

RESOLUTION NO. 1581

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2001051092) FOR THE POSEIDON SEAWATER DESALINATION PROJECT

WHEREAS, an Environmental Impact Report, State Clearinghouse #2001051092 (“EIR”) was prepared by the City of Huntington Beach (“City”) to address the environmental implications of the proposed Poseidon Seawater Desalination Project (the “Project”).

- On May 17, 2001, a Notice of Preparation/Initial Study for the Project was prepared and distributed to the State Clearinghouse, other responsible agencies, trustee agencies and interested parties. An update to the Notice of Preparation/Initial Study was prepared and distributed on March 4, 2002.
- After obtaining comments received in response to the Notice of Preparation, and comments received at the two public scoping meetings held at the Edison Community Center in the City of Huntington Beach on June 6, 2001 (2:30 pm and 7:15 pm), the City completed preparation of the Draft EIR, dated September 19, 2002, and filed a Notice of Completion with the State Clearinghouse.
- The Draft EIR was circulated for public review and comment from September 19, 2002 to November 4, 2002 and was available for review at several locations including City Hall and the Huntington Beach Public Library; and

WHEREAS, public comments have been received on the Draft EIR, and responses to those comments have been prepared and provided to the Planning Commission in a separately bound document entitled “Responses to Comments for the Poseidon Seawater Desalination Project” (the “Responses to Comments”), dated March 21, 2003; and

WHEREAS, the Planning Commission held a public meeting on the EIR on May 27, 2003, and received and considered public testimony.

NOW, THEREFORE, the Planning Commission of the City of Huntington Beach, California, **DOES HEREBY RESOLVE**, as follows:

SECTION 1. Consistent with CEQA Guidelines Section 15132, the Final EIR for the Project is comprised of the Draft EIR and Appendices, the comments received on the Draft EIR, the Responses to Comments, the Errata (bound together with the Responses to Comments), the Appendices to the Responses to Comments and all

Planning Department Staff Reports to the Planning Commission, including all minutes, transcripts, attachments, incorporation, and references.

SECTION 2. The Planning Commission makes the findings contained in the attached “Statement of Facts and Findings” with respect to significant impacts identified in the Final EIR and finds that each fact in support of the findings is true and is based upon substantial evidence in the record, including the Final EIR. The Statement of Facts and Findings is attached as Exhibit “A” to this Resolution and incorporated herein by this reference.

SECTION 3. The Planning Commission finds that the Final EIR has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final EIR.

SECTION 4. The Planning Commission finds that all significant effects of the Project are set forth in the Statement of Findings and Facts and the Final EIR.

SECTION 5. The Planning Commission finds that although the Final EIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of Project design features, standard conditions and requirements, and by the imposition of mitigation measures on the approved Project. All mitigation measures are included in the “Mitigation Monitoring and Reporting Checklist” (also referred to as the “Mitigation Monitoring Program”) attached as Exhibit “B” to this Resolution and incorporated herein by this reference.

SECTION 6. The Planning Commission finds that the Final EIR has described reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the “No Project” Alternative), even when these alternatives might impede the attainment of Project objectives and might be more costly. Further, the Planning Commission finds that a good faith effort was made to incorporate suggested alternatives in the preparation of the Draft EIR and that a reasonable range of alternatives was considered in the review process of the Final EIR and ultimate decisions on the Project.

SECTION 7. The Planning Commission finds that no “substantial evidence” (as that term is defined pursuant to CEQA Guidelines Section 15384) has been presented which would call into question the facts and conclusions in the EIR.

SECTION 8. The Planning Commission finds that no “significant new information” (as that term is defined pursuant to CEQA Guidelines Section 15088.5) has been added to the EIR. The Planning Commission finds that the refinements that have been made in the Project do not amount to significant new information concerning the Project, nor has any significant new information concerning the Project become known to the Planning Commission through the public hearings held on the Project, or through the comments on the Draft EIR and Responses to Comments.

SECTION 9. The Planning Commission finds that the Mitigation Monitoring Program establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to Public Resources Code 21081.6 and hereby adopts the Mitigation Monitoring Program. The mitigation measures shall be incorporated into the Project prior to or concurrent with Project implementation.

SECTION 10. The Planning Commission finds that the unavoidable significant adverse effects of the Project as identified in Section 5.0 of the Statement of Facts and Findings (short-term construction related impacts in regards to air quality) have been lessened in their severity by the application of standard conditions, the inclusion of Project design features and the imposition of the mitigation measures. The Planning Commission finds that the remaining unavoidable significant impacts are clearly outweighed by the economic, social, and other benefits of the Project, as set forth in the “Statement of Overriding Considerations” included as Section 7.0 of the Statement of Facts and Findings. The Planning Commission adopts the recitation of overriding considerations which justify approval of the Project notwithstanding certain unavoidable significant environmental effects which cannot feasibly be substantially mitigated as set forth in the Statement of Overriding Considerations.

SECTION 11. The Planning Commission finds that the Final EIR reflects the independent review and judgment of the City of Huntington Beach Planning Commission, that the Final EIR was presented to the Planning Commission, and that the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving Conditional Use Permit No. _____ and Coastal Development Permit No. _____.

SECTION 12. The Planning Commission finds that the Final EIR serves as adequate and appropriate environmental documentation for the Project. The Planning Commission certifies that the Final EIR prepared for the Project is complete, and that it has been prepared in compliance with the requirements of the California Environmental Quality Act and CEQA Guidelines.

PASSED, APPROVED, and ADOPTED, this 27th day of May, 2003 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Howard Zelefsky, Secretary

Chairperson, Planning Commission