

RESOLUTION NO. R12-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING AN APPEAL OF A DECISION OF THE PLANNING COMMISSION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 504 PASEO DEL MAR; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

The City Council of the City of Palos Verdes Estates does find, order and resolve as follows:

Section 1. Edward Carson Beall submitted an application on behalf of Mark Paullin, requesting approval of a neighborhood compatibility application, which would permit demolition of the existing 3,376 square-foot single-family residence located at 504 Paseo Del Mar and construction of a new two-story single-family home on the site, approximately 5,935 square feet in size, with an attached garage and landscaping (the "Project").

Section 2. The City determined that an EIR would be required for the Project and issued a Notice of Preparation (NOP) for the EIR on May 10, 2010. The NOP describes the Project, its location, and its anticipated impacts sufficiently to permit a meaningful review and response. The NOP was available for public review from May 10, 2010 to June 8, 2010 and solicited comments regarding the scope and content of the EIR and the environmental information relevant to the Project. The EIR contains the review of the issues identified for analysis and those issues brought up in the responses to the NOP. A copy of the NOP, together with comments received, is part of the Draft EIR and Final EIR (collectively referred to as the "EIR"). These documents are on file with the City Clerk of the City of Palos Verdes Estates and available for public inspection.

Section 3. Preparation of an initial study was considered unnecessary pursuant to CEQA Guidelines Section 15060(d), as an EIR would be clearly required for the Project, as it potentially impacted a significant historic resource.

Section 4. A Notice of Completion (NOC) of the EIR was filed with the State Clearinghouse and notices were mailed to all of the individuals and organizations who commented on the NOP. Additionally, the EIR was distributed to responsible and interested state agencies through the State Clearinghouse, State Clearinghouse No. 2010051022.

Section 5. The Draft EIR was made available for public review and comment pursuant to State CEQA Guidelines Section 15087 on October 27, 2010. The public review period lasted from October 27, 2010 to December 10, 2010. Copies of the Draft EIR were made available for public review at the City of Palos Verdes Estates City Hall.

Section 6. During the public review period, comments were received on the Draft EIR from members of the public as well as public agencies. Such written comments are included in the Final EIR. In accordance with State CEQA Guidelines Section 15088, the City evaluated the comments on environmental issues received from persons and entities that reviewed the Draft EIR during the public review period and prepared a written response to each comment. These responses are set forth in the Final EIR.

Section 7. On December 7, 2011, the Final EIR was publicly released for a ten day period prior to the Planning Commission's proposed certification of the EIR scheduled for December 20, 2011.

Section 8. On December 20, 2011, the Planning Commission held a public hearing and where it reviewed the Final EIR and voted to certify the EIR, adopt the Findings of Fact and Statement of Overriding Considerations, and adopt the additional mitigation measures identified in the Mitigation, Monitoring, and Reporting Program (MMRP).

Section 9. The EIR consists of two documents. The first document is the "Draft Environmental Impact Report for 504 Paseo Del Mar," dated October 12, 2010. The second document is the "Final Environmental Impact Report for 504 Paseo Del Mar," dated December 6, 2011, together with all other written documentation incorporated therein and prepared during the environmental review process as defined in State CEQA Guidelines Section 15132. The Final EIR includes comments on the Project, a summary of general responses and responses to those comments, revisions to the Draft EIR, technical appendices and analysis, and other supporting documentation. The EIR is on file with the City Clerk and Planning Department of the City of Palos Verdes Estates and available for public inspection.

Section 10. The findings made in this Resolution are based upon the information and evidence set forth in the EIR and upon other substantial evidence presented orally and in writing at the December 20, 2011 Planning Commission hearing, the April 24, 2012 City Council hearing and in the record of the proceedings. The documents, staff report, technical studies, appendices, plans, specifications, and other materials constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours in the Planning Department. Each of these documents is incorporated herein by reference.

- A. The City Council has independently reviewed and considered the contents of the EIR and administrative record prior to deciding whether to approve the Project. The City Council hereby finds that the EIR reflects the independent judgment of the City and the City Council. None of the information presented to the Planning Commission or City Council has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.
- B. The City Council finds that the comments regarding the EIR and the responses to those comments have been received by the City; that the Planning Commission and City Council received public testimony regarding the adequacy of the EIR; and that the City Council has reviewed and considered all such documents and testimony prior to making its determination on the Project.

C. All legal prerequisites have occurred prior to the adoption of this Resolution.

Section 11. Based upon the substantial evidence in the record, including the oral and written comments received during the above-referenced process, the oral and written staff reports submitted in conjunction with the EIR, and the Draft EIR, Final EIR, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring Program, the City Council finds as follows:

- A. That the Project will not cause any significant environmental impacts after mitigation except in the area of Cultural Resources. Explanations for why the impacts other than Cultural Resources were found to be less than significant are contained in the Findings of Fact and Statement of Overriding Considerations.
- B. Notwithstanding the foregoing, and based upon the substantial evidence listed above, the Project will create a significant and unavoidable impact to Cultural Resources. This significant and unavoidable impact is further described in the Findings of Fact and Statement of Overriding Considerations, which explains that all feasible mitigation has been incorporated to reduce the level of impact, but that even after mitigation, the impacts remain significant. Other suggested mitigation measures not adopted by the City Council are found to be infeasible due to specific economic, legal, social, technological or other considerations identified in the Findings of Fact and Statement of Overriding Considerations.
- C. The EIR analyzes, and the City Council has fully considered a reasonable range of alternatives to the Project. These alternatives include Alternative 1 – No Project Alternative, Alternative 2 – Reuse Alternative, Alternative 3 – Partial Reuse Alternative, and Alternative 4 – Relocation of Existing Residence Alternative. With respect to each of the alternatives analyzed in the EIR, the City Council hereby makes the findings set forth in the Findings of Fact and Statement of Overriding Considerations. The City Council adopts the Project, and finds all other alternatives and variations infeasible for the reasons set forth in the Findings of Fact and Statement of Overriding Considerations.
- D. For the Cultural Resources impact discussed in the EIR and Findings of Fact and Statement of Overriding Considerations, the City Council hereby finds that each of the overriding considerations identified in the Statement of Overriding Considerations, by itself, would justify proceeding with the Project despite the significant and unavoidable impact to Cultural Resources or any other significant impact alleged to be significant in the record of proceedings.

Section 12. The City Council hereby approves and adopts the Findings of Fact and Statement of Overriding Considerations adopted by the Planning Commission.

Section 13. The City Council hereby approves, adopts, and establishes the Mitigation Monitoring Program adopted by the Planning Commission.

Section 14. In view of the facts and findings set forth in this Resolution, the Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring Program, the

City Council hereby certifies that the EIR for the Project (1) is complete and adequate, and has been completed in compliance with CEQA, the State CEQA Guidelines, and Palos Verdes Estates Municipal Code Chapter 17.10; (2) was presented to the Planning Commission and City Council, and the City Council has reviewed and considered the information contained therein; and (3) reflects the independent judgment and analysis of the City Council.


Section 15. The City Clerk shall certify to the passage and adoption of this Resolution and enter into the book of original Resolutions.

APPROVED AND ADOPTED this 24th day of April, 2012.



JAMES F. GOODHART, MAYOR PRO TEM

ATTEST:



JUDY SMITH, City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the applicable time limits set forth in Public Resources Code Section 21167.

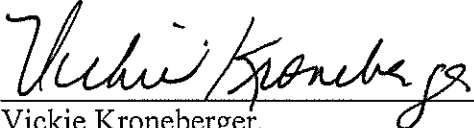
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, Executive Assistant/Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R12-10** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 24th day of April, 2012, by the following vote:

AYES: COUNCILMEMBERS: Rea, Goodhart, Perkins, Humphrey

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Bird


Vickie Kroneberger,
Executive Assistant/Deputy City Clerk

CERTIFICATE OF MAILING

I, Vickie Kroneberger, am employed by the City of Palos Verdes Estates as Executive Assistant/Deputy City Clerk. On April 25, 2012, in the course of my duties as Executive Assistant/Deputy City Clerk, I placed a true copy or copies of Resolution No. R12-10 in a sealed envelope or envelopes addressed as follows:

Los Angeles Conservancy
523 W. Sixth Street, Ste. 826
Los Angeles, CA 90014

Mark Paullin
16100 So. Figueroa St.
Gardena, CA 90248

Edward Carson Beall
23727 Hawthorne Blvd.
Torrance, CA 90505

I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with adequate postage thereon fully prepaid at Palos Verdes Estates, California, in the ordinary course of business.

Executed on April 25, 2012, at Palos Verdes Estates, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Vickie Kroneberger
(Type or print name)


(Signature)