

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

Meeting Date: 07/12/10		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Approval of Amendment No. 1 to the Settlement Agreement Between the City of Culver City and the Los Angeles Community College District Regarding the 2010 Supplemental Environmental Impact Report for the 2009 West Los Angeles College Facilities Master Plan.			
Contact Person/Dept.: Charles D. Herbertson / Public Works and Susan Yun / Community Development		Phone Number: (310) 253-5630 and (310) 253-5755	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: (Email) Meetings and Agendas – City Council (07/07/10), Culver Crest Homeowners Association, Raintree Homeowners Association and West Los Angeles Community College (07/08/10).			
Department Approval: Charles D. Herbertson (07/06/10)		City Attorney Approval: Carol Schwab (by H. Baker) (07/08/10)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (07/07/10)		City Manager Approval: P. Lamont Ewell (07/09/10)	
<u>RECOMMENDATION:</u> Staff recommends the City Council approve Amendment No. 1 to Settlement Agreement between the City of Culver City (City) and the Los Angeles Community College District (District) regarding the 2010 Supplemental Environmental Impact Report for 2009 West Los Angeles College (College) Facilities Master Plan. <u>BACKGROUND:</u> On August 9, 2005, the City and the District entered into a Settlement Agreement (2005 Settlement Agreement) which stemmed from a potential legal challenge from the City regarding the perceived inadequacies of the District's 2005 Final Environmental Impact Report (2005 FEIR) that was prepared for the 2005 College Facilities Master Plan (2005 Master Plan). The 2005 Settlement Agreement contains various terms, provisions and understandings regarding the 2005 FEIR including the location of the second access road, the nature of the proposed traffic mitigation measures for the project, and parking impacts. Currently, staff recommends that the City Council approve an amendment to the 2005 Settlement Agreement which includes terms and understandings regarding the 2010 Supplemental Environmental Impact Report (2010 SEIR).			

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In March 2010, the District circulated the Draft 2010 SEIR for the proposed 2009 College Facilities Master Plan (2009 Master Plan). The Draft 2010 SEIR evaluates the environmental effects associated with the modifications to the previously approved 2005 Master Plan and 2005 FEIR. Among these modifications are the following:

- Proposed change to allow start of construction one hour earlier (7am compared to 8am) and end two hours later (8pm as compared to 6pm).
- Extends campus construction period by three years from 2010 to 2013.
- Reduction in on-campus student population projections along with corresponding reductions to proposed parking supply.
- Various changes to proposed buildings resulting in a net building area increase over the 2005 Master Plan.
- Elimination of an Ombudsman position and replacement with a construction “hot-line” to handle community issues relating to college construction.
- Addition of the 9-acre 10100 Jefferson Boulevard site to the 2009 Campus Facilities Master Plan.

Detailed comments and concerns regarding the 2010 Draft SEIR were adopted by the City Council and the Agency Board on April 5, 2010 by Resolution No. 2010-R021 and Resolution No. 2010-A001, respectively.

Since the submittal of the City and Agency’s comments on the Draft 2010 SEIR, two groups (one group consisted of City staff and counsel and District staff, counsel and the EIR consultant; the other group consisted of representatives from the Culver Crest and Raintree Homeowners Associations (HOA), Culver City’s City Manager and the President of the College) have met to work on several core issues.

This process has allowed the City and HOAs to work with the District in a cooperative process to modify the Final 2010 SEIR language to address issues raised by the City and its residents and in addition has resulted in the production of an amendment to the 2005 Settlement Agreement that seeks to protect the City’s residents from the impacts of construction to the extent reasonable and feasible while allowing the District to complete construction of new College facilities in an efficient and cost effective manner. The agreement also seeks to bring resolution to the issue regarding resident access to college facilities by providing for a mechanism

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to allow such access while also serving the District's interest in protecting the facilities.

DISCUSSION

The proposed Amendment No. 1 to the Settlement Agreement (Amendment) covers twelve issue areas:

- 1.) **Construction Hours:** In its Draft 2010 SEIR, the District had originally proposed construction hours starting at 7 am (as opposed to 8 am) and ending at 8pm (as opposed to 6 pm) as provided for in the 2005 FEIR. The District's concern was efficiency of construction and a desire to better conform to standard construction industry work hours. The City's concerns were impacts to the nearby residential areas of Culver City. The Amendment limits general construction activity to the hours between 8 am and 6 pm on weekdays and 9 am and 4 pm on Saturdays with Sunday construction prohibited as originally stated in the 2005 FEIR. However, an exception is provided that allows for work on the interior of buildings, following the completion of building shells, to begin at 7 am provided certain stipulated noise limits are not exceeded.
- 2.) **Emergency and Limited Construction Activity Hours:** This provision allows for emergency construction activities necessary to address unexpected threats to life or property at any time and provides for limited construction activity between the hours of 6 am and 8 am to allow for special construction activities, such as major concrete pours for buildings, which require extended construction hours. The College will provide two weeks' notice to the City for these special construction events requiring extended hours and will use feasible measures to mitigate sound impacts between the hours of 6 am and 8 am.
- 3.) **Haul Road and Secondary Access Road:** The District agrees to discontinue use of the temporary haul road which is located closer to residential areas. Future construction traffic will use the new secondary access road entering off of Jefferson Boulevard.
- 4.) **No Cut-Through Vehicular Travel Via Campus Streets:** Residents have long had a concern that a cut-through traffic problem could appear after the secondary access road was installed. The District and the City have agreed to closely monitor for significant cut-through traffic. The District and the City have agreed to work with LA County to install a traffic signal or traffic signage restricting turning movements or other measures if required to stop cut-through traffic from occurring.

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- 5.) **Student Population Impact Studies and Impacts Exceeding Threshold:** The District has reaffirmed its previous agreement to conduct additional traffic impact studies if the total student enrollment at the campus exceeds 18,000 students. If additional impacts are identified, the District has agreed to mitigate these impacts. The traffic impacts from the 2005 FEIR were designed to mitigate a total campus enrollment of 22,360 students with an estimated on-campus enrollment of 18,904 students. Thus, additional traffic impact studies will ensure that there is adequate mitigation in place in the event that campus enrollment exceeds the estimates contained in the 2005 FEIR.
- 6.) **On-Campus Student Parking Threshold:** The District has agreed to limit on-campus student population to 10,998 until they demonstrate that adequate parking is available to meet demand above that number.
- 7.) **Mitigation Hotline:** The 2005 FEIR and 2005 Settlement Agreement require that the College have an Ombudsman assigned to work with residents' issues relating to construction or general campus activities. The Amendment calls for replacing the Ombudsman with a 24 hour hotline that will be used to route complaints received to the appropriate person within the College organization. The District has indicated that generally calls will be responded to or at least acknowledged within a 24 hour period or the next business day.
- 8.) **Community Liaison and Special Events Liaison:** The College will appoint a community liaison who will generally be available during the week during normal business hours (8 am to 5 pm). The College will also assure that a Special Event Liaison is available onsite during special events. Complaints will be received by the Sheriff Deputy on duty at the College and will be relayed by the Sheriff Deputy to the Special Event Liaison to take appropriate action.
- 9.) **Meetings:** The City and the College will jointly facilitate a meeting with the community twice a year. This will provide an opportunity for community members to address any concerns that have not been addressed through the hotline or Community liaison process, to ask questions, and to learn about upcoming plans for construction and events at the College.
- 10.) **Bus Routes:** The City and College have agreed to discontinue bus service onto the campus. Bus riders will get on and off the bus at the bus stop on Overland Avenue. Handicapped or special needs riders will receive shuttle service from the College. This change has addressed a longstanding complaint regarding noise from bus operations on the campus.
- 11.) **Residential Identification Permit System:** This permit system will allow Culver City residents to utilize outdoor campus facilities such as the track when not

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otherwise in use by the College or access restricted due to construction activities. Construction activities that will result in restrictions will be reviewed with the City before restrictions are placed into effect. The permit system will enable the College to have better security by establishing a method of controlling who has access to campus facilities.

- 12.) **10100 Jefferson Boulevard Property:** The Amendment refers to the Final 2010 SEIR's requirement that any development on this parcel of non-classroom related uses will be subject to City approvals and requirements.

In addition to the above issues, many residents have expressed concerns regarding College students parking on residential streets surrounding the campus. The 2005 Settlement Agreement contains language regarding this concern. 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 Amendment, 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. In accordance with this provision, the City has requested the District to conduct a neighborhood parking impact analysis during the beginning of the upcoming fall semester.

The City has requested that the language of the Final 2010 SEIR be modified with the issuance of an Errata Sheet to be consistent with the language in the Amendment. Also, as a result of the negotiations between the City and the District, other items in the Final 2010 SEIR have been modified to provide better clarity and in some cases to further protect the interests of the City and its residents.

Final 2010 SEIR

The District has prepared the Final 2010 SEIR which includes Response to Comments from various individuals and agencies on the Draft 2010 SEIR. The District has scheduled a public hearing on the Final 2010 SEIR for July 14th. On August 11th the District is scheduled to consider the Final SEIR for certification and adoption of the 2009 Master Plan.

FISCAL ANALYSIS:

The approval of Amendment No.1 to Settlement Agreement will not result in any fiscal impacts to the City related to the College's project.

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ATTACHMENT:

Amendment No.1 to Settlement Agreement

MOTION:

That the City Council:

1. Approve Amendment Number 1 to the Settlement Agreement between the City of Culver City and the Los Angeles Community College District regarding the 2010 Supplemental Environmental Impact Report for the 2009 West Los Angeles College Facilities Master Plan; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.