COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

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August 25, 2009

IN REPLY PLEASE
REFER TO FILE: PD-1

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

1 AUGUST 25, 2009

SACHI A. HAMAI
EXECUTIVE OFFICER

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

CONGESTION MANAGEMENT PROGRAM
2009 LOCAL DEVELOPMENT REPORT AND RESOLUTION
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)

SUBJECT

This action is to adopt the 2009 Congestion Management Program Local Development Report and Self-Certification Resolution to conform with the Los Angeles County Congestion Management Program.

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Find that the Congestion Management Program is statutorily exempt from the provisions of the California Environmental Quality Act.

2. Adopt the 2009 Congestion Management Program Local Development Report.

3. Adopt the Self-Certification Resolution to conform with the Los Angeles County Congestion Management Program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to adopt the enclosed 2009 Congestion Management Program Local Development Report (Report) and the enclosed Self-Certification Resolution (Resolution) to conform with the Los Angeles County Congestion Management Program (Program). Conformance with the Program is

required to ensure that the County of Los Angeles (County) continues to receive its share of gasoline tax subvention revenues.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3).

The recommended actions allow the County to continue to receive gas tax subvention revenues, which strengthens the County's fiscal sustainability. These revenues are used to finance the cost to operate and maintain our existing County roads, maintaining the quality of life for residents of the County's unincorporated communities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The Program implementation costs are estimated to be $57,000. These Program implementation costs are included in the Fiscal Year 2009-10 Road Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Program was first established in 1992 by the Los Angeles County Transportation Commission, predecessor of the Los Angeles County Metropolitan Transportation Authority (LACMTA) following the passage of Proposition 111 in 1990. The purpose of the Program was to address the impacts of local growth on the regional transportation system. Furthermore, the Program was created to link local land use decisions with their impacts on regional transportation and air quality as well as to develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel. Since the Program was first established, LACMTA has revised and adopted seven versions of the Program to address the evolving transportation needs throughout the County. The latest version of the Program was adopted by the LACMTA Board of Directors on July 22, 2004.

The Program was developed to meet the requirements of Section 65089 of the California Government Code. As required by statute, the Program has the following elements:

- A system of highways and roadways with minimum levels of service performance measurements designated for highway segments and key roadway intersections on this system.

- A performance element that includes performance measures to evaluate multimodal system performance.

- A transportation demand management element that promotes alternative transportation strategies.

- A land use analysis program to analyze the impacts of local land use decisions on the regional transportation system, including an estimate of the costs of mitigating those impacts.

- A seven-year capital improvement program of projects that benefit the Program.

- A Deficiency Plan.

While many levels of government are involved in developing and implementing the Program, local jurisdictions have significant implementation responsibilities. These include assisting in monitoring the highway and transit system specified in the Program, implementing a transportation demand management ordinance, implementing a land use analysis program to analyze the impacts of local land use decisions on the regional transportation system, and participating in the Countywide Deficiency Plan. Consequently, your Board adopted a transportation demand management ordinance and land use analysis program in March 1993, which established guidelines for the Departments of Public Works and Regional Planning to follow in evaluating traffic trips generated by new developments and to set conditions to mitigate those traffic impacts. A traffic study report is required for all projects in which an Environmental Impact Report is required under the California Environmental Quality Act (CEQA), or if a project generates more than 500 trips per day, or if other adverse impacts are identified. The traffic study report is required to identify the impacts of the project and related mitigations and must also include a Congestion Management Analysis Section. Subsequently, the traffic study report is made part of the environmental document prepared for the development following CEQA Guidelines. Ultimately, the environmental document is approved by your Board.

Jurisdictions are required to conform to local Program requirements including annual adoption by your Board of a local development report and a resolution certifying the County's annual compliance with the Program requirements. Compliance is required to ensure that the County continues to receive its share of gasoline tax subvention revenues.

In the past, under the Program's Countywide Deficiency Plan, a system of debits and credits was in place whereby debits were accumulated from the aggregate development taking place in the County based on the potential that the development contributes to congestion. Credits were given for projects or programs providing congestion relief. A positive congestion mitigation credit balance was required to preserve the County's share of gas tax revenue under Proposition 111, approved by California voters in 1990.

As a result of the concerns raised regarding the complexity and effectiveness of the debit/credit approach in the 2003 Short Range Transportation Plan, the LACMTA Board of Directors directed staff to conduct a study to demonstrate the nexus between traffic impacts of new development and the need for improvements to the County's transportation system. A key aspect of the Nexus Study is to assess the feasibility of implementing a congestion mitigation fee to be imposed on new development for transportation improvements.

On April 30, 2007, the LACMTA Board of Directors adopted the set of guiding principles to frame LACMTA outreach efforts for the Countywide Congestion Mitigation Fee Feasibility Study. Subsequently, LACMTA staff, in coordination with cities, the County, and other stakeholders, developed a Draft Congestion Mitigation Fee Feasibility Study that was released for public comment on January 11, 2008. On September 25, 2008, the LACMTA Board of Directors adopted the Final Draft Congestion Mitigation Fee Feasibility Study Report.

The next step is for LACMTA staff to work with jurisdictions to confirm their growth forecasts, identify local projects with regional benefit, and estimate the cost of these transportation projects. It is anticipated that the LACMTA Board of Directors will adopt the Nexus Study in March 2010.

While the Nexus Study is being conducted, LACMTA has reduced the Program conformity requirements for local jurisdictions. Jurisdictions are still required to track and report new development activity, considered debits. However, reporting on transportation improvements and strategies that were historically used to generate credits for Countywide Deficiency Plan purposes is not required. As a result, jurisdictions are not required to maintain a positive credit balance.

The enclosed Resolution for your Board's adoption certifies that the County is in conformance with all applicable requirements of the Program and has taken all of the actions prescribed in the Program as follows:

- As required, by June 15 of odd-numbered years, the County conducted annual traffic counts and calculated levels of service for selected arterial intersections consistent with the requirements identified in the Program's Highway and Roadway System Chapter.

- The County Board of Supervisors adopted and continues to implement a transportation demand management ordinance consistent with the minimum requirements identified in the Program's Transportation Demand Management Chapter.

- The County Board of Supervisors adopted and continues to implement a land use analysis program consistent with the minimum requirements identified in the Program's Land Use Analysis Program Chapter.

- By action recommended in this letter, the County Board of Supervisors will adopt the 2009 Report consistent with the requirements identified in the Program.

As noted, adoption of the Report and Resolution certifying compliance with the Program is required under the Program adopted by the LACMTA Board of Directors in 2004, pursuant to California Government Code Section 65089. The Report and Resolution certifying the County's conformance with the Program must be submitted to LACMTA by September 1, 2009.

As specified in the Program, the Report must be adopted by the local jurisdiction's governing board at a noticed public hearing pursuant to the California Government Code, Section 65089.4(a). The Resolution and the enclosed Notice of Public Hearing have been reviewed and approved by County Counsel. The Notice of Public Hearing was published in accordance with Section 6063 of the California Government Code.

ENVIRONMENTAL DOCUMENTATION

The recommended action is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15276 of the CEQA Guidelines. This exemption states that CEQA does not apply to the development or adoption of a regional transportation improvement or congestion management program.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Program compliance and approval of the 2009 Report and Resolution will enable the County to preserve gas tax subvention funds (approximately $40 million annually) approved under Proposition 111.

CONCLUSION

Please return two adopted copies of the letter, Report, and Resolution to the Department of Public Works, Programs Development Division.

Respectfully submitted,

for Patrick V. Alchilli
GAIL FARBER
Director of Public Works

GF:SA:pr

Enclosures

c: Chief Executive Office (Lari Sheehan)
County Counsel (Carole Suzuki)
Executive Office

2009 CONGESTION MANAGEMENT PROGRAM CONFORMANCE SELF-CERTIFICATION RESOLUTION COUNTY OF LOS ANGELES

A RESOLUTION OF THE COUNTY OF LOS ANGELES, CALIFORNIA, FINDING THE COUNTY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE CONGESTION MANAGEMENT PROGRAM LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH THE CALIFORNIA GOVERNMENT CODE, SECTION 65089

WHEREAS, Congestion Management Program (Program) statute requires the Los Angeles County Metropolitan Transportation Authority (LACMTA), acting as the Congestion Management Agency for the County of Los Angeles (County), to annually determine that the County and cities within the County are in conformance with all Program requirements; and

WHEREAS, Metro requires submittal of the Program Local Development Report (Report) by September 1 of each year; and

WHEREAS, the County Board of Supervisors held a noticed public hearing on August 25, 2009, to consider this resolution.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF LOS ANGELES DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the County has taken all of the following actions and that the County is in conformance with all applicable requirements of the 2004 Program.

As required, by June 15 of odd-numbered years, the County conducted annual traffic counts and calculated levels of service for selected arterial intersections consistent with the requirements identified in the Program Highway and Roadway System Chapter.

The County has locally adopted and continues to implement a transportation demand management ordinance consistent with the minimum requirements identified in the Program Transportation Demand Management Chapter.

The County has locally adopted and continues to implement a land use analysis program consistent with the minimum requirements identified in the Program Land Use Analysis Program Chapter.

The County has adopted a Report, attached hereto and made a part hereof, consistent with the requirements identified in the Program. This report balances traffic congestion impacts due to growth within the County with transportation improvements and demonstrates that the County is meeting its responsibilities under the Countywide Deficiency Plan consistent with the LACMTA Board adopted 2003 Short Range Transportation Plan.

SECTION 2. That the Executive Office of the Board of Supervisors shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to LACMTA.

On the 25th day August, 2009, the foregoing Resolution was adopted by the Board of Supervisors of the County of Los Angeles.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By LaChelle Smitherman
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By Carole B. Suzuki
Deputy

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County of Los Angeles

Date Prepared: July 14, 2009

2009 CMP Local Development Report
Reporting Period: JUNE 1, 2008 - MAY 31, 2009

Contact: Dave Smith
Phone Number: 626-458-6371

CONGESTION MANAGEMENT PROGRAM FOR THE COUNTY OF LOS ANGELES

2009 DEFICIENCY PLAN SUMMARY[1]

*** 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	178.00
Multi-Family Residential	204.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY	1,000 Net Sq.Ft.[2]
Commercial (less than 300,000 sq.ft.)	(60.62)
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	12.40

NON-RETAIL DEVELOPMENT ACTIVITY	1,000 Net Sq.Ft.[2]
Lodging	12.32
Industrial	447.00
Office (less than 50,000 sq.ft.)	8.45
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	22.93
Institutional/Educational	138.12
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.

County of Los Angeles

Date Prepared: July 13, 2009

2009 CMP Local Development Report

Reporting Period: JUNE 1, 2008 - MAY 31, 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	**233.00**
Multi-Family Residential	**205.00**
Group Quarters	**0.00**
COMMERCIAL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Commercial (less than 300,000 sq.ft.)	**70.81**
Commercial (300,000 sq.ft. or more)	**0.00**
Freestanding Eating & Drinking	**18.20**
NON-RETAIL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Lodging	**12.32**
Industrial	**454.23**
Office (less than 50,000 sq.ft.)	**8.45**
Office (50,000-299,999 sq.ft.)	**0.00**
Office (300,000 sq.ft. or more)	**0.00**
Medical	**0.00**
Government	**23.93**
Institutional/Educational	**138.12**
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**

County of Los Angeles

Date Prepared: July 13, 2009

2009 CMP Local Development Report

Reporting Period: JUNE 1, 2008 - MAY 31, 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	55.00
Multi-Family Residential	1.00
Group Quarters	0.00
COMMERCIAL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Commercial (less than 300,000 sq.ft.)	131.43
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	5.80
NON-RETAIL DEVELOPMENT ACTIVITY	
Category	**1,000 Gross Square Feet**
Lodging	0.00
Industrial	7.23
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	1.00
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

County of Los Angeles

Date Prepared: July 13, 2009

2009 CMP Local Development Report

Reporting Period: JUNE 1, 2008 - MAY 31, 2009

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 in April 1992 Civil Unrest	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.

NOTICE OF PUBLIC HEARING
COUNTY OF LOS ANGELES LOCAL DEVELOPMENT REPORT
AND RESOLUTION FINDING THE COUNTY IN CONFORMANCE WITH THE
COUNTY'S CONGESTION MANAGEMENT PROGRAM

On Tuesday, August 25, 2009, at its regularly scheduled meeting at 9:30 a.m., or as soon thereafter as the matter can be heard in the County of Los Angeles Board of Supervisors Chambers, Room 381 B, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, the County Board of Supervisors will consider the 2009 Local Development Report (Report) and a Resolution to self-certify conformance with the State-mandated Congestion Management Program (Program).

The County Board of Supervisors will take public comments prior to consideration for adoption of said 2009 Report and Resolution, prepared in compliance with the California Government Code, Section 65089, and pursuant to the 2004 Congestion Management Program for Los Angeles County.

As part of the 2009 Report, the County of Los Angeles resolves that: (1) it will continue to implement the previously adopted Transportation Demand Management Ordinance and the Land Use Analysis Program, (2) annual traffic counts will be conducted and the levels of service will be calculated for selected arterial intersections in accordance with the Program, and (3) the County of Los Angeles is meeting its responsibilities under the Countywide Deficiency Plan as required by the Program.

A copy of the 2009 Report, Resolution, and related documents may be examined in the office of the Executive Officer of the Board of Supervisors of the County of Los Angeles, Room 383, Kenneth Hahn Hall of Administration.

Written comments may be submitted to the Executive Officer of the Board of Supervisors of the County of Los Angeles prior to the hearing at the above address. Any questions should be directed to Ms. Mary Reyes at (626) 458-3934, County of Los Angeles, Department of Public Works, 11th Floor, Programs Development Division, Monday through Thursday from 8 a.m. to 6 p.m.

Para mas informacion con relacion a esta noticia, por favor llame a la Sr. Art Correa, (626) 458-3948, durante horas de oficina, de 8 a.m. a 6 p.m., de Lunes a Jueves.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By_____
Deputy