



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: December 21, 2010

To: Honorable Mayor and City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: Status of Planning Commission's Discussion of Commercial Common Interest Development (CID) Regulations and Possible Modifications to the Planning Division's FY 2010-11 Work Plan

Attachment: Planning Division Work Plan (FY 2010-11)

INTRODUCTION

This report updates the City Council on the Planning Commission's recommendation at its November 9, 2010 Study Session regarding regulation of commercial common interest development (CID). The Planning Commission recommends this item be given a lower priority in the Planning Division's work program.

BACKGROUND

- 6/16/09: City Council directed staff to proceed with a General Plan Amendment (GPA) addressing commercial CID in response to concerns that commercial CID could limit opportunities to attract large tenants to the City and present constraints in later improvement of properties. The Council's expressed intent was to enact a policy discouraging commercial CID until the Council could be given a greater understanding of the long-term implications of commercial CID on the City's land use policies and fiscal health.
- 7/23/09 & 11/3/09: Planning Commission Study Sessions on commercial CID; public testimony.
- 11/17/09: City Council Study Session; City Council directed that preparation of an ordinance should be deferred until after other priority policy discussions regarding medical use and view restoration in hillside areas.

1/12/10: City Council Public Hearing; resolution adopting General Plan amendments including a prohibition on condominium subdivisions on commercial property.

DISCUSSION

At its November 9, 2010 Study Session, the Planning Commission discussed the status of its review of commercial CID regulation. The General Plan Amendment approved by the City Council in January, 2010, prohibits commercial CID until such time as the City reviews the issue and recommends changes to that policy.

“Policy LU 10.2 **Commercial Common Interest Development.** Prohibit common interest development on commercially zoned properties and review City ordinances for appropriate amendments; provided, however, that the City may decide by future ordinance to permit commercial common interest developments on such terms and conditions as it deems appropriate. Consider allowing an existing commercial building listed on a Federal, State or local register of historic sites to be converted to a common interest development if substantial public benefits are provided and the conversion will not adversely impact the economic viability of the adjacent area, or of the City as a whole.”

As part of the Planning Division’s 2010-11 Work Plan, an effort is currently underway to evaluate possible regulations that would set forth the conditions in which a subdivision of commercial property would be appropriate, if at all. As other work plan items are being concluded, staff is following through on the City Council’s direction to study the subject Commercial CID ordinance.

The Planning Commission is recommending that the City Council move the Commercial CID ordinance to a lower priority on the Planning Division’s Work Plan. This recommendation was developed based on the City having adequate protection to prohibit the subdivision of commercial property through the General Plan policy above; that there are no active and no known pending commercial subdivisions being considered; and, the suggestion that there are other more pressing policy matters that could to be considered.

If the City Council concurs with the Planning Commission’s recommendation, the Commercial CID work effort would be stayed and recategorized as either a ‘B’ or ‘C’ priority on the Division’s Work Plan. In its place, the City Council could move other ‘B’ priorities to ‘A’; (See Attachment). If Commercial CID is to be deferred, staff recommends that it be directed to focus on the City Council’s recent request to amend the Noise Ordinance to amend amplified music regulations in the City. Staff will return at a future study session to clearly define the work effort.

FISCAL IMPACT

The recommendation in this report has no significant fiscal or budget related impacts.

RECOMMENDATION

Unless directed otherwise by the City Council, staff will proceed with the Planning Commission recommendation to make discussion of regulation of Commercial CID a lower priority in the Planning Division Work Plan and will proceed with review of the City's noise regulations in its place.

Susan Healy Keene, AICP

Approved By



Attachment 1

**Attachment 2
NON-BUDGETED WORK EFFORT/PRIORITIES**

NO.	TITLE/DESCRIPTION	SOURCE	ES	GP	VS	GF	PI	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	DURATION*	PRIORITY
Non-Budgeted Work Effort / Priorities												
1	Affordable Housing Policy. Develop a structure to manage affordable housing units in the city. NOTE: This is a General Plan Implementation program that will be considered for future review in the current fiscal year's five year GP Implementation plan	Councilmember Initiated		x	x	x		City Council Meetings/Research and dialogue with other agencies/organizations	Planning/Policy and Management	120	9-12 months	B
2	Affordable Housing Strategies Ordinance. Zone Text Amendment which institutes affordable housing mechanisms, such as inclusionary housing, contributions to a housing trust fund, and other strategies. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated		x	x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	400	4-6 months	C
3	Amplified Music in Residential Areas. Extending the time limit for amplified music in residential areas by permit to 11:30 p.m. Discussed at 11/30 Study Session	Councilmember Initiated		x	x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	6-8 months	B
*Duration - estimated start to finish, after direction to proceed is given.												
4	Appeal Fees. Present report on Appeal Fees on recently approved Fee Schedule. What the fee applies to and appropriate range of costs (cost recovery to subsidized). Evaluate of what other cities charge. NOTE: City Council directed staff to evaluate changes to appeal fees (September 2010)	City Council Initiated			x			City Council Meetings/Research and dialogue with other agencies/organizations	Planning	40	2 months	C

ES: Economic Sustainability GP: General Plan Goal/Policy VS: Vision Statement GF: Core Government Function - Foundation PI: Process Improvement

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5	AC Membership Changes / Stagger DRC Terms. Amend the Zoning Code to reduce, through attrition, the Architectural Commission from 7 to 5 appointees and change the discipline qualifications to match Design Review Commission. Stagger DRC terms so no more than 3 members leave the commission at one time. NOTE: This is proposed to be completed this fiscal year	City Council Initiated			x	x	x	x	Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4-6 months	A
6	CEQA Traffic Thresholds. Assist PW with changes to the city's traffic thresholds of significance. NOTE: This task completed in Summer 2010	City Council Initiated				x	x	x	Planning Commission and City Council Public Hearings	Planning/Transportation	40	3-4 months	A

*Duration - estimated start to finish, after direction to proceed is given.

7	CEQA Thresholds. Consider changes to the city's thresholds of significance used for analysis beyond traffic, such as parking, air quality, view, shade / shadows, etc.	City Council Initiated				x	x	x	Planning Commission and City Council Public Hearings/Hiring of Consultant/Preparation of New Technical Studies	Planning/Transportation	360	9-12 months	C
8	Commercial Entertainment. Extending or establishing zones within commercial areas where entertainment and amplified music is permitted. Consider a CUP so that it can be revoked if abused, but make the CUP available at a nominal cost or design a process where it can be issued and administered administratively.	Councilmember Initiated	x	x	x				Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	4-6 months	B
9	Historic Preservation Standards & Creation of a Certified Local Agency. Explore the possibility, steps and costs of establishing a local historic preservation program. NOTE: This is a General Plan Implementation program that will be considered for future review in the current fiscal year's five year GP Implementation plan	Councilmember Initiated			x	x			City Council Meetings/Research and dialogue with other agencies/organizations	Planning	400	9-12 months	B

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10	Historic Properties Application Fee. Return to Council re: fee structure, how many owner's have taken advantage of this program, whether the fee is too high, evaluation of other Cities' programs. NOTE: This fee will be eliminated upon adoption of next FY Fee Schedule	City Council Initiated		x	x			City Council Meetings/Research and dialogue with other agencies/organizations	Planning	40	3-4 months	C
11	Medical Marijuana Ordinance. Develop and ordinance that specifically prohibits the establishment of medical marijuana dispensers in the City NOTE: This is a work program being completed this fiscal year	City Council Initiated	x	x	x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/CAO	80	4-6 months	A
12	Theater & Arts District. Explore possible changes to the City's Zoning Code and/or General Plan to establish a theater / arts district at the eastern portion of Wilshire Blvd. Explore possibility of establishing a Redevelopment Agency to implement changes .	Councilmember Initiated	x		x			Research Planning and Redevelopment Laws Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/Policy and Management	400	9-12 months	C
13	Tie Planning Entitlements to Individuals not Property. Explore the possibility of changing entitlement ownership from the property owner to individual applicants.	Councilmember Initiated	x					Research Planning Laws Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/CAO	80	2 months	C

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14	Parking In-Lieu Fees. Return to Council with information on the in-lieu fee program. History, past action, cost of construction, etc. NOTE: City Council directed AD HOC meeting follow up	City Council Initiated	x	x	x			Research/Report and City Council Hearing	Planning	80	4-6 months	B
15	Reduce Planning Entitlement Expiration Timeframe. Explore the possibility of reducing current 3-5 year entitlement expiration of approvals to 2 years and/or payment beyond 3 year entitlement.	City Council Initiated				x		Research/Report and City Council Hearing	Planning	80	2 months	B
16	Mills Act Ordinance Implement this federal program providing tax benefits for historic rehabilitation of private property.	Planning Commission Recommended City Council Endorsed		x				Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	4-6 months	B

*Duration - estimated start to finish, after direction to proceed is given.

17	Second Unit / Accessory Structure Ordinance S. of SMB Text amendment to be applied to a short section of South Spalding Drive where it abuts the alley that runs along the west side of Roxbury Park (432 – 492 South Spalding Drive). In this area Spalding Drive drops approximately 30 feet to the alley below and is not adjacent to residences. The text amendment would allow two-story second units as are allowed in the Central Area north of Santa Monica Boulevard. NOTE: This is proposed to be completed during the current fiscal year.	Planning Commission Initiated		x		x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4-6 months	A
18	Zoning Code Amendments. The Design Review Commission has identified a number of Zoning Code amendments that it would like to see implemented. The amendments relate to building height, basements, window heights, average setbacks, porte cocheres, alley access and reduced side yards.	Design Review Commission Initiated			x	x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	180	6-8 months	C

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19	Change Zoning from R1 to R4 & General Plan Designation (as appropriate) for certain parcels located on Carson Street.	Councilmember Initiated			x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	6-9 months	C
20	Historic Hot Dog Stand. Look for opportunities to bring the former West Hollywood stand that is currently in storage to the City.	Councilmember Initiated			x			Staff Outreach and discussions	Planning	50	3 months	C
21	Master Parking Inventory and Program. Support Public Works with an inventory of public and private parking in the Business Triangle and a coordinated management program to maximize use of these parking resources.	Planning Commission Initiated	x	x	x	x		Hire Consultant/Conduct Study	Planning/ Transportation	80	4-6 months	C
22	Hotel Ordinance Text Amendment requiring PC approval to reduce room count, and amending duration of stay requirements as transient occupancy uses. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated	x	x	x			Outreach/ Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4-6 months	C

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23	Density Bonus/Second Unit Ordinance Revisions. Update the City's density bonus and second-unit provisions to more effectively implement State mandates and to establish standards that protect the scale and character of residential neighborhoods. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated			x	x	x	x	Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	120	4-6 months	B
24	Rooftop Use Ordinance. Zone Text Amendment to encourage and expand rooftop uses in commercial districts. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4 months	C	

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25	Single Lot Standards. Zone Text Amendment to development regulations to improve the viability of single lot commercial development. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	4 months	C

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26	R-1 Mass and Bulk Standards. Revisit current development standards with respect to their adequacy in addressing mass and scale issues including basement areas and related parking issues. NOTE: To be evaluated as part of the current fiscal year's 5 year zoning code update plan	Planning Commission Initiated		x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	400	9-12 months	B
27	Subway. Review and comment on the subway extension including consideration for grand stations featuring retail and other synergetic activities. NOTE: Part of amended work program	Planning Commission & City Council Initiated	x	x	x	x		Outreach/Coordination and Public Hearings	Planning	200	ongoing	A
28	Medical Backup Generators. Explore requiring existing medical office buildings to be equipped with backup power systems to protect patients in the event of power outages during medical procedures	Councilmember Initiated						Research and possible hearings before the Planning Commission & City Council	Planning	50	2-3 months	C
29	Reduce Unit Size and Increase Density on R4 Zoned Parcels. Explore decreasing the minimum unit size for multi-family units and increasing density	City Council Initiated	x	x				Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	6-8 months	B

*Duration - estimated start to finish, after direction to proceed is given.

30	Redevelopment Agency. Study the feasibility of establishing a redevelopment agency in Beverly Hills	Councilmember Initiated	x					Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	250	9-12 months	C
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Attachment 4

RECOMMENDED REVISED PLANNING WORK PROGRAM

NO.	TITLE/DESCRIPTION	SOURCE	ES	GP	VS	GF	PI	REQUIRED ACTION	DEPARTMENT PROGRAM	WORK EFFORT (HRS)	ESTIMATED COMPLETION	PERCENT COMPLETE	PRIORITY
	PLANNING												
P01	Ongoing Tasks. Other 'ongoing' tasks: process and analyze current development projects, process and analyze design-related applications, plan review, support the public permit center counter, answer phones / emails, monitor regional development activity, monitor state legislation, and training.	2010-11 Budget	X	X	X	X	X	Day-to-Day Work and Case Processing	Planning	14,439	Ongoing through Fiscal Year		A
P02	Housing Element. Prepare the 2007-2013 Housing Element for review by the Planning Commission, comment by State Department of Housing & Community Development and hearings before the City Council	2010-11 Budget		X	X	X		Planning Commission and City Council Public Hearings/HUD approval of Program	Planning	500	Spring/Summer 2011	70.0%	A
P03	General Plan Implementation – 5 Year Plan. Identify, prioritize and develop a five-year schedule to advance certain goals and objectives in the City's General Plan (Implementation Plan).	2010-11 Budget		X	X			Review of General Plan and Possible Public Hearings/City Council Adoption of Text Amendment	Planning	120	Summer 2011	0.0%	A

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P04	Streamline Entitlement Process. Evaluate and implement strategies that streamline the Architectural, Design and Planning Commissions entitlement process.	2010-11 Budget	x	x	x	x	x	Staff evaluation of current practices and Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	361	Spring/Summer 2011	20.0%	A
P05	Medical Land Use Ordinance. Develop an ordinance that limits new and expanded medical office space in the city, include a provision that allows medical to be established in an existing building if code required parking is available	2010-11 Budget	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	350*	Winter 2010	78.0%	A
P06	Commercial CID Ordinance. Develop standards that limit or prohibit the conversion of commercial properties into to common interest developments	2010-11 Budget	x	x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	180**	Winter 2010	7.0%	A
P07	Zoning Interpretations Manual. Create a framework for and populate a publically available zoning code interpretations manual .	2010-11 Budget		x	x	x	x	Staff Review of Municipal Code / Development Projects	Planning	180	Spring 2011 ongoing as needed	1.0%	A

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P08	Zoning Code Amendments – 5 Year Plan. Identify, prioritize and develop a five-year schedule to amend the City's Zoning Code to improve its administration, consistency with other City regulations, enhance public participation and clarify conflicting or confusing regulations .	2010-11 Budget		x	x	x	x	Staff Review of Municipal Code and Development Regulations	Planning	220	Spring/Summer 2011	5.0%	A
P09	MODIFIED WORK PLAN Trousdale / Hillside View Preservation. Develop standards that protect/restore views of the LA Basin obstructed by landscaping and trees.	2010-11 Budget		X	X	X		Planning Commission and City Council Public Hearings/HUD approval of Program	Planning	250	Fall/Winter 2010	70.0%	A
P10	ADD TO WORK PLAN AC Membership Changes / Stagger DRC Terms. Amend the Zoning Code to reduce, through attrition, the Architectural Commission from 7 to 5 appointees and change the discipline qualifications to match Design Review Commission. Stagger so that no more than 2 members come off at one time.	Staff Initiated		x	x		x	Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	Winter 2011 or sooner	1.0%	A

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P11	CEQA Traffic Thresholds. Support the Public Works Department, which is evaluating changes to the city's traffic thresholds of significance	City Council Initiated			x	x	x	Planning Commission and City Council Public Hearings	Planning/Transportation	40	Summer 2010	100.0%	A
P12	ADD TO WORK PLAN Second Unit / Accessory Structure Ordinance S. of SMB Text amendment for short section of South Spalding Drive where it abuts the alley along the west side of Roxbury Park (432 – 492 South Spalding Drive). The text amendment would allow two-story second units as are allowed in the Central Area north of Santa Monica Boulevard.	Planning Commission Initiated				x		Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	80	Winter 2010	54.0%	A
P13	ADD TO WORK PLAN Renaming Little Santa Monica. Proposed name change to honor Will Rogers.	Councilmember Initiated			x	x		Community Outreach/Public Hearings/ Council Adoption	Planning	20	Fall 2010	100.0%	A
P14	ADD TO WORK PLAN Medical Marijuana Ordinance. Develop an interim ordinance that specifically prohibits the establishment of medical marijuana dispensers in the City	Council Initiated		x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning/CAO	80	Spring 2011	18.0%	A

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P15	ADD TO WORK PLAN Sustainable City Plan – Support the Public Works Department and assist with the collection of data on City processes and input into existing software programs to establish baseline information on City government’s carbon emissions.	Council Initiated		x	x	x		Research and Present to Council	Planning / Public Works	280	Spring 2011	5.0%	A
P16	ADD TO WORK PLAN Subway. Review and comment on the subway extension including consideration for grand stations featuring retail and other synergetic activities. NOTE: Part of amended work program	Planning Commission & City Council Initiated	x	x	x	x		Outreach/Coordination and Public Hearings	Planning / Public Works	200	ongoing	75.0%	A
P17	ADD TO WORK PLAN California Code Adoption. Assist the Building & Safety Division with review and code-related amendments for the new 2010 California Codes	2010-11 Budget/ State Mandate	x			x	x	The Beverly Hills Code Adoption Committee has been conducting various meetings with regional cities and counties and will be presenting a code adoption ordinance in the Fall of 2010.	Planning / Bldg & Safety	80	Winter 2010	32.0%	A
P18	ADD TO WORK PLAN Strategic City Plan. Assist the Building & Safety Division with review and code-related amendments for the new 2010 California Codes	City Manager Initiated	x		x	x	x	Assist City Manager's Office with visioning / reorganization efforts	Planning	150	Spring 2011	58.0%	A
P19	REMOVE FROM WORK PLAN Extend SFD Design Review to Hillside & Trowsdale. Evaluate and develop recommendations related to the extension of design review of single family homes in Hillside and Trowsdale	2010-11 Budget		x	x			Planning Commission and City Council Public Hearings/City Council Adoption of Text Amendment	Planning	300**	1 Year	0.0%	B

* These hours have been increased from the approved FY 2010/2011 Budget (see Attachment 1 for original hours)

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** These hours have been decreased from the approved FY 2010/2011 Budget (see Attachment 1 for original hours)