

Agenda Report

DATE: August 9, 1999

TO: CITY COUNCIL
THROUGH: BUSINESS ENTERPRISE COMMITTEE
FROM: CYNTHIA J. KURTZ, CITY MANAGER
SUBJECT: NEIGHBORHOOD MITIGATION POLICY

RECOMMENDATION:

It is recommended that, based on the recommendations of the Planning Commission, that the City Council not move forward with the development of a Neighborhood Mitigation Policy.

BACKGROUND:

On March 15, 1999, the concept of a neighborhood mitigation policy was presented to City Council. The premise of the policy was to balance the impact of projects that are beneficial to the city as a whole with the impacts of development on surrounding neighborhoods. As stated in the previous agenda report, it is not always possible to mitigate all impacts during the development process, and in some cases, the full impact may not be clear until after construction has been completed. In other cases, the cumulative impacts of multiple projects are not mitigated as a result of the review of each project independently. It was recommended that when a development project met specific criteria, a percentage of revenue from that project would be set aside for future improvements in directly impacted neighborhoods. City Council requested further review and analysis and forwarded the issue to the Business Enterprise Committee.

On May 19, 1999, the issue was reviewed by the Business Enterprise Committee and forwarded to the Planning Commission and the Transportation Advisory Commission for review and comment.

Planning Commission

On May 12, 1999, after reviewing the proposed policy, the Planning Commission listed more than a dozen significant concerns. Although the Commission voted to add language to clarify CEQA issues, they did not take action to approve the policy. Issues centered around possible conflicts between the proposed policy and CEQA requirements. It was also questioned how the distinction would be made between mitigation measures to be funded by the developer directly

and those to be funded by revenue to the city. In addition, the Commission was concerned that the policy might provide additional incentive for City Council to adopt a Statement of Overriding Consideration for projects with unmitigated impacts. A summary of Planning Commission comments is attached.

Transportation Advisory Commission

On May 14, 1999, the Transportation Advisory Commission approved the policy as presented with the comment that funding under this policy should be used for traffic improvements rather than parks or green space.

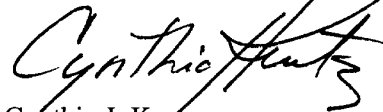
Analysis

The Planning Commission raised a variety of difficult issues surrounding the definition and implementation of this policy making it inadvisable to pursue. However, in those cases where project impacts cannot be fully mitigated during development, as outlined in the beginning of this report, the City Council may choose to undertake neighborhood improvement projects and fund them accordingly.

FISCAL IMPACT:

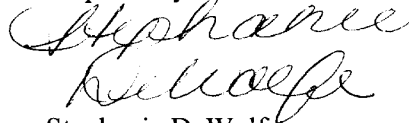
There is no fiscal impact associated with this policy decision.

Respectfully submitted,



Cynthia J. Kurtz,
City Manager

Prepared by:



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