

**City of Culver City, California
Agenda Item Report**

Meeting Date: 09/27/2010		Item Number: <u>A-1</u>	
REDEVELOPMENT AGENCY BOARD AGENDA ITEM: Approval of the Scope of Work for a Request For Proposals for Redevelopment Plan Amendment and Environmental Consultant Services, and Authorization to Release the Request For Proposals.			
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Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: Meetings and Agendas - Redevelopment Agency (09/23/10)			
Department Approval: Sol Blumenfeld (09/21/10)		Agency General Counsel Approval: Murray O. Kane (09/16/10)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/22/10)		Executive Director Approval: John M. Nachbar (09/23/10)	
 <u>RECOMMENDATION:</u> Staff recommends the Redevelopment Agency Board (Agency Board) approve the scope of work and authorize the release of a Request for Proposals (RFP) for consultant services necessary to process an amendment to the Redevelopment Plan and prepare the associated environmental analysis. <u>BACKGROUND:</u> Pursuant to the Redevelopment Plan for the Culver City Redevelopment Project, the authority for the Redevelopment Agency (Agency) to use eminent domain expires on December 23, 2010 in all four component areas of the Culver City Redevelopment Project. If the Agency Board wishes to renew the authority to be available subsequent to that date, the Redevelopment Plan must be amended. The Agency has used eminent domain to complete property acquisition where a negotiated purchase could not be achieved and the required findings were able to be made. Under the current Redevelopment Plan, the Agency has not had the authority to acquire residential properties through the use of eminent domain This same residential restriction is recommended to be continued should the eminent domain authority be renewed.			

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Amending the Redevelopment Plan in accordance with the requirements of the California Health and Safety Code¹ requires considerable time and effort. To enable the Agency Board to make an informed decision as to whether to proceed with a plan amendment, a preliminary review was conducted by the redevelopment consulting firm of UFI/GRC Redevelopment Planning. The results were presented to the Board on December 7, 2009 (please see Attachments 1 and 2). The Agency Board authorized the Executive Director to prepare a RFP for the redevelopment and environmental consultant services needed to amend the redevelopment plan within Component Areas 3 and 4, and to bring the scope of work back to the Agency Board for approval. A map of the Culver City Redevelopment Project, which identifies the four component areas by color, (Component Area Number 3 is red and Component Area Number 4 is green) is provided as Attachment Number 3.

Time Limit to Incur Debt – Component Area Number Four

An additional section of the Redevelopment Plan concerns the time limit to incur debt in Component Area Number 4. When the Redevelopment Plan for Component Area Number 4 was approved in 1998, the time limit to incur debt within Component Area Number 4 was set at 20 years (i.e. 2018.) The process to extend this limit requires an Amendment to the Redevelopment Plan. The procedures and findings to adopt such an amendment are similar to those needed to extend the time limit on use of eminent domain. It is therefore, more efficient to accomplish both revisions to the Redevelopment Plan through a single amendment process. Therefore, staff recommends this time extension be included in this Plan Amendment process.

DISCUSSION:

By law, extensions of eminent domain authority may be for up to twelve years. During consideration of the report presented to the Agency Board on December 7, 2009, since Component Area Number 1 and Component Area Number 2 will both expire in 2014 and contain fewer potential acquisition sites, the Agency Board concurred with staff's recommendation to consider extension only in Component Area Number 3 and Component Area Number 4 (which expire in 2018 and 2029 respectively)

As detailed in the consultant's Memorandum (see Attachment No. 2), pursuant to California Redevelopment Law, in order to extend the eminent domain authority, the Agency Board must ultimately make a finding that: significant blight² remains and that the blight cannot be eliminated without the use of eminent domain. The

¹ California Redevelopment Law (Health & Safety Code Section Division 24, Part 1, Chapter 4, Article 12, commencing with §33450 et seq.) details the steps necessary to amend a Redevelopment Plan for the Redevelopment Project. In this particular case, an added requirement would be evidence for the record to support findings that: A) Significant blight remains within the project area; and B) That this blight cannot be eliminated without the use of eminent domain.

² Refer to pages 2 and 3 of Attachment No. 1 for the conditions of blight as defined in California Redevelopment Law.

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preliminary study concludes *“In general, our analysis indicates that sufficient blight remains in the four existing redevelopment project areas to justify extending non-residential eminent domain authority for the statutory maximum of twelve years.”*

The following description of the proposed scope of work for consultant services is divided into two parts: (1) the work needed to process an amendment to the redevelopment plan and (2) the work needed to analyze the environmental impact(s) associated therewith.

(1) Redevelopment Plan Amendment

Pursuant to California Redevelopment Law, the process to amend a redevelopment plan includes preparation the following work products: a blight analysis, an extensive report to the City Council, text amendments to the Redevelopment Plan, proposed City Council Ordinances and City Council and Agency Board Resolutions. During the process, the Consultant must attend and present at the Planning Commission at least two community meetings and joint public hearing of the legislative body (i.e. City Council) and the Board. This process is expected to take a minimum of six to nine months. The scope of work for this effort is Attachment No. 4, to this report.

(2) Environmental Review (Including a Greenhouse Gas Emissions Analysis and Climate Action Plan)

Amending the Redevelopment Plan is considered a “project” under the California Environmental Quality Act (CEQA) and therefore, an analysis of potential environmental impacts is required. At this time staff anticipates that the environmental review will consist, at a minimum, of further traffic analysis and a greenhouse gas emissions analysis which is proposed to be founded upon a Climate Action Plan also proposed to be prepared as part of the scope of work.

Greenhouse Gas (GHG) Emission Analysis and Climate Action Plan.

Since 1998, the California Legislature has enacted several new laws related to global warming and GHG emissions. Currently, staff relies on project applicants to provide a GHG emissions inventory and analysis to determine if the project is consistent with applicable City and state guidelines for reduction of GHG emissions. Alternatively, many jurisdictions are beginning to address GHG emissions through the use of Climate Action Plans in response to recommendations by the California Air Resources Board for the purpose of identifying strategies for the reduction of GHG emissions on a statewide basis, including the development of climate or greenhouse gas reduction plans in local jurisdictions.

One of the key components of a Climate Action Plan is the baseline Greenhouse Gas Inventory which provides information on the City’s existing emission sources and which helps identify which actions will be most effective at reducing emissions.

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The baseline inventory is developed for (1) emissions associated with local government operations (i.e. City buildings and facilities, fleet vehicles, etc.,) and (2) emissions associated with all activities taking place within the community (construction, development, private use of energy and vehicles miles traveled). Further the Climate Action Plan provides guidance at a local level to determine significance of GHG emissions from all project components, including construction and operation, equipment and energy use, and development phases. The Climate Action Plan will assist staff with the analysis and mitigation of any project impacts related to GHG emissions and climate change as required under the CEQA.

Staff sees the current situation as an opportunity for the Redevelopment Agency to assist the City by funding the preparation of a Citywide Climate Action Plan. The baseline information contained in the Climate Action Plan will be used to assess the potential impacts of the proposed Redevelopment Plan Amendment. It will also expedite the City's review of GHG impacts for most subsequent development projects Citywide. The estimated time for completion of this task is eight to twelve months. Attachment No. 6 is the scope of work for developing the Climate Action Plan and Attachment No. 7 is the proposed scope of work for the GHG emission analysis related to the proposed amendments to the Redevelopment Plan.

Schedule Considerations

Given the pending expiration of the current eminent domain authority on December 23, 2010 and the process necessary to prepare the required analysis for the Agency Board's consideration of extension of that authority, the Agency will be without such authority for a period of time.

Should the Agency Board take the recommended action, staff expects to finalize the RFP within two weeks. The RFPs would then be advertised and circulated with responses due four weeks after release. Analysis of the proposals and verification of the proposer's qualifications is estimated to require four weeks and preparation and review of the staff report is a three week process. Staff expects to return to the Agency Board with the results of the RFP process in January 2011.

If the Agency votes to initiate the process to amend the redevelopment plan in January, then the total elapsed time from Notice to Proceed to adoption of the Plan Amendment is approximately 18 months owing to the fact that some of the work can occur concurrently. Thus by approximately June, 2012, eminent domain authority could be re-instated for the remaining 2 ½ years of Component Area No. 3 and for the full twelve year maximum in Component Area No. 4. Moreover, a Climate Action Plan will have been prepared and, upon approval of the City Council, adopted by the City, which would facilitate future CEQA analysis for all development projects citywide.

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FISCAL ANALYSIS:

The estimated cost for the services to amend the Redevelopment Plan is \$100,000. The estimated cost for the traffic analysis and the climate action plan/greenhouse gas emission analysis is \$100,000 each. The Agency Board Adopted Budget for Fiscal Year 2010/2011 includes \$15,000 in unrestricted tax increment funds for the Redevelopment Plan Amendment (55091250). Therefore, when the results of the RFP process are presented to the Agency Board in January 2011, a budget amendment is expected to be required based upon the costs submitted by the selected consultants.

ATTACHMENTS:

1. Agency Staff Report from December 7, 2009 Agency Board Meeting
2. Memo dated July 15, 2009, from UFI/GRC Redevelopment Planning
3. Map of the Culver City Redevelopment Project
4. Draft Scope of Work for Redevelopment Plan Amendment
5. Draft Scope of Work for traffic analysis
6. Draft Scope of Work for Climate Action Plan
7. Draft Scope of Work for Greenhouse Gas Emission Analysis

MOTION:

That the Agency Board:

1. Approve the scope of work for a Request for Proposals which includes the following:
 - a) Amendment of the Redevelopment Plan to extend the authority for the use of eminent domain in Component Areas Numbers 3 and 4; and to extend the time limit to incur debt in Component Area Number 4 from 20 years to 30 years; and,
 - b) Preparation of a traffic analysis and counts; and,
Preparation of a Climate Action Plan and Greenhouse Gas Emissions Analysis; and.
2. Authorize the Executive Director to release the Request for Proposals.