



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



April 8, 2009

Jon Sanabria
Acting Director of Planning

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: Jon Sanabria
Acting Director of Planning

**SUBJECT: Response to Board Motion Regarding Mitigation Monitoring Program
(October 7, 2008, Item #94-F)**

The following is the Department of Regional Planning's (DRP) response to Supervisor Zev Yaroslavsky's motion of October 7, 2008, directing that we report back to the Board regarding 1) the adequacy of DRP's existing mitigation monitoring program compliance checks 2) the amount of available funding the Department has dedicated to this effort, the amount the Department has been collecting and expending over the past two years, and the amount it expects to collect in the future, 3) staffing plan and 4) recommend mechanisms for ensuring the fees are consistently collected and inspections are performed as required in mitigation monitoring.

Adequacy of Existing Mitigation Monitoring Program

The Impact Analysis Section of the Department of Regional Planning is confronted with increased workload requirements pursuant to Section 21081.6 of the State Public Resources Code. A number of significant projects have been approved with Mitigation Monitoring Programs since this law became a requirement in 1991. As these projects enter the development phase, the Department of Regional Planning is required to actively review, monitor and take appropriate action with respect to the adopted programs. Failure to administer these programs results in violation of State mandates.

In the past, mitigation monitoring has been divided among Impact Analysis staff in addition to other duties. This has proven ineffective in that staff has not been able to devote the necessary time to monitoring the mitigation measures. As a result, some approved projects have been found not in compliance with the Mitigation Monitoring Program requirements. This non-compliance with mitigation measures has caused an increase in the number of investigations conducted by the Department's Zoning Enforcement Section.

The Department does not currently have sufficient staff to successfully carry-out the goals of the program by continuously monitoring the Board of Supervisors and Regional Planning Commission's approved mitigation measures. The addition of dedicated staff would allow for implementation of the Mitigation Monitoring Program.

This would achieve the desired increase in project oversight. Revenue generated from continuous monitoring would fully offset this position for seven years. Implementing the aforementioned programs at this time may avoid future potential costs associated with possible legal action against the County.

Funding For Mitigation Monitoring Program

The balance for the EIR mitigation monitoring account was \$386,235.00 as of April 2, 2009. The amount of money collected over the past two fiscal years included \$63,537.64 during FY06-07 and \$52,319.99 during FY07-08. The amount expended was \$8,390.29 during FY06-07 and \$6,887.79 during FY07-08. The Department anticipates collecting at least \$40,000 to \$45,000 per year in the future for mitigation monitoring. As long as the need for mitigation monitoring exists there will be adequate funding to offset the costs.

Staffing Plan, Fee Collection and Required Inspection

The Department is proposing the addition of one Regional Planning Assistant II position to ensure that the mitigation monitoring function is adequately and consistently performed. The technically sophisticated standards and criteria that are often associated with various mitigation monitoring measures sometimes may require additional review by a biologist. The RPA II can be supported by a contract biologist who is currently serving the Department on an as-needed basis.

The Impact Analysis Section in conjunction with the Budget and Accounting Services Section will monitor the employee's timesheets to ensure all work on mitigation monitoring is properly coded and billed. In addition, the Accounting Services Section will provide management with monthly mitigation monitoring account balances and send out supplemental deposit letters to applicants when needed. The Impact Analysis Section will ensure that its staff performs inspections as required in mitigation monitoring programs. All costs for this position will be revenue offset.

If you have any questions regarding this matter, please contact Paul McCarthy of the Impact Analysis Section at (213) 974-6461. Our offices are closed on Fridays.

JS:SA:lm

C: Chief Executive Office
Executive Officer, Board of Supervisors