CITY COUNCIL AGENDA

August 2, 2011

Consideration of a Resolution of the Council of the City of Beverly Hills Finding the City to be in Conformance with the Congestion Management Program and Adopting the CMP Local Development Report in Accordance with California Government Code Section 65089

Item No.	D-4	PUBLIC HEARING
1.	CITY CLERK:	This is the time and place set for a public hearing to consider a resolution entitled: "RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089." Let the record show that the notice of this hearing was published as required by law. The records and files of the Department of Public Works & Transportation and the report of the Director of Public Works & Transportation concerning this matter shall be entered into the record.
2.	MAYOR:	May we have an oral report on this matter from the Deputy Director of Transportation?
3.	DEPUTY DIRECTOR OF TRANSPORTATION:	Report.
4.	MAYOR:	Is there anyone in the council chamber who wishes to be heard in this matter?
5.	AUDIENCE:	Comments.
6.	MAYOR:	Are there any questions from members of the Council?
7.	COUNCIL-MEMBERS:	Questions.
8.	MAYOR:	The hearing is closed.

9.	MAYOR:	Are there any comments from members of the Council?	
10.	COUNCIL-MEMBERS:	Comments.	
11.	MAYOR:	The Chair will now entertain a motion.	
12.	ANY COUNCIL-MEMBER:	(a)	(If the resolution is to be adopted): I move that the resolution entitled: "RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089" be adopted.
		(b)	(If no decision is to be made): I move that the matter be continued to the City Council meeting of August 16, 2011.
13.	ANY COUNCIL-MEMBER:	Second.	
14.	MAYOR:	Vote.	

AGENDA REPORT

Meeting Date: August 2, 2011

Item Number: D-4

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, 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 of the Council of the City of Beverly Hills finding the City to be in conformance with the Congestion Management Program, and adopting the CMP Local Development Report in accordance with California Government Code Section 65089."

INTRODUCTION

In 1992, the Los Angeles County Metropolitan Transportation Authority/Metro Board adopted a Congestion Management Plan (CMP) 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 (LRD) and adopt a resolution finding the

City in conformance with the CMP requirements. The LDR consists of reporting residential and commercial activity for the period of June 1, 2009 through May 31, 2010.

The Transportation Planning and Traffic Engineering division conducted bi-annual traffic counts for selected arterial intersections within the City and calculated the levels of service, consistent with the requirements identified by in the CMP Highway and Roadway System. Annual counts are required on odd-numbered years and were submitted to Metro in June 2011.

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. 11-R-_____

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

WHEREAS, the Congestion Management Program (CMP) statute requires the Los Angeles County Metropolitan Transportation Authority/METRO ("Metro"), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities of Los Angeles County are conforming to all CMP requirements; and

WHEREAS, Metro requires submittal of the CMP Local Development Report by September 1st of each year; and

WHEREAS, the City Council held a noticed public hearing on August 2, 2011.

NOW, THEREFORE, the Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. The City has taken all of the following actions, and the City is in conformance with all applicable requirements of the 2004 CMP issued on January 9, 2004.

(a) By June 15, of odd-numbered years, the City will conduct annual traffic counts and calculate levels of service for selected arterial intersections, consistent with the requirements identified in the CMP Highway and Roadway System chapter.

(b) The City has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the CMP Transportation Demand Management chapter.

(c) The City has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter.

(d) The City has adopted a Local Development Report, attached hereto and made a part hereof, consistent with the requirements identified in the 2004 CMP. This report balances traffic congestion impacts due to growth within the City with transportation improvements, and demonstrates that the City is meeting its responsibilities under the

Countywide Deficiency Plan consistent with the Metro Board adopted 2003 Short Range Transportation Plan.

Section 2. 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/Metro.

Adopted:

_____
BARRY BRUCKER
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

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ATTACHMENT 2

Congestion Management Program
Local Development Report

CITY OF BEVERLY HILLS

Date Prepared: July 26, 2011

2011 CMP Local Development Report
Reporting Period: JUNE 1, 2010 - MAY 31, 2011

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

CONGESTION MANAGEMENT PROGRAM FOR LOS ANGELES COUNTY

2011 DEFICIENCY PLAN SUMMARY

*** 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	(7.00)
Multi-Family Residential	(2.00)
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY	1,000 Net Sq.Ft.[2]
Commercial (less than 300,000 sq.ft.)	0.90
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	0.00
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	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

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

CITY OF BEVERLY HILLS

Date Prepared: July 26, 2011

2011 CMP Local Development Report

Reporting Period: JUNE 1, 2010 - MAY 31, 2011

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	13.00
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.)	3.30
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.)	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

CITY OF BEVERLY HILLS

Date Prepared: July 26, 2011

2011 CMP Local Development Report

Reporting Period: JUNE 1, 2010 - MAY 31, 2011

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	20.00
Multi-Family Residential	2.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	2.40
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.)	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

CITY OF BEVERLY HILLS

Date Prepared: July 26, 2011

2011 CMP Local Development Report

Reporting Period: JUNE 1, 2010 - MAY 31, 2011

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	0	Dwelling Units
High Density Residential Near Rail Stations	0	Dwelling Units
Mixed Use Developments Near Rail Stations	0	1,000 Gross Square Feet
	0	Dwelling Units
Development Agreements Entered into Prior to July 10, 1989	0	1,000 Gross Square Feet
	0	Dwelling Units
Reconstruction of Buildings Damaged due to "calamity"	0	1,000 Gross Square Feet
	0	Dwelling Units
Reconstruction of Buildings Damaged in Jan. 1994 Earthquake	0	1,000 Gross Square Feet
	0	Dwelling Units
Total Dwelling Units	0	
Total Non-residential sq. ft. (in 1,000s)	0	

Exempted Development Definitions:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.