

REPORT

To the Honorable Mayor and City Council
From the Ad Hoc Committee on Redevelopment

November 14, 2005

Subject

Consideration of draft "Guiding Principles for Property Acquisition" prepared by the Ad Hoc Committee on Redevelopment

Recommendation

1. Accept the "*Guiding Principles for Property Acquisition*" prepared by the Ad Hoc Committee on Redevelopment, and direct the City Manager to implement the distribution of these guidelines to pertinent staff and provide for appropriate direction in the use of these guidelines;
2. Designate the Mayor as the authority to whom citizens may bring concerns or complaints regarding compliance with the "*Guiding Principles for Property Acquisition*."

Background

In 2003, Redwood City initiated eminent domain actions in order to acquire the land necessary for construction of an underground public parking garage. As you are aware, the public garage has been built and the retail-cinema project is now under construction. The property owners of one parcel made a legal response to the action and this matter was ultimately settled the following year.

In June of 2005, the City Council received correspondence from the Acting Court Executive Officer for the San Mateo County Superior Court advising that the 2004-2005 Grand Jury had filed its report, which contained findings and recommendations pertaining to the City, and that the City Council was required to respond to the that portion of the Grand Jury report regarding the fair and equitable treatment of property owners related to the acquisition of properties.

In summary, the Grand Jury's recommendations were (paraphrased):

1. Develop written guidelines and train staff on the proper treatment of citizens, during the course of a property acquisition.
2. Designate a member of the Council as the point person for complaints concerning the Redevelopment Agency activities.

On September 26, 2005 the Council authorized a letter from Mayor Ira in response to the Grand Jury's report. In that response, the City agreed to implement the Grand Jury's two recommendations, by the end of 2005.

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Prior to receiving the Grand Jury's report, the City became aware of the anxiety and concern felt by the property owners involved in the acquisition procedures, as well as from other members of the public. The Mayor had already directed that an ad-hoc committee of the Council be formed to examine the City's development processes and make recommendations as to guidelines for a more sensitive approach to future redevelopment actions.

That committee, consisting of Vice-Mayor Barbara Pierce, Council member Jim Hartnett, and Council member Rosanne Foust, has met twice, in addition to performing other research, interviews, and meetings. The results are the attached draft "*Guiding Principles for Property Acquisition.*"

The committee's recommendations, consistent with those of the Grand Jury, are:

- 1) Distribute to pertinent staff a set of guiding principles which will aid them in interacting appropriately, respectfully, and honorably with owners of properties which the City may seek to acquire, and provide any necessary guidance to help staff implement and adhere to these guidelines;
- 2) Designate the Mayor as the appropriate City authority to whom citizens may bring their concerns or complaints regarding compliance with the "Guiding Principles for Property Acquisition." The Mayor will address specific complaints with the City Manager, determine if actions taken by City staff or consultants have been consistent with the "Guiding Principles for Property Acquisition," and determine an appropriate response.

The committee recognizes the great sensitivity of this subject, and the emotional and very personal reactions that the issues of property acquisition, and particularly eminent domain, can bring about. It is our belief that the style and approach used during the City's interactions with property owners in the course of the property acquisition, while legally appropriate and within the standard guidelines for redevelopment, could and should have been accomplished in a more sensitive manner, on the part of Council members, City staff, and the City's hired redevelopment consultants.

The City Council has the responsibility to provide the policy and direction for the City's actions; staff has the responsibility to implement those actions in a manner that is legal and consistent with the values of our community. These guidelines represent an opportunity for improvement in both of those areas.

To examine the process and subsequently develop the guidelines, the committee engaged in a thoughtful and deliberate approach in re-evaluating the City's procedures. This approach incorporated our experience with development and redevelopment issues; the 'big picture' of Redwood City development; and our historical knowledge of the eminent domain actions in which the City has been involved. In addition to our recent research efforts in this re-evaluation, the members of this committee already possess a great deal of knowledge of these issues, and utilized this existing knowledge in developing these guiding principles.

To gain the widest possible perspective and most comprehensive understanding of this issue, we spoke directly with a variety of individuals who were involved, affected, or knowledgeable both during and after the property acquisition period: property owners,

relocation negotiators, eminent domain attorneys, and interested or concerned members of the general public. We also spoke with involved City staff, including management staff and the director of the Community Development Services Department; the City Manager; the City Attorney; and the Redevelopment Manager (previously the Downtown Development Manager).

Additionally, we studied a number of key documents containing a significant amount of community input: the Downtown Plan; the Precise Plan for Marina Shores Village; the Bayfront Study; and the General Plan (both the 1990 version and the draft 2005 version).

This research gave us a crucial set of viewpoints, and provided us with the tools necessary to formulate these guiding principles.

The attached guidelines are designed to create a more fair and equitable balance between three key priority interests which simultaneously face the City: the broader community's need and desire for a vibrant and viable City economy and healthy quality of life; the City's legal and financial needs and requirements as it carries out its development programs; and property owners' personal values, the unique characteristics of each property, and the treasured historical links that these properties represent.


Knowing that the City staff and the members of Council pride themselves on embracing constant performance improvement, this committee is confident that its recommendations will be viewed as an opportunity to make our processes better, to respectfully engage our community members, and to ensure that we use the utmost care and consideration for all involved as we enhance and build community.

Alternative

The City Council could choose to revise the guiding principles, or develop a new set of guiding principles, and/or designate an alternative member of Council to act as the "point person" for citizen concerns or complaints regarding redevelopment actions.

Fiscal Impact

There is no fiscal impact to the City associated with adoption of this item.


Barbara Pierce
Vice-Mayor


Jim Hartnett
Council Member


Rosanne Foust
Council Member

Attachments

Draft "Guiding Principles for Property Acquisition"

Guiding Principles for Property Acquisition

Draft ~ November 14, 2005

In the process of acquiring property from private owners for City redevelopment, City staff and Council members shall:

- 1. Recognize that each property, and each property owner, is a unique part of our community**
 - a. We will seek to understand each property owner's personal values in relation to their property;
 - b. We will respect and address each property owners' specific, unique circumstances;
 - c. We will recognize that each property is a unique and valued part of our community, and will interact with its owners with the appropriate level of respect.

- 2. Appreciate that the City's development programs and property acquisition activities must reflect the broader community values**
 - a. We will recognize that our community's character, history, and cherished uniqueness can be embodied in specific properties and their respective histories;
 - b. We will strive to achieve, as the City changes and evolves, a respectful balance among each property owner's unique values; the City's legal and financial requirements; and the ways in which a project manifests our broader community's needs and values as a whole;
 - c. We will honor and respect our history, our uniqueness, our diversity, and the intrinsic value of our connections between the past and the present, as embodied by the properties and their owners;
 - d. We will ensure that as change occurs in our City, such change honors the past, reflects our community's values, uniqueness, and diversity, and achieves our community's common goal of creating the distinctive sense of place that is Redwood City.

- 3. Understand that the City's development projects have significant impacts on the property owners, the properties' neighbors, adjacent businesses, individuals, and the community**
 - a. We will be sensitive and act accordingly in regards to the tangible and intangible impacts a project will have on the involved property owners, the property's neighbors, nearby business owners, and the community at-large;
 - b. We will ensure that all affected parties, whether property owners, neighbors, or others, are given the opportunity to have any and all concerns directly and respectfully addressed; this will be accomplished by designating the Mayor of Redwood City as the primary point of contact for any complaints concerning the Redevelopment Agency and any property acquisition contemplated by the City.