

RESOLUTION NO. 2010-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2008111046) PREPARED FOR THE 2009 GENERAL PLAN UPDATE AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM.

WHEREAS, the City of Torrance's updated 2009 General Plan (the "proposed project") is a state-mandated document that sets forth public policy relative to the future character and quality of land use and physical development in the City; and

WHEREAS, the City of Torrance has undertaken a revision and update of the General Plan of the City in order to identify and reflect the community's current land use, circulation, environmental and economic goals and policies as they relate to land use; provide an assessment of existing land use related to future development, and set forth the City's long-range vision of the future to the year 2030; and

WHEREAS, the proposed project constitutes a comprehensive revision and update of the 1992 General Plan, with the updated General Plan and is comprised of the Land Use, Circulation and Infrastructure, Community Resources, Safety, Noise and Housing Elements, as well as an Implementation Plan, which together provide a foundation for the day-to-day decisions of the City Council, City commissions, and City staff; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code §21000 et seq.), the State CEQA Guidelines (14 California Government Code § 15000 et seq.), the City is the lead agency for the proposed project, as the public agency with the principle responsibility for approving the proposed project; and

WHEREAS, the City of Torrance entered a contract with The Planning Center to prepare the Draft Environmental Impact Report (D-EIR) under the supervision of the City's Community Development Department, which described the Project, the environmental impacts resulting there from and the proposed mitigation measures; and

WHEREAS, a Notice of Preparation ("NOP") of the (D-EIR) was mailed to public agencies, organizations, and persons likely to be interested in the potential impacts of the proposed Project on November 12, 2008, and a public scoping meeting was also held on November 12, 2008 to gather public and agency comments concerning the preparation of the D-EIR. Public review of the NOP ended on December 11, 2008 and resulted in the City receiving six written comment letters; the Notice of Availability (NOA) and copies of the D-EIR were posted at the City of Torrance City Hall at the City Clerk's office, the Community Development Department's public counter, the Katy Geissert Public Library, and the City's website to allow copies of the D-EIR to be downloaded. The NOA was also posted on local Citi-Cable 3 television; and

WHEREAS, after completing the D-EIR (SCH #2008111046), the City released the document for public review for a 45-day public comment period, beginning July 23, 2009 and ending on September 8, 2009, by filing a NOA with the County Clerk of Los Angeles; and

WHEREAS, during the 45-day public comment period of the D-EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Section 15086; and

WHEREAS, the City prepared a Final EIR, which included the D-EIR, revisions to those documents, and responses to comments (collectively, the “F-EIR”) which was sent out for a 10-day public notice period on October 12, 2009 and ending on October 28, 2009 pursuant to Public Resources Code Section 21092.5, resulting in the City receiving seven written comment letters; the City provided written responses to comments to all commenting agencies; and

WHEREAS, the City prepared the F-EIR and, pursuant to Public Resources Code Section 21092.5, the City provided a Notice of Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about October 18, 2009, in the Daily Breeze; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the certification of the F-EIR, consisting of the D-EIR, and the Response to Comments, on October 28, 2010 in the City Council Chambers, City Hall, 3031 Torrance Boulevard, Torrance, California, during which it received exhibits and took and considered public testimony from those wishing to be heard regarding certification of the F-EIR; and

WHEREAS, the Planning Commission has carefully reviewed and considered all environmental documentation comprising the F-EIR, including the D-EIR and the comments and the responses thereto, and has found that the F-EIR considers all potentially significant environmental impacts of the proposed project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines; and

WHEREAS, prior to making a decision on this Project, the City Council considered all significant impacts, mitigation measures, and Project alternatives identified in the F-EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible; and

WHEREAS, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects of the project unless the public agency makes certain written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, CEQA and the CEQA Guidelines require that where an agency approves a project that would allow the occurrence of significant environmental effects which are identified in an EIR, but are not mitigated to a level of insignificance, the agency state in writing the specific reasons supporting its action based on the F-EIR and/or other information in the record; and

WHEREAS, the City Council has balanced the benefits of the Project against its unavoidable environmental risks in making its recommendation on this Project as necessary to serve the existing and future needs of the City of Torrance, and has determined that any remaining unavoidable significant impacts are outweighed by specific economic, legal, social, technological or other benefits of the Project; and

WHEREAS, the City Council certified the F-EIR as adequate and accurate at a duly noticed public hearing pursuant to Resolution 2010-30 on April 6, 2010 in the City Council Chambers, City Hall, 3031 Torrance Boulevard, Torrance, California; and

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Torrance finds, determines, and resolves on substantial evidence in the record as a whole as follows:

Section 1. Certification. Based on its review and consideration of the F-EIR and all written communications and oral testimony regarding the Project which have been submitted to, and received by, the City, the City Council certifies that the F-EIR for the Project has been completed in compliance with CEQA and the State and local CEQA Guidelines. The City Council, having final approval authority over the Project, finds that the F-EIR reflects the City Council's independent judgment and analysis as lead agency under CEQA, and hereby adopts and certifies the F-EIR as complete and adequate. The City Council further certifies that the F-EIR was presented to the City Council and that the City Council reviewed and considered the information contained in it prior to approving the Project.

Section 2. CEQA Findings and Statement of Facts. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council has reviewed, and hereby makes and adopts, the CEQA Findings and Statement of Facts for the Project, attached as Exhibit "A," which is incorporated herein by reference as though set forth in full.

Section 3. Statement of Overriding Considerations. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15093, the City Council has reviewed and hereby makes and adopts the Statement of Overriding Considerations for the Project, attached as Exhibit "B," which is incorporated herein by reference as though set forth in full.

Section 4. Mitigation Plan Approval. Although the F-EIR identifies certain significant environmental effects that would result from approval of the Project, most environmental effects can feasibly be avoided or mitigated and will be avoided or mitigated by imposition of mitigation measures included in the F-EIR and the Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15097, the City Council hereby adopts and approves the Mitigation Monitoring and Reporting Program for the Project, attached hereto as Exhibit "C," which is incorporated herein by reference as though set forth in full. The City Council further finds that the mitigation measures identified in the F-EIR are feasible, and specifically makes each mitigation measure a condition of Project approval.

No Significant New Information Added to Draft EIR. The information provided in the various reports submitted in connection with the Project and in the responses to comments on the D-EIR, the information added to the F-EIR, and the evidence presented in written and oral testimony at public hearings on the Project and the D-EIR, do not constitute significant new information that would require recirculation of the D-EIR pursuant to Public Resources Code section 21092.1 and CEQA Guidelines Section 15088.5.

Section 5. Location and Custodian of Record of Proceedings. The City Clerk, whose office is located at 3031 Torrance Boulevard, Torrance, California 90503, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act (Government Code §§ 6250 *et seq.*).

Section 6. Notice of Determination. The City Clerk shall file a Notice of Determination with the County Clerk of the County of Los Angeles and with the State Office of Planning and Research within five working days after this approval.

Section 7. Approval of Project. The City Council, after full consideration, hereby approves the Project.

INTRODUCED, APPROVED AND ADOPTED this 6th day of April, 2010.

APPROVED AS TO FORM: /s/ Frank Scotto
JOHN L. FELLOWS III, City Attorney Mayor Frank Scotto
ATTEST:

by /s/ Patrick Q. Sullivan /s/ Sue Herbers
Patrick Q. Sullivan, Assistant City Attorney Sue Herbers, City Clerk

TORRANCE CITY COUNCIL RESOLUTION NO. 2010-30

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 6th day of April, 2010 by the following roll call vote:

AYES: COUNCILMEMBERS Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland,
and Mayor Scotto.
NOES: COUNCILMEMBERS None.
ABSTAIN: COUNCILMEMBERS None.
ABSENT: COUNCILMEMBERS None.

Date: April 8, 2010 /s/ Sue Herbers
Sue Herbers
City Clerk of the City of Torrance