

Late Backup



**DEVELOPMENT SERVICES DEPARTMENT
STAFF-RECOMMENDED AMENDMENT**

March 2, 2017

City Council Agenda Item No. 77

Traffic Mitigation & Rough Proportionality

Based on discussions with stakeholders, staff recommends the following amendments to the ordinance in backup:

1. The following amendment to Subsection (D) of Section 25-6-23 (*Proportionality of Required Infrastructure*) would limit the cases in which applicants may be required to provide a TIA that isn't otherwise required by Code:
 - (D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may:
 - (1) adopt administrative guidelines establishing requirements for:
 - (a) conducting a traffic impact analysis and neighborhood traffic analysis under Article 3 (*Traffic Impact Analysis and Mitigation*); and
 - (b) funding or constructing system transportation improvements required under Section 25-6-101 (*Mitigation of Transportation Impacts*); and
 - (2) if an applicant contests the director's proportionality determination under this section, require an applicant to provide:
 - (a) a transportation impact analysis, regardless of whether one is required under Section 25-6-113 (*Traffic Impact Analysis Required*);

- (b) a neighborhood traffic analysis, regardless of whether one is required under Section 25-6-114 (*Neighborhood Traffic Analysis Required*); or
 - (c) other information related to the traffic and safety impacts of a proposed development.
- 2. The following amendment to Subsection (A) of Section 25-6-102 (*Fee In-Lieu of System Improvements*) would authorize, but not require, the director to accept fiscal surety (i.e., a letter of credit) instead of requiring direct payment of the fee in-lieu:
 - (A) The director may allow an applicant to pay a fee in-lieu of constructing one or more transportation system improvements required under Section 25-6-101 (*Mitigation of Transportation Impacts*) or, at the director's discretion, to post fiscal surety in the amount of the required fee in-lieu. In determining whether to allow payment of a fee in-lieu or to require construction of system improvements, the director shall consider:
 - (1) the applicant's roughly proportionate share of infrastructure costs, as determined under Section 25-6-23 (*Proportionality of Required Infrastructure*), relative to the cost of constructing one or more identified system improvements;
 - (2) future transportation improvements anticipated for the area through capital improvement projects or as a condition to the approval of other proposed developments; and
 - (3) the feasibility of constructing one or more identified system improvements by supplementing the amount collected through payment of a fee in-lieu with city funds.
- 3. The following amendment to Subsection (D) of Section 25-6-101 (*Mitigation of Transportation Impacts*) would clarify that if a TIA is provided, as required by Code or voluntarily by the applicant, the range of

permissible improvements that may be required is limited to this identified in the TIA as approved by the director.

(D) The total cost of system improvements required under this section may not exceed the lesser of:

(1) applicant's roughly proportionate share of infrastructure costs as established by the proportionality determination required under Section 25-6-23 (*Proportionality of Required Infrastructure*), less the cost of any right-of-way dedication required under Section 25-6-55 (*Dedication of Right-of-Way*);
or

(2) the total cost of offsite transportation improvements identified in a traffic impact analysis approved by the director, whether or not the analysis is required under Section 25-6-113 (*Traffic Impact Analysis Required*) or submitted by an applicant voluntarily.