



City of Culver City

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Staff Report

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Item #: A-1.

CC - ACTION ITEM: (1) Adoption of an Ordinance Approving City-Initiated Zoning Code Amendment P2024-0083-ZCA Amending Title 17 Zoning Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right of Way, and 17.700.010 - Definitions of Specialized Terms and Phrases Related to Digital Wayfinding Kiosks on Public Property; and a Categorical Exemption Pursuant to CEQA Guidelines Sections 15303 (Class 3 Exemption) and 15304 (Class 4 Exemption); (2) If Desired, Authorization to Release a Request for Proposals (RFP) for Interactive Digital Kiosks and Related Advertising Revenue-Sharing Program on Public Right-of-Way; and (3) Direction to the City Manager as Deemed Appropriate.

Meeting Date: July 8, 2024

Contact Person/Dept: Elaine Warner/ Office of Economic and Cultural Development

Phone Number: (310) 253-5777

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (07/01/24 & 07/02/2024), (Posted) City Website (07/02/2024); (Email) Public Notification, Culver City Business License List, Downtown Business Association, Culver City Arts District, Chamber of Commerce (06/25/24), (Newspaper) Culver City News (07/04/24)

Department Approval: Michael Bruckner, Assistant City Manager (06/19/2024.)

RECOMMENDATION

Staff recommends the City Council (1) adopt an ordinance approving City-initiated Zoning Code Amendment P2024-0083-ZCA amending Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property (Case No: P2024-0083-ZCA); (2) if desired, authorize the release of a Request for Proposals ("RFP") for interactive digital Kiosks ("Kiosks") and related advertising revenue-sharing program on public right-of-way; and (3) provide direction to the City Manager as deemed appropriate.

BACKGROUND

On November 8, 2021, the City Council directed staff to release a Request for Information (“RFI”) relative to the inclusion Kiosks in strategic locations throughout the City. The purpose of the RFI was to understand the value of providing real-time interactive information such as transportation services, City meetings, special events, facilities, classes, local businesses, weather, and emergency updates. The RFI was released in January 2022. Four firms responded, with two providing prototypes suitable for an outdoor environment: Ike Smart City and Soofa.

In April 2023, the Economic Development Subcommittee (“Subcommittee”) reviewed the options and directed staff to invite both firms to present their prototypes via two community meetings. The purpose of the community meeting was not to identify a particular model or style but rather to invite a high-level discussion as to whether Kiosks would be an asset to the City. Two community meetings were held in August 2023. Ike Smart City attended with a working prototype and provided information about their model. Soofa was unable to attend, but information about their unit was made available.

Staff presented an overview of the community feedback to the Subcommittee on October 3, 2023. Public comment during the meeting included requests that local businesses receive priority advertising via a tiered structure, that the Kiosks display artwork by local artists, that maintenance considerations be included for the long term, and that Kiosk locations be included near transit hubs. During the meeting, comments also included concerns regarding the number of potential Kiosks installed and the impact on pedestrian and public spaces.

On October 23, 2023, the City Council directed staff to pursue an amendment to the Sign Ordinance to allow for a Digital Kiosk program on a separate track from the comprehensive update to the Sign Ordinance prior to issuing a formal RFP. The City Attorney’s Office reviewed pertinent sections of the Zoning Code and prepared limited proposed amendments to the Sign Ordinance to allow the City to consider an interactive digital wayfinding Kiosk program on public property.

The Planning Commission considered the proposed amendments at the April 24, 2024, meeting and recommended that the City Council deny the amendment. The Planning Commission Resolution recommending denial was based on the unknown impacts, quantity, and siting of Kiosks.

On June 10, 2024, the City Council considered and introduced the proposed Zoning Code Amendment, P2022-0357-ZCA by a 3-2 vote. The approved amendment permits digital Kiosks in the public right-of way for the purposes of providing public information and other messaging selected by the City, including commercial advertising. The City Council also included a provision to limit the screen interface to a total of 15 square feet (Attachment 2). The Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15303 (Class 3 Exemption), which allows for the construction and location of limited numbers of new, small facilities or structures, and CEQA Guidelines Section 15304 (Class 4 Exemption), which allows for minor alterations to public land.

DISCUSSION

If the City Council adopts Zoning Code Amendment P2022-0357-ZCA, the City Council may consider proposals from qualified vendors for the implementation of an interactive Digital Kiosk program. Staff has prepared a draft RFP for the City Council’s consideration and direction (Attachment 3). The purpose of the RFP is to invite interested entities to propose an interactive Digital Kiosk program for Culver City that will provide public benefit to the community at-large via public information/notice/event sharing, wayfinding, promotion of local businesses and attractions, real-time transit options, current weather/air quality conditions, and emergency alerts/services. Location siting for the Kiosks could occur

throughout the City and may include business districts, City facilities, and along commercial corridors.

The draft RFP requests information from qualified vendors regarding, the design, potential quantity and siting, infrastructure, installation, operation, maintenance, use, accessibility, financing, public outreach, successful case studies, advertising strategy, respondent qualifications, technology, and additional information related to the Kiosks. The RFP also requests a proposed cost/revenue sharing program that provides for the Kiosk's infrastructure, installation, utilities costs, and on-going maintenance at no cost to City.

The proposed schedule for the RFP process, if approved for issuance, is below:

RFP released:	Thursday, July 18, 2024
Deadline for receiving questions:	Thursday, August 1, 2024, at 3:00 p.m.
Response to questions by:	Tuesday, August 6, 2024
Proposals due:	Thursday, August 15, 2024, at 3:00 p.m.
Finalists selected:	Friday, August 30, 2024
Presentations/Interviews:	Thursday, September 5, 2024
Vendor selected:	Monday, October 14, 2024

This schedule may be extended relative to the required review and negotiations with potential finalists to ensure community benefits and financial goals are maximized.

Scope of Work

The proposed Scope of Work includes the following elements and questions:

I. Design

- a) Provide overview and dimensions of Kiosk design and footprint.
- b) Indicate total space required for installation including size of digital interface, which may not exceed 15 square feet pursuant to Culver City Municipal Code section 17.330.015, as amended by Zoning Code Amendment, P2022-0357-ZCA.

II. Siting Plan

- a) Propose an interactive digital kiosk program, that maximizes community benefits, revenues, usefulness, and functionality, installed within the City (i.e., near transit hubs, high frequency areas, tourism destinations, community spaces/parks, business districts etc. - excluding residential areas).
- b) Indicate the minimum units required to implement a program in the City as well as the preferred number of kiosks, general siting, and location reasoning. Identify any program phasing (if necessary).
- c) Kiosks shall be sited in a manner that does not conflict with pedestrian/traffic flow (minimum travel path of four feet and located at least 18 inches from the face of curb on sidewalks) and/or impacts roadway safety.
- d) Describe the process for working with the City to identify mutually agreeable locations and a process to relocate installed Kiosks due to construction, updated

market conditions, or other circumstances without cost to the City. It is expected that the selected proposer, in partnership with City staff, will participate in outreach related to the locations, installation, and operation of the Kiosks with community stakeholders including but not limited to residents, business improvement districts, and neighborhood associations.

III. Infrastructure

- a) Submit technical specifications for Kiosk infrastructure relative to power, connectivity, and energy efficient technologies.
- b) Indicate feasibility to potentially connect to the City's Culver Connect fiber network. The City prefers to leverage its fiber network, however, it will consider cellular connectivity provided that the minimum LTE and signal reliability are verified. In the event of a wireless option, the Kiosk provider will be responsible for ensuring sufficient connectivity, at no cost to the City.

IV. Installation

- a) Describe the kiosk installation process and timeline relative to electrical/fiber/cellular coordination, and other requirements for placement on public-right-of-way including necessary foundations and conflicts with underground utilities.
- b) Provide a detailed project schedule and proposed deliverables noting any anticipated supply chain issues.
- c) The selected proposer will be required to submit plans, shop drawings, and permits as required by the City.

V. Operation

- a) Provide detailed overview of Kiosk operational capacity, software, hardware, and useful life.
- b) Identify network connection/data transfer technology between the City and the Kiosk for City content.
- c) Advise on typical technological upgrades and other innovations that may be required during the Kiosk's life cycle, including security provisions to protect against unauthorized access.
- d) Provide information on dimming or shielding capabilities when not in use during evening/nighttime hours.
- e) City will negotiate a requirement with a minimum number of kiosks to be fully operational at any time.
- f) Describe, what if any data/behavior statistics are collected during active and passive usage of the Kiosks, and how the data is maintained, including any data monetization.

VI. Maintenance

- a) Kiosk maintenance and functionality are a high priority for the City. Provide a plan for maintenance, repair, and replacement of Kiosks during the contract period (including regular cleaning, graffiti removal and vandalism, etc.) ideally

within 48 hours of an incident.

- b) Indicate expected response times when Kiosks are damaged or off-line, ideally within 24 hours of notification.
- c) Confirm that proposer will provide City with access to a web-based dashboard reflecting real-time system health. Proposer will maintain a web-based platform or the equivalent for the duration of the contract. Proposer will be expected to ensure that the virtual dashboard is functional and updated with current technology. Describe the dashboard system and the proposer's maintenance plan.

VII. Content and Uses

- a) Provide overview of uses and interactive features of Kiosks, including inclusion of community-driven content, location-aware directory listings, emergency services, etc. Note that the City does not permit audio (other than required for accessibility purposes) or video components.
- b) Describe the process to promote City content such as documents, web links, maps, images, and other content and provide details on applicable formats.

VIII. Accessibility

- a) Detail how each Kiosk will be compliant with the Americans with Disabilities Act (ADA) to include height, visual impairment, and other accessibility features.

IX. Advertising

- a) Provide a proposed advertising strategy and highlight how advertising components/slides, icons, buttons, etc. are integrated and displayed during active use and passive/default mode.
- b) Propose a plan/program that provides for local and affordable advertising opportunities to small businesses.
- c) Provide a minimum percentage of advertising space availability for the City to display information for its purposes.
- d) Please see Section V regarding provisions of detailed projections/cost recovery information required.
- e) Describe a plan to ensure advertising content complies with the City's advertising policies and the process for the City to review and remove content it deems non-compliant.
- f) Note the City advertising content regulations, to include, but not limited to the following prohibitions:
 - Adult-related products and services, alcohol, firearms, and tobacco, smoking, smoking materials, including electronic smoking or "vaping", cannabis.
 - Political campaign speech, political advertisements or advertisements or displays designed to promote views of political groups, including promotion or opposition of ballot measures;
 - Sexual or excretory subject matter;
 - False, misleading, or deceptive advertising;

- Copyright or trademark violations;
- Illegal activity;
- Profanity or violence;
- Advertisements or displays which condone discrimination based upon race, religion, creed, ethnicity, national origin, age, socio-economic status, disability, gender, or sexual orientation;
- Harmful or disruptive to the public use of public sidewalks;
- Unsafe behavior;
- Demeaning or disparaging; and,
- Lights, noise, and special effects

Proposal Assessment

It is recommended that the City's fiscal consultant, working with City staff, review all proposals for responsiveness to the RFP Scope of Work including, but not limited to, community benefits, technical experience, maintenance approach, relevant projects, advertising strategy and revenue sharing and provide an assessment of each proposal for the City Council's consideration.

Interviews with each proposer would also be conducted to clarify their response and approach. In the event the City receives a substantial number of proposals, staff may do an initial assessment to reduce the number of proposals reviewed and assessed by City staff and the City's fiscal consultant.

After assessing the proposals and reviewing the financial opportunities with the City's fiscal consultant, the City reserves the right to further negotiate the proposed work and/or method and amount of compensation given current market conditions to receive a best and final offer from all proposers. All the proposal terms and financial offers will be presented to City Council for consideration. The City Council will make the final award selection.

FISCAL ANALYSIS

There is no fiscal impact relative to the adoption of the Ordinance. Likewise, there is no fiscal impact relative to the authorization to release an RFP for an interactive Digital Kiosk program. Should the City Council wish to issue an RFP as proposed, or modified, assessment and summary of the proposals by the City's Fiscal consultant would cost approximately \$20,000. There is approximately \$13,000 remaining in the existing contract with the City's financial consultant that can be used for this purpose. The Adopted Budget for Fiscal Year 2024-2025 includes sufficient funds in Account No. 10110500.619100 (Economic Development - Other Contractual Services) to cover any additional costs for the services. This account can be found in the General Government Section of the budget in the City Manager's Department, Economic Development Division.

ATTACHMENTS

1. Proposed Ordinance, including Exhibit A: Proposed Zoning Code Text Changes in "strikethrough/underline" format
2. June 10, 2024, City Council Report and Minutes
3. Draft Request For Proposals (RFP) for Interactive Digital Kiosks

MOTION

That the City Council:

1. Adopt the Ordinance adopting Zoning Code Amendment P2024-0083-ZCA modifying Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property and a Categorical Exemption CEQA Guidelines Sections 15303 (Class 3 Exemption) and 15304 (Class 4 Exemption);
2. If desired, authorize the release of a Request for Proposals (RFP) for interactive digital kiosks, and related advertising revenue -sharing program, on City public right-of-way, and
3. Provide direction to the City Manager as deemed appropriate.