

1 **C.C. RESOLUTION NO. 17-XX**

2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**
3 **HERMOSA BEACH, CALIFORNIA, CERTIFYING THE FINAL**
4 **ENVIRONMENTAL IMPACT REPORT (“EIR”), ADOPTING A**
5 **MITIGATION MONITORING AND REPORTING PROGRAM, AND**
6 **ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**
7 **FOR PLAN HERMOSA, THE INTEGRATED GENERAL PLAN AND**
8 **COASTAL LAND USE PLAN FOR THE CITY OF HERMOSA BEACH.**

9 **THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA,**
10 **DOES HEREBY RESOLVE AS FOLLOWS:**

11 **SECTION 1.** In July 2013, the City of Hermosa Beach initiated a comprehensive update to
12 the General Plan, including integration of the City’s Coastal Land Use Plan. This update includes
13 comprehensive revisions to all previous elements of the General Plan, with the exception of the
14 Housing Element, which was certified by the California Department of Housing and Community
15 Development on October 18, 2013. The three-and-a-half year update process has resulted in the
16 preparation of PLAN Hermosa, which includes General Plan Elements on Governance, Land Use
17 + Design, Mobility, Sustainability + Conservation, Parks + Open Space, Public Safety, and
18 Infrastructure. PLAN Hermosa also covers California Coastal Act topics of Public Access,
19 Recreation + Visitor Serving Facilities, Water Quality Protection, Environmentally Sensitive
20 Habitats + Natural Resources, Planning + Development, Archaeological + Cultural Resources,
21 Scenic + Visual Resources, Coastal Hazards, Shoreline Erosion + Protective Devices, and Energy
22 + Industrial Development.

23 **SECTION 2.** Pursuant to the California Environmental Quality Act (“CEQA”), the City,
24 acting as Lead Agency, circulated a Notice of Preparation (“NOP”) for the project on August 7,
25 2015, beginning a 30-day review period. As part of the Environmental Impact Report (“EIR”)
26 scoping process, the City held a public scoping meeting at the Planning Commission meeting on
27 August 18, 2015, in the Hermosa Beach City Council Chambers. The NOP and letters received in
28 response to the NOP from both public agencies and members of the public are included in
Appendix B of the Draft EIR. The Draft EIR was circulated for a 72-day review period beginning

1 October 26, 2016 and ending on January 5, 2017. As part of the Draft EIR review process, the
2 Planning Commission held a special meeting on November 21, 2016 to take public comment on
3 the Draft EIR. The Final EIR was made public on February 9, 2017. Revisions to the Final EIR
4 have been made based on Planning Commission and City Council review and changes to PLAN
5 Hermosa. All required notifications were provided pursuant to CEQA (Public Resources Code
6 Section 21092.5) and all comment letters were incorporated into the Final EIR.

7 **SECTION 3.** In accordance with Senate Bill 18 (SB 18) and Government Code 69352.3,
8 and Assembly Bill 52 (AB 52) and Government Code 21000, the City of Hermosa Beach
9 requested a list of Tribal Organization contacts from the Native American Heritage Commission in
10 April 2014. The City of Hermosa Beach sent notifications to the appropriate tribal organizations in
11 January 2015 in compliance with SB 18, and again in August 2015 to comply with AB 52. The
12 City has complied with the requirements for tribal consultation and the findings of consultation
13 process can be found in Attachment D to this resolution.

14 **SECTION 4.** The Planning Commission, Public Works Commission, Parks and
15 Recreation Commission, and Emergency Preparedness Advisory Commission held public
16 meetings to review the 2015 Public Review Draft of PLAN Hermosa between January 2016 and
17 June 2016, and have recommended modifications to the document. The Planning Commission
18 further held Public Hearings on February 22, 23, and 27; and March 13, 21, and 27, 2017 to review
19 and identify additional recommended changes to PLAN Hermosa, based on previous input from
20 the Public Works Commission, Parks and Recreation Commission, and Emergency Preparedness
21 Advisory Commission, and public and commissioner testimony provided during the public
22 hearings. The changes to PLAN Hermosa that the Planning Commission recommended to the City
23 Council, were incorporated into the Planning Commission Recommended Draft prepared in March
24 2017 and reviewed by the City Council. Notice of the public hearing before the Planning
25 Commission on the PLAN Hermosa and FEIR was advertised in The Easy Reader Newspaper on
26 February 16, 2017, and re-advertised in the Easy Reader on March 16, 2017. Notifications of the
27 Public Hearing was also shared with the local press and was also distributed via the City's eNotify,
28 Nixle and Nextdoor communication systems to the Hermosa Beach community.

1 **SECTION 5.** The proposed changes to the project largely clarify and define policy
2 language without changing the intent of the PLAN’s goals and objectives. Pursuant to Section
3 15088.5 of the State CEQA Guidelines, the changes would not result in any new significant
4 environmental impacts nor substantially increase the severity of significant impacts described in
5 the EIR and a recirculation of the EIR is not necessary. The EIR is not changed in a way that
6 deprives the public of a meaningful opportunity to comment upon a substantial adverse
7 environmental effect of the project because the impact conclusions have not changed. The EIR is
8 also not changed in a way that deprives the public of a meaningful opportunity to comment upon a
9 feasible way to mitigate or avoid such an effect that will not be implemented, as all feasible
10 mitigation and a reasonable range of alternatives were discussed in the EIR and during the
11 extensive public hearing process. There are no new or substantially increased impacts that were not
12 previously identified in the EIR. As explained further in Attachment D, Hermosa Beach Project
13 Findings and Statement of Overriding Considerations Recommending the adoption of PLAN
14 Hermosa, none of the conditions set forth in CEQA requiring recirculation of a Draft EIR have
15 been met.

16 **SECTION 6.** The City of Hermosa Beach prepared the PLAN Hermosa Program EIR
17 (State Clearinghouse #2015081009) in its capacity as lead agency under CEQA and in compliance
18 with CEQA. The Final EIR, provided as Attachments A through E consists of the NOP, Notice of
19 Availability, the Draft EIR including technical appendices, the Responses to Comments, Final
20 Corrections and Additions, Mitigation Monitoring and Reporting Program, and the Project
21 Findings and Statement of Overriding Considerations Recommending the adoption of PLAN
22 Hermosa. Hereafter, these documents will be referred to collectively as the “Final EIR.” These
23 Findings are based on the entire record before the City Council, including the Final EIR.

24 **SECTION 7.** In accordance with Public Resources Code Section 21092.5, the City
25 provided written proposed responses to public agencies that commented on the Draft EIR ten (10)
26 days prior to certification of the Final EIR.

27 **SECTION 8.** The Planning Commission of the City of Hermosa Beach held duly noticed
28 Public Hearings on PLAN Hermosa and the Final EIR on February 22, 23, and 27; and March 13,

1 21, and 27, 2017 and made a formal recommendation to the City Council on March 27, 2017 with
2 the adoption of Planning Commission Resolutions 17-09 and 17-10 recommending certification of
3 the Final Environmental Impact Report and Adoption of PLAN Hermosa.

4 **SECTION 9.** The City Council held Study Sessions to review PLAN Hermosa and the
5 associated EIR on April 20, May 23, May 31, and June 13, 2017. Public hearings were held by the
6 City Council on July 11, July 17, and August 22, 2017. Notice of the public hearings before the
7 City Council on PLAN Hermosa and the FEIR was advertised in The Easy Reader Newspaper on
8 June 29, 2017 and August 17, 2017. Notification of the City Council Study Sessions and Public
9 Hearings was also provided to all tenants and property owners of all addresses in Hermosa Beach
10 via mail, shared with the local press, and distributed via the City's eNotify, Nixle and Nextdoor
11 communication systems to the Hermosa Beach community.

12 **SECTION 10.** In accordance with CEQA Section 21082, the Planning Commission
13 independently reviewed and analyzed the Final EIR, provided as Attachments A through E, and
14 the administrative record relating to the proposed project. The Final EIR constitutes an accurate
15 and complete statement of the environmental impacts of the proposed project. The Final EIR
16 reflects the independent judgment of the Planning Commission and it hereby recommends the City
17 Council adopt the facts and analysis in the Final EIR and in the Project Findings and Statement of
18 Overriding Considerations Recommending the adoption of PLAN Hermosa and certify the Final
19 EIR. The omission of some detail or aspect of the Final EIR does not mean that it has been rejected
20 by the City Council.

21 **SECTION 11.** Pursuant to Section 15091 (a)(1) of the CEQA Guidelines, the City
22 Council finds that changes or alterations have been required in the project that, to the extent
23 feasible, substantially lessen the significant environmental effects identified in the EIR. These
24 changes or alterations are included in the Mitigation Monitoring and Reporting Program. In
25 accordance with Section 15091 (d), and Section 15097 of the CEQA Guidelines, which require a
26 public agency to adopt a program for reporting or monitoring required changes or conditions of
27 approval to substantially lessen significant environmental effects, the City Council hereby adopts
28 the Mitigation Monitoring and Reporting Program incorporated herein as Attachment C.

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SECTION 12. In accordance with CEQA Section 21081, specific overriding economic, legal, social, technological, or other benefits of the project have been identified that outweigh the significant effects on the environment, as described in the Statement of Overriding Considerations (Attachment D). The City Council hereby makes the findings described in the Hermosa Beach Project Findings and Statement of Overriding Considerations for Adoption of PLAN Hermosa.

VOTE: AYES:
NOES:
ABSTAIN:
ABSENT:

PASSED, APPROVED and ADOPTED this 22nd day of August, 2017.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney