

RESOLUTION NO. 2010-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES TAKING A UNANIMOUS 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 signatures on petitions had been obtained 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 the expansion of the Marymount campus. 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 at several public meetings over the course of many months prior to June 15, 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 for most of the improvements proposed by Marymount in its plan, on June 1, 2010, following many public hearings where public testimony was obtained;

Whereas, the City Council granted Marymount the right to construct a new and improved athletic field near to the Marymount-requested location, and a

majority of the City Council moved the athletic field sixty feet farther to the east to create a buffer;

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) the City Council and the Planning Commission have 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 of the City and to inform the residents about the City Council's concerns; 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 THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, DOES FIND, RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The City Council of the City of Rancho Palos Verdes is unanimously 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 many safety, aesthetic or geological mitigations that the City regularly applies to other properties and projects. The City Council has already authorized virtually all the modernization improvements requested by Marymount. However, there are 62 different items, including high density dormitories, in the Marymount Initiative that differ from the project submitted by Marymount and approved by the City Council. This is an abuse of the initiative power and creates a precedent for 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 preserve 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 that the City Council approve the dormitories. Although Marymount initially included dormitories in its proposal, it strategically decided to withdraw the request from its proposal in order to obtain City approval, and then proposed the Initiative as an end run around the City's process.
- D) **The Initiative would return the Athletic Field to its original location sixty feet farther to the west, removing the buffer.**
- 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 expansion 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 City oversight that is necessary to maintain a reasonable quality of life in the surrounding neighborhoods. These conditions 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 voters approve the Initiative, Marymount will have authority to make incremental changes to its project such that what is presented under the Marymount Initiative may not be what finally is developed. The possibility that a "bait and switch" might occur deprives the voters of their right to know exactly the nature of the project on which they are voting.
- G) **The Initiative Leaves Many Unanswered Questions.** The meaning of many aspects of the Marymount Initiative will not become 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

adversely affect the quality of life of the residents and/or any safety considerations.

Section 2. Based on the foregoing, the City Council of the City 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.

/s/ Stefan Wolowicz
Mayor

Attest:

/s/ Carla Morreale
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. 2010-64 was duly and regularly passed and adopted by the said City Council at a regular meeting held on July 20, 2010.

City Clerk