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## 'Eminent domain' bills could affect San Ramon, Livermore plans

By Scott Marshall and Bonita Brewer  
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In what is shaping up as an eminent domain debate in San Ramon, the city will hold a workshop tonight to answer questions about whether this "tool of last resort" should be reestablished as an element in a stalled but voter-approved specific plan redevelopment area.

The city wants to re-establish eminent domain -- the power to take private property for public use with just compensation -- in the 128-acre Crow Canyon Specific Plan on the city's north side. A city-commissioned study defines this area as "economically blighted."

The proposal comes at a time when the debate over eminent domain is shaping up statewide and nationally.

Restrictions on the use of eminent domain for economic development purposes have been proposed at both the state and federal levels, after a U.S. Supreme Court ruling last summer. The high court upheld a city's power to use eminent domain to buy unblighted houses for economic gain -- a redevelopment project. The Crow Canyon Specific Plan area contains no houses, but a number of businesses.

"I think it's too early to say" if the initiatives would have any effect on San Ramon's redevelopment plans, said Marc Fontes, the city's economic development director.

Three proposed state-level voter initiatives essentially would eliminate the use of eminent domain for any property that would not be owned and used by a public entity, according to the League of California Cities.

That, in turn, would handcuff efforts by cities and redevelopment agencies to revitalize blighted areas. The measures could make infill projects much more difficult to build, and thus could force new housing growth into surrounding open space and farmland, according to the league.

Cities are waiting to see the precise language of the initiatives. But some officials already are wary because housing is in such critical need in California.

Livermore's City Council was warned at a recent meeting of the potential impact on downtown redevelopment efforts. "Either one could have an adverse effect on us," Assistant City Manager Jim Piper told council members.

"There are some cases where (abuse) has happened, but California already has a number of safeguards in place," he said. "There are already limitations.

"We only use (eminent domain) as a last resort and historically, there are not many instances where we've used it."

The San Ramon Planning Commission has deadlocked over where to designate housing and what to do with some industrial businesses within the Crow Canyon Specific Plan area.

Only 15 percent of the parcels and 24 percent of the acreage in the area has been redeveloped in the past 18 years. Average property values per square foot of building in the specific plan area are 45 percent lower for office use, 50 percent less for industrial use and 43 percent lower for retail use compared with the citywide median.

Under the proposed redevelopment amendment, eminent domain could not be used to acquire property outside that area that is occupied as a residence. The amendment also would increase tax increment revenues and the Redevelopment Agency's bonding authority.

Though San Ramon regards eminent domain as a tool of last resort, according to Fontes, business owners -- many of whom rent their spaces -- aren't convinced.

The city "said individual property owners would sell to developers" after the location of residential and business areas is settled, said Ted Mendelson, who for 25 years has run one of several auto body businesses on Beta Court. They fear property owners would force them out in favor of more lucrative housing.

"All of a sudden, they want to stick eminent domain in there," he said. "Why would you need eminent domain if this is going to be done by private developers?"

The city adopted a redevelopment plan 18 years ago, but little change has occurred since. The Crow Canyon Specific Plan area was included in the voter-approved General Plan 2020. The plan would establish a revitalized, pedestrian-friendly mixed-use area of businesses and homes, including affordable units.

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#### **IF YOU GO**

What: San Ramon Redevelopment Plan amendment workshop

When: 6 p.m. Thursday

Where: 2222 Camino Ramon

Information: 925-973-2554 or visit [www.ci.san-ramon.ca.us](http://www.ci.san-ramon.ca.us)