

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING THE MUNICIPAL CODE TO ADD CHAPTER 17.20 ESTABLISHING A NO NET LOSS PROGRAM FOR RESIDENTIAL CAPACITY PURSUANT TO THE PROVISIONS OF SB330.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT, RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

**SECTION 1. CEQA.** The City Council hereby finds and determines that pursuant to Section 15378 of the California Environmental Quality Act, the proposed amendments to the Municipal Code are procedural in nature and would not involve any change to land use or development standards, thus there is no potential for these Municipal Code changes to either directly or indirectly result in a physical impact on the environment. Therefore, the proposed amendments are not a project under the California Environmental Quality Act.

**SECTION 2. SEVERABILITY:** The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the Ordinance enforced.

**SECTION 3. FINDINGS:** On October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, adopted Government Code Section 66300, declared a housing crisis in the State of California and imposed certain requirements designed to streamline the construction of new housing, and prevent the loss of existing housing and land available for future residential use, unless replaced in other areas of the affected jurisdiction to ensure no net loss in residential capacity. SB330 became effective on January 1, 2020; and

In pertinent part, Government Code section 66300(h)(2)(i)(1) provides as follows:

"This section does not prohibit an affected ... city from changing a land use designation or zoning ordinance to a less intensive use if the city ... concurrently changes the development standards, policies, and conditions applicable to other parcels within the

jurisdiction to ensure that there is no net loss in residential capacity."

The City desires to adopt this Ordinance in order to ensure its compliance with SB330 and to accomplish this goal and ensure compliance with SB330, the City desires to amend Chapter 17 Zoning Code to add Section 17.20 and establish a no Net Loss Program for certain residential projects; and

The proposed Chapter 17.20 will provide that, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, the proposed Section will ensure that there is no net loss of residential capacity within the City as required by SB330; and

Pursuant to Section 15378 of the California Environmental Quality Act, a 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and the proposed amendments are therefore not a project under the California Environmental Quality Act.

**SECTION 4. PURPOSE:** The purpose of this Ordinance is to maintain City's compliance with SB330 and ensure the concurrent replacement of housing capacity which may be decreased by projects requesting rezoning of residential properties.

**SECTION 5. AUTHORITY:** This Ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California and California Government Code Section 37100. The Ordinance is not intended to be duplicative of state law or be preempted by state legislation.

**SECTION 6. MUNICIPAL CODE AMENDED:** The City Council hereby amends Title 17, to include Chapter 17.20 entitled "No Net Loss Program" to the City of Beaumont Municipal Code to read as specifically set forth in Exhibit "A", which Exhibit is attached hereto and made a part hereof.

**SECTION 7. EFFECTIVE DATE:** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

**NOW, THEREFORE, BE IT ORDAINED** the City Council of the City of Beaumont, California, approves an amendment to the City Code.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 17th day of August 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of  
Beaumont, California, held on the 7th day of September 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mike Lara, Mayor

Attest:

\_\_\_\_\_  
Nicole Wheelwright, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
John O. Pinkney, City Attorney