

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

Meeting Date: 9/22/08		Item Number: <u>PH-1</u>	
AGENDA ITEM: PUBLIC HEARING - Adoption of a Resolution Approving Tentative Tract Map No. 65473, TTM P-2008080, for a One Lot Subdivision for Twenty Six (26) Commercial (Retail and Office) Condominium Airspace Units located at 12803-12823 Washington Boulevard (Between Meier and Moore Streets).			
Contact Person/Dept.: Susan Yun/CDD		Phone Number: (310) 253-5755	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notices were mailed to all property owners and occupants, within a 500 foot radius of the project site, extended to the end of City block (8/28/08). A sign announcing the public hearing was posted onsite (9/1/08) and notice was emailed to the Master E-Mail Notification List (9/3/08 and 09/17/08).			
Department Approval: Sol Blumenfeld (9/10/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/16/08)		City Manager Approval: Jerry Fulwood (09/17/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council continue this public hearing to Monday, October 27, 2008 at 7:00 PM. <u>BACKGROUND/DISCUSSION:</u> On August 7, 2008, the Planning Commission held a public hearing regarding Axis Mundi's RE II, LLC (the "Applicant" and "Developer") for a Site Plan Review to allow the construction of a 3-story, 37,450 square feet commercial building with one level of subterranean parking (the "Project"); a Tentative Tract Map No. 65473, TTM P-2008080 to subdivide the property into 26 commercial condominium airspace units (not for residential purposes); and an Administrative Use Permit to allow tandem parking. At the public hearing the Planning Commission adopted Resolution No. 2008-P009 adopting a Negative Declaration finding pursuant to the California Environmental Quality Act (CEQA) and approving the Site Plan Review, Tentative Tract Map and Administrative Use Permit for the Project subject to the conditions of approval. In preparation for this Public Hearing, staff provided public notice on August 28, 2008 to meet the 21 day minimum advance notice required by the Culver City Municipal Code (Sections 15.10.270 and 17.630.010). Subsequent to release of			

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that notice, on September 16, 2008, the applicant submitted a letter requesting continuance of this item (see Attachment 1).

ATTACHMENTS:

1. Public Hearing Continuance Request by Applicant dated September 16, 2008.

MOTIONS:

That the City Council:

Continue the Public Hearing to Monday, October 27, 2008 at 7:00 PM.

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Meeting Date: 09/22/08		Item Number: <u>C-4</u>	
AGENDA ITEM: Adoption of Ordinance Amending Chapter 9.11 of the Culver City Municipal Code Relating to Smoking Regulations to 1) Add New Regulations Prohibiting Smoking in Outdoor Dining Areas; 2) Relocate Existing Regulations Prohibiting Smoking in City Parks from Subchapter 9.10.500, et seq. to Chapter 9.11; and 3) Update Existing Regulations Contained in Chapter 9.11 to be Consistent with State Law.			
Contact Person/Dept.: Heather Baker/City Attorney's Office		Phone Number: (310) 253-5660	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Public Notification: County of Los Angeles Department of Health Services; Culver City Chamber of Commerce; Downtown Business Association; restaurant owners; individuals who spoke at prior Council Meetings and Community Meetings; Master E-Mail Notification List (09/17/08); Coalition for a Tobacco Free LA County (comprised of over 70 organizations – this notification was emailed courtesy of the County of Los Angeles Department of Health Services) (09/12/08)			
Department Approval: Carol Schwab (by H. Baker) (09/10/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/10/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/16/08)		City Manager Approval: Jerry B. Fulwood (	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt the Ordinance (Attachment 1) amending Chapter 9.11 of the Culver City Municipal Code (CCMC) relating to smoking regulations to 1) add new regulations prohibiting smoking in outdoor dining areas; 2) relocate existing regulations prohibiting smoking in City parks from Subchapter 9.10.500, et seq. to Chapter 9.11; and 3) update existing regulations contained in Chapter 9.11 to be consistent with state law, and waive further reading. <u>BACKGROUND/DISCUSSION:</u> At the City Council meeting of September 8, 2008, the City Council introduced the Ordinance, with revisions, by a unanimous vote (4-0). From the dais, the City Council made the following revision to the Ordinance prior to adoption: • §9.11.105 – that the definition of “Outdoor Bar Patio” be revised to include language that a minor is not allowed to enter and remain in the area in order			

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to further clarify the exception to the smoking prohibition in outdoor dining areas is limited to bars only.

This revision is not considered to be substantive in nature; therefore, it does not require re-introduction of the Ordinance. The Ordinance, as revised, is brought back tonight for adoption.

FISCAL ANALYSIS:

The additional regulations prohibiting smoking in Outdoor Dining Areas may require increased enforcement activity by City staff, particularly the Police Department and City Attorney's Office. These costs cannot be easily quantified.

ATTACHMENTS:

1. Ordinance

MOTIONS:

That the City Council:

Adopt the Ordinance amending Chapter 9.11 of the Culver City Municipal Code (CCMC) relating to smoking regulations to 1) add new regulations prohibiting smoking in outdoor dining areas; 2) relocate existing regulations prohibiting smoking in City parks from Subchapter 9.10.500, et seq. to Chapter 9.11; and 3) update existing regulations contained in Chapter 9.11 to be consistent with state law, and waive further reading.

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Meeting Date: 09/22/08		Item Number: <u>C-5</u>	
AGENDA ITEM: Acceptance of Work Performed by Steiny and Company, Inc. and Authorization to File the Notice of Completion for the Higuera Street and Eastham Drive Traffic Signal and Intersection Upgrade (P-741), STPL-5240(004)			
Contact Person/Dept.: Hong Wang/PW		Phone Number: (310) 253-5604	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Public Notification: Master E-Mail Notification List (09/17/08); Steiny and Company, Inc., via telephone on September 17, 2008			
Department Approval: Charles D. Herbertson (09/10/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/17/08)		City Manager Approval: Jerry B. Fulwood (09/17/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council accept the work performed by the Contractor, Steiny and Company, Inc., and authorize filing a Notice of Completion for the Higuera Street and Eastham Drive Traffic Signal and Intersection Upgrade (P-741), STPL-5240(004). <u>BACKGROUND / DISCUSSION:</u> The project scope involved the replacement of the aging traffic signal system at the intersection of Higuera Street and Eastham Avenue and the installation of a median island on Eastham Avenue to improve the pedestrian and vehicle traffic flow through the intersection. On March 24, 2008, the Council awarded a construction contract to Steiny and Company, Inc. for the Higuera Street and Eastham Drive Traffic Signal and Intersection Upgrade (P-741), STPL-5240(004) in the amount of \$203,946. The project was successfully completed by Steiny and Company, Inc. One change order was issued due to extra work items as requested by staff. The total amount of the change order was \$20,192. The majority of the change order cost was used to address the failed concrete asphalt pavement at the new crosswalk, to add bollards to protect newly installed signal poles, and to relocate the electrical meter pedestal for wheelchair passage.			

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FISCAL ANALYSIS:

The following tables summarize the budget and expenditures on this project. There are sufficient funds in the project budget for the final construction cost. Staff anticipates receiving the full \$97,383 federal STPL reimbursement.

Total Adopted Project Budget by Funding Source	
Funding Source	Amount
Gas Tax	\$ 50,059
Capital Improvement & Acquisitions Fund	\$ 90,000
Federal STPL Fund (reimbursable)	\$ 97,383
Total Budget (FY 08/09):	\$237,442

Total Project Expenses	
Total Construction Contract Cost	\$203,946
Change Order No.1	\$20,192
Subtotal:	\$224,138
Construction Inspection and Management cost (as of 9/9/08)	\$8,520
Total Project Cost	\$232,658

MOTIONS:

That the City Council:

- 1) Accept the work performed by the contractor, Steiny and Company, Inc., for the Higuera Street and Eastham Drive Traffic Signal and intersection Upgrade (P-741), STPL-5240(004);
- 2) Authorize the filing of a Notice of Completion; and
- 3) Authorize the release of the retention funds in the amount of \$22,414 to Steiny and Company, Inc., following the expiration of the 35-day lien period.

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Meeting Date: <u>09/22/08</u> Item Number: <u>C-6</u>	
AGENDA ITEM: Approval of a Professional Services Agreement and Approval of Amendment #1 to Said Agreement, to Kurt Swanson for Temporary Management Services for the Parks, Recreation and Community Services Department.	
Contact Person/Dept.: Bill La Pointe, Phone Number: (310) 253-6655 Director of Parks Recreation and Community Services	
Fiscal Impact: Yes ☒ No ☐ General Fund: Yes ☒ No ☐	
Public Hearing: ☐ Action Item: ☐ Attachments: ☐	
Public Notification: Master E-Mail Notification List (09/17/08); Kurt Swanson (09/17/08).	
Department Approval: Bill La Pointe, (by P. Mooney) (09/11/08)	City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/16/08)	City Manager Approval: Jerry B. Fulwood (09/17/08)
<u>RECOMMENDATION:</u> Staff recommends the City Council approve an existing Professional Services Agreement (Contract No. 2008-133) with Kurt Swanson for Temporary Management Services for the Parks, Recreation and Community Services Department, and approve an Amendment to that Agreement of an additional amount not to exceed \$10,000. <u>BACKGROUND</u> Due to a number of vacancies in the Parks, Recreation and Community Services (PRCS) Department, earlier this year staff requested that the City Manager's Office administratively authorized staff to hire a consultant, for an amount not to exceed \$10,000, to assist the PRCS Department on some time sensitive and critical issues that are difficult to complete without sufficient management-level staff. In response to this request, on August 18, 2008 the City entered into Contract No. 2008-133 with Kurt Swanson for Temporary Management Services. The City Manager is authorized to approve and execute contracts, on behalf of the City, for professional services that are not in excess of \$10,000 (Culver City Municipal Code § 3.07.075). However, since Mr. Swanson was previously employed in a similar capacity by the City, staff was advised that the existing agreement between Mr. Swanson and the City should be brought before the City Council for consideration. In the interim, staff has determined that Mr. Swanson's services are	

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needed for an additional length of time. Therefore, staff is requesting that Council also approve an Amendment to the existing Agreement in an additional amount not to exceed \$10,000.

DISCUSSION:

Kurt Swanson has over thirty years of park and recreation experience at the highest management level. Before his retirement, he served as the Director of Parks and Recreation for the City of Cerritos, including the operation of the Performing Arts Center. He has also served as the President of the Parks, Recreation and Community Services Department of the League of California Cities and has served on the League Board.

This is the third time that Mr. Swanson has been called upon to assist the Parks, Recreation and Community Services Department. He was hired as Acting Director of Parks, Recreation and Community Services on August 16, 2004. Mr. Swanson contributed significantly to the PRCS Department and his 2004 contract was extended twice by the City Council.

In 2007, Mr. Swanson entered into an agreement with the City to provide temporary management services for PRCS. One of his primary tasks was to evaluate, create, recommend and implement the cash handling system for the ride vendor at last year's Fiesta La Ballona. Mr. Swanson's plan was so successful that it set the standard and was implemented at the 2008 Fiesta La Ballona.

Since Mr. Swanson has experience and knowledge of the Culver City Parks, Recreation and Community Services Department, he seemed to be the logical choice when an additional staff person was needed to provide temporary management services for the Department earlier this year (Contract No. 2008-133). He has already proven himself to be an invaluable member of the PRCS team by successfully overseeing the cash handling system for the Fiesta ride vendor again. In addition, he is assisting the PRCS Director with several issues that only a professional manager with his experience and vision can address. For example, there are current projects in need of immediate attention and executive assistance such as the management of CIP projects, Departmental personnel and organizational issues and strategic planning for Fiscal Year 2009-10.

FISCAL ANALYSIS:

The total amount needed to cover both the existing Professional Services Agreement with Mr. Swanson (Contract No. 2008-133) and the requested

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Amendment is \$20,000. There is sufficient funding available to be transferred to cover this request due to current Departmental salary savings in the PRCS Division Administrative Budget (10130100.411100 - Regular Salaries) in fiscal year 2008-09.

ATTACHMENTS:

None.

MOTION

That the City Council:

1. Approve the existing Professional Services Agreement (Contract No. 2008-133) with Kurt Swanson for Temporary Management Services for the Parks, Recreation and Community Services Department in an amount not to exceed \$10,000; and,
2. Approve Amendment #1 to that Agreement of an additional amount not to exceed \$10,000 (for a total contract amount not-to-exceed \$20,000); and,
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City.

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Meeting Date: 09/22/08		Item Number: <u>C-7</u>	
AGENDA ITEM: Adoption of a Resolution of Intention to Vacate a Portion of Wrightcrest Drive Between the Intersection of Wright Terrace and Wrightcrest Drive and its Southerly Terminus, Adjoining the Rear of Properties Located at 6020 and 6030 Wright Terrace, Tract 24413			
Contact Person/Dept.: Andy O'Connell/PW		Phone Number: (310) 253-5606	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (09/17/08) 500 ft. radius postcard mailing to residents and businesses (09/02/08)			
Department Approval: Charles D. Herbertson (09/02/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/17/08)		City Manager Approval: Jerry B. Fulwood (09/17/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution of Intention to: (1) vacate a portion of Wrightcrest Drive between the intersection of Wright Terrace and Wrightcrest Drive and its southerly terminus, adjoining the rear of properties located at 6020 and 6030 Wright Terrace, Tract 24413; (2) order the setting of a Public Hearing to consider such vacation on October 13, 2008; (3) order the posting of the area with the appropriate notices and public notification of a 500 foot radius; and (4) order the publishing of a Notice of the above Public Hearing for at least two successive weeks in Culver City News. <u>BACKGROUND:</u> A petition to vacate a portion of Wrightcrest Drive was submitted by the property owners of 6020 and 6030 Wright Terrace (attached). The petitioner's major reason for the request to vacate a portion of this street is that it has become an attractive nuisance for late night parking and other activities. The property owners were required to obtain a Title Search (Street Search) for this portion of Wrightcrest Drive and Fidelity National Title Company has determined that the aforementioned property owners own the underlying fee to this portion of Wrightcrest Drive. The State law governing street and alley vacations is the Streets and Highway Code §§8300, et. seq. This law requires the Council adopt a Resolution of Intention. For the final Council hearing adopting the vacation, the State law requires a notice of the hearing be posted in the local newspaper at least two successive weeks prior to the hearing and at least two weeks prior to the final hearing the area to be vacated shall			

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be conspicuously posted. Should the City Council adopt the Resolution of Intention, then staff will prepare the notice required by State Law and also provide a courtesy notice to property owners and residents located within a 500 foot radius (to the end of the City block) of the area proposed to be vacated.

DISCUSSION:

This portion of Wrightcrest Drive is 20 feet in width and was dedicated as a street easement on Tract Map No. 24413, as recorded on August 30, 1960. The street extends approximately 100 feet southerly from the intersection of Wrightcrest Drive and Wright Terrace and dead ends at a property owned by Los Angeles County. Since the adjoining property will be developed as a Los Angeles County park, it is highly unlikely that this portion of Wrightcrest Drive will be extended in the future. Properties that abut this portion of Wrightcrest on its easterly side are the rear of two lots having addresses at 6020 and 6030 Wright Terrace. The property that abuts this street on its westerly side is owned by the California State Parks Department. There are no properties that need access from this portion of Wrightcrest Drive. The only known utility within this street is a Southern California Edison pole that has power lines extending southerly beyond the end of the street onto the adjoining Los Angeles County Parks Department's property. All utility companies will be formally notified if the City Council adopts this Resolution of Intention to Vacate.

While the Director of Public Works/City Engineer has completed his initial evaluation of the merits of the vacation of this easement, staff will present its formal recommendation to the City Council during the public hearing tentatively scheduled for October 13, 2008.

Refer to Exhibits "A" and "B" for an accurate legal description and plat of the portion of Wrightcrest Drive to be vacated.

FISCAL ANALYSIS:

There is no fiscal impact associated with the adoption of this Resolution of Intention. A Fiscal Analysis of the proposed vacation of the right-of-way will be included with the staff report presented on October 13, 2008.

ATTACHMENTS:

1. Petition June 25, 2007
2. Letter from property owners dated August 21, 2008
3. Resolution of Intention that includes Exhibits "A" and "B"

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MOTION:

That the City Council:

Adopt a Resolution of Intention to: (1) vacate a portion of Wrightcrest Drive between the intersection of Wright Terrace and Wrightcrest Drive and its southerly terminus, which adjoins the rear of those lots located at 6020 and 6030 Wright Terrace, Tract 24413 as shown on attached Exhibits "A" and "B;" (2) order the setting of a Public Hearing to consider such vacation on October 13, 2008; (3) order the posting of the area with the appropriate notices and public notification within a radius of 500 feet; and (4) order the publishing of a Notice of a Public Hearing regarding the proposed vacation for at least two successive weeks in the Culver City News.

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Meeting Date: 09/22/08		Item Number: <u>C-8</u>	
AGENDA ITEM: 1) Approval of the Classification Specification for Deputy Parks, Recreation and Community Services Director; and 2) Adoption of a Resolution Revising the Salary Schedule to include the Position of Deputy Parks, Recreation and Community Services Director and Rescinding Resolution No. 2008-R056.			
Contact Person/Dept.: Mary Ortiz Bradley		Phone Number: 310-253-5650	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (09/17/08) and Culver City Management Group on 08/20/08.			
Department Approval: Serena Wright (09/16/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/17/08)	
Chief Financial Officer Approval: Jeff Muir (09/17/08)		City Manager Approval: Jerry B. Fulwood (09/17/08)	
<u>RECOMMENDATION</u> Staff recommends the City Council: 1) Approve the classification specification for Deputy Parks, Recreation and Community Services Director; and 2) Adopt a resolution revising the salary schedule to include the position of Deputy Parks, Recreation and Community Services Director and rescinding Resolution No. 2008-R056. <u>BACKGROUND</u> Through the budget process for fiscal year 2008-2009, the City Council approved the request to include a deputy director position in the Parks, Recreation and Community Services Department. This position would be responsible for assisting the Parks, Recreation and Community Services Director in the administration of the department and in providing staff support to the Parks, Recreation and Community Services Commission. <u>DISCUSSION</u> The development of a new classification is a four-part process: 1) identifying the needs of the department; 2) determining the knowledge, skills, and abilities that would be necessary for someone to successfully meet the needs of the job; 3) conducting a labor market survey; and 4) analyzing the impact to internal and			

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external relationships of the proposed classification. Through this process, the critical components of the job as well as the primary responsibilities were identified.

Human Resources staff analyzed the needs of the department and identified the essential functions of the position, with the assistance of the Parks, Recreation and Community Services Director as the subject matter expert. In addition, a classification study was conducted among the labor market cities. This was done with the goal of identifying similarly situated positions that assist in the management of three major divisions: Parks, Recreation, and Community Services.

The labor market survey revealed that Culver City is unique in having three areas of major responsibility fall under one department: Parks; Recreation and Community Services. Most of the cities in the labor market tend to have only two of the three areas within the same department (see Attachment No. 2). For example, at the City of Pasadena and the City of Redondo Beach recreation and community services fall under the same department and parks is based in another department, Public Works.

The new deputy director classification specification was further developed after the analysis of the other deputy director classification specifications within Culver City. Language to two sections (Essential Duties and Knowledge, Skills and Abilities) was added to ensure consistency among internal deputy director positions. For example, the language listed below is consistent with that which is found in other City Culver deputy director positions:

Essential Duties

- Assists in the development of the departmental budget
- Assists in supervising division level management as well as professional, technical and support staff in the performance of their duties.
- Assists in developing and implementing department policies and procedures.

Knowledge, Skills and Abilities

- Principles of management, supervision, training and performance evaluation.
- Principles of organization, planning, and administration.
- Budget development, preparation, and administration.
- Develop cooperation and nurture a collaborative, positive working environment among staff.
- Develop and present ideas and issues in a persuasive verbal and written manner.

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The proposed classification is titled Deputy Parks, Recreation and Community Services Director. The classification specification is reflective of both the essential and marginal duties associated with the position. The new position would be responsible for assisting the director in the daily management of the Department, including capital improvement projects, parks maintenance, recreation programs, senior and social services programs, facility scheduling and administration, and day-to-day operations. This position would act as the Director in the Director's absence and would be responsible for the supervision of division level management as well as professional, technical and support staff.

An analysis of the level of responsibility, oversight and independent decision-making associated with this position clearly indicates that this position should be included in the management group and, as such, should be represented by the Culver City Management Group (CCMG). Human Resources Department staff analyzed the impact that the addition of this new position would have on the organizational structure of the City and found that this position would be best served by receiving an "unclassified" designation. The exemption from the classified service is permissible for this level of position under the Culver City Municipal Code (CCMC). CCMC, §3.05.015F, allows for the exemption from the classified service of "staff assistants to the head of a department or division as may be authorized by the City Council." Historically, this provision has been utilized to exempt other deputy director positions from the classified service.

A copy of the new classification specification has been reviewed by the Culver City Management Group and said classification specification was approved by the Civil Service Commission on August 6, 2008 (Attachment No. 1).

FISCAL ANALYSIS

Through the FY 08-09 budget process, City Council approved the following range for the new Deputy Parks, Recreation and Community Services Director classification:

Range 588	\$8,078 - \$9,860 Monthly	\$96,938 - \$118,332 Annually
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ATTACHMENTS

1. Classification Specification for Deputy Parks, Recreation and Community Services Director
2. Labor Market Survey

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3. Resolution and Exhibit A
4. Organizational Chart for the Parks, Recreation and Community Services Department
5. Excerpt from minutes of Civil Service Commission Meeting, 08/06/08

MOTION

That the City Council:

1. Approve the classification specification for Deputy Parks, Recreation and Community Services Director; and
2. Adopt a resolution revising the salary schedule to include the position of Deputy Parks, Recreation and Community Services Director, and rescind Resolution No 2008-R056.

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Meeting Date: 09/22/08		Item Number: <u>A-1</u>	
AGENDA ITEM: Confirmation of Comments Submitted by Staff on September 10, 2008 to the Los Angeles County Regional Planning Commission Regarding the Draft Baldwin Hills Community Standards District, Versions Dated August 14, 2008 and September 4, 2008.			
Contact Person/Dept.: Charles Herbertson/Public Works; Sherry Jordan/Community Development;		Phone Number: 310-253-5635; 310-253-5746	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Interested parties, Cable crawler; and Master E-Mail Notification List (09/17/08); Published in the Culver City News (09/18/09).			
Department Approval: Charles Herbertson (09/16/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/17/08)		City Manager Approval: Jerry B. Fulwood (09/17/08)	

RECOMMENDATION:

Staff recommends the City Council discuss and adopt the September 10, 2008 comments submitted by staff to the LA County Regional Planning Commission on the Draft Baldwin Hills Community Standards District ("CSD"), Versions dated August 14, 2008 and September 4, 2008.

BACKGROUND:

On June 19, 2008, Los Angeles County (County) released a Draft Environmental Impact Report (EIR) for a CSD proposed by Plans Exploration & Production Company (PXP). On July 14th the City Council held a public meeting to discuss and seek early Council and community input on the Draft EIR. On August 13th the Council adopted Resolution No. 2008-R059 transmitting to the County the official City response to the June 2008 Draft EIR.

To ensure maximum representation of the City Council's and community's interests in this process, Staff has attended public workshops and hearings on the Draft EIR and CSD on July 17th, July 22nd, August 2nd, August 14th, August 27th, and September 10th. Additionally, staff has met with, and continues to meet with, the Council Subcommittee (Vice Mayor Silbiger and Councilmember Weissman) on a biweekly basis. On August 14, 2008, the County released its proposed version of

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the CSD followed by a second version released on September 4, 2008 (collectively, "County CSD").

DISCUSSION:

Due to the extremely short period of time for review of the County CSD prior to the LA County Planning Commission's consideration of this matter (a period of seven calendar days), staff submitted "preliminary" comments on the County CSD, subject to the City Council's final review and approval, at the LA County Planning Commission hearing of September 10, 2008 (Attachment No. 1).

Staff included a cover letter, signed by the City Manager, explaining to the County Commission that the comments were preliminary in nature due to the compressed review period and the difficulty in reviewing and commenting upon a document that is constantly evolving and changing (and continued to change), and which differs greatly from the applicant (PXP) proposed CSD evaluated in the Draft EIR. Portions of this letter were read into the record by City staff during public testimony at the September 10th hearing. At the conclusion of the hearing, the County Planning Commission continued the matter to October 1, 2008.

As discussed in the transmittal cover letter and in the comments, although an improvement from the PXP proposed CSD, the County CSD still needs to be revised. The County CSD fails to incorporate the mitigation measures proposed by Culver City in our August 19th comments on the Draft EIR, and it further fails to incorporate many of the other feasible mitigation measures proposed by other public agencies, private and nonprofit entities, and individuals. The County CSD requires the applicant to submit and conduct various audits, assessments, reviews and plans. This acknowledges the lack of information the County currently has to adequately protect the public and the environment from oil operations within its jurisdiction. These determinations should have been made during the environmental review process. Given the County's substantial revisions to PXP's prepared CSD, the County should revise and recirculate the Draft EIR to address these issues.

It is staff's understanding that the County CSD continues to be revised and a new version should be available to the public shortly. Given the compressed time period for review, yet again, staff will submit updated "preliminary" comments to the updated version of the County CSD at the October 1st County Planning Commission meeting. Those preliminary comments will reflect the significant concerns clearly expressed by the Culver City Community and the City Council. Further, these preliminary comments will be subject to the City Council's final review and approval at its October 6th meeting.

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FISCAL ANALYSIS:

There is no fiscal impact to the Council's adoption of the attached comments. For the Council's information, a July 3rd City-wide public notification was produced at a direct cost of \$14,637.08 (which amount was taken from appropriated reserves) and the contract amount approved by City Council for Aspen Environmental Group to assist staff in the review of the Draft EIR and revisions to the City's current oil well regulations was \$148,770. In addition, the notification for tonight's meeting was published in the Culver City News at a cost of \$228.

ATTACHMENTS:

1. September 10, 2008, cover letter and attached comments to the Los Angeles County Draft Baldwin Hills Community Standards District, versions dated August 14, 2008 and September 4, 2008.

MOTION:

That the City Council:

Approve the preliminary comments submitted by staff on September 10, 2008 to the County of Los Angeles' Regional Planning Commission regarding the Los Angeles County Draft Baldwin Hills Community Standards District, Versions Dated August 14, 2008 and September 4, 2008.

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Meeting Date: 9.22.08		Item Number: A-2	
AGENDA ITEM: Discussion of Green Building Standards in Culver City			
Contact Person/Dept.: Craig Johnson Sol Blumenfeld		Phone Number: 310-253-5802 310-253-5702	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐	Attachments: ☒
Public Notification: Master E-Mail Notification List (09/17/08), public stakeholders, public speakers at past green building City Council discussions. Advertisement in <i>Culver City Observer</i> (9/18/08)			
Department Approval: Sol Blumenfeld (09/16/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/17/08)		City Manager Approval: Jerry Fulwood (09/17/08)	

RECOMMENDATION

Staff recommends the City Council discuss proposed green building standards and provide direction to staff.

BACKGROUND

The purpose of this report is to provide a menu both to require and encourage green building in the City. The recommendations contained herein are intended to build on the successful work that has been accomplished over the last two years. These efforts are summarized on the attached chronology. (Attachment No. 1).

DISCUSSION

In keeping with Culver City's leadership in the areas of environmental stewardship, the City has taken certain steps regarding the problems of rising energy costs and global warming have prompted the City to consider a more sustainable approach to the way buildings are planned and constructed. "Green" buildings are more energy efficient, reduce solid waste during construction, reduce environmental pollution and conserve natural resources. Green buildings create healthier work, learning, and living environments with more natural light and cleaner air, contributing to improved health, comfort, and productivity.

Staff has focused initially on green building as an important component of sustainability. Other program considerations and sustainable measures may be

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coordinated through the Sustainable City Plan and focus on the areas of conservation, land use and waste diversion.

In looking at best practices of current green building programs operating in Santa Monica, West Hollywood and other nearby cities (Attachment No. 2), staff has prepared three green building options for the City Council's consideration. These options range from incentive programs to mandatory construction requirements for new development. Staff recommends that the City Council consider implementing one or more of the following green building options:

Option 1: Incentive Program for LEED Certification and "Green Zone" Program

Option 2: Mandatory New Development Requirements

Option 3: Mandatory Green Building Point System.

Option 1: Incentive Programs for LEED Certification & Green Zone Program

LEED Certification Incentive Program

This option proposes a partial permit fee refund for projects obtaining Leadership in Energy and Environmental Design (LEED) Certification. Building permit fee refunds are an incentive to developers, but do not fully cover the costs of obtaining LEED certification. LEED is the third party review and green building rating system which offers four certification levels for new construction: Certified, Silver, Gold, and Platinum. These levels correspond to five green design categories: sustainable sites, water efficiency, energy and atmosphere, materials and resources and indoor environmental quality. The LEED certification adds from 6% to 9% to overall building permit costs.

Staff proposes the City establish a fee refund schedule as follows:

- 20% of the building permit fee for projects obtaining LEED certified status
- 30% of the building permit fee for projects obtaining LEED silver status
- 40% of the building permit fee for projects obtaining LEED gold status
- 50% of the building permit fee for projects obtaining LEED platinum status

Example of New Development and LEED Certification Costs:

New Development (square footage)	Valuation	Approximate Building permit fees*	<u>Certified</u> 6% of project valuation	<u>Silver</u> 7% of project valuation	<u>Gold</u> 8% of project valuation	<u>Platinum</u> 9% of project valuation
117,000	\$14.7 Million	\$90,000	\$882,000	\$1,030,000	\$1,176,000	\$1,323,000

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- *excluding plan check fees and all other City fees and charges, and excluding the costs of the other civil, fire, mechanical, electrical, and plumbing permits that may be typically expected with a project of this type.*

It is important to note that the typical Culver City building permit fee cost, if refunded in full, would probably only cover the cost of a project to obtain LEED certified status. Since a full refund would significantly reduce City building permit revenues, staff recommends a cap of \$60,000 for any individual project. Staff proposes administering this program by collecting the full building permit fees prior to construction. Upon presentation of LEED certification, a refund would be generated (subject to the annual cap as recommended by staff and approved by the City Council).

“Green Zone” Demonstration Program

This program would allow for building permit fee waivers for installation of **any** approved energy saving construction within the City’s designated “green zones.” It is proposed that these green zones be the current Phase I and Phase II Area Improvement Project Demonstration Areas (West Washington Blvd from Wade to Beethoven Avenues (Phase I Shown on Attachment No. 3) and Centinela Boulevard to Colonial Avenue (Phase II)). A list of approved energy saving construction efforts would be culled from the proposed Mandatory measures (Option 2) and the points based system (Option3).

Staff recommends a 100% building permit fee refund as illustrated below within the green zones with a maximum cap of \$5,000 for any individual project.

Project Scope	Project Valuation	Total Permit All Fees	Building Permit Fee	Total Amount of Incentive
Improve energy efficiency through upgraded insulation, exterior doors and windows.	\$40,000	\$2,200	\$650	\$650

Staff recommends that the Green Zone program remain in effect for five years for each zone designated in order to provide time to encourage business and property owner’s participation. There are approximately 40 properties and businesses that could benefit from this option. This option would provide a financial incentive in a highly visible demonstration program for the City.

Option 2: Mandatory Requirements Program for All New Development

This option involves the creation of a list of mandatory prescriptive measures that would apply to new ground-up construction. A building permit will not be issued until

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adherence to the program requirements is achieved. Over time, zoning considerations and new technology may require updating this list to ensure program effectiveness. This option does not provide any financial incentive; but would be effective and relatively simple to administer.

The following mandatory green building requirements are proposed for all new development:

1. Minimum 17 Seasonal Energy Efficiency Ratio (SEER) for all new ac units in new construction (The efficiency of air conditioners is often rated by SEER. The SEER rating is the Btu of cooling output during a typical cooling-season divided by the total electric energy input in watt-hours during the same period. The higher the SEER rating of a unit, the more energy efficient it is. A minimum SEER rating of 13 is currently required under the Building Code??.)
2. All new gas heating units in new construction to be minimum 92% efficient (96.6% efficient is the highest efficiency generally available).
3. All heating and cooling ducts to be within heated or cooled space for new construction.
4. Minimum R-38 roofs and floors (to exterior spaces), minimum R-28 walls in new construction. (R-rating is an index of the insulation value. The higher the rating, the higher the insulation value.)
5. Radiant barriers under roof sheathing in new construction. (Possible additional measure: also require radiant barriers under all west, south, and east wall sheathing in new construction.)
6. Current code allows exterior glass to be U .38 and SHGC of .31; require all new glass to be minimum U .35 and SHGC of .30 in new construction *and additions and remodels. (U-rating is an insulation rating of the glass. The lower the U-rating, the higher the insulation value. SHGC is the Solar Heat Gain Coefficient which is a measure of glass resistance to radiant heat.)*
7. All new low-slope roofs to have a minimum SRI of 75% in all new construction *and all low-slope re-roofing permits. (Solar Reflectance Index is a measure of reflectivity of the roofing surface.)*
8. Exterior shading over all glass on the west, south, and east sides of all new construction. (Alternate: require all glass on the west, south, and east side of new construction to be upgraded performance.)
9. All new interior and exterior lighting to be fluorescent or Light Emitting Diode (LED) or other high efficiency lighting in new construction.
10. All bathroom lighting (fluorescent or LED) and exhaust fans to be motion sensor controlled in new construction.
11. All corridors (and any other typically unoccupied spaces) lighting (fluorescent or LED) to be motion sensor controlled in new construction.
12. All garage and parking structure lighting (fluorescent or LED) to be motion sensor controlled in new construction. (Minimum base level lighting allowed.)

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13. Dual flush water closets in new construction.
14. Only waterless urinals in new construction.
15. Tankless water heaters in new residential construction.
16. Two(2) - 2" electrical conduits to be installed from the roof to the electrical panels for future photovoltaic installation for each unit in all new residential construction and in all new commercial construction. (Of less than 10,000 sf which doesn't qualify for mandatory photovoltaic installation.)
17. A bike parking area in all new construction.
18. A recyclables collection area in all new construction. (*Possible additional measure: require 2 trash chutes in all new multi-floor construction; routed directly to 2 different dumpsters in a trash room below; one for trash, one for recyclables.*)
19. One (1) duplex ground fault circuit interrupter outlet for each eight parking spaces in new residential construction. (For future plug-in vehicles.)
20. Require all new construction to have smart irrigation controllers.

Option 3: Mandatory Green Building Point System.

This option involves the establishment of a mandatory point system to help achieve energy efficiency in new development and building improvement. A building permit will not be issued unless there are a minimum number of points received pursuant to the table below. The points based system is a compilation of the most effective items from several points based systems from other cities as well as LEED checklists and would be administered in addition to the mandatory items prescribed in Option #2.

Each item on the list would equal one point and would apply to all remodels, tenant improvements, additions, and new construction. Projects of varying scopes must meet a thresholds of the available points based on new construction square footage.

An example is illustrated below:

Square footage	Mandatory list	Points required
10,000 – 25,000 sq. ft.	All items	13 points
25,000 – 50,000 sq. ft.	All items	16 points
Over 50,000 sq. ft.	All items	22 points

Site

- Preserve all existing site and/or street trees.
- Provide additional drought tolerant landscaping and shade trees, minimize turf areas.

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- Install efficient irrigation system (minimize spray heads, maximize use of bubblers and drop irrigation.)

Natural Heating and Cooling

- Provide operable windows for ventilation in all new construction.
- Provide ceiling fans in all habitable areas.
- Minimize air conditioning.

Foundation

- Incorporate fly ash or recycled content in all paving and foundation concrete.

Structure

- Use engineered wood or steel for 90% of the floor and roof framing (to reduce amount of wood consumption.)
- Use FSC certified wood framing for 20% of all wood framing materials.
- Use structural insulated panels.

Plumbing

- Insulate the full length of all hot water piping.
- Install faucets of less than 2.5 gpm.

Insulation/ Energy

- Minimum 25% of insulation formaldehyde free, recycled content.
- Minimum 60% of wall insulation cellulose, cotton ball, or bio-based foam.
- Minimum 60% of ceiling insulation cellulose, cotton ball, or bio-based foam.
- Pre-plumb for future solar hot water heating.
- Install solar photovoltaic (for projects less than 10,000 sf not qualifying for mandatory solar pv.)
- Install Energy Star programmable thermostats.
- Perform duct testing.

Indoor Air Quality

- Use low Volatile Organic Compound (VOC) sealants and adhesives.
- Use composite wood with no added urea formaldehyde for counters and countertops.
- Use carpet Carpet and Rug Institute Green Label certified.
- All wood flooring bamboo or other renewable material.

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Roofing

- Use 25% recycled content roofing materials.
- Roofing materials warranty minimum 40 yr. for asphalt shingles, 15 yr. for built-up.

Exterior Finishes

- Minimum 30% of exterior surfaces integral or no color stucco, or durable surface panels.

Interior Finishes

- Minimum 20% exposed concrete floors.
- Minimum 25% recycled content countertop materials.

General

- Divert minimum 75% of construction demolition by weight to recycling.
- Innovative design as determined by City staff.

Costs and Benefits of Potential Culver City Green Building Programs

Staffing

Option 1 and Option 2 would not require additional staffing to implement.

Staff estimates, however, that Option 3 would require, at minimum, one additional full time City staff member and one additional City vehicle. (Attachment No. 3)

Energy Costs and Annual Emissions Illustration

In an effort to illustrate the relative benefit of these programs/options against the current Energy Code, an example of a commercial project (totaling 282,000 sq. ft.) and nine new residential units (totaling 49,000) is highlighted below:

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Options	Annual Commercial BTU's	Annual Residential Btu's	Annual Carbon Emissions	Annual Energy Costs	Construction Cost Increase	Additional Staffing
Standard California Energy Code	25.5 billion	.78	561 tons	\$392,000	(0)	n/a
Option 1 – LEED certification*	21.7 billion	.66	477 tons	\$333,000	\$376,000	n/a
Option 2 – Mandatory Program **	22.9 billion	.70	505 tons	\$353,000	\$188,000	n/a
Option 3 – Points based ***	20.4 billion	.62	448 tons	\$313,000	\$564,000	1 additional staff

* assumes Silver certification level, 15% energy improvement and additional \$1.00 square foot construction cost. Does not include green zone program.

** assumes 10% energy improvement and an additional \$.50 per square foot construction cost.

*** assumes 20% energy improvement and an additional \$1.50 per square foot construction cost.

General Assumptions;

- That under each option all annual 282k s.f. of new commercial space and all 9 new residential units fully comply with that option.
- That the consumption of each 45,000 btu's produces 1 ton of carbon emissions
- The btu cost is estimated at 70,000 btu's per \$1.
- The estimated construction cost increase is an additional cost to the developer of a building.

SUMMARY

Staff is proposing three green building program options for Council consideration. Option 1 is an incentive program that could offer a refund of up to 50% of the building permit fee for LEED certified projects. It is proposed that a cap be put in place of at least \$60,000 for individual projects and \$225,000 annually for the program as whole. This option also includes 100% building permit refunds for "green zones" within the City. As a pilot program, staff recommends that the first green zone be coterminous with the current West Washington Demonstration Project – Phase I. Based on the current property and business constitution, the cost for this program could be up to \$15,000 in building permit refunds and would not require any additional staffing.

Option 2 is a mandatory checklist of standards applied to all new development. The list represents a number of effective and straightforward prescriptive measures that would effectively reduce carbon emissions and increase sustainability within the City. Staff believes that this program could be absorbed with current staffing levels and would not require any additional staffing.

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Option 3 is a hybrid program that would require adherence to all of the measures listed in Option 2 as well as additional requirements, via a point system, based on building square footage. This option would be case specific for each new project and would require more in depth inspection to ensure compliance. This option would require an additional staff person and associated resources.

FISCAL ANALYSIS

All three options would forward the City's general policy goal of obtaining a more sustainable environment. However, there is a fiscal cost to the City to implement each option. All three options would have the consequence of a loss in Utility Users' Tax (UUT) revenue. There is a direct relationship between UUT revenues and a building's energy efficiency. As energy efficiency increases, the amount that a business pays per square foot in utilities (such as electricity, gas and water) decreases, consequently decreasing the amount of UUT paid by the consumer. Currently, electricity, gas, and water UUT combined generate approximately \$8 million in revenues, with the primary piece of that being electricity at approximately \$6 million. As the number, size, and level of energy efficient projects increases over time, the City can expect to see a proportionate decrease in UUT revenue over what would be generated by a traditional project. That being said, the economic cost to clean the environment in the long run may far exceed the potential loss of UUT revenue.

If Option #1 were pursued (LEED Certification and Green Zone incentives), staff recommends the City Council determine annual cap limits for building permit refunds and incentives that would result in a decrease in net revenues to the General Fund. As proposed, these discounts would not fully cover the actual cost of LEED certification, but could substantially subsidize consultant fees to achieve certification and/or make sustainable improvements to an existing structure. The cost of this program is whatever the City Council ultimately determines as an annual cap for the program (see next paragraph) plus loss of UUT revenue.

For example, in Option #1 a total annual program cap of \$225,000 (\$60,000 per individual project), or approximately 10% of annual Building Safety revenues, could include three commercial projects refunded \$30,000 each and nine residential projects refunded \$15,000 each or any other combination within this limit. This would, in essence, cost the City up to \$225,000 plus ongoing lost UUT revenue plus staff time to develop the necessary applications, rating processes, benchmarks, etc. Additionally, the "green zone" program could refund an additional \$15,000 in building permit fees if approximately 50% of the business participated in the West Washington Demonstration Project, Phase I. Based on the location of these

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businesses, staff anticipates that most of the sustainable upgrades would be limited to energy efficiency efforts to include glass/window upgrades, insulation, and HVAC.

As proposed, Option #2, a Mandatory Green Building Program, would not have additional cost to the City beyond the potential loss of UUT revenues and some additional staff time to implement the additional requirements for developers.

Option #3, a Points Based System, would require one additional full-time employee (approximately \$100,000 including salary and benefits, which would increase on an annual basis), \$30,000 for one additional hybrid vehicle, and \$5,000 annually for related amortization and garage expenses.

Based on the City Council's desire to explore implementation of one or more of the proposed options, the further fiscal impacts would need to be refined.

ATTACHMENTS

1. Green Building Chronology
2. Green Building Programs in Other Cities
3. Demonstration Area Map
4. Staffing Requirement Calculation for Option 3
5. Culver City Mandatory Solar Photovoltaic Information
6. "Building Green with Carrots and Sticks", *Western City Magazine*, May 2008
7. *Los Angeles Business Journal* Article, August 18, 2008.
8. Other Programs for Consideration

MOTION:

That the City Council:

Receive and file this report and provide direction regarding proposed green building standards.

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Meeting Date: 09/22/2008		Item Number: <u>A-3</u>	
AGENDA ITEM: Discussion of Community Input on Discretionary Development Projects			
Contact Person/Dept.: Thomas Gorham, Planning Manager		Phone Number: (310) 253-5727	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Public Notification: Master E-Mail Notification List (09/17/08)			
Department Approval: Sol Blumenfeld (09/11/08)		City Attorney Approval: Carol Schwab (by H. Baker)(09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/17/08)		City Manager Approval: Jerry B. Fulwood (09/17/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council receive and file the report on community input on discretionary development projects and direct staff as deemed appropriate. <u>BACKGROUND:</u> At its August 13, 2008 Council meeting the Council requested information about the process for obtaining community input on discretionary development projects. Typical development projects which are reviewed by the Planning Commission and the City Council include site plan reviews, conditional use permits, tentative tract maps (subdivisions), variances, and general plan and zoning code amendments also referred to as "entitlements". The Planning Commission and the City Council have discretionary authority to approve or deny these entitlements based on required findings. The typical path for a discretionary project starts with the applicant meeting with Planning Division staff to discuss their proposed project at a preliminary stage. At this time staff goes over the development standards the project will be subject to as well as the entitlements (i.e. site plan review, conditional use permit, tentative tract map, etc.) the project will need, and the review process through which the project must proceed. At this preliminary stage staff encourages the applicant to meet with the community or neighborhood adjacent to the project to obtain early input on the proposed project prior to submitting an application. Staff provides the applicant with the name and contact information for any Homeowners Association (HOA) or other citizen group and any businesses in the vicinity of the proposed project.			

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The first step in the application process is Preliminary Project Review (PPR). At this stage preliminary plans (typically a site plan and elevations) are submitted by the applicant. The plans are routed to the various City departments for internal review and comment. Approximately two weeks following PPR submittal, the applicant meets with the City's Project Review Committee (PRC) which is made up of representatives of the various City departments (Public Works/Engineering, Building Safety, Fire, Transportation, Police, City Attorney, and Redevelopment) that review the plans and provide comments and direction to the applicant. This is a staff only meeting where the various departments go over their comments on the proposed project with the applicant. The PPR process is intended to help streamline the application process by providing the applicant with early input on entitlement and code requirements, design recommendations, environmental issues, neighborhood issues, noticing requirements, fees, and identification of any necessary technical studies to which the project may be subject. The applicant can then decide if they want to continue in the application process and, if so, proceed to prepare refined plans and any necessary technical studies (i.e. traffic study, noise study, geotechnical study, etc) that may be required for the project prior to formal application submittal.

Following the PPR stage, an applicant then submits a formal application which includes a formal written project description, detailed project plans addressing any issues identified at the PPR stage, any necessary technical studies and reports, and payment of all applicable fees. Submittal of the formal application can take up to six months following the initial PPR review. Once a formal application is submitted, a Project First Notice Letter is sent to all properties owners and occupants within a 500 foot radius (extended to the end of the block if mid block) of the subject site and to all HOA's within the vicinity of the project. The First Notice Letter describes the proposed project, provides the applicant information, and contains information on the availability of the plans for review. The letter also notes that once a hearing date for the proposed project is determined, an official public hearing notice will be mailed out at least 21 days in advance of the hearing. At the formal application stage, staff again encourages the applicant to meet with the community for comment and input on the proposed project prior to the public hearing.

Following submittal of the formal application, the project plans are routed again to the various City departments and a second PRC meeting is held where staff provides the applicant with final comments and recommended conditions for the project. Following the PRC meeting, the planning staff makes a determination on whether or not the application can be deemed complete. If deemed complete, the project is then scheduled for a public hearing which typically occurs within 60 days. If staff cannot deem the application complete, the applicant is informed of what additional information is required before the application can be deemed complete and scheduled for public hearing.

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Once a public hearing date is established, a formal public hearing notice is mailed to all owners and occupants of property within a 500 foot radius (extended to the end of the block if mid block), all HOA's within the vicinity of the project, any interested party, and the master e-mail notification list at least 21 days prior to the public hearing. In addition, a sign is posted along each project street frontage with information about the project and the date of the public hearing.

DISCUSSION:

As outlined above, the public input and participation occurs at various stages of the application process. First, the applicant is encouraged to meet with the community prior to fully developing project plans and formal application submittal to identify and address any neighborhood concerns early on. Second, once a formal application has been submitted, a project First Notice Letter is sent out and the applicant is again encouraged by staff to meet with the community. Finally, once a public hearing date has been set, an official public hearing notice is mailed and the project site is posted with a sign at least 21 days in advance of the hearing date inviting the public to participate in the hearing process.

The City Council has made it clear that public participation in the development process is important to the Council and to the community. In recognition of the importance of community involvement throughout the application process, staff recently commenced with requirements for applicants to submit a plan for community involvement outlining proposed outreach, meetings, and any other methods they intend to use or have used to adequately present the project to the community and to solicit community input outside of the public hearing process. This Public Participation Plan must be submitted as part of their formal application submittal. The applicant is also required to submit a summary of the results of any community meetings and outreach and how the applicant addressed the public concerns and what if any changes to the project were a result of community input.

The following summarizes the development application process and opportunities for community input:

1. Initial meeting with Planning Division staff to discuss proposed project at a preliminary stage
2. Applicant solicits community input
3. Preliminary Project Review (PPR) submittal
4. Applicant meets with community
5. Formal Application submittal
6. Project First Notice Letter sent
7. Applicant meets with community

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8. Public Hearing Notice sent
9. Public Hearing
10. Project Decision

Based upon the City Council's direction, staff has prepared this report to both provide the City Council with information on the City's current process and allow the City Council an opportunity to provide comment and direction on this subject. The City Council may determine that the current process meets the City Council's goals or the Council may determine to provide additional measures related to public participation in the development process.

FISCAL IMPACT:

Discussion of this topic does not create a fiscal impact. However, based upon any modifications the City Council may deem necessary, additional notification efforts would have an associated cost.

ATTACHMENTS:

None

MOTION:

That the City Council:

Receive and file this report and direct staff as deemed appropriate.

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Meeting Date: 09/22/08		Item Number: <u>A-4</u>	
AGENDA ITEM: Consideration of a Position of Support for Metropolitan Transportation Authority's Measure R on the November 4, 2008 Ballot.			
Contact Person/Dept.: Shelly Wolfberg		Phone Number: (310) 253-6008	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Public Notification: Master E-Mail Notification List (09/17/08).			
Department Approval: Martin R. Cole (09/15/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/17/08)		City Manager Approval: Jerry B. Fulwood (09/17/08)	

RECOMMENDATION:

Staff recommends the City Council consider a position of Support for Metropolitan Transportation Authority's Measure R on the November 4, 2008 ballot.

BACKGROUND:

On July 24, 2008, the Metropolitan Transportation Authority (Metro) Board of Directors placed a new half cent sales tax measure for Los Angeles County on the November 4, 2008 ballot. According to Metro this ballot measure, known as Measure R, would finance dozens of transportation projects ranging from pothole repairs, major highway construction, the purchase of clean fuel buses, and the construction of new rail lines spread throughout the county. This is part of Metro's effort to keep pace with major population and job growth. The Board of Directors approved an ordinance including an expenditure plan that spells out in project detail how the sales tax – estimated to generate \$30-\$40 billion over the next 30 years – would be spent. These monies also could be leveraged with state, federal and private sector funding. The Metro Board also passed a resolution formally requesting the Los Angeles County Board of Supervisors to place the ordinance on the ballot for the Nov. 4, 2008 countywide general election.

If the measure garners at least a two thirds vote, it would become law in January 2009. The ballot measure also is contingent on Governor Schwarzenegger's signature of AB 2321 (Feuer), which would give Los Angeles County authority to levy the tax if voters approve it. The City Council took a position of Support for AB 2321 on July 21, 2008.

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The new sales tax would fund projects in Metro's Expenditure Plan to help address gridlock in the heavy traffic areas of our region. It would finance such new transit projects as the Westside Subway Extension and Exposition Boulevard Light Rail Transit line on the Westside, both high priority projects for the member cities of the Westside Cities Council of Governments. Funding from this measure is also identified for a rail connection to LAX, extending the Metro Green Line to the South Bay corridor, a downtown rail connector that would make transfers on the light rail lines seamless, and much more.

In addition, the 88 cities and county unincorporated areas would receive 15 percent of sales tax revenue for local transit services, street resurfacing, left hand turn signals, bikeways, pedestrian improvements and other local transportation priorities. Twenty percent of the monies would help subsidize countywide bus operations, which will help keep fares low for seniors, students and commuters. Another five percent will pay for Metrolink operations, maintenance and expansion and for purchasing Metro Rail train cars, rail yards and other system improvements.

To ensure that money will be spent in Los Angeles County for exactly what voters were promised, the ballot measure calls for an annual independent audit and report to taxpayers and ongoing monitoring and review of spending by an independent taxpayer oversight committee. The Los Angeles Economic Development Corporation found the tax increase would cost residents \$25 more per person annually. Residents will pay about 42 percent of the sales tax raised with businesses and tourists contributing the remaining amount.

This evening, the City Council is being asked to consider taking a position of support for Measure R, which will appear on the November 4, 2008 County wide ballot.

FISCAL ANALYSIS:

There is no fiscal impact for the City Council to support Measure R. If Measure R passes, the sales tax rate in Los Angeles County would increase from 8.25% to 8.75% and Culver CityBus would receive additional transit funds for operations and transit capital projects. Staff would return at a later date for any future funding requests regarding Measure R.

ATTACHMENTS:

1. County of Los Angeles Ordinance #08-01 "Traffic Relief and Rail Expansion Ordinance" and Expenditure Plan.

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MOTION:

That the City Council:

1. Adopt a position of Support for Measure R; or
2. Provide other direction to staff.

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Meeting Date: <u>09/22/08</u>	Item Number: <u>A-5</u>
AGENDA ITEM: Approval of the Parks, Recreation and Community Services Department's "Wish-List" of City Park Related Projects Eligible for Los Angeles County Proposition A Excess Funds.	
Contact Person/Dept.: Bill La Pointe, Director of Parks, Recreation and Community Services	Phone Number: (310) 253-6655
Fiscal Impact: Yes ☐ No ☒	General Fund: Yes ☐ No ☐
Public Hearing: ☐	Action Item: ☒ Attachments: ☒
Public Notification: Master E-Mail Notification List (09/17/08).	
Department Approval: Bill La Pointe, (09/11/08)	City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (09/17/08)	City Manager Approval: Jerry B. Fulwood (09/17/08)

RECOMMENDATION:

Staff recommends that City Council approve the Parks, Recreation and Community Services Department's (PRCS) "Wish-List" of City park related projects eligible for Los Angeles County Proposition A Excess Funds.

BACKGROUND/DISCUSSION:

On September 9, 2008 the City of Culver City received a letter from the office of Yvonne B. Burke, Supervisor, Second District, and Chair of the County of Los Angeles Board of Supervisors (Attachment 1). The purpose of the letter is to invite the City to submit a "Wish-List" of potential Proposition A compliant City park related projects. As stated in the letter, this list should "a) contain multiple projects, (b) list the projects in order of priority, and (c) not exceed a cumulative total of \$500,000.00."

As a matter of procedure, PRCS staff would generally take such a project list before the Parks and Recreation Commission for review, discussion and possible recommendation to City Council before bringing the item forward to Council. However in this case, due to the short turn-around time for the response to Supervisor Burke's Office (the list must be received on or before September 30,

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2008) and since regular meetings of the Commission are typically held on the first Tuesday of each month, staff is bringing this item directly to City Council in order to get Council's comment and approval before responding to the County.

Eligible projects for Proposition A Excess Funds must meet the minimum standard for a capital expenditure as defined under generally accepted accounting principles. According to the Regional Park and Open Space District (RPOSD) procedural guide, "A project may consist of an acquisition, development, improvement, rehabilitation and/or restoration at a single site, or, alternately, may consist of similar activities at several locations (e.g., restroom accessibility improvements at several parks or renovation of irrigation systems at several parks)."

In considering the above eligibility criteria, staff referenced the Draft Deferred Maintenance List (completed as part of the Parks and Recreation Master Plan process) and reviewed the public comment made at the April 1, 2008 Parks and Recreation Commission meeting recommending projects for the City's earlier \$250,000 Prop A Excess Funds Allocation. The minutes of the April 1, 2008 Parks and Recreation Commission meeting relating to this item are provided as Attachment 2. The summary of Proposition A project suggestions that were sent by the public via email was previously provided to the City Council at the April 21, 2008 meeting and is included here as Attachment 3. Although there is no matching requirement for the allocation of Proposition A Excess Funds, the attached letter states that, "Projects with matching funds will be given greater evaluative consideration." Taking all of these factors into consideration, PRCS staff has selected the following "Wish-List" projects to send to Supervisor/Chair Burke's Office (in priority order, from highest to lowest priority):

PROJECT DESCRIPTION	PROP A FUNDS	ADDITIONAL FUNDING	PROJECT TOTAL
1. FOX HILLS PARK PLAYGROUND REHABILITATION - Replace equipment, re-surface playground & address ADA compliance.	\$180,000	\$30,000 Prop 40 RZH Block Grant / \$40,000 Fox Hills Park Neighborhood Association Donation	\$250,000
2. SENIOR CENTER COURTYARD IMPROVEMENT - Demolition and reconstruction of existing structures & landscaping to provide more open space for recreational/leisure activities in the Courtyard / Installation of shade structure.	\$ 65,000	\$160,000 Bequest from Private Citizen for Senior Center Improvements	\$225,000
3. SKATE PARK DEVELOPMENT - Construction of Recreation Hut to provide accommodations for staff to register & supervise Skaters at the Park.	\$128,270	\$18,808 Prop 40 RZH Block Grant / \$17,922 Prop 40 Per Capita (total of \$36,730)	\$165,000

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4. SYD KRONENTHAL PLAYGROUND REHABILITATION - Replace equipment and/or re-surface playground & address ADA compliance.	\$126,730	\$15,000 Acct. # 42000898: Repair Playground Equipment – Various Parks	\$141,730
PROP A TOTAL:	\$500,000	PROJECT TOTAL:	\$781,730

Proposition A Excess Funds Allocation Procedure

Although not specifically stated in the letter, it is assumed that once the Second District cities' projects are approved by Supervisor/Chair Burke's Office, cities with approved projects will then be required to follow the Regional Park and Open Space District's (RPOSD) guidelines for securing Proposition A Excess Funds allocations. These guidelines include the following steps:

1. City Council adopts a Resolution approving the Grant Application for the project;
2. A Board Report written by the City's RPOSD District Administrator is presented to the Los Angeles County Board of Supervisors by the Los Angeles County Director of Parks and Recreation;
3. The Board of Supervisors allocates "Second Supervisorial District Cities Excess Funds" to the City for the project;
4. The City submits the grant application and supporting documents to RPOSD;
5. The City receives a fully executed Proposition A grant agreement from RPOSD; and,
6. City Council adopts an "At-Risk Youth Employment Plan" related to the project.

If one or more of Culver City's proposed projects are selected for funding, staff will bring the projects to the Parks and Recreation Commission for review, discussion and possible recommendation to City Council before requesting that Council adopt the Resolution approving the Grant Application(s). However, it must be noted that the letter from Supervisor/Chair Burke's Office requesting submission of a "Wish List" does seem to state that project ideas submitted by September 30, 2008 will be the projects potentially approved. Therefore, there may be very little, if any, opportunity to make significant changes to our City's "Wish List."

FISCAL ANALYSIS:

Potential Proposition A Excess Funds projects, requested Prop A funding amounts, potential additional funding sources and amounts, and total project costs are listed in

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the table above. None of the projects that are listed have funds appropriated in the Adopted FY 2008-09 Capital Improvement Budget. It should be noted that Los Angeles County Proposition A – Maintenance and Servicing Funds are available for the maintenance of projects constructed using Proposition A Funds. Currently, maintenance expenses of the Culver City Senior Center and the Dog Park in Culver City Park are being reimbursed from this fund.

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ATTACHMENTS:

1. Letter from the Office of Yvonne B. Burke, Supervisor, Second District, and Chair of the County of Los Angeles Board of Supervisors, dated September 5, 2008.
2. Excerpt of the Minutes of the April 1, 2008 Parks and Recreation Commission Meeting Relating to Agenda Item A-1.
3. "Summary of All Public Comments Received via Email Recommending Project Possibilities for \$250,000 Proposition A Grant Funds" (previously provided to the City Council on April 21, 2008)

MOTION:

That the City Council:

1. Approve the Parks, Recreation and Community Services Department's (PRCS) "Wish-List" of City park related projects eligible for Los Angeles County Proposition A Excess Funds;

or
2. Provide staff with alternate direction.

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Meeting Date: 09/22/2008		Item Number: <u>A-6</u>	
AGENDA ITEM: Adoption of a Resolution Establishing New Taxicab Rates Within the City and Rescinding Resolution No. 2007-R010.			
Contact Person/Dept.: Nagam Rao, Finance Dept./Treasury		Phone Number: (310) 253 5889	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Beverly Hills Cab Company; Culver City Taxicab Company; Independent Taxi Owners Association; United Independent Taxicab Company; Master E-Mail Notification List (09/17/08)			
Department Approval: Jeff Muir (09/12/08)		City Attorney Approval: Carol Schwab (by H. Baker) (09/17/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/17/08)		City Manager's Approval: Jerry B. Fulwood (09/17/08)	

RECOMMENDATION:

Staff recommends the City Council adopt a Resolution establishing new taxicab rates within the City and rescinding Resolution No. 2007-R010.

BACKGROUND:

The City Council, pursuant to the authority contained in Culver City Municipal Code (CCMC) Section 11.10.305, establishes the maximum rates or fares that taxicabs operating within the City may charge.

While the maximum rates in the City of Culver City remained unchanged between 1986 and 2006, the City of Los Angeles adopted two increases, the first in 2001 and the second in 2005. This created a disparity between the rates taxi drivers could charge in Los Angeles versus in Culver City. As a result, the number of taxicabs actually operating in the City declined from 124 in 1999 to 32 in 2006. This decline can be attributed partly to the slowdown in tourism, but to a greater extent to the difference in rates charged in the cities located in the Westside sub-region. Staff therefore recommended and obtained City Council's approval for two rate increases, the first in February 2006, and the second in March 2007, reflecting the rate increases made by the City of Los Angeles. These actions resulted in an increase in the number of taxicabs operating in the City, from 32 in 2006 to 53 in 2007, and 61 in 2008, with a noticeable drop in the number of calls received from the City's residents complaining about the availability of taxicabs in the City. The figures over the period 1999 to 2008 are shown in the following table.

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In the year	No. of Taxi Cabs
1999	124
2000	101
2001	102
2002	55
2003	45
2004	36
2005	29
2006	32
2007	53
2008	61

With the continued increasing trend in gas prices, the City of Los Angeles has increased its taxicab rates, effective August 14, 2008. These revised rates adopted by the City of Los Angeles and which Staff recommends for Council's consideration for the City of Culver City, along with the rates currently applicable in the City of Culver City, are shown in the table below:

	Culver City	Los Angeles (proposed for Culver City)
Flag Drop Flag Drop, for the first 1/7 of a mile Flag Drop, for the first 1/9 of a mile	\$2.45	\$2.65
Distance for each additional 1/11 of a mile for each additional 1/9 of a mile	\$0.35	\$0.30
Waiting For each 32 seconds of waiting time and /or traffic delay For each 37 seconds of waiting time and /or traffic delay	\$0.35	\$0.30

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DISCUSSION:

With gas prices continuing to rise, the taxi operators have requested a rate increase in order for them to maintain and sustain their operations.

A journey from City Hall to the Los Angeles International Airport at the current Culver City rates (established in 2007) and at the revised (i.e. Los Angeles') rates would cost \$18.03 and \$19.93 respectively, a difference of approximately 10.60%.

FISCAL ANALYSIS:

While our adoption of rate increases in February 2006 and March 2007 did not have an effect on City expenditures, these rate increases did result in an increase in the number of taxicabs applying for operating permits in the City. Revenues from taxicab operating permits increased by \$14,830 between calendar years 2005 and 2008, and the number of taxicabs increased by 32.

Calendar Year	Revenues	Number of Taxicabs
2005	\$13,460	29
2006	\$18,560	32
2007	\$26,741	53
2008	\$28,290	61

While it is likely that the number of taxicabs wishing to obtain operating permits to operate in the City will continue to rise due to the reduction in the rate disparity between the City of Culver City and the City of Los Angeles, staff would like to take a conservative approach and refrain from making any revenue predictions at this stage.

ATTACHMENTS:

- (1) City of Los Angeles, Notification dated August 12, 2008.
- (2) City of Culver City, Resolution No. 2007-R010 dated March 26, 2007.
- (3) Proposed Resolution

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MOTION:

That the City Council:

Adopt a Resolution establishing new taxicab rates within the City and rescinding Resolution No. 2007-R010.

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Meeting Date: 09/22/08	Item Number: <u>A-7</u>
AGENDA ITEM: FOUR-FIFTHS VOTE REQUIREMENT - Approval of a Professional Services Agreement to Crosstown Electrical & Data, Inc. for Maintenance of the Traffic Flow Monitoring System (CCTV Cameras, Communications Equipment, Copper and Fiber Optic Infrastructure)	
Contact Person/Dept.: Gabe Garcia/PW	Phone Number: (310) 253-5633
Fiscal Impact: Yes ☒ No ☐	General Fund: Yes ☒ No ☐
Public Hearing: ☐	Action Item: ☒ Attachments: ☐
Public Notification: Master E-Mail Notification List on 9/18/08 and Crosstown Electrical & Data, Inc by telephone on 09/19/09.	
Department Approval: Charles D. Herbertson (09/11/08)	City Attorney Approval: Carol Schwab (by H. Baker) (09/16/08)
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/16/08)	City Manager Approval: Jerry B. Fulwood (09/17/08)

RECOMMENDATION:

Staff recommends the City Council approve a professional services agreement to Crosstown Electrical & Data, Inc., (Crosstown) for maintenance of the traffic flow monitoring system in an amount not-to-exceed \$25,000.

A four-fifths vote is required to amend the budget.

BACKGROUND:

In October 2006, the City Council accepted the completion of the Traffic Flow Monitoring Project, P-804, that included the installation of 11 new closed circuit television cameras (CCTV) at various major intersections. This project added to the existing 5 CCTV camera system, for a total of 16 CCTV cameras. This required the upgrade of existing equipment, new fiber optic and copper cable, new cabinets in the public right-of-way, and supporting data communications equipment. The total project cost was about \$1.6 million and was paid with grant and developer funds.

DISCUSSION:

The purpose of the traffic flow monitoring system is to enhance the City's traffic management capabilities and provide for improved response time to citizen concerns and complaints. The system provides an efficient means of viewing multiple intersections and arterial corridors, identifying and confirming traffic incidents such as accidents, automobile breakdowns, and debris in roadway, and understanding traffic flow patterns, especially during public works construction

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projects. City staff receives many traffic-related inquiries which may involve responding with a site visit to the area in question. The cameras make it possible to immediately view some of these areas from a centralized location without staff having to make a trip to the site. Additionally, the cameras provide a bird's eye view of the traffic patterns and tendencies that cannot be observed from ground level. The traffic monitoring system has assisted the Department in optimizing signal timing and traffic operations. Overall the system has provided a great benefit to the traffic engineering operations of the City.

Since installation, the system has needed routine maintenance. In the last several years, Crosstown has been hired to perform maintenance on the system. Crosstown has approached the \$10,000 administrative authority to perform this work.

Staff recommends that the City Council approve a contract with Crosstown to maintain the traffic control monitoring system in an amount not-to-exceed \$25,000. Crosstown performs this type of work for Caltrans and other municipalities in California.

FISCAL ANALYSIS:

Staff proposes that funds from the Playa Vista Traffic Mitigation Funds – Capital Enhancement (420.212270), be utilized to pay for the maintenance of the system. It is proposed that these funds be transferred to the Traffic Flow Monitoring Project, P-804.

In future budgets, other funding sources for the maintenance of these traffic flow monitoring cameras may be recommended to the City Council.

ATTACHMENT:

1. List of CCTV camera locations.

MOTIONS:

That the City Council:

1. Approve a budget amendment to appropriate Playa Vista Mitigation Funds in the amount of \$25,000 and transfer \$25,000 to project expenditure line item 42000804 Traffic Flow Monitoring Project, and,

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2. Approve a professional services agreement to Crosstown Electrical & Data, Inc., for the maintenance of the traffic flow monitoring system in an amount not-to-exceed \$25,000.
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City.

A four-fifths vote is required to amend the budget.