

Chapter 16.168

MITIGATION MONITORING AND REPORTING

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16.168.010 Purpose.

The purpose of this Chapter is to provide a process to assure adequate monitoring and reporting of all measures required to mitigate potential impacts from discretionary projects, as required by Section 21081.6 of the California Public Resources Code. (Ord. 606, 1999)

16.168.020 Monitoring and Reporting Plan.

The Review Authority shall adopt a Monitoring and Reporting Plan for discretionary projects that are approved subject to conditions or changes which are deemed necessary by the Review Authority to reduce potentially significant environmental impacts below a level of significance. The Plan shall be adopted prior to project approval and, at a minimum, shall include the following elements:

- A. A description of the proposed project.
- B. A listing of each mitigation measure required by the Review Authority to reduce potentially significant environmental impacts below a level of significance.
- C. The method of monitoring and reporting on the required mitigation measures include:
 - 1. The department, division, agency, firm, or individuals responsible for conducting or overseeing the monitoring and reporting function;
 - 2. An identification of the date or other

appropriate time period for implementing each mitigation measure;

3. An identification of the frequency of inspection and the duration of the required monitoring and reporting;

4. A detailed work program and task assignment worksheet for monitoring and reporting, when deemed appropriate by the Review Authority.

D. An identification of the anticipated cost to be paid by the applicant and the timing and method of payments. (Ord. 606, 1999)

16.168.030 Responsibilities of Director.

The Director is responsible for assuring the preparation and implementation of the Monitoring and Reporting Plan.

A. The Director may request, and shall receive, assistance from other City departments in implementing the Monitoring and Reporting Plan.

B. The Director may delegate specific responsibilities for monitoring or reporting to project applicants or qualified consultants. (Ord. 606, 1999)

16.168.040 Progress Reports.

Progress reports summarizing the progress made toward achieving required mitigation measures shall be made at intervals prescribed by the Director.

A. All progress reports shall be made available for public inspection.

B. A copy of each progress report shall be mailed by the Director to the project applicant or the project Applicant's designated representative or his successors within five (5) working days after receipt of such report. (Ord. 606, 1999)

16.168.050 Fees.

A fee, as specified by resolution of the City Council, shall be paid by the project applicant to cover the City's cost of preparing, administering, and implementing the Monitoring and Report Plan, with the following modifications:

A. Unless otherwise required by the Director,

the fee shall be paid prior to the acceptance of any plans for review by the Building Official.

B. For projects which require monitoring longer than twelve (12) months, such as projects approved with a development agreement, the applicant will be required to demonstrate that long-term funding of the Monitoring and Reporting Plan will be assured. (Ord. 606, 1999)

16.168.060 Amendments.

A Monitoring and Reporting Plan may be amended in whole or in part, subject to the following provisions:

A. For major changes, as determined by the Director, the Monitoring and Reporting Plan shall be amended by the Review Authority which adopted the Plan, subject to the same review procedure as that required for the discretionary application to

which the Plan originally applied.

B. For minor changes, the Monitoring and Reporting Plan shall be amended as specified by the Director. (Ord. 606, 1999)

16.168.070 Enforcement.

In addition to the enforcement mechanisms specified in Chapter 16.176, violation of an approved Monitoring and Reporting Plan may result in one or more of the following actions:

A. Forfeiture of any bond trust account, or other financial assurance;

B. Action to recover funds assured under a letter of credit; or

C. A lien against the real property subject to the violation in the amount necessary to correct the violation. (Ord. 606, 1999)