

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DIRECTOR
DATE: JULY 27, 2010

SUBJECT: RESOLUTION OPPOSING MARYMOUNT COLLEGE

RECOMMENDATION

Decide whether the Planning Commission wishes to adopt a Resolution similar to the recently adopted City Council Resolution that opposes the Marymount College Initiative.

BACKGROUND

At the request of Commissioner Lewis, at the June 22, 2010 PC meeting, the PC requested that an item be placed on a future agenda to allow a discussion on whether the Planning Commission would like to adopt a Resolution opposing the Marymount College Initiative. The Commission agreed that the item should appear on a PC agenda after the City Council adopts its Resolution opposing the Marymount College Initiative. On July 20, 2010, the City Council adopted a Resolution opposing the Marymount College Initiative. Thus, this item has been placed on the PC's agenda for discussion.

DISCUSSION

Attached are the City Council Staff Report and Draft Resolution opposing the Marymount College Initiative presented to the City Council at its July 20, 2010 meeting. The Resolution was drafted by the City Council appointed subcommittee of Councilman Misetich and Councilman Stern as the expenditure of public funds is not allowed to occur with regards to taking any City affiliated position on the Marymount College Initiative. The City Council adopted a slightly modified version of the attached draft Resolution (Staff will provide a copy of the adopted Resolution prior to the Commission's July 27th meeting). If the Planning Commission wishes to adopt a similar Resolution, Staff will return with a Resolution on the Commission's next agenda which will be prepared without the use of public funds.

Attachment

July 20, 2010 City Council Staff Report and Draft Resolution



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: CARLA MORREALE, CITY CLERK *Cam*
DATE: JULY 20, 2010
SUBJECT: RESOLUTION OPPOSING MARYMOUNT COLLEGE INITIATIVE
REVIEWED: CAROLYN LEHR, CITY MANAGER *cl*

RECOMMENDATION

Councilman Misetich and Councilman Stern recommend the Adoption of Resolution No. 2010-__, a Resolution of the City of Rancho Palos Verdes City Council Taking a Position in Opposition to the Marymount Initiative Certified for the November 2, 2010 Ballot.

DISCUSSION

On June 15, 2010, the City Council appointed Councilman Misetich and Councilman Stern as the Subcommittee to draft a resolution, without the expenditure of public funds, outlining the reasons to oppose the Marymount College Initiative with the resolution to be brought back to the Council for adoption. Attached is the resolution that was prepared by Councilman Misetich and Councilman Stern.

RPV City Council Resolution

Opposing the Marymount Initiative

A Resolution of the City of Rancho Palos Verdes City Council taking a position in opposition to the Marymount Initiative certified for the November 2, 2010 ballot.

Whereas, the Marymount Initiative a voter sponsored initiative prepared by Marymount College, a private liberal arts college was submitted to the City Clerk on Tuesday March 2, 2010.

Whereas, the City recognizes the right of the voters to use the Initiative process when it is used to advance the public health, safety and welfare;

Whereas, on June 3, 2010 the City Clerk certified that sufficient petitions had been signed to qualify the Initiative for a special election;

Whereas, the City Council, at a public meeting on June 15, 2010, ordered a special election to be held on the Initiative and consolidated the special election with the November 2, 2010 election;

Whereas, on June 15, 2010 the City Council received a report on the differences between the Marymount Initiative and the City Council approved plan for Marymount. That evening the City Council received additional staff reports, presentations, updates and extensive public comments thereon;

Whereas, the City Council held a duly noticed public meeting on June 15, 2010 to consider whether or not to take a position on the Marymount measure in light of the differences between the Marymount sponsored Initiative and the Marymount plan approved by the City Council and the effects of each upon the community;

Whereas, the City Council had reviewed extensive materials over the course of many additional meetings prior to June 15th, 2010, to fully understand the Marymount modernization plan, and had carefully considered the plan, obtaining significant public input addressing the positive and negative aspects of the plan, and the impact of the plan on the residents of the City of Rancho Palos Verdes, and various neighborhoods within the City.

Whereas, the City Council had previously granted approval to most of the Marymount plan on June 1, 2010, following many public hearings where public testimony was obtained;

Whereas, numerous members of the public urged the City Council to take an official position against the Marymount Initiative because 1) the City Council was elected to act as the citizens final voice on important land use issues 2) the Initiative has a direct impact on the City and its operations, 3) the City Council has the resources and the experience to evaluate and understand the complexities of land use issues and this Initiative's impact on a significant land use issue and 4) and the City Council has devoted many hours reviewing detailed reports, obtaining public input and evaluating and understanding the Marymount plan and its impact on the residents of the City;

Whereas, the City Council determined that taking a position on the Marymount Initiative is an appropriate method of fulfilling its duty to protect the public health, safety, and welfare of the residents; and

Whereas the City Council has carefully considered the provisions of the Marymount Initiative and determined that it does not advance the health, safety and welfare of our community;

NOW, THEREFORE THE CITY COUNCIL OF RANCHO PALOS VERDES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

- 1) That the City Council of Rancho Palos Verdes is opposed to the Marymount Initiative on the November 2, 2010 ballot for the following reasons:
 - A) **The Initiative Interferes with the City's Self Rule.** The City was incorporated 37 years ago to gain oversight over local land use issues and to avert high density developments. The Marymount Initiative takes away the City's local authority by creating a special district where Marymount is not subject to any safety, aesthetic or geological mitigations. The City Council has already authorized virtually all the modernization requested by Marymount. However, there are 62 different items including high density dormitories in the Marymount Initiative that differ with the project submitted by Marymount and approved by the City Council. This is an abuse of the initiative power and creates a precedent for the future high density developments in Rancho Palos Verdes.
 - B) **The Initiative Undermines Local Planning Laws.** The City's General Plan, zoning laws and other regulations form the basis for orderly land use development in Rancho Palos Verdes that preserves a low density community. These regulations apply equally to all properties in Rancho Palos Verdes. The Marymount Initiative amends and overrides these important laws that protect the safety and quality of life in Rancho Palos Verdes, making special exceptions for Marymount College. A private institution's policies and priorities should not supersede those of the City and its residents.

- C) **The Initiative is Not Necessary to allow Marymount to Modernize its Campus.** The City Council carefully reviewed all aspects of the Marymount plan and granted Marymount the right to modernize its campus with all the buildings, of the size requested, with all the functionality and amenities that Marymount requested, except for high density dormitories. However, Marymount did not request from the City Council that it be permitted to build dormitories.
- D) **Initiative places the Athletic Field in a Location that is Nearest to Palos Verdes Drive East, Raising Safety Concerns that were Mitigated by the City Council Approved Plan.** The City Council granted Marymount the right to construct a new and improved athletic field near to the Marymount requested location, but for safety concerns moved it to a location slightly away from Palos Verdes Drive East to allow a greater safety buffer to protect the public driving on Palos Verdes Drive East.
- E) **The Initiative Eliminates Conditions imposed to Minimize Negative Consequences of the Project on the Residents.** In order to protect the residents of the City, the City Council imposed conditions to mitigate negative impacts of the Marymount plan. Some of the mitigation measures are modified or eliminated by the Initiative, to the harm of the residents of the City.
- F) **The Initiative Authorizes After-the –Fact Changes.** The Marymount Initiative allows the College to remove mandated conditions that are designed to increase safety and necessary to maintain a reasonable quality of life in the surrounding neighborhoods. These were determined after many hours of study and analysis by both the Planning Commission and City Council with consideration given to both Marymount and the residents. Should the Initiative be approved by the voters, Marymount will have limitless authority to modify its' project such that what is presented under the Marymount Initiative may not resemble the final development. The possibility that a "bait and switch" might occur deprives the voters of their rights to know exactly the nature of the project on which they are voting.
- G) **The Initiative Does Not Benefit the Local Economy.** The Marymount Initiative is not expected to result in any substantial increase in jobs in Rancho Palos Verdes over the life of the Project.
- H) **The Initiative Leaves Many Unanswered Questions.** The meaning of many aspects of the Marymount Initiative will not be clear until after it is approved and the college finishes the project sometime in the future. With unlimited time to complete the project, it may be many years before the impact of the project is truly known if at all. The City meanwhile will have limited oversight during construction. In addition, the City will not have oversight capabilities regarding operations at the college that could affect the quality of life for the residents and /or any safety considerations.

The City Council of Rancho Palos Verdes encourages all Rancho Palos Verdes registered voters to vote against the Marymount Initiative in the November 2, 2010 Special Election.

PASSED, APPROVED and ADOPTED on July 20, 2010.

MAYOR

Attest:

City Clerk

State of California)
County of Los Angeles) SS
City of Rancho Palos Verdes)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2010-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on July 20, 2010.

City Clerk