety of open space uses within the Specific Plan Area, including grazing, agriculture, temporary parking (as needed), and passive recreation opportunities, such as picnicking and multi-use trails. Table 7-3 provides a list of the primary uses allowed in the PD-ECSP-OS.

Table 7-3: Planned Development-El Charro Specific Plan-Open Space (PD-ECSP-OS) Permitted Uses

<i>Uses</i>	<i>Classification</i>
Agricultural Activities	
Cultivation of field crops, fruit and nut trees, vines, vegetables, horticultural specialties	P

¹ Livermore Planning and Zoning Code (2005), page 2-32 through 2-34.

Table 7-3: Planned Development-El Charro Specific Plan-Open Space (PD-ECSP-OS) Permitted Uses

<i>Uses</i>	<i>Classification</i>
Grazing	P
Processing, production, and storage facilities for products grown on site	CUP
Agricultural structures	CUP
Public and Quasi-Public Uses	
Golf	P
Incidental and accessory structures and uses located on the same site as a permitted use	P
Recreation Facilities	
Picnicking areas	P
Multi-use trails	P
Retail sales of products grown on the premises, or in the local area, from roadside stands not exceeding 50 square feet in floor area, and hay, grain, and feed.	CUP
Surface parking facilities	CUP

Note: Permitted Use (P) / Conditionally Permitted Use (CUP)

Additional details to be considered in the design, review, and approval of individual projects in the Plan Area are included in Chapter 3, Design Guidelines and Development Standards. When there are discrepancies between the Specific Plan and LPZC, the Specific Plan will control. Where the Specific Plan is silent on certain issues, such as definitions or procedures, the LPZC will control.

7.3.2 Design Review

Design Review is required for development within the El Charro Specific Plan Area in conformance with Sections 5-05-110 through 5-05-190 of the LPZC. Generally, all commercial projects within the City require design review, as well as certain public improvements (such as landscape area plantings, street and entry signs, lighting, and special paving). Design Review for all commercial and institutional buildings shall take place prior to issuance of a building permit. The City will be conducting design review prior to the entitlement process.

The applicant submittal shall include, but is not limited to, site plans, building elevations, visual analysis, signage plans, lighting plans, landscaping and irrigation plans, fencing plans, and colors and materials for all proposed development with the Specific Plan. The applicant shall submit a master sign program that sufficiently addresses design specifications for all signage within the project area, in order to ensure that future signage is consistent and does not require additional design review.

The Design Review process shall be used to ensure that projects within the Plan Area are consistent with the community character provisions, design guidelines and development standards of this Plan.

7.3.3 Public Improvement Plans

The on-site and off-site public improvements necessary to serve the El Charro Specific Plan Area need to be specifically designed to accommodate the development envisioned in the Plan Area, as well as to address the particular challenges of the site. In partnership with property owners and developers, the City is developing the design and phasing for the public infrastructure. Plans will include an infrastructure sequencing program that coordinates with and allows for orderly development throughout the El Charro Specific Plan Area. The sequencing program includes roads, sewer, water, drainage, water treatment, and other utilities that must be in place prior to specific levels of development being permitted.

Please refer to the requirements and guidelines for infrastructure improvements in the El Charro Plan Area as detailed in Chapter 5 of this Specific Plan.

7.4 FINANCING

The major capital improvements required to support development in the El Charro Specific Plan Area and major project responsibilities are described in Chapter 5, Infrastructure and Utilities. As part of the Specific Plan process, we have identified conceptual costs and strategies for providing funding to develop the backbone infrastructure in a manner that is conducive to orderly development.

The infrastructure will be sequenced with first phase improvements put in place to provide the backbone infrastructure and support the initial development. Future phases of improvements are required as each remaining parcel within the Specific Plan develops. However, the some improvements will only be needed at such time that the Specific Plan Area and surrounding areas (portions of the Cities of Pleasanton, Dublin, and Livermore, and Alameda County) are built out and the cumulative transportation improvements are also installed.

The Phase 1 improvements include the following:

- a) Widening and raising El Charro Road between I-580 and the Arroyo Las Positas;
- b) Installation of four signalized intersections along Jack London Boulevard: at El Charro Road, the new Road A, Discovery Drive, and at Voyager Drive;
- c) Construction of the full-width extension of Jack London Boulevard from El Charro Road to the western edge of the Roger Johnson parcel;²
- d) Construction of Road A connecting Jack London Boulevard to Freisman Road between the Johnson-Himsl and Roger Johnson parcels;

² A Federal environmental document will be required to extend Jack London Boulevard through FAA grant-acquired City lands.

- e) Graded detention basin to the south of Arroyo Las Positas to detain flood flows and restore the natural detention loss from development filling in the floodplain;
- f) A north flood control channel to redirect flood flows overtopping the creek banks back into the creek downstream within the improved creek section;
- g) Construction of the HMP basin south of Jack London Boulevard and water quality swales north of the north flood channel. These are required to mitigate for the hydromodification impacts and treat the stormwater runoff from the initial development in the Specific Plan that could not be treated on-site. The HMP basin will mitigate for the hydromodification impacts from the initial development and the off-site swales will provide stormwater treatment of up to 50 percent of the runoff from the initial development.
- h) Installation of the sewer pump station and sewer line extensions required to service the first phase of development;
- i) Extension of both potable and recycled water lines to service the first phase of development and connection to the Zone 7 turnout;
- j) Extension of joint trench utilities along El Charro Road and Jack London Boulevard between El Charro Road and Road A, and undergrounding of existing overhead facilities along El Charro Road servicing the first phase of development;
- k) Installation of a new storm drain system routing the storm drainage from on-site to off-site detention and stormwater treatment swales;
- l) Replacement of portions of the golf course impacted by the two-lane roadway extension and/or EVA (see Figure 7-2);
- m) Installation of any improvements required to mitigate the environmental impacts of the public infrastructure;
- n) Construction of a two-lane extension of Jack London Boulevard to the western edge of the existing Jack London Boulevard. The two-lane Jack London Boulevard extension to the existing Jack London Boulevard will include an 80-foot long free-spanning bridge and a series of 25 culverts (15 feet wide by 5 feet high or equivalent) under the roadway south of the bridge. Although the traffic impacts do not necessitate the two-lane extension with Phase 1, connectivity issues and improvements to emergency response make it necessary to complete the two-lane extension in the early phases of development;
- o) Abandonment of a portion of Freisman Road west of Road A;
- p) Installation of Road C and a traffic signal at the Jack London Boulevard/Road C intersection;
- q) Installation of Las Positas Trail and connection to Jack London Boulevard intersection with Road C;

- r) Modifications to driveway accesses for the airport, water treatment plant, and golf course.

The Phase 2 Improvements include the following:

- a) Road widening and frontage improvements along Road A between Jack London Boulevard and Freisman Road;
- b) Relocation of Freisman Road;
- c) Installation of the second remaining road connection (Road B) between Freisman Road and Jack London Boulevard with a traffic signal at the Jack London Boulevard/Road B intersections;
- d) Installation of the remaining potable and recycled water lines on Freisman Road;
- e) Installation of the remaining storm drain system;
- f) Installation of the remaining sewer lines;
- g) Installation of the remaining joint trench utilities and undergrounding of remaining overhead utility lines in the Specific Plan Area and along the road alignments;
- h) Installation of the remaining portions of the stormwater treatment swales and detention basins mitigating hydromodification impacts from the development within the Specific Plan;
- i) Installation of any improvements required to mitigate the environmental impacts of the public infrastructure.

Future improvements include the following:

- a) Widening of Jack London Boulevard from two to four lanes;
- b) Replacement of portions of the golf course impacted by the four-lane widening of the roadway extension; and,
- c) Ultimate improvements to El Charro freeway interchange.

These future improvements will be required only at such time that the areas surrounding and connecting to the Specific Plan area have reached buildout (including portions of the Cities of Livermore, Dublin, and Pleasanton, and Alameda County) and all of the cumulative transportation infrastructure has been installed (e.g. Stoneridge Drive extension and El Charro Road to Stanley Boulevard extension).

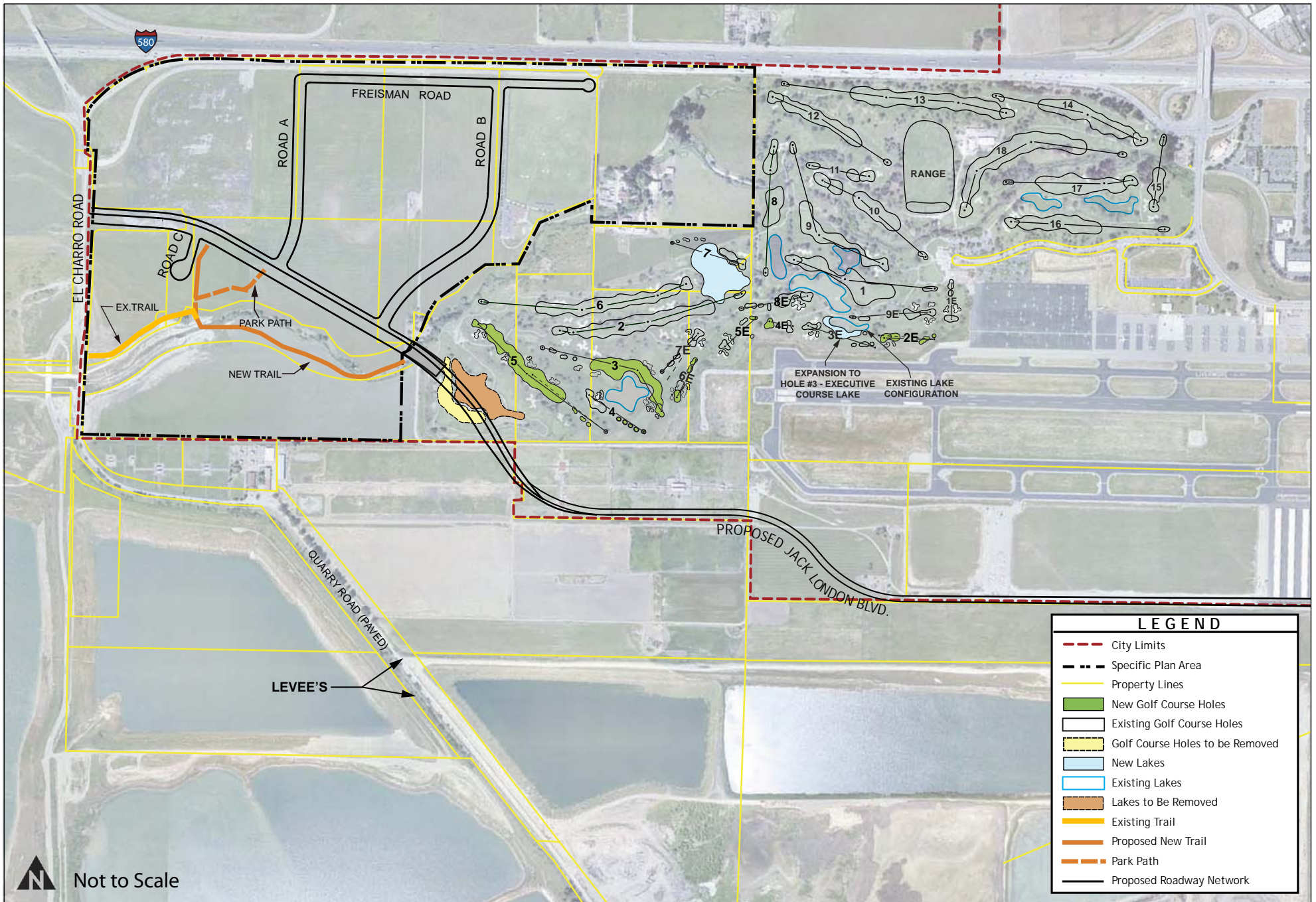


Figure 7-2 Livermore Municipal Golf Course Replacement Areas
 CITY OF LIVERMORE EL CHARRO SPECIFIC PLAN

Note: This figure is conceptual in nature and subject to modifications based on subsequent development review.

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A preliminary cost of infrastructure has been developed between El Charro Specific Plan developers and the City. The conceptual cost for the backbone infrastructure has been estimated at \$68.9 million (2006 dollars) and includes design and construction of public improvements (water, recycled water, sanitary sewer system and pump station, storm drainage, roads, stream capacity restoration, water quality basins and joint trench utilities) and mitigation projects. Property owners within the Specific Plan area will fund approximately \$55.5 million. The City anticipates approximately \$15.4 million by other sources, including grant funding and contributions from other agencies and other City funds.

Phase 1 infrastructure is estimated at \$47.6 million. An initial Assessment District could finance approximately \$30 to \$40 million. Phase 1 developer obligations that exceed their Assessment District share would be provided through additional developer contributions and from other sources, grants, County, Citywide fees, etc.

Detailed financial plans required for the public infrastructure will be prepared by the City, developer, and property owners concurrent with the Specific Plan process. The financing plan shall identify the necessary project-specific capital improvements, including public facilities, streets, and utilities, and assure their timely funding. The development's success can be assured by inclusion of these financial provisions in development approvals and/or development agreements, all of which adhere to the El Charro Specific Plan.

A number of financing mechanisms may be used to fund the public services, facilities, and infrastructure associated with the El Charro Specific Plan. The ultimate mix of financing mechanisms will be determined in the implementation process, based on final technical analyses of costs, benefits and burdens, and on deliberations involving City staff, property owners, developers, elected officials, and finance experts. A proposed schedule for implementation of an Assessment District or Community Facilities District is identified below in Process/Implementation Schedule. Generally, the Phase 2 improvements would be put in as necessary to support development of the remaining Specific Plan parcels within the next 5 to 10 years or as cumulative development merits. A summary of financing mechanisms to fund the capital improvements and maintenance follows.

7.4.1 Capital Improvement Financing

Land-Secured Financing

Community Facilities Districts

Community Facility Districts (CFDs or Mello Roos CFDs) may be formed to fund, operate, and maintain public improvements with a useful life of five years or more (Government Code §53311 to 53317). A special tax must be approved by two-thirds of the votes cast by qualified electors of the district in a general or special election, and the tax may be apportioned on any reasonable basis.

Assessment Districts

Assessment Districts (ADs) may be formed to fund and maintain public improvements. Depending on the types of improvements to be funded, the City may choose any of the Acts (pursuant to the Streets and Highways Code) to create the district. However, the public improvements must be of a local nature providing special benefits to the properties within the district. An assessment ballot protest procedure, instead of a special election is required.

There are a variety of Acts (Streets and Highways Code) and Government Codes that allow the formation of districts. However, due to the nature of improvements and the timing of funding for the improvements, some district formation procedures are preferable over others. For example, the Improvement Act of 1911 (Streets and Highways Code § 5000) requires that sufficient funds be available for the project before it is begun and is a major drawback of this legislation.

The Municipal Improvement Act of 1913 (Streets and Highways Code § 10000) authorizes the construction and maintenance of all the facilities authorized under the 1911 Act as well as works and appliances for providing water service, electrical power, gas service, and lighting; and public transit facilities serving an area smaller than three square miles. Unlike the 1911 Act, the total cost of improvements can be assessed against the benefited properties before the improvements are completed.

The Improvement Bond Act of 1915 (Streets and Highways Code § 8500) does not authorize assessments. It is instead the legislation that allows the issuance of assessment bonds for assessments levied under the 1911 and 1913 Acts and other benefit assessment statutes. The City may also issue "bond anticipation notes" prior to actual bond sale with this legislation.

The Landscaping and Lighting Assessment Act of 1972 (Streets and Highways Code § 22500) enables assessments to be imposed in order to finance the acquisition of land for parks, recreation, and open space; the installation or construction of planting and landscaping, street lighting facilities, ornamental structures, and park and recreational improvements and, maintenance and servicing of these facilities.

The Benefit Assessment Act of 1982 (Government Code § 54703) allows assessments to finance the maintenance and operation costs of drainage, flood control, and street light services and the cost of installation and improvement of drainage or flood control facilities, as well as the maintenance of streets, roads, and highways.

Due to the number and variety of infrastructure improvements that will need to be funded and maintained, the 1913 and 1915 Acts are the most appropriate legislation for creating the assessment district.

It has been proposed that land-secured financing be utilized to fund the property owners' share of approximately \$47.6 million in Phase 1 infrastructure improvements. Land-secured financing provides a mechanism to fund the infrastructure needed up front to allow development to occur. Because this financing mechanism can spread the cost over a 30-year period, it relieves the property owners from providing large sums of cash prior to development. However, land-secured bond financing available through a CFD/AD is limited by the value of the security (land) and the allowed indebtedness (usually 3:1 lien to value ratio). At this ratio, the City anticipates district funding to be able to provide approximately \$30–40 million. The remainder will be funded through additional developer contributions and from other sources.

Area of Benefit (Reimbursement District)

Area of Benefit or Reimbursement District fees may be enacted by the City through adoption of an ordinance (pursuant to the Subdivision Map Act §66410-66499.58, Government Code §66487). Area of Benefit fees must be directly related to the benefits received. They do not create a lien against property, but must be paid in full as a condition of approval. Proceeds may be used to reimburse property owners who pay up-front costs for facilities benefiting other properties or who over pay their share of improvements. A major deficiency of special benefit fees is that they are typically collected over time as development occurs. To the extent that funding is needed “up front” for a particular infrastructure, special benefit fee funding is not sufficient. Additionally, programmed or expected development that does not occur when expected, or never occurs, exacerbates the initial problem.

Impact Fees, Dedications and Exactions

Impact fees or “connection charges” may be adopted by local legislative bodies (city or county) and levied against new development at the permit stage in order to offset the costs for a wide variety of public facilities and infrastructure improvements. The conditions for imposition of impact fees were formalized by the passage of AB 1600 (Government Code Section 66000), which institutionalized prior case law on the subject (e.g., Nollan). Although not limited to the stricter definition of benefit applied to assessment districts, the fees must be shown to have a “rational nexus,” or relationship, between costs and the impact or demand caused by the new development.

A major deficiency of impact fees and connection charges is they are typically collected over time as development occurs. To the extent that funding is needed up front for a particular facility, fee funding is not sufficient. Additionally, programmed or expected development that does not occur when expected, or never occurs, exacerbates the initial problem.

The City of Livermore, County of Alameda, and various other agencies (TVTC, Livermore Valley Unified School District, etc) have adopted impact fees and connection charges for a variety of public facilities. An estimate of the impact fees for this development is shown in Table 7.4.

Table 7.4: Preliminary Estimate of Impact Fees

<i>Impact Fees Value in millions (June 15, 2006 rates)</i>	<i>Rate</i>	<i>Total Fees</i>
Storm Drain City	.23/sq. ft.	\$ 1.40
Storm Drain Zone 7	.685/ sq. ft.	\$ 4.60
Sanitary Sewer	22.22/ sq. ft.	\$ 1.20
Traffic Impact Fee	18.396/ sq. ft.	\$ 24.90
Park In Lieu Fee	1.668/ sq. ft.	\$ 2.20
Housing In Lieu (Assumes BCP Industrial)	5.61/ sq. ft.	\$ 0.73
TVTD Fees	12.90/ sq. ft.	\$ 1.60
School Fees	.42c/ sq. ft.	\$ 0.55
TOTAL		\$ 37.20

Fees have been estimated at approximately \$40.7 million based on approximately 1.5 million square feet of development on approximately 150 acres of land. Additional land dedications are required but have not been valued as a part of this process. Approximately \$33 million of these fees will be credited to developers against their fair share of the necessary infrastructure. The resulting net \$7 million in fees are primarily associated with school exactions, in-lieu affordable housing, and a portion of in-lieu park fees. The following is a short description of fees and exactions that are applicable to the Specific Plan area. Estimated fees are based on rates current as of December 2006. Actual fees will be based on the rates in effect at the time of development.

Traffic Impact Fees (TIF)

The City presently charges an impact fee for traffic improvements throughout the City. TIF revenues are used to provide additional capacity and mitigate impacts of new development. The TIF is based on building area and type of use, and is collected at the time building permits are obtained.

Tri-Valley Transportation Development (TVTD) Fees

Tri-Valley Transportation Council is a regional body representing Alameda County, Contra Costa County, and the cities of Dublin, Pleasanton, San Ramon, Danville and Livermore. Fees are based on average peak hour trips, and is collected at the time building permits are obtained. Collected TVTD fees are used to provide additional capacity and mitigate impacts of new development on existing public facilities in the Tri-Valley Development Area through the year 2010, and contain an analysis of the need for new public facilities and improvements required by future development.

Park Facilities Fees

The City has adopted a Park Facilities Fee. These fee revenues are collected to fund acquisition and improvement of parks in the City. The fee is based on dwelling units or gross floor area of commercial or industrial use and is collected at the time building permits are obtained (LMC §12.60.020 et seq.)

City and County Storm Drainage

The City of Livermore's Public Works Department inspects and maintains storm drainage facilities and unimproved creeks within the City limits, while the Alameda County Flood Control and Water Conservation District (Zone 7) inspects and maintains all storm drainage facilities within the County unincorporated areas and all improved creeks accepted by Zone 7 for maintenance. Revenues collected from City storm drainage fees are used by the City to partially fund storm drain improvements identified in the 2004 City of Livermore Storm Drain Master Plan and Capital Improvement Program. Revenues collected from county storm drainage fees as part of their SDA-7 program are used by Zone 7 to construct storm drainage and creek improvements and reimburse developers who install creek improvements according to Zone 7's Flood Control Master Plan. Recently, Zone 7 adopted their Stream Management Master Plan, and is in the process of establishing an implementation program, which will likely involve reformulating their fee program. Both the City's and Zone 7's current storm drainage fees are collected based upon the new area of impervious surface created. Storm drain fees are based upon the rate applicable at the time the building permit is issued.

Sanitary Sewer Connection

The City of Livermore Water Resources Division provides sewer service to the City and other areas within the City service boundary. Sewer connection fees are established by the City of Livermore Water Resources Division. These fees are collected by the City and are used to finance capital improvements to the sewage treatment facilities that provide services to Livermore residents. Connection fees are based on projected flows.

City Water Storage

The El Charro development is located within the City of Livermore Service Area Pressure, Zone 1. The City of Livermore Water Resources Division provides water service and storage needs for projects within the City's service area. Current City water storage fees are based on residential dwelling unit and building area for commercial use.

Alameda County Water Connection

Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7) is the Valley's water wholesale provider and sells water to both of the retailers in the City (California Water Company and the City of Livermore). The connection fees collected by Zone 7 are used to finance capital improvements made by the District. Connection fees are based on water meter size.

In-Lieu Low Income Housing Fee

Consistent with General Policy in the City's General Plan Housing Element, all new development must contribute towards the construction of affordable housing units in the City. The City currently collects a fee of based on residential dwelling unit and building area for commercial uses. The City

uses the revenues collected from the in-lieu low-income housing fee to construct, or contribute towards the construction of, affordable housing projects.

School Exactions

AB 2926 was enacted in 1986 and governs the imposition of school impact fees on new development throughout the State. The legislation authorizes school districts to levy and collect fees or in-kind requirements on developers to finance the construction of temporary or permanent school facilities. The AB 2926 developer fees are based on building square footage. The school exaction revenues generated by new development are collected directly by the Livermore Valley Unified School District.

Other Revenue Contributions

A portion of the regional trail costs, estimated at \$750,000, will be funded by Proposition 50 grant funding obtained by the City. Certain regional highway, interchanges, and flood control improvements may be funded in part by federal, state or regional transportation grants by Caltrans, or Alameda Congestion Management Agency, Alameda County Transportation Improvement Authority, Cities of Pleasanton and Dublin, and Alameda County, Zone 7 funds.

A summary of obligations, assessment district financing, and fees is shown in Tables 7.5a and 7.5b.

Table 7.5a: Summary of Funding (Value in millions)

	<i>City Estimate Total</i>	<i>City or Other Contribution</i>	<i>Specific Plan Area Share</i>
Infrastructure Obligation (See Table 7.5b)	\$ 68.9	\$ 15.4	\$ 55.5
Impact Fees			\$ 37.2
Fee Credits			<\$ 29.6>
NET Infrastructure Obligations & Impact Fees		\$ 15.4	\$ 63.1

Table 7.5b: Infrastructure Obligation in Detail (Value in millions)

<i>Infrastructure Obligation</i>	<i>Total</i>
Water	\$2.00
Recycled Water	\$1.57
Sewer	\$1.08
Sewer Pump Station	\$1.05
Joint Trench - 2 pts of connection	\$3.10
Jack London Trail Extension	\$1.50
Stormwater Flood Control	\$3.28
Stream Capacity Restoration	\$6.00
Water Quality Off-site Improvements	\$3.96
El Charro Interchange	\$7.00
El Charro Interchange Added Ramps	\$0.70
Jack London Extension 2-lane	\$20.47
Jack London Extension Expansion 4-lane	\$5.00

Jack London Frontage Improvements	\$0.70
Road A	\$1.40
Road B	\$1.30
Freisman Road Relocation	\$0.80
El Charro Widening	\$2.97
El Charro Frontage	\$0.17
Environmental Mitigations	\$5.10
Other Mitigations	\$0.50
Total Infrastructure Obligation	\$68.9

Assessment District/Community Facilities District Process & Implementation Schedule

The process and implementation schedule for either an Assessment District (AD) or Communities Facilities District (CFD) is similar and is outlined below with a tentative schedule.

- City Council adopts resolutions of intention to make acquisitions and improvements and appointments (for Engineer, Attorneys and Underwriters)—*Spring 2007 (March)*
- The District Engineer prepares the Engineer’s Report outlining the plans and specifications, cost estimate, assessment spread and roll and files with the City Clerk—*Spring 2007 (March)*
- City Council adopts a resolution approving the Engineer’s Report and approving the plans and specifications for work—*Spring 2007 (April)*
- The map of the proposed boundaries of the district is recorded—*Spring 2007 (April)*
- The City Clerk, in conjunction with the District Engineer and Bond Counsel, mails out the Notice of Proposed Assessments and Ballots to property owners at least 45 days prior to the public hearing—*Spring/Early Summer 2007 (May/June)*
- City Council holds a public hearing, hears formal protests, open and tally ballots. If there is no majority protest, a resolution adopting the Engineer’s Report, confirming the assessments and directing actions with respect thereto is adopted by City Council—*Summer 2007 (July)*
- City Clerk and District Engineer file and record assessments and assessment diagram—*Summer 2007 (August)*
- If a CFD is formed, approximately 30 days after the filing of assessments and diagram, City Council adopts resolutions authorizing the issuance of bonds and approving the bond purchase agreement—*Fall 2007 (September)*
- Then, the City and Underwriter execute the Bond Purchase Agreement/Official Sale Documents and Preliminary Official Statement; and bonds close and funds become available approximately one month later—*Fall/Winter 2007 (November/December)*
- If the sale of bonds is public and not a negotiated sale, the sale of bonds occurs about 2 weeks after the official published notice.

7.4.2 Maintenance Financing

Maintenance Districts

Maintenance districts (MDs) may be used for installation, maintenance, and servicing of landscaping and lighting through annual assessments on benefiting properties. District formation is governed by the same code sections cited above (under Assessment Districts.) Districts may also provide for construction and maintenance of appurtenant features, including curbs, gutters, walls, sidewalks, paving, irrigation, storm water treatment drainage and flood control facilities (Government Code §54703 et seq.) They may also be used to fund and maintain parks. The multi-use open space park will be generally maintained as a park with storm drain inlets cleared annually and flood control outlet structures cleared of debris only after a major storm event with flooding. Additionally, the outlet weir structure on the downstream end of the in-line basin within the storm water treatment swale will need to be maintained and cleared of sediment build-up on an annual basis.

Business Owner Associations

Business Owner Associations (BOAs) or Business Improvement Districts (BIDs) formed under the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code §36500 et seq.) or Property and Business Improvement District Law of 1994 (Street and Highways Code §36600 et seq.) can be formed to cover the cost of operations and on-going maintenance of both public and private landscaping, water quality treatment and control devices, hydromodification mitigating basins, wetlands and flood control facilities.

7.4.3 Development Agreements

The City anticipates that all applicants for development in the El Charro Plan Area will enter into a mutually acceptable development agreement with the City. In order to proceed, the developer must work according to a time schedule that includes project milestones and required approvals.

Development agreements establish the rules that direct the projects as they proceed through the approval process. Both the City and the project applicants (developers) will commit to proceeding in accordance with the terms of the agreements. Under a development agreement, the City can agree to process future applications in accordance with the Plan and laws in place at the time of the agreement. In other words, the City agrees not to alter any planning or zoning laws that would impact an approved development for a specified period of time. In return, developers agree to construct specific improvements, provide public facilities and services, and develop them according to a specified time schedule acceptable to the City.

The policies of this Specific Plan allow the land uses, densities, and intensities previously approved in the City's General Plan, and give further direction for design standards, environmental protection measures, and the financing, construction, and maintenance of public facilities. In order to provide

mutual certainty to the City and developers, a development agreement should be adopted for each development proposal regarding applicable entitlements and mitigation obligations.

Development agreements pursuant to this Plan should:

- Identify how the proposed development will implement the provisions of the El Charro Specific Plan and the City of Livermore General Plan;
- Conform to any City of Livermore standard development regulations, as well as those required by this Specific Plan according to the particular characteristics of each individual project;
- Specify the financial responsibilities of the developer(s);
- Guarantee the timely provision of sufficient public facilities for each phase of the development;
- Streamline the project approval process by coordinating any discretionary approvals;
- Provide the terms for reimbursement when a developer advances funding for specific facilities which have community-wide or area benefit;
- Include a description of required project amenities that will enhance the overall character and quality of the development; and,
- Include any additional language per Government Code Section 65865.2.

7.5 ADMINISTRATION OF THE SPECIFIC PLAN

One of the major goals for this planning process is to encourage development in the El Charro Specific Plan Area, and guide it to adequately respond to the Plan Area's prominent location at the City's western gateway. This Specific Plan is intended to streamline the development process, while encouraging the desired type and character of development for the area. Given the extended timeframe for development and the probability that multiple developers will be involved in the development of the El Charro area, the following responsibilities, mechanisms, and procedures will be necessary to review, monitor, coordinate, and integrate the incremental development.

7.5.1 Responsibilities for Administration of the Specific Plan

Implementation of the El Charro Specific Plan will be a joint effort between the City of Livermore and any developer who is proposing to develop in the Specific Plan Area, or who is a party to a development agreement negotiated with the City. Table 7-6 below links the tasks discussed under this chapter with the appropriate responsible parties.

Table 7-6: Implementing Responsibilities for Key Actions

<i>Key Implementing Actions</i>	<i>Preparation</i>	<i>Adoption</i>
Specific Plan Zoning District	City	City
Development Agreements	City/Developer	City
Design Review	Developer	City
Public Improvement Plans	City/Developer	City
Financing Plans	Developer	City

7.5.2 Development Review Process

Table 7-7 below summarizes the typical procedural steps needed to review and approve projects in the El Charro Specific Plan Area. Prior to submitting a formal development agreement to the City, applicants are encouraged and welcomed to pursue pre-application meetings with City staff in order to expedite the final application. Detailed information on how a proposed project can be processed should be obtained from the Livermore Planning Division.

Table 7-7: Summary of Development Review Process

<i>Procedure</i>	<i>Responsible Parties (Review and/or Approval)</i>
A proposed project (development plan) is submitted to the Livermore Community Development Department for processing.	Planning Division, Engineering Division
A proposed project next to or involving alteration to a wetland or other sensitive habitat area may be required to submit additional pertinent information.	Planning Division, CDFG, USACOE, and USFWS
A proposed project involving the dedication of parkland or development of a park, other open space area, pathway, or trail must be reviewed for consistency with this Specific Plan as well as the needs of the wider community.	Planning Division, LARPD
Each project shall be reviewed by City staff for conformance with City land use laws, engineering standards, provisions of the General Plan, and this Specific Plan.	Planning Division, Engineering Division
Design review will be required for all projects in the El Charro Specific Plan Area.	Planning Division, Design Review Committee
Each project will be reviewed in a public hearing for consistency with the provisions of the General Plan and this Specific Plan. Based on findings, it will be approved, approved with conditions, or denied.	Planning Division, Planning Commission, City Council

7.5.3 Specific Plan Consistency

It is the intent of this document that any development application, use permit, or other use entitlement shall be consistent with the El Charro Specific Plan, as well as the applicable provisions of the Livermore General Plan.

Any future Specific Plan changes (both minor and major amendments) found to be inconsistent with the Livermore General Plan would require the adoption of a General Plan Amendment. Any regulation, condition, or portion of this Specific Plan held invalid by a California or Federal court shall be deemed a separate, distinct, and independent provision; but shall not affect the validity of the remaining parts of the Specific Plan.

7.5.4 Specific Plan Amendment

During Livermore City Council's review and approval of specific development applications, minor deviations from the El Charro Specific Plan without requiring an amendment to the Plan may be allowed, provided that the project is consistent with the stated intent of the Specific Plan and the City's General Plan.

If a project applicant proposes development that is not in conformance with the design guidelines or development standards outlined in the Specific Plan, or is proposing changes to "fixed" provisions the City may approve a variance if the required findings are met as provided for in the City's LPZC as long as the proposed variance does not substantively alter the intent of the El Charro Specific Plan. A developer, property owner, or the City may also request more substantive amendments to the Specific Plan.

Any and all Specific Plan Amendments shall be processed in accordance with City Ordinances, and presented in public hearing prior to City Council action on the proposal. Generally, the Specific Plan Amendment process is similar to that for amending the City's General Plan. All Specific Plan Amendments must be consistent with the City's General Plan. Therefore, major amendments may require an accompanying General Plan Amendment and Zoning Ordinance revision. All amendments are subject to the CEQA, and thus must be reviewed for potential environmental effects. If it is determined that additional environmental impacts, beyond those identified in the Specific Plan EIR, will occur, additional environmental documentation may be required (e.g., supplemental EIR, focused EIR, or full EIR).

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