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May 13, 2022

Via Email and U.S. Mail

Christina Taylor, Community Development Director
City of Beaumont
550 E. 8th Street
Beaumont, CA 92229

Email: ctaylor@beaumontca.gov

Re: **Request to Extend the Public Review and Comment Period for the Draft Environmental Impact Report for Beaumont Summit Station Project (SCH No. 2021090378)**

Dear Ms. Taylor:

We are writing on behalf of **Californians Allied for a Responsible Economy** ("CARECA") to respectfully request that the City of Beaumont ("City") extend the public review and comment period for the Draft Environmental Impact Report ("DEIR") prepared for the Beaumont Summit Station Project (SCH No. 2021090378) ("Project"), proposed by Exeter Cherry Valley Land, LLC. The current public comment period ends on June 6, 2022. We request an extension of at least 45 days, the minimum public review period set out in the California Environmental Quality Act ("CEQA") due to the City's failure to make all documents referenced in the DEIR available to the public for the duration of the public comment period.

03-10

This request is made pursuant to Public Resources Code section 21092(b)(1) and CEQA Guidelines section 15087(c)(5), which require that "all documents referenced," relied upon, and "incorporated by reference," in a draft environmental impact report be "available for public review" during the entire comment period, and "**readily accessible to the public during the lead agency's normal working hours.**"

03-11

¹ Public Resources Code § 21092(b)(1); 15 Cal. E.R. § 15087(c)(5); *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 19, 2007).
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On April 29, 2022, we submitted a letter to the City, pursuant to CEQA section 21092(b)(1) and CEQA Guidelines section 15087(c)(5), requesting **“immediate access to any and all documents referenced, incorporated by reference, and relied upon”** in the DEIR (emphasis added). The City did not respond to this request. On May 11, 2022, we emailed the City again expressing the need for the City to provide access to all documents referenced in the DEIR in response to our request. To date, the City has failed to respond to these requests and has not provided CARECA, and potentially other members of the public, with access to all documents referenced and relied upon in the DEIR, as required by law.

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We have identified several documents referenced in the DEIR and its appendices that remain missing, two weeks after we requested access to them. CARECA therefore lacks access to critical supporting documents to the DEIR which it has a right to review during the CEQA public comment period. The missing documents are critical to understanding and commenting on the DEIR’s analysis of the Project’s impacts to several critical resource areas.

The missing documents include, but are not limited to, the following: the Project’s Development Agreement; preliminary WAIRE calculations referenced at page 28 in Appendix A; HPA Architecture, Conceptual Site Plan, Brookside Ave. and Cherry Valley Blvd., June 24, 2021; EXETER Property Group, Conceptual Site Plan, June 2021; CalEEMod 2020.4.0 model data input files; and Phase II Environmental Site Assessment, Sunny-Cal Egg & Poultry, 37251 Cherry Valley Boulevard, Cherry Valley, California, prepared for Allen Matkins Leck Gamble Mallory & Natals LLP by GeoKinetics on May 31, 2013.

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Without access to these critical DEIR reference documents during the public comment period on the DEIR, CARECA and other members of the public are precluded from having the meaningful opportunity to comment on the DEIR that is required by CEQA. CARECA and other members of the public are also unable to evaluate the accuracy of the City’s analyses, or the efficacy of the City’s proposed mitigation measures. Additionally, the size of the DEIR and the Project’s complexity make it difficult to effectively comment without the referenced documents by the current comment deadline of June 6, 2022.

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Courts have held that the failure to provide even a few pages of CEQA documents for a portion of the review period invalidates the entire process, and that

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such a failure must be remedied by permitting additional public comment.³ It is also well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.⁴ By failing to make all documents referenced and incorporated by reference in the DEIR “readily available” during the current comment period, the City is violating the clear procedural mandates of CEQA, to the detriment of CARECA and other members of the public who wish to meaningfully review and comment on the DEIR.

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In addition to our request for the DEIR reference documents pursuant to CEQA, we also submitted a Public Records Act (“PRA”), Government Code §§ 6250, *et seq.*, request dated April 29, 2022, to the City for immediate access to any and all public records referring or related to the Project. The request included, but was not limited to, any and all materials, applications, correspondence, resolutions, memos, notes, analyses, electronic email messages, files, maps, charts, and/or any other documents related to the Project. The request did not include the DEIR, or documents referenced or relied upon in the DEIR, which we requested in a separate letter pursuant to CEQA. The City has not responded to our PRA request either, as mandated by the PRA.⁵ For this reason, we ask that the City produce all responsive records as soon as possible.

Accordingly, we request that:

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- 1) the City immediately provide us with access to the documents requested in our DEIR reference document request dated April 29, 2022, including but not limited to, the documents enumerated by this letter.
- 2) the City extend the public review and comment period on the DEIR for at least 45 days from the date on which the City releases these documents for public review. If the missing documents are provided today, we request an extension to Monday, June 27, 2022.
- 3) the City immediately provide us with access to the documents requested in our PRA request dated April 29, 2022.

³ *Ultramar v. South Coast Air Quality Man. Dist.* (1988) 17 Cal.App.4th 689, 699

⁴ *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 831 (“Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other witnesses or oral presentations cannot supply what is lacking in the report.”)

⁵ Govt Code § 6253(c).

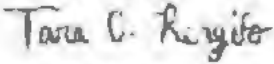
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Given the short time before the current comment deadline, please contact me as soon as possible with your response to this request, but **no later than Tuesday, May 17, 2022.**

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Please feel free to email me at TRengifo@adamsbroadwell.com with any questions. Thank you for your prompt attention and response.

Sincerely,

Tara C. Rengifo
Associate Attorney

TCR:acp