



AGENDA REPORT

Meeting Date: August 18, 2009

Item Number: D-1

To: Honorable Mayor & City Council

From: Aaron Kunz, Deputy Director of Transportation
Bijan Vaziri, Traffic Engineer

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

Attachments:

1. Resolution
2. Local Development Report

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving the FY08-09 Local Development Report and certifying the City of Beverly Hill's conformance with the countywide Congestion Management Program (CMP).

INTRODUCTION

In 1992, the Los Angeles County Metropolitan Transportation Authority/Metro Board adopted a CMP plan for Los Angeles County to meet Proposition 111 requirements. Proposition 111 authorized an increase in the State Gas Tax to fund regional transportation improvements. The CMP is a countywide multi-modal planning tool designed to coordinate a partnership between local jurisdictions and regional agencies to address regional traffic congestion impacts resulting from new developments.

DISCUSSION

Local jurisdictions must comply with the CMP in order to receive its share of State Gas Tax and Federal Surface Transportation funds. In order to comply with the CMP, the City must submit a "Local Development Report" and adopt a resolution finding the City in conformance with the CMP requirements. The Local Development Report (LDR) consists of reporting residential and commercial activity for the period of June 1, 2008 through May 31, 2009.

In previous years, local jurisdictions were required to comply with a system of credits/debits called Countywide Deficiency Plan to account for all new development activity and demolition activity. Each local jurisdiction accrued credits by implementing transportation mitigation strategies and was required to have enough credits to offset debits accrued through the impacts of new developments. In 2004, the LACMTA rescinded the credit/debit system and is now only requiring the reporting of development activity.

The attached self-certifying Resolution attests that the City of Beverly Hills is in conformance with the CMP and adopts the LDR in accordance to California Government Code Section 65089.

NOTICING

Notice of the City Council review of the Local Development Report certifying the City's conformance with CMP regulations was published in the local newspapers.

FISCAL IMPACT

The adoption of this resolution certifying the CMP will have no fiscal impacts.

 David Gustavson

Approved By

Attachment 1

Resolution

RESOLUTION NO. 09-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

WHEREAS, Section 65089 of the California Government Code requires the Los Angeles County Metropolitan Transportation Authority (“Metro”), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all requirements of the regional congestion management program (“CMP”); and

WHEREAS, Metro requires cities within its jurisdiction to submit a CMP Local Development Report by September 1st of each year; and

WHEREAS, the City Council held a noticed public hearing on August 18, 2009 to discuss and evaluate the City’s CMP Local Development Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the City is in conformance with all applicable requirements of the current CMP, which was issued on January 9, 2004 and will take the following actions to continue to conform to the CMP:

(a) By June 15 of odd-numbered years, the City will conduct annual traffic counts and calculate levels of service for selected arterial intersections, as required by the CMP's Highway and Roadway System Chapter.

(b) The City will continue to implement its transportation demand management ordinance, consistent with the minimum requirements of the CMP's Transportation Demand Management Chapter.

(c) The City will continue to implement its land use analysis program, consistent with the minimum requirements of the CMP's Land Use Analysis Program Chapter.

Section 2. The City hereby adopts the Local Development Report, which is attached to this Resolution and incorporated herein, and finds that this Report is consistent with the CMP's requirements. The Report shows how the City manages traffic congestion impacts due to growth by making transportation improvements, and demonstrates that the City is meeting its responsibilities under the Countywide Deficiency Plan and Metro's 2003 Short Range Transportation Plan.

Section 3. The City Clerk shall certify to the adoption of this Resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City. The City Clerk also shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation Authority.

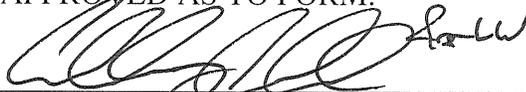
Adopted:

NANCY KRASNE
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DAVID D. GUSTAVSON
Director of Public Works & Transportation

Attachment 2

Local Development Report

CITY OF BEVERLY HILLS
2009 CMP Local Development Report
Reporting Period: JUNE 1, 2008 - MAY 31, 2009

Date Prepared: July 29, 2009

Contact: Bijan Vaziri, P.E. Traffic Engineer
 Phone Number: 310-285-2556

**CONGESTION MANAGEMENT PROGRAM
 FOR LOS ANGELES COUNTY**

2008 DEFICIENCY PLAN SUMMARY¹

*** IMPORTANT: All "#value!" cells on this page are automatically calculated.
 Please do not enter data in these cells.**

DEVELOPMENT TOTALS

RESIDENTIAL DEVELOPMENT ACTIVITY

Dwelling Units

| | |
|---------------------------|------|
| Single Family Residential | 8.00 |
| Multi-Family Residential | 0.00 |
| Group Quarters | 0.00 |

COMMERCIAL DEVELOPMENT ACTIVITY

1,000 Net Sq.Ft.²

| | |
|---------------------------------------|--------|
| Commercial (less than 300,000 sq.ft.) | 200.95 |
| Commercial (300,000 sq.ft. or more) | 0.00 |
| Freestanding Eating & Drinking | 0.00 |

NON-RETAIL DEVELOPMENT ACTIVITY

1,000 Net Sq.Ft.²

| | |
|----------------------------------|-------|
| Lodging | |
| Industrial | 0.00 |
| Office (less than 50,000 sq.ft.) | 0.00 |
| Office (50,000-299,999 sq.ft.) | 75.20 |
| Office (300,000 sq.ft. or more) | 0.00 |
| Medical | 0.00 |
| Government | 0.00 |
| Institutional/Educational | 0.00 |
| University (# of students) | 0.00 |

OTHER DEVELOPMENT ACTIVITY

Daily Trips

| | |
|---------------------|------|
| ENTER IF APPLICABLE | 0.00 |
| ENTER IF APPLICABLE | 0.00 |

EXEMPTED DEVELOPMENT TOTALS

| | |
|--|---|
| Exempted Dwelling Units | 0 |
| Exempted Non-residential sq. ft. (in 1,000s) | 0 |

1. Note: Please change dates on this form for later years.

2. Net square feet is the difference between new development and adjustments entered on pages 2 and 3.

CITY OF BEVERLY HILLS
2009 CMP Local Development Report
Reporting Period: JUNE 1, 2008 - MAY 31, 2009

Date Prepared: July 29, 2009

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 1: NEW DEVELOPMENT ACTIVITY

RESIDENTIAL DEVELOPMENT ACTIVITY

| Category | Dwelling Units |
|---------------------------|----------------|
| Single Family Residential | 25.00 |
| Multi-Family Residential | 0.00 |
| Group Quarters | 0.00 |

COMMERCIAL DEVELOPMENT ACTIVITY

| Category | 1,000 Gross Square Feet |
|---------------------------------------|-------------------------|
| Commercial (less than 300,000 sq.ft.) | 201.20 |
| Commercial (300,000 sq.ft. or more) | 0.00 |
| Freestanding Eating & Drinking | 0.00 |

NON-RETAIL DEVELOPMENT ACTIVITY

| Category | 1,000 Gross Square Feet |
|----------------------------------|-------------------------|
| Lodging | 0.00 |
| Industrial | 0.00 |
| Office (less than 50,000 sq.ft.) | 0.00 |
| Office (50,000-299,999 sq.ft.) | 75.20 |
| Office (300,000 sq.ft. or more) | 0.00 |
| Medical | 0.00 |
| Government | 0.00 |
| Institutional/Educational | 0.00 |
| University (# of students) | 0.00 |

OTHER DEVELOPMENT ACTIVITY

| Description (Attach additional sheets if necessary) | Daily Trips (Enter "0" if none) |
|--|------------------------------------|
| ENTER IF APPLICABLE | 0.00 |
| ENTER IF APPLICABLE | 0.00 |

CITY OF BEVERLY HILLS
2009 CMP Local Development Report
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Date Prepared: July 29, 2009

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 2: NEW DEVELOPMENT ADJUSTMENTS

IMPORTANT: Adjustments may be claimed only for 1) development permits that were both issued and revoked, expired or withdrawn during the reporting period, and 2) demolition of any structure with the reporting period.

RESIDENTIAL DEVELOPMENT ADJUSTMENTS

| Category | Dwelling Units |
|---------------------------|----------------|
| Single Family Residential | 17.00 |
| Multi-Family Residential | 0.00 |
| Group Quarters | 0.00 |

COMMERCIAL DEVELOPMENT ACTIVITY

| Category | 1,000 Gross Square Feet |
|---------------------------------------|-------------------------|
| Commercial (less than 300,000 sq.ft.) | 0.25 |
| Commercial (300,000 sq.ft. or more) | 0.00 |
| Freestanding Eating & Drinking | 0.00 |

NON-RETAIL DEVELOPMENT ACTIVITY

| Category | 1,000 Gross Square Feet |
|----------------------------------|-------------------------|
| Lodging | 18.00 |
| Industrial | 0.00 |
| Office (less than 50,000 sq.ft.) | 0.00 |
| Office (50,000-299,999 sq.ft.) | 0.00 |
| Office (300,000 sq.ft. or more) | 0.00 |
| Medical | 0.00 |
| Government | 0.00 |
| Institutional/Educational | 0.00 |
| University (# of students) | 0.00 |

OTHER DEVELOPMENT ACTIVITY

| Description (Attach additional sheets if necessary) | Daily Trips (Enter "0" if none) |
|--|------------------------------------|
| ENTER IF APPLICABLE | 0.00 |
| ENTER IF APPLICABLE | 0.00 |

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Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 3: EXEMPTED DEVELOPMENT ACTIVITY
(NOT INCLUDED IN NEW DEVELOPMENT ACTIVITY TOTALS)

| | | |
|---|--------------------------------|-------------------------|
| Low/Very Low Income Housing | <input type="text" value="0"/> | Dwelling Units |
| High Density Residential Near Rail Stations | <input type="text" value="0"/> | Dwelling Units |
| Mixed Use Developments Near Rail Stations | <input type="text" value="0"/> | 1,000 Gross Square Feet |
| | <input type="text" value="0"/> | Dwelling Units |
| Development Agreements Entered into Prior to July 10, 1989 | <input type="text" value="0"/> | 1,000 Gross Square Feet |
| | <input type="text" value="0"/> | Dwelling Units |
| Reconstruction of Buildings Damaged in April 1992 Civil Unrest | <input type="text" value="0"/> | 1,000 Gross Square Feet |
| | <input type="text" value="0"/> | Dwelling Units |
| Reconstruction of Buildings Damaged in Jan. 1994 Earthquake | <input type="text" value="0"/> | 1,000 Gross Square Feet |
| | <input type="text" value="0"/> | Dwelling Units |
| Total Dwelling Units | <input type="text" value="0"/> | |
| Total Non-residential sq. ft. (in 1,000s) | <input type="text" value="0"/> | |

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Exempted Development Definitions:

- Low/Very Low Income Housing: As defined by the California Department of Housing and Community Development as follows:
 - Low-Income: equal to or less than 80% of the County median income, with adjustments for family size.
 - Very Low-Income: equal to or less than 50% of the County median income, with adjustments for family size.
- High Density Residential Near Rail Stations: Development located within 1/4 mile of a fixed rail passenger station and that is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre is automatically considered high density.
- Mixed Uses Near Rail Stations: Mixed-use development located within 1/4 mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing.
- Development Agreements: Projects that entered into a development agreement (as specified under Section 65864 of the California Government Code) with a local jurisdiction prior to July 10, 1989.
- Reconstruction or replacement of any residential or non-residential structure which is damaged or destroyed, to the extent of > or = to 50% of its reasonable value, by fire, flood, earthquake or other similar calamity.
- Any project of a federal, state or county agency that is exempt from local jurisdiction zoning regulations and where the local jurisdiction is precluded from exercising any approval/disapproval authority. These locally precluded projects do not have to be reported in the LDR.