

MEETING DATE: 8/9/2010

AGENDA ITEM: **Adoption of City Council and Redevelopment Agency Board Resolutions Transmitting the Official City and Agency Combined Response to the 2010 Final Supplemental Environmental Impact Report for the Proposed 2009 West Los Angeles College Facilities Master Plan.**

ATTACHMENTS

Pages

1. Proposed Resolutions (City Council and Culver City Redevelopment Agency), including Exhibit "A" containing detailed comments on the 2010 Final SEIR

1-15

1 RESOLUTION NO. 2010-R_____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, TRANSMITTING TO LOS
5 ANGELES COMMUNITY COLLEGE DISTRICT AND WEST LOS
6 ANGELES COLLEGE, THE OFFICIAL CITY RESPONSE TO
7 THE 2010 FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT
8 REPORT FOR THE WEST LOS ANGELES COLLEGE 2009
9 FACILITIES MASTER PLAN

10 WHEREAS, the Los Angeles Community College District (the "District") is
11 proposing the West Los Angeles College 2009 Facilities Master Plan (the "Master Plan");
12 and,

13 WHEREAS, the West Los Angeles College campus ("the College"), consisting
14 of 72 acres, is within an unincorporated area of Los Angeles County and bordered by the City
15 of Culver City to the west, northwest and south. In addition, the 10100 Jefferson property
16 purchased by the College for the purpose of constructing a secondary access road is located
17 within the City of Culver City and Culver City Redevelopment Plan Area (Component Area
18 No. 4), the remaining area of the College is within the City's Sphere of Influence, and the
19 impacts of its operation are of critical interest to the citizens of Culver City; and,

20 WHEREAS, the College is bordered by single-family and two-family residences
21 (south of Stocker Street) and by townhomes and multi-family residential developments (west
22 of Freshman Drive) in Culver City; and,

23 WHEREAS, the College's 2009 Master Plan would add an additional 92,653
24 square feet of space beyond the construction contemplated in the 2005 Master Plan.

25 WHEREAS, the District and the College have prepared a Final SEIR dated
26 June 2010 to analyze the potential environmental impacts caused by the proposed revisions
27 to the Master Plan, which was released for public review and comment on or about July 1,
28 2010; and,

29 WHEREAS, a City Staff team, consisting of various City Departments was
established to evaluate and comment on the adequacy of the Draft SEIR in addressing

1 potential impacts to Culver City and has attempted to work with District and College staff and
2 counsel to resolve the City's comments to the Draft SEIR through the Final SEIR process;
3 and,

4 WHEREAS, many, but not all, of the City's concerns have been addressed in
5 the Final SEIR; and,

6 WHEREAS, the City Council of the City of Culver City, accepted public
7 comments and considered the Draft SEIR at a public meeting on April 5, 2010, subsequently
8 held and received testimony on the Final SEIR at a public meeting on August 9, 2010 and
9 obtained further input in meetings with representatives of Homeowner Associations
10 representing the neighborhoods surrounding the College:

11 NOW, THEREFORE, the City Council of the City of Culver City, California,
12 DOES HEREBY RESOLVE as follows:

13 1. Determines that the Final SEIR is legally and substantially inadequate for
14 certification by the Lead Agency without further mitigation measures.

15 2. Establishes that this Resolution, including attached Exhibit "A,"
16 constitutes the City of Culver City's official comments on the 2010 Final SEIR that was
17 prepared for the proposed West LA College 2009 Facilities Master Plan.

18 3. Directs and authorizes staff to transmit comments of the City of Culver
19 City on the Final SEIR to Los Angeles Community College District and West Los Angeles
20 College.

21 APPROVED and ADOPTED this _____ day of _____, 2010.

22
23 _____
24 CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

25
26 ATTEST:

27 APPROVED AS TO FORM:

28 _____
29 MARTIN R. COLE, City Clerk
A10-00111

CAROL A. SCHWAB, City Attorney

EXHIBIT "A" TO RESOLUTION NO. 2010- R_____

**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT COMMENTS
WEST LOS ANGELES COLLEGE MASTER PLAN**

August 9, 2010

Introduction

The City of Culver City (the "City") and Culver City Redevelopment Agency (the "Agency") submit to the Los Angeles Community College District (the "District") and West Los Angeles College (the "College") the following comments in response to the West Los Angeles College 2009 Facilities Master Plan Supplemental Environmental Impact Report dated June 2010 (the "Final SEIR").

The Final SEIR is legally and substantially inadequate, as more particularly described in the detailed comments below, in that it fails to propose feasible mitigation measures that would mitigate significant environmental impacts. As a result, the Final SEIR is legally and substantially inadequate for certification by the District in its present form. To assist the District in addressing these deficiencies, the City has suggested changes to the Final SEIR, as set forth herein, to adequately address these concerns.

MOU

1. There is language throughout the Draft SEIR and in the Response to Comments section of the Final SEIR that indicates the 2005 Memorandum of Understanding (the "2005 MOU") between the City and the Homeowner Associations (HOAs) representing the surrounding neighborhoods in Culver City is no longer valid or effective. This language should be removed from the document. The Final SEIR cannot abrogate a separate agreement between the City and the HOAs. In addition, the City has certain rights under the 2005 MOU as referenced in the 2005 Settlement Agreement between the City and the District.

Ombudsman and Communications with the Community

2. As a general mitigation measure of the 2005 Final EIR and as part of the 2005 Settlement Agreement, as well as the 2005 MOU, the College agreed to create an Ombudsman position to respond to questions and concerns from the surrounding community and City staff and facilitate prompt resolution of problems resulting from the construction and operation of the College facilities. This position was created; however, the College is now proposing to replace this position with a "Mitigation Hotline" eliminating a "live body" single point of contact for residents and City staff concerned with problems stemming from College construction activities. This is in violation of the terms of the 2005 Settlement Agreement and 2005 MOU.

The City proposes that the College establish an on-call system wherein a full time college employee will be designated to be in an on-call status each evening after regular College business hours and on weekends. Residents would call the Sheriff's office to register complaints after business hours and on weekends. The Sheriff

would then notify the on-call person, as appropriate, to respond to the person filing the complaint in a timely manner. This would address concerns residents have with the Sheriff's responsiveness to issues that are EIR related but not necessarily violations of the law. In addition to the above, the District will work with the Sheriff to improve responsiveness to community concerns that are not violations of law and the College Community Liaison will be responsible for notifying residents of upcoming events through an email to a designated Home Owner Associations contact.

3. In the interest of providing timely information to the surrounding residential community and providing a forum for discussion of issues relating to construction or college operations, the City requests that quarterly meetings be conducted between the Home Owner Associations (HOAs), representing the communities surrounding the College, the District and the City. One representative would be appointed by each HOA. These meetings would be limited to invited representatives only. Two hours should be reserved for these meetings and a common format established prior to the first meeting.

Project Schedule

4. The College must commit to completion of construction by the end of 2013. If construction of the new College facilities covered by the Final SEIR is not completed by this time, then the College will conduct additional environmental review that will consider the impacts of the extended construction period.

Landscaping

5. Mitigation Measure V-3 calls for new trees to be planted to fill gaps along Freshman Drive and Stocker Street. Although the College has indicated it has planted trees on the north side of Stocker, there is no indication that there has been an attempt to obtain permission from Los Angeles County to plant trees in the Stocker right-of-way south of the south curb of Stocker. Additional trees in this area would provide additional visual screening for the community located south of the campus. Since the College purportedly is unable to meet its commitment from the 2005 Final EIR to construct a berm in this area due to various constraints from the property owners (SCE and Los Angeles County), the alternative of planting trees in this location should be investigated and implemented if feasible.

Traffic Impacts

4. The City continues to have concerns about the public using the new secondary access road as part of a short-cut through the campus from Jefferson Boulevard to Overland Avenue south of Jefferson Boulevard. The Final SEIR does not analyze this potential significant impact. The new route will be more attractive to many motorists than traveling through the still-congested Jefferson Boulevard/Overland

Avenue intersection. Physical barriers and traffic controls such as traffic signals and signs restricting certain turning movements need to be incorporated into the campus internal street circulation pattern if cut-through traffic develops. While acknowledging that any such traffic control measures will require that the City and the College work with Los Angeles County to obtain approval, the City believes that either the City or the College should be able to decide that a cut-through problem exists and call for initiation of the process. The errata dated July 12, 2010, to the Final SEIR changes mitigation measure T-7C to require that both the City and the College must make this finding. This should be changed back to require that either the College or the City can make this finding.

Parking

4. Student parking on residential streets in the neighborhoods surrounding the College continues to be a major issue due, at least in part, to the elimination of free parking spaces on public streets surrounding the campus. The College is currently providing for free parking the first two weeks of each semester. The College should formally adopt this as standard practice and as a mitigation measure to avoid parking impacts in the surrounding neighborhood. The College should make an affirmative commitment that it will, after consulting with the City, re-establish free on-street parking on sections of perimeter streets surrounding the campus at the earliest feasible opportunity, taking into account safety and operational concerns relating to College construction.

Noise

5. Portions of the 16 foot high temporary noise barrier along the construction access road were removed. Although construction traffic will be shifted to the permanent roadway, the six foot high sound wall constructed adjacent to the permanent roadway, which was designed to mitigate noise from normal vehicular traffic, will be inadequate to protect nearby residential areas from the noise from construction equipment and trucks used for construction. To offset the impact from the reduction in construction traffic noise impacts resulting from the removal of part of the temporary noise barrier, the City requests that a section of the 16 foot high Haul Road sound blanket wall be relocated from the area nearest to Jefferson Boulevard, where College Boulevard is approximately 400 feet from the nearest residential housing, to immediately adjacent to the outer wall of College Boulevard south of the gap in the permanent sound wall, where residential units are close to College Boulevard. The length of the sound blanket wall should be sufficient to provide the required mitigation as determined by analyses using computer simulation in order to provide attenuation of an additional 2 dba compared with the current situation.
6. The District needs to meet its commitment in the 2005 Final EIR to construct either a berm or sound wall along Stocker Street to protect the neighborhood to the south of the campus from noise impacts. The District has indicated in the past that

construction of a berm is not feasible. However, in the alternative, it appears that construction of a sound wall is feasible and the District should pursue gaining permission from the property owners on the south side of Stocker (LA County and Southern California Edison) to construct a permanent sound wall covering the same area along Stocker Street as the temporary sound blankets that are currently in this location. It is also important that Culver Crest residents be consulted and provided opportunity for aesthetic input on the sound wall design prior to its construction. All temporary sound blankets currently located around the campus should remain in place during the construction period and they should not be removed or relocated without written permission from the City of Culver City.

10100 Jefferson Site

7. Any proposed development of the 10100 Jefferson property has the potential to have profound impacts on the nearby residential community of Raintree Condominiums and Townhouses (Raintree) and Culver Crest. In recognition of this, the City requests that any Request for Proposals (RFP) or Request for Qualifications (RFQ) released by the District for development of the 10100 Jefferson Property be shared with the City and residents of Raintree and Culver Crest prior to release. The City and residents would be allowed time to review the RFP/RFQ and comment on it. The District would consider the City's, Raintree's, and Culver Crest's comments before finalizing and releasing the document.

Use of College Facilities

8. The Final SEIR proposes to revise a mitigation measure in the 2005 Final EIR (Measure RF-1), which requires that recreation facilities on the campus shall remain open and available for public use whenever the campus is open and such use does not interfere with College use of the facility. The revision would make this mitigation subject to applicable District and College policies and procedures. Since representatives of the College have advised representatives of neighboring homeowner groups and a City representative that District rules prohibit all non-students from entering the campus and using its facilities, this change would effectively negate Mitigation Measure RF-1 and prohibit Culver City residents from using College facilities. In addition, it would be in violation of the 2005 MOU.

The City requests that the District and the City enter into an agreement that will allow for resident use of College outdoor facilities at no cost using a permit system (with permits available from either the College or the City's Parks, Recreation and Community Services Department); and allow for use of indoor facilities, such as the College's pool, through a low cost non-credit course program. Resident use of facilities would be subject to availability of the facilities and not interfere with College use of the facilities. The District and the College shall take all reasonable steps to ensure that the above facilities are available for public use to the greatest extent possible and with the fewest possible limitations or restrictions. Without limiting the

generality of the foregoing, in the event that nearby construction or any other activity or condition raises safety concerns, the District and the College shall take all reasonable steps to enable members of the public to safely use the facilities to the greatest possible extent and with the fewest possible limitations or restrictions.

Other Comments

9. Enforcement - An amended Settlement Agreement with the City should be prepared to include adoption by reference of all mitigation measures in the 2010 Final SEIR and all agreed to additional changes to the 2010 Final SEIR.
10. Amended Final 2010 SEIR - Any of the additional mitigation measures required by the City that are not included in the Final 2010 SEIR should be adopted by the District through the process of preparing an Amendment to the 2010 Final SEIR.
11. On page 1-2 of the Final SEIR, bullet point 4, there is a reference to the provision of a Chapter 4. However this Chapter is not provided in the Final SEIR and it references another College.

Conclusion

The City and Agency trust that the District and College will carefully consider and adequately address the City's and Agency's comments and further revise the Final SEIR prior to certification. The City and Agency also urge the District and College to carefully consider the comments raised by others, including the public and other entities and organizations, including the neighborhood associations who were parties to the 2005 MOU, who have taken the time to submit comments.

1 RESOLUTION NO. 2010-A__

2 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE
3 CITY OF CULVER CITY, CALIFORNIA, TRANSMITTING TO
4 LOS ANGELES COMMUNITY COLLEGE DISTRICT AND WEST
5 LOS ANGELES COLLEGE, THE OFFICIAL AGENCY
6 RESPONSE TO THE 2010 FINAL SUPPLEMENTAL
7 ENVIRONMENTAL IMPACT REPORT FOR THE WEST LOS
8 ANGELES COLLEGE 2009 FACILITIES MASTER PLAN

9 WHEREAS, the Los Angeles Community College District (the "District") is
10 proposing the West Los Angeles College 2009 Facilities Master Plan (the "Master Plan");
11 and,

12 WHEREAS, the West Los Angeles College campus (the "College"), consisting
13 of 72 acres, is within an unincorporated area of Los Angeles County and bordered by the City
14 of Culver City to the west, northwest and south. In addition, the 10100 Jefferson property
15 purchased by the College for the purpose of constructing a secondary access road is located
16 within the City of Culver City and the Culver City Redevelopment Plan Area (Component
17 Area No.4) and is bound by the Culver City Redevelopment Plan (Component Area No. 4)
18 (the "Redevelopment Plan") established by the Culver City Redevelopment Agency (the
19 "Agency") and the applicable Design for Development (DFD) for the Jefferson Blvd.,
20 Industrial Area which was adopted by the Agency as authorized by the Redevelopment Plan
21 and to implement the Redevelopment Plan; and,

22 WHEREAS, substantial changes have been made to the Project which includes
23 the portion in the City of Culver City and the Culver City Redevelopment Plan Area
24 (Component Area No. 4) and,

25 WHEREAS, the College is bordered by single-family and two-family residences
26 (south of Stocker Street) and by townhomes and multi-family residential developments (west
27 of Freshman Drive) in Culver City; and,

28 WHEREAS, the College's 2009 Master Plan would add an additional 92, 653
29 square feet of space beyond the construction contemplated in the 2005 Master Plan.

1 WHEREAS, the District and the College have prepared a Final SEIR dated June 2010
2 to analyze the potential environmental impacts caused by the proposed revisions to the
3 Master Plan, which was released for public review and comment on or about July 1, 2010;
4 and,

5 WHEREAS, Agency staff evaluated and commented on the adequacy of the
6 Final SEIR in addressing potential impacts to Culver City and the Culver City Redevelopment
7 Plan Area (Component Area No.4); and,

8 WHEREAS, the Redevelopment Agency of the City of Culver City, accepted
9 public comments and considered the Draft SEIR at a public meeting on April 5, 2010,
10 subsequently held and received testimony on the Final SEIR at a public meeting on August
11 9, 2010 and obtained further input in meetings with representatives of the Homeowners
12 Associations representing the neighborhoods surrounding the College.

13 NOW, THEREFORE, the Redevelopment Agency of the City of Culver City,
14 California, DOES HEREBY RESOLVE as follows:

15 1. Determines that the Final SEIR is legally and substantially inadequate for
16 certification by the Lead Agency without the incorporation of additional mitigation measures;

17 2. Establishes that this Resolution, including attached Exhibit "A," constitutes the
18 Redevelopment Agency of the City of Culver City's official comments on the 2010 Final SEIR
19 that was prepared for the proposed West LA College 2009 Facilities Master Plan.

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3. Directs and authorizes staff to transmit comments of the Redevelopment Agency of the City of Culver City on the Final SEIR to Los Angeles Community College District and West Los Angeles College.

APPROVED and ADOPTED this 9th day of August, 2010.

MICHEÁL O'LEARY, Chairman
Culver City Redevelopment Agency

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, Secretary

MURRAY KANE
KANE, BALLMER & BERKMAN, Agency General
Counsel

A10-00111

EXHIBIT "A" TO RESOLUTION NO. 2010- A_____

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT COMMENTS WEST LOS ANGELES COLLEGE MASTER PLAN

August 9, 2010

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generality of the foregoing, in the event that nearby construction or any other activity or condition raises safety concerns, the District and the College shall take all reasonable steps to enable members of the public to safely use the facilities to the greatest possible extent and with the fewest possible limitations or restrictions.

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