



## STAFF REPORT CITY COUNCIL

CITY CLERK  
File #420-30

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**DATE:** June 2, 2015

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher L. Foss, City Manager

A handwritten signature in black ink, appearing to read "Chris Foss", is written over the printed name of Christopher L. Foss.

**SUBJECT:** Amendments to the General Plan, Dublin Crossing Specific Plan, Eastern Dublin Specific Plan, and the Dublin Crossing Development Agreement  
*Prepared by Kristi Bascom, Principal Planner*

### EXECUTIVE SUMMARY:

The City Council has initiated a General Plan and Specific Plan Amendment study with the intent of making changes to the approved Dublin Crossing project in order to facilitate the acquisition of a 12-acre school site that can be used by both the City and the School District. In order to effectuate these changes, the City Council will consider amendments to the General Plan and Dublin Crossing Specific Plan to: 1) Incorporate the 1.5 acre Chabot Creek into the Community Park and increase the acreage devoted to Medium Density Residential by 1.5 acres; 2) Re-designate the 13 acre "Mixed Use" site to "General Commercial/DC High Density Residential"; and 3) Allow use of the site designated "School" for both school and park purposes. The project will also involve modifications to the Dublin Crossing Development Agreement, a minor technical amendment to the Eastern Dublin Specific Plan boundary to be consistent with the Dublin Crossing Specific Plan boundary, and consideration of a CEQA Addendum.

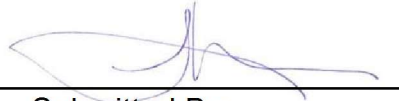
### FINANCIAL IMPACT:

All costs associated with preparing the General Plan and Specific Plan Amendment Study are borne by the Project Developer. If the Development Agreement Amendments are approved, the City will forego \$1.2 million in Community Benefit Payments and \$2.1 million in park construction funding.

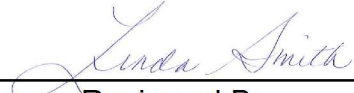
### RECOMMENDATION:

Staff recommends that the City Council conduct the public hearing, deliberate, adopt the **Resolution** Adopting a CEQA Addendum for Amendments to the General Plan, Dublin Crossing Specific Plan, Eastern Dublin Specific Plan, and Development Agreement related to the Dublin Crossing Project; adopt the **Resolution** Amending the General Plan, Dublin Crossing Specific Plan, and Eastern Dublin Specific Plan related to the Dublin Crossing Project; and waive the first reading and INTRODUCE an Ordinance Approving Amendment No. 1 to the Development Agreement between the City of Dublin and Dublin Crossing Venture LLC related to the Dublin Crossing Project.





Submitted By  
Community Development Director



Reviewed By  
Assistant City Manager

## DESCRIPTION:

### Background

The Dublin Crossing project site includes approximately 189 acres of land that is divided between the following property owners: 139 acres owned by the United States Army, 8.7 acres owned by the Alameda County Surplus Property Authority, and approximately 41.9 acres owned by Dublin Crossing Venture LLC. The project area is shown below.

Figure 1: Vicinity Map



After several years of planning, analysis, and negotiations, on November 5, 2013, the City Council approved the Dublin Crossing Specific Plan (DCSP) and associated implementation actions. The Specific Plan outlined the future development of the project area, which includes demolition of the existing buildings and other improvements on the site and construction of a residential mixed-use project with up to 1,995 single- and multi-family residential units; up to 200,000 square feet of retail, office and/or commercial uses; a 30 acre Community Park; a 5 acre Neighborhood Park, and a 12-acre school site to serve approximately 900 students. The Land Plan approved with the Specific Plan is included as Attachment 1.



In addition to the DCSP, amendments were approved to the General Plan, the Dublin Zoning Ordinance, and Zoning Map to implement the Specific Plan. The project approvals also included the certification of the Dublin Crossing Final Environmental Impact Report (EIR). The approval actions by the City Council were formalized in Resolutions 186-13 (EIR certification) and 187-13 (Specific Plan approval and General Plan amendments) as well as Ordinances 07-13 (Zoning Ordinance and Zoning Map changes) and 08-13 (Development Agreement approval).

The Dublin Crossing project includes a 12-acre school site that the Dublin Unified School District (DUSD) intends to use for a future school that can accommodate up to 900 students. However, funding for new school construction is extremely limited. Despite the best efforts of our State legislative representative last year, a state ballot measure for school construction was not placed on the November 2014 ballot, and no solutions have been proposed by Governor Brown to bridge the construction funding gap that exists between the resources local districts have to build new facilities and the actual costs to build new schools. The lack of funding support from the State means that local school districts, like DUSD, need to find alternative solutions to the now-broken State model that has funded school construction over the years.

Realizing the predicament faced by DUSD, City Staff has been working closely with the Superintendent's office on potential options and ways for the City to assist in bridging the gap between land acquisition costs, the current development impact fee structure set by the State, and the need to provide adequate facilities for existing students and to accommodate future student populations.

Due to the nature of the land exchange agreement between the developer, Dublin Crossing Venture LLC (SunCal), and the Department of the Army, it is anticipated that the multi-phased Dublin Crossing project will take 8-12 years to construct. According to the project Phasing Plan and as identified by SunCal, the 12-acre school site is in Phase 3 of the project and should become available in 2017.

Unfortunately, based on the Governor's stated position that school construction bond funding will not be authorized by the State, it is unlikely that DUSD will have the ability to acquire the Dublin Crossing school site in the timeframe to meet the needs of the District, especially given a current land value of approximately \$36 million.

In 2014, City Staff approached SunCal to discuss options for the City to obtain the 12-acre school site in an effort to assist DUSD. After much discussion and negotiation, SunCal and City Staff reached agreement on tentative deal terms that would allow the transfer of the future school site to the City at no cost in exchange for modifications to the entitlements for the Dublin Crossing project.

To this end, a City-sponsored request to initiate a General Plan and Dublin Crossing Specific Plan amendment to affect the land use changes described below was unanimously supported by the City Council on March 17, 2015. City Council Resolution 36-15 is included as Attachment 2 to this Staff Report.



## ANALYSIS

The proposed changes to the Dublin Crossing Specific Plan and Development Agreement will result in the delivery of the 12-acre school site to the City without increasing the current maximum number of housing units (up to 1,995) allowed in the project or the maximum amount of commercial square footage allowed to be built (up to 200,000 square feet). Additionally, the same amount of parkland will be provided, although the Neighborhood Park will now be a facility that is jointly used by both the community and the School District while the Community Park remains at 30 acres.

The following is a description of the land use changes and modifications to the project:

### General Plan and Specific Plan Amendments

Under the proposal agreed to by City Staff and SunCal, the Dublin Crossing Specific Plan would be amended to include several land use changes that will financially benefit the Developer and allow them to transfer the school site to the City at no cost, including:

- Modifying the designation of the 12-acre School site to allow both school and park uses. This will allow the playground(s), recreational field(s), and other amenities to be used by both the school community as well as the residential neighborhood.
- Incorporating the 1.5 acre Chabot Creek into the Community Park and increase the acreage devoted to Medium Density Residential by 1.5 acres. Although this will allow the Developer more flexibility in where the residential development takes place, the Specific Plan limit of 1,995 residential units will not be exceeded; and
- Re-designating the 13-acre "Mixed Use" site on the corner of Arnold and Dublin Boulevard to "General Commercial/DC High Density Residential", thereby removing the requirement for both the 5 acre Neighborhood Park site and a minimum of 75,000 square feet of commercial development on this parcel within the site. Attachment 1 illustrates the revised Conceptual Land Use Plan

Minor amendments to the General Plan, as outlined in Attachment 3, are also needed to ensure consistency with the amended Dublin Crossing Specific Plan.

### Eastern Dublin Specific Plan Amendments

A cleanup item to the Eastern Dublin Specific Plan figures is included, which will ensure that there is consistency on all figures in all documents between the boundaries of the Dublin Crossing Specific Plan area and the Eastern Dublin Specific Plan area. The figures being modified are Figure 4.1 (Land Use Plan), Figure 4.2 (Planning Subareas), and Figure 5-3b (Circulation System)

A Resolution amending the General Plan, Eastern Dublin Specific Plan, and Dublin Crossing Specific Plan is included as Attachment 3 to this Staff Report.

### Amendment No. 1 to the Dublin Crossing Development Agreement

Under the proposal agreed to by City Staff and SunCal, the Dublin Crossing Development Agreement would be amended to:

- Remove the requirement to provide construction funding for a 5 acre Neighborhood Park (\$2.143 million);
- Remove requirement for the final Community Benefit Payment (\$1.2 million); and



- Include language related to the no-cost transfer of the school site from the Developer to the City.

An Ordinance approving the amendments to the Development Agreement is included as Attachment 4 to this Staff Report, with Amendment No. 1 to the Dublin Crossing Development Agreement included as Exhibit A.

## **ENVIRONMENTAL REVIEW**

The City prepared an Initial Study, dated April 21, 2015, to determine whether the standards for subsequent or supplemental environmental review under CEQA are met, including whether there could be significant environmental impacts occurring as a result of this project that are new or substantially more severe than those already addressed in the Dublin Crossing Environmental Impact Report, which was certified by the City Council on November 5, 2013 (via Resolution 186-13). The Initial Study concluded that the proposed project would not have a new or substantially more severe significant effect on the environment than addressed in the certified Dublin Crossing EIR, no significant information has arisen since the certification of the EIR, and no other standards under CEQA that would require further environmental review have been met.

A Resolution adopting a CEQA Addendum for the Amendments to the General Plan, Dublin Crossing Specific Plan, Development Agreement Amendment and Eastern Dublin Specific Plan related to the Dublin Crossing Project is included as Attachment 5, with the Addendum included as Exhibit A.

## **PLANNING COMMISSION REVIEW**

The Planning Commission considered the proposed modifications on May 12, 2015. The meeting minutes are included as Attachment 6 to this Staff Report. After discussion and deliberation, the Planning Commission voted 3-1-1 (with one no vote and one abstention) in favor of recommending the project to the City Council via Planning Commission Resolution 15-01 (Recommending adoption of the CEQA Addendum), 15-02 (Recommending amendments to the General Plan and Specific Plans), and 15-03 (Recommending approval of the Development Agreement Amendment).

## **NOTICING REQUIREMENTS/PUBLIC OUTREACH**

A notice of this public hearing was published in the Valley Times, mailed to all property owners and tenants within 300 feet of the Specific Plan project area boundaries, and all persons who have expressed an interest in being notified of actions related to this project were notified via email.

One comment letter was received on the evening of the Planning Commission hearing after the conclusion of that meeting. It is included as Attachment 7 to this Staff Report.

The Staff Report for this public hearing was also available on the City's website.

- ATTACHMENTS:**
1. Dublin Crossing Conceptual Land Use Plan
  2. City Council Resolution 36-15
  3. Resolution Amending the General Plan, Dublin Crossing Specific Plan, and Eastern Dublin Specific Plan related to the Dublin Crossing Project

4. Ordinance approving Amendment No. 1 to the Development Agreement between the City of Dublin and Dublin Crossing Venture LLC related to the Dublin Crossing Project, with Amendment No. 1 to the Development Agreement included as Exhibit A
5. Resolution adopting a CEQA Addendum for Amendments to the General Plan, Dublin Crossing Specific Plan, Eastern Dublin Specific Plan, and Development Agreement related to the Dublin Crossing Project, with the Initial Study and Addendum included as Exhibit A, and the Statement of Overriding Considerations included as Exhibit B
6. Draft Planning Commission Minutes May 12, 2015
7. Comment letter from David Bewley dated May 12, 2015