

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT,
CALIFORNIA ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT
OF OVERRIDING CONSIDERATIONS; CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT ; AND ADOPTING A MITIGATION
MONITORING PLAN FOR THE GENERAL PLAN UPDATE**

WHEREAS, the project is known as the City of Beaumont General Plan Update and is comprised of the following components: 1) General Plan Update; 2) zoning code amendments; 3) Final Environmental Impact Report; 4) Findings of Fact; 5) Statement of Overriding Considerations and 6) Mitigation Monitoring and Reporting Program encompassing the City of Beaumont and its sphere of influence; and

WHEREAS, the Final Environmental Impact Report (SCH #2018031022) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the California Environmental Quality Act (CEQA; *Public Resources Code* § 21000 *et seq.*) to analyze the environmental effects of the project; and

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and comment period commencing on March 9, 2018; and

WHEREAS, a public scoping meeting was held March 13, 2018 to receive comments on the appropriate scope of the EIR; and

WHEREAS, between the public scoping meeting and date of final action fourteen community meetings and public hearings of various City commissions and the City Council were held to deliberate the merits of the proposed project and make recommendations regarding components of or a final action on the project; and

WHEREAS, the Draft EIR was circulated for a 45-day public review and comment period commencing September 8, 2020 and concluding October 22, 2020; and

WHEREAS, on October 27, 2020 the Planning Commission voted 5-0 to recommend the City Council adopt the General Plan Update, revised zoning ordinance and zoning map; and certify the FEIR in compliance with CEQA; and

a. The draft Project PEIR has been completed in compliance with the California Environmental Quality Act (CEQA);

b. There are no environmentally superior alternatives to the Project that will avoid or substantially lessen the significant environmental effects as identified in the Draft PEIR; and

c. Concur with the findings and mitigation measures contained in the Draft EIR; and

d. The City Council adopts a Statement of Overriding Considerations (SOC) prior to certification of the PEIR; and

WHEREAS, the Final EIR (Response to Comments) documents were released

October 30, 2020; and

WHEREAS, Section 21000 *et. seq.* of the *Public Resources Code* and Section 15000 *et. seq.* of Title 14 of the California Code of Regulations (*CEQA Guidelines*) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the City Council has reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Ordinance; and

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, the City Council is required pursuant to CEQA (*Guidelines* Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, CEQA (*Guidelines* Section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (*Guidelines* Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (*Guidelines* Section 15093).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, DOES RESOLVE, DECLARE, AND DETERMINE AS FOLLOWS:

SECTION 1. Exhibit A (Findings of Fact and Statement of Overriding Considerations) and Exhibit B (Mitigation Monitoring and Reporting Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits A and B.

SECTION 2. That the EIR has been prepared in accordance with the requirements of CEQA (Public Resources Code Section 21000 et. seq.) and the CEQA Guidelines (California Code Regs. Title 14 Section 15000 et. seq.).

SECTION 3. That the EIR, prepared for the General Plan Update, was received and considered by the City Council prior to approval of the Project and reflect the independent judgement of the City Council of the City of Beaumont.

SECTION 4. Exhibit A of this Resolution provides the findings required under Section 15093 of the *CEQA Guidelines* relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable."

SECTION 5. That the attached Findings of Fact and Statement of Overriding Considerations (see Exhibit A) are hereby approved by the City Council, and the contents and findings of which are hereby incorporated by this reference as if wholly set forward in this Resolution and are adopted in full by the City Council.

SECTION 6. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.

SECTION 7. That the Mitigation Monitoring and Reporting Program that was prepared for the project, was considered by the City Council prior to its adoption. The City Council hereby finds pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 that the mitigation measures described in the above referenced documents are feasible and will become binding upon the entity assigned thereby to implement the same.

SECTION 8. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines 15091, alternatives to the Project, which were identified in the EIR, were not found to reduce impacts to a less than significant level and/or meet Project objectives and/or were found to be infeasible based on specific economic, social, or other considerations.

SECTION 9. That the Mitigation Monitoring and Reporting Program, attached to this document as Exhibit B, is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

SECTION 10. That staff are directed to file a Notice of Determination with the County of

Riverside within five (5) working days of final approval.

SECTION 11. This Resolution shall take effect immediately upon adoption.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beaumont, California, approves this resolution.

MOVED, PASSED AND ADOPTED by the City Council of the City of Beaumont on the 17th day of November 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rey Santos, Mayor

Attest:

John Pinkney, City Attorney

Exhibits Attached:

- A. CEQA Findings of Fact and Statement of Overriding Considerations
- B. Final Mitigation Monitoring and Reporting Plan