

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 08/22/05		Item Number: <u>A-6</u>	
AGENDA ITEM: Receive and File Staff Report Memorializing the Settlement Agreement between the City of Culver City and the Los Angeles Community College District Regarding the West Los Angeles College Master Plan EIR.			
Contact Person/Dept.: Charles D. Herbertson/Public Works		Phone Number: (310) 253-5630	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Public Notification: West Los Angeles College, Master Notification List – August 17, 2005			
Department Approval: Charles D. Herbertson 8/16/05		CAO Approval: Jerry Fulwood 8/17/05	
City Controller Approval: Marlee Chang 8/17/05			
<u>RECOMMENDATION:</u> That the City Council receive and file this report that memorializes the Settlement Agreement between the City of Culver City (the “City”) and the Los Angeles Community College District (the “District”) regarding the West Los Angeles College Facilities Master Plan EIR (Master Plan EIR) for the physical development and improvement of West Los Angeles College (the “College”), and that the City Council direct the Director of Public Works/City Engineer to develop guidelines for the expenditure of traffic mitigation funds stemming from this agreement. <u>BACKGROUND:</u> On August 8, 2005, the City Council approved a Settlement Agreement between the City and the District. The agreement was approved by the District and executed on August 9, 2005. This Settlement Agreement stemmed from concerns that the City had previously expressed regarding the adequacy of the District’s Final Environmental Impact Report (FEIR), dated December 2004, that evaluated the potential environmental impacts resulting from the proposed physical development and improvements to the College as outlined in the Master Plan. These City concerns had been documented in the form of City Council Resolution No. 2004-R072 which was approved by the City Council on November 1, 2004 and contained detailed comments on the Draft Environmental Impact Report (DEIR) and subsequently in a letter dated January 12, 2005, signed by Mayor Steve Rose, that included an evaluation of the District’s response to the City’s earlier comments on the DEIR that were included in the FEIR. Following the issuance of the FEIR by the District, the City had thirty days to file a legal challenge to the FEIR. At that time, the City Council directed City staff to enter			

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into negotiations with the District staff to attempt to work out an agreement. City and District staff met on several occasions in January and February to begin developing an agreement. In order to preserve its right to challenge the FEIR while delaying the need to file an action against the District as negotiations continued, the City and the District entered into a series of "Tolling Agreements".

On March 28, 2005, the City Council approved in closed session the basic terms of an agreement with the District. These agreement terms were refined in subsequent meetings and discussions between City and District staff. On April 11, 2005 the final terms of agreement were presented to the City Council in closed session and were approved. Additional clarification of the agreement terms continued between the City and District staffs and then the attorneys for both agencies began working on drafting the Settlement Agreement which was finalized and brought to the City Council for final review on August 8, 2005, at which time it was approved.

DISCUSSION:

The crux of the disagreement between the City and the District was the issue of the location of the proposed secondary access road to the college, the nature of the proposed traffic mitigation measures for the project, and parking impacts. The agreement was tailored to address these major concerns in the following manner:

1. The City's position was that the secondary access road should be constructed to connect to La Cienega Boulevard in order to most effectively mitigate against traffic generated by the project. The District insisted that a secondary access road connected to Jefferson Boulevard was adequate but agreed to a payment of \$300,000 to the City to compensate the City for additional adverse impacts stemming from the location of the access point at Jefferson Boulevard in lieu of La Cienega Boulevard.
2. The City was concerned that several of the proposed traffic mitigation measures would not be effective in mitigating traffic impacts caused by the project. The parties agreed that a sum of \$3,575,000 in traffic mitigation fees would be provided by the District to the City in lieu of certain traffic mitigation measures that were proposed in the FEIR. The City will administer this fund to provide for traffic mitigation measures that it determines will help to mitigate traffic impacts caused by the project. The proposed mitigation measures that were converted to mitigation fees in lieu include the following:

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- a. Measure T-15, installation of a right turn lane at Jefferson and Duquesne = \$10,000.
- b. Measure T-17, installation of a traffic signal at Overland and Sawtelle = \$305,000.
- c. Measure T-18, lane widening and restriping at Hannum and Playa = \$5,000.
- d. Battery Back-up installations at various traffic signals = \$40,000.
- e. Measure T-16, purchase, operation and maintenance of Culver City Bus 3 = \$1,650,625.
- f. Measure T-15, purchase, operation and maintenance of Culver City Bus 4 = \$1,564,375.

In accordance with the agreement, the District will pay the above traffic mitigation fee before the commencement of any demolition or construction relating to any portion of the project.

- 3. The City had concerns that parking impacts in the neighborhoods surrounding the college would be adequately addressed. In order to ensure that there was a clear methodology to determine when an impact occurs, the City and the District agreed to adopt Neighborhood Parking Impact Guidelines that are modeled after the City's current guidelines for the formation of preferential parking districts. In accordance with the agreement, if it is determined that an adverse parking impact exists, the District shall propose effective mitigation measures to the City and shall implement said measures that are approved by the City.
- 4. Additional measures agree to include the replacement of parking spaces lost on Jefferson as a result of the construction of the Secondary Access Road, provisions for red light camera installation at the intersection of the Secondary Access Road and Jefferson Boulevard, the installation of an access gate on the Secondary Access Road at the boundary of the "Vicker's" and "Webber" properties that would remain closed between the hours of 11 p.m. and 6 a.m., provisions for a District Ombudsperson to be available to City staff for the purpose of addressing any concerns of the City over project construction activities or on-going campus operations, and a requirement that the District study and mitigate traffic impacts that exceed impacts projected in the FEIR in the event that the College exceeds 18,000 students.

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FISCAL ANALYSIS:

The agreement will result in City receiving \$3,875,000 in traffic mitigation fees that will be set aside in a special traffic mitigation fund for use in mitigating traffic impacts to the City that are related to the College's project.

MOTION:

That the City Council:

1. Receive and file this report memorializing the Settlement Agreement between the City of Culver City and the Los Angeles Community College District regarding the West Los Angeles College Facilities Master Plan EIR for the physical development and improvement of West Los Angeles College.
2. Direct the Director of Public Works/City Engineer to develop guidelines for the expenditure of the traffic mitigation funds stemming from this agreement.