

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

Meeting Date: 09/27/10		Item Number: <u>J-1</u>	
JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD AGENDA ITEM:			
Approval of Amendment Number One to Settlement Agreement Between the City of Culver City, the Culver City Redevelopment Agency, and the Los Angeles Community College District Regarding the 2010 Final Supplemental Environmental Impact Report (FSEIR) for the 2009 West Los Angeles College Facilities Master Plan.			
Contact Person/Dept.:		Phone Number:	
Charles D. Herbertson / Public Works and Susan Yun / Community Development		(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 (09/23/10); Meetings and Agendas – Redevelopment Agency (09/23/10); Culver Crest Homeowners Association, Raintree Homeowners Association and West Los Angeles Community College (09/22/10).			
Department Approval: Charles D. Herbertson (09/17/10)		City Attorney Approval: Carol Schwab (by H. Baker) (09/22/10) Agency General Counsel: Murray Kane (09/22/10)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller)(09/22/10)		City Manager Approval: John Nachbar (09/22/10)	
<u>RECOMMENDATION:</u> Staff recommends the City Council and Agency Board approve Amendment Number One to the Settlement Agreement (the “Amended Settlement Agreement”) between the City of Culver City (the “City”), the Culver City Redevelopment Agency (the “Agency”) and the Los Angeles Community College District (the “District”) regarding the 2010 Final Supplemental Environmental Impact Report (the “2010 Final SEIR”) for the 2009 West Los Angeles College (the “College”) Facilities Master Plan (the “2009 Master Plan”). <u>BACKGROUND:</u> On July 12, 2010, the City Council considered and did not approve a prior version of the Amended Settlement Agreement as it did not fully consider the issues expressed by nearby residential neighborhoods. On August 11, 2010, the District Board of Trustees approved the 2009 Master Plan, certified the 2010 Final SEIR and took other related actions. To preserve its rights			

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under existing statutes of limitations, the City Council and Agency Board authorized the City Attorney and Agency General Counsel to initiate litigation challenging the project approvals taken by the District Board. Since a tolling agreement staying the applicable 30 day statute of limitations could not be agreed to by the District, pursuant to the City Council and Agency Board's direction, the City and Agency filed a lawsuit on September 10, 2010.

Even with the filing of the lawsuit, City staff, District staff, and Homeowners Association representatives from Culver Crest Neighborhood Association, Raintree Condominium Association and Raintree Townhome Association (collectively, the "HOAs") have continued to meet and to discuss outstanding issues. Those discussions have resulted in a tentative settlement agreement to resolve the pending lawsuit, which agreement is submitted to the City Council and the Agency Board for consideration this evening. The proposed Amendment is agreeable to City, District and College staff, as well as City, Agency and District legal counsel, on the condition that the Amended Settlement Agreement must still be approved by the City Council, Agency Board and District Board of Trustees. The HOAs have submitted letters supporting the approval of the Amended Settlement Agreement, which letters are included with this report as Attachments 2, 3 and 4. Please note, the additional language requested by the Raintree Townhouse Association has already been added to the Amended Settlement Agreement and agreed to by the District (with a minor change to clarify that the District may need to get authority from Los Angeles County before installing signs on the street). The letter from the Culver Crest Neighborhood Association ("CCNA") in support of the Amended Settlement Agreement is expected to be received after the agenda packet is released (a copy will be provided to the City Council on Monday evening if it is received as expected); however, staff received an email from a CCNA representative (Attachment 4) indicating that the CCNA Board's vote to approve the Amended Settlement Agreement has not changed. Staff recommends the City Council and Agency Board approve the proposed Amendment.

DISCUSSION

The proposed Amendment addresses a number of issues which are summarized as follows:

- 1. FSEIR.** The District and the College agree that they will fully implement, comply with and enforce all of the mitigation measures set forth in the 2010 Final SEIR, including the Errata as certified by the District Board on August 11, 2010.
- 2. College Boulevard Sound Wall.** The District will install sound insulating material on the chain link gate located in the sound wall on the west side of

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College Boulevard. In addition, the District will conduct a sound analysis to assess the effectiveness of the permanent sound wall and remaining temporary sound wall sections located along College Boulevard. If the study indicates that sound levels exceed pre-determined levels, additional measures to mitigate sound levels will be sought with the District and the City working together to arrive at an agreed upon solution.

- 3. Overflow Parking.** The District and the College agree that the College will provide free parking for all vehicles, in all campus parking lots, during the first two weeks of the Fall and Spring semesters, and that they will prominently publicize such free parking before the start of each Fall and Spring semester. The District and the College also agree to re-establish and maintain free on-street parking on sections of the Los Angeles County roadways (Stocker, Freshman and Sophomore) surrounding the campus at the earliest feasible opportunity. In addition to consulting with the City on the above, the District and the College will work with the City in other ways to discourage student parking on residential streets.
- 4. Development of 10100 Jefferson; Plant Facilities Complex.** The District will work with the City (and the HOAs through the City) to ensure that the City and the HOAs are provided the opportunity to review and comment on any Request for Proposals (RFP) or Request for Qualifications (RFQ) released by the District for development of any portion of the property known as 10100 Jefferson Boulevard or development for non-college uses of the Lot 7/Plant Facilities site on the campus.
- 5. Community Liaison.** The District will provide a designated Community Liaison (who shall be the Facilities Director or equivalent level person) that will be available to respond to community concerns relating to either construction activity or operational issues on the campus. The Community Liaison will be available by phone between the hours of 6 am to 8 pm Monday through Friday when the College is open and a backup will be designated whenever the Community Liaison is on vacation or otherwise not available. After hours, on weekends and when the Community Liaison is briefly unavailable or on vacation, the District may utilize a call forwarding, pager or e-mail system to transmit a transcript of calls to the Community Liaison (or backup), the College President, and the Construction Project Manager.
- 6. Special Events Liaison.** The District will provide a designated Special Events Liaison that will be available to respond to community concerns relating to on-campus special events. The Special Events Liaison will be available by phone between the hours of 8 am to 5 pm Monday through Friday when the College is open. In general, after hours and weekend callers will be directed to the sheriff.

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In the event of a serious condition related to special events between 5 pm and 8 am or on weekends that cannot wait until normal business hours, the sheriff shall promptly call the Special Events Liaison who will take appropriate actions.

- 7. Meetings.** The City and the District will jointly facilitate two scheduled meetings per year during construction, which meetings shall include one designated HOA representative from each of the contiguous HOAs. The scheduled meetings will occur on or about September and February of each year, or at other such times as agreed between the City and the District, to review the effectiveness of the 2010 Final SEIR Mitigation Measures, the Amended Settlement Agreement and any issues relating to College construction activities or operations. In addition, the City may request up to two additional meetings per year and the District will agree to jointly conduct said additional meetings using the same format as the scheduled meetings. The District will ensure that the Community Liaison, College President, and College's Construction Project Manager attend the meetings.

- 8. Residential Use of College Campus Outdoor Recreational Facilities.** Commencing within 30 days of the execution of the Amended Settlement Agreement, Culver City residents will be able to use College outdoor facilities for no fee subject to an identification card system and District and College rules.

The Outdoor Facilities shall be open and available from dawn to dusk for public use whenever the College campus is open, so long as such use does not directly interfere with a specific College event, class or activity occurring in the Outdoor Facilities. Prior to the District's commencement of construction of each new physical improvement on the College campus, the District shall meet with the City to discuss the construction schedule for that improvement and agree upon any anticipated temporary closures of the Outdoor Facilities necessitated by such construction. The District and the College shall take reasonable steps so that the Outdoor Facilities can be safely used during construction with minimum closures.

- 9. Use of Indoor Recreational Facilities.** Within 90 days of the District's receipt of a final certification of occupancy for the Indoor Recreational Facilities from the Division of State Architect, the District and the City will begin negotiations to develop an Indoor Recreational Facilities joint use agreement.

- 10. Haul Road and Secondary Access Road.** The District has already discontinued use of the temporary haul road that was previously used to connect the north side of the College campus to Jefferson Boulevard and the Secondary Access Road ("College Boulevard") is now complete. This haul road will no longer be used for any vehicular traffic controlled by the College. All large construction vehicles will be required to enter the campus via College Boulevard.

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- 11.No Cut-Through Vehicular Travel Via College Campus Streets.** College Boulevard shall be closed from 11:00 p.m. to 6:00 a.m. If the District and the City determine College Boulevard is being used as a cut-through from Jefferson Boulevard to Overland Avenue, then the Parties will work with Los Angeles County to install appropriate traffic control mechanisms to further discourage cut-through traffic. In the event that the District and the City do not agree that a material cut-through problem exists, the City may request that the District perform a traffic study to determine if a material cut-through problem exists. If the results of the study indicate that a material cut-through problem exists, then the District and the City will cooperatively work with Los Angeles County to put into place appropriate traffic control measures to discourage cut-through traffic.
- 12.Student Population Traffic Impact Studies and Impacts Exceeding Threshold.** The District agrees to perform additional traffic impact studies if the student enrollment exceeds 18,000.
- 13.On-Campus Student Parking Threshold.** Total on-campus student population at the College shall not exceed 10,998 students until it is demonstrated that adequate parking spaces are supplied to meet student parking demand.
- 14.Construction Hours.** Construction activity on the College campus shall be limited to the hours of 8:00 am to 6:00 pm weekdays and 9:00 am to 4:00 pm Saturdays with construction prohibited Sundays and national holidays. The Amended Settlement Agreement contains an exception to these time restrictions for interior construction work which is allowed to begin one hour earlier at 7 am as long as a designated sound limits are not exceeded.
- 15.Emergency and Limited Construction Activity Hours.** The Amended Settlement Agreement allows for emergency construction and limited construction activities (confined to concrete pours or oversized deliveries or removals) to start at 6 am. The College Construction Manager will provide the City with two weeks' notice prior to any limited construction activities scheduled to begin before 8 a.m. The District shall take appropriate steps to mitigate noise impacts from early construction activities to the extent feasible.
- 16.Changed Conditions.** For any new buildings or structures for which construction has not been commenced by December 31, 2013, the West Los Angeles College Facilities Master Plan ("Master Plan") will be reviewed and updated including review of impacts and potential mitigation measures in the 2010 Final SEIR.

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Should the City Council and Agency Board approve the Amended Settlement Agreement this evening, and the District Board of Trustees also approve the Amended Settlement Agreement at their meeting of October 6, 2010, the lawsuit will be dismissed.

FISCAL ANALYSIS:

Approval of the Amendment will not result in any fiscal impacts to the City or the Agency.

ATTACHMENT:

1. Amendment No.1 to Settlement Agreement
2. September 23, 2010 Letter of Support from Raintree Townhouse Association
3. September 23, 2010 Letter of Support from Raintree Condominium Association
4. September 23, 2010 email from Ken Kutcher

MOTION:

That the City Council and Agency Board:

1. Conditionally approve Amendment Number One to the Settlement Agreement between the City of Culver City, Culver City Redevelopment Agency and the Los Angeles Community College District regarding the 2010 Supplemental Environmental Impact Report for the 2009 West Los Angeles College Facilities Master Plan, subject to the approval of the Amended Settlement Agreement by the District Board of Trustees on October 6, 2010; and,
2. Authorize the City Attorney/Agency General Counsel to review/prepare the necessary documents; and,
3. Authorize the City Manager/Executive Director to execute such documents on behalf of the City.