



PLANNING COMMISSION MEETING AGENDA

Wednesday, April 9, 2025

6:00 p.m.

550 E. Sixth Street, Beaumont, CA

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packets are available for public inspection in the City Clerk's office at 550 E. 6th Street during normal business hours.

MEETING PARTICIPATION NOTICE

This meeting will be recorded for live streaming as well as open to public attendance. Please use the following link during the meeting for live stream access: beaumontca.gov/livestream

Public comments will be accepted using the following options.

1. Written comments will be accepted via email and will be read aloud during the corresponding item of the meeting. Public comments shall not exceed three (3) minutes unless otherwise authorized by the Commission. Comments can be submitted anytime prior to the meeting as well as during the meeting up until the end of the corresponding item. Please submit your comments to: nicolew@beaumontca.gov with "Public Comment" in the subject line.
2. Phone-in comments will be accepted by joining a conference line prior to the corresponding item of the meeting. Public comments shall not exceed three (3) minutes unless otherwise authorized by the Commission. Please use the following phone number to join the call **(951) 922 - 4845**.
3. In-person comments are accepted by notifying the City Clerk using a provided Request to Speak Form prior to the start of the Public Comment Period. Public comments shall not exceed three (3) minutes unless otherwise authorized by the Commission.

In compliance with the American Disabilities Act, if you require special assistance to participate in this meeting, please contact the City Clerk's office using the above email or call **(951) 572 - 3196**. Notification 48 hours prior to a meeting will ensure the best reasonable accommodation arrangements.

Regular Session

A. CALL TO ORDER

Chairman Philip Southard, Vice Chair Nathan Smith, Commissioner Carlos Cueva, Commissioner Allen Koblin, Commissioner Steven Cooley

Request of Any Excused Absence
Pledge of Allegiance
Adjustments to Agenda
Conflict of Interest Disclosure

B. PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA):

Any one person may address the Committee on any matter not on this agenda. If you wish to speak, please fill out a "Public Comment Form" provided at the back table and give it to the Committee Chair or Secretary. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person. State Law prohibits the Committee from discussing or taking actions brought up by your comments.

C. ACTION ITEMS / PUBLIC HEARINGS / REQUESTS

Approval of all Ordinances and Resolutions to be read by title only.

C.1 Approval of Minutes

4

Recommended Action:

Approve Minutes dated March 26, 2025

C.2 PLAN2025-0164 Beaumont Municipal Code Amendment to Chapter 17.11.110 Home Occupations

7

Public hearing and consideration of proposed amendments to Beaumont Municipal Code Chapter 17.11 "General Development Standards", more specifically Chapter 17.02.110 "Home Occupations".

Recommended Action:

Hold a public hearing; and

Forward a recommendation to the City Council to approve BMC Amendment PLAN2025-0164 to amend Chapter 17.11 "General Development Standards", Section 17.11.110 "Home Occupations", of the Beaumont Municipal Code.

C.3 Suspension and Revision of BMC 17.11.050 – Offsite Improvements

23

A request by the Planning Division to provide a temporary suspension and revision of Beaumont Municipal Code Section 17.11.050 – Offsite Improvements to provide relief to single family residential owners looking to make onsite improvements to their property.

Recommended Action:

Forward a recommendation of approval to the proposed ordinance to suspend offsite improvements for single-family residential owners for a period not to exceed six (6) months, which is the estimated time of

completion of the Comprehensive Zoning Code Update.

**C.4 PLAN2025-0204 Public Hearing to Consider a Resolution Repealing the Noble Creek Vistas Specific Plan
Resolution to repeal the Noble Creek Vistas Specific Plan.**

39

Recommended Action:

Hold a Public Hearing; and

Adopt a resolution recommending to the City Council of the City of Beaumont to repeal the Noble Creek Vistas Specific Plan.

D. PLANNING MANAGER COMMENTS

E. ADJOURNMENT

The next regular meeting of the Beaumont Planning Commission is scheduled for Wednesday, May 14, 2025, at 6:00 p.m., unless otherwise posted Online www.BeaumontCa.gov



PLANNING COMMISSION REGULAR MEETING MINUTES

March 12, 2025
6:00 p.m.
550 E. Sixth Street, Beaumont, CA

Regular Session

A. CALL TO ORDER at 6:00 p.m.

Present: Vice Chair Nathan Smith, Commissioner Carlos Cueva, Commissioner Allen Koblin

Absent: Chairman Philip Southard, Commissioner Steven Cooley

Request of Any Excused Absence

Pledge of Allegiance

Adjustments to Agenda: **None**

Conflict of Interest Disclosure: **None**

B. PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA):

Any one person may address the Committee on any matter not on this agenda. If you wish to speak, please fill out a "Public Comment Form" provided at the back table and give it to the Committee Chair or Secretary. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person. State Law prohibits the Committee from discussing or taking actions brought up by your comments.

No comments

C. ACTION ITEMS / PUBLIC HEARINGS / REQUESTS

Approval of all Ordinances and Resolutions to be read by title only.

C.1 Approval of Minutes

**Motion by Commissioner Koblin
Second by Commissioner Cueva**

Approve Minutes dated:

February 12, 2025

February 13, 2025

Approved by a 3-0 vote

Absent: Cooley, Southard

C.2 Conditional Use Permit CUP2025-0009 Amendment to CUP2024-0001 for a Request for an ABC Type 47 – On Sale General Eating Place License and a Public Convenience and Necessity (PNC) Finding at 410 East Sixth Street (APN: 418-074-006)

A public hearing request for a Conditional Use Permit (CUP) to allow for on sale beer, wine, and liquor (ABC Type 47) at an existing restaurant, La Martina located at 410 East Sixth Street.

Public Hearing opened at 6:05 p.m.

No comments

Public Hearing closed at 6:05 p.m.

**Motion by Commissioner Koblin
Second by Commissioner Cueva**

To approve as presented with the support of a potential waiver if the subject property meets the criteria of a waiver to maintain the western pole and underground the remainder of the frontage.

And direct staff to prepare a Notice of Exemption for the applicant to file with the Riverside County Clerk Recorder.

Approved by a 3-0 vote

Absent: Cooley, Southard

C.3 Conditional Use Permit CUP2025-0010 for a Request to Operate a Permanent Makeup Studio at 315 East Sixth Street (APN: 418-093-003)

A public hearing for a Conditional Use Permit to operate a permanent makeup studio at an existing four-unit building, 315 East Sixth Street.

Public Hearing opened at 6:10 p.m.

A. Brantley - Owner, shared she was excited to open her business and made herself available for any questions by the Commission.

Public Hearing closed at 6:11 p.m.

**Motion by Commissioner Koblin
Second by Commissioner Cueva**

To approve Conditional Use Permit CUP2025-0010 subject to the attached Conditions of Approval.

And direct staff to prepare a Notice of Exemption for the applicant to file with the Riverside County Clerk Recorder.

**Approved by a 3-0 vote
Absent: Cooley, Southard**

- C.4 Continuation of Public Hearing Plot Plan PP2023-0591 - for a Proposed 15-Unit Apartment Complex, Commonly Referred to as "Aegis Beaumont" Located at 1360 East Sixth Street (APN 419-232-039)

Public hearing for a request to construct a two-story, market rate apartment complex consisting of nine (9) three-bedroom units and six (6) one-bedroom units, for a total of 15 apartment units, along with parking and open common space, on a 0.68-acre parcel located west of American Avenue and east of Illinois Avenue, at 1360 E. Sixth Street, within the Sixth Street Mixed-Use Residential (SSMUR) zone.

**Motion by Commissioner Cueva
Second by Commissioner Koblin**

To continue PP2023-0591 to the Planning Commission meeting on March 26, 2025, without discussion.

**Approved by a 3-0 vote
Absent: Cooley, Southard**

D. STAFF COMMENTS

E. ADJOURNMENT at 6:21 p.m.

The next regular meeting of the Beaumont Planning Commission is scheduled for Wednesday, March 26, 2025, at 6:00 p.m., unless otherwise posted Online www.BeaumontCa.gov



Staff Report

TO: Planning Commissioners
FROM: Jillian Fountain, Associate Planner
DATE: April 9, 2025
SUBJECT: PLAN2025-0164 Beaumont Municipal Code Amendment to Chapter 17.11.110 Home Occupations
APPLICANT: City of Beaumont

Description Public hearing and consideration of proposed amendments to Beaumont Municipal Code Chapter 17.11 “General Development Standards”, more specifically Chapter 17.02.110 “Home Occupations”.

Background and Analysis:

At the December 3, 2024, City Council meeting, Mayor Fenn requested an item be placed on a future agenda regarding the City’s Home Occupation Ordinance. Currently, the ordinance allows residents to conduct certain types of businesses from their homes through the issuance of a Home Occupation Permit (HOP). A home occupation business is generally defined as a business conducted within a residential dwelling unit that is an accessory use or ancillary use to the primary residential use. The city has adopted specific standards for home occupations to ensure that businesses do not negatively affect the character of residential areas. These are provided as Conditions of Approval for each HOP that is approved within the City.

These regulations, as outlined in the City's zoning code 17.11.110 - Home Occupations, aim to balance business activities with residential uses and prevent nuisance impacts such as excessive traffic, noise, and safety hazards. However, in recent years, there have been citizen complaints regarding the interpretation and enforcement of these regulations, particularly with the rise of online businesses, remote work, and e-commerce activities.

On March 4, 2025, staff provided a report to the City Council regarding proposed Amendments for Chapter 17.11.110 – “Home Occupations”. The discussion included a recommendation to approve the redlines proposed to remove or revise conditions to clarify the regulations and improve the overall effectiveness of the ordinance in supporting both residential and business interest in the City of Beaumont.

As part of the ongoing efforts to ensure that the City of Beaumont's regulations remain current and effective, the Home Occupation Ordinance has been reviewed by staff in collaboration with the legal team. This recommendation is to ensure that the ordinance is clear, aligns with best practices, and addresses current needs within the community. Based on staff's review, several proposed amendments have been identified to clarify language, improve enforceability, and enhance alignment with the City's broader goals for residential and business development.

The recommended revisions to Chapter 17.11.110 "Home Occupations" are as follows and can be found in the redlines attached to this staff report:

1. Removal of Condition 2
 - (2)** Material or equipment used in connection with such home-based businesses shall be limited to that normally found in a dwelling and recognized as being part of the normal uses and practices in the zone in which the use is a part.
2. Revision of Condition 6
 - (6)** No more than one room of the dwelling shall be used for the home-based business. Use of the garage for the home-based business may be permitted if such use does not obstruct required parking. No more than twenty percent of the residence shall be used for the home-based business, including any area for storage.
3. Removal of Conditions 8 and 9
 - (8)** The home-based business use shall not generate pedestrian or vehicular traffic beyond that normal/customary to the zone in which it is located.
 - (9)** The home-based business shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
4. Revision of Condition 10
 - (10)** Materials or supplies for the home-based business shall be stored indoors, within an accessory building or space, or may be stored outdoors, provided such materials or supplies are not visible to the public or from the public street.
5. Revision of Condition 11
 - (11)** The home-based business shall not involve the display of signs or advertising devices on the premises except one unlighted sign, not more than two square feet in area, may be posted on temporary produce displays. This provision does not apply to the use of advertising on commercial vehicles, provided the business is in full compliance with Section 10.12 of the City Code, or any other

applicable provision related to parking commercial vehicles, as may be amended from time to time

6. Revision of Condition 15

(15) No accessory building or space outside of the principal building shall be used for the home-based business other than the growing of produce, or for the storage of materials or supplies as provided herein. Storage or parking of vehicles associated with the home-based business must fully comply with the provisions of Section 10.12 of the City Code, or any other applicable provision related to parking commercial vehicles, as may be amended from time to time.

Staff is also recommending provisions related to Microenterprise Home Kitchen Operations for consistency with proposed updates to the Zoning Code.

In addition to replacing the current language in Chapter 17.11.110 “Home Occupations” (Attachment C) with the proposed language from the City’s Legal team (Attachment B), the proposed comprehensive zoning code update came before the City Council for a workshop on March 13, 2025, with an expected final adoption in late spring, early summer of 2025. Due to the concerns regarding enforceability and clarity, staff is recommending this change be incorporated prior to the final adoption of the comprehensive zoning code update.

CEQA:

The city has analyzed this proposed project and has determined that is exempt from the California Environmental Quality Act (CEQA) under section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed ordinance in itself does not relate to any physical project and will not result in any physical change to the environment and does not affect the land use or density limitations of the General Plan. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Consistency with Adopted Goals, Plans and Programs:

General Plan Consistency

The proposed recommendation is in conformance with the General Plan and is consistent with the General Plan implementation in EDF21 Zoning Code, 3.8.5 “Update

the City's Zoning Code to reflect modern business uses and needs, including allowing flexible or shared workspaces.”

Strategic Plan

The proposed recommendation is also consistent with Strategic Plan Target 3 goals, revisiting the City's Municipal Codes and Zoning to ensure overall effectiveness of the ordinance.

Public Communications Received:

A 20-day public notice was placed in the Press Enterprise on March 20, 2025. At the time of report preparation, the Planning Department has not received any letters of comment from the public in favor or opposition to the project. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Planning Commission at the time of the public hearing. Proof of publication is included as Attachment D to this staff report.

Planning Commission Authority:

The Beaumont Municipal Code Section 17.02.080.E authorizes the Planning Commission to recommend to the City Council approval, approval with modifications, or denial of the proposed application. The Commission's recommendation shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.

Recommended Action:

Hold a public hearing; and

Forward a recommendation to the City Council to approve BMC Amendment PLAN2025-0164 to amend Chapter 17.11 “General Development Standards”, Section 17.11.110 “Home Occupations”, of the Beaumont Municipal Code.

Attachments:

- A. Draft Ordinance
- B. Redlined Municipal Code Chapter 17.11.110 “Home Occupations”
- C. Existing Municipal Code Chapter 17.11.110 “Home Occupations”
- D. Proof of Publication

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BEAUMONT, CALIFORNIA,
AMENDING CHAPTER 17.11 “GENERAL DEVELOPMENT STANDARDS”, SECTION
17.11.110 HOME OCCUPATIONS OF THE BEAUMONT MUNICIPAL CODE**

WHEREAS, the City Council desires to amend the Home Occupation sections of the Beaumont Municipal Code to revise Conditions of Approvals in order to clarify the regulations and improve the overall effectiveness of the ordinance in supporting both residential and business interest in the City of Beaumont; and

WHEREAS, duly noticed public hearing was conducted on this matter as required by law by the Planning Commission on April 9, 2025; and

WHEREAS, the Planning Commission recommends that the City Council approve the proposed amendments to the Municipal Code Chapters; and

WHEREAS, following the Planning Commission’s recommendation, the City Council has approved the amendment to Chapter 17.11 “General Development Standards”, Section 17.11.110 “Home Occupations” revise Conditions of Approvals in order to clarify the regulations and improve the overall effectiveness of the ordinance in supporting both residential and business interest in the City of Beaumont; and

WHEREAS, duly noticed public hearing was conducted on this matter as required by law by the City Council on April 15, 2025; and

WHEREAS, the City Council of the City of Beaumont has reviewed the reasons for the recommendation of approval by the Planning Commission as described above;

**THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: The City Council hereby finds that the amendment to Chapter 17.11 “General Development Standards”, Section 17.11.110 “Home Occupations” revise Conditions of Approvals in order to clarify the regulations and improve the overall effectiveness of the ordinance in supporting both residential and business interest in the City of Beaumont

SECTION 2: The amendment of Chapter 17.11 “General Development Standards”, Section 17.11.110 “Home Occupations”, attached hereto as Exhibit "A", is hereby approved.

SECTION 3: The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment and the proposed amendments constitute a minor alteration in a land use limitation under CEQA Guidelines Section 15305, and such a land use limitation is a permissible exercise of the City's zoning powers.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage the City Clerk shall cause a summary to be published in a newspaper of general circulation, printed and published in the City of Beaumont, in a manner prescribed by law for publishing of ordinances of said City.

MOVED AND PASSED upon first reading this 15th day of April 2025, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MOVED, PASSED AND ADOPTED this _____, upon second reading by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mike Lara, Mayor

Attest: _____

Nicole Wheelwright, Deputy City Clerk

Approved as to form:

John O. Pinkney, City Attorney

17.11.110 Home occupations.

The purpose of this Section is to provide for the conduct of home occupations/home-based businesses in residential zones or buildings in such a manner as to be compatible with, and not disruptive to, residential neighborhoods. The use shall be clearly incidental and secondary to the principal use of a residential dwelling as a dwelling.

- A. *Uses Permitted.* The following uses or similar uses shall be considered as home-based businesses provided that such uses comply with the criteria stated in this Section:
1. Professional office occupation whose principal product is information, management or design, including but not limited to accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. Professional office activity does not include research requiring the use of hazardous materials and equipment. Professional office activity does not include a medical office.
 2. A secondary office for a business in which the principal office, staff and equipment are located elsewhere.
 3. The home office of a salesman, wherein all sales are conducted by telephone or by correspondence and wherein there are no displays or related commodities on premises.
 4. Any legal use customarily conducted entirely within a residential dwelling.
 5. The home office of a service business where not more than one 2,000-pound (one ton) or smaller vehicle used in conjunction with the home-based business is kept on the subject property.
 6. Sales of produce (fruit or vegetables) grown on the subject property.
 7. Cottage food operations, as defined in California Health and Safety Code Section 113758, [and microenterprise home kitchen operations, as defined at California Health and Safety Code Section 113825](#), shall be a permitted home-based business provided [the home-based business](#) complies with all applicable provisions of this Section, [any applicable requirements of the Riverside County Department of Environmental Health, and](#) ~~and under~~ the California Health and Safety Code, as it may be amended.
- B. *Conditions.* Home-based businesses may be permitted pursuant to the provisions of this Section, subject to the following conditions.
1. Employment shall be limited to residents of the dwelling only.
 - ~~2. Material or equipment used in connection with such home-based businesses shall be limited to that normally found in a dwelling and recognized as being part of the normal uses and practices in the zone in which the use is a part.~~
 - ~~23.~~ 23. There shall be no direct sales of products or merchandise from the dwelling, except for produce (fruit or vegetables) grown on the subject property or otherwise as authorized by this Section.
 - ~~34.~~ 34. Produce and sales may be permitted subject to sales being limited to three days per week. No structure or stand of a permanent nature shall be erected on the subject property.
 - ~~45.~~ 45. Customers or clientele shall not be permitted to visit/enter the dwelling in connection with the home-based business. However, incidental uses such as music lessons, tutoring, and the sale of

produce may be permitted if the intensity of such use is approved by the Community Development Director.

- ~~56.~~ No more than one room of the dwelling shall be used for the home-based business. Use of the garage for the home-based business may be permitted if such use does not obstruct required parking. No more than twenty percent of the residence shall be used for the home-based business, including any area for storage.
- ~~67.~~ No alteration of any kind will be allowed to the principal building which changes its residential character. This includes, but is not limited to, the enlargement of public utility services or the installation of special equipment attached to walls, floor or ceilings.
- ~~8.~~ The home-based business use shall not generate pedestrian or vehicular traffic beyond that normal/customary to the zone in which it is located.
- ~~9.~~ The home-based business shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- ~~710.~~ Materials or supplies for the home-based business shall ~~not~~ be stored indoors, within an accessory building or space, or may be stored outdoors, provided such materials or supplies are not visible to the public or from the public street. ~~or outdoors for purposes other than those permitted in the zone.~~
- ~~811.~~ The home-based business shall not involve the display of signs or advertising devices on the premises except one unlighted sign, not more than two square feet in area, may be posted on temporary produce displays. This provision does not apply to the use of advertising on commercial vehicles, provided the business is in full compliance with Section 10.12 of the City Code, or any other applicable provision related to parking commercial vehicles, as may be amended from time to time. ~~W~~
- ~~912.~~ A valid business license from the City shall be obtained each year and shall be posted on any temporary produce displays.
- ~~103.~~ The activities of the home-based business shall not be conducted in a manner that negatively impacts the residential area. Such determination of the City may include, but not be limited to, consideration of color of the building, construction, lighting, signs, sounds, noises and vibrations.
- ~~114.~~ All operations of such home-based business shall be conducted so as to prevent the emanation of any dust, gas, smoke, noise, fumes, odors, vibrations, or electrical disturbances which are or may be detrimental to the welfare of the occupants of surrounding properties.
- ~~125.~~ No accessory building or space outside of the principal building shall be used for the home-based business other than the growing of produce, or for the storage of materials or supplies as provided herein. ~~No outdoor storage, including the storage or parking of vehicles associated with the home-based business must fully comply with the provisions of Section 10.12 of the City Code, or any other applicable provision related to parking commercial vehicles, as may be amended from time to time, shall be permitted.~~
- ~~136.~~ The following requirements shall also apply to cottage food occupations and microenterprise home kitchen operations:
- i. The permit applicant shall be the individual who conducts the cottage food operation/microenterprise home kitchen operation from his or her private residential dwelling and is the owner of the cottage food operation/microenterprise home kitchen operation. The permit shall not be transferable to another operator nor transferable to another site.

- ii. ~~The cottage food operation shall be registered or permitted as a "Class A" or "Class B" operation by the Riverside County Department of Environmental Health in accordance with Section 114365 of the California Health and Safety Code. Any applicant for a permit under this Section shall provide to the City, as part of the home-based business application: (1) a copy of the operation's registration or permit to operate as a "Class A" or "Class B" operation, as required under Health and Safety Code Section 114365, and (2) a copy of the self-certification checklist submitted to and approved by the County.~~ Cottage food operations shall comply with all California Health and Safety Code requirements.
- iii. ~~Any applicant for a permit under this Section shall provide to the City, as part of the home-based business application: (1) a copy of the operation's registration or permit to operate as a "Class A" or "Class B" operation, as required under Health and Safety Code Section 114365, and (2) a copy of the self-certification checklist submitted to and approved by the County.~~
- iv. The permit shall be granted if the application is complete and the cottage food operation/microenterprise home kitchen operation complies with the requirements set forth in this Section, and all other code sections regarding spacing and concentration, traffic control, parking, and noise control.
- iiiiv. A permit issued under this Section may be revoked for any violation of this Section or of Section 114365 et seq. or 114367 et seq. of the California Health and Safety Code, as applicable.
- iv.vi. The City may, for inspection purposes, access the permitted area of a private home where a cottage food operation or microenterprise home kitchen operation is located if the City has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation/microenterprise home kitchen operation, or that the cottage food operation/microenterprise home kitchen operation has violated this Section and/or California Health and Safety Code Section 114365 et seq. or 114367 et. seq., as applicable.
- vii. Gross annual sales shall not exceed the amount specified in California Health and Safety Code Section 113758, or 113825, as applicable.
- vi. Cottage food operations/microenterprise home kitchen operations shall comply with all California Health and Safety Code requirements.
- ii. Cottage food operations shall be registered or permitted as a "Class A" or "Class B" operation by the Riverside County Department of Environmental Health in accordance with Section 114365 of the California Health and Safety Code. Any applicant for a permit for a Cottage food operation shall provide to the City, as part of the home-based business application: (1) a copy of the operation's registration or permit to operate as a "Class A" or "Class B" operation, as required under Health and Safety Code Section 114365, and (2) a copy of the self-certification checklist submitted to and approved by the County.

147. A home occupation shall be subject to any additional condition or requirement, which may be imposed by the ~~Commission or Council~~Community Development Director.

- C. *Applications.* Applications to have a home-based business shall be made to the Community Development Director, accompanied by the filing fee set forth in the fee schedule, and shall include such information and documentation as may be required to complete a Home Occupation Permit. The applicant shall be the operator of the home-based business and shall be a resident of the dwelling in which the home-based business is located. Information shall be provided to ensure that the proposed

home-based business complies with the requirements of this Section. Additional information necessary to make the findings required for approval may be required by the City. The permit may include specific conditions and restrictions necessary to make the use compatible with a residential setting.

- D. *Exemptions.* Activities exempt from the home-based business requirements include temporary sales stands with nominal sales such as children's lemonade stands and hostess parties, not more than three in any 12-month period. No structure or stand of a permanent nature shall be erected onsite for these exempt sales.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.11.110 - Home occupations.

The purpose of this Section is to provide for the conduct of home occupations/home-based businesses in residential zones or buildings in such a manner as to be compatible with, and not disruptive to, residential neighborhoods. The use shall be clearly incidental and secondary to the principal use of a residential dwelling as a dwelling.

- A. *Uses Permitted.* The following uses or similar uses shall be considered as home-based businesses provided that such uses comply with the criteria stated in this Section:
1. Professional office occupation whose principal product is information, management or design, including but not limited to accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. Professional office activity does not include research requiring the use of hazardous materials and equipment. Professional office activity does not include a medical office.
 2. A secondary office for a business in which the principal office, staff and equipment are located elsewhere.
 3. The home office of a salesman, wherein all sales are conducted by telephone or by correspondence and wherein there are no displays or related commodities on premises.
 4. Any legal use customarily conducted entirely within a residential dwelling.
 5. The home office of a service business where not more than one 2,000-pound (one ton) or smaller vehicle used in conjunction with the home-based business is kept on the subject property.
 6. Sales of produce (fruit or vegetables) grown on the subject property.
 7. Cottage food operations, as defined in California Health and Safety Code Section 113758, shall be a permitted home-based business provided it complies with all applicable provisions of this Section and under the California Health and Safety Code, as it may be amended.
- B. *Conditions.* Home-based businesses may be permitted pursuant to the provisions of this Section, subject to the following conditions.
1. Employment shall be limited to residents of the dwelling only.
 2. Material or equipment used in connection with such home-based businesses shall be limited to that normally found in a dwelling and recognized as being part of the normal uses and practices in the zone in which the use is a part.

3. There shall be no direct sales of products or merchandise from the dwelling, except for produce (fruit or vegetables) grown on the subject property or otherwise as authorized by this Section.
4. Produce and sales may be permitted subject to sales being limited to three days per week. No structure or stand of a permanent nature shall be erected on the subject property.
5. Customers or clientele shall not be permitted to visit/enter the dwelling in connection with the home-based business. However, incidental uses such as music lessons, tutoring, and the sale of produce may be permitted if the intensity of such use is approved by the Community Development Director.
6. No more than one room of the dwelling shall be used for the home-based business. Use of the garage for the home-based business may be permitted if such use does not obstruct required parking.
7. No alteration of any kind will be allowed to the principal building which changes its residential character. This includes, but is not limited to, the enlargement of public utility services or the installation of special equipment attached to walls, floor or ceilings.
8. The home-based business use shall not generate pedestrian or vehicular traffic beyond that normal/customary to the zone in which it is located.
9. The home-based business shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
10. Materials or supplies shall not be stored indoors or outdoors for purposes other than those permitted in the zone.
11. The home-based business shall not involve the display of signs or advertising devices on the premises except one unlighted sign, not more than two square feet in area, may be posted on temporary produce displays
12. A valid business license from the City shall be obtained each year and shall be posted on any temporary produce displays.
13. The activities of the home-based business shall not be conducted in a manner that negatively impacts the residential area. Such determination of the City may include, but not be limited to, consideration of color of the building, construction, lighting, signs, sounds, noises and vibrations.
14. All operations of such home-based business shall be conducted so as to prevent the emanation of any dust, gas, smoke, noise, fumes, odors, vibrations, or electrical disturbances which are or may be detrimental to the welfare of the occupants of surrounding properties.
- 15.

No accessory building or space outside of the principal building shall be used for the home-based business other than the growing of produce. No outdoor storage, including the storage or parking of vehicles associated with the home-based business, shall be permitted.

16. The following requirements shall also apply to cottage food occupations:
 - i. The permit applicant shall be the individual who conducts the cottage food operation from his or her private residential dwelling and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.
 - ii. The cottage food operation shall be registered or permitted as a "Class A" or "Class B" operation by the Riverside County Department of Environmental Health in accordance with Section 114365 of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.
 - iii. Any applicant for a permit under this Section shall provide to the City, as part of the home-based business application: (1) a copy of the operation's registration or permit to operate as a "Class A" or "Class B" operation, as required under Health and Safety Code Section 114365, and (2) a copy of the self-certification checklist submitted to and approved by the County.
 - iv. The permit shall be granted if the application is complete and the cottage food operation complies with the requirements set forth in this Section, and all other code sections regarding spacing and concentration, traffic control, parking, and noise control.
 - v. A permit issued under this Section may be revoked for any violation of this Section or of Section 114365 et seq. of the California Health and Safety Code.
 - vi. The City may, for inspection purposes, access the permitted area of a private home where a cottage food operation is located if the City has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation, or that the cottage food operation has violated this Section and/or California Health and Safety Code Section 114365 et seq.
 - vii. Gross annual sales shall not exceed the amount specified in California Health and Safety Code Section 113758.
17. A home occupation shall be subject to any additional condition or requirement, which may be imposed by the Commission or Council.

- C. *Applications.* Applications to have a home-based business shall be made to the Community Development Director, accompanied by the filing fee set forth in the fee schedule, and shall include such information and documentation as may be required to complete a Home Occupation Permit. The applicant shall be the operator of the home-based business and shall

be a resident of the dwelling in which the home-based business is located. Information shall be provided to ensure that the proposed home-based business complies with the requirements of this Section. Additional information necessary to make the findings required for approval may be required by the City. The permit may include specific conditions and restrictions necessary to make the use compatible with a residential setting.

- D. *Exemptions.* Activities exempt from the home-based business requirements include temporary sales stands with nominal sales such as children's lemonade stands and hostess parties, not more than three in any 12-month period. No structure or stand of a permanent nature shall be erected onsite for these exempt sales.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Press-Enterprise** on the dates indicated below.
If changes are needed, please contact us prior to deadline at **(951) 368-9229**.

Notice ID: HvEPwb4r9zwezfzllXNgH | **Proof Updated: Mar. 17, 2025 at 03:24pm PDT**
Notice Name: HOP, Suspension and Resolution Noble Creek

See Proof on Next Page

FILER	FILING FOR
Jillian Fountain jfountain@beaumontca.gov (951) 572-3237	The Press-Enterprise
Columns Wide: 4	Ad Class: Legals
03/20/2025: City Notices	305.40
	Subtotal \$305.40
	Tax % 0
	Total \$305.40

NOTICE IS HEREBY GIVEN, that the City of Beaumont will conduct a public hearing to consider the matter described below. The City of Beaumont's public hearing will be held at 6:00 p.m. on Wednesday April 9, 2025 and Tuesday, April 15, 2025, at 550 East Sixth Street, Beaumont, California.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING CHAPTER 17.11 "GENERAL DEVELOPMENT STANDARDS", SECTION 17.11.110 HOME OCCUPATIONS OF THE BEAUMONT MUNICIPAL CODE

And

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, SUSPENDING ENFORCEMENT OF BEAUMONT MUNICIPAL CODE SECTION 17.11.050 AND PROVIDING A REDLINE VERSION FOR CONSIDERATION AS PART OF THE ZONING CODE UPDATE

And

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA REPEALING THE NOBLE CREEK VISTAS SPECIFIC PLAN.

This meeting will be open to the public and will be recorded for livestreaming on the City's official YouTube webpage. Please use the following link during the meeting for live stream access:

BeaumontCa.gov/Livestream

Public comments will be accepted using the following options:

1. Emailed comments will be read aloud during the corresponding item of the meeting. Please submit your comments to NicoleW@BeaumontCa.gov
2. In person public comments.
3. Call-in comments using a designated public comment phone line (951) 922-4845. Planning Commission and City Council will conduct a public hearing to receive testimony and comments from all interested persons. Public comments shall not exceed three minutes unless otherwise authorized by City Council. Comments can be submitted any time prior to the meeting as well as during the meeting until the end of the corresponding item.

The Press-Enterprise
Published: 3/20/25



Staff Report

TO: Planning Commissioners
FROM: Darron Usher, Principal Management Analyst
DATE: April 9, 2025
SUBJECT: Suspension and Revision of BMC 17.11.050 – Offsite Improvements
APPLICANT: City of Beaumont

Description A request by the Planning Division to provide a temporary suspension and revision of Beaumont Municipal Code Section 17.11.050 – Offsite Improvements to provide relief to single family residential owners looking to make onsite improvements to their property.

Background and Analysis:

BMC Section 17.11.050 establishes the requirements for off-site improvements associated with new construction, expansions, or additions to existing structures. These improvements include installing curbs, gutters, sidewalks, and other infrastructure adjacent to the property.

Said improvements are typically required for new development. Currently, residential property owners proposing to construct accessory structures exceeding 300 square feet in size —such as patios and garages—must comply with these off-site improvement requirements as well. This can create significant financial and logistical challenges for homeowners. To address this issue, staff is proposing a temporary suspension on enforcing these requirements for residential accessory structures. This suspension would provide relief to affected homeowners while allowing staff to evaluate potential amendments to the code.

A recent case highlights the impact of the current requirements. A property owner applied for a Residential Administrative Plot Plan to construct a garage at the rear of their property. The proposed garage exceeded both the 300-square-foot threshold and the 25% size limit relative to the main structure. To comply with regulations, the applicant modified the project to include an Accessory Dwelling Unit (ADU). However, under state law, only the ADU's living space is exempt from the City's off-site improvement requirements. As a result, the applicant is still required to:

- Underground existing overhead utilities along the entire property frontage,

- Install a sidewalk along the full length of the property's front lot line, and
- Perform a half-width milling and overlay on Orange Avenue to a depth of 0.2 feet.

These current requirements create financial hardship for homeowners by adding to the already high costs of construction and deferring home improvements.

On March 4, 2025, staff took this item to the City Council to discuss the options of enacting a moratorium or suspension of this code. The City Council directed staff to move forward with a suspension as it was a simpler process for staff.

Staff is providing a redline of BMC 17.11.050 to change the language to exclude single-family residences from this code to provide financial relief from being required to make expensive offsite improvements when they would like to make additions to their property (see Attachment C).

BMC Section 17.11.050 establishes the requirements for off-site improvements associated with new construction, expansions, or additions to existing structures. These improvements include installing curbs, gutters, sidewalks, and other infrastructure adjacent to the property.

Currently, residential property owners constructing accessory structures exceeding 300 square feet in size —such as patios and garages—must comply with these off-site improvement requirements. This can create significant financial and logistical challenges for homeowners. To address this issue, staff is proposing a temporary suspension on enforcing these requirements for residential accessory structures. This suspension would provide relief to affected homeowners while allowing staff to evaluate potential amendments to the code.

A recent case highlights the impact of the current requirements. A property owner applied for a Residential Administrative Plot Plan to construct a garage at the rear of their property. The proposed garage exceeded both the 300-square-foot threshold and the 25% size limit relative to the main structure. To comply with regulations, the applicant modified the project to include an Accessory Dwelling Unit (ADU). However, under state law, only the ADU's living space is exempt from the City's off-site improvement requirements. As a result, the applicant is still required to:

- Underground existing overhead utilities along the entire property frontage,
- Install a sidewalk along the full length of the property's front lot line, and
- Perform a half-width milling and overlay on Orange Avenue to a depth of 0.2 feet.

These current requirements require owners to spend a substantial amount of money in addition to the costs incurred for their home improvements.

On March 4, 2025, staff took this item to the City Council to discuss the options of enacting a moratorium or suspension of this code. The City Council directed staff to move forward with a suspension as it was a simpler process for staff.

Staff is providing a redline of BMC 17.11.050 to change the language to exclude single-family residences from this code to provide financial relief from being required to make expensive offsite improvements when they would like to make additions to their property (see Attachment C).

Consistency with Adopted Goals, Plans and Programs:

General Plan Consistency

The proposed recommendation is in conformance with the General Plan and is consistent with the General Plan implementation in LUCD5 Development Review – Work to find efficiencies and make development permitting as simple as possible.

Strategic Plan

The proposed recommendation is also consistent with Strategic Plan Target 3 goals, revisiting the City's Municipal Codes and Zoning to ensure overall effectiveness of the ordinance.

Public Communications Received:

A 20-day public notice was placed in the Press Enterprise on March 20, 2025. At the time of report preparation, the Planning Department has not received any letters of comment from the public in favor or opposition to the project. Any comments received prior to the time of the scheduled City Council meeting will be provided to the Planning Commission at the time of the public hearing. Proof of publication is included as Attachment D to this staff report.

Planning Commission Authority:

The Beaumont Municipal Code Section 17.02.080.E authorizes the Planning Commission to recommend to the City Council approval, approval with modifications, or denial of the proposed application. The Commission's recommendation shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.

Recommended Action:

Forward a recommendation of approval to the proposed ordinance to suspend offsite improvements for single-family residential owners for a period not to exceed six (6) months, which is the estimated time of completion of the Comprehensive Zoning Code Update.

Attachments:

- A. Draft Suspension Resolution
- B. Draft Ordinance
- C. BMC 17.11.050 Current version
- D. BMC 17.11.050 Redline Version
- E. Proof of Publication

RESOLUTION NO. 2025-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT
ESTABLISHING A TEMPORARY SUSPENSION ON THE ENFORCEMENT OF OFF-
SITE IMPROVEMENT REQUIREMENTS IN BMC 17.11.050**

WHEREAS, Section 17.11.050 of the Beaumont Municipal Code (BMC) establishes requirements for off-site improvements, including the installation of curbs, gutters, and sidewalks, for new construction and modifications to structures; and

WHEREAS, the City Council recognizes that these requirements impose significant financial and logistical challenges on residential property owners constructing patios, garages, and other accessory structures; and

WHEREAS, the City Council desires to provide temporary relief to single-family residential homeowners while amendments to BMC 17.11.050 are developed to exempt single-family residential accessory structures up to 300 square feet from off-site improvement requirements; and

WHEREAS, the City Council finds that the proposed amendments to BMC 17.11.050 will enhance fairness and ensure appropriate regulation without imposing undue burdens on residential property owners; and

WHEREAS, the City is currently undertaking a comprehensive update to the Zoning Code, which is anticipated to be completed and adopted in Summer 2025, and the amended BMC 17.11.050 will be incorporated into this update; and

WHEREAS, the temporary suspension is necessary to ensure consistency and fairness in the application of off-site improvement requirements pending adoption of the amended code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT AS FOLLOWS:

- 1. The Council finds that the above recitals are true and correct and incorporates them herein by this reference.**
- 2. Temporary Moratorium Established.** A moratorium is hereby imposed on the enforcement of off-site improvement requirements in BMC 17.11.050 as they pertain to residential accessory structures, including patios, garages, or similar structures, provided that such structures:
 - i. Are accessory to a primary residential use;
 - ii. Do not exceed 300 square feet in size; and
 - iii. Do not result in a change of use or significant impact on public infrastructure.
- 3. Effective Period of Suspension.** This suspension shall take effect immediately upon adoption of this resolution and shall remain in effect until the amended BMC 17.11.050 is adopted as

part of the Zoning Code update, anticipated in Summer 2025, unless extended or terminated earlier by the City Council.

4. **Inclusion in Zoning Code Update.** Staff is directed to incorporate the amended BMC 17.11.050 into the comprehensive Zoning Code update for Council review and adoption.
5. **Administrative Direction.** The City Manager, or designee, is authorized to take all necessary actions to implement this resolution, including suspending enforcement activities and providing public notices to inform residential property owners of the suspension.

6. Effective Date

This Resolution shall take effect immediately upon its adoption.

MOVED, PASSED AND ADOPTED this ___ day of _____ 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Mike Lara, Mayor, City of
Beaumont

ATTEST:

Nicole
Wheelwright
DEPUTY
CITY CLERK

By: _____

ORDINANCE NO. XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BEAUMONT, CALIFORNIA,
SUSPENDING ENFORCEMENT OF BEAUMONT MUNICIPAL CODE SECTION
17.11.050 AND PROVIDING A REDLINE VERSION FOR CONSIDERATION AS PART
OF THE ZONING CODE UPDATE**

WHEREAS, the City of Beaumont regulates off-site improvement requirements under Beaumont Municipal Code (BMC) Section 17.11.050, which mandates the installation of curbs, gutters, sidewalks, and other improvements for new construction and modifications to structures; and

WHEREAS, the City Council recognizes that these requirements impose significant financial and logistical burdens on residential property owners constructing patios, garages, and other accessory structures; and

WHEREAS, the City is in the process of updating its Zoning Code, with an anticipated completion date in Summer 2025, and seeks to amend BMC Section 17.11.050 as part of this comprehensive update; and

WHEREAS, the City Council desires to temporarily suspend enforcement of BMC Section 17.11.050 for residential accessory structures up to 300 square feet until the Zoning Code update is adopted; and

WHEREAS, a redline version of the proposed amendments to BMC Section 17.11.050 has been prepared and will be included for public review and consideration as part of the formal Zoning Code update; and

WHEREAS, the suspension of enforcement will ensure consistency and fairness in the application of off-site improvement requirements pending the adoption of the updated municipal code.

**THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: Suspension of BMC SECTION 17.11.050

A. The enforcement of Beaumont Municipal Code Section 17.11.050 is hereby suspended as it pertains to residential accessory structures, including patios, garages, and similar structures, provided that such structures:

1. Are accessory to a primary residential use;
2. Do not exceed 300 square feet in size; and
3. Do not result in a change of use or a significant impact on public infrastructure.

B. This suspension does not affect any other provisions of BMC Section 17.11.050 that apply to non-residential developments or larger structures exceeding the specified size limitations.

SECTION 2: Redline Version of Proposed Amendments

A. A redline version of the proposed amendments to BMC Section 17.11.050 shall be made publicly available for review.

B. The redline version shall be incorporated into the Zoning Code update, which is currently under review by City staff and is expected to be presented for Council adoption in Summer 2025.

C. The City Manager, or designee, shall ensure that public outreach and engagement opportunities are provided to solicit feedback on the proposed amendments before final adoption.

SECTION 3: Effective Period of Suspension

A. This ordinance shall take effect immediately upon adoption and shall remain in effect until June 30, 2026, unless extended or terminated earlier by action of the City Council.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage the City Clerk shall cause a summary to be published in a newspaper of general circulation, printed and published in the City of Beaumont, in a manner prescribed by law for publishing of ordinances of said City.

MOVED AND PASSED upon first reading this 1st day of April 2025, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MOVED, PASSED AND ADOPTED this 15th day of April 2025, upon second reading by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mike Lara, Mayor

Attest: _____

Nicole Wheelwright, Deputy City Clerk

Approved as to form:

John O. Pinkney, City Attorney

17.11.050 Off-site improvements.

This section indicates the specific requirements with respect to off-site improvements. Notwithstanding any provision to the contrary in this ordinance, this Section shall not be subject to Section 17.02.100 of this ordinance related to the following of variances.

- A. *Requirements for Certain Improvements.* Prior to the issuance of a Building Permit for erecting a new structure, an enlargement or addition in excess of 300 square feet or of more than 25 percent of the original area of an existing residential structure, or movement of structure on any lot abutting a public street, the applicant for such building permit for the owner of such property shall comply with the off-site improvement requirements, where applicable, which include lot surveying, and installation of curbs and gutters and other improvements as outlined in the ordinance.
- B. *Provisions Made for Completing Improvements.* No building or structure shall be erected, constructed, enlarged or altered on a lot which abuts a street unless provision is made or has previously been made, for the dedication of the necessary right-of-way for street and highway purposes, and for the improvement of that portion of the street and/or right-of-way upon which the lot fronts and adjoins. The improvement shall include the installation of curb, gutter and pavement and such sidewalk as is required on that side of the centerline of the street and/or right-of-way adjoining said lot. A Certificate of Occupancy shall not be issued for any building or structure subject to the provisions of this ordinance without all improvements and dedications required hereunder being made and completed or the appropriate security filed with the Director of Public Works/City Engineer as required.
- C. *Plans and Standards for Improvements.* The owner, developer or applicant for the building permit shall submit plans prepared by a Registered Engineer for said dedication and improvement to the City Engineer for his review and approval. The following requirements also apply:
 - 1. All street improvements required by this Subsection shall be designed in accordance with the standards for such streets as set forth in the official standards as approved by the City Council.
 - 2. All plans to be based on City Benchmark Systems.
- D. *Street Dedication and Improvements Required.* This Subsection indicates specific requirements with respect to street dedications and any required improvements.
 - 1. No building shall be erected, enlarged by more than 25 percent or moved to any lot or parcel of lots, which abuts or adjoining a street unless the one-half portion of such street adjoining or abutting the developed area has been dedicated and improved in accordance with the current standards and specifications on file in the Office of the City Engineer.
 - 2. Curb and gutter in front of the lot upon which the building or structure is to be erected shall be provided as required by the City Engineer in compliance with the Standard Specifications of the City.
 - 3. If sidewalks exist on 25 percent or more of the total frontage of the lots in the block on that side of the street adjoining the lot upon which the building or structure is to be erected or constructed, then a sidewalk shall be provided in front of said lot provided that the City Council may waive the provisions for sidewalks in front of single family residences, in manufacturing zones, and in open space zones if appealed by property owner.
 - 4. The City Council may extend the time for of improvements for a period the date of occupancy permit security and development the-construction of one year from with a signed agreement.
- E. *Costs of Engineering and Improvements.* The owner, developer or applicant for the building permit shall pay all costs of dedication and improvement, including any cost for the removal or relocation of

utilities, including fire hydrants, traffic signals, street lighting, drainage culverts, and of preparation of plans and blueprints.

- F. *Completion of Improvements.* Any person required to make street improvements pursuant to the provisions of this Subsection shall make and construct all of said improvements in accordance with said standards and specifications and other requirements of the Director of Public Works/City Engineer, or upon City Council approval, shall file with the City Engineer, a letter of credit, cash, certificate of deposit, or an agreement and note for the obligation secured by a deed of trust on the property, in such amount as the City Engineer shall estimate and determine to be necessary to cover the total costs of all required improvements. The City Engineer may determine the period of time during which the installation of said improvements could be reasonably delayed, provided that, in any event, the installation or construction of said improvements shall not be delayed for a period of more than two years from the date of final inspection of the building without the approval of the City Council. The City Engineer shall cause a written itemized estimate of the costs of all improvements and the amount of the required security to be given to the owner or applicant required to make the improvements within 30 days after issuance of the building permit.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.11.050 Off-site improvements.

This section indicates the specific requirements with respect to off-site improvements. Notwithstanding any provision to the contrary in this ordinance, this Section shall not be subject to Section 17.02.100 of this ordinance related to the following of variances.

~~A. A. Requirements for Certain Improvements.~~ Prior to the issuance of a Building Permit for erecting a new structure, an enlargement or addition in excess of 300 square feet or of more than 25 percent of the original area of an existing residential structure, or movement of structure on any lot abutting a public street, the applicant for such building permit for the owner of such property shall comply with the off-site improvement requirements, where applicable, which include lot surveying, and installation of curbs and gutters and other improvements as outlined in the ordinance.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.66"

~~1. 1. This section shall not apply to single family residential property owners constructing patios, garages, or similar accessory structures with an existing primary dwelling unit. original area of an existing residential structure. Exemption: Single-family residential parcels with existing primary dwelling units shall be exempt from Section A when the applicant is requesting a building permit for patios, garages, or similar accessory structures.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.08" + Indent at: 1.5"

~~B. B. Provisions Made for Completing Improvements.~~ No building or structure shall be erected, constructed, enlarged or altered on a lot which abuts a street unless provision is made or has previously been made, for the dedication of the necessary right-of-way for street and highway purposes, and for the improvement of that portion of the street and/or right-of-way upon which the lot fronts and adjoins. The improvement shall include the installation of curb, gutter and pavement and such sidewalk as is required on that side of the centerline of the street and/or right-of-way adjoining said lot. A Certificate of Occupancy shall not be issued for any building or structure subject to the provisions of this ordinance without all improvements and dedications required hereunder being made and completed or the appropriate security filed with the Director of Public Works/City Engineer as required.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.66"

~~1. Single Family residential property owners constructing patios, garages, or similar accessory structures as described in Subsection A.1 are also exempt from the requirement in Subsection B above to dedicate or improve street, sidewalk, or alleyway rights of way, provided the construction does not result in a change of use or exceed the thresholds stated in Section A.~~

~~1. Exemption: Single-family residential parcels with existing primary dwelling units shall be exempt from Section B when the applicant is requesting a building permit for patios, garages, or similar accessory structures.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.08" + Indent at: 1.33"

C. *Plans and Standards for Improvements.* The owner, developer or applicant for the building permit shall submit plans prepared by a Registered Engineer for said dedication and improvement to the City Engineer for his review and approval. The following requirements also apply:

1. All street improvements required by this Subsection shall be designed in accordance with the standards for such streets as set forth in the official standards as approved by the City Council.
2. All plans to be based on City Benchmark Systems.

D. *Street Dedication and Improvements Required.* This Subsection indicates specific requirements with respect to street dedications and any required improvements.

1. No building shall be erected, enlarged by more than 25 percent or moved to any lot or parcel of lots, which abuts or adjoining a street unless the one-half portion of such street adjoining or

abutting the developed area has been dedicated and improved in accordance with the current standards and specifications on file in the Office of the City Engineer.

~~a. Single Family Residential property owners constructing patios, garages, or similar accessory structures as described in Subsection A.1 are also exempt from the requirement in Subsection D.1 above. The construction is not for a patio, garage, or similar accessory structure under the exemptions in Section A.~~

Commented [RV1]: If right-of-way is needed, it should be required without exception.

2. Curb and gutter in front of the lot upon which the building or structure is to be erected shall be provided as required by the City Engineer in compliance with the Standard Specifications of the City.
 3. If sidewalks exist on 25 percent or more of the total frontage of the lots in the block on that side of the street adjoining the lot upon which the building or structure is to be erected or constructed, then a sidewalk shall be provided in front of said lot provided that the City Council may waive the provisions for sidewalks in front of single family residences, in manufacturing zones, and in open space zones if appealed by property owner.
 4. The City Council may extend the time for of improvements for a period the date of occupancy permit security and development the-construction of one year from with a signed agreement.
- E. *Costs of Engineering and Improvements.* The owner, developer or applicant for the building permit shall pay all costs of dedication and improvement, including any cost for the removal or relocation of utilities, including fire hydrants, traffic signals, street lighting, drainage culverts, and of preparation of plans and blueprints.
- F. *Completion of Improvements.* Any person required to make street improvements pursuant to the provisions of this Subsection shall make and construct all of said improvements in accordance with said standards and specifications and other requirements of the Director of Public Works/City Engineer, or upon City Council approval, shall file with the City Engineer, a letter of credit, cash, certificate of deposit, or an agreement and note for the obligation secured by a deed of trust on the property, in such amount as the City Engineer shall estimate and determine to be necessary to cover the total costs of all required improvements. The City Engineer may determine the period of time during which the installation of said improvements could be reasonably delayed, provided that, in any event, the installation or construction of said improvements shall not be delayed for a period of more than two years from the date of final inspection of the building without the approval of the City Council. The City Engineer shall cause a written itemized estimate of the costs of all improvements and the amount of the required security to be given to the owner or applicant required to make the improvements within 30 days after issuance of the building permit.

~~a. Single Family Residential property owners constructing patios, garages, or similar accessory structures as described in Subsection A.1 are also exempt from the requirement in Subsection F above. This subsection does not apply to accessory residential structures meeting the exemptions in Sections A and B.~~

1. Exemption: Single-family residential parcels with existing primary dwelling units shall be exempt from Section FB when the applicant is requesting a building permit for patios, garages, or similar accessory structures.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

(Supp. No. 8, Update 4)

Created: 2025-01-21 10:05:28 [EST]

Page 2 of 2

THE PRESS-ENTERPRISE

KEEP YOUR EYES ON THE 'PRISE

pe.com

3512 14 Street
Riverside, California 92501
(951) 368-9229
neller@scng.com

City of Beaumont
550 E. 6th Street
Beaumont, California 92223

Account Number: 5209298
Ad Order Number: 0011725241
Customer's Reference/PO Number:
Publication: The Press-Enterprise
Publication Dates: 03/20/2025
Total Amount: \$305.40
Payment Amount: \$0.00
Amount Due: \$305.40
Notice ID: HvEPwb4r9zwezfzIXNgH
Invoice Text: NOTICE IS HEREBY GIVEN, that the City of Beaumont will conduct a public hearing to consider the matter described below. The City of Beaumont's public hearing will be held at 6:00 p.m. on Wednesday April 9, 2025 and Tuesday, April 15, 2025, at 550 East Sixth Street, Beaumont, California. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING CHAPTER 17.11 "GENERAL DEVELOPMENT STANDARDS", SECTION 17.11.110 HOME OCCUPATIONS OF THE BEAUMONT MUNICIPAL CODE And AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, SUSPENDING ENFORCEMENT OF BEAUMONT MUNICIPAL CODE SECTION 17.11.050 AND PROVIDING A REDLINE VERSION FOR CONSIDERATION AS PART OF THE ZONING CODE UPDATE And A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA REPEALING THE NOBLE CREEK VISTAS SPECIFIC PLAN. This meeting will be open to the public and will be recorded for livestreaming on the City's official YouTube webpage . Please use the following link during the meeting for live stream access: [BeaumontCa.gov/Livestream](https://www.beaumontca.gov/Livestream) Public comments will be accepted using the following options: 1. Emailed comments will be read aloud during the corresponding item of the meeting. Please submit your comments to NicoleW@BeaumontCa.gov 2. In person public comments. 3. Call-in comments using a designated public comment phone line (951) 922-4845. Planning Commission and City Council will conduct a public hearing to receive testimony and comments from all interested persons. Public comments shall not exceed three minutes unless otherwise authorized by City Council. Comments can be submitted

The Press-Enterprise
3512 14 Street
Riverside, California 92501
(951) 368-9229

City of Beaumont
550 E. 6th Street
Beaumont, California 92223

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011725241

FILE NO. 0011725241

PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

03/20/2025

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Date: March 20, 2025.
At: Riverside, California



Signature

NOTICE IS HEREBY GIVEN, that the City of Beaumont will conduct a public hearing to consider the matter described below. The City of Beaumont's public hearing will be held at 6:00 p.m. on Wednesday April 9, 2025 and Tuesday, April 15, 2025, at 550 East Sixth Street, Beaumont, California.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING CHAPTER 17.11 "GENERAL DEVELOPMENT STANDARDS", SECTION 17.11.110 HOME OCCUPATIONS OF THE BEAUMONT MUNICIPAL CODE

And

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, SUSPENDING ENFORCEMENT OF BEAUMONT MUNICIPAL CODE SECTION 17.11.050 AND PROVIDING A REDLINE VERSION FOR CONSIDERATION AS PART OF THE ZONING CODE UPDATE

And

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA REPEALING THE NOBLE CREEK VISTAS SPECIFIC PLAN.

This meeting will be open to the public and will be recorded for livestreaming on the City's official YouTube webpage. Please use the following link during the meeting for live stream access:

BeaumontCa.gov/Livestream

Public comments will be accepted using the following options:

1. Emailed comments will be read aloud during the corresponding item of the meeting. Please submit your comments to NicoleW@BeaumontCa.gov

2. In person public comments.

3. Call-In comments using a designated public comment phone line (951) 922-4845. Planning Commission and City Council will conduct a public hearing to receive testimony and comments from all interested persons. Public comments shall not exceed three minutes unless otherwise authorized by City Council. Comments can be submitted any time prior to the meeting as well as during the meeting until the end of the corresponding item.

The Press-Enterprise
Published: 3/20/25



Staff Report

TO: Planning Commissioners
FROM: Carole Kendrick, Planning Manager
DATE: April 9, 2025
SUBJECT: PLAN2025-0204 Public Hearing to Consider a Resolution Repealing the Noble Creek Vistas Specific Plan
APPLICANT: City of Beaumont

Description Resolution to repeal the Noble Creek Vistas Specific Plan.

Background and Analysis:

On or about February 15, 2005, the Beaumont City Council passed Resolution 2005-11 certifying the Noble Creek Vistas Specific Plan (“NCVSP”) Environmental Impact Report (EIR) No. 01-1 and approving NCVSP Specific Plan No. 01-1, as shown in Attachment B.

On March 17, 2005, an action was filed challenging the City’s certification of the EIR entitled Cherry Valley Pass Acres and Neighbors v. City of Beaumont (no. RIC 427282) (“Action”) which was settled in its entirety pursuant to a Settlement Agreement and Final Stipulated Judgement approved by the court on May 31, 2006 (“Settlement Agreement”) as shown in Attachment D.

NCVSP was republished and/or approved as of October of 2006 and was amended in or about June of 2014 as shown in Attachment C.

Certain land consisting of approximately 41.26 acres in Planning Area 2 within the NCVSP has been acquired by the San Geronio Pass Water Agency for recharge ponds, which was not originally contemplated by the NCVSP. The City plans to acquire 29.33 acres within the NCVSP for the purpose of entitling and building and constructing a police station. Due to the changed circumstances and other reasons, the NCVSP is no longer feasible for the development of the land within its boundaries.

Beaumont Municipal Code Section 17.03.140 provides that the adoption and amendment of specific plans are subject to Section 17.03.140 and Section 65450 et seq. of the California Government Code and Government Code Section 65453 provides that a specific plan shall be prepared, adopted, and amended (including repealing) in

the same manner as a general plan, except that a specific plan may be adopted by ordinance or resolution as often as deemed necessary by the City Council.

Prior to adopting or amending a general plan or specific plan, the City Council shall hold at least one public hearing, notice of which shall be given pursuant to Government Code Section 65090.

Environmental Findings

The repeal of the Specific Plan Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that the proposed action will not have any effect or any substantial effect on the environment. The proposed repeal returns the development standards that previously existed prior to the adoption of NCVSP as amended. No new changes to the development standards in these areas would be made. The return of these standards to those previously existing or thereafter amended will not have an environmental impact.

Consistency with Adopted Goals, Plans and Programs:

Strategic Plan

The proposed recommendation is consistent with Strategic Plan Priority Level 2 Target 2 Goal 6, to expand the police station. The City has completed the land acquisition for the new police station, which is an identified action in the 2023 City's Strategic Plan.

Public Communications Received:

A 20-day public notice was placed in the Press Enterprise on March 20, 2025. At the time of report preparation, the Planning Division has not received any letters of comment from the public in favor or opposition to the project. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Planning Commission at the time of the public hearing. Proof of publication is included as Attachment E to this staff report.

Planning Commission Authority:

The Beaumont Municipal Code Section 17.02.080.E authorizes the Planning Commission to recommend to the City Council approval, approval with modifications, or denial of the proposed application. The Commission's recommendation shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.

Findings – The City Council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:

1. That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.

The subject property is no longer physically suitable for the land use designation(s) and the anticipated land use development(s) identified in the NCVSP.

2. That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.

The NCVSP is now outdated and no longer feasible for development. Repeal of the NCVSP will not adversely affect surrounding properties in that it will return to its previous state, which previously compatible with the existing and proposed development in the surrounding neighborhood.

3. That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of the zoning ordinance.

As stated in finding No. 2, the NCVSP is now outdated and no longer feasible for development. Repeal of the NCVSP will not affect the public interest, health, safety, convenience, or welfare of the City.

Recommended Action:

Hold a Public Hearing; and

Adopt a resolution recommending to the City Council of the City of Beaumont to repeal the Noble Creek Vistas Specific Plan.

Attachments:

- A. Draft Planning Commission Resolution 2025-XX recommending the repeal of the Noble Creek Vistas Specific Plan
- B. Resolution 2005-11 certifying the Noble Creek Vistas Specific Plan EIR No. 01-1 and approving Specific Plan No. 01-1, the Noble Creek Vistas Specific Plan
- C. Noble Creek Vistas Specific Plan as of June 2014
- D. Settlement Agreement
- E. Proof of Publication

RESOLUTION 2005- 11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT,
CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 01-1 AND
APPROVING SPECIFIC PLAN NO. 01-1
(NOBLE CREEK VISTAS SPECIFIC PLAN)**

WHEREAS, an application was duly filed by a consortium of property owners for a Specific Plan for 332 acres, located northerly of the existing City limits, along the west side of Beaumont Avenue, between Oak Valley Parkway and Brookside Avenue; and

WHEREAS, a public hearing was held before the Beaumont Planning Commission on January 25, 2005, and after a thorough evaluation the Planning Commission has found that Environmental Impact Report No. 01-1 has been prepared in accordance with the California Environmental Quality Act; and recommended that the City Council certify Environmental Impact Report No. 01-1 and approve Specific Plan No. 01-1, the Noble Creek Vistas Specific Plan; and

WHEREAS, a Public Hearing before the City Council was called for February 15, 2005 at 6:00 p.m., and notice for such hearing was given to all affected property owners, as shown on the last equalized assessment roll, in the manner and for time required by law; and

WHEREAS, said Public Hearing was duly held at said time and Environmental Impact Report EIR 01-1 and Specific Plan SP 01-1 were reviewed by the Beaumont City Council.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AS FOLLOWS:

SECTION 1: The Final Environmental Impact Report, EIR 01-1, is hereby certified and is found to comply with the requirements of the California Environmental Quality Act and the City of Beaumont Guidelines for its implementation.

SECTION 2: The Findings of fact and mitigation monitoring program contained in Exhibit "A" and "B", respectively, attached hereto, are hereby adopted. Certain significant unmitigatable impacts will result from project implementation, however, overriding considerations are applicable and are adopted herewith and are contained in Exhibit "A".

SECTION 3: Specific Plan SP 01-1 is consistent with the Land Use Element of the City of Beaumont and other applicable General Plan policies and elements.

SECTION 4: The City Council hereby approves the Noble Creek Vistas Specific Plan, SP 01-1, subject to the Conditions contained in Exhibit "C" attached hereto.

RESOLUTION NO. 2005- 11

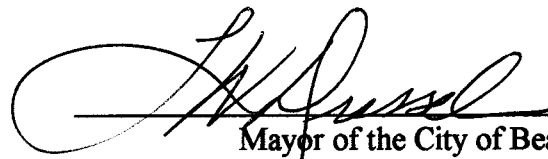
MOVED, PASSED AND ADOPTED this 15th day of February, 2005, upon the following vote:

AYES: Mayor Dressel, Council Members Fox, Berg, DeForge, and Killough

NOES: None

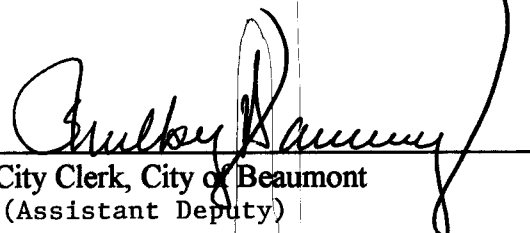
ABSTAIN: None

ABSTAIN: None



Mayor of the City of Beaumont

Attest:



City Clerk, City of Beaumont
(Assistant Deputy)

EXHIBIT A

**FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATION**

**NOBLE CREEK VISTAS SPECIFIC PLAN
CEQA FINDINGS
TABLE OF CONTENTS**

	Page
I. INTRODUCTION.....	3
II. PROJECT SUMMARY.....	3
A. PROJECT DESCRIPTION.....	3
B. PROJECT OBJECTIVES.....	4
III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION.....	5
A. INDEPENDENT JUDGMENT FINDING.....	6
B. FINDING ON EIR.....	6
C. GENERAL FINDING ON MITIGATION MEASURES.....	6
IV. ENVIRONMENTAL IMPACTS AND FINDINGS.....	7
A. IMPACTS IDENTIFIED IN THE EIR AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION.....	7
1. LAND USE.....	7
2. EARTH RESOURCES.....	11
3. HYDROLOGY/WATER RESOURCES.....	13
4. CULTURAL RESOURCES.....	15
5. BIOLOGICAL RESOURCES.....	15
6. AIR QUALITY.....	17
7. NOISE.....	19
8. UTILITIES AND PUBLIC SERVICES.....	20
9. AESTHETICS.....	26
B. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND MITIGATION MEASURES.....	28

TABLE OF CONTENTS
(continued)

	Page
1. EARTH RESOURCES.....	28
2. HYDROLOGY/WATER RESOURCES	31
3. CULTURAL RESOURCES	32
4. BIOLOGICAL RESOURCES	33
5. TRAFFIC AND CIRCULATION	37
6. AESTHETICS.....	40
C. IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE.....	41
1. HYDROLOGY/WATER RESOURCES	42
2. AIR QUALITY	43
V. PROJECT ALTERNATIVES.....	44
VI. PROJECT BENEFITS.....	46
VII. STATEMENT OF OVERRIDING CONSIDERATIONS.....	47
VIII. ADOPTION OF A MONITORING/REPORTING PROGRAM FOR THE CEQA MITIGATION MEASURES	49

**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects from Approval of
the Noble Creek Vistas Specific Plan
(SCH # 2001021058)**

I. INTRODUCTION

The City Council of the City of Beaumont ("this Council") in approving the Noble Creek Vistas Specific Plan (SP), makes the findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. These Findings are based upon the entire record before this Council, including the Environmental Impact Report ("EIR") prepared for the Project. The EIR was prepared by the City of Beaumont acting as the lead agency under the California Environmental Quality Act ("CEQA"). The Initial Study, Notice of Preparation, Consolidated EIR and Technical Appendices dated May 2004, the Final EIR dated December 2004 containing the Comments and Responses to Comments, and the Mitigation Monitoring and Reporting Program constitute the EIR for this Project. These documents are referred to collectively herein as the Project EIR.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The proponent of the Noble Creek Vistas Specific Plan Project proposes a detailed plan for residential development, with a school, parks and open space on 332.3 acres. Proposed improvements include:

- 965 residential units with lot sizes ranging from 6,000 to 10,000 square feet;
- A public middle school on 20.0 acres; and
- Approximately 49.7 acres of community parks and open space within five separate planning areas.

The site proposed for the Project is located west of Beaumont Avenue, which forms the site's easterly boundary; south of Brookside Avenue and north of 14th Street. Incorporated areas of the City of Beaumont currently bound the Specific Plan area to the west, east and south. The site is within the City's Sphere of Influence, and annexation proposed by the Project would extend the City's boundary northward to include the Specific Plan area. The Project site is located northeasterly of Interstate 10 (I-10). (DEIR Figures 3.1-1 & 3.1-2) As is apparent from the aerial photographs, the Project is essentially an in-fill project surrounded by existing development.

B. PROJECT HISTORY

In May of 1999, the City of Beaumont (as the lead agency) approved a previous concept of the Noble Creek Specific Plan and certified the Project's EIR. Subsequent to approval and certification of this EIR, judicial actions required the City to repeal its prior actions regarding the Noble Creek Specific Plan. Approval of the May 1999 project and all associated actions were rescinded by the City in July 2000. In response to the City's abrogation of its approval of the May 1999 project and to address concerns raised by neighboring property owners, the Specific Plan was reconfigured and reduced in scope. This revised plan, now entitled the Noble Creek Vistas Specific Plan, is the Project under consideration within these findings.

The original EIR for this Project was certified in February 2002. The EIR was challenged in court, and in January 2003 was found inadequate in the following respects:

1. The findings with respect to impacts on water resources were not based upon substantial evidence in the record, and the findings themselves were inadequate;
2. The selection by the City of a minimum acceptable level of service at intersections which are not within County jurisdiction (but would be within the City subsequent to proposed annexation actions) was not supported by substantial evidence in the record;
3. The findings with respect to cumulative water resource and biological impacts were not supported by substantial evidence in the record; and
4. The statement of overriding considerations adopted by the City was not supported by substantial evidence in the record.

In all other respects, the court found the EIR and the findings sufficient. As required, the City rescinded its approval of the Project until it had fully complied with CEQA.

The Project EIR and these findings address the insufficiencies found by the court and readopt and incorporate those findings that were not found insufficient. The Project EIR retains applicable and relevant information from the previously prepared and considered environmental documentation. In those instances where the previously prepared environmental documentation required updating and/or supplementation, the Project EIR contains such updates and the findings are based on such updated information. Where necessary and appropriate, the Project EIR incorporated revised and augmented environmental analyses specifically addressing issues considered inadequate by the court.

The Project EIR has been prepared to evaluate the potential environmental effects that would result from the development of the Noble Creek Vistas Specific Plan, according to the requirements of the CEQA. The City of Beaumont has discretionary authority to make decisions regarding future development of the Noble Creek Vistas Specific Plan Project site. The Project EIR is intended to serve as an informational document to be used by the City in assessing the environmental effects of the proposed discretionary actions, and to provide mitigation measures to avoid or minimize identified significant impacts.

C. PROJECT OBJECTIVES

The objectives of the Project are as follows:

- Consider topographic, geologic, hydrologic and environmental opportunities and constraints to create a design that generally conforms to the character of the land by retaining and utilizing basic landforms as much as possible;
- Reflect anticipated marketing needs and public demand by providing a range of single detached housing types which will be marketable within the developing economic profile of the Beaumont area;
- Provide residential development and adequate support facilities (recreation) and circulation in a convenient and efficient manner;
- Provide direct and convenient access to individual residential neighborhoods and recreational areas via a safe and efficient circulation system composed of a network of Arterial, Major, Secondary, Collector and Local Roadways, each designed for appropriate traffic and user needs; and
- Provide for alternative modes of transportation within and adjacent to the site including pedestrian, equestrian and bicycle trails, which will foster the conservation of valuable energy resources as well as lessen potential future air pollution in the immediate area.

In addition to the above-listed planning objectives, the following market objectives have been developed for the proposed Noble Creek Vistas Specific Plan:

- Provide a variety of single-family detached housing types and densities which will reflect the marketing needs of the area;
- Plan the Project to exude a sense of planned community;
- Provide recreational amenities which will serve the needs of the community;
- Provide land uses that are consistent with ongoing development in the area;
- Provide "move-up" opportunities for present residents in the vicinity and the surrounding Riverside County area;
- Provide a functional roadway system on-site which fosters the safe and efficient movement of local traffic, while discouraging through traffic where possible;
- Reinforce community identity of the Project through control of design elements such as entry statements, signage, walls/fencing, and landscaped parkways;
- Provide a balanced community which is aesthetically pleasing to residents and visitors, and acceptable to the City of Beaumont;

- Provide a sensible land use transition between the more urbanized components of Beaumont and the more rural community of Cherry Valley.

Additionally, the Project EIR will be used in evaluating the annexation of an area to the north of Cherry Valley Boulevard on which a new high school for the Beaumont Unified School District has been constructed. That annexation is necessary to the provision of sewer services by the Beaumont Sewer District to the high school.

D. WATER SUPPLY ASSESSMENT FOR THE PROJECT

Effective January 2002, California legislature adopted two companion bills (Senate Bill 221/Kuehl Bill and Senate Bill 610/Costa Bill) requiring compliance with a new set of regulations intended to assure that the adequacy of the water supply to major developments has been addressed prior to the approval of the project. The two bills were codified, the Kuehl Bill as Government Code section 66455.3 and the Costa Bill as Water Code section 10910. The effect of the two bills is to require the appropriate legislative body of a city, county or public water system to provide written verification that a sufficient water supply is available prior to completion of a proposed project. This assessment examines the ability of the water system to adequately serve the project for the following twenty years of normal, dry, and extended dry periods.

The Project has complied with the above requirements and has obtained a "ready to serve letter" in the form of a Plan for Service from Beaumont Cherry Valley Water District. This Plan assures that the Project's water demands can be met within the context of existing and projected water resource availability for the next twenty years. The Plan of Service contains the Beaumont Cherry Valley Water District's 2000 Urban Water Management Plan and includes engineering reports and EIR's for projects that the District has completed or is developing as a source of water for new developments, including the Project. A thorough discussion of the status of Beaumont Cherry Valley Water District's activities and projects discussed in the Urban Water Management Plan is contained in Responses to Comments section of the Final EIR, pages 3-102 to 3-114.

Finding: The proposed Noble Creek Vistas Specific Plan Project has received a Plan of Service from the Beaumont Cherry Valley Water District which indicates that the District has sufficient water supply to service the Project with water. Therefore water availability for the Project is assured.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City of Beaumont has conducted an extensive environmental review for this Project which included preparation of the Project EIR and related technical reports, as well a review of the Project site's previous environmental documentation. The following is a summary of the City's environmental review for this Project, in compliance with the Court's previous findings:

- A Notice of Preparation (NOP) and Initial Study identifying the scope of environmental issues were distributed to 45 state and federal agencies, and local agencies and organizations on February 28, 2003. A total of 12 comment letters on the NOP were received. Copies of those comment letters are included in

Appendix A1 of the Draft EIR (under separate cover). Relevant comments received in response to the NOP/Initial Study were incorporated into the Draft EIR.

- The Draft EIR was distributed for public review on May 26, 2004 with the comment period expiring on July 9, 2004. Eleven (11) letters were received by the close of the public comment period. The specific and general responses to comments are contained in the Final EIR.
- A Notice of Completion (NOC) was sent with the Draft EIR to the State Clearinghouse on May 26, 2004.
- The Final EIR was distributed for a 10-day notification period beginning on December 21, 2004.
- The Planning Commission held a public hearing to consider the Project and staff recommendations on January 25, 2005. Notice of this Planning Commission hearing was provided through publication on January 14, 2005 in *The Record Gazette*. Following public testimony, and staff recommendations, the Commission recommended to the Council that the EIR is adequate and should be certified and that the Council adopt these Findings and Statement of Overriding Considerations and approve the Project.
- On February 15, 2005 this Council held a hearing and certified the Noble Creek Vistas Specific Plan EIR.

A. INDEPENDENT JUDGMENT FINDING

The City retained the independent consulting firm of Applied Planning, Inc. to prepare the EIR for the Noble Creek Vistas Specific Plan. The EIR was prepared under the supervision and direction of the City of Beaumont Planning Division Staff.

Finding: The EIR reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code, Section 21082 1(c)(3) in retaining its own environmental consultant, directing the consultant in preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

B. FINDING ON EIR

In determining that an EIR was required for the City's consideration of the Project, the City considered whether further environmental review was needed based upon the requirements of CEQA Guidelines §§15162 and 15163. The City considered the environmental analysis in the May 1999 EIR and the proposed components of the Noble Creek Vistas Specific Plan through its use of an Initial Study. The analysis in the Initial Study indicated that the proposed Project could have a significant impact on the environment, and that an EIR would be required.

Finding: The proposed Noble Creek Vistas Specific Plan Project has the potential to result in significant impacts on the environment. Pursuant to the CEQA Guidelines, an Environmental Impact Report (EIR) is the required environmental documentation for the City's consideration of the Project.

C. GENERAL FINDING ON MITIGATION MEASURES

In preparing the conditions of approval for this Project, City staff incorporated the mitigation measures recommended the Mitigation Monitoring Plan (MMP), included as Chapter 4 in the Final EIR (as amended by the deletion of mitigation measure 4.4.1 for the reasons set forth at page 2-8). In the event that the conditions of approval do not use the exact wording of the mitigation measures recommended in the Project EIR, in each such instance, the adopted conditions of approval are intended to be identical or substantively similar to the recommended mitigation measure recommended by the Project EIR.

Findings: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the Project EIR. If a measure has, through error, been omitted from the Conditions of Approval or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph.

In addition, unless specifically stated to the contrary in these Findings, all Conditions of Approval repeating or rewording mitigation measures recommended in the Project EIR are intended to be substantively similar to the mitigation measures as worded in the Project EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the Project EIR, written and oral testimony at public meetings or hearings, and these Facts, Findings and Statement of Overriding Considerations and other information in the administrative record serve as the basis for the City's environmental determination.

The detailed analysis of potential environmental impacts and proposed mitigation measures for the Project are presented in Chapter 4 of the Project EIR. Responses to comments and any revisions or omissions to the Draft EIR are provided in Chapter 3 of the Final EIR dated December 2004.

The Project EIR evaluated eleven major environmental categories (land use (including population and housing), earth resources, hydrology/water quality, water supply assessment, cultural resources, biological resources, traffic and circulation, air quality, noise, utilities/public services/energy, aesthetics) for potentially significant adverse impacts, including cumulative impacts. Both Project-specific and cumulative impacts were evaluated. Of these environmental categories, the Council concurs with the conclusions in the Project EIR that the issues and subissues discussed below can be mitigated below a significant impact threshold. The Council finds that for those issues which cannot be mitigated below a level of significance, overriding

considerations exist which make impacts acceptable. In addition to the major environmental categories addressed in the Project EIR, three other major categories (energy and mineral resources, hazards, and recreation) were found to be nonsignificant in the Initial Study prepared for the Project. The Council concurs with the conclusions on these categories as outlined in the Initial Study (Appendices A and A1 of the Draft EIR) and finds that no significant impacts have been identified as to those categories identified in the Initial Study and that no further analysis is required.

A. IMPACTS IDENTIFIED IN THE EIR AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION

The following issues were identified in the Initial Study as having the potential to cause significant impact and were carried forward to the EIR for detailed evaluation. These issues were found in the Project EIR as having no potential to cause significant impact and therefore require no Project-specific mitigation. In the following presentation, each such issue is identified, its potential for significant adverse environmental effects is discussed.

1. LAND USE

a. Division or Disruption of an Established Community

Potential Significant Impact: The proposed Project could physically divide or disrupt an established community.

Finding: Potential impacts to land uses within established communities are discussed in Section 4.1 of the Draft EIR. The analysis concluded that division or disruption of established communities would not be brought about by the implementation of the proposed Project. No mitigation is required.

Facts in Support of the Finding:

The proposed design of the Project does not include elements that would physically divide an established community.

Although the Unincorporated Community of Cherry Valley is an identifiable enclave with a legal boundary extending to Brookside Avenue the residential portions of that enclave begin north of Cherry Valley Boulevard. Existing and proposed physical features along the Specific Plan boundaries, including existing improved roadways and perimeter theme walls proposed by the Project, act to define and separate the Project from adjacent land uses, thereby reducing potential disruption of adjacent land uses. Moreover, much of the area immediately to the north of the Specific Plan boundaries has recently been occupied by a new high school, further buffering the Specific Plan area from the residents of Cherry Valley.

b. Consistency with Existing Land Use Policies

Potential Significant Impact: The proposed Project could create inconsistencies with the goals and policies of the Beaumont General Plan, Zoning Ordinance or other relevant-land use regulations, programs or policies; or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project .

Finding: Potential impacts with regard to land use policies and consistency are discussed in Section 4.1 of the Draft EIR. The analysis concluded that contingent upon approval of the Project's requested annexation, General Plan amendment, and pre-zoning, implementation and occupation of the Project will not create inconsistencies with the goals and policies of the City or other applicable land use regulations.

Facts in Support of the Finding:

The Project site has been designated by LAFCO as within the City's Sphere of Influence. That designation is established to delineate that probable physical boundaries and service area of a local agency, such as the City, and to promote the logical and orderly development of the area within the Sphere of Influence. Even if it the Project area were to be developed within the County, the development would be required to be consistent with the City's Sphere of Influence General Plan land use planning. As proposed, the Project site will be annexed to the City of Beaumont, and will be redesignated under appropriate City General Plan and Zoning land use classifications, permitting development of the proposed Specific Plan. Additionally, consistent with Local Agency Formation Commission direction, unincorporated areas abutting the Project site will be annexed to the City. These areas would reflect current City Sphere of Influence General Plan land use designations and would be pre-zoned accordingly.

The Project is consistent with applicable plans and policies of the City of Beaumont General Plan and the City of Beaumont Zoning Ordinance. Further, development of the Project site and its annexation to the City are consistent with the goals, objectives and strategies supported by the Riverside County Local Agency Formation Commission Strategic Plan.

c. Conflict with Biological Planning

Potential Significant Impact: The proposed Project could create conflicts with an existing habitat conservation plan or other type of approved biological habitat management plan.

Finding: Potential impacts relevant to biological planning are discussed in Section 4.6 of the Draft EIR. The analysis concludes that no such conflicts will result from implementation of the proposed Project. No mitigation is required.

Facts in Support of the Finding:

The Project site and the City of Beaumont lie within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The City has reviewed the MSHCP to assess its

compatibility and consistency with adopted City General Plan goals and objectives, as well as MSHCP compatibility with the envisioned City General Plan Buildout scenario. As discussed in the EIR at section 4.12.6, the areas of potential biological sensitivity are, in fact, highly disturbed and degraded and are not considered intrinsically valuable. These areas do not comprise significant or substantial components of cumulatively available resources. Loss of this habitat is consistent with the anticipated area-wide loss of habitat reflected in the proposed MSHCP. Additionally, the MSHCP identifies areas for the City's target conservation acreage to the northwest, southwest, and southeast. It does not identify the Project area as lying within a Pass Area Plan Conservation Subunit.

The Stephen's Kangaroo Rat (SKR) is considered to be potentially resident on the Project site. However, the Project site and the City of Beaumont do not lie within the adopted Riverside County Habitat Conservation Plan for the SKR, and as such are not afforded mitigation of potential impacts to SKR through the payment of established SKR impact mitigation fees. Accordingly, a site-specific assessment of the Project's potential impacts to SKR is required, and has been prepared (included as Appendix D of the Draft EIR). There is no new information or data availability that would lead to any doubt as to the continuing validity of this site-specific assessment. As supported by the findings of this study, the Project will have no impacts on SKR.

d. Conflict with Policies Related to Growth

Potential Significant Impact: The proposed Project could create inconsistencies with adopted regional plans and policies related to growth.

Finding: Potential impacts relevant to growth policies are discussed in Section 4.1 of the Draft EIR. The analysis concludes that no conflicts with adopted regional plans or policies will result from implementation of the proposed Project. No mitigation is required.

Facts in Support of the Finding:

Regional plans and policies related to growth assume development of the City consistent with the General Plan, and the City's approved and adopted Sphere of Influence (SOI). The Project proposes development consistent with the General Plan and adopted SOI, and thus will not affect regional plans and policies related to growth.

e. Permit Development Inconsistent with Adopted Standards

Potential Significant Impact: The proposed Project could result in development that is inconsistent with adopted standards.

Finding: Potential impacts relevant to development inconsistencies are discussed in Section 4.1 of the Draft EIR. Based on implementation of the Project consistent with the City Zoning Ordinance, and review and approval of the final Project design by the City of Beaumont prior to the issuance of building permits, the Project's potential to permit development inconsistent with adopted standards is considered less-than-significant. No mitigation is required.

Facts in Support of the Finding:

Design guidelines for development within the City of Beaumont are identified in the City's Zoning Ordinance. The Zoning Ordinance provides for the establishment of Specific Plan zones allowing for site and project-specific development standards. Final design of the Project, including site design, architectural character, landscaping, and parking, is subject to review and approval by the City, consistent with explicit development standards established within the Specific Plan. Standards of the Specific Plan have been established within the overall development and design parameters identified by the City's Zoning Ordinance. Further, all facilities within the Specific Plan will be constructed in a manner consistent with applicable building code regulations, and continue to be subject to the requirements of the California Environmental Quality Act in the event that future events require subsequent environmental review under the standards of the California Environmental Quality Act.

f. Incompatibilities Between Existing and Planned Land Uses

Potential Significant Impact: The proposed Project could create substantial incompatibilities between existing and planned land uses.

Finding: Potential impacts relevant to land use incompatibilities are discussed in Section 4.1 of the Draft EIR. The analysis concludes that the potential for substantial incompatibilities between existing and planned land uses is less-than-significant. No mitigation is required.

Facts in Support of the Finding:

Residential land uses in the vicinity of the proposed Specific Plan are considered generally compatible with the residential uses proposed by the Project. Along the Project perimeter, and between differing land uses within the Project area, perimeter theme walls and landscape elements define land use boundaries and act to mutually separate and buffer effects of adjoining land uses. The residential densities proposed by the Project are more intense than the existing, adjacent Riverside County General Plan land uses to the north of the Project site. Screen walls and landscaping, together with physical separation provided by Brookside Avenue and vacant properties extending northerly to Cherry Valley Boulevard as well as the newly constructed high school immediately adjacent to the north of the Project site, act as transitional and buffering elements between these differing residential densities. Surrounding properties to the west, south and east of the Specific Plan site exhibit no potential for incompatibilities between existing or proposed future uses and the development proposed by the Noble Creek Vistas Specific Plan Project.

Implementation of the proposed Specific Plan is predicated on approval of the Project's requested General Plan Amendment and rezoning, and annexation of the Project area to the City of Beaumont. Contingent upon approval of these discretionary actions, and implementation of the proposed Project in accordance with the approved Specific Plan, the Project will not directly create substantial incompatibilities between existing and planned land uses within the Project site, or on vicinity properties. Additional annexations of unincorporated properties adjacent to the Project site will be realized consistent with applicable LAFCO policies and

strategies. These properties will reflect underlying City Sphere of Influence General Plan Land Use designations, and will be rezoned accordingly.

2. EARTH RESOURCES

a. Primary Seismic Effects

Potential Significant Impact: The proposed Project could result, in the exposure of people to earthquake fault rupture and/or seismic groundshaking.

Finding: Potential impacts relevant to primary seismic effects are discussed in Section 4.2 of the Draft EIR. Based on implementation of the Project consistent with the Uniform Building Code (UBC) and current professional engineering practices, the potential risks from fault rupture and primary groundshaking effects are considered less-than-significant. No mitigation is required.

Facts in Support of the Finding:

The Project site and immediate vicinity do not lie within, or immediately adjacent to, an Alquist-Priolo Earthquake Fault Zone. Further, published geologic maps and aerial photographs of the Project area indicate no potentially active faults on, or in the immediate vicinity of the Project area. Records research of Project site fault conditions were confirmed by geologic field reconnaissance of the Project area which indicated no evidence of faults or fault traces. As such, the potential for fault rupture within the Project area is considered low.

With regard to seismic groundshaking, as supported by the probabilistic hazard analysis prepared for the Project, severe seismic shaking of the Project site can be expected during the lifetime of proposed structures. However, building officials and engineers have recognized the impacts of earthquakes and ground shaking on structures. Appropriate measures which reduce the effects of earthquakes are identified in the Uniform Building Code (UBC), including specific provisions for seismic design of structures. Short of a catastrophic event, design of structures in accordance with the UBC and current professional engineering practices is sufficient to reduce the effects of ground shaking at the Project site below the level of significance. Further, as evidenced by recent and on going construction in the immediate Project vicinity, (e.g., the Oak Valley Planned Residential Community under construction immediately west of the Project), it is anticipated that any site specific geologic constraints which may be encountered during the course of Project implementation can be accommodated within the context of existing seismic design regulations, standards and policies.

b. Secondary Seismic Effects

Potential Significant Impact: The proposed Project could result in the exposure of people to secondary seismic effects, including liquefaction, seismically-induced settlement, lateral spread, and/or landslides.

Finding: Potential impacts relevant to secondary seismic effects are discussed in Section 4.2 of the Draft EIR. Based on the geotechnical investigation of the Project site

and Project design, the potential risks from secondary seismic groundshaking effects are considered less-than-significant. No mitigation is required.

Facts in Support of the Finding:

The geotechnical investigations of the Project site (performed by G.H.J., Inc. in August 1999 and included in the Draft EIR Technical Appendices), indicate that the dense soil conditions within the Specific Plan area substantially preclude the potential for liquefaction, seismically-induced settlement and lateral spread. There has been no new information that would lead to any doubt concerning the continuing validity of these investigations. The potential for landsliding is also precluded within the level areas of the Project site. Localized areas proximate to the Noble Creek storm channel may be subject to landsliding due to the approximately ten to fifteen foot grade differential between the channel bottom and adjacent Specific Plan areas. Appropriately, the Specific Plan proposes only open space and outdoor recreation uses in areas adjacent to the storm channel, thereby reducing potential exposure of persons and structures to landslides or unstable slope conditions.

c. Expansive Soils

Potential Significant Impact: The proposed Project could result in the exposure of people and/or structures to the effects of expansive soils.

Finding: Potential impacts relevant to expansive soils are discussed in Section 4.2 of the Draft EIR. Based on the geotechnical investigation of the Project site, the potential risks from expansive soils are considered less-than-significant. No mitigation is required.

Facts in Support of the Finding:

The geotechnical investigation of the Project area found that the Project site is not characterized by expansive soils. Areas within the northerly portion of the Project site contained soils evidencing a "low" expansion potential; however, potential impacts resulting from soils with a low expansion potential can be appropriately designed for by employing standard construction procedures outlined in the Project geotechnical analysis.

3. HYDROLOGY/WATER QUALITY/WATER SUPPLY

a. Surface and Ground Water/Quality Alterations

Potential Significant Impact: The proposed Project could result in the discharge into surface waters or other alteration of surface water quality; changes in the amount of surface water in any water body.

Finding: Potential impacts relevant to the alteration of surface waters or surface water quality are discussed in Section 4.3 of the Draft EIR. Based on compliance with existing discharge and erosion control regulations, the potential for Project implementation to result in substantial changes to surface water or groundwater

quality or availability is considered less-than-significant. No mitigation is required.

Facts in Support of the Finding:

As supported by the Project Initial Study, Project-related impacts associated with changes in the amount of surface water in any water body; changes in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of ground water recharge capability; or altered direction or rate of flow of groundwater are considered less-than-significant.

Potential short-term, construction related impacts to surface water quality will be controlled through compliance with National Pollutant Discharge Elimination System (NPDES) requirements, including the preparation of a construction activities erosion control plan to alleviate potential sedimentation and storm water discharge contamination impacts of the Project. The Project proponent shall also be responsible for obtaining a General Permit for storm water discharge from the Southern California Regional Water Quality Control Board, in accordance with the Notice of Intent instructions. Under the General Permit, discharge of materials other than storm water is prohibited. The Project proponent shall prepare, retain at the construction site, and implement a Storm Water Pollution Prevention Plan (SWPPP) which identifies the sources of sediments and other pollutants that affect the quality of storm water discharge, and implement practices to reduce sediment and other pollutants to storm water discharge.

Long-term, operational impacts of the Project consist primarily of an increase in "urban runoff," including contaminants from vehicular traffic as well as fertilizers and plant additives from landscaped areas, which may be washed into the storm drain system during storm events. As with short-term impacts, compliance with the provisions specified by the NPDES permitting program will provide for proper management and disposal of urban runoff from the Project. The Project will also comply with applicable provisions of the City's Drainage Management Plan (DMP), which will aid in limiting the Project's potential long-term operational impacts to water quality.

4. CULTURAL RESOURCES

a. Affect Unique Ethnic Cultural Values/Restrict Sacred Uses

Potential Significant Impact: The proposed Project could result in a physical change which would affect unique ethnic cultural values; or restrict existing religious or sacred uses within the potential impact area.

Finding: Potential impacts relevant to cultural resources are discussed in Section 4.5 of the Draft EIR. Because no unique ethnic or sacred uses are known to be associated with the Project site, no impacts from development of the proposed Project would occur. No mitigation is required.

Facts in Support of the Finding:

Based on the archaeological assessment prepared for the Project site, no unique ethnic or sacred uses are known to be associated with the Project site. Therefore, there will be no impacts from development of the proposed Project on religious or sacred uses.

5. BIOLOGICAL RESOURCES

a. Vegetation, Habitat and Resident/Migratory Wildlife

Potential Significant Impact: The proposed Project could substantially affect a rare or endangered species of animal or plant or the habitat of the species; threaten to eliminate a plant or animal community; cause a fish or wildlife population to drop below self-sustaining levels; reduce the number or restrict the range of a rare or endangered plant or animal; or substantially diminish habitat for fish, wildlife or plants.

Finding: Potential impacts to sensitive biological species are discussed in Section 4.6 of the Draft EIR. The analysis concludes that in regard to rare or endangered plants, common plant communities including non-native grasslands, Riversidian sage scrub, alluvial fan sage scrub, and rare or endangered wildlife including burrowing owls, the Stephens' kangaroo rat, San Diego Black-Tailed Jackrabbit, and horned lark, impacts brought about by the implementation of the proposed Project would not be significant. No mitigation is required.

Facts in Support of the Finding:

Based on biological surveys of the Project area, including a general survey on April 16, 2001 and subsequent corollary focused protocol surveys for burrowing owls and Stephens' kangaroo rat, no rare or endangered species of plants were found on site.

Development of the Project, as proposed, would result in the removal of approximately 295.1 acres of annual non-native grassland habitat. Because non-native grassland is regionally widespread and the wildlife utilizing these areas is widespread, Project-related impacts to annual grassland habitat are considered less-than-significant and no mitigation is required.

Two areas of potential habitat categories were identified within the Project boundaries, including approximately 7.17 acres of disturbed Riversidian sage scrub, and approximately 7.73 acres of disturbed alluvial fan sage scrub. While identified as "Species of Special Concern" by the California Department of Fish and Game (CDFG), the degraded character of Riversidian sage scrub and alluvial fan sage scrub found on the Project site is such that it is not considered to be significant habitat value. Project related impacts to Riversidian sage scrub and alluvial fan scrub are considered less-than-significant and no mitigation is required.

Based on biological surveys of the Project area, including a general survey on April 16, 2001, and subsequent corollary focused protocol surveys for burrowing owls and Stephens' kangaroo rat, no rare or endangered species of resident or migratory wildlife were found on site. However, the San Diego black-tailed jackrabbit (*Lepus californicus*), and the homed lark (*Eremophila alpestris*) were observed during field surveys of the Project area. Both of these are classified as

Species of Special Concern by the CDFG. Loss of this habitat, however, is consistent with the anticipated loss of habitat reflected in the proposed MSHCP. The San Diego black-tailed jack rabbit and horned lark are mobile species, adaptable to a variety of habitat widely available within the region. These species are generally wary of human activity and will likely leave the area when Project construction is initiated. Subsequent to implementation of the Project, individuals may find suitable habitat within parks and open space areas incorporated in the Project. Potential impacts to these species are therefore considered less-than-significant. Additionally, Project site is not located within any conservation subunits of the MSHCP.

b. Movement of Migratory Fish or Wildlife Species

Potential Significant Impact: The proposed Project could interfere substantially with the movement of any resident or migratory fish or wildlife species.

Finding: Potential impacts to migratory wildlife are discussed in Section 4.6 of the Draft EIR. The analysis concluded that no delineated migratory routes would be affected by the Project, and the preservation of Noble Creek would allow continued wildlife movement. No mitigation is required.

Facts in Support of the Finding:

The Noble Creek Vistas Specific Plan site is bounded to the east, south and west by urban areas of the City of Beaumont. To the north, a new high school has been constructed. The site is currently accessible to the public via abutting improved roadways. Within the easterly Specific Plan area, a Beaumont Unified School District middle school has been constructed, and in the central Project area, within the Noble Creek channel, is an active sand and gravel mining operation. To the west, are the improved Noble Creek Park and ongoing implementation and occupation of the Oak Valley Planned Residential Development. In addition to the above urban/disturbed conditions, domestic animals (primarily cats and dogs) from adjacent development have full access to the site.

Even with the intrusions and disturbance to species and habitat described above, common wildlife species occurring on the site and in the vicinity are able to live within, and move freely through this area of urban and semi-urban development. Common species individuals displaced by the Project would relocate to other similar habitat widely available within the region. Remaining members of common species are afforded habitat and freedom of movement by the approximately 49.7 acres of parks and open space incorporated in the Specific Plan, including the preservation of the Noble Creek as a drainage channel through the Project site.

No delineated migratory routes would be affected by the Project. Through preservation of Noble Creek as a continuous drainage channel through the Project site, wildlife movement would not be restricted along this corridor. Lastly, it is noted that common wildlife species identified within the Project site are abundant in the region, and receive no protection from federal, state, or local resource agencies. Consequently, this impact is considered less-than-significant.

Moreover, the areas of potential biological sensitivity are, in fact, highly disturbed and degraded and are not considered intrinsically valuable. These areas do not comprise significant or substantial components of cumulatively available resources. Loss of this habitat is consistent

with the anticipated area-wide loss of habitat reflected in the proposed MSHCP. Additionally, the MSHCP identifies areas for the city's target conservation acreage to the northwest, southwest, and southeast. It does not identify the Project area as lying within a Pass Area Plan conservation Subunit.

6. AIR QUALITY

a. Short-Term Construction Related Impacts

Potential Significant Impact: The proposed Project could exceed emissions thresholds as a result of site preparation and construction activities.

Finding: Potential air quality impacts resulting from short-term construction related activities are discussed in Section 4.8 of the Draft EIR. The analysis concluded that construction-related emissions, both during site preparation and during construction, would not be a significant impact. No mitigation is required.

Facts in Support of the Finding:

The proposed Project site grading activities were assessed using the California Air Resources Board's URBEMIS7G air quality model to estimate Project-related emissions. This modeling revealed that none of the Southern California Air Quality Management District's (SCAQMD's) Project construction thresholds would be exceeded by the proposed grading of the Project site.

Similarly, emissions associated with other construction activities, including the transportation of workers, materials and equipment to the Project site, and on-site exhaust emissions generated by equipment use, were estimated using the URBEMIS7G modeling. The combined emissions total from worker trips, construction vehicles, and stationary equipment was compared to SCAQMD thresholds, and no exceedances were identified. Therefore, the potential short-term, construction-related air quality impacts of the proposed Project are not significant and no mitigation is required.

b. Consistency with Regional Air Quality Management Plan

Potential Significant Impact: The proposed Project could result in inconsistencies with the Regional Air Quality Management Plan (AQMP).

Finding: Consistency with the Regional AQMP is discussed in Section 4.8 of the Draft EIR. The analysis concluded that the proposed Project is consistent with the intent to the AQMP. No mitigation is required.

Facts in Support of the Finding:

Assumptions of the AQMP used in projecting future emission reductions are based in part on land use data provided by city and county general plan documentation. Projects that propose general plan amendments and changes of zone therefore may be inconsistent with the AQMP's underlying land use assumptions if they increase the intensity of use and result in higher traffic

volumes (and subsequent automobile emissions), or result in increases in stationary area source emissions over current general plan designated uses.

The Project is located within the City of Beaumont's Sphere of Influence (SOI) and is designated as low density residential with a density of 2.4 to 4.1 dwelling units per acre (City of Beaumont General Plan Land Use Element, October 1, 2000). The Project, at 3.2 dwelling units per acre, falls within this density range. While the current AQMP does not reflect this designation, it is anticipated that subsequent amendments of the AQMP would be updated to reflect this land use designation as adopted by the City's existing General Plan. Since the Project is consistent with the City General Plan SOI land use designation and the contemplated Project proposes annexation into the City, the Project is found to be consistent with the intent of the AQMP.

7. NOISE

a. Short-Term Construction Related Impacts

Potential Significant Impact: The proposed Project could result in short-term construction-related increases in noise levels; and short-term exposure of people to severe noise levels due to construction activities.

Finding: Potential noise impacts resulting from short-term construction related activities are discussed in Section 4.9 of the Draft EIR. The analysis concluded that construction-related noise impacts would not be significant. No mitigation is required.

Facts in Support of the Finding:

To reduce the potential for short-term impacts, the construction equipment hours of operation on-site shall be controlled. Construction activities shall take place only when permitted by the City of Beaumont to minimize the potential for noise impacts during more sensitive time periods. Compliance with adopted City performance standards incorporated in the Project Specific Plan will reduce potential construction noise impacts below the level of significance. Therefore, this impact is considered to be less-than-significant.

b. Long-Term Operational Impacts

Potential Significant Impact: The proposed Project could result in long-term operational increases in noise levels; and long-term exposure of people to severe noise levels due to operational activities.

Finding: Potential noise impacts resulting from long-term operational activities are discussed in Section 4.9 of the Draft EIR. The analysis concluded that long-term noise impacts, including stationary and vehicular noise sources, would not be significant. No mitigation is required.

Facts in Support of the Finding:

On-site activities associated with the long-term use of the proposed land uses will generate intermittent operational noise. Landscaping activities, building maintenance, trash pick-up activities, heating/ventilation/air conditioning (HVAC) units, deliveries and parking lot activities (engine noise, car door slamming), will contribute to the noise levels in the vicinity. Building design and orientation proposed by the Specific Plan will reduce intrusive noise levels at adjacent noise sensitive receptors.

Noise levels on area streets were analyzed for the future General Plan Buildout traffic conditions with and without the proposed Noble Creek Vistas Specific Plan Project. A comparison of the results allowed the significance of Project-related increases in motor vehicle noise to be identified. This analysis indicates that the proposed Project will not generate an audible noise increase (greater than 3.0 dBA) along any of the roadway links analyzed. This impact is therefore considered to be less-than-significant.

The conceptual hardscape plans for Noble Creek indicate that Project will benefit from a 6-foot high perimeter theme wall. The proposed barrier locations were developed, in part, to minimize the potential noise impacts from the Brookside Avenue and Beaumont Avenue on noise sensitive land uses. The planned barrier locations follow the perimeter of the planned residential land use and will provide a significant reduction in the projected traffic noise impacts. Preliminary analysis suggests that the unmitigated exterior noise levels may reach 72 dBA CNEL in the residential areas located south of Brookside Avenue and East of Beaumont Avenue. To meet the City of Beaumont 65 dBA CNEL exterior noise standard, the proposed barrier is required to provide a noise attenuation of approximately 7 dBA CNEL. Preliminary barrier analysis presented in the Specific Plan (Specific Plan Section V., Appendix A, "Technical Data on Steeltree Wall System") demonstrates that the proposed 6-foot high wall design is capable of providing a noise reduction of 7 dBA CNEL. Verification of the barrier heights and design will be based on the findings of a final acoustical report which is required prior to obtaining building permits.

8. UTILITIES AND PUBLIC SERVICES

a. Increased Project Demand Impacts

Potential Significant Impact: The proposed Project could result in substantial adverse physical effects due to Project demands on existing fire protection/emergency medical services, police protection services, schools, parks/recreation facilities, or other public services. Substantial adverse physical effects could also result from the construction of new or altered government facilities needed to maintain acceptable service ratios, response times, or other performance objectives for fire protection/emergency medical services, police protection services, schools, parks/recreation facilities, or other public services.

Finding: Potential impacts upon public services are discussed in Section 4.10 of the Draft EIR. The analysis concluded that Project-related public services impacts would not be significant. No mitigation is required.

Facts in Support of the Finding:

Fire protection services are currently provided to the Project area by Station No. 22 (Cherry Valley) and Station No. 66 (City of Beaumont). Both stations are within 6 minutes response time to the Project site. Existing emergency medical services provided by the County Fire Department and existing contract providers are considered adequate to serve the Project area. No additional physical facilities are required to provide adequate fire protection/emergency medical services to the Project site. Additionally, the Project will participate in either the existing Riverside County Fire Impact Protection Impact Mitigation Program, or will be assessed a one-time fee per dwelling unit collected by the City of Beaumont. These revenues will be made available to the County Fire Department to supplement existing levels of service as required. All construction within the Project area will comply with applicable fire protection measures as specified by the City and/or the County Fire Department.

Current police protection response time to the Project site is approximately two to three minutes. As directed by the City, revenues attributable to the Project will be allocated to finance any Project-related increases in police protection service demands. It is noted here that current officer/population staffing ratios provided by the City are among, if not the most, favorable within Riverside County. In this regard, it is likely that any police protection service demands of the Project will likely be related to increased police department equipment purchases and maintenance costs rather than additional personnel requirements.

For school planning purposes, the estimated potential student generation for the Project's 965 dwelling units is 772 students, or 0.80 per residence. Prior to the issuance of building permits, the Project proponent will obtain a certificate of compliance from the District verifying that appropriate school fees have been paid in accordance with the California Education Code § 17620 et seq. for new residential construction. The statutory BUSD school impact fee is currently \$2.05 per square foot of residential construction.

Occupation of the residential uses proposed by the Project will incrementally increase demands on library services within the Beaumont Library District. City General Fund revenues and development assessment fees established by the Library District are typically employed to provide and supplement library services. As directed by the City, revenues attributable to the Project will be allocated to finance any Project-related increases in library service demands. It is also noted that the middle school use within the Specific Plan will provide locally available library resources to student populations within the Project area.

The proposed Project will provide approximately 49.7 acres of improved parks and unimproved open space. Park lands provided by the Project are considered to have met the 8.7 acre minimum requirement of the California Quimby Act. Further, as indicated in conceptual plans for the Project, approximately 20 acres of parks provided by the Project include improvements such as multipurpose fields, soccer fields, and picnic areas. As such, the Project exceeds the 14.5-acre City requirement for improved parks. No impact to parks and/or recreation services is anticipated to result from Project implementation.

In summary, the Project's potential to result in, or cause substantial adverse physical effects due to Project demands on existing fire protection/emergency medical services, police protection

services, schools, parks/recreation facilities, or other public services is considered less-than-significant. Substantial adverse physical effects from the construction of new or altered government facilities needed to maintain acceptable service ratios, response times, or other performance objectives for fire protection/emergency medical services, police protection services, schools, parks/recreation facilities, or other public services are also considered less-than-significant. No mitigation is required.

b. Water/Wastewater/Storm Drainage Impacts

Potential Significant Impact: Failure to comply with wastewater treatment requirements of the Regional Water Quality Control Board; require or result in the construction of new or expanded water or wastewater treatment facilities; require or result in the construction of new or expanded storm water drainage facilities; exceed existing water supplies, exceed existing wastewater capacity.

Finding: Potential impacts due to wastewater and storm drainage generation are discussed in Section 4.10 of the Draft EIR. The analysis concluded that Project-related wastewater impacts and storm drainage generation would not be significant. No mitigation is required.

Facts in Support of the Finding:

Sewer service to the Project uses will be provided by the City of Beaumont, in accordance with the approved City Sewer Master Plan. Proposed alignment, connection points, and sizing of lines within the Specific Plan will be accomplished upon obtaining detailed planning and engineering criteria during tract map preparation. Wastewater collected from the Project uses will be conveyed for treatment to the Beaumont Wastewater Treatment Plant No. 1. The Treatment Plant has an existing tertiary treatment capacity of 1.5 million gallons per day (MGD); and a planned expansion capacity of 2.0 MGD. Programmed expansion of the sewage treatment plant is currently in the design phase. As buildout of the Project will be phased over a period of 10 years, it is anticipated that adequate sewage treatment plant capacity will remain available to the Project concurrent with other development that may be realized within the City.

Sewer system improvements proposed and required of the Project will be designed, constructed, and maintained in accordance with City of Beaumont requirements. Implementation of necessary sewer system improvements will be accomplished consistent with policies expressed in the City of Beaumont General Plan, Public Services and Facilities Element.

Development of the site will alter natural on-site drainage courses. After development, new drainage courses will consist of streets, channels and swales, underground storm drains and/or a combination of the above. The majority of Project site storm water discharges will exit the site and drain into Noble Creek. Drainage from the Project site, including 100-year flood flows, can be adequately conveyed without significant on or off-site drainage system or flooding impacts.

Drainage system and flood control improvements proposed and required of the Project will be designed, constructed, and maintained in accordance with City of Beaumont and Riverside County Flood Control District requirements. Implementation of necessary drainage/flood

control system improvements will be accomplished consistent with policies expressed in the City of Beaumont General Plan, Public Services and Facilities Element.

As discussed in the Specific Plan, the phasing concept of the Project is infrastructure driven in that a given component of the Specific Plan will not proceed unless adequate infrastructure, in this case sewer system improvements, is available to accommodate the component in question. As presented in the discussion of "Project Phasing" presented in the Specific Plan, in conjunction with submittal of the first tentative subdivision map, the applicant shall formulate a program, approved by the Planning Director, which will enable water, sewer and storm drainage system improvements to be paid for on a fair share basis for the entire Specific Plan area.

c. Solid Waste Impacts

Potential Significant Impact: The proposed Project has the potential to exceed existing landfill capacity; and/or conflict with federal, State, and local statutes and regulations related to solid waste.

Finding: Potential solid waste impacts are discussed in Section 4.10 of the Draft EIR. The analysis concluded that Project-related solid waste impacts would be less-than-significant. No mitigation is required.

Facts in Support of the Finding:

Total construction-related solid waste that would be generated over the phased 10-year development of the Project (50.9 tons), represents approximately 2.6 percent of the maximum daily refuse disposal currently permitted at the Lamb County Landfill (LCL), or approximately 0.003 percent of the remaining 2001 capacity of this landfill. Daily solid waste ultimately generated by the Project (3.9 tons), represents approximately 0.8 percent of the landfill's 2000-2001 daily disposal tonnage; 0.2 percent of the maximum daily refuse disposal currently permitted at the LCL; and is approximately 0.0002 percent the remaining 2001 capacity of this landfill. As supported by the preceding discussion, solid waste generated by the Project does not represent a substantial portion of the LCL's existing or planned capacity, nor will waste generated by the Project noticeably affect daily operations of the LCL. Further, in compliance with State law, solid waste disposal requirements of the Project are reduced consistent with the City's Source Reduction and Recycling Element. Existing City and County Ordinances and the City SRRE also address the storage of refuse within the Project boundaries; collection and disposal of any household and commercial hazardous wastes; and collection and disposal of construction wastes.

d. Utilities/Energy Use

Potential Significant Impact: The proposed Project has the potential to exceed the capacity of serving utilities systems and/or require significant expansion or alteration of existing utilities systems, or use energy in a wasteful manner.

Finding: Potential impacts based on utilities services and energy use are discussed in Section 4.10 of the Draft EIR. The analysis concluded that Project-related

impacts upon utilities or energy use would be less-than-significant. No mitigation is required.

Facts in Support of the Finding:

Electricity is supplied to the Project site by Southern California Edison (SCE). Natural gas is supplied by The Gas Company. SCE 12 KV lines traverse the southerly portion of the Project site in an east west direction within an approximately 200-foot wide easement. The Gas Company has an existing 30" distribution main located within an approximately 16.5 foot wide easement northerly of and paralleling 14th Street. Service to the Specific Plan uses will be provided by connection to existing electricity and gas service lines in the Project vicinity. Consistent with market demands it is anticipated that telephone and cable television services will also be extended into the Project site.

Based on the construction of 965 residences, and approximately 305,000 square feet of school uses, it is anticipated that the Project would utilize approximately 8,631,232 kWh of electric energy annually, and approximately 7,316,225 cf of natural gas monthly. To minimize effects of energy consumption, all construction within the Specific Plan area is required to comply with State and locally mandated energy efficient construction standards and procedures. Further, standard construction practices and economic incentives discourage use of energy and non-renewable resources in a wasteful and inefficient manner. The Project's potential to conflict with adopted energy conservation plans or use non-renewable resources in a wasteful and inefficient manner is therefore considered less-than-significant. Current (2001) State-wide energy limitations are recognized. In this regard, the Project may be subject to near term energy conservation plans which may be adopted by the State and/or City.

9. AESTHETICS

a. Degradation of Existing Visual Character/Quality

Potential Significant Impact: The proposed Project could result in substantial degradation of the existing visual character or quality of the site and its surroundings.

Finding: Potential aesthetic impacts of the Project are discussed in Section 4.11 of the Draft EIR. The analysis concluded that long-term Project-related aesthetic impacts would be less-than-significant. No mitigation is required.

Facts in Support of the Finding:

Implementation of the proposed Project will alter existing visual characteristics of the Project site and vicinity. However, construction of the Project consistent with the standards and guidelines identified in the Specific Plan will result in development that is similar in intensity, and compatible with, existing land uses adjacent to the Project site. Further, peripheral screening and buffering elements proposed by the Project, together with physical separation provided by natural and manmade features, act as transitional elements, lessening potential aesthetic effects of the Project on adjacent land uses. In addition, development standards presented in the Specific Plan document are consistent with, and support General Plan policy statements

addressing Creative Design Concepts, Enhancement of the Environment, and Natural Resources Conservation. Lastly, compliance with the architectural and landscape design standards identified in the Specific Plan both during construction, and as part of ongoing maintenance by a homeowners association, will ensure that the quality of the development's aesthetic character remains constant over time.

As identified in the Specific Plan, establishment of CC&Rs, supported by a Master Homeowners Association and/or Neighborhood Associations responsible for proper implementation and maintenance of private facilities, will provide assurance that these facilities are constructed and maintained consistent with the Specific Plan Development Standards. Parks maintenance within the Project area will be accomplished through annexation to a City CFD or similar maintenance organization. It is anticipated that upon their satisfactory completion, public facilities will be dedicated to, and accepted by, the City for maintenance. CC&Rs and Homeowners Associations, or similar governing documents and organizations structured to assure quality development within the Specific Plan area, will be initiated by the Master Developer and reviewed by the City Attorney for consistency with the City's Municipal Code. With implementation of the design standards and guidelines outlined in Specific Plan, supported by the oversight and maintenance structure outlined above, the overall visual change associated with implementation of the proposed Project will be noticeable, but considered less-than-significant.

10. CUMULATIVE IMPACTS

a. Biological Resources

Potential Significant Impact The cumulative impact of the proposed Project could substantially affect biological resources.

Finding: Potential cumulative impact of the proposed Project on the biological resources is discussed in section 4.12.2.6 of the Draft EIR. The analysis concludes that the habitat and vegetation, not otherwise preserved by the Project's mitigation measures, are heavily disturbed and degraded and of low quality. In terms of the total development anticipated, the Project is considered incrementally and cumulatively insignificant and its cumulative impact is considered less-than-significant. No mitigation is required.

Facts in Support of the Finding:

Implementation of the Project will contribute the generalized loss of habitat. The Project will result in removal of vegetation consisting of approximately 295.1 acres of annual grassland, approximately 7.17 acres of disturbed Riversidian sage scrub, 5 mature western sycamores and associated understory vegetation totaling approximately 9.26 acres (raptor habitat), and approximately 7.73 acres of disturbed alluvial fan scrub. Due to disturbance and general degradation these areas are not considered intrinsically valuable. Therefore, these areas do not comprise significant or substantial components of cumulatively available resources nor will their loss contribute substantially to cumulative loss or areawide resources. Riverside County Integrated Plan (RCIP) and related Multiple Species Habitat Conservation Plan (MSHCP) were developed in response to anticipated cumulative loss of habitat in the region. MSHCP mitigates

project-specific and cumulative loss of habitats through preservation of meaningful acreages of interconnected natural systems. MSHCP focuses on areas considered to be valuable habitat. Within the scope of approximately 1.26 million-acre MSHCP, the proposed 323-acre Project site represents an incrementally insignificant portion (.07%). In addition, the project site is not identified as lying within a Pass Area Plan Conservation Subunit proposed by MSHCP. Development of the Project site would therefore not detract from, nor adversely affect, mitigation of cumulative biological resources impacts.

The Project incorporates mitigation measures that reduce Project-specific biological impacts below level of significance. Proposed mitigation measures will also reduce the Project's incremental contribution to cumulative biological impacts within the region to less than significant level. (The Project-specific biological impacts and related mitigation measures are discussed in section B.4 below.)

B. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND MITIGATION MEASURES.

The following issues from the environmental categories analyzed by the Draft EIR; Earth Resources, Hydrology/Water Quality, Cultural Resources, Biological Resources, Traffic and Circulation, and Aesthetics, were found to be potentially significant, but can be mitigated to a less than significant level, with the imposition of mitigation measures. This Council finds that all potentially significant impacts of the Project listed below can and will be mitigated, reduced or avoided by imposition of the mitigation measures, and these mitigation measures are set forth in the Mitigation Monitoring and Reporting Program Plan adopted by the Council. Specific findings of the Council for each category of such impacts are set forth in detail below. Public Resources Code Section 21081 states that no public agency shall approve or carry out a Project for which an Environmental Impact Report has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR.

The Council hereby finds, pursuant to Section 21081, that the following potential environmental impacts can and will be mitigated to below a level of significance, based upon the implementation of the mitigation measures in the EIR. Each mitigation measure discussed in this section of the findings is assigned a code letter correlating it with the environmental category used in the Mitigation Monitoring Program included in the Final EIR.

1. EARTH RESOURCES

a. Unstable Soils

Potential Significant Impact: The proposed Project could result in the exposure of people and/or structures to the effects of unstable soils.

Finding: The potential impacts related to unstable soils are discussed in Section 4.2 of the Draft EIR. The Draft EIR determined that with mitigation, no significant Project-related or cumulative impacts would result from the development of the Noble Creek Vistas Specific Plan. The EIR analysis concluded that adherence to the standards contained in the mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measures will mitigate these impacts to below a level of significance.

4.2.1 The Project applicant shall comply with all applicable Uniform Building Code standards; and with the recommendations and performance standards set forth in geotechnical investigations prepared for the Project. Additionally, prior to issuance of grading or building permits, the Project applicant shall provide verification to the City of Beaumont, Engineering, Public Works, and Building Departments that a licensed geotechnical engineer has reviewed all construction plans, including proposed roadway improvements, to ensure that the plans are designed to specifically address site soil and geotechnical conditions, consistent with the Uniform Building Code (UBC). All soils and geotechnical engineering recommendations shall be incorporated in Project construction plans prior to issuance of grading permits/building permits and the commencement of construction.

Facts in Support of the Finding:

While not inherently unstable, in-situ soils within the Project site will not provide uniform or adequate support for proposed structures due to variable conditions and inconsistent soil densities. The Project geotechnical investigation presents specific recommendations addressing soils and site conditions within the Project area, providing direction in the areas of site grading; initial site preparation; preparation of fill areas; preparation of footing areas; compacted fills; slope construction; slope protection; foundation design; lateral loading; slabs-on-grade; erosion protection; and construction observation. Adherence to these recommendations will reduce the potential impacts to less than significant levels.

b. Soils or Site Contamination

Potential Significant Impact: The proposed Project could result in the exposure of people and/or structures to the effects of soils or site contamination.

Finding:

The potential impacts related to contaminated soils are discussed in Section 4.2 of the Draft EIR. The analysis concluded that based on limited past agricultural uses of the Project site and vicinity properties, it is possible that pesticides or herbicides used on the Project site remain in the soil. This is a potentially significant impact of the proposed Project Implementation of the mitigation measures stated below will substantially lessen the significant impact identified in the EIR such that no significant impacts remain.

The following measures will mitigate this impact below a level of significance.

- 4.2.2 *Prior to issuance of precise grading permits, the applicant shall provide evidence to the City of Beaumont Planning Department that DTSC/DEH has approved a confirmation sampling plan for the Project site. The confirmation sampling plan shall document laboratory results and verify that on-site levels of DDT and DDE contamination are within the target cleanup level(s) established by DTSC/DEH.*
- 4.2.3 *If during overexcavation and rough grading, materials are uncovered that may contain hazardous waste, the contractor shall halt work in the area until a site investigation can be prepared. The site investigation shall be prepared by a qualified hazardous materials specialist and provided to the City of Beaumont Planning Department for review and approval. If the site investigation reveals that a portion of the property is contaminated with pollutant concentrations in excess of Action Levels, as defined by the California Department of Health Services and the California Regional Water Quality Control Board, the site shall be remediated during the Project construction phase in compliance with the State of California Hazardous Substances Control Law (Health and Safety Code Division 20, Chapter 6.5), standards established by the California Department of Health Services, Office of Statewide Health Planning and Development, and the requirements of California Administrative Code, Title 30, Chapter 22. In addition, implementation shall be in compliance with all applicable federal regulations.*
- 4.2.4 *Applicants shall provide to the Department of Environmental Health a report addressing whether the property in question was ever used as a dairy, poultry ranch, hog ranch, livestock feed operation, manure stockpile site, manure burial site, agricultural pond, or for any other purpose that might result in the deposition of materials which could produce significant methane. The report shall be prepared and signed by a qualified soils engineer, engineering geologist, or other similarly skilled professional, and shall, at a minimum, include the following (the City may, at its discretion, request additional information):*
- *A description of current site uses and site condition.*
 - *Photographs of current site uses and site condition.*

- *A description of historical site uses and site condition, including a summary of statements and interviews with previous owners, employees, etc., specifying the location of potential methane generation areas, if any.*
- *Historical aerial photographs (at least one per decade), if available.*
- *Detailed maps plotting the potential methane generation areas described above.*
- *An overlay of the entitlement maps to compare with potential methane generation areas.*

Facts to Support of the Finding:

Although it is considered unlikely that significant sources of contamination exist within the Specific Plan area, based on limited past agricultural uses of the Project site and vicinity properties, it is recommended that, prior to issuance of grading permits, subsurface soils sampling of the site of the Specific Plan area be conducted to determine the presence/absence of pesticides or herbicides on the Project site. If pesticides/herbicides are encountered that exceed California Department of Toxic Substances Control/Department of Environmental Health (DTSC/DEH) target cleanup concentrations for DDT and DDE, appropriate remediation measures shall be undertaken as discussed in mitigation measures 4.2.2 and 4.2.3. Adherence to these recommendations will reduce the potential impacts to less than significant levels.

2. HYDROLOGY/ WATER RESOURCES

a. Drainage/Flood Hazards

Potential Significant Impact: The proposed Project has the potential to result in substantial changes in absorption rates, drainage patterns, or the rate and amount of surface runoff; the exposure of people or property to water-related hazards such as flooding; changes in currents, or the course or direction of water movements.

Finding: The potential impacts relative to drainage and flood hazards are discussed in Section 4.3 of the Draft EIR. Construction of drainage and flood control facilities and improvements within the Specific Plan site will control storm runoff and provide adequate floodproofing to reduce the potential impacts identified in the Draft EIR such that no significant effect remains.

The following measure will mitigate these impacts below a level of significance.

4.3.1 Floodproofing and drainage improvements proposed by the Project shall be accomplished in a manner consistent with designs and methodologies outlined in the "Noble Creek Preliminary Floodplain Study, Noble Creek Vistas Specific Plan" (Gable, Cook & Becklund, Inc.) June 2001, EIR

Appendix C. Further, all floodproofing and drainage improvements proposed by the Project shall be accomplished in a manner that does not change the rate and/or amount of surface runoff which would cause flooding in upstream or downstream facilities; or alteration of stream flow characteristics which result in erosion, sedimentation or flooding upstream or downstream. Re-grading and erosion control protection of the Noble Creek channel and adjacent areas proposed by the Project , together with all other improvements necessary for collection and dissipation of Project-related drainage discharges shall be designed, constructed and maintained in conformance with applicable Corps, FEMA, CDFG, City, Riverside County Flood Control District, and Regional Water Quality Control Board requirements and performance standards. Appropriate jurisdictional review and approval of food control and drainage improvements, is required prior to City approval of tract maps.

Facts in Support of the Findings:

As supported by the Project Preliminary Floodplain Study presented in EIR Appendix C, the Project levee/roadway system will provide adequate floodproofing of proposed residential development. Further, the floodproofing measures proposed by the Project will confine flood flows to the existing delineated Noble Creek floodplain area, without constricting the channel, or impeding flows entering or exiting the Project site. As such, implementation of the Project will not have any significant effect on flood flow characteristics on upstream or downstream properties. Any potentially affected property owners will be notified to the extent of any anticipated change in stream flow characteristics, and their acceptance of the changes will be obtained as required by FEMA guidelines and policies.

3. CULTURAL RESOURCES

a. Disturbance of Archaeological/Paleontological/Historic Resources

Potential Significant Impact: The proposed Project could result in the disturbance of important archaeological or paleontological resources; or affect important historical resources.

Finding: The potential impacts related to cultural resources are discussed in Section 4.5 of the Draft EIR. The Draft EIR determined that the potential for the Project to affect cultural resources is remote; however, paleontological resources may be encountered in a buried context during Project development. The EIR analysis concluded that adherence to the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measures will mitigate these impacts to below a level of significance.

- 4.5.1 *A qualified cultural resources monitor shall conduct periodic monitoring of site excavation and grading activities. So as to avoid construction delays, the monitor shall be equipped to remove samples of sediments which are likely to contain fossils, and to salvage paleontological, archaeological, and/or historic resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. Any discovered or recovered resources shall be evaluated in accordance with CEQA guidelines.*
- 4.5.2 *A qualified paleontologist shall prepare a report of any significant findings with an appended itemized inventory of any significant specimens. The report and inventory, when submitted to the appropriate lead agency, signifies completion of the plan to mitigate impacts to paleontological resources.*
- 4.5.3 *Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the San Bernardino County Museum.*
- 4.5.4 *Any future archaeological or cultural investigations shall be properly recorded via State Parks and Recreation forms and/or technical reports, as appropriate.*

Facts in Support of the Finding:

As supported by cultural resources investigations of the Project site, no important paleontological, archaeological, or historic resources have been identified within the Project area. As such the potential for the Project to affect these resources is considered remote. However, in the course of Project implementation, paleontological resources may be encountered in a buried context. With the incorporation of the above mitigation measures, the Project's potential to disturb important paleontological or archaeological resources; or affect important historical resources is considered less-than-significant.

4. BIOLOGICAL RESOURCES

a. Jurisdictional Waters of the United States

Potential Significant Impact: Development of the proposed Project would result in fill of the jurisdictional waters of the United States.

Finding: The potential impacts related to jurisdictional waters of the U.S. are discussed in Section 4.6 of the Draft EIR. The Draft EIR determined development of the proposed Project would result in fill of the jurisdictional waters of the U.S. The EIR analysis concluded that adherence to the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant

environmental effects analyzed in the EIR such that no significant impacts remain.

The following measures will mitigate these impacts to below a level of significance.

4.6.1 *Prior to issuance of grading permits, a jurisdictional waters delineation of the Project site shall be completed consistent with CDFG and Corps requirements. This delineation shall be submitted to the CDFG/Corps for verification, and the appropriate Section 1600 /Section 404 permits shall be acquired for any affected jurisdictional waters. Section 401 Water Quality certification or waiver is also required.*

4.6.2 *Based on preliminary surveys of the Project site, approximately 0.2 acres of wetlands will be displaced by the proposed Project. Any wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with the Corps' mitigation guidelines.*

Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps. To ensure success of the creation or restoration of wetlands, post-construction monitoring shall be conducted by a qualified restoration scientist annually for at least five years. An annual report will be submitted to the CDFG, Corps, and USFWS. Success shall be evaluated to have been achieved if 80 percent or greater vegetative cover by wetland and facultative wetland plant species has been achieved. It is noted that suitable areas available for wetlands replacement/rehabilitation exist along Coopers Creek in the southerly portion of the City.

4.6.3 *Prior to issuance of grading permits, a Streambed Alteration Agreement shall be obtained from CDFG, pursuant to Section 1600 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of the stream. If required, the Project applicant shall coordinate with CDFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits.*

Facts in Support of the Finding:

Development of the Project area would result in fill of jurisdictional waters of the U.S. The Project area supports approximately 13 acres of potential jurisdictional waters of the U.S., which includes the temporary pond and associated wetlands in the southerly Project area (estimated at 0.2 acres) and the Noble Creek channel drainage course and limited adjacent area (estimated at 12.8 acres). Jurisdictional waters are regulated under Sections 401 and 404 of the Clean Water Act and under Section 1600 et seq. of the California Fish and Game Code. Additionally, these areas are protected by policies of the Western Regional Council of Governments and City of

Beaumont General Plan. With the incorporation of the above mitigation measures, the Project's potential to affect jurisdictional waters of the U.S. is considered less-than-significant.

b. Western Spadefoot Toad

Potential Significant Impact: Development of the proposed Project could adversely affect the western spadefoot toad, designated as a federal Species of Concern and a California Species of Special Concern.

Finding: Potential impacts relative to wildlife species within the Specific Plan site are discussed in Section 4.6 of the Draft EIR. The Draft EIR determined that development of the proposed Project could result in the incidental take of the western spadefoot toad. The EIR analysis concluded that adherence to the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measures will mitigate these impacts to below a level of significance.

4.6.4 *Prior to the issuance of grading permits, focused surveys for the spadefoot toad shall be conducted in areas of potential species habitat. Surveys for spadefoot toad shall be conducted by a qualified biologist in accordance with USFWS and CDFG guidelines.*

4.6.5 *If the western spadefoot toad is not found on the site, no further mitigation is required. However, if this species is positively identified during the focused survey, then a detailed mitigation plan shall be prepared, in consultation with the USFWS and CDFG, that includes measures to avoid or minimize adverse effects of development on these species and their associated habitat. The mitigation plan shall incorporate a monitoring plan for these species during the period of construction. Potential mitigation measures include prohibition of work in the breeding habitat during the breeding season, replacement and/or restoration of disturbed habitat, and monitoring of the construction site to ensure that no spadefoot are present in the work area. Additionally, if the approved Project design eliminates spadefoot habitat, an ephemeral pond shall be created to establish in-kind habitat for the spadefoot toads. The pond should be able to hold water long enough annually for the spadefoot toads to breed and the young to emerge. However, the pond shall not hold water year-round to reduce the introduction of exotic predators (e.g., bullfrogs).*

Facts in Support of the Finding:

The western spadefoot toad is considered to be a federal Species of Concern and a California Species of Special Concern. A small population (approximately 20 individuals) of western spadefoot toad tadpoles was observed in the temporary pond area located in the southerly portion

of the Project . With the incorporation of the above mitigation measures, the Project's potential to affect the western spadefoot toad is considered less-than-significant.

c. Raptors and Migratory Birds

Potential Significant Impact: Development of the proposed Project could adversely affect the habitat of raptors and migratory birds within the Project area.

Finding: Potential impacts relative to wildlife species within the Specific Plan site are discussed in Section 4.6 of the Draft EIR. The Draft EIR determined that development of the proposed Project could result in the removal of raptor/migratory bird nesting habitat. The EIR analysis concluded that adherence to the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measures will mitigate these impacts to below a level of significance.

4.6.6 *To the extent feasible, proposed Project activities resulting in disturbance of onsite vegetation should take place outside of the breeding bird season to avoid take (including disturbances which would cause abandonment of active nests containing eggs and or young). The bird breeding season is generally defined as that period between, and inclusive of March 1-August 31. If Project activities cannot avoid the breeding season, a focused survey shall be conducted by a qualified biologist to locate any active nests. All active nests of non-raptor species shall be avoided and should be provided a minimum buffer of 300 feet. With specific regard to potential impacts to raptors, migratory species, and their nesting areas, if construction is proposed during the breeding season, a focused survey for raptor/migratory bird nests shall be conducted within 30 days prior to the beginning of construction activities. Surveys shall be conducted by a qualified biologist in order to identify active nests on the site. If active nests are found, no construction activities shall take place within 500 feet of the nest until the young have fledged. Trees containing nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (generally defined as September 1 to February 28 inclusive). If no active nests are found during the focused survey, no further mitigation will be required.*

Facts in Support of the Finding:

The disturbed sycamore woodland on the Project site provides habitat for raptors, as evidenced by a red-tail hawk nest observed in one of the five scattered sycamore trees located in the westerly portion of the Project. These trees may also serve as nesting sites for migratory birds. The destruction of active migratory bird nests, including raptors, is a violation of the Migratory Bird Treaty Act (MBTA), and disruption or destruction of an active raptor nest is also a violation

of CDFG Code 3503.5. As proposed, the Project will remove raptor/migratory bird nesting habitat constituted by 5 mature sycamores trees, and associated disturbed understory totaling approximately 9.26 acres. With the incorporation of the above mitigation measures, the Project's potential to affect raptors and/or migratory birds is considered less-than-significant.

5. TRAFFIC AND CIRCULATION

a. Intersection Capabilities

Potential Significant Impact: Development of the proposed Project could result in exceedances of existing Level of Service (LOS) intersection capability thresholds.

Finding: The potential impacts related to roadway intersection capacities are discussed in Section 4.7 of the Draft EIR. The Draft EIR determined that development of the proposed Project would contribute to significant traffic impacts at intersections surrounding the Specific Plan area. Implementation of the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measure will mitigate these impacts to below a level of significance.

4.7.1 To provide City of Beaumont threshold Level of Service "D" or better, and as applicable, the County threshold Level of Service "C" or better during the peak hours for buildout traffic conditions with the Project, the following off-site intersection improvements are required:

- *In order to achieve County threshold of LOS C at the intersection of Beaumont Avenue (NS) at Cherry Valley Boulevard (EW):*
 - *Construct a second through lane for all approaches;*
 - *Provide an additional left turn lane for the northbound, southbound, and westbound approaches;*
 - *Provide northbound, eastbound, and westbound right turn lanes.*
- *In order to achieve City threshold of LOS D at the intersection of Beaumont Avenue (NS) at 14th Street (EW):*
 - *Construct a second westbound through lane;*
 - *Provide a second left turn lane for the northbound, southbound and westbound approaches;*

- *Provide a right turn lane for the northbound, southbound, and eastbound approaches.*
- *In order to achieve City threshold of LOS D at the intersection of Beaumont Avenue (NS) at 1-10 Freeway WB Ramps (EW):*
 - *Restrict 5th Street access to/from Beaumont Avenue;*
 - *Construct a loop ramp in the northeast quadrant to provide westbound access onto the 1-10 Freeway. This improvement will eliminate the northbound left turn lane at this location;*
 - *Provide a southbound right turn lane;*
 - *Provide a shared westbound lane for left and right turns.*
- *In order to achieve City threshold of LOS D at the intersection of Beaumont Avenue (NS) at 1-10 Freeway EB Ramps (EW):*
 - *Restrict 4th Street access to/from Beaumont Avenue at this location;*
 - *Construct an additional northbound through and right lane;*
 - *Construct a second southbound and eastbound left turn lane;*
 - *Provide an eastbound free right turn lane.*

As mitigation of Project-related traffic impacts to the above-referenced intersections, payment of traffic impact mitigation fees shall be realized consistent with the Project fair share contribution to intersection improvements.

Facts in Support of the Finding:

Absent long range area-wide road improvements, even without the proposed Project, significant traffic impacts will occur based on buildout of the City. However, development of the proposed Project would contribute to decreased roadway levels and intersection traffic impacts. Based on the Project's fair share contribution to improvements necessary to realize LOS D or better conditions at study area intersections and with the incorporation of the above mitigation measures, Project-related impacts to intersection capacities and LOS is considered less-than-significant.

b. Roadway System Conditions

Potential Significant Impact: Development of the proposed Project will contribute to City and regional traffic volumes, and generate traffic requiring new or expanded roadways on-site and in the Project vicinity.

Finding: The potential impacts related to roadway system conditions are discussed in Section 4.7 of the Draft EIR. The Draft EIR determined that development of the proposed Project would contribute to increased traffic volumes on-site and in the Project vicinity. Implementation of the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the Elk such that no significant impacts remain.

The following measure will mitigate these impacts to below a level of significance.

4.7.2 *Construct Beaumont Avenue south of Brookside Avenue to the south Project boundary at its ultimate half-section width as a Major highway in conjunction with development.*

4.7.3 *Construct Brookside Avenue from the west Project boundary to Beaumont Avenue at its ultimate half-section width as a Secondary highway.*

4.7.4 *Construct Cougar Way from Beaumont Avenue to 14th Street at its ultimate cross-section width as a Collector in conjunction with development.*

4.7.5 *Construct 14th Street from Cougar Way to the east Project boundary at its ultimate half-section width as an Arterial highway in conjunction with development.*

Facts in Support of the Finding:

Implementation of the Project will contribute to City and regional traffic volumes, and generate traffic requiring new or expanded roadways on-site and in the Project vicinity. Additionally, the Project design proposes new roadway alignments to facilitate vehicular travel to, and within, the Project area. Implementation of the roadway segment improvements defined above will ensure safe, efficient access on collector, secondary, arterial, and major highways affected by Project-related traffic, reducing traffic impacts to a level that is considered less-than-significant.

6. AESTHETICS

a. Construction Activities

Potential Significant Impact: Development of the proposed Project could result in short-term, construction related aesthetic impacts.

Finding: The potential impacts related to aesthetic impacts are discussed in Section 4.11 of the Draft EIR. The Draft EIR determined that, while short-term in nature, construction-related aesthetic and light and glare impacts could be considered potentially significant. Implementation of the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measures will mitigate these impacts to below a level of significance.

4.11.1 When lights are necessary for safety and security in the construction area, construction contractors will be required to use non-glare, directional lighting to minimize potential light and glare impacts.

4.11.2 To screen views of the Project construction sites and activities, perimeter theme walls and landscaping will be constructed/installed as soon as practical, and shall in any case precede construction of internal Project uses.

Facts in Support of the Finding:

Construction-related aesthetic and light and glare impacts would be short-term in nature, but are considered potentially significant as there are potentially sensitive uses and viewers (residential properties, school uses, and passing motorists) in the vicinity that would be subject to views of the Project under construction. Further, light and glare from construction areas, particularly nighttime security lighting, may disturb nearby residents. Screening afforded by perimeter theme walls and landscaping elements proposed by the Specific Plan will act to reduce potential visual impacts of Project-related construction activities to a level that is considered less-than-significant.

b. Light and Glare Impacts

Potential Significant Impact: Development of the proposed Project could result in light and/or glare impacts that adversely affect surrounding properties.

Finding: The potential impacts related to light and glare impacts are discussed in Section 4.11 of the Draft EIR. The Draft EIR determined that, because detailed information regarding proposed Project lighting is not available, light and glare impacts could be considered potentially significant. Implementation of the standards contained in the following mitigation measures will avoid or substantially lessen the potentially significant environmental effects analyzed in the EIR such that no significant impacts remain.

The following measure will mitigate these impacts to below a level of significance.

4.11.3 Concurrent with tract map submittal, the Project proponent shall provide a Lighting Plan for the Project area. As a minimum, the Lighting Plan will identify the locations of lighted pole fixtures, if any; and include standards for safety and ornamental lighting and light fixture types throughout the Project.

Facts in Support of the Finding:

The Project is currently undeveloped, and as such is not a source of light and glare. Existing sources of light include vehicular light from nighttime traffic along Brookside Avenue, Beaumont Avenue and 14th Street; and lighting of residential and commercial properties in the Project area. Lighting of the Project area will include street lighting, exterior night lighting of structures, and lighting necessary for safety and security. Lighting will be designed to minimize overspill from the Project site. Based on the typical urban residential uses proposed by the Project, it is unlikely that the proposal will result in significant light/glare impacts. However, as detailed information regarding proposed Project lighting is unavailable at this preliminary stage Project design, implementation of the mitigation measures described above will ensure that light and glare impacts are less-than-significant.

C. IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE.

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the Project stated below are considered to be significant and unavoidable, both individually and cumulatively, based upon information in the Project EIR, in the record, and based upon testimony provided during the public hearings on this Project. These impacts are considered significant and unavoidable despite the mitigation measures which are imposed and which will reduce impacts to the extent feasible.

1. HYDROLOGY/WATER RESOURCES

a. Groundwater Level Reduction in Beaumont Basin

Significant Unavoidable Impact: The proposed Project may substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level.

Finding:

Issues associated with the proposed Project's impact on groundwater are discussed in Section 4.4 of the Draft EIR. Recognizing concerns, controversy and speculation regarding water availability and potential regional groundwater overdraft conditions, even after the application of measures outlined in the Project EIR, the potential for the proposed Project to impact groundwater supplies or interfere with groundwater recharge is acknowledged as a significant and unavoidable impact. The City finds this impact to be significant and unavoidable despite the fact that the Beaumont Cherry Valley Water District has the ability to serve the Project with water supplies available to it for at least the next 20 years, as set forth in the Plan of Service prepared for the Project pursuant to California Water Code section 10910. This impact is overridden by the Project benefits as set forth in the statement of overriding considerations.

- Design features incorporated in the Project in combination with City, regional and Statewide water resource conservation, recycling, and

replenishment policies, programs and infrastructure improvements reduce potential water and groundwater resources impacts of the Project to the extent feasible. Please refer to the Plan of Service prepared for Beaumont Cherry Valley Water District pursuant to California Water Code section 10910 and the attached exhibits. Included in the Plan of Service is an assessment of the state of overdraft in the Beaumont Storage Unit; identification of supplemental water resources available to the Project and the Beaumont Cherry Valley Water District through capture of storm water flows and recharge program; the assessment of availability of State Project Water water; description of the recycled water distribution system being cooperatively developed by the City of Beaumont and Beaumont-Cherry Valley Water District. The details of these programs are contained in the Update to the Urban Water Management Plan which provides where and how the Beaumont Cherry Valley Water District plans to serve development in the District's Sphere of Influence, including the Noble Creek Vistas Specific Plan Project, through year 2025. Nonetheless, recognizing concerns, controversy, and speculation regarding water availability and potential regional groundwater overdraft conditions, potential groundwater impacts of the proposed Noble Creek Vistas Specific Plan are acknowledged as significant.

Facts in Support of the Finding:

The availability of water to the Project and the impact on groundwater levels are two separate, albeit, related issues. As demonstrated by the Beaumont Cherry Valley Water District's Plan of Service for this Project, the District has the present assured ability to serve this Project (and others) for a period in excess of what the law requires to be demonstrated.

Based on groundwater consumption projections and recharge capabilities within the Specific Plan site, as detailed in the Draft EIR and based on the Plan of Service for Noble Creek Vistas Project prepared by Beaumont Valley Cherry District pursuant to California Water Code section 11910 (Senate Bill 610 "Costa"), the potential Project water demands can be met within the context of existing and projected water resource availability, and further that the Project would not adversely affect groundwater resources, or significantly reduce the amount of groundwater available for public water supplies. Nonetheless, potential groundwater resources impacts of the Project are acknowledged as significant. Even after the application of the measures described above, the potential for the proposed Project to impact groundwater levels is acknowledged as a significant and unavoidable impact.

2. AIR QUALITY

a. Long-Term Operational Impacts, Stationary and Mobile Sources

Significant Unavoidable Impact: Long-term stationary and mobile source emissions would exceed the South Coast Air Quality Management District (SCAQMD) thresholds for the criteria pollutants of

Carbon Monoxide (CO), Reactive Organic Gases (ROG)
and Nitrogen Oxides (Nox).

Finding: Air quality issues are discussed in detail in Section 4.8 of the Draft EIR. The Draft EIR indicates that implementation of the mitigation measures stated below would not reduce the criteria pollutant emissions for CO, ROG or NOx associated with operations of the proposed Project to a less-than-significant level under current standards. Despite implementation of the stated mitigation measures, significant and unavoidable impacts remain. This impact is overridden by the Project benefits as set forth in the statement of overriding considerations.

4.8.1 *The following measures shall be included as conditions of Project approval:*

- *The Project developer(s) shall implement Southern California Edison's "Welcome Home" program or an equivalent individual Project-specific program to provide energy saving components to all dwelling units which could include built-in energy efficient appliances, double glass pane windows, energy-efficient air conditioners, energy efficient lighting, low emission water heaters and wall and attic insulation above Title 24 standards.*
- *All residential buildings shall be oriented from north to south to the greatest extent feasible to ensure the maximum utilization of passive heating from the sun.*

Facts in Support of the Finding:

Primary generators of long-term operational emissions include vehicles, heating, ventilating, and air conditioning systems, and consumer products. SCAQMD thresholds are exceeded relative to emissions for all pollutants except PM10. Despite implementation of the above stated mitigation measures, a significant and unavoidable air quality impact remains.

b. Cumulative Impacts

Significant Unavoidable Impact: Cumulative long-term air quality impacts from increased vehicle and operational emissions.

Finding: Cumulative impacts to air quality are discussed in Section 4.12.2.8 of the Draft EIR. Because the Project site is located within a non-attainment area in which any project that contributes emissions has a cumulative impact on air quality, the proposed Project will contribute to a locally and regionally significant unavoidable impact to air quality. These impacts are overridden by the Project benefits set forth in the statement of overriding considerations.

Facts in Support of the Finding:

As discussed in the Draft EIR, the operational emissions of the Project for CO, ROG, and NOx would exceed the daily thresholds established by the SCAQMD, and would contribute cumulatively to local and regional air quality degradation which is significant and unavoidable.

V. PROJECT ALTERNATIVES

Three Project alternatives and their potential significant are discussed and analyzed in Chapter 7 of the Draft EIR. The Council has considered these alternatives for the development of the Noble Creek Vistas Specific Plan and makes the following findings.

No Project Alternative

Under the No Project Alternative, the proposed Noble Creek Vistas Specific Plan would not be implemented. However, given development pressures and demand for housing within Southern California in general, and in the vicinity of the City of Beaumont in particular, it is likely that some type of development concept would be proposed for the Project site. For the purposes of the EIR alternatives analysis it is assumed the Project would be developed consistent with the prevailing County General Plan and zoning requirements. This alternative will yield approximately 160 lots. Comprehensive infrastructure improvements (roadway, flood control, etc.) would be constructed on piece-meal basis as adjacent development takes place.

The No Project Alternative would result in significantly reduced development intensities compared to the Project. Environmental impacts associated with the No Project Alternative would be expected to be less than the proposed Project. The No Project Alternative would not afford the opportunity to comprehensively plan for improvements to infrastructure. These improvements would likely be realized on a piece-meal basis.

Finding:

The No Project Alternative was rejected as an alternative to the Project because it does not achieve the stated objectives of the Project, to (1) provide a sense of planned community; (2) provide land uses that are consistent with ongoing development in the area; or (3) provide a sensible land use transition between the more urbanized components of Beaumont and the rural community of Cherry Valley.

Additionally, this alternative was rejected because it is inconsistent with the City's SOI General Plan as adopted in connection with LAFCO's designation of the Project area as part of the City's Sphere of Influence.

Biological Resource Alternative

The Biological Resource Alternative would realize a similar intensity of development as the proposed Noble Creek Vistas Specific Plan; however, identified areas of potential biologic significance would be preserved. In this regard, it is noted that habitat areas within the Specific Plan are considered to be highly disturbed and the Project area is not designated as a Pass Area Plan conservation Subunit in the MSHCP. Implementation of the Biological Resources

Alternative would reduce development otherwise resulting from implementation of the Project by 32 units, to 933 total units. Additionally, active park uses within the Specific Plan would be reduced by approximately 14.5 acres.

The Biological Resource Alternative addresses potential biological resources impacts associated with the general loss of habitat due to implementation of the Project. Aggregate impacts affecting geologic resources, water resources, traffic and circulation, air quality, noise, and light and glare would be similar to those resulting from the proposed Project.

Finding:

The Biological Resource Alternative was rejected because the significant unavoidable impacts of the proposed Project on groundwater and the operational and cumulative impacts to air quality would not be avoided nor substantially lessened with development of this alternative.

Reduced Scale Alternative

The Reduced Scale Alternative was specifically designed to address the Project-level air quality impacts related to the operations of the Project. At approximately two-thirds the development intensity of the Project, the Reduced Scale Alternative would result in 322 residential lots compared to 965 units proposed by the Project. This level of reduction would assure that the air quality impacts of the Project did not exceed any thresholds promulgated by the SCAQMD. Additionally this alternative would reduce potential groundwater resources impacts otherwise resulting from implementation of the Project. The Reduced Scale Alternative assumes that all other land uses proposed within the Noble Creek Vistas Specific Plan, such as open space, parks, and schools would remain similar to the proposed Project .

The Reduced Scale Alternative would reduce the aggregate impacts on geologic and water resources, land use, traffic, air quality, noise, and light and glare issues. The Reduced Scale Alternative would also provide an opportunity to preserve biological areas, thereby addressing concerns related to the general loss of habitat. The cost of providing on-site infrastructure could be magnified based on the lower number of overall lots. Public services demands are expected to be lower when compared to the proposed Project.

Finding: The Reduced Scale Alternative would result in increased housing costs which would therefore limit the Project's ability to provide a range of single family detached housing types which would be marketable within the developing economic profile of the Beaumont area. This fact is based on the need to spread the cost of on-site infrastructure, of the land, of mitigation measure still required with the reduced density, and of environmental review and entitlement processing over the number of units within the development and pass those costs on to the ultimate homebuyer.

VI. PROJECT BENEFITS

The benefits from the approving the Noble Creek Vistas Specific Plan Project are related to the establishment of a residential planned development that will provide a new, high quality residential community within the City. The benefits of the Project will result in a well-designed

development that provides for some major backbone infrastructure that would not be made available to the community without this Project's development. In addition, the following benefits will occur as a result of Project implementation:

1. Additional housing to meet housing demands in the City of Beaumont. In this regard, the State of California Department of Finance estimated 4,033 housing units would be needed within the City of Beaumont as of the year 2000. Southern California Association of Governments (SCAG) 2001 RTP Forecasts anticipate 5,927 households within the City by 2005, and 9,249 households needed by the year 2010. The proposed Project will supply additional housing consistent with, and in support of these demands.
2. Introduction of new sources of income to the area through new property taxes, and through the creation of short-term construction jobs and secondary impacts to the community based on increases in disposable income and the related increases in sales tax revenues. Subdivision and improvement of the currently vacant Project site will generate additional property taxes. Construction of the Project will result in temporary additional jobs, and occupation of the proposed residential development will expand the City and regional consumer base. **[NEED TO QUANTIFY THIS BENEFIT BASED ON TESTIMONY AT THE HEARING.]**
3. Implementation of General Plan Land Use and Housing elements that are consistent with the allocations containing in the Southern California Association of Government's Regional Housing Need Assessment.
4. Establishment of a logical and orderly City boundary and service area consistent with the City's Sphere of Influence.
5. The Noble Creek Vistas Specific Plan Project will provide an additional economic benefit not directly associated with the Project design or location or lawfully impossible as a mitigation on the Project. Although the Project itself more than satisfies the recreational needs caused by the Project, the proponent of the Project has identified an ongoing, unmet need in the City and has agreed to donate the sum of \$50,000 upon the Project approval to be used by the City for improvement of City parks and recreation areas.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of Beaumont adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts identified in the Project EIR, specifically (1) air quality related to (a) increased local and regional air pollutant emissions from future development, and (b) contribution to local and regional cumulative air quality impacts and (2) hydrology/water resources, specifically a potential reduction in groundwater levels of the Beaumont Basin.

This section of findings specifically addresses the requirements of Section 15093 of the CEQA Guidelines, which require the lead agency to balance the benefits of a proposed Project against its unavoidable significant impacts and to determine whether the impacts are acceptably

overridden by the Project benefits. The Council finds that the previously stated major Project benefits, see Section VI above, of the Noble Creek Vistas Specific Plan Project, outweigh the unavoidable significant adverse environmental impacts noted above. Each of the separate benefits of the proposed development to be governed by the planned development cited in Section VI above, is hereby determined to be, in itself and independent of the other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and in these findings, and the Council would find any one of those benefits sufficient to override all unavoidable environmental impacts.

The Council's findings set forth in the preceding sections have identified all of the adverse environmental impacts and the feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed three alternatives to determine whether there are reasonable or feasible alternatives to the proposed action or whether they might reduce or eliminate the significant adverse impacts of the proposed Project. The EIR presents evidence that implementing the development pursuant to the Noble Creek Vistas Specific Plan will cause significant adverse impacts which cannot be substantially mitigated to nonsignificant levels. These significant impacts have been outlined above and the Council makes the following finding:

Finding: Having considered the unavoidable adverse impacts of the Noble Creek Vistas Specific Plan to construct the planned development, the Council hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the Council finds that economic, social, and other considerations of the Noble Creek Vistas Specific Plan outweigh the unavoidable adverse impacts described above. In making this finding, the Council has balanced the benefits of the proposed Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

Furthermore, the Council has considered the alternatives to the Project, and makes the following finding:

Finding: Feasible alternatives to the proposed Project which are capable of reducing identified impacts have been considered and rejected because the alternatives offer a reduced level of benefit when compared to the Project.

The Council further finds that the Project's benefits are substantial and override each unavoidable impact of the Project, as follows:

1) Findings Regarding Groundwater Impacts

Based on the estimate of groundwater consumption and recharge capabilities within the Draft EIR, the potential Project water demands can be met within the context of existing and projected water resource availability. The Project could adversely affect groundwater resources and, therefore, potential groundwater

resources impacts of the Project are acknowledged as significant. Since additional mitigation measures are technically and economically infeasible, this impact is overridden by the Project benefits described in Section VI of this document.

2) Findings Regarding Air Quality Impacts

The Project's impacts on air quality will increase local and regional pollutants despite the imposition of several mitigation measures and implementation of Best Available Control Technology. Increases in local and regional pollutants are not entirely avoidable, as development activities within this region will continue to provide necessary and vital housing. This impact is overridden by the Project benefits described in Section VI of this document.

3) Findings Regarding Cumulative Impacts

The Project will contribute to cumulative air quality impacts on a long term basis as a source of stationary and vehicle emissions from the Project and other projects in the region contributing to an increase in pollutants. Since the South Coast Air Basin is a nonattainment area for federal air quality standards, cumulative increases are considered significant and unavoidable. This impact is overridden by the Project benefits described in Section VI of this document.

Consistent with acknowledgment of Project-specific impacts to groundwater resources, (please refer to "Findings Regarding Groundwater Impacts," above), the Project's contribution to cumulative effects on groundwater resources are also acknowledged. Since all technically and financially feasible mitigation measures are incorporated in the Project in order to reduce its contribution to cumulative groundwater resources impacts, cumulative effects are considered significant and unavoidable. This impact is overridden by the Project benefits described in Section VI of this document.

As the CEQA Lead Agency for the proposed action, the City of Beaumont has reviewed the Project description and the EIR and fully understands the Project proposed for development in accordance with The Noble Creek Vistas Specific Plan. Further, the Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce these impacts have been identified in the Draft EIR, the Final EIR and public testimony. These impacts and mitigation measures are discussed in Section IV above. The Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V above, and that no feasible alternatives which substantially lessen Project impacts are available for adoption.

The Council has identified economic and social benefits and important public policy objectives, Section VI above, which will result from implementing the proposed Project. The Council has balanced these substantial social and economic benefits, and each of them, against the unavoidable significant adverse

effects of the proposed Project. Given the substantial social and economic benefits that will accrue to the City of Beaumont from developing under the Noble Creek Vistas Specific Plan, the Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resources Code 21002 provides: "In the event specific economic, social, and other conditions make infeasible such Project alternatives or such mitigation measures, individual Project can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a Project on the environment, the Project may nonetheless be approved or carried out at the discretion of a public agency." Finally, California Administrative Code, Title 14, 15093(a) states: "If the benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'."

VIII. ADOPTION OF A MONITORING/REPORTING PROGRAM FOR THE CEQA MITIGATION MEASURES

Section 21081.6 of the Public Resources Code requires this Council to adopt a monitoring or reporting program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation Monitoring Plan (MMP), included as Chapter 4 in the Final EIR, as amended by the deletion of mitigation measure 4.4.1 for the reasons set forth at page 2-8, is adopted because it fulfills the CEQA mitigation monitoring requirements:

- a) The MMP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation, and
- b) Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.

EXHIBIT B

MITIGATION MONITORING PROGRAM

EXHIBIT C
CONDITIONS OF APPROVAL

EXHIBIT "C"

**NOBLE CREEK VISTAS
SPECIFIC PLAN
CONDITIONS OF APPROVAL**

GENERAL CONDITIONS

1. The following conditions of approval are for the **NOBLE CREEK VISTAS SPECIFIC PLAN** and consist of **Conditions 1 through 36 inclusive**.
2. The Noble Creek Vistas Specific Plan shall consist of the following, components as approved through City of Beaumont City Council Resolution No. 2005-_____.
 - a. Approved Noble Creek Vistas Specific Plan Text (final document incorporating all changes made through public hearing process).
 - b. Exhibits "A" and "B," Final Environmental Impact Report, Findings of Fact and Mitigation Monitoring Program
 - c. Exhibit "C": Specific Plan Conditions of Approval

All mitigation measures as contained in the Final EIR shall be conditions of approval for the project. Subsequent to the completion of the public hearing process, the Applicant shall finalize the Specific Plan to incorporate all changes and modifications, and provide the Director with 25 bound and one reproducible copies of the Specific Plan text and exhibits, and the Final Environmental Impact Report.

3. If any of the following conditions of approval differ from the specific plan text or exhibits, the conditions enumerated herein shall take precedence.
4. Mitigation measures for impacts to the Beaumont Unified School District and any other districts which may ultimately serve the project shall be identified prior to the recordation of implementing tentative subdivision maps in accordance with the State laws and City Council policies in effect at the time of application submittal.
5. The development standards contained in the approved Specific Plan shall become the prevailing land use regulations for the areas contained within the Noble Creek Vistas Specific Plan. These regulations will have full force of the Zoning Ordinance of the Beaumont Municipal Code through application of the SPA (Specific Plan Area) Zone. Where conflicts exist between approved Specific Plan and the Beaumont Zoning Ordinance, the Specific Plan regulation shall prevail. Subject to the vesting effect of the Development Agreement, where

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 2

conflicts existing between the Specific Plan and the provisions of the Municipal Code, other than the Zoning Ordinance, the provisions of the Municipal Code shall prevail.

6. Development applications for development portions of the Specific Plan area which incorporate common areas shall be accompanied by design plans for the common area. Such plans shall specify the location and extent of landscaping and irrigation systems. Additionally, all circulation components (vehicular, pedestrian and/or equestrian) shall be indicated, and the approximate locations of structures or groups of structures shall be indicated.
7. A parcel map filed for the purposes of phasing or financing shall not be considered a development application for the purpose of these conditions. Tentative Tract Maps No. 28988 and 29267, which have been held in abeyance due to litigation related to prior efforts to develop the subject site, shall be subject to a new approval date of February 15, 2005, subsequent to which the initial two-year approval duration shall ensue.
8. The Planning Director may require special studies or reports in connection with implementing development applications for each planning area, if and to the extent reasonably necessary for appropriate review of a development application or as required under applicable law. Such reports may include, where appropriate:

Study/Report

- a. Preliminary Soils and Geotechnical Report
 - b. Erosion and Sedimentation Control Plan
 - c. Streetscape, parkway and median landscape plan
 - d. Fencing and wall plan
 - e. Traffic and circulation assessment to document adequacy/function of proposed improvements
 - f. Fuel modification plan
 - g. Acoustical Study
 - h. Cultural Resource Assessment
9. Common areas identified in the Specific Plan (i.e., parks, entry features, parkways, medians and open space features) shall be designed, developed, owned and maintained through the

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 3

City's Community Facilities District (CFD), with all developers/landowners and subsequent occupants in the project responsible for a pro rata share of the cost of CFD formation, design and development of common facilities and parks, and for the long-term maintenance of such improvements.

10. Prior to issuance of a building permit for the construction of any use contemplated by this approval, any developer shall first obtain clearance from the Planning Department that all pertinent conditions of approval of the specific plan have been satisfied for the subject phase of development.
11. If and to the extent required by applicable law, an environmental assessment shall be conducted for each subsequent development applications including, but not limited to, parcel map, tract, change of zone, plot plan, use permit, variance or specific plan amendment. Said environmental assessment shall, to the greatest extent feasible under the California Environmental Quality Act (CEQA), utilize the evaluation of impacts addressed in the EIR prepared for the Noble Creek Vistas Specific Plan. The Noble Creek Vistas Specific Plan EIR shall be used as a Program EIR in evaluating subsequent discretionary entitlement actions.
12. The Noble Creek Specific Plan shall remain unmodified (except for modifications requested by the Applicant and approved by the City) for 15 years. Should the entire project not be built out in that period of time, the City shall be entitled to adopt specific plan amendments for any portion of the project which has not been constructed within 15 years.
13. The Applicants (or their successors-in-interest, as the case may be) shall defend, indemnify, and hold harmless the City of Beaumont, its agents, consultants, officers, and employees from any third-party claim, action or proceeding against the City of Beaumont or this agents, consultants, officers, or employees to attach, set aside, void or annul an approval of the City of Beaumont, its advisory agencies, appeal boards or legislative body concerning the Noble Creek Vistas Specific Plan. The City of Beaumont will promptly notify the Applicants or their successors of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense.
14. The Applicants shall defend, indemnify and hold harmless the City of Beaumont and its employees, agents, consultants, officers and contractors from any third-party claim, action or proceeding related to the environmental documentation pursuant to the California Environmental Quality Act associated with the Noble Creek Vistas Specific Plan.
15. In accordance with Section 711.4 of the California Fish and Game Code, the Applicants/subdividers are obligated to pay a filing fee to defray cost incurred by the Department of Fish and Game in managing and protecting fish and wildlife trust resources.

NOBLE CREEK VISTAS SPECIFIC PLAN
Conditions of Approval
Page 4

The Applicants/subdividers are also obligated to pay a documentary handling fee to defray costs incurred by the City of Beaumont in implementing the Department of Fish and Game filing fee program. These fees shall be paid to the County Clerk if the County of Riverside at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code. Applicants shall not be entitled to exercise their rights under the Specific Plan or the Development Agreement until such fees have been paid. The amount of the fees shall be in accordance with legally adopted fees at the time of the filing of the notice of determination.

LAND USE CONDITIONS

16. The Specific Plan may be developed up to a maximum yield of 965 dwelling units. Densities for each Planning Area shown in Figure 1 of the supplement to the Specific Plan shall be determined through the appropriate development application, but not limited to, the following:
- a. Adequate availability of services;
 - b. Adequate access and circulation;
 - c. Sensitivity to land forms;
 - d. Innovation in housing types, design, conservation, or opportunities; and
 - e. Sensitivity to neighborhood design through appropriate lot and street layouts.

Applicants shall, however, be permitted, through the density transfer provisions contained in the Specific Plan, to achieve the overall maximum densities for each Planning Area specified in the Specific Plan, as modified by these conditions of approval.

17. The following standards shall govern development of the specified components of the Specific Plan's land use plan:
- a. The minimum lot size throughout the project shall be 6,000 square feet, and each Planning Area shall have an average lot size of at least 7,500 square feet.
 - b. A minimum of 25 percent of the developable residential lots established in Planning Areas 8 and 11 shall be at least 7,200 square feet in size.
 - c. A minimum of 25 percent of the developable residential lots established in Planning Area 7 shall be at least 7,200 square feet in size.
 - d. A minimum of 75 percent of the developable residential lots established in Planning Area 7 shall have rear setbacks with a minimum average depth of 20 feet.
 - e. All residential lots which back up to Beaumont Avenue (Planning Areas 2 and 10) shall be at least 10,000 square feet in size.
 - f. Lots in Planning Area 1 which back up to Brookside Avenue shall average a minimum of 10,000 square feet in size.

NOBLE CREEK VISTAS SPECIFIC PLAN
Conditions of Approval
Page 5

- g. A multi-purpose trail, subject to the design approval of the Planning Director, shall be provided along the entire Brookside Avenue frontage.
 - h. Fencing materials within the project shall be limited to materials such as masonry, stucco, tubular steel or vinyl, as approved by the Director of Planning. Wood fencing shall not be permitted within the project.
18. Lots created pursuant to this specific plan shall be in conformance with the development standards of the SPA zone as established by this Specific Plan and the corresponding Planning Area standards for each Planning Area.
19. All grading within the specific plan shall be performed in accordance with the following conditions and development criteria:
- a. All grading shall take place in accordance with the City's adopted policies in effect at the time permits are issued and the grading criteria contained in the Specific Plan.
 - b. Where cut and fill slopes are created in excess of 5 feet in vertical cut height or 3 feet in vertical fill height, detailed landscaping and irrigation plans shall be submitted to the City prior to approval of grading plans. The plans will be reviewed for type and density of ground cover, seed mix, plant materials, staking details, and sizes and irrigation systems.
20. Applicants shall incorporate the following defensible space concepts into the design of projects which shall be included within all development plans and reviewed and approved by the City Police Department prior to approval of implementing projects:
- a. Circulation for pedestrians, vehicles and police patrols.
 - b. Lighting of streets, walkways, bikeways, and commercial and industrial areas.
 - c. Visibility of doors and windows from the street and between buildings.
 - d. Fencing heights and materials.
21. In the event that, during or following grading of the project site or portions thereof, economic or other conditions prevent the Developer(s) from continuing with the project within a reasonable amount of time, as determined by the City, the City shall so notify the Developer(s) who shall contact the City Planning Department to identify necessary activities that the Developer must implement to protect public safety and minimize/prevent environmental degradation, particularly due to wind and water erosion. The Developer(s) shall be required to reimburse the City for the cost of activities to satisfy this condition.

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 6

22. Density transfer within the various components of the project and planning areas shall be subject to the limitations contained in the Administrative section of the Noble Creek Vistas Specific Plan. In conjunction with any request to transfer density, the Developer(s) shall submit a report outlining the status of the entire project in terms of (a) areas developed and undeveloped, (b) density previously transferred, and (c) quantitative impact on remaining development entitlement allocations.
23. Each developer shall use its best efforts to ensure that all construction contractors and subcontractors properly dispose of all wastes generated in permitted landfills or with a licensed recycling company. If any improper dumping of construction waste occurs, the developer of the portion of the Specific Plan area from which such wastes were taken shall guarantee reimbursement to the City of costs incurred by it associated with clean up, proper disposal, any necessary revegetation and legal penalties and remedies.
24. Construction areas shall be fenced as required by the City to preclude the creation of an attractive nuisance and to limit access to and disturbance of sensitive habitat areas.
25. An obsolete exhibit is contained in the Specific Plan document for Planning Area 2. Said exhibit shall be replaced with the correct exhibit in the final document.
26. Any front setbacks which may be proposed which are less than 20 feet, such as for side-entry garages as provided for in the Specific Plan, shall be subject to the review and approval of the Planning Commission in the form of a Plot Plan.

CIRCULATION PLAN CONDITIONS

27. The Circulation Plan contained in the Specific Plan shall be modified as follows:
 - a. The cross-section for Beaumont Avenue shall be modified to reflect a divided two-lane roadway, based upon the County of Riverside standard for an industrial collector, with a right-of-way of 78 feet and a curb-to-curb width of 52 feet.
 - b. The cross-section for Noble Creek Parkway shall be modified to reflect a divided two-lane roadway, based upon the County of Riverside standard for an industrial collector, with a right-of-way of 78 feet and a curb-to-curb width of 52 feet.

PHASING CONDITIONS

28. Construction of the development permitted hereby, including recordation of final subdivision maps, may be conducted progressively in stages, provided adequate vehicular access, infrastructure and public services are provided for all dwelling units and non-residential land

NOBLE CREEK VISTAS SPECIFIC PLAN
Conditions of Approval
Page 7

uses in each stage of development, and further, provided that such phase of development conforms substantially with the intent and purpose of the Specific Plan Master Phasing Program and subsequent amendment as determined by the Planning Director.

PARKS AND RECREATION CONDITIONS

29. Development of the property shall be accompanied by the concurrent phased dedication and improvement of not less than 15.44 acres of fully improved and usable park area. That phased dedication shall be to the City for maintenance by a Community Facilities District or other suitable maintenance entity as determined by the City, and shall be accomplished as described below. Due to the non-definitive nature of the Specific Plan's parks program, the following requirements shall be applicable to each individual development within the Noble Creek Specific Plan area:
 - a. It is recognized that the Noble Creek Specific Plan is composed of several ownerships, and that park facilities shown in the Specific Plan are not proportionately assigned to the development areas which correspond with individual ownerships. As a result, the design, development and maintenance of park facilities shall be accomplished by the City through its Community Facilities District, and funded by the landowners and ultimate occupants of the project.
 - b. Prior to, or concurrent with, the recordation of any final subdivision map, the respective developer shall have the necessary assurances and financial commitments in place to ensure compliance with the applicable park requirements.
30. Prior to recordation of the first implementing subdivision map, Applicants shall obtain City (and, if necessary, LAFCO) approval for the formation of a Community Facilities District or other appropriate financing mechanism, as determined by the City, to ensure the perpetual maintenance of dedicated lands for parks and recreational purposes, and for maintenance of other landscaped areas contained within public rights-of-way, or held in fee title by the City of Beaumont.

INFRASTRUCTURE CONDITIONS

31. Drainage and flood control facilities and improvements shall be provided in accordance with Riverside County Flood Control and Water Conservation District requirements. A detailed engineered hydrology study shall be submitted for the approval of the Public Works Director prior to the recordation of any subdivision map.
32. An amendment to CEQA required the preparation of a program to ensure that all mitigation

NOBLE CREEK VISTAS SPECIFIC PLAN
Conditions of Approval
Page 8

measures are fully and completely implemented. The Environmental Impact Report (EIR) prepared for the Noble Creek Specific Plan imposes certain mitigation measures on the project. Certain conditions of approval for the Noble Creek Specific Plan constitute self contained reporting/monitoring programs for certain mitigation measures. At the time of approval of subsequent development applications, further environmental reporting/monitoring programs may be established if additional mitigation is determined to be necessary through further environmental review. The mitigation monitoring program for the Noble Creek Specific Plan EIR is hereby incorporated and performance of the mitigation measures set forth therein is a condition of approval of the Specific Plan.

33. Through Community Facilities District No. 93-1, an assessment district and/or through payment of development impact fees, the Developer shall be responsible for funding the project's fair share infrastructure and facility costs, as will be determined by the City of Beaumont Comprehensive Public Facilities Financing Plan.
34. Right-of-way shall be provided for and dedicated for the ultimate improvement of all roadways within or adjoining the project area in accordance with the City of Beaumont General Plan Circulation Element and the Noble Creek Vistas Specific Plan.
35. Prior to the recordation of any subdivision map for any properties fronting Beaumont Avenue, a detailed alignment study shall be prepared for the review and approval of the Planning Director and Public Works Director. The alignment study shall be accompanied by a report prepared by a qualified arborist and any recommendations necessary to protect the long-term health and viability of the trees.
36. As portions of property which adjoin the portion of Cougar Way, west of Beaumont Avenue, are developed, full-width road improvements shall provided therewith.

RESOLUTION 2005- 12

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BEAUMONT, CALIFORNIA, REQUESTING THE
LOCAL AGENCY FORMATION COMMISSION TO INITIATE
PROCEEDINGS FOR THE ANNEXATION OF UNINHABITED TERRITORY
TO THE CITY OF BEAUMONT, ANNEXATION OF SAID TERRITORY TO THE
BEAUMONT CHERRY VALLEY WATER DISTRICT AND
CONCURRENT DETACHMENT FROM THE RIVERSIDE COUNTY WASTE
MANAGEMENT RESOURCES DISTRICT,
PURSUANT TO THE CORTESE-KNOX-HERTZBERG
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000,
(02-ANX-1, NOBLE CREEK VISTAS SPECIFIC PLAN)**

WHEREAS, the City of Beaumont desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, to annex uninhabited territory; and

WHEREAS, the area proposed for annexation comprises and a total of approximately 396 acres, and is located on the west side of Beaumont Avenue between Brookside Avenue and Oak Valley Parkway; and

WHEREAS, notice of intent to adopt this resolution has been given to the affected property owners and to all property owners located within a 300 foot radius of the site as indicated by the latest County of Riverside Assessor's rolls; and

WHEREAS, a legal description of the boundary of the territory is attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence and the City of Beaumont General Plan; and

WHEREAS, the City Council certifies that an Environmental Impact Report was prepared and certified for the Noble Creek Vistas Specific Plan and associated annexation proceedings, and that the certified document adequately addresses the potential impacts of the project in accordance with the provisions of the California Environmental Quality Act.

RESOLUTION NO. 2005- 12

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, that this Resolution of Application is hereby adopted and approved, and the Local Agency Formation Commission of Riverside County is hereby requested to initiate proceedings for the annexation of territory described in the attached legal description to the City of Beaumont and the Beaumont Cherry Valley Water District, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, and concurrent detachment from the Riverside County Waste Management Resources District.

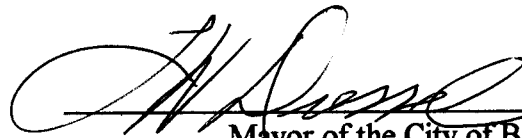
MOVED, PASSED AND ADOPTED this 15th day of February, 2005, upon the following vote:

AYES: Mayor Dressel, Council Members Fox, Berg, DeForge, and Killough

NOES: None.

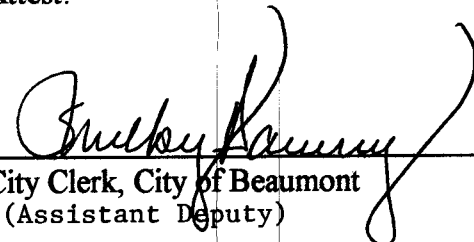
ABSTAIN: None.

ABSTAIN: None.



Mayor of the City of Beaumont

Attest:



City Clerk, City of Beaumont
(Assistant Deputy)

**NOBLE CREEK VISTAS SPECIFIC PLAN
LEGAL DESCRIPTION
EXHIBIT "A"**



Noble Creek Vistas

Final Specific Plan

Prepared for:
City of Beaumont
550 E. Sixth Street
Beaumont, CA 92223

Prepared by:
Applied Planning, Inc.
5817 Pine Avenue
Suite A
Chino Hills, CA 91709

REVISED June 2014

Noble Creek Vistas Final Specific Plan

Prepared for:

The City of Beaumont
550 E. Sixth Street
Beaumont, CA 92223

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

Revised June 2014

TABLE OF CONTENTS

SECTION 1.0 – INTRODUCTION

1.1	Project Location and Local Land Uses	1-1
1.2	Market Objectives	1-11

SECTION 2.0 - SPECIFIC PLAN

2.1	Planning Objectives	2-1
2.2	Proposed Land Uses	2-2
2.3	Architectural Concepts	2-18
2.4	Recreation Plan	2-22
2.5	Landscaping and Community Elements Plan	2-25
2.6	Circulation Plan	2-38
2.7	Drainage Plan	2-44
2.8	Water and Sewer Plans	2-46
2.9	Grading Plan	2-49

SECTION 3.0 – DEVELOPMENT STANDARDS AND GUIDELINES

3.1	Introduction	3-1
3.2	Development Standards	3-2
3.3	Development Guidelines	3-7

SECTION 4.0 – IMPLEMENTATION AND ADMINISTRATION

4.1	Phasing of Development	4-1
4.2	Application Processing	4-3
4.3	Specific Plan Amendments	4-5
4.4	Interpretations	4-6

APPENDICES

Appendix A: Legal Description

LIST OF FIGURES

1.1-1	Regional Location	1-2
1.1-2	Project Vicinity	1-3
1.1-3	Existing Land Uses	1-4
1.1-4	Existing General Plan Land Use Designations	1-8
1.1-5	Existing Zoning	1-9
2.2-1	Planning Areas	2-4
2.2-2	Planning Area 1	2-6
2.2-3	Planning Area 3	2-7
2.2-4	Planning Area 5	2-9
2.2-5	Planning Area 6	2-10
2.2-6	Planning Area 7	2-11
2.2-7	Planning Area 8	2-13
2.2-8	Planning Area 9	2-14
2.2-9	Planning Area 10	2-16
2.2-10	Planning Area 11	2-17
2.3-1	Proposed Architectural Details	2-19
2.3-2	Proposed Residential Product Prototypes	2-20
2.4-1	Recreation Plan	2-24
2.5-1	Landscape Plan	2-26
2.5-2	Hardscape Plan	2-29
2.5-3	Drainage Corridor	2-30
2.5-4	Subdivision Theme Walls	2-31
2.5-5	View Walls	2-32
2.5-6	Perimeter Wall and In-tract Fencing	2-33
2.5-7	Major Entry Monument	2-35
2.5-8	Secondary Entry Monument	2-36
2.5-9	Neighborhood Entry Monument	2-37
2.6-1	Circulation Plan	2-39
2.6-2	Cross Sections	2-41
2.6-3	Roadway Cross Sections, Street A and B	2-42
2.6-4	Street Section Exhibit	2-43
2.7-1	Drainage Plan	2-45
2.8-1	Water Plan	2-47
2.8-2	Sewer Plan	2-48
2.9-1	Grading Plan	2-49

LIST OF TABLES

2.2-1 Land Use Summary 2-3
3.2-1 General Residential Standards 3-2
3.2-2 Development Standards - Planning Area 1 3-4
3.2-3 Development Standards - Planning Area 7 3-5
3.2-4 Development Standards - Planning Area 8 3-5
3.2-5 Development Standards - Planning Area 10 3-5
3.2-6 Development Standards - Planning Area 11 3-6
3.2-7 Recreational Standards 3-6

SECTION 1: INTRODUCTION

SECTION 1: INTRODUCTION

1.1 - PROJECT LOCATION AND LOCAL LAND USES

The Noble Creek Vistas Specific Plan project site is comprised of approximately 332+ acres in the City of Beaumont's sphere of influence, as shown on Figure 1.1-1, "Regional Location" and Figure 1.1-2, "Project Vicinity." The site is bounded by Oak Valley Parkway to the south and Brookside Avenue to the north. The project site is bounded to the east by Beaumont Avenue. Existing land uses in the project area include single-family homes, apartments, mobile homes, the Noble Creek Park, neighborhood commercial, vacant land and a Riverside County Road Department maintenance yard.

1.1.1 Existing On-Site Land Uses and Zoning Designations

Figure 1.1-3, "Existing Land Uses," identifies existing uses within the project site and on vicinity properties. The approximately 332-acre project site presently lies within unincorporated Riverside County, at the northerly limits of the City of Beaumont. Incorporated areas of the City abut the project site to the south, east, and west. Implementation of the proposed Specific Plan would occur only upon annexation of the project site into the City of Beaumont.

1.1.2 Project Site Land Uses

The irregularly-shaped project area is bounded by Brookside Avenue on the north; Beaumont Avenue on the east; Oak Valley Parkway to the south; Noble Creek Park to the southwest, and the Oak Valley Planned Residential Community to the west. From its northeasterly corner at the intersection of Brookside Avenue and Beaumont Avenue, the project area slopes gently southwesterly.

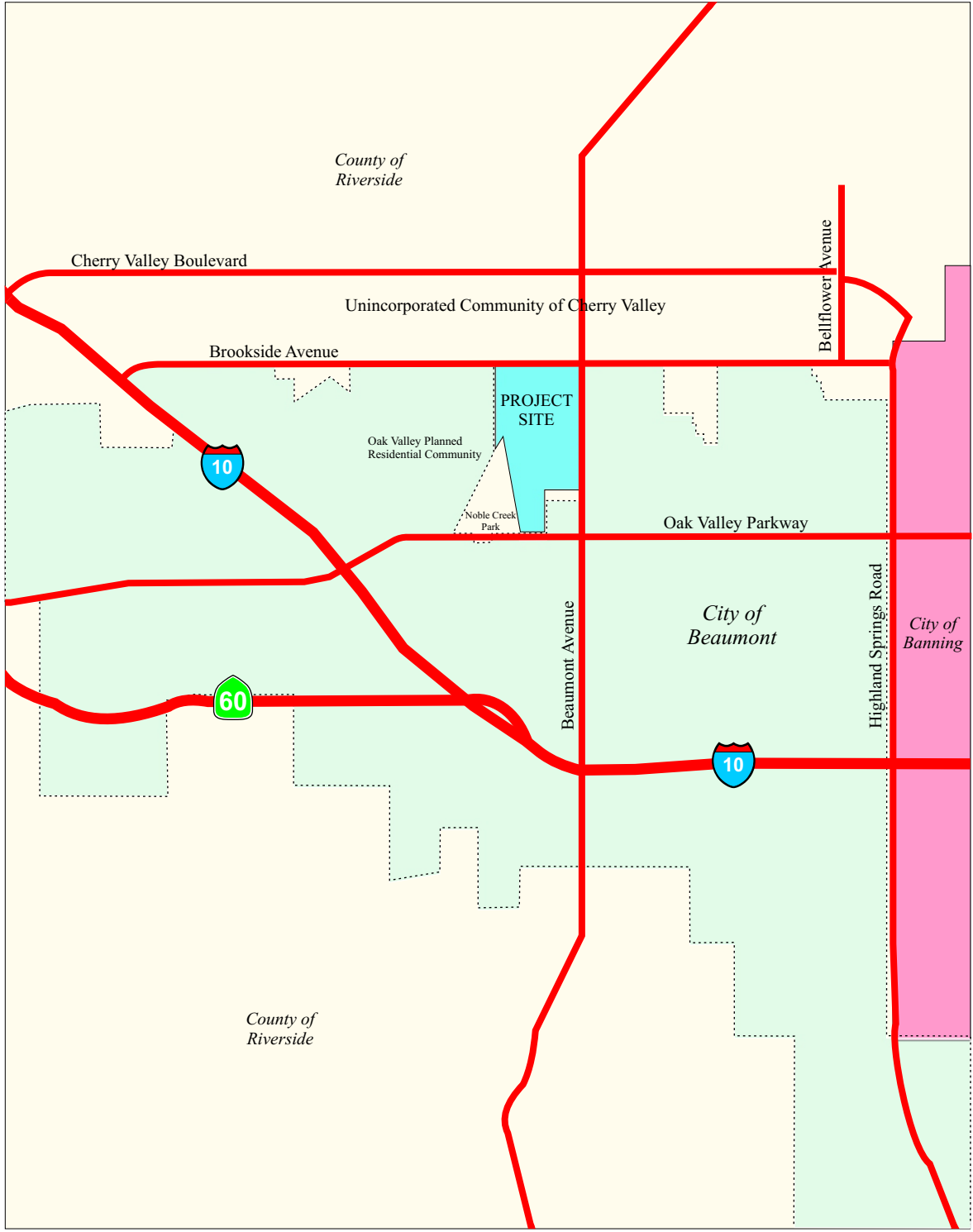


NOT TO SCALE

Source: Applied Planning, Inc.



Figure 1.1-1
Regional Location

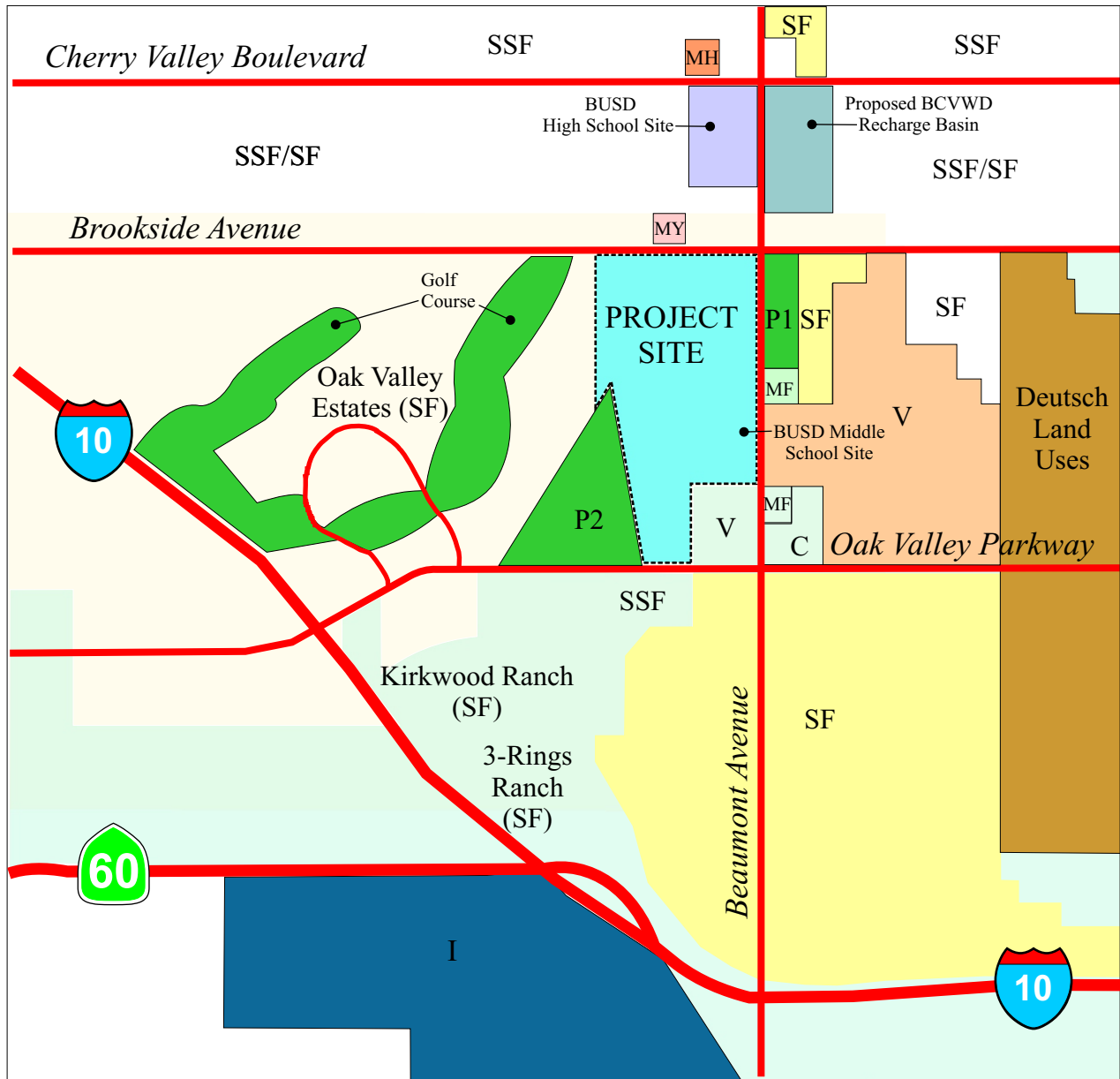


NOT TO SCALE

Source: Applied Planning, Inc.



Figure 1.1-2
Project Vicinity



LEGEND:

- | | | | |
|----|--|-----|-------------------------------------|
| P1 | City Sports Park | V | Vacant |
| P2 | Noble Creek Park | MF | Multi-Family Residential |
| MH | Mobile Home Park | SF | Single Family Residential |
| MY | Riverside County Road Maintenance Yard | SSF | Scattered Single Family Residential |
| | | C | Commercial |
| | | I | Industrial |



NOT TO SCALE

Source: Applied Planning, Inc.



Figure 1.1-3
Existing Land Uses

Elevations within the project area generally range from 2,700 feet above mean sea level (m.s.l.) in the northeast, to 2,570 feet m.s.l. in the southwest.

The majority of the project site has historically been used for limited dryland farming and cattle grazing. However there is no current, nor has there been any recent, productive agricultural use of the project area. At present, the proposed Specific Plan area is predominantly vacant and unimproved. Within the past three years, two new schools have been developed on site including an elementary school located at the northwest corner of the site (Brookside Avenue and Oak View Drive) and a middle school on the northwest corner of Cougar Way and Beaumont Avenue. One residential home, together with scattered auxiliary buildings, also exists within the project area.

The unlined Noble Creek storm channel transects the project site in a northeast to southwest direction. Within the Noble Creek channel, limited sand and gravel mining/reclamation is currently being conducted.

Another notable feature within the project area is a Southern California Edison utility easement. With overhead high-voltage power lines in place, this easement crosses the southern portion of the site in an east-west direction, approximately 1,000 feet north of Oak Valley Parkway.

1.1.3 Adjacent Land Uses

Land uses abutting the project site to the north/northwest are characterized by scattered single family residences and vacant, unimproved properties. Additional uses in this area include a mobile home park and a County maintenance yard located to the north/northwest of the project site. Northerly of the project, across Brookside Avenue, the Beaumont Unified School District has developed a 110-acre high school site. Although its boundaries extend to Brookside Avenue, the defined enclave of the unincorporated community of Cherry Valley lies approximately 1/2 mile further to the north, across Cherry Valley Boulevard. Residential units are located south of the Sports Park. An existing

commercial shopping center is located at the northeast corner of Oak Valley Parkway and Beaumont Avenue.

Adjacent and abutting properties to the east, south, and west of the project site lie within the City of Beaumont. Easterly of the project site, across Beaumont Avenue, are mixed of uses including vacant, unimproved properties; single and multifamily residential development; neighborhood commercial uses; and the City Sports Park. Southerly of the project site, across Oak Valley Parkway, are vacant properties and scattered single-family residences. Noble Creek Park constitutes the southwesterly boundary of the proposed Specific Plan area. To the west of the Project, ongoing construction of the Oak Valley Planned Residential Community is occurring.

The area north of the Specific Plan area (north of Brookside Avenue) is located within the boundaries of the Cherry Valley Community of Interest. The Community of Interest boundaries are recognized by LAFCO and reflect the establishment of the identifiable community of Cherry Valley as a Riverside County Unincorporated Community. Planning for Cherry Valley seeks to maintain a rural ambience and reinforcement of the community's low-density character. The Community of Interest designation is advisory, not legislative. The implementation of the Specific Plan requires annexation to the City of Beaumont.

1.1.4 Existing General Plan Land Use and Zoning Designations

The project site currently lies within Riverside County (as of August 2006), and within the City of Beaumont's Sphere of Influence (SOI). The completion of annexation to the City is expected in late 2006. The proposed Specific Plan area is currently bounded to the west, south, and east by the City. As an element of any City approval, the project site would be annexed to the City of Beaumont. Considerations regarding the project's potential land use impacts presented in subsequent discussions within this section, including General Plan and Zoning consistency, are predicated on approval of the project's requested General Plan Amendment and rezoning, and annexation of the project area to the City of Beaumont.

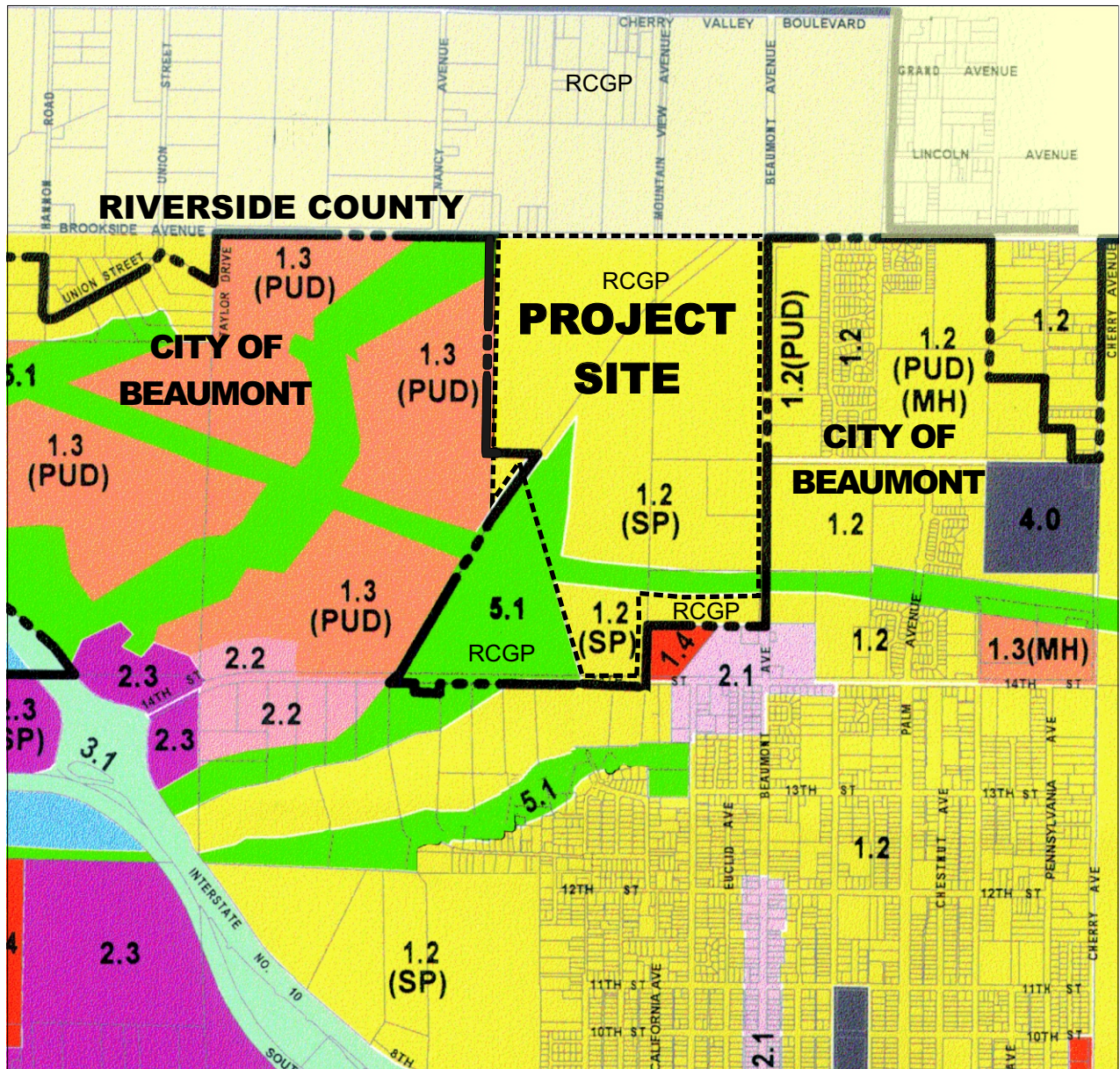
Existing General Plan Land Use and Zoning designations of the project site and vicinity are presented in Figure 1.1-4 and 1.1-5 respectively. As applicable, both Riverside County and City designations are indicated.

1.1.5 Project Site General Plan Land Use and Zoning Designations

Current Riverside County Zoning designations of the project site are: A-1-20, “Light Agriculture-20 Acre Minimum Lot Size”; W-2, “Controlled Development ”; R-1, “One-Family Dwelling”; and W-1, “Water Course.” In summary, these land use designations reflect the current undeveloped state of the project area, as well limited residential and agricultural uses that have occurred in the past.¹

City General Plan Land Use designations for the project site, as reflected by land use designations for properties within the City’s SOI, are: 1.2 (SP), “Low Density Residential (Specific Plan)” and 5.1, “Recreation.” A limited area of the project site, approximately 4-5 acres located northerly of Noble Creek Park, along the westerly project boundary, currently lies within the City of Beaumont. City General Plan Land Use designation of this property is 1.2, “Low Density Residential.” Correlating City Zoning of this property is R-SF, “Residential Single-Family.”

¹ The latest Riverside County General Plan, adopted in October 2003, indicates a land use designation of “Very Low Density Residential (1 acre minimum lot size)” for the northern portion of the Project site, and “Medium Density Residential (2-5 D.U./acre)” for the southern portion of the site.



RESIDENTIAL LAND USE CATEGORIES

- 1.1 Rural Density (0-2.3 Units/Acre)
- 1.2 Low Density (2.4-4.1 Units/Acre)
- 1.3 Medium Density (4.2-8.0 Units/Acre)
- 1.4 High Density (8.1-16.0 Units/Acre)

COMMERCIAL LAND USE CATEGORIES

- 2.1 Neighborhood Commercial
- 2.2 Community Commercial
- 2.3 Highway Commercial

INDUSTRIAL LAND USE CATEGORIES

- 3.1 Light Industrial
- 3.2 Business Park

PUBLIC FACILITIES LAND USE CATEGORIES

- 4.0 Public Facilities

OPEN SPACE LAND USE CATEGORIES

- 5.1 Recreation

- City Boundary
- - - Project Boundary

RCGP = Riverside County General Plan

Note: Land use designations within RCGP areas, south of Brookside Avenue, reflect City SOI land uses and classifications.

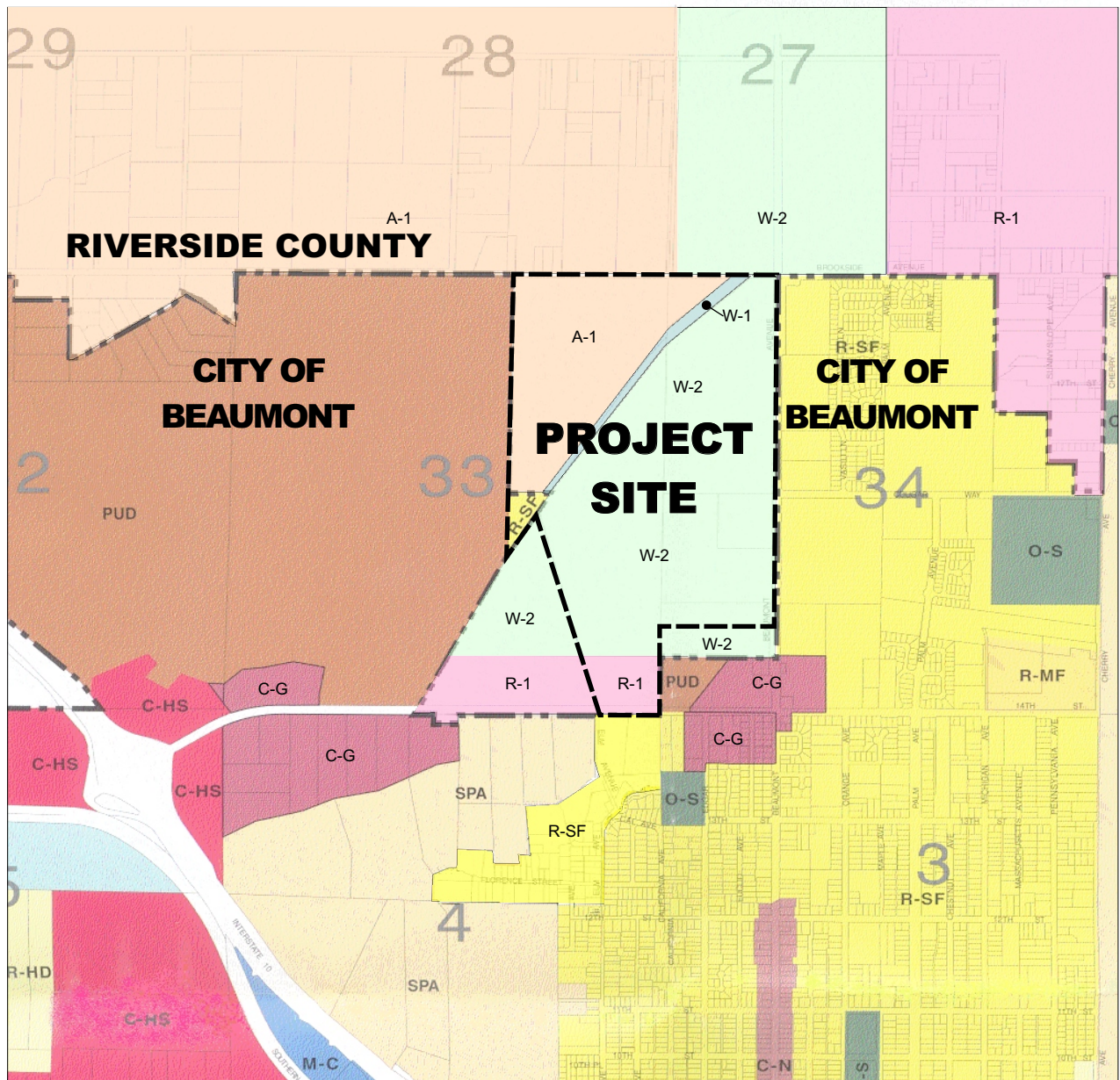


Source: City of Beaumont; Applied Planning, Inc.



Figure 1.1-4

Existing General Plan Land Use Designations



RIVERSIDE COUNTY

- W-2 Controlled Development
- R-1 Residential Single Family
- W-1 Watercourse
- A-1 Light Agriculture

- City Boundary
- Project Boundary

CITY OF BEAUMONT

RESIDENTIAL ZONES

- R-SF Residential-Single Family
- R-MF Residential-Multiple Family
- R-HD Residential-High Density

COMMERCIAL ZONES

- C-N Commercial-Neighborhood
- C-G Commercial-General
- C-HS Commercial-Highway Service

MANUFACTURING ZONES

- M-IP Industrial Park
- M-C Commercial-Light Manufacturing

OPEN SPACE ZONES

- OS Open Space, Conservation & Recreation

OTHER ZONES

- PUD Planned Unit Development
- SPA Specific Plan Area



NOT TO SCALE

Source: City of Beaumont; Applied Planning, Inc.



Figure 1.1-5
Existing Zoning

1.1.6 Adjacent General Plan and Zoning Designations

Northerly of the project, the City SOI General Plan Land Use designation is 1.1 (SP), “Rural Density Residential (Specific Plan).” Current Riverside County Zoning for areas north of the project site include A-1, “Light Agriculture (10-20 Acre Minimum Lot Size)”²; W-2, “Controlled Development”; and R-A, “Residential Agriculture.”²

Easterly of the project site, City General Plan Land Use designations are 1.2 (PUD), “Low Density Residential (Planned Unit Development),” and 1.2, “Low Density Residential.” Correlating City Zoning for these areas is R-SF, “Residential-Single Family.”

Southeasterly abutting the project site is an approximately 15-acre parcel of currently unincorporated Riverside County. The City’s SOI General Plan Land Use Element designation for this parcel is 1.2 (SP), “Low Density Residential (Specific Plan).” Current Riverside County Zoning of this parcel is W-2, “Controlled Development.” As directed by LAFCO, this parcel would be annexed to the City concurrent with annexation of the Noble Creek Specific Plan area.

South of this parcel are limited areas of 2.1, “Neighborhood Commercial,” and 1.4, “High Density Residential” City General Plan land uses. Correlating City Zoning for these areas are, respectively, PUD, “Planned Unit Development” and C-G, “Commercial-General.”

Southerly of the project area, across Oak Valley Parkway, is an approximately 60-acre area of previously unincorporated Riverside County. Now annexed, the City General Plan Land Use designations are 1.2 , “Low Density Residential,” and 5.1, “Recreation.” Correlating City Zoning for this area is R-SF, “Residential-Single Family.”

² The October 2003 County General Plan designates areas north of the Project Site as “Rural Community, Very Low Density Residential (1 acre minimum lot size).”

Southwesterly abutting the project site is Noble Creek Park. This park currently lies within unincorporated Riverside County. The City SOI General Plan Land Use Element designation for this area is 5.1, "Recreation." Current Riverside County Zoning designations of Noble Creek Park are R-1, "Residential" and W-2, "Controlled Development." As directed by LAFCO, Noble Creek Park would be annexed to the City concurrent with the Specific Plan annexation.

West of the project site is the Oak Valley Planned Residential Community. City General Plan Land Use designation of this area is 1.3 (PUD), "Medium Density Residential (Planned Unit Development)." Correlating City Zoning for this area is SPA, "Specific Plan Area."

1.1.7 City of Beaumont Annexation

As previously identified the project lies within the City of Beaumont sphere of influence. The project site is currently within an unincorporated portion of Riverside County immediately adjacent to the City of Beaumont corporate boundary. Project implementation will require annexation to the City of Beaumont. The City of Beaumont is acting as lead agency for the concurrent processing of the Specific Plan, subdivision maps, and environmental impact report.

1.2 - MARKET OBJECTIVES

This project has been designed to be targeted toward and cater to the needs of a wide variety of buyers. Specific market objectives are:

- Provide a variety of single-family detached housing types and densities which will reflect the marketing needs of the area.
- Plan the project to exude a sense of a planned community.
- Provide recreational amenities which will serve the needs of the community.

- Provide land uses that are consistent with on-going development in the area. Provide “move-up” opportunities for present residents in the vicinity and the surrounding Riverside County area.
- Provide a functional roadway system on-site which fosters the safe and efficient movement of local traffic, while discouraging through traffic when possible.
- Reinforce community identity of the project through control of design elements such as entry statements, signage, walls/fencing, and landscaped parkways.
- Provide a balanced community which is aesthetically pleasing to residents and visitors, and acceptable to the City of Beaumont.
- Provide a sensible land use transition between the more urbanized components of Beaumont and the rural community of Cherry Valley.

SECTION 2: SPECIFIC PLAN

SECTION 2: SPECIFIC PLAN

2.1 - PLANNING OBJECTIVES

This Specific Land Use Plan is being prepared within the framework of a detailed and comprehensive multi-disciplinary planning program. Issues such as land use planning, traffic engineering, City General Plan goals and objectives, development phasing and local community goals have been fully examined and considered. To further ensure the environmental compatibility, aesthetic satisfaction and functional integrity of the plan, specific planning goals and objectives were identified. These were defined and identified in part through a careful analysis by an Opportunities and Constraints Study. With this analysis and the site goals and objectives in mind, the Noble Creek Vistas Specific Plan:

- Considers topographic, geologic, hydrologic and environmental opportunities and constraints to create a design that generally conforms to the character of the land by retaining and utilizing basic landforms as much as possible.
- Reflects anticipated marketing needs and public demand by providing a range of single detached housing types which will be marketable within the developing economic profile of the Beaumont area.
- Provides residential development and adequate support facilities (recreation) and circulation in a convenient and efficient manner.
- Provides direct and convenient access to individual residential neighborhoods and recreational areas via a safe and efficient circulation system composed of a network

of Arterial, Major, Secondary, Collector, Local Roadways, each designed for appropriate traffic and user needs.

- Provides for alternative modes of transportation within and adjacent to the site including pedestrian, equestrian and bicycle trails, which will foster the conservation of valuable energy resources as well as lessen potential future air pollution in the immediate area.

2.2 - PROPOSED LAND USES

The Noble Creek Vistas development will be a high quality, master-planned community. Through a strong cohesive community design, the development will offer a diverse, convenient living environment for future residents.

When fully developed, a maximum of 648 homes will be constructed at Noble Creek Vistas. The homes will be developed on lots ranging from 6,000 square feet to over 15,000 square feet. In addition, Noble Creek Vistas residents will be provided with four neighborhood parks for recreational use, and an elementary school and middle school.

Proposed land uses have been separated into planning areas as presented in Table 2.2-1 and summarized in the following discussions. Please also refer to Figure 2.2-1, "Noble Creek Vistas Planning Areas." Development standards for each of the planning areas are presented in Section 3.

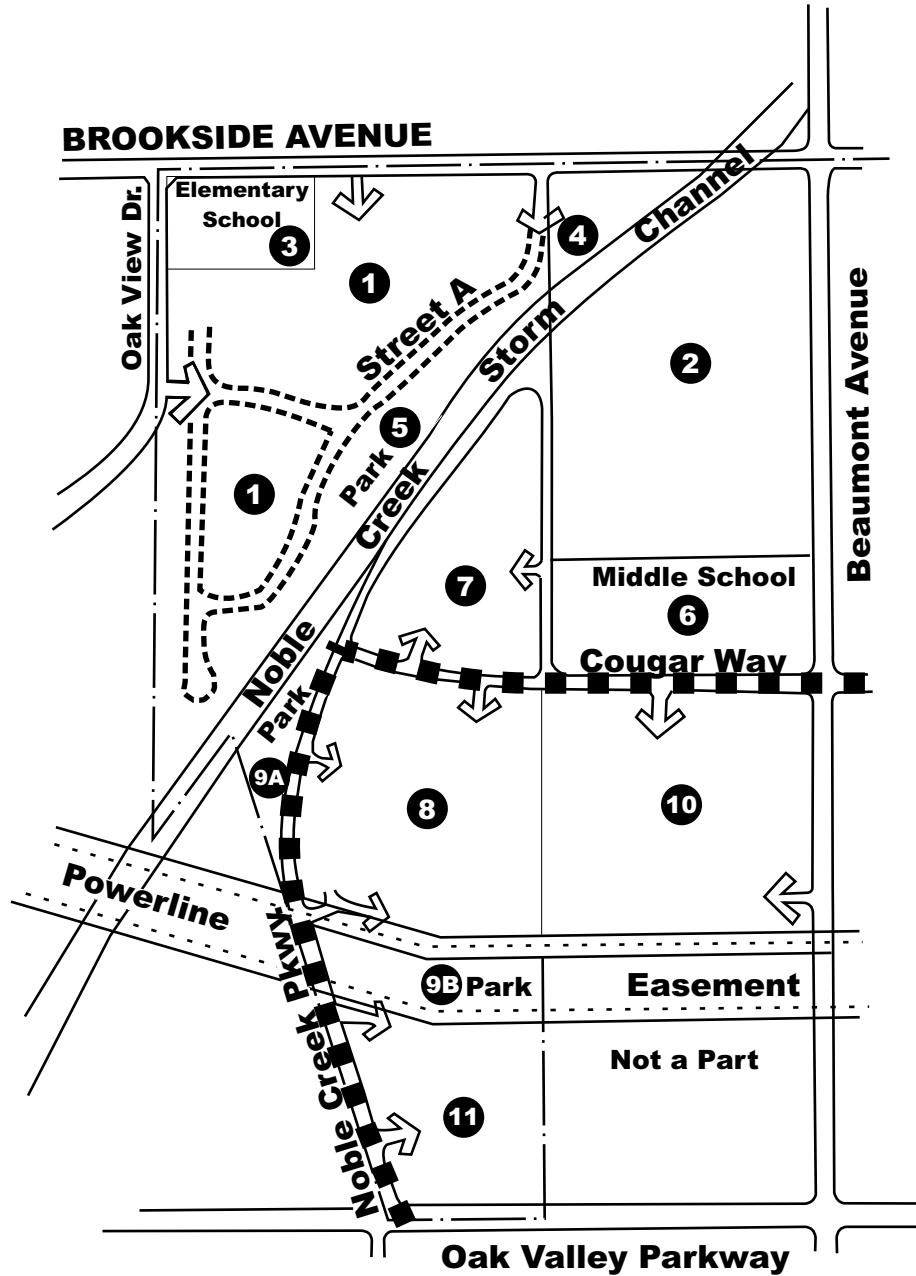
Table 2.2-1
Noble Creek Vistas Specific Plan
Land Use Summary

Planning Area	Land Use	Acres	Typical Lot Sizes	Dwelling Units	Average Density
1	Residential	58.4	6,000-15,000 sf	180	3.1
2	San Gorgonio Pass Water Agency Recharge Area	41.26	7,000-12,000 sf	126 ¹	3.4
7	Residential	25.14	7,303 sf	80	3.18
8	Residential	36.19	6,858 sf	128	3.54
10	Residential	40.0	7,000-15,000 sf	68	1.7
11	Residential	21.51	8,192 sf	66	3.07
<i>Subtotal</i>		222.5		648	2.9
3	Elementary School	12.6	n/a	0	n/a
4	San Gorgonio Pass Water Agency Recharge Area	8.9	n/a	0	n/a
5	Park	16.18	n/a	0	n/a
6	Middle School	20.0	n/a	0	n/a
9A	Park/Open Space	10.6 ²	n/a	0	n/a
9B	Park	10.8	n/a	0	n/a
--	Roads, Easements ³	30.7	n/a	0	n/a
TOTAL		332.28		648	1.3 (overall)

Source: Tahiti Group

Notes:

- 1 It is noted that this Planning Area was originally planned for residential uses, but is now planned for use as a San Gorgonio Pass Water Agency recharge area. The units originally associated with this Planning Area may be reallocated within the Specific Plan (subject to City review and approval), as long as the total number of units does not exceed 648.
- 2 Total park and open space area.
- 3 Includes arterial, major and secondary streets only.



1 = Planning Area



NOT TO SCALE

Source: Tahiti Group



Figure 2.2-1
Noble Creek Vistas Planning Areas

Planning Area 1

Planning Area 1 as depicted on Figure 2.2-2, provides for the development of 58.4 acres. The Noble Creek Storm Channel is adjacent to this planning area. Class II bike lanes will be provided on roadways adjacent to this planning area.

Primary access to this planning area will be provided from a major highway, Brookside Avenue. Secondary access will be provided from an additional driveway off Brookside Avenue and an existing collector roadway located on the west side of the planning area. A major entry statement is planned for the primary access, as well as roadway landscape treatments along the collector roadway.

Residential lots within Planning Area 1 will average 7,500 square feet, with minimum 6,000 square foot lots.

Lots backing up to Brookside Avenue will be a minimum of 10,000 square feet in size, while twenty-five (25) percent of these lots will be a minimum of 15,000 square feet in size. Fifty (50) percent of the homes adjacent to Brookside Avenue will be single story units.

Planning Area 2

Planning Area 2 is located at the northeastern corner of the Specific Plan area, along Brookside Avenue and Beaumont Avenue. This planning area will be used for water recharge through the San Gorgonio Pass Water Agency.

Planning Area 3

Planning Area 3 is located at the northwestern corner of the Specific Plan area, along Brookside Avenue and Oak View Drive. This planning area is developed with a 12.6 acre Elementary School. The site is owned by the Beaumont Unified School District. Planning Area 3 is illustrated in Figure 2.2-3.

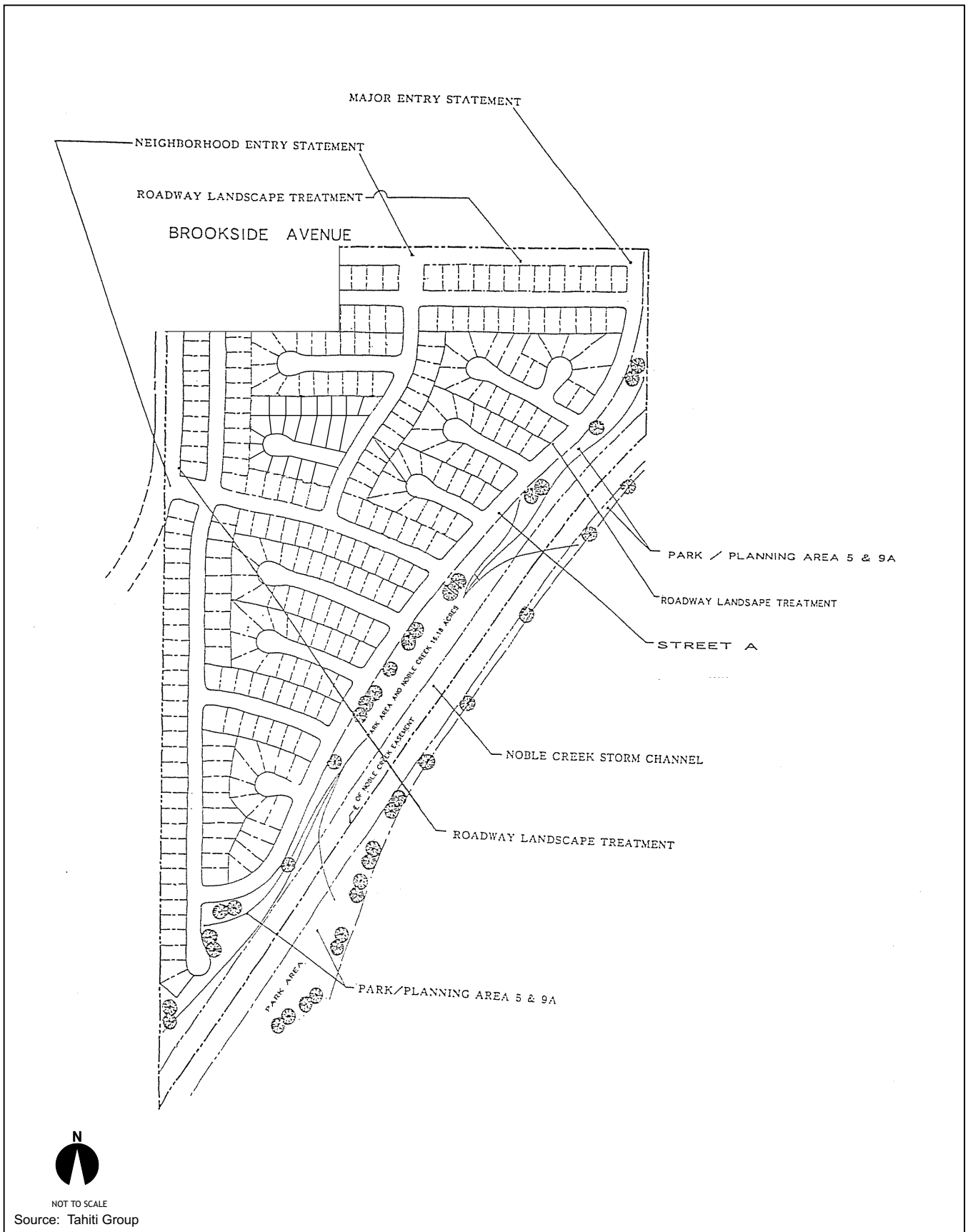
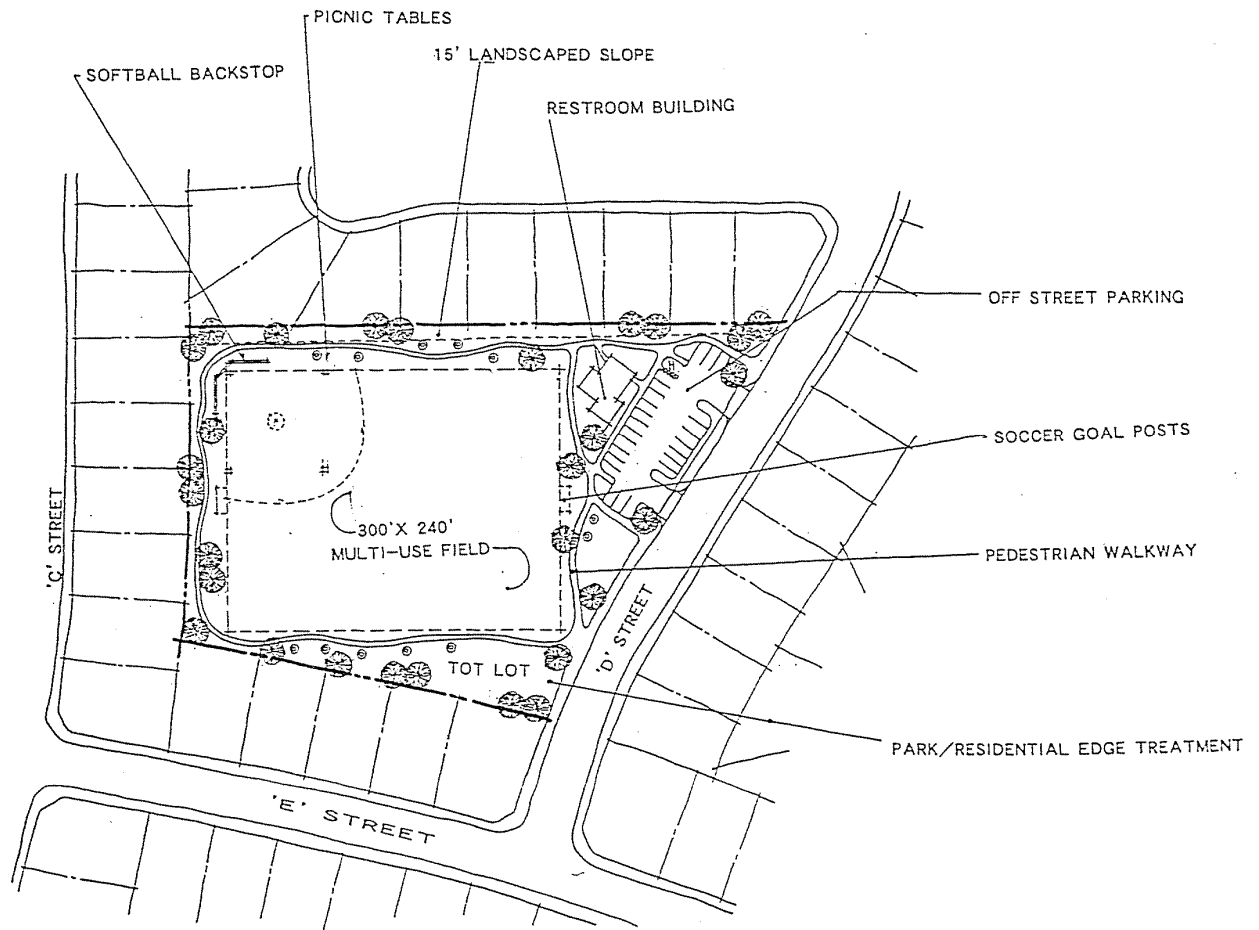


Figure 2.2-2
Planning Area 1



NOT TO SCALE
Source: Tahiti Group



Figure 2.2-3
Planning Area 3

Planning Area 4

Planning Area 4 is located along the northern boundary of the Specific Plan area, along Brookside Avenue. This planning area will be used for water recharge through the San Gorgonio Pass Water Agency.

Planning Area 5

Planning Area 5, as depicted in Figure 2.2-4, provides for the development of 16.18 acres as a neighborhood park.

Access to this planning area will be provided from local streets. A park/residential edge treatment is planned, to buffer the park and residential land uses, where applicable. A Class II bike lane will also be provided.

Recreational facilities planned for this park include combination pedestrian/bicycle path and par course.

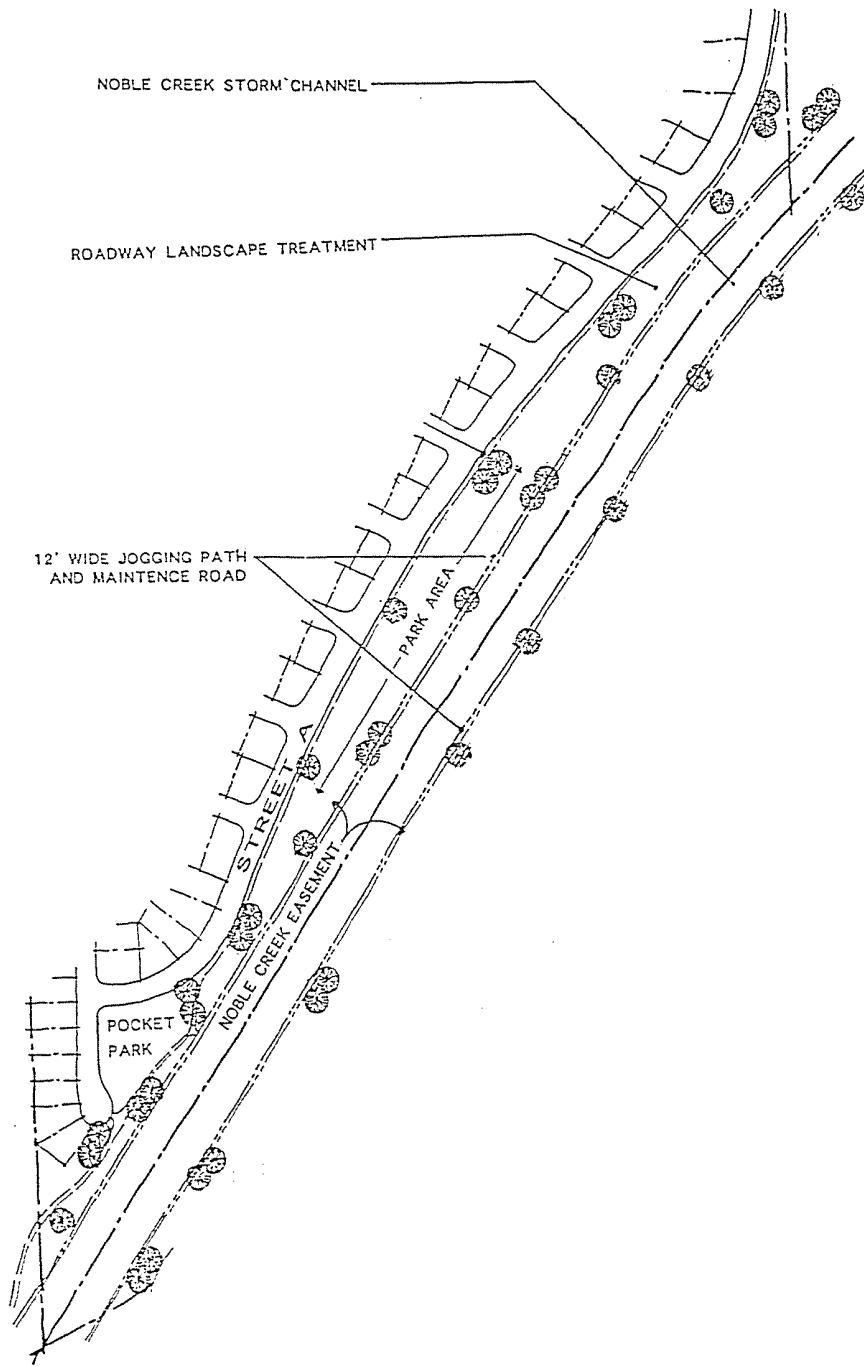
Planning Area 6

Planning Area 6 is located on the northwest corner of Beaumont Avenue and Cougar Way. This planning area is developed with a 20.0 acre middle school site. The site is owned by the Beaumont Unified School District. Figure 2.2-5 illustrates this planning area.

Planning Area 7

Planning Area 7 provides for the development of 25.14 acres of residential uses. This planning area is bordered on the south by Cougar Way, on the west by Noble Creek Storm Channel, and on the east by a collector roadway. Access will be provided by Cougar Way and the collector roadway, as shown in Figure 2.2-6.

Lots within this planning area will have an average size of 7,303 square feet. Eighty (80) dwelling units are planned within this planning area at a density of 3.18 du/ac.

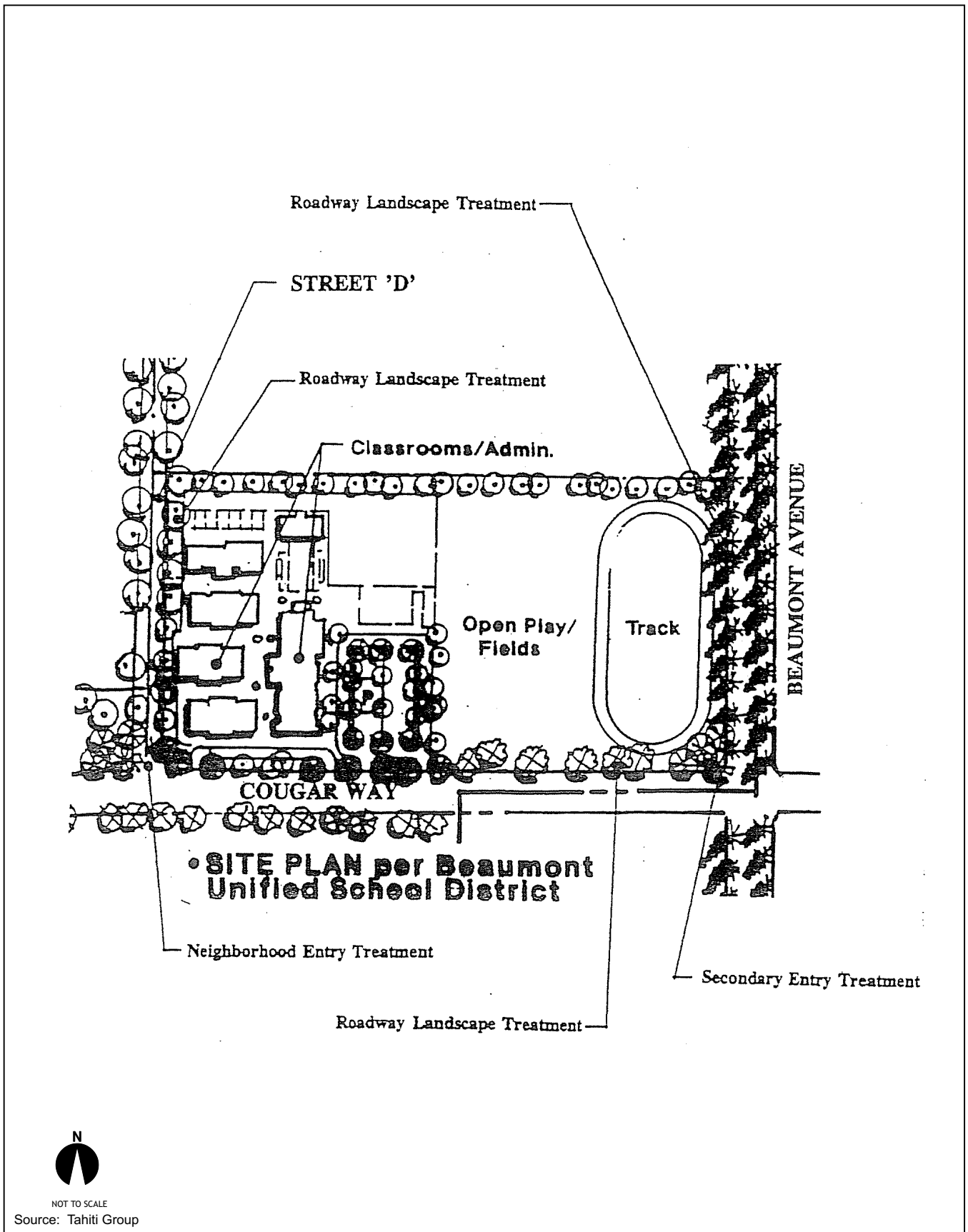


NOT TO SCALE

Source: Tahiti Group



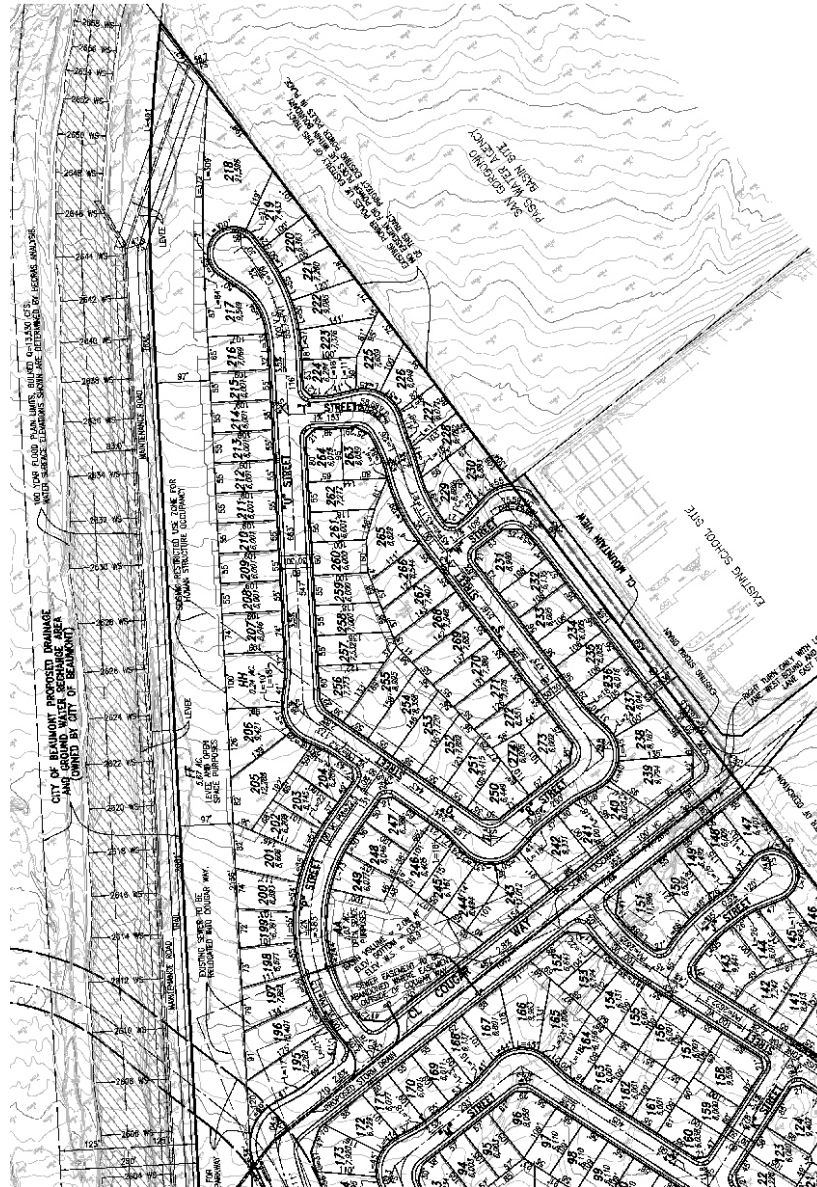
Figure 2.2-4
Planning Area 5



NOT TO SCALE
Source: Tahiti Group



Figure 2.2-5
Planning Area 6



NOT TO SCALE

Source: Tahiti Group



Figure 2.2-6
Planning Area 7

Planning Area 8

One hundred twenty eight (128) residential dwelling units are planned within this 36.19 acre planning area. The total number of lots within the planning area will be an average size of 6,858 square feet, with 6,000 square foot minimums. Overall density for the planning area is 3.54 du/ac.

As illustrated in Figure 2.2-7, this planning area is located at the southeast corner of the intersection of Noble Creek Parkway and Cougar Way. Access will be provided from Noble Creek Parkway and Cougar Way.

Roadway landscape treatments will be provided along Noble Creek Parkway and Cougar Way. A park/residential edge treatment is planned, to buffer the park and residential land uses, where applicable. A Class II bike lane will also be provided.

Planning Area 9

Planning Area 9 is transected by Noble Creek Parkway, and as such has been split into Areas 9A and 9B, for ease of reference. These areas are presented in Figure 2.2-8.

Planning Area 9A is located on the west side of Noble Creek Parkway and provides for the development of 10.6 acres as a neighborhood park. Recreational facilities planned for this park include combination pedestrian/bicycle path, open play area, picnic tables and par course.

Planning Area 9B is located on the east side of Noble Creek Parkway and provides for the development of 10.8 acres as a neighborhood park. Recreational facilities planned for this park include open play areas, combination pedestrian/bicycle path, tot lot, and picnic tables.



NOT TO SCALE

Source: Tahiti Group



Figure 2.2-7
Planning Area 8

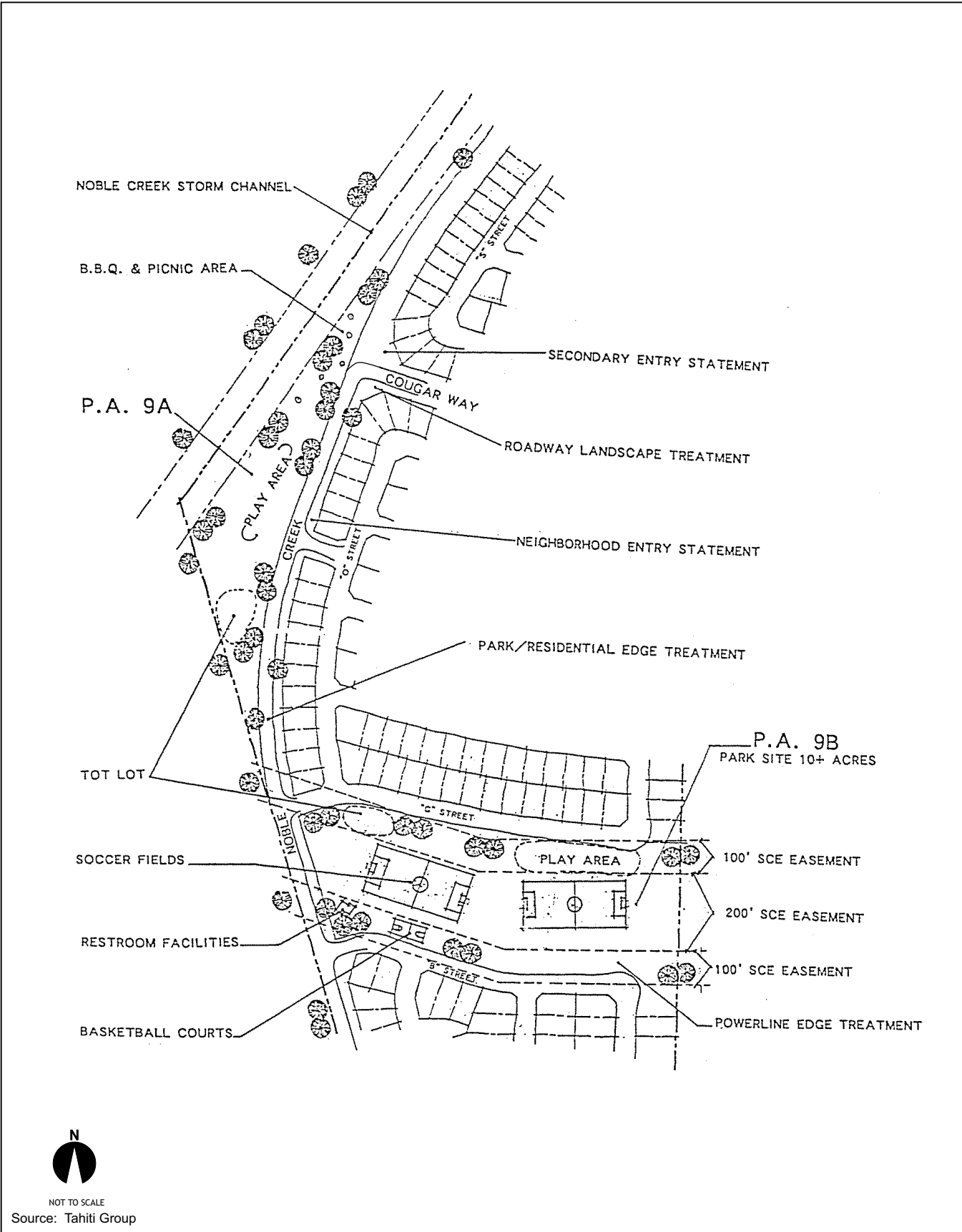


Figure 2.2-8
 Planning Area 9

Planning Area 10

This 40-acre planning area is located on the southwest corner of Beaumont Avenue and Cougar Way. This planning area provides for the development of 68 residential dwelling units at a density of 1.7 du/ac.

Lots within this planning area will range from 7,000 to 15,000 square feet in size. Twenty-five (25) percent of the lots adjacent to Beaumont Avenue need to be a minimum of 15,000 square feet. Fifty (50) percent of the homes constructed adjacent to Beaumont Avenue need to be single story.

Figure 2.2-9 illustrates a conceptual design for this planning area.

Planning Area 11

Planning Area 11, as shown in Figure 2.2-10, is located on the northeast corner of Oak Valley Parkway and Noble Creek Parkway. This planning area encompasses 21.51 acres.

Planning Area 11 will contain 66 residential dwelling units with an average lot size of 8,192 square feet. Lots will be a minimum of 6,270 square feet. The overall density of the planning area is 3.07 du/ac.

Access to Planning Area 11 will be provided from Noble Creek Parkway. Roadway landscape treatments will be provided along Oak Valley Parkway and Noble Creek Parkway. A neighborhood entry is proposed west of the planning area, north of Oak Valley Parkway. A power easement edge treatment to buffer the park, power easement and residential land uses will also be provided, where applicable.

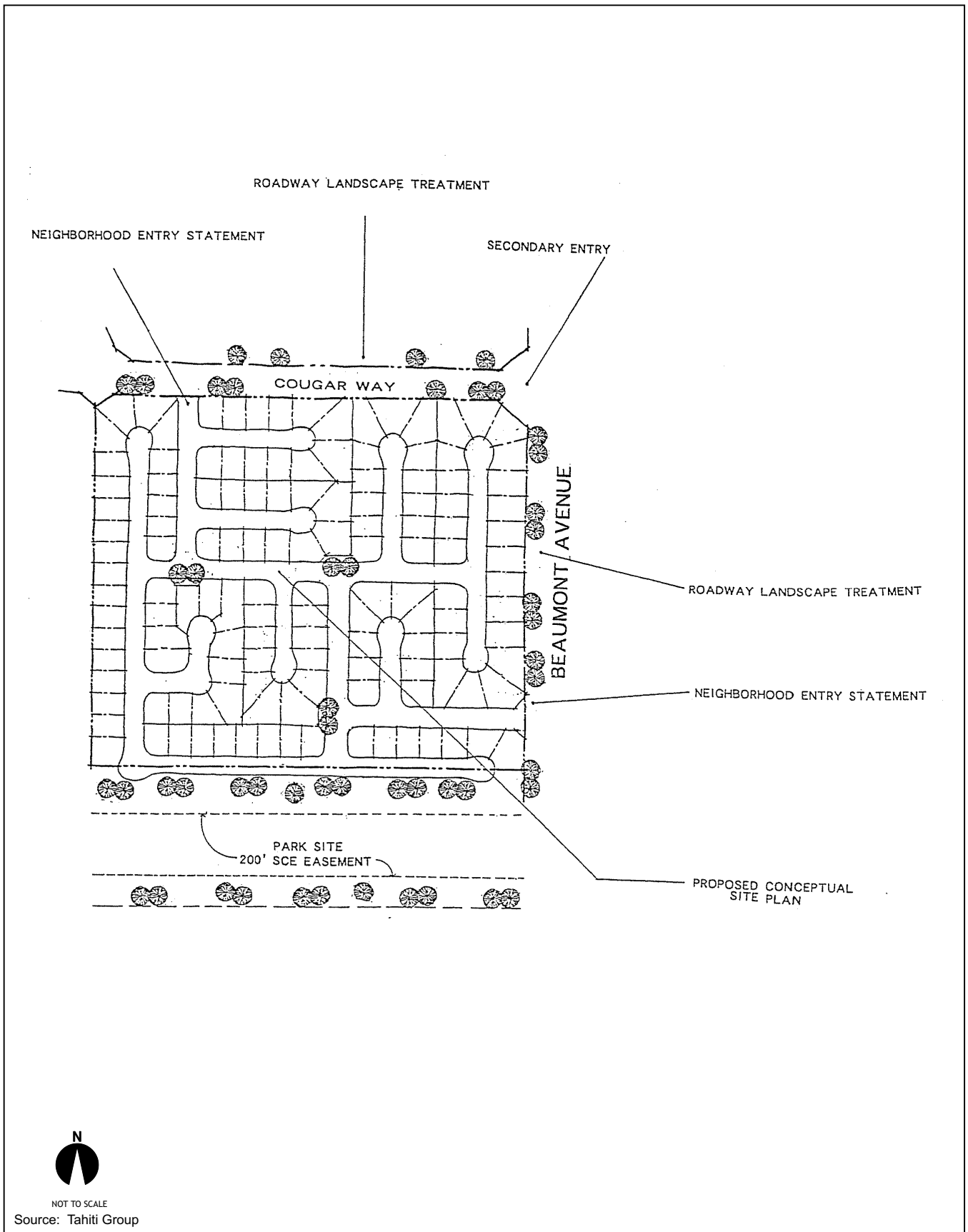


Figure 2.2-9
Planning Area 10



NOT TO SCALE

Source: Tahiti Group



Figure 2.2-10
Planning Area 11

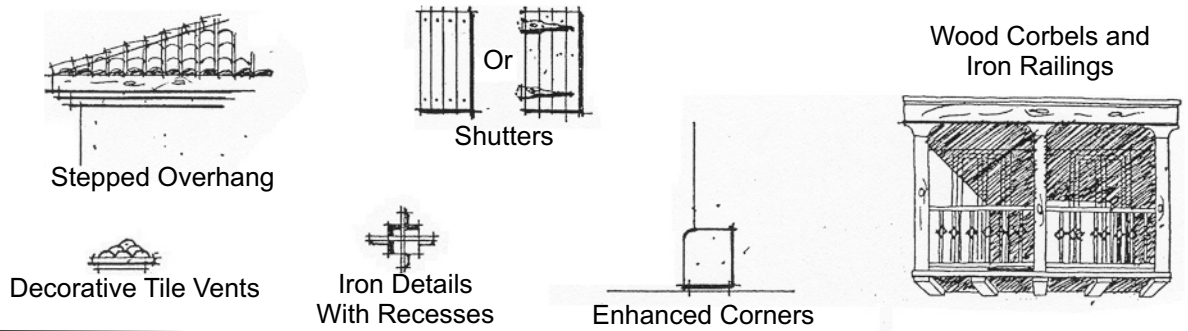
2.3 ARCHITECTURAL CONCEPTS

The architectural concepts for the Specific Plan area include substantial monolithic forms, deep-set openings, stucco and masonry walls, pitched tile roofs and light-subdued earthtone colors. Figure 2.3-1 illustrates these architectural details. Product prototypes are presented in Figure 2.3-2.

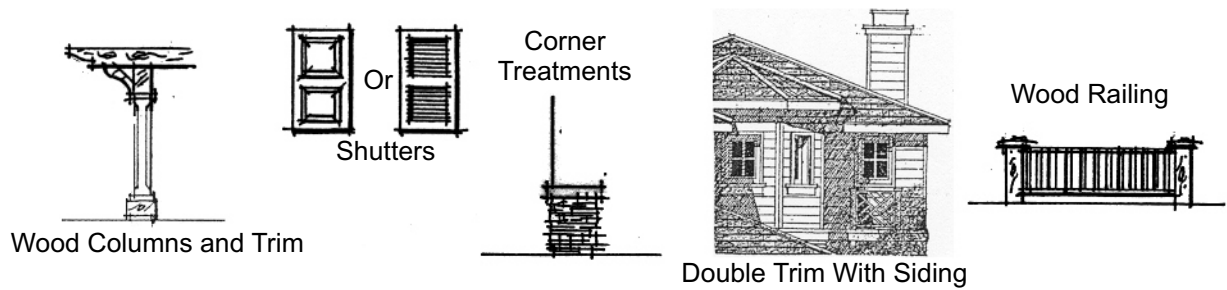
The main objective is to encourage quality architectural design, while permitting the developer/builder flexibility to design a residential neighborhood and neighborhood commercial centers with their own unique identity and design integrity. Specific objectives are as follows:

- To provide a variety of housing opportunities and lifestyles to the consumer, within a range of economic levels.
- To create a unified environment through cohesive relationships between architecture, landscape and site planning.
- To create architecture that expresses a strong relationship to the outdoor environment.
- To develop an appropriate residential scale for a traditional Southern California neighborhood.
- To establish a unifying theme which would give a strong identity to the community.
- To select neighborhood styles or sub-styles which encourage variation of materials, colors and architectural detail.
- To create high quality neighborhood commercial centers which are thoughtfully planned and compatible with surrounding neighborhoods and the local environment.
- To reduce any negative visual impact of large scale commercial buildings by encouraging tasteful and imaginative designs for individual buildings.

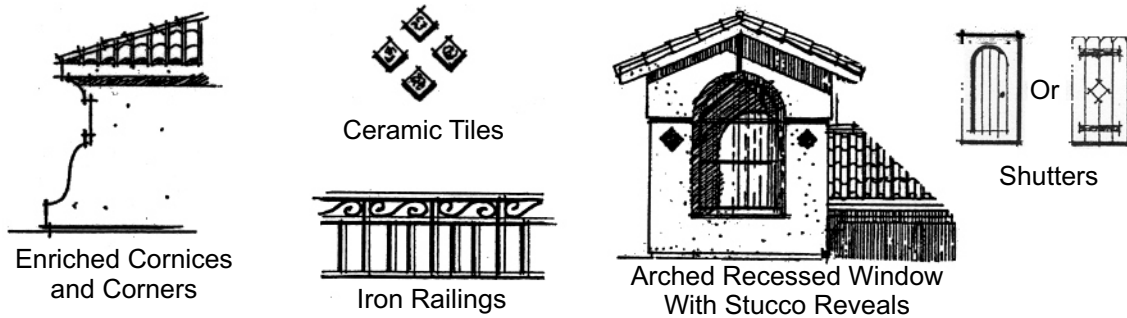
Southwest



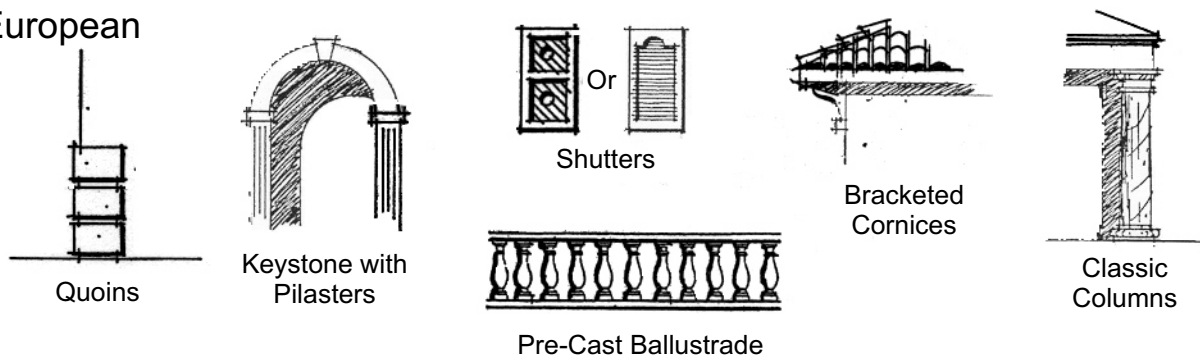
Traditional



Mediterranean



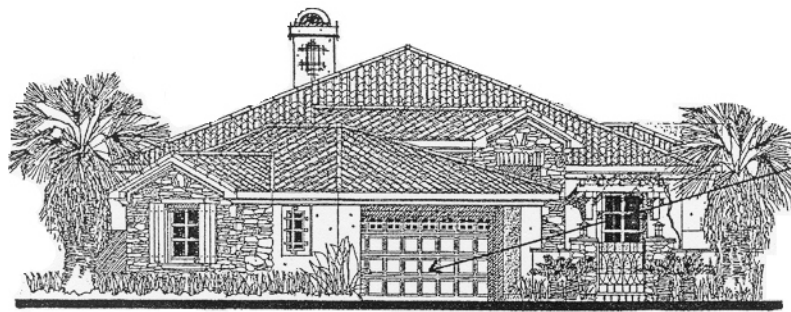
European



Source: Tahiti Group



Figure 2.3-1
Proposed Architectural Details



Asymmetrical Plans
As Appropriate To
Architectural Styles

Southwest

Divided Lights And
Window Groupings



Traditional

Motor Court With
Turn-In Garage



Mediterranean

Entrance
Courtyard

Details Consistent With
Architectural Character



European

Note:
This figure is not intended to
limit architectural expression,
but to illustrate that certain
character elements are more
strongly identified with specific
architectural themes.

Source: Tahiti Group



Figure 2.3-2
Proposed Residential Product Prototypes

2.3.1 Building Form, Mass and Scale

The architectural image and identity of the community will primarily be perceived from public spaces such as streets, parks and other open space areas. Building form, massing and scale are therefore primary design components which require careful articulation in their architectural expression to these public spaces. The visible side and rear elevations of residential units are important, depending upon the location and orientation of the home. Consideration will be given to the articulation of rear and side elevations viewed from public spaces by providing variations in roof forms. Interesting building form and massing should be achieved without superficial design elements.

2.3.2 Building Heights and Setbacks

In order to avoid monotonous street scenes in residential planning areas, repetitive floor plans should be alternately reversed and their roof expressions varied. Single-family residences should maintain low plate lines and profiles along street fronts and boundary edges. Front yard setbacks should be staggered. To soften the architectural edge at area boundaries, building heights shall maintain a low profile through a combination of one and two story elements and varied floor setbacks at second-stories. To lower the apparent height, second-story rooms may be tucked into roof planes and roofs may be clipped at the sides and comers of the buildings. Building height and setback requirements shall conform to the Development Standards as set forth in Section 3 of this Specific Plan.

2.3.3 Roof Forms and Materials

Roof forms are a highly visible community feature. A range of roof forms and pitches should be utilized to add an appealing visual impact to the community/streetscape. Simple pitched gable, hip or shed roof forms will be the predominant roof elements in Noble Creek. Roof projections and overhangs are encouraged as response to energy and climate concerns. Low maintenance details limiting the amount of exposed wood are encouraged. All pitched roofs shall be tile or equivalent. All flat roof areas, when utilized, shall require a gravel surface of earthtone color or similar uniform coverage treatment.

2.3.4 Exterior Materials and Color

Exterior building materials shall be of natural materials which are compatible with and reflect the elements of the surrounding environment. This includes wood, masonry, stone, concrete and stucco. Exposed wood sheathing shall be limited to the underside of roofs or patio decks. The simple use of tile, brick, stone, masonry or pre-cast concrete are permitted as design accents and trim. Exterior stucco shall be utilized as the primary wall material and shall have a smooth, sand or other light finish texture.

Color is intended as a primary theme element. The value should generally be light earthtones, with darker or lighter accents to highlight the character of the structure; particularly in respect to balcony railings, fascias, awnings, inlaid tile bands and cornice bands. Complementary accent materials and colors are allowed and encouraged. All accents must relate to the architectural form and character of the building. Wood trim shall be stained with semitransparent stain or painted as accents.

2.4 - RECREATION PLAN

Each increment/phase of development within the Noble Creek Vistas Specific Plan will be required to meet the prevailing City of Beaumont requirements regarding dedication and improvement of park facilities. The City's standard provides for five acres of fully improved and usable park space for every 1,000 residents.

It is also recognized that the Specific Plan Area is comprised of multiple ownership and park facilities proposed within the Specific Plan are not proportionally assigned to the respective ownership entities.

As a result, the design, development and maintenance of park facilities may be accomplished by the City through its Community Facilities District and funded by the landowners and ultimate occupants of the project. As an alternative, each increment of development may demonstrate self-sufficiency in terms of meeting park requirements.

A major focal element of the Noble Creek Vistas community is the recreation program. The program is extensive and provides a wide array of recreational opportunities in which all members of the community can participate. Opportunities vary from passive (i.e. bike lanes), to active (i.e. neighborhood parks), to potentially structured (i.e. recreational programs which could be offered at the schools). Varying types and degrees of activities will be available which will provide residents the opportunity to “take quiet walks in the park”; participate in active outdoor informal recreational activities; and participate in potentially structured, organized and instructed sporting or exercise events. The various elements of the program are presented in Figure 2.4-1, “Recreation Plan” and discussed below.

2.4.1 Neighborhood Parks

Three neighborhood parks are planned in Noble Creek Vistas (Planning Areas 5, 9a and 9b) at strategic locations throughout the site.

All of the parks are moderate in size, and, as such, will function to serve nearby neighborhood residents. It is proposed that the parks will be constructed by the developer, then dedicated to a homeowners association or community facilities district for ownership and maintenance. Facilities will vary from park to park, but may include the following: picnic areas, tot lots, open play areas, combination pedestrian/bicycle paths, ball fields, on-site parking, barbecue pits, linear restroom facilities and par course.

The pedestrian/bike paths, designed as passive use within the Noble Creek Storm Channel will interconnect the park within Planning Area 5, and the surrounding neighborhood. Planning Area 9a will also be designed for passive use along the Noble Creek Storm Channel.

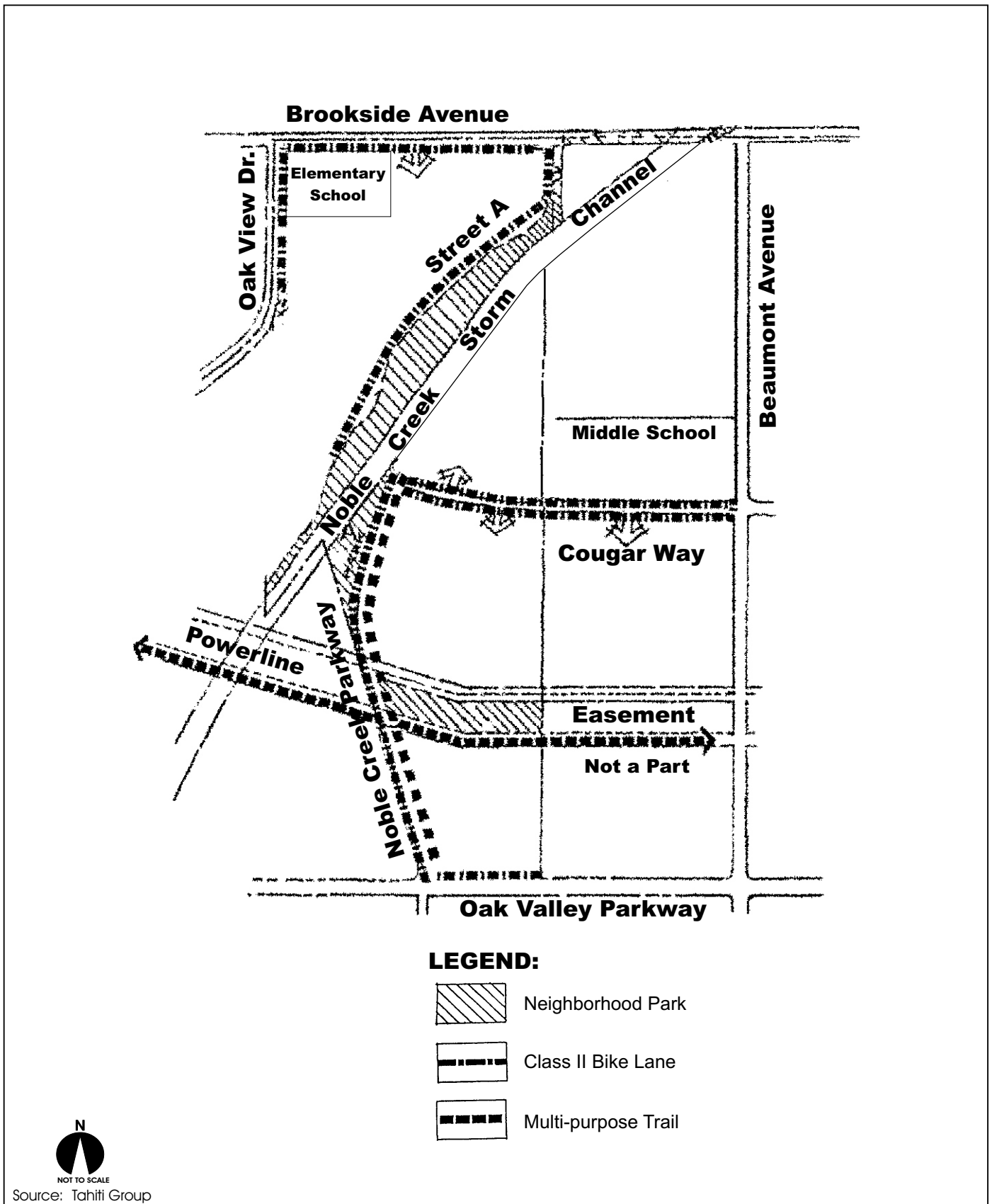


Figure 2.4-1
Recreation Plan



2.4.2 Bike Lanes

Class II bike lanes will be provided on Oak Valley Parkway, Oak View Drive, Cougar Way, Brookside Avenue and some interior collector level streets. A Class II bike lane consists of a painted bike lane within the street R.O.W. Additional bike trails are anticipated to be constructed along the Noble Creek Storm Channel.

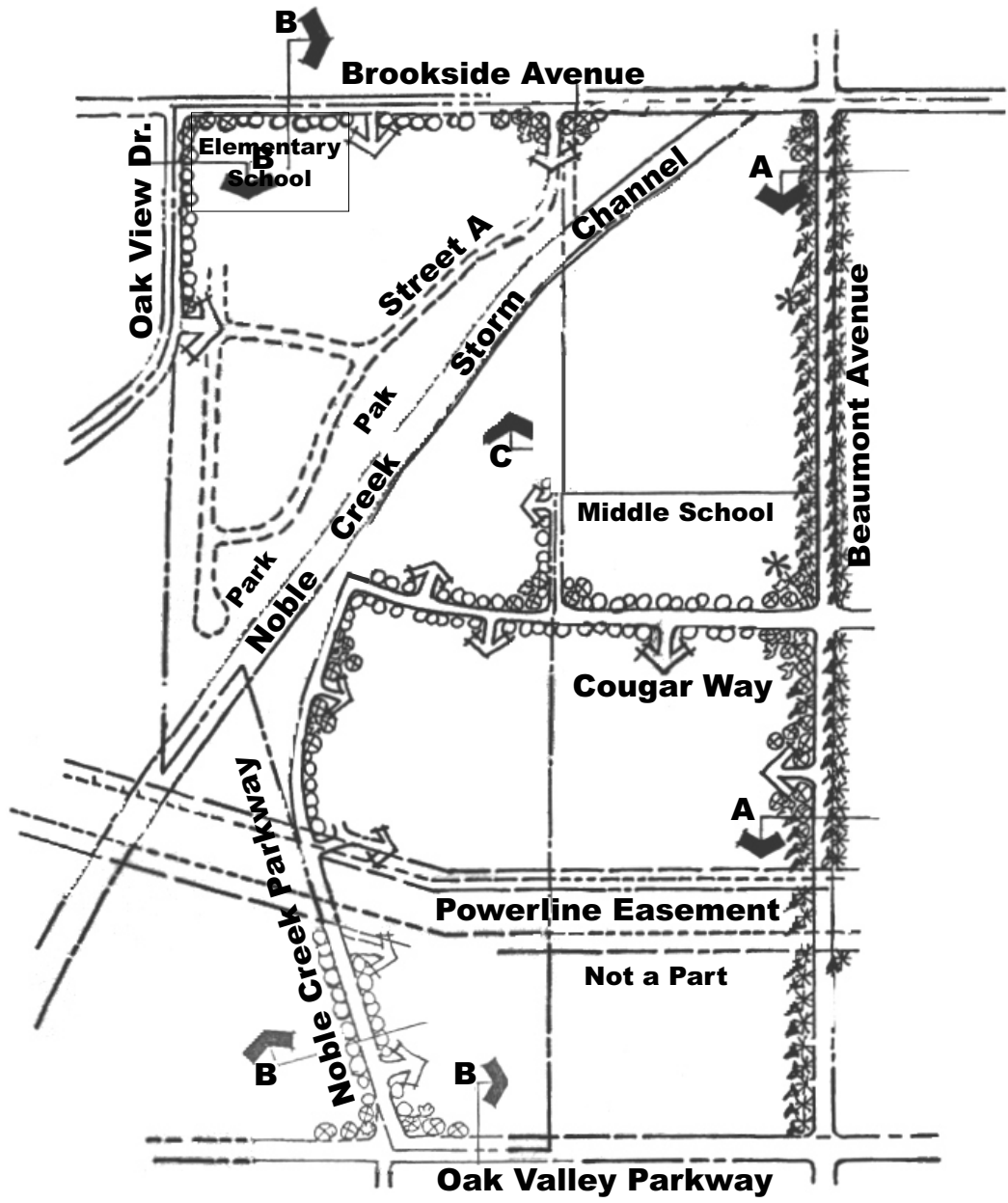
2.4.3 Multi-purpose Trails

A multi-purpose trail will be provided adjacent to the powerline easement. The multi-purpose trail will be dedicated to the City's community facilities district for maintenance and ownership responsibilities.


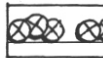

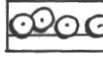
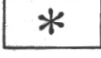
2.5 - LANDSCAPING AND COMMUNITY ELEMENTS PLAN

2.5.1 Landscaping

The landscape design of Noble Creek Vistas will be an important element in establishing the overall community image. The primary goal is to establish a distinctive character by using xeriscape principles. Low water use plant material has been selected to fulfill all functional and aesthetic requirements of this master planned community. Drought-tolerant plants are acclimated to weather soil conditions of the area and, therefore, have a higher success rate and require less maintenance. Xeriscape implies not only the creative use of low water consuming plants but efficient irrigation systems, appropriate soil amendments and low maintenance. The Conceptual Landscape Plan is presented in Figure 2.5-1.



LEGEND:

- | | | | |
|---|------------------------|---|------------------------------|
|  | Entry Accent Trees |  | Major Collector Theme Trees |
|  | Existing Deodar Trees |  | Evergreen Canopy Theme Trees |
|  | Relocated Deodar Trees |  | Primary Street Theme Trees |



NOT TO SCALE

Source: Tahiti Group



Figure 2.5-1
Landscape Plan

Plant materials will be used to reinforce the circulation hierarchy and establish a sense of place to the residents of this community. This will be accomplished through the establishment of design themes for the major streets and entryways and adherence to a plant list that will unify the entire site. In general, an informal theme will be used.

The existing Deodar Cedars along Beaumont Avenue however, make a more formal statement because they have been planted on a regimented interval. These trees which are very drought tolerant once established will be saved to preserve their cultural heritage. The landscape design will transition to a more informal character internally. To this end, the project design proposes a 40 foot landscape buffer from the western edge of Beaumont Avenue right-of-way to the project boundary, with a berm along the project wall, and a meandering sidewalk within the landscape buffer.

The project design also incorporates a permeable surface in a 25 foot radius around the Deodar trees (except in those areas on the street side in which there will be a distance of less than 25 feet to the street).

Other landscape design features include a landscape buffer along the southern edge of Brookside Avenue right-of-way to the southern boundary. The width of the buffer is 38 feet. There is also a landscape buffer along the southern edge of Noble Creek Parkway. The width will range from 18 to 38 feet to accommodate Noble Creek as it crosses Brookside Avenue.

Plant Palette

All builders will be required to choose plants listed in Attachment A of the *County of Riverside Guide to California Friendly Landscaping* for landscaping of their lots/parcels.

All landscape and irrigation shall be designed to promote ease of maintenance. Plant material size and form should be appropriate for its function to minimize the need for pruning. Plant spacing should reflect mature size requirements to avoid overcrowding. Irrigation for trees, shrubs and ground covers should be a “hard line” drip system. The

irrigation controllers should have the capability of long watering times to accommodate a drip system.

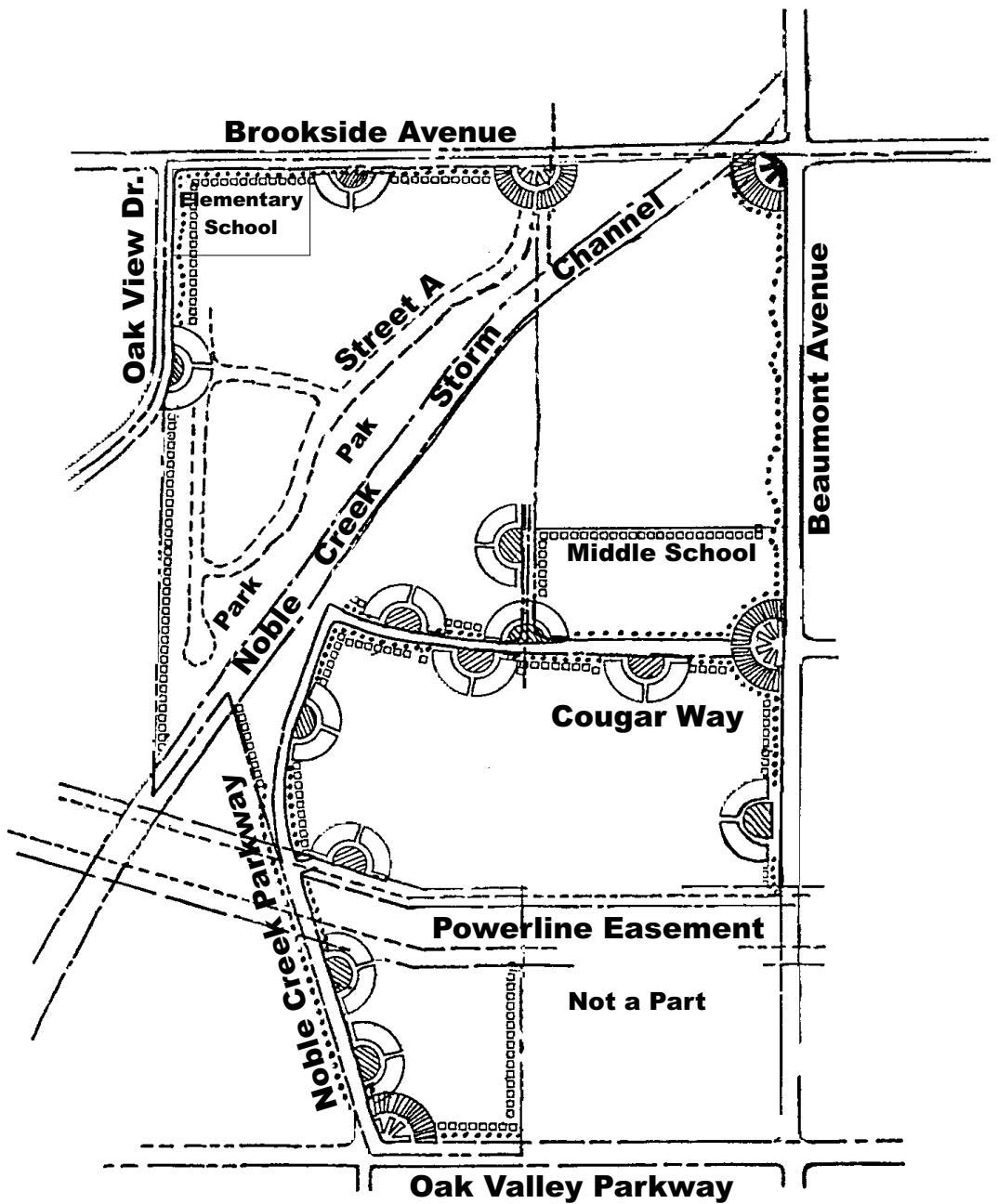
Irrigation backflow prevention devices and controllers shall be located with minimum public visibility or shall be screened with appropriate plant materials.

Homeowners will be encouraged to select plant material from the plant palette identified in this Specific Plan. Covenants Conditions and Restrictions shall be prepared and recorded for each lot which require that all yard areas shall be planted, that hardscape be limited to 50 percent of yard area and that all plant material be maintained in a healthy condition.


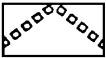




2.5.2 Streetscape

Landscape development zones have been established which will provide a total of 20 feet from face of curb to the subdivision theme wall on major and secondary roadways. These large landscaped areas provide additional buffers to the internal land use and establish a community theme. Collector level streets will receive landscape treatment between the sidewalk and community wall.

The location of subdivision theme walls, primary pedestrian sidewalks and entry monumentation are presented in Figure 2.5-2, "Conceptual Hardscape Plan." Figures 2.5-3 through 2.5-6 present other various streetscape features of the project.



LEGEND:

- | | | | |
|---|--------------------|---|----------------------------|
|  | Major Entry |  | 6' Subdivision Theme Wall |
|  | Secondary Entry |  | 6' View Wall |
|  | Neighborhood Entry |  | Primary Street Theme Trees |

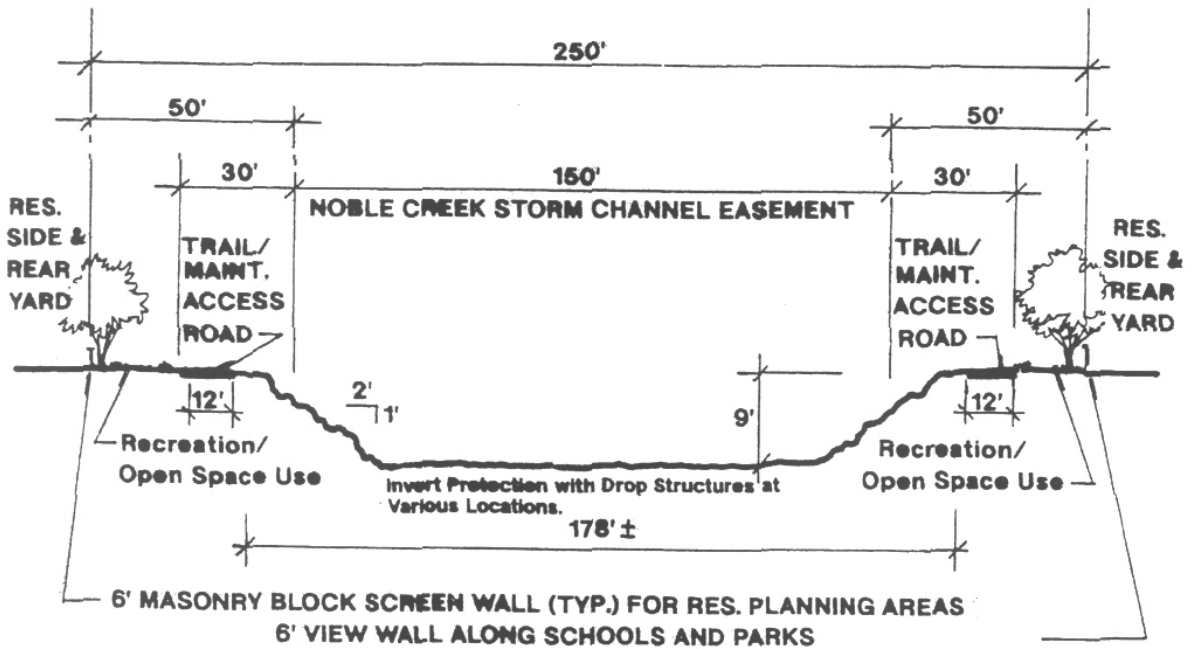


NOT TO SCALE

Source: Tahiti Group



Figure 2.5-2
Hardscape Plan

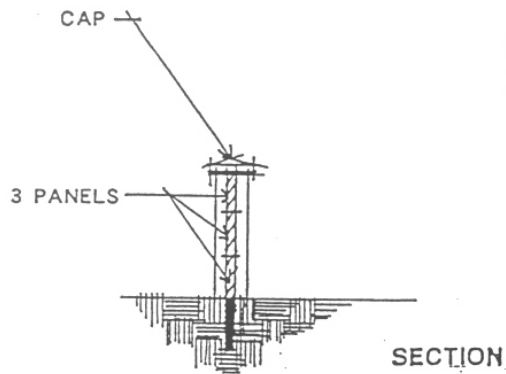


Note: This cross-section is conceptual. Other land use such as parks and schools do occur along this drainage corridor.

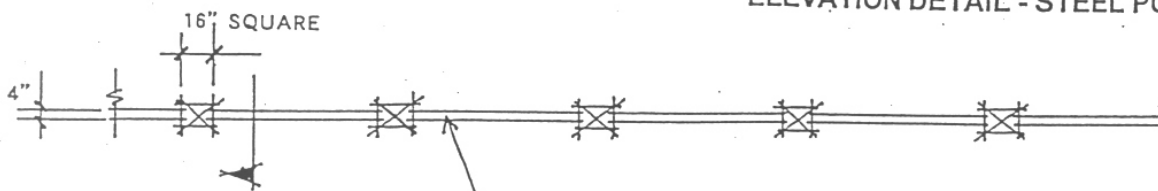
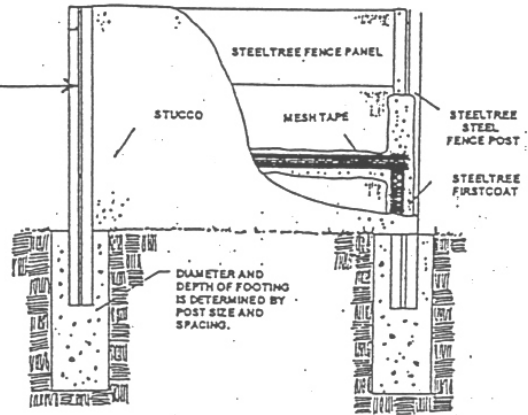
NOT TO SCALE
Source: Tahiti Group



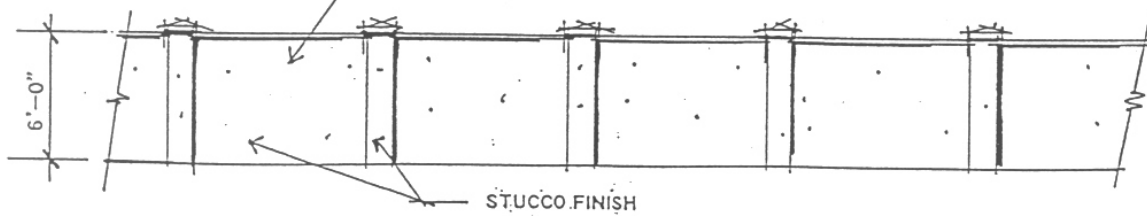
Figure 2.5-3
Drainage Corridor



Attach Panels to Steeltree post with #10 self-drilling screws



2' X 10' X 4" THK. - STEELTREE FOAM PANELS

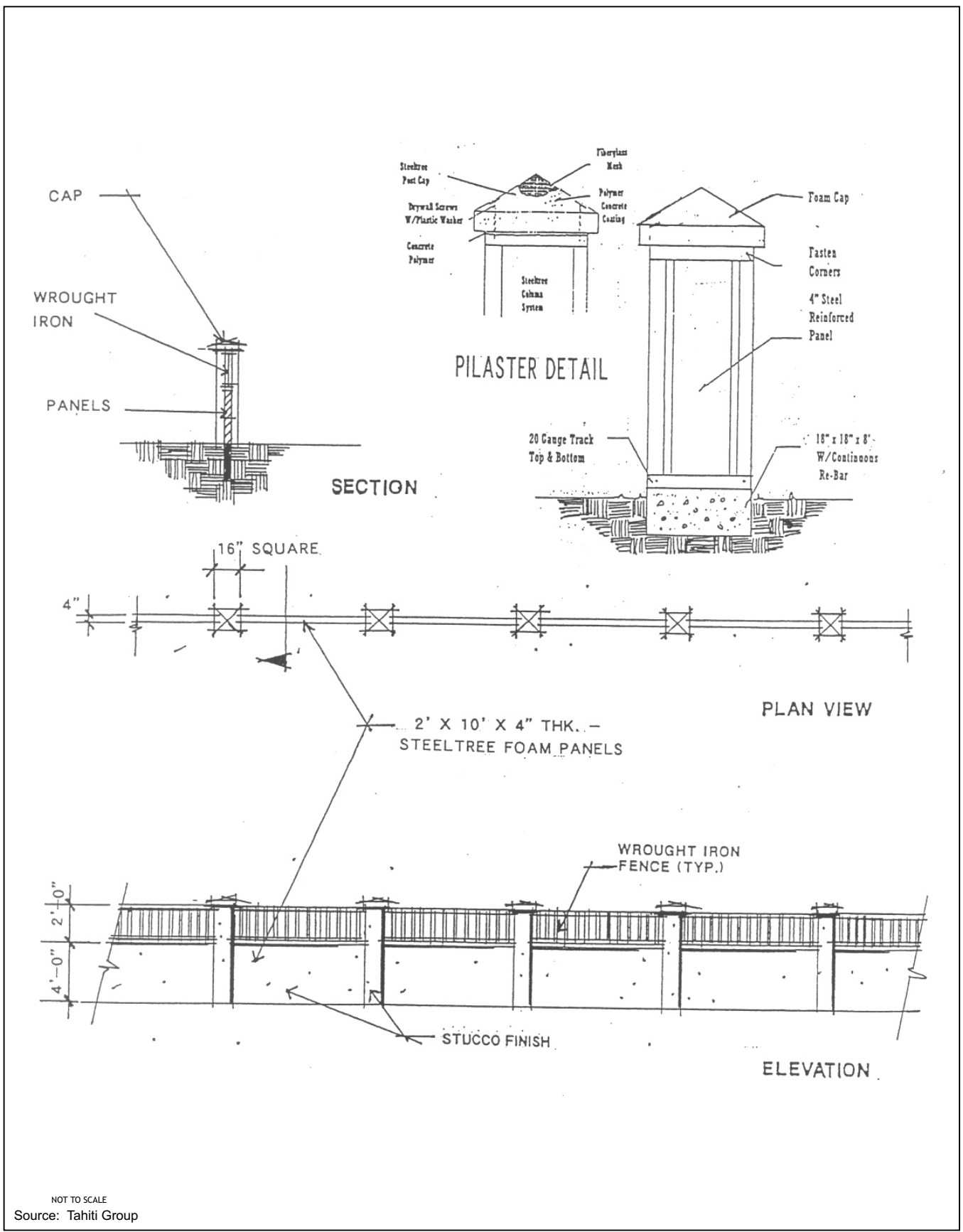


NOTE: COLUMNS SPACED 10' O.C. ON ALL SUBDIVISION WALLS

NOT TO SCALE
Source: Tahiti Group



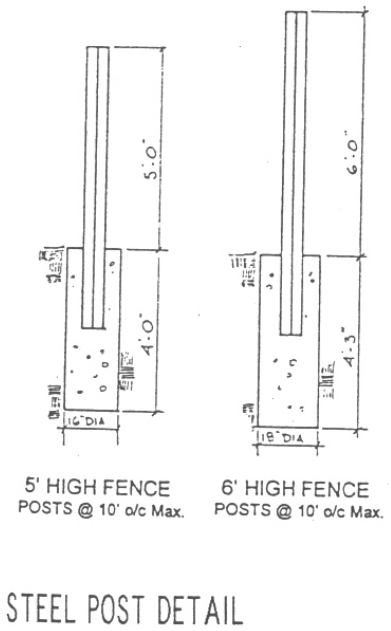
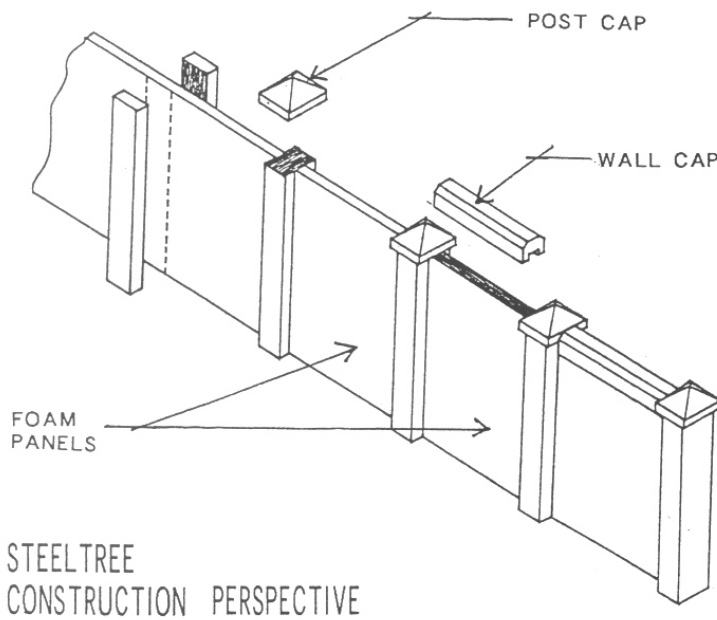
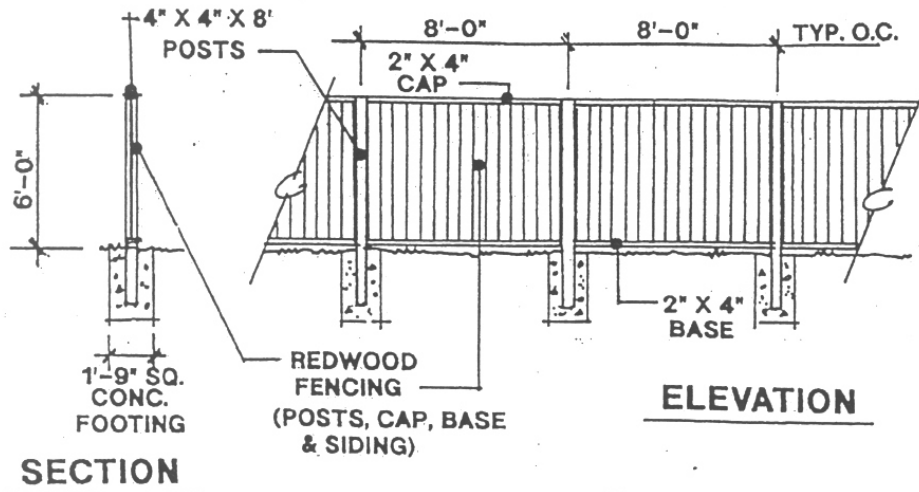
Figure 2.5-4
Subdivision Theme Wall



NOT TO SCALE
 Source: Tahiti Group



Figure 2.5-5
 View Wall



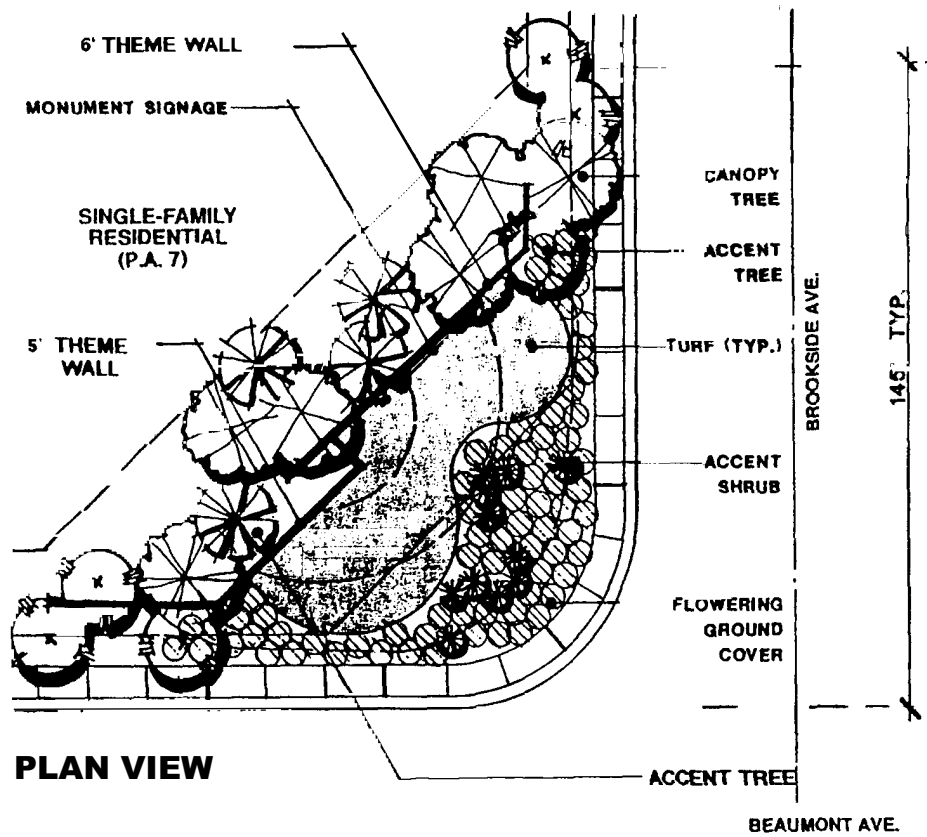
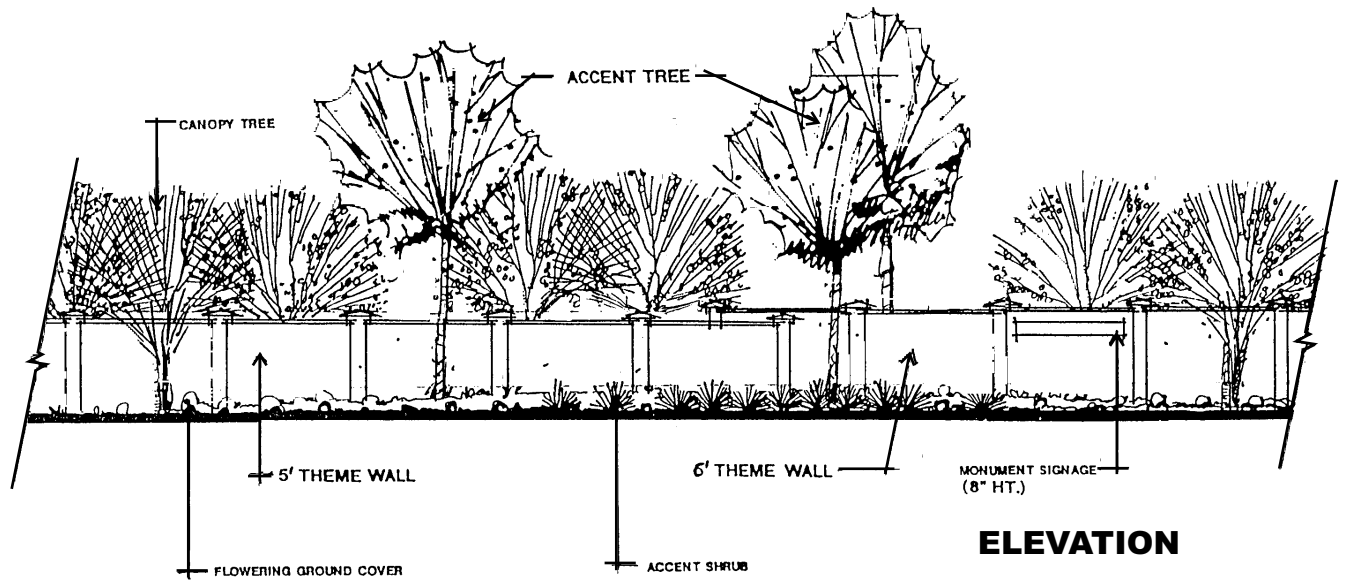
NOT TO SCALE
Source: Tahiti Group



Figure 2.5-6
In-Tract Fencing

2.5.3 Entry Monuments

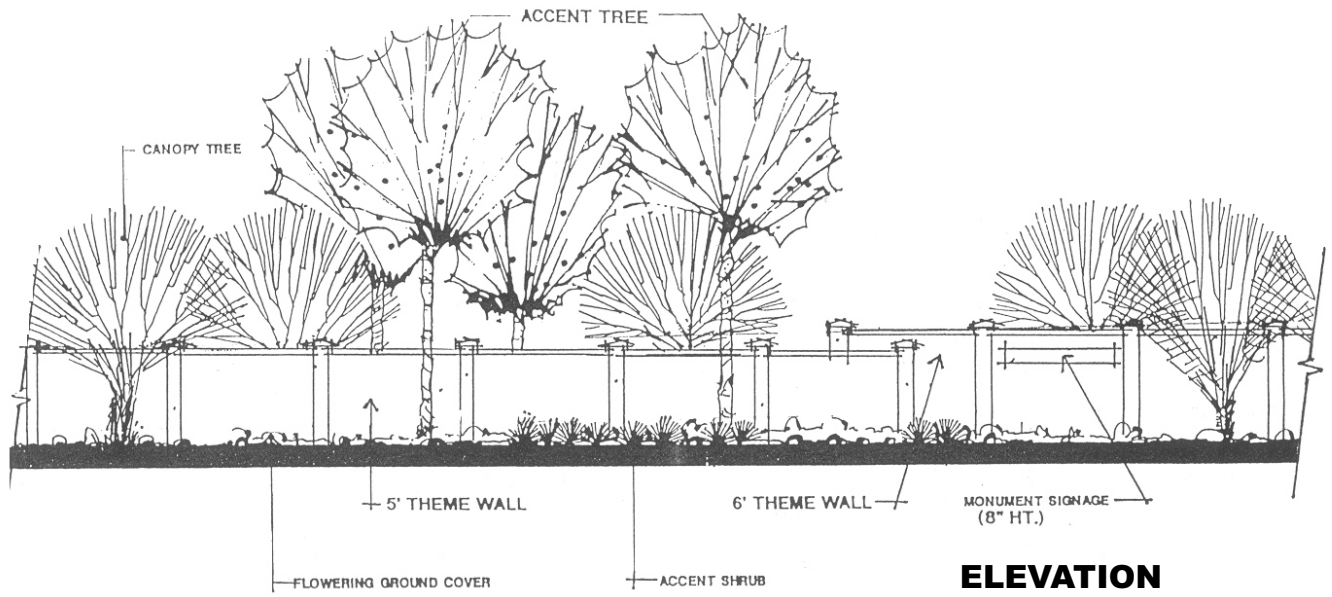
The major project entry will occur at the intersection of Beaumont Avenue and Brookside Avenue. Entry monumentation will provide the initial opportunity to portray the quality community image of Noble Creek. The theme wall used throughout the community will be enhanced as an entry feature providing the opportunity for signage. The major entry will establish the theme for the secondary and neighborhood entries, which will reflect the same character on a smaller scale. Figures 2.5-7 through 2.5-9 illustrate the various categories of entry treatments for Noble Creek. Plant materials will enforce the hardscape design and provide a variety of colors and textures for seasonal interest. A judicious use of turf will highlight the major entry statement. Entry monuments will be maintained by a Landscape and Lighting District, Homeowners Association or Community Facilities District, which shall assume maintenance and ownership responsibilities. The location of the monuments can be found on Figure 2.5-2, Conceptual Hardscape Plan and on the Planning Area Graphics, Figures 2.2-2 through 2.2-10.



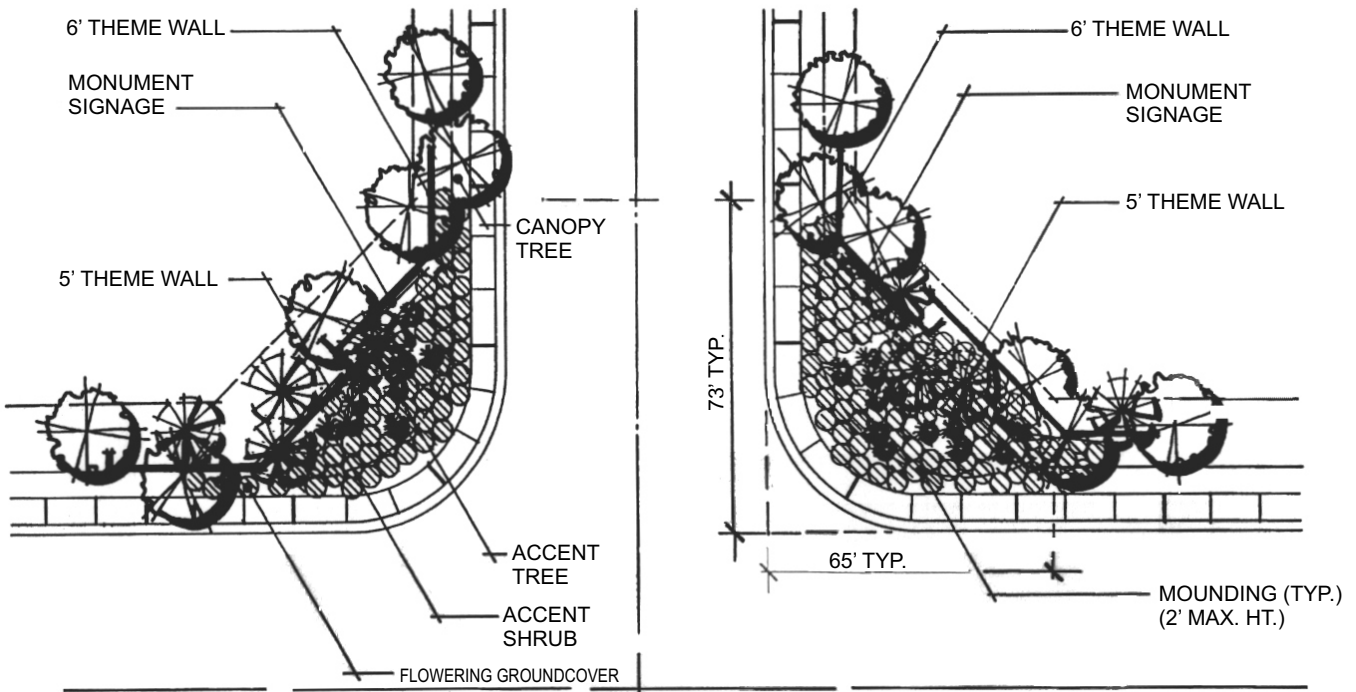
NOT TO SCALE
Source: Tahiti Group



Figure 2.5-7
Major Entry Statement



ELEVATION

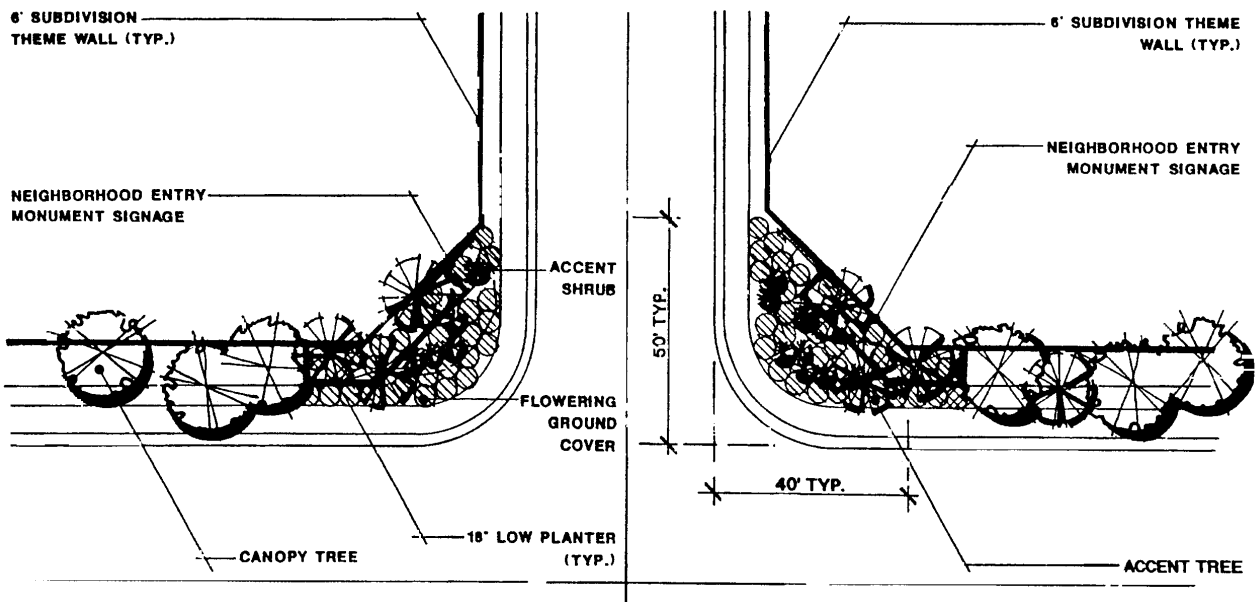
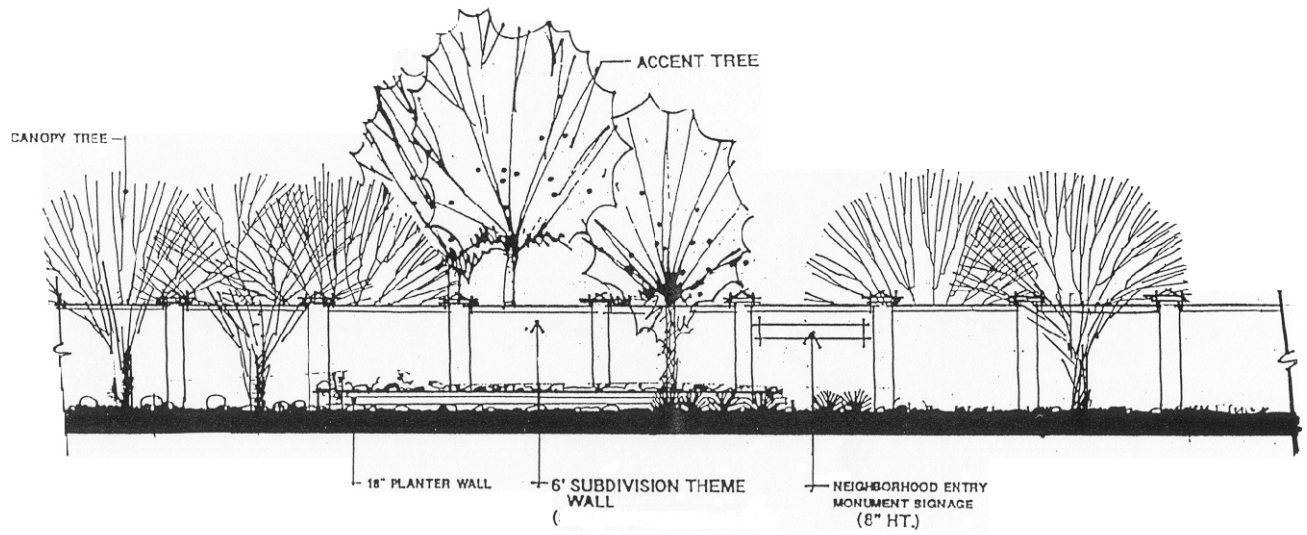


PLAN VIEW

NOT TO SCALE
Source: Tahiti Group



Figure 2.5-8
Secondary Entry Statement



NOT TO SCALE
Source: Tahiti Group



Figure 2.5-9
Neighborhood Entry Statement

2.6 - CIRCULATION PLAN

Principal north/south roadway access to the site is provided by Beaumont Avenue, which is an existing roadway, classified as a Major Highway - 156' R.O.W. It should be noted that the improvements to Beaumont Avenue north of Oak Valley Parkway are intended to avoid the existing rows of Deodar Cedar trees which line both sides of the roadway beginning approximately one quarter mile north of Oak Valley Parkway. The Deodar Cedar trees are considered a significant aesthetic resource and their preservation is encouraged within the Specific Plan standards. Existing Deodar Cedars along Beaumont Avenue will be retained. Removal of any trees will be limited to improvements at Cougar Way and Beaumont Avenue. Consequently, Beaumont Avenue is proposed to be improved from its current two-lane undivided status to a primary highway from Brookside Avenue to south of Oak Valley Parkway. This will be accomplished through a modified street section wherein the west side of Beaumont Avenue will be improved with a 78' half section on the west side of the roadway. This will include 39' of right-of-way and 28' of pavement from the centerline to the curb. A 40' open space buffer will be developed between the right of way line and the rear property lines of the proposed residential units. The cross section is presented in Figure 2.6-3.

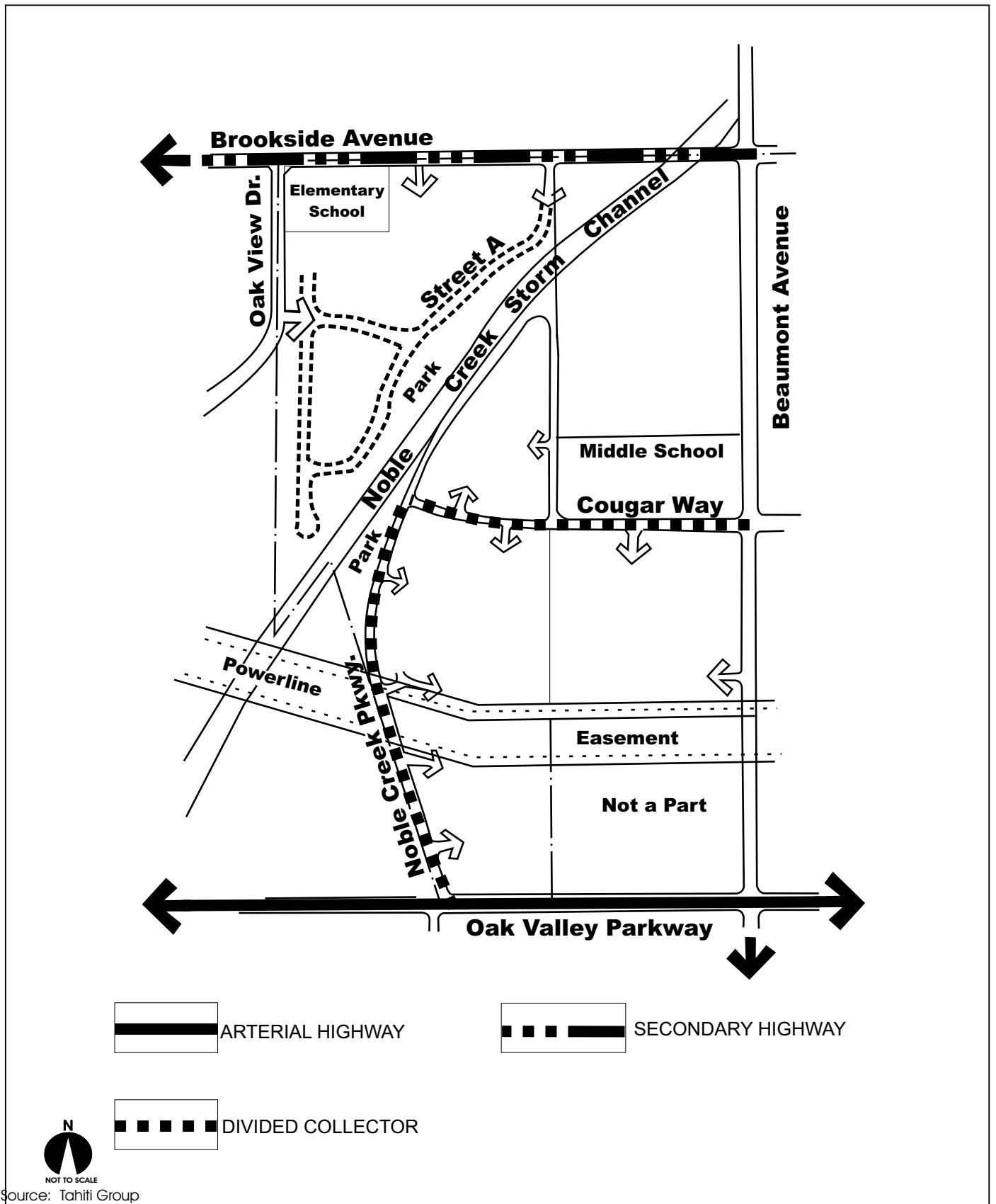


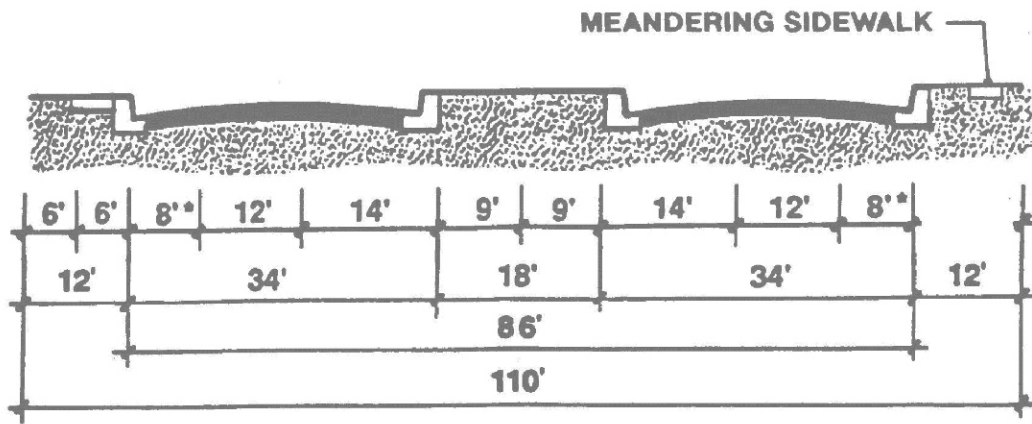
Figure 2.6-1
Circulation Plan

Similarly, Brookside Avenue adjacent to the Project Site will be developed with a modified half section. This section will include 44' of right-of-way including 32' of pavement as measured from the centerline to the curb. Beyond the right-of-way a landscaped parkway measuring between 18' to 38' will be developed adjacent to the rear property lines.

Noble Creek Parkway will be developed as a 78' right-of-way with 56' of pavement and 11' parkways. Noble Creek Parkway will also include an additional 19' landscape buffer area on the eastside of the street.

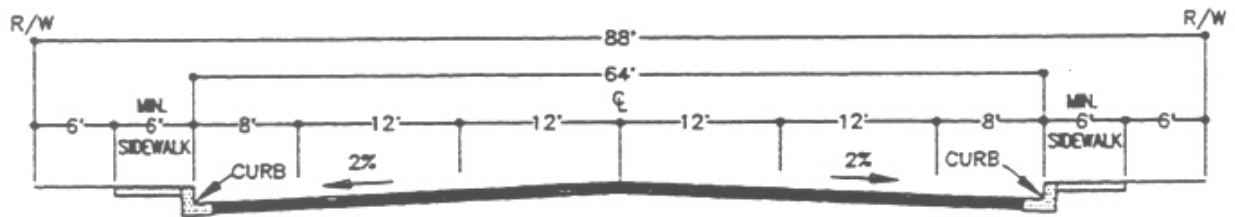
Three separate roadways provide east/west access, two of which have interchange access with the San Bernardino (10) Freeway. The roadway is Oak Valley Parkway, an Arterial Highway - 110' R.O.W. The second east/west access road is Brookside Avenue, which is classified as a Secondary - 100' R.O.W. The third east/west access to the Specific Plan is available through Cherry Valley Boulevard, which is classified as a Major Highway - 100' R.O.W. Cherry Valley Boulevard is located to the north of the site but is not a contiguous part of Noble Creek Vistas Specific Plan.

A network of roadways accommodates on-site circulation efficiently. Each roadway's location and size is designed to facilitate the efficient movement of traffic throughout the site. Local street layout will be determined at the tract map stage in conjunction with each planning area it is associated with. The main objective of the circulation plan is to provide direct, and convenient access to individual residential clusters, commercial centers, recreation areas, and institutional facilities through a safe and efficient system of collector and local roadways, and a pedestrian sidewalk system. Roadway crosssections are shown on Figures 2.6-2 and 2.6-3.



ARTERIAL HIGHWAY
(Oak Valley Parkway)

*Class II Bike Lane within Right-Of-Way



SECONDARY HIGHWAY
(Brookside Avenue)

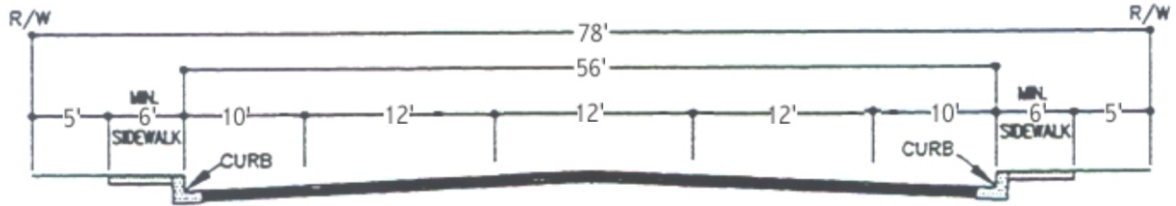


NOT TO SCALE

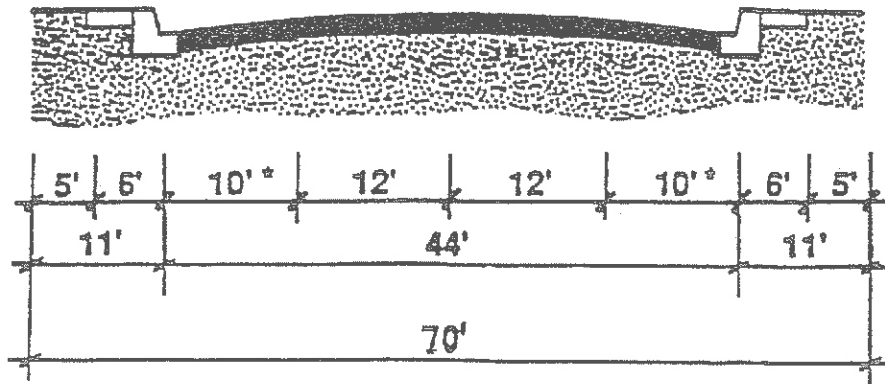
Source: Kunzman Associates



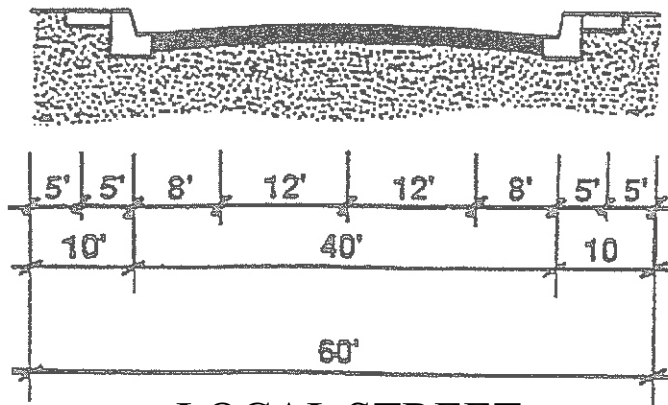
Figure 2.6-2
 Cross-Sections



DIVIDED COLLECTOR
PAINTED OR RAISED MEDIAN



COLLECTOR STREET
(Street A)

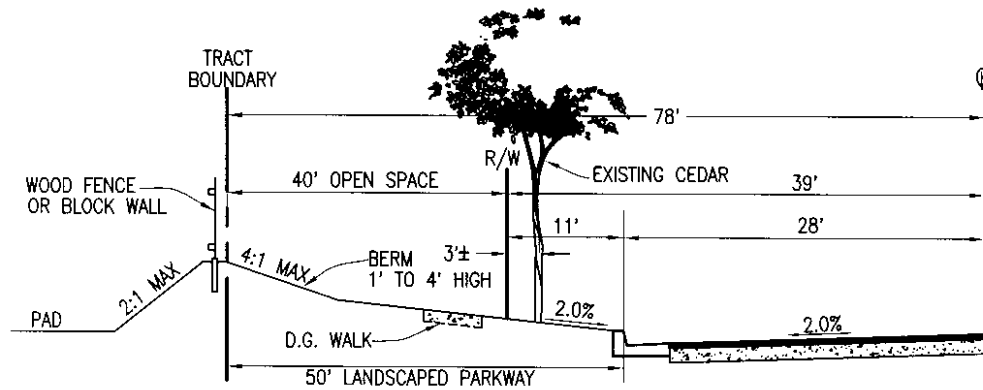


LOCAL STREET
(Interior Residential Streets)
(Street B)

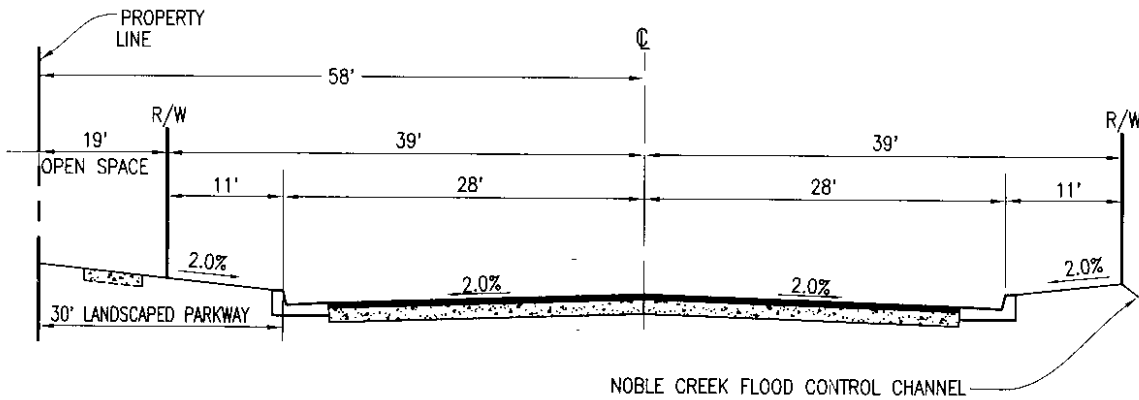
Source: Tahiti Group



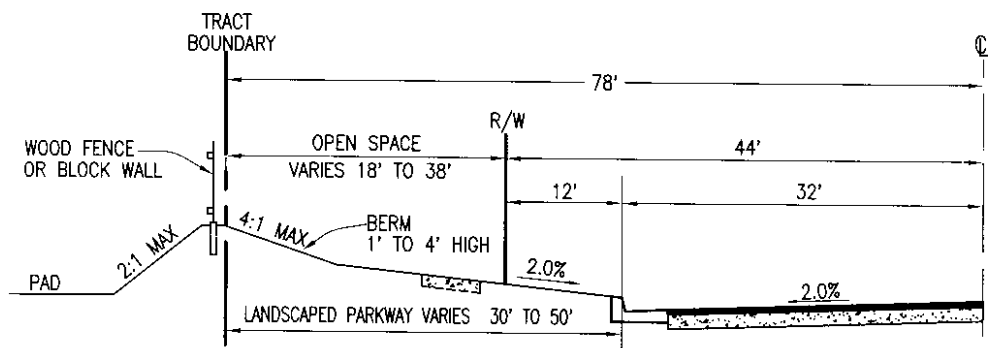
Figure 2.6-3
Roadway Cross-Sections, Street A and Street B



TYPICAL HALF-SECTION BEAUMONT AVENUE



TYPICAL SECTION NOBLE CREEK PARKWAY



TYPICAL HALF-SECTION TRANSITION BROOKSIDE AVE W/ NOBLE CR PKWAY

NOT TO SCALE
Source: Tahiti Group



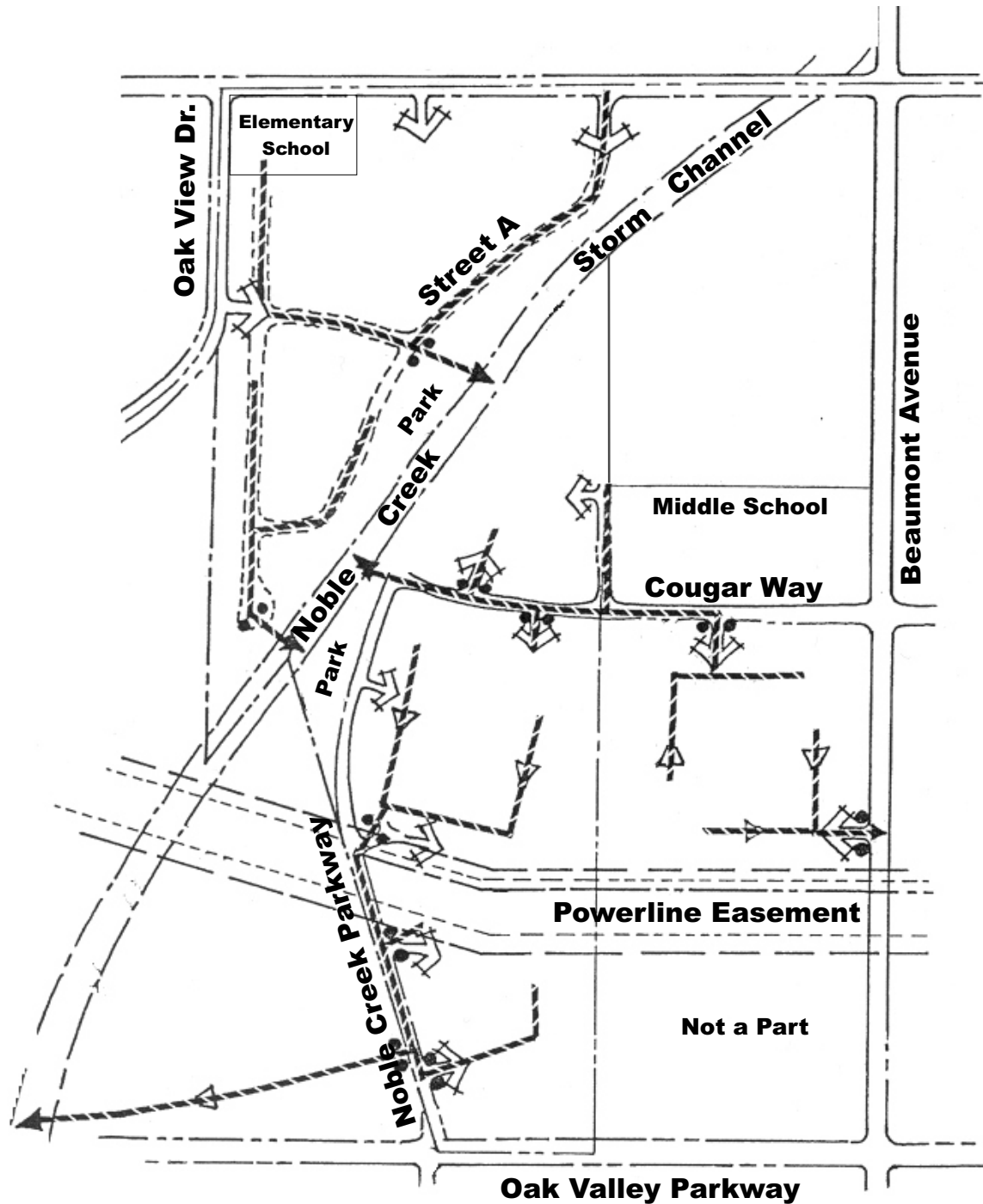
Figure 2.6-4
Street Section Exhibit

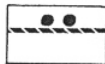
2.7 - DRAINAGE PLAN

The site lies just west of the crest of San Gorgonio Pass. Bounded by Oak Valley Parkway on the south and Brookside Avenue on the north, Noble Creek lies within this project and drainage is in a southwesterly direction within Noble Creek Vistas. Drainage runoff from Cherry Canyon, San Bernardino National Forest and easterly Cherry Valley flows within Noble Creek as it enters the project site.

The Noble Creek Channel essentially bisects the site in a northeast/southwest diagonal direction. A system of storm drain facilities will be required to drain the site into Noble Creek. Portions of the project are within the 100-year floodplain and will require either being raised above the 100-year floodplain or safeguarded by improvements to Noble Creek to eliminate the floodplain within the project, or a combination of both. In order to meet County Flood Control District standards, it may be necessary to incorporate detention basins into planning area subdivision design. Each tentative tract map submittal shall be required to demonstrate that the appropriate flood control requirements have been fulfilled to the satisfaction of the City Public Works Director. Please refer also to Figure 2.7-1, Drainage Plan.

Development of the site will alter natural on-site drainage courses to a certain extent. After development, new drainage courses will consist of streets, channels and swales, underground storm drains and/or a combination of the above. The majority of all on-site water will exit the site and drain into Noble Creek. Approximate drainage line locations are shown, however, the system layout and sizing will be determined during tract map preparation, when final planning and engineering studies have been completed.



 = Storm Drain and Catch Basin System

Note: Final system layout and sizing will be determined during tract improvement plan preparation, when final planning and engineering studies have been completed.



NOT TO SCALE

Source: Tahiti Group



Figure 2.7-1
Drainage Plan

2.8 - WATER AND SEWER PLANS

The water purveyor for the site will be the Beaumont - Cherry Valley Water District. The only domestic water facilities near the site, at present, is a 12" line in Oak Valley Parkway, a 12" line in Cherry Valley Boulevard, and 12" line on the east side of Beaumont Avenue south of Brookside, which are inadequate to serve the project. Master plan water facilities and storage facilities, as shown on Figure 2.8-1, will be required by the project and will become an integral part of the planning process for the project. The Water District proposes a new +3.0 million-gallon water reservoir north of the project and a new 16" transmission water main to supply this zone. These new facilities are planned to be in place to supply this development. Approximate water line locations are shown, however, the system layout and sizing will be refined during future final tract map preparation.

Sewer service is provided by the City of Beaumont. There are, at present, no sewer facilities available in the project. The City of Beaumont is presently designing a system of trunk sewer lines, in accordance with the approved Sewer Master Plan, which will, when constructed, be brought to the site along the easterly side of the Noble Creek Channel to Brookside Avenue. The trunk sewer line is being designed to serve this project. Collector sewers within the project will connect with the trunk sewer at various points, as shown on Figure 2.8-2. Sewer line sizes are not shown. Proposed alignment connection points and sizing will be accomplished upon obtaining detailed planning and engineering criteria during tract map preparation.

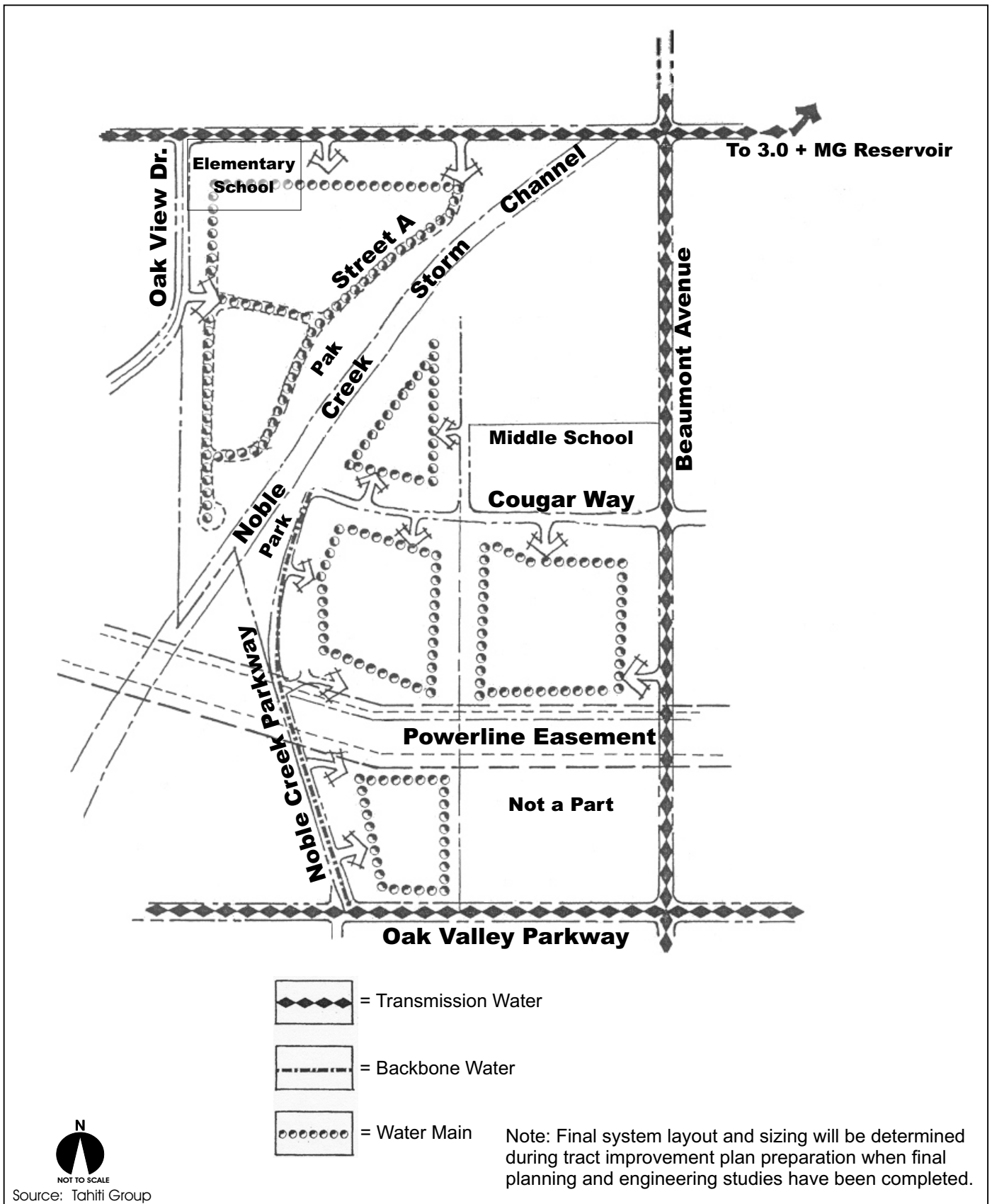
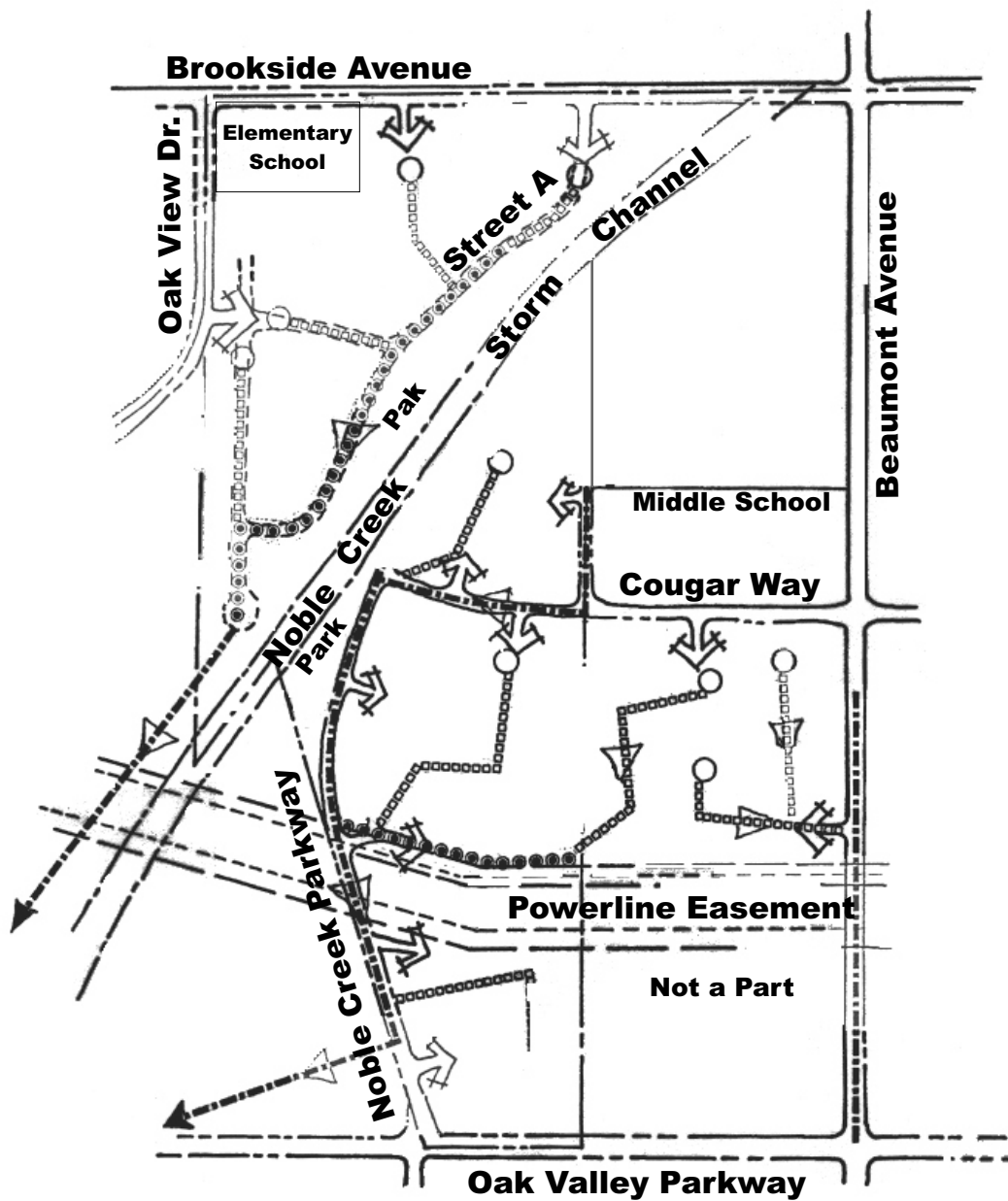
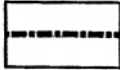
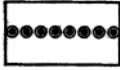
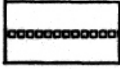


Figure 2.8-1
Water Plan





-  = Trunk Sewer
-  = Collector Sewer
-  = Sewer Main

Note: Final system layout and sizing will be determined during tract improvement plan preparation when final planning and engineering studies have been completed.



NOT TO SCALE

Source: Tahiti Group

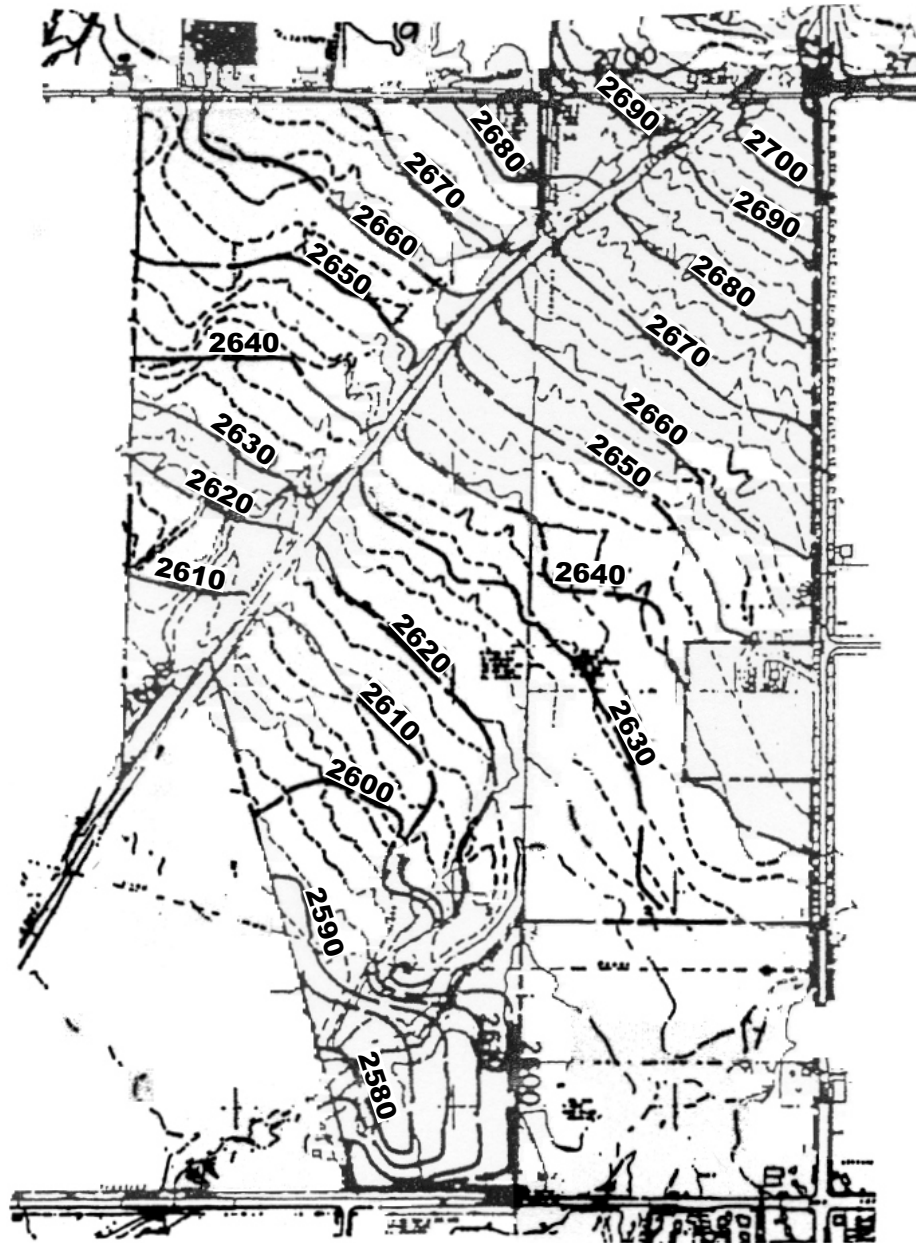


Figure 2.8-2
Sewer Plan

2.9 - GRADING PLAN

Grading for the Noble Creek Vistas site will be tailored to the existing topography of the property. It is intended that the proposed plan be sensitive to and reflect original natural land forms, where possible, so that various land uses and residential enclaves are distinguished and separated by topographic features. Please refer also to Figure 2.9-1, "Conceptual Grading Plan."

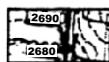
The majority of the site is gently sloping, with the exception of the Noble Creek Channel traversing through the site. Those gently sloping portions of the site will require minimal cut and fill operations. Earthwork quantities will be balanced in logical areas on site. The Grading Plan also establishes a basis for appropriate treatment of drainage requirements and provides for a street system which meets City of Beaumont standards for acceptable grades.



LEGEND:



Natural Contours



Graded Contours



NOT TO SCALE

Source: Tahiti Group



Figure 2.9-1
Grading Plan

SECTION 3:

DEVELOPMENT STANDARDS & GUIDELINES

SECTION 3:

DEVELOPMENT STANDARDS & GUIDELINES

3.1 INTRODUCTION

The following provisions establish use restrictions and development standards for each land use to be developed within the Noble Creek Vistas Specific Plan project area. Noble Creek Vistas development standards will be established through creation of Specific Plan Area zoning.

3.1.1 Purpose and Intent

The general purpose and intent of this Specific Plan is to preserve and promote the public health, safety and general welfare of the community. This Specific Plan has been drafted and tailored to specifically provide detailed land use restrictions and development standards. This Specific Plan will give the City control over proposed development which will in some instances be more restrictive than the existing City of Beaumont Zoning Ordinance.

3.1.2 Applicability

These development standards shall be applicable to all property within the Noble Creek Vistas Specific Plan area. Licenses and permits for land development shall be issued only when it has been determined by the City that the proposed land uses are in conformance to the provisions of the Specific Plan.

3.1.3 Interpretation

The provisions of this Specific Plan shall be held to be minimum requirements in their application and interpretation. No provision of this title is intended to abrogate or interfere with any deed restriction, covenant, easement, or other agreement between parties. City of Beaumont staff shall interpret this Specific Plan. If there is dissention in the interpretation of the provisions of this Specific Plan between City of Beaumont staff and the project proponent, then the City of Beaumont Planning Commission shall interpret the intent by resolution of record. The decision of the Commission shall be final unless the project proponent is in disagreement with their decision at which time he/she may seek final decision of the City Council.

3.2 DEVELOPMENT STANDARDS

3.2.1 Residential Standards

3.2.1.1 General Standards

The following standards shall apply to all Planning Areas within the Specific Plan.

**Table 3.2-1
General Residential Standards**

Item	Standard
Minimum Lot Size	6,000 square feet
Minimum Setbacks:	
Front Yard	20 feet (Measured from property line.) Dwellings with side entry garages shall be permitted a 10 foot front setback.
Rear Yard	15 feet
Interior Side Yard	5 feet; 10 feet for two-story structures. (No side yard setback required if approved for alternative residential layouts through subdivision process.)
Corner Lot Street Side Yard	10 feet

**Table 3.2-1
General Residential Standards**

Item	Standard
Encroachments into Setbacks	Chimneys - 2 feet Roof Overhangs - 3 feet
Building Height	No building shall exceed two (2) stories or thirty-five (35) feet, whichever is lesser in height.
Off-Street Parking	A minimum of two spaces shall be provided per dwelling unit in an enclosed garage. No vehicle shall be parked in any setback area of a residential lot except in driveways.
Landscaping	<ul style="list-style-type: none"> • All builders shall choose plants listed in Attachment A of the <i>County of Riverside Guide to California Friendly Landscaping</i> for landscaping of their lots/parcels. • Landscaping shall include shrubs, trees, vines, ground covers, hedges, flowers, bark, drips, decorating cinders, gravel, and similar material which will improve the appearance of yard areas. • Required front and side yards shall be continually maintained by the property owner and shall not be used for off-street parking of vehicles or loading spaces, with the exception of a 10-foot wide side yard, which may be used for parking. • Each yard (front and rear) shall be served by at least one permanent water hose bib. • Front yard landscape plans shall be approved by the City prior to issuance of building permits for each residence. All front yard landscaping shall be installed prior to obtaining a certificate of occupancy.
Signs	The provisions of Chapter 17.60 of Title 17 shall apply.

**Table 3.2-1
General Residential Standards**

Item	Standard
Off-site Improvements	Off-site improvements including streets, curbs, and gutters shall be provided where abutting each residential lot prior to certificate of occupancy issuance. Where determined necessary during tract map review, sidewalks shall also be provided prior to certificate of occupancy.
Lot Coverage (max. permitted)	60 percent
Unit Size	Unit sizes will be reviewed by the City at the time each individual tract is submitted for review. Unit sizes shall comply with any applicable City standard.
Energy Efficiency	All residential units shall comply with the California Green Builder Program.

3.2.1.2 Specific Standards

The following tables further refine the standards of each Planning Area.

**Table 3.2-2
Development Standards - Planning Area 1**

Product Type	Single-Family Home (Detached)
Lot Size	6,000 - 15,000 sf
Minimum Lot Width	55 feet
Minimum Lot Depth	90 feet
Notes: <ul style="list-style-type: none"> • All lots that back up to Brookside Avenue shall be at least 10,000 square feet. In addition, 25 percent of these lots shall be a minimum of 15,000 square feet. • At least 50 percent of the homes that back up to Brookside Avenue shall be single-story homes. 	

**Table 3.2-3
Development Standards - Planning Area 7**

Product Type	Single-Family Home (Detached)
Lot Size	6,000 - 15,000 sf
Minimum Lot Width	55 feet
Minimum Lot Depth	90 feet
Notes:	
<ul style="list-style-type: none"> A minimum of 29 lots within the Planning Area shall be larger than 7,200 square feet. 	

**Table 3.2-4
Development Standards - Planning Area 8**

Product Type	Single-Family Home (Detached)
Lot Size	6,000 - 15,000 sf
Minimum Lot Width	55 feet
Minimum Lot Depth	93 feet
Notes:	
A minimum of 32 lots within the Planning Area shall be larger than 7,200 square feet.	

**Table 3.2-5
Development Standards - Planning Area 10**

Product Type	Single-Family Home (Detached)
Lot Size	7,000 - 12,000 sf
Minimum Lot Width	60 feet
Minimum Lot Depth	90 feet
Notes:	
<ul style="list-style-type: none"> All residential lots that back up to Beaumont Avenue shall be at least 10,000 square feet in size. In addition, at least 25 percent of these lots shall be a minimum of 15,000 square feet. At least 50 percent of the homes that back up to Beaumont Avenue shall be single-story homes. 	

**Table 3.2-6
Development Standards - Planning Area 11**

Product Type	Single-Family Home (Detached)
Lot Size	6,270 - 15,000 sf
Minimum Lot Width	57 feet
Minimum Lot Depth	110 feet
Notes: A minimum of 53 lots within the Planning Area shall be larger than 7,200 square feet.	

3.2.2 Recreational Standards

The following Table 3.2-7 presents the standards applicable to the recreational areas contained within Planning Areas 4, 5, 9a, and 9b.

**Table 3.2-7
Recreational Standards**

Lot Area	Mo minimum lot area requirement
Setbacks	These setbacks shall be applicable to the location of buildings (restrooms, equipment storage) on the site. Whenever a building is to be constructed on a lot in this zone, it shall have a front yard, side yard and rear yard, each of which shall not be less than 20 feet. If more than one building is constructed on the lot, there shall be not less than 20 feet separation between buildings. Wherever feasible, restrooms shall be sited as far as possible from proposed neighboring residences.
Off Street Parking	On-site automobile parking may be required in this zone. Detailed park plans will be reviewed by the City at the plot plan stage and will provide adequate parking in compliance with the City's requirements.
Bike Lanes	Class II bike lanes will be provided on all arterial, major, secondary and collector level streets.
Trash Areas	All trash collection areas shall be enclosed with a solid fence or wall, no less than six feet high.

**Table 3.2-7
Recreational Standards**

Signs	Signs shall be permitted and regulated by the provisions of Chapter 17.60 of Title 17. The Planning Director shall have the authority to approve signage exceeding the standards as specified in Chapter 17.60 provided that said signage by review of design, materials, color and location is determined to be in the interest of the public health, safety, general welfare and aesthetics of the community.
Landscaping	Landscaping in the form of ground cover shall be required in this zone. Shrubs, canopy and accent trees will be strategically located to provide shade and aesthetic quality to development within this zone. All landscaping shall be irrigated.

3.3 DEVELOPMENT GUIDELINES

3.3.1 Residential Guidelines

Accessory Building Uses

Accessory buildings and structures, including private garages and storage structures (sheds) which shall be developed under the following site development standards:

- Accessory buildings greater than one (1) story (fourteen feet in height) shall not occupy any part of a required yard, and no accessory building shall occupy more than twenty (20) percent of a required rear yard. All accessory structures shall maintain a minimum five (5) feet setback from any property lines.
- Accessory buildings shall not be located closer than ten (10) feet to the nearest part of a main building in order to maintain sufficient lighting and ventilation. Accessory buildings are considered to be storage sheds, gazebos and other ancillary structures.
- No accessory building shall occupy a portion of a required front or side yard.
- In the case of a reversed comer lot, no building shall be erected upon such lot closer than five (5) feet to the property line of any abutting lot to the rear.

Tentative Tract

The following uses are permitted subject to the approval of a tentative tract. The tentative tract approval may include conditions requiring fencing and landscaping of the parcel to further enhance compatibility with the surrounding area.

- Zero lot line or Cluster Residential Development alternatives to traditional residential street layouts will be permitted through plot plan review. Densities will not exceed planning area allowances. All residential site development standards shall apply except there shall not be any interior side yard setback requirements. This alternative is only available within Planning Areas 6-10.
- Temporary real estate tract office and/or mobile homes located within a subdivision, to be used only for and during the original sale of the subdivision, but not to exceed a period of 2 years in any event, unless an extension is approved by the Planning Commission.
- Nurseries, horticultural, during development of the Specific Plan site to facilitate project development.

The planning area graphics, presented in Section 2, serve the purpose of identifying landscape edge treatments, number of dwelling units, lot sizes and acreage within each planning area, and are considered to be a useful tool for guiding future developers and/or merchant builder. Internal street layout and subdivision of individual units are not illustrated at the Specific Plan level. This level of detail will be provided by the individual developer/merchant builder of each planning area at the tract map stage. In addition, planning areas shall be required to demonstrate adequate secondary access at that time.

Residential site planning criteria has been established and is intended as a positive means to achieve a cohesive character and quality, which will protect and enhance the entire community.

The site planning concepts shall:

- Maintain a consistent design approach (streetscape, etc.) which unifies individual neighborhoods.
- Achieve a variety of unit types appropriate to each planning area.
- Use innovative site planning and building design to achieve a sensitive relationship between the built and the natural environment.
- Maximize exposure of units to open space and other amenities.
- Preserve and enhance the aesthetic quality of the community.
- Utilize energy efficient design in the structures.

Conditional Permit Uses

Conditional Permit Uses are not proposed and will not be permitted on the site.

Public Uses

The following uses are permitted in all Residential Planning Areas subject to the approval of a Public Use Permit pursuant to Chapter 17.70.100 of Title 17 and given that they encompass the entire planning area.

- Public schools, private schools and educational institutions and churches.

Site Planning

The residential development within the Noble Creek Specific Plan area is comprised of single-family detached homes on lots ranging from 6,000 square feet to one acre. All units will have individual lots. For these uses the following guidelines shall be followed:

- Use of cul-de-sacs to deter through traffic on local roads.
- Minimize geometric grid layout of streets and lots.
- Minimize grading where feasible.
- Vary setbacks of homes from street.
- Vary orientation of garages and entries to create an interesting streetscape.

- Encourage articulation of the streetscape by varying unit footprints, massing, roof forms, garages, entries and architectural details.
- Create identifiable neighborhoods.
- Create pedestrian scale.
- Establish park and pedestrian linkages.
- Provide access to recreation.

Environmental Responsibility

All residential units constructed within the project site will include energy efficient design and features that are mindful of the environment. To this end, all homes will be constructed and certified under the California Green Builder Program, as described on the California Green Builder website.

3.3.2 Architectural Guidelines

Building Form, Mass and Scale

The architectural image and identity of the community will primarily be perceived from public spaces such as streets, parks and other open space areas. Building form, massing and scale are therefore primary design components which require careful articulation in their architectural expression to these public spaces. The visible side and rear elevations of residential units are important, depending upon the location and orientation of the home. Consideration should be given to the articulation of rear and side elevations viewed from public spaces by providing variations in roof forms. Interesting building form and massing should be achieved without superficial design elements.

Appropriate	Inappropriate
Articulation of wall planes to create shadow relief and visual interest.	Large expanse of plain, straight wall planes, not otherwise articulated by form, fenestration or materials.
Simple monolithic building forms conveying an impression of permanence.	

Projections and recesses to provide shadow and depth.

Raised banding and relief at eaves, openings and chimneys.

Gabled roof with raised plate for vertical accent.

Building Heights and Setbacks

Building height and setback requirements shall conform to the Development Standards as set forth in the Specific Plan and these Guidelines.

In order to avoid monotonous street scenes in residential planning areas, repetitive floor plans should be alternately reversed and their roof expressions varied. Single-family residences should maintain low plate lines and profiles along street fronts and boundary edges. Front yard setbacks should be staggered. To soften the architectural edge at area boundaries, building heights shall maintain a low profile through a combination of one and two story elements and varied floor setbacks at second-stories. To lower the apparent height, second-story rooms may be tucked into roof planes and roofs may be clipped at the sides and comers of the buildings.

Appropriate

Variation in plate height, minimum plate height 8 foot.

Variation in ridge line height and alignment.

Symmetrical or asymmetrical plans as appropriate to architectural styles.

Floor plans arranged to provide usable private exterior spaces such as patios, atriums and recessed entries.

Varied front yard setbacks.

Inappropriate

Consistent front yard setback with no variation.

Roof Forms and Materials

Roof forms are a highly visible community feature. A range of roof forms and pitches should be utilized to add an appealing visual impact to the community/streetscape. Simple pitched gable, hip or shed roof forms will be the predominant roof elements in Noble Creek. Roof projections and overhangs are encouraged as response to energy and climate concerns. Low maintenance details limiting the amount of exposed wood are encouraged. All pitched roofs shall be tile or equivalent. All flat roof areas, when utilized, shall require a gravel surface of earthtone color or similar uniform coverage treatment.

Appropriate	Inappropriate
Roof Materials: Clay barrel or "s" tile, integral color concrete "s" or shake tile and slate.	Mansard, gambrel and "period" style roof forms.
Simple pitched gable, hip and shed roof forms or combination thereof with raised plate for vertical accent.	Non-continuous roof parapets.
Pitched roof material palette should contain more than one color to achieve a variegated appearance.	Flat roofs in excess of 20 percent of the total roof area.
Small areas of flat roofs with parapets are allowed up to 20 percent of the total roof area.	Wood shake and composition shingle.
Roof pitches as appropriate to the architectural style, but in no case less than 4:12.	Brightly colored glazed tile.
Variation in ridge line height and alignment.	
Varying plate heights.	
Simple fascia detailing.	

Exterior Materials and Color

Exterior building materials shall be of natural materials which are compatible with and reflect the elements of the surrounding environment. This includes wood, masonry, stone, concrete and stucco. Exposed wood sheathing shall be limited to the underside of roofs or patio decks. The simple use of tile, brick, stone, masonry or pre-cast concrete are permitted as design accents and trim. Exterior stucco shall be utilized as the primary wall material and shall have a smooth, sand or other light finish texture.

Color is intended as a primary theme element. The value should generally be light earthtones, with darker or lighter accents to highlight the character of the structure; particularly in respect to balcony railings, fascias, awnings, inlaid tile bands and cornice bands. Complementary accent materials and colors are allowed and encouraged. All accents must relate to the architectural form and character of the building. Wood trim shall be stained with semitransparent stain or painted as accents.

Appropriate	Inappropriate
Predominantly exterior stucco and masonry as primary wall materials.	Heavy textured stucco, such as Spanish lace, swirl or heavy trowel.
Use of wood as trim or accent material.	Vinyl, metal or aluminum siding
Smooth-textured stucco, may have uneven surface to recall hand-worked appearance.	Rustic materials utilized as primary wall surfaces and dark earthtone colors.
Where timber is utilized, it should be substantial in proportion and appearance.	Over application of bright accents or trim colors.
Where architectural materials, such as masonry or stone, are applied to a facade, those materials shall be applied to the side elevations where visually prominent, and wrap around comers by a minimum of 4 feet.	
Materials changes may be utilized to visually break up second-story elevations.	
Apply architectural treatments to all elevations, especially where prominently visible, as at street comers.	
Light earthtone colors on primary wall surfaces.	
Contrasting trim colors.	
Limited use of selected accent colors which complement the designated color scheme.	

Windows and Doors

Detailed and recessed door, window and wall openings are characteristics of the intended architectural style of Noble Creek, and should convey the appearance of thick, well-founded walls. Fully recessed openings are encouraged. Design treatment and architectural features such as pediments, small roofs, overhangs and projections to recess windows and doors are appropriate. Projecting windows may be used to add articulation to wall surfaces.

Particular attention must be given to the shading of windows, especially those with a western exposure. Exterior and interior shading devices and solar screens are encouraged. All windows shall be double insulated to reduce solar heat gains and losses.

Appropriate	Inappropriate
Divided window lights to reduce the scale of large windows and provide visual interest (encouraged).	Plain exterior doors where visually prominent.
Deep recessed openings conveying an impression of thick walls and creating strong shadows.	Exclusive use of conventional aluminum frame windows without architectural treatment, such as divided lights, trim, recessed or projecting, etc.
Rectangular and arched openings.	Reflective glass.
Character, greenhouse and bay windows.	Gold or silver window and door frames.
Color accented window frames and mullions.	Metal awnings.
Clerestory and transom windows.	
Window balconies, dormer windows and roof windows.	
Decorative wood and glass panel doors with sidelights.	
French doors.	
Decorative brass or anodized hardware.	
Gabled window with pot shelf.	
Simple gated courtyard entry.	
Horizontal grouping of double hung windows.	

Hooded window with pot shelf.

Greenhouse bay with french doors.

Garage Doors

Garages are a major visual element in single-family detached housing. Garage doors should be the same color (light) and incorporate the same design elements and materials as the dwelling units. Ornamentation is encouraged as it relates to the architecture and provides visual variety along the streetscape. The design treatments include color accents and architectural features such as sediments, molding, small roofs, overhangs and projections to recess the garage door.

Appropriate	Inappropriate
Minimum 12" recess from adjacent walls.	Garages without architectural treatment on side elevations.
Roll-up doors, wood or metal acceptable.	Corrugated metal doors.
If painted or stained, color should be the same as the primary wall or trim color.	Bold trim and patterns.
Side-in garages.	Bright accent colors.
Deep overhangs.	

Chimneys

Chimneys, as an architectural form, shall be simple in design, having the same material texture and color as the building to ensure consistency of character and style. Chimney caps should repeat the fascia cornice band treatment integrating the trim colors.

Appropriate	Inappropriate
Simple, smooth plaster forms.	Exposed flues.
Boldly projected from wall surfaces.	Rustic material veneers.
Design feature adding articulation to walls.	Extravagant metal fireplace caps.
Raised plaster banding, insets and tile accents.	Brightly colored caps.

Chimney caps appropriate to architectural style.

Private Courtyard Walls

Private courtyard walls are encouraged to provide privacy, security and landscape definition. Wall treatment viewed from public streets shall be slump block or stucco finish consistent in treatment with the adjacent building. Plant material should be utilized to visually soften walls. Vines and espaliered trees are especially encouraged.

Appropriate

Smooth or sand finish plaster or stucco walls.

6" slump block walls.

Accent tile banding or wood trim repeating cornice band.

Adequate planting pockets between walls and walkways.

Height, proportions and scale must be sympathetic to architecture of adjacent buildings.

Use of pot shelves, low planters, recesses and niches.

Pilasters with prominent bases and caps.

Low garden walls which can serve as seating and flat display surfaces.

Simple gated entry to a courtyard.

Inappropriate

Plain walls, not otherwise articulated by form, materials or alignment.

Materials inconsistent with the architectural style such as standard concrete block or chain link fencing.

Building Details

- **Mechanical Equipment**
All air conditioning/heating equipment, soft water tanks, electric meters and gas
-

meters should be screened from public view. Sound attenuation is encouraged. Roof mounted equipment and related duct work are prohibited on pitched roofs. Mechanical equipment located on flat roof areas is prohibited, unless screened by parapet walls as high or higher than the equipment. Exposed duct work is prohibited on flat roofs. Roof mounted mechanical equipment on flat roof areas shall not be allowed on houses located below other houses.

- **Gutters and Downspouts**

Gutters and downspouts and other devices for the control of roof water are important elements which may be concealed or exposed if designed and integrated as a continuous architectural feature. Exposed gutters and downspouts shall be painted to match adjacent roof, wall or trim material color.

- **Flashing, Sheet Metal and Vents**

All flashing, sheet metal, vent stacks and pipes shall be painted to match adjacent building surface. Painted metals shall be properly prepared and primed to ensure a durable, long lasting finish.

- **Antennas**

All antennas are restricted to the attic or interior of the residences. This standard will be enforced through the recordation of Conditions, Covenants and Restrictions on individual lots.

- **Skylights**

Skylights shall be designed as an integral part of the roof. Their form, location and color should relate to the architectural character of the building. Skylights shall be double insulated glazing, clear or white.

- **Solar Panels**

Solar panels shall be integrated into the roof design, flush with the roof slope and not mounted on racks. Frames must be colored to complement the roof.

Mill finish aluminum frames are prohibited. Support solar equipment shall be enclosed and screened from view.

- **Accessory Structures**

Patio trellises, pergolas and other exterior structures shall be constructed of wood or stucco as permitted by governing codes, with finishes compatible with adjacent building and complying with the approved material and color palette. Trellises and patio covers of bold, clean forms are encouraged. Free standing metal storage buildings are prohibited.

3.3.3 Landscaping Guidelines

- All builders will be required to choose plants listed in Attachment A of the *County of Riverside Guide to California Friendly Landscaping* for landscaping of their lots/parcels.
- All detailed landscaping programs for planning areas and roadways will be prepared by a qualified landscape architect.
- Project entry statements will be designed with landscaping and architectural treatments that provide a high quality image for the project site.
- Major, secondary or neighborhood signage may be provided at each entry statement. Said signage shall be coordinated with wall design so that it will be aesthetically pleasing.
- Special landscaped treatment buffers will be developed at the park/residential edge and at the powerline easement edge.
- Primary entry roads to the site will have landscaped shoulders to define the project's design concept. The introductory landscape theme will include elements such as tree clustering to reinforce the project theme and character. Sidewalks will meander through the landscaped land on each side of the road.
- Planning areas may be separated by either roads or slopes reflecting the original natural terrain.
- The landscaping theme for the site will include trees, shrubs and ground cover compatible with natural vegetation growing on-site, where feasible.

- The applicant and/or developer shall be responsible for maintenance and upkeep of all slope planting, common landscaped areas, and irrigation systems until accepted for maintenance by the Landscape & Lighting District, Homeowners Association or Community Facilities District.

Streetscape Landscaping

The following section identifies the streetscape standards for Noble Creek Vistas roadways. The standards include a street theme tree with complementary plantings within the landscape development area.

Street/Section from Figure 2.5-1	Major Tree
Street Section A	Cedrus deodar (Deodar Cedar)
Street Section B	Pinus brutia eldarica (Mondel Pine)
Street Section C	Acacia saligna (Wattle Tree)

The major theme tree should represent approximately 60 percent of the total quantity of street trees used within each designation. This will establish a theme for each roadway. The remaining plant material will be selected from Attachment A of the *County of Riverside Guide to California Friendly Landscaping* for landscaping of their lots/parcels. It is intended that a simple consistent palette of plant materials be utilized throughout to reinforce a strong sense of community identity. The minimum tree size to be used within the project streetscape is a 24-inch box.

Climate Constraints

The climatological factors of this area mandate careful adherence to the provided plant list. Temperature extremes and limited rainfall are determining factors in plant selection. Microclimate conditions created by development will need to be considered to guide in the most appropriate plant material selection. The following is a summary of the climatic conditions in the Beaumont area.

- Temperature
The average summer daytime maximum temperature is 92 degrees Fahrenheit with the average nighttime temperature being 56 degrees. The average winter daytime temperature is 58 degrees with an average nighttime temperature of 37 degrees. Generally, the extreme summer temperature is 105 to 110 degrees and generally the minimum winter temperature is 15 to 20 degrees.
- Rain
Average annual rainfall is 17 inches per year.
- Humidity
Average annual humidity is 24.5 percent.

Maintenance/General

All landscape and irrigation shall be designed to promote ease of maintenance. Plant material size and form should be appropriate for its function to minimize the need for pruning. Plant spacing should reflect mature size requirements to avoid overcrowding. Irrigation for trees, shrubs and ground covers should be a "hard line" drip system. The irrigation controllers should have the capability of long watering times to accommodate a drip system.

Irrigation backflow prevention devices and controllers shall be located with minimum public visibility or shall be screened with appropriate plant materials.

Homeowners will be encouraged to select plant material from the plant palette identified in the Specific Plan. Covenants Conditions and Restrictions shall be prepared and recorded for each lot which require that all yard areas shall be planted, that hardscape be limited to 50 percent of yard area and that all plant material be maintained in a healthy condition.

3.3.4 Recreational Guidelines

Principal Permitted Uses

The following uses are permitted subject to the approval of Site Plan review by the Planning Commission. The Site Plan may include conditions requiring fencing and landscaping of the parcel to further enhance compatibility with the surrounding area. More than one use shall be permitted on a lot.

- Picnic area
- Group barbecue area including grills
- Basketball court (half-court or full-court)
- Volleyball court
- Tot lot
- Adventure play
- Tennis courts
- Shade arbor
- Restrooms
- Equipment storage building
- Parking lot
- Bicycle racks/storage
- Par (exercise) course
- Baseball/softball, football/soccer fields
- Additional recreational uses that are determined to be "substantially similar" to the listed examples and in complete accord to the Purpose and Intent of this zone.

3.3.5 Circulation Guidelines

- The proposed Circulation Plan provides an efficient traffic design that meets or exceeds the public safety, security and transportation needs of the project.

- Through traffic to the greatest extent feasible should be eliminated from residential neighborhoods. Major roadways should be implemented as non-access roadways, with residential neighborhoods served by smaller residential local roads.
- Future tentative tract maps shall comply with the street improvement recommendations/mitigations outlined in the project traffic study.

- On-site roads will be constructed as:

Beaumont Avenue (39' half section)

Noble Creek Parkway (78' R.O.W.)

Brookside Avenue (44' half section)

Cougar Way/Elm Street (94' R.O.W.)

Collector Streets (70' R.O.W.)

Local Streets (60' R.O.W.)

- Landscaping requirements will be based on street width in accordance with the Landscaping Plan, illustrated in Figure 2.5-1, and may be implemented through an assessment district or similar financing mechanism.
- Some roadway improvements may be implemented through an assessment district or similar financing mechanisms.
- All roads shall be constructed to ultimate City standards as a requirement of the implementing subdivisions for the Specific Plan, subject to approval by the Public Works Director.
- Internal street layout (local roads) shall be provided by the individual developer/merchant builder of each Planning Area at the tract map stage. In addition, each Planning Area shall be designed to provide adequate secondary access to the satisfaction of the Fire Chief.

3.3.6 Drainage and Flood Control Guidelines

- Drainage and flood control facilities and improvements as identified on the Drainage Plan (Figure 2.7-1) shall be provided in accordance with the City of Beaumont's drainage requirements. The design of each tentative tract map shall meet the flood control standards established by the County of Riverside, City of Beaumont and Clean Water Act. Consistency with aforementioned standards may require the implementation of on-site detention and/or siltation basins, raising of pad elevations or channel improvements.
- Maintenance of project drainage facilities will be determined during review of tentative tract map submittals. Major flood control facilities are typically maintained by the County of Riverside or the City of Beaumont.
- The Noble Creek Flood Control Channel will be maintained by the Riverside County Flood Control District or City maintenance entity. A cross-section of this channel is shown on Figure 2.5-3, Drainage Corridor.
- The project will be required to comply with the Army Corps of Engineers 404 and California Department of Fish and Game 1601 permit process.

3.3.7 Water and Sewer Guidelines

- All water lines and related and required water service will be designed per City of Beaumont and Beaumont-Cherry Valley Water District requirements.
- All sewer service improvements will be constructed in accordance with the City of Beaumont's requirements.
- All sewer service improvements to be maintained by the City of Beaumont.
- All water and sewer lines will be properly sized to adequately service proposed future growth potential.

- The cost of constructing oversized lines to serve existing or future off-site population shall be the responsibility of those to be served in accordance with the rules and regulations of the City of Beaumont.

3.3.8 Grading Guidelines

- All grading activities shall be in substantial conformance with the overall Grading Plan (Figure 2.9-1), and shall implement any grading related mitigation measures outlined in: Seismic Safety (EIR), Slopes and Erosions (EIR) and Preliminary Geotechnical Investigation (Technical Appendices).
- Prior to any development within any area of the Specific Plan, a Grading Plan for the portion in process shall be submitted for Planning and Engineering Department approval. The Grading Plan for each such area shall be used as a guideline for subsequent detailed grading plans for individual stages of development within that area.
- All streets shall have a gradient not exceeding 10%.
- All grading procedures shall be in compliance with the City of Beaumont Grading Standards. Standard engineering techniques will minimize the soil erosion and siltation potential to acceptable levels. Prior to grading plan, approval, the project proponent shall submit to the City of Beaumont for review and approval an erosion control program which indicates proper control of siltation, sedimentation and other pollutants. The erosion control program measures will include but are not limited to, revegetation of cut and fill areas, utilization of sediment control devices at construction sites and diversion of storm run-off from development areas. All drainage will be conveyed in non-erosive drainage devices to suitable disposal points. Energy dissipation and methods for preventing scour and erosion should be part of any drainage improvements.

- Prior to submittal of the final tract map, a detailed Grading Plan shall be prepared and included with the map. The Grading Plan shall include the following information:
 - a) Preliminary grading quantity estimates;
 - b) Designation of areas which will be off-limits for temporary borrowing or exporting of material;
 - c) Techniques which will be utilized to prevent erosion and sedimentation during and after the grading process;
 - d) Approximate time frames for grading including identification of areas which may be graded during the rainy season (November through April);
 - e) Preliminary pad and roadway elevations; and
 - f) Site drainage during grading.

- Detailed grading plans shall be prepared prior to any on-site grading for each project or group of projects.

- The applicant shall be responsible for maintenance and upkeep of all planting and irrigation systems until those operations become the responsibility of other parties.

- The overall shape, height and grade of any cut and fill slope shall be developed in concert with the existing natural contours and scale of the natural terrain of a particular site.

- Potential brow ditches, terrace drains or other minor swales, determined necessary at future stages of project review, shall be lined with natural erosion control materials or concrete.

- Grading work shall be balanced on-site where and whenever possible.

- Graded slopes shall be planted with interim erosion control plant materials if and when needed.

- All cut and fill slopes shall be constructed at inclinations of no steeper than two (2) horizontal feet to one (1) vertical foot unless otherwise approved by the City, and/or the Geotechnical Engineer of Record.
- Grading shall not be permitted prior to approval of grading permits for the development area in question.
- Graded slopes shall be oriented to minimize visual impacts to surrounding areas.

SECTION 4:

IMPLEMENTATION AND ADMINISTRATION

SECTION 4:

IMPLEMENTATION AND ADMINISTRATION

4.1 - PHASING OF DEVELOPMENT

4.1.1 Phasing Plan

It is expected that the proposed project will be phased over a 5 year period, in response to market demands, according to a logical and orderly extension of roadways, public utilities and infrastructure.

4.1.2 Phasing Standards

The maximum dwelling unit total for the project as a whole is 648, however, for any particular planning area the number of dwelling units may be exceeded by up to ten (10) percent. If the developer should wish to exceed the maximum for a particular planning area, as stated above, a tracking report will be submitted to the City Planning Department, to demonstrate all dwelling unit shifts on a project-wide basis. A Specific Plan Amendment will not be required, provided that the tracking report explains to the satisfaction of the Planning Director the proposed dwelling unit distribution. Adherence to applicable development standards shall be required in any event.

Prior to issuance of building permits, improvement plans for the respective landscape areas for that stage of development shall be submitted to the City Planning Department for approval. The improvement plans shall include, but not be limited to the following:

- Final grading plan.
- Irrigation plans certified by a licensed landscape architect.
- A landscaping plan with seed mixes for mulching and staking methods; locations, type, size and quantity of plantings.
- Fence treatment plans.
- Special treatment/buffer area treatment plans.
- The availability of infrastructure will determine project phasing.

Maintenance Districts

Successful operation of maintenance districts and associations are important in maintaining quality in the project area. It is anticipated that maintenance responsibilities for private community facilities will be divided among a Master Homeowner's Association, or Neighborhood Associations. Maintenance costs for parks will be addressed through annexation to a Community Facilities District (CFD 93-1). Further, it is anticipated that public facilities will be dedicated to, and maintained by the City of Beaumont.

Parks

Three parks will potentially be provided for the benefit of community residents, as discussed previously in this report. These parks are proposed to be constructed by the project developer then dedicated to a Community Facilities District or similar maintenance organization. As described in prior sections, a more detailed parks program will be developed to ensure that all landowners/developers participate equitably in the attainment of the City's park standards.

Schools

Two (2) school sites are owned and operated by the local school district.

Project Roadways

All public project roadways will be designed and constructed to standards acceptable to the City and will therefore be dedicated to the City for maintenance.

Management of the Specific Plan

This Specific Plan will be used by the City to guide and control land development throughout the Noble Creek Vistas site. Development of the site will be in accordance to the infrastructure plans and the Development Standards contained herein. Future Tract Maps and Plot Plans will be reviewed by the City relative to compliance with this Specific Plan. If a proposed future land development project is not in compliance with this Specific Plan, then the City may choose to either decline or approve that project, or formally amend the Specific Plan.

Project Implementation

Infrastructure improvements shall be implemented on a fair share basis based on pro-rata parcel acreage as described in the Specific Land Use Plan Statistical Summary. In conjunction with submittal of the first tentative subdivision map the applicant shall formulate a program, approved by the Planning Director, which will enable infrastructure improvements to be paid for on a fair share basis for the entire Specific Plan area.

Implementation of the project in a coordinated fashion represents a significant challenge, given the current lack of an overall master developer and because the project is comprised of multiple property ownerships. It may be necessary for the City of Beaumont to take on a greater than customary management role to ensure that the project's many common elements (i.e., parks, flood control facilities and other infrastructure, entry treatments and landscape buffers) are developed in a timely and consistent manner. The City's Community Facilities District (CFD) may be employed as a financing and administrative entity for these purposes.

4.2 - APPLICATION PROCESSING

Development within the Project area shall be implemented through the City of Beaumont Specific Plan Review process as set forth in Section 17.36 of the City's Zoning Code. The implementation process described below provides for the mechanisms for review and approval of development projects within the Project area.

4.2.1 Development Review

Development Review is required for the adoption of the Specific Plan and concurrent Master Plot Plan for the project. Submittal of a Development Review Permit application shall be of a form and content consistent with the City of Beaumont requirements. The City Council shall review and concurrently approve the Specific Plan and Master Plot Plan.

After City approval of a Master Plot Plan, changes to the size, location, and design of any uses or structures may be approved by the Planning Director. Upon determination by the Planning Director that the proposed revision is in substantial conformance with the provisions of this Specific Plan, the revised plan shall be approved by the Planning Director or the Director's designee.

4.2.2 Specific Plan Zone

Section 17.36 of the City of Beaumont Zoning Code presents the intent of the Specific Plan Zone:

The provisions of Section 17.36, inclusive, shall be known as the SPA Specific Plan Area Zone, and are intended to accommodate Specific Plan Areas shown on the City of Beaumont General Plan or on those lands for which a specific plan has been adopted by the City Council pursuant to the Government Code. Application of the SPA Zone can create an unlimited variety of land uses in conformance with the General Plan. Upon adoption of the SPA designation as the Zone for a particular parcel(s), the designation shall include a density factor setting for the maximum number of dwelling units per residential acreage which shall not include acreage used for non-residential purposes.

Where a Specific Plan is not consistent with the General Plan, appropriate General Plan amendments must be considered concurrently with the Specific Plan.

An adopted specific plan supersedes the City zoning for the site area included in the proposed land use plan of the Specific Plan.

All other provisions of the City Zoning Code, which are applicable to the site, shall apply unless identified in the Specific Plan.

4.2.3 Division of Land Procedures (Subdivision Map Act)

Implementation of the Specific Plan would require the subdivision of land with a Parcel Map pursuant to California Government Code, Title 7, Division 2, Subdivision Map Act. When the subdivision of land is associated with the Specific Plan, a public hearing is required for the approval of subdivisions.

4.3 - SPECIFIC PLAN AMENDMENTS

The City of Beaumont Planning Director shall be responsible for administering the provisions of this Specific Plan in accordance with the provisions of the State of California Government Code, Subdivision Map Act, and the City of Beaumont General Plan and Zoning Ordinance.

4.3.1 Minor Amendments

Minor amendments include simple modifications to text or graphics that do not change the meaning, intent, or are contrary to any provision of the Specific Plan. Minor modifications may be accomplished administratively by the Planning Director and are appealable to the Planning Commission and City Council.

4.3.2 Major Amendments

Major modifications are amendments to exhibits or text that are intended to change the intent, development standards or other significant provisions of the Specific Plan. Major modifications require a Specific Plan Amendment and approval by the Planning Commission and City Council in accordance with requirements of the City's Zoning Code.

4.4 INTERPRETATIONS

Unless otherwise provided, any ambiguity concerning the content or application of the Noble Creek Vistas Specific Plan shall be resolved by the City of Beaumont Planning Director in a manner consistent with the goals, policies, purpose and intent established herein.

APPENDICES

APPENDIX A: LEGAL DESCRIPTION

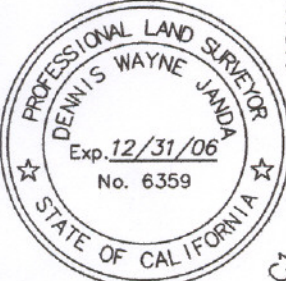
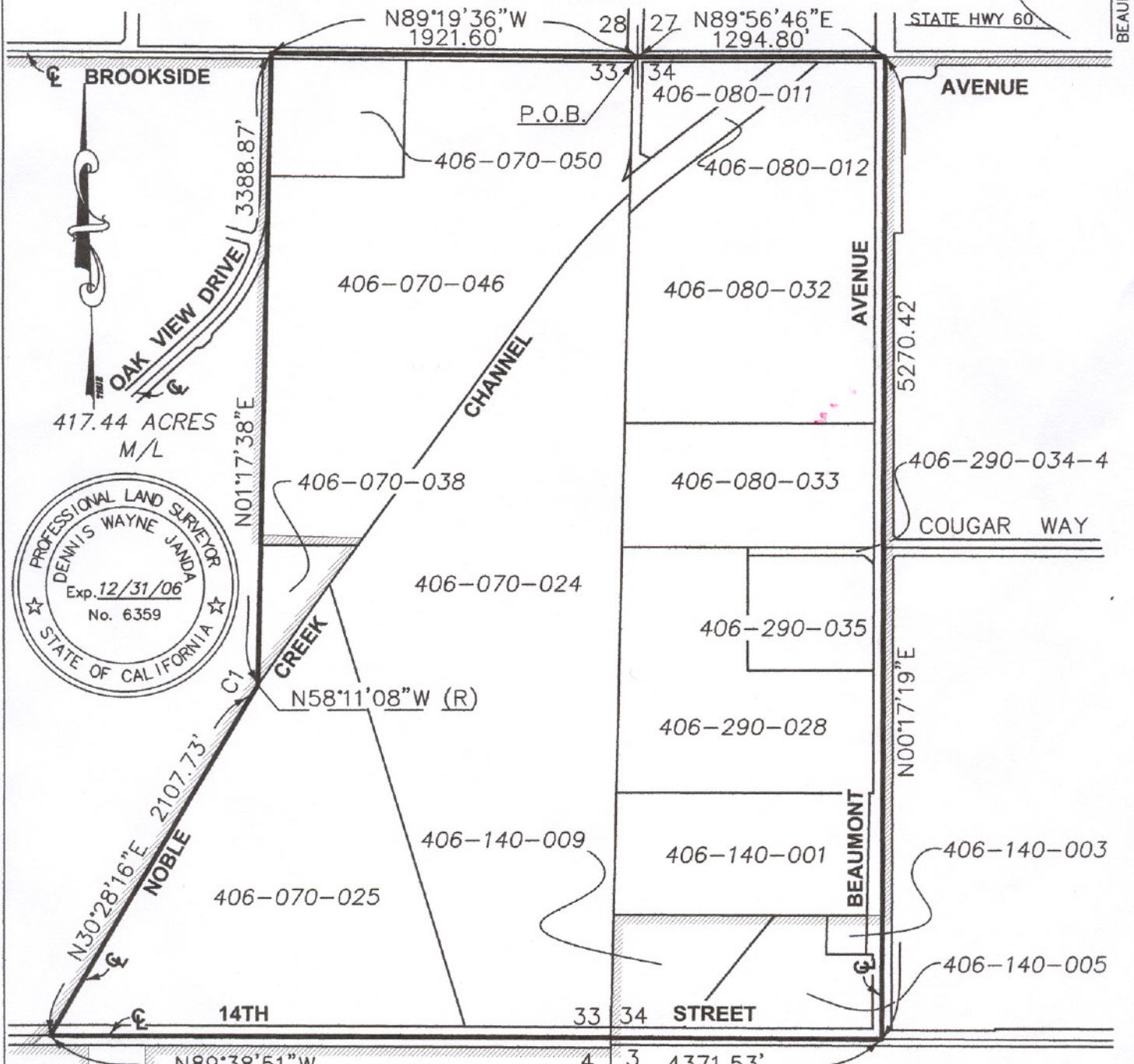
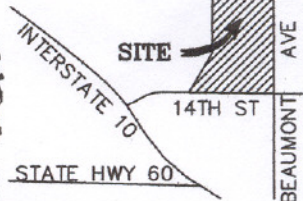
EXHIBIT "A"

REORGANIZATION TO INCLUDE ANNEXATION 02-ANX-01
TO THE CITY OF BEAUMONT AND CONCURRENT
DETACHMENTS FROM THE RIVERSIDE COUNTY
WASTE RESOURCES MANAGEMENT DISTRICT

LAFCO NO. _____

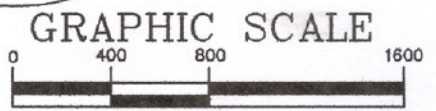
VICINITY MAP

BROOKSIDE AVE



CURVE DATA

ITEM	DELTA	RADIUS	LENGTH
C1	01°20'36"	3000	70.34'



(IN FEET)
1 inch = 800 ft.

DJI DENNIS JANDA, INC.
MAPPING/SURVEYING SERVICES

42164 REMINGTON AVENUE
TEMECULA, CA 92590
EMAIL: dennis.janda@verizon.net

PH: (951) 699-8874
FAX: (951) 699-8568

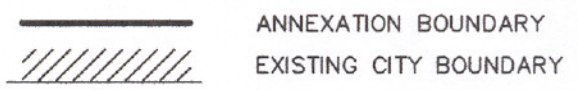


EXHIBIT "A"

REORGANIZATION TO INCLUDE ANNEXATION 02-ANX-01
TO THE CITY OF BEAUMONT AND CONCURRENT
DETACHMENTS FROM THE RIVERSIDE COUNTY
WASTE RESOURCES MANAGEMENT DISTRICT
LAFCO NO. _____

BEING A PORTION OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, RIVERSIDE COUNTY, ALSO A PORTION OF THE NORTHWEST QUARTER CORNER OF SECTION 34 OF RECORD OF SURVEY BOOK 12, PAGE 36, RECORDED DECEMBER, 1939, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF BROOKSIDE AVENUE AND BEAUMONT AVENUE AS IT NOW EXISTS;

THENCE SOUTHERLY ALONG SAID CENTERLINE OF BEAUMONT AVENUE SOUTH 00°17'19" WEST, A DISTANCE OF 5270.42 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 34, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF BEAUMONT AVENUE AND FOURTEENTH STREET;

THENCE WESTERLY ALONG SAID CENTERLINE OF FOURTEENTH STREET, NORTH 89°38'51" WEST, A DISTANCE OF 4371.53 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 33, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF FOURTEENTH STREET AND NOBLE CREEK CHANNEL AS SHOWN BY RECORD OF SURVEY ON FILE IN BOOK 51, PAGES 88 THROUGH 98, INCLUSIVE, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTHERLY ALONG SAID CENTERLINE OF NOBLE CREEK CHANNEL NORTH 30°28'16" EAST, A DISTANCE OF 2107.73 FEET TO THE BEGINNING OF A TANGEN CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3000.00 FEET;

THENCE NORTHEASTERLY, ALONG SAID CURVE AND SAID CENTERLINE OF NOBLE CREEK CHANNEL, THROUGH A CENTRAL ANGLE OF 01°20'36" AN ARC LENGTH OF 70.34 FEET TO A POINT BEARING A RADIAL OF NORTH 89°11'08" WEST;

THENCE LEAVING SAID CENTERLINE OF NOBLE CREEK CHANNEL NORTH 01°17'38" EAST, A DISTANCE OF 3388.87 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SECTION 33, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF OAK VIEW DRIVE AND BROOKSIDE AVENUE;

THENCE EASTERLY ALONG SAID CENTERLING OF SAID BROOKSIDE AVENUE, NORTH 89°19'36" WEST, A DISTANCE OF 1921.60 FEET TO THE NORTHEAST CORNER OF SAID SECTION 33 AND NORTHWEST CORNER OF SAID SECTION 34;

THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 34 NORTH 89°56'46" EAST, A DISTANCE OF 1294.80 FEET TO THE **POINT OF BEGINNING**;

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 417.44 ACRES, MORE OR LESS.

AS SHOWN ON EXHIBIT "A" ATTACHED HERETO MADE A PART THEREOF.

DENNIS W. JANDA, PLS 6359
EXP. 12/31/06
DATE _____



ERNIE

RECEIVED
JUN 2 1 2006
AKLUFU & WYSOCKI

1 LAW OFFICES OF ROBERT C. GOODMAN
2 ROBERT C. GOODMAN (State Bar No. 111554)
3 ANN M. BLESSING (State Bar No. 172573)
4 177 Post Street, Suite 750
5 San Francisco, CA 94108
6 Telephone: (415) 777-2210
7 Facsimile: (415) 777-2215
8
9 Attorneys for Petitioners Cherry Valley
10 Pass Acres and Neighbors and Cherry Valley
11 Environmental Planning Group

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF RIVERSIDE
10 Riverside Branch

12 CHERRY VALLEY PASS ACRES AND)
13 NEIGHBORS, a California non-profit)
14 corporation; and CHERRY VALLEY)
15 ENVIRONMENTAL PLANNING GROUP, a)
16 California non-profit corporation,)

15 Petitioners,

16 v.

17 CITY OF BEAUMONT, a municipal)
18 corporation;)

19 Respondent.)

20 _____)
21 TAHITI GROUP; JACK D. VANDER)
22 WOUDE; LEONARD B. OLINGER;)
23 LEONARD B. OLINGER TRUST; JOSEPH)
24 DIAMOND; BEATRICE DIAMOND; NOBLE)
25 CREEK MEADOWS; DIANE C. ONEY as)
26 trustee of the D. DONALD LONIE, JR.)
FAMILY TRUST; R. F. BIANCHI TRUST;)
ALLIED GROUP, INC.; and ROES 100)
through 200, inclusive,)
Real Parties in Interest)

No. RIC 427282
Case Filed Under the Environmental Quality Act
NOTICE OF ENTRY OF SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

1 PLEASE TAKE NOTICE that on May 31, 2006, the Court approved and entered the
2 attached Settlement Agreement and Final Stipulated Judgment.

3 Dated: June 16, 2006
4

5 LAW OFFICES OF ROBERT C. GOODMAN

6
7
8 By: _____

9 ROBERT C. GOODMAN
10 Attorneys for Petitioners
11 Cherry Valley Pass Acres and Neighbors
12 and Cherry Valley Environmental
13 Planning Group
14
15
16
17
18
19
20
21
22
23
24
25
26

1 LAW OFFICES OF ROBERT C. GOODMAN
2 ROBERT C. GOODMAN (State Bar No. 111554)
3 ANN M. BLESSING (State Bar No. 172573)
4 177 Post Street, Suite 750
5 San Francisco, CA 94108
6 Telephone: (415) 777-2210
7 Facsimile: (415) 777-2215

FILED
RIVERSIDE COUNTY

MAY 3 1 2006

8 Attorneys for Petitioners Cherry Valley
9 Pass Acres and Neighbors and Cherry Valley
10 Environmental Planning Group

By *[Signature]* L. Martin
Deputy

11 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
12 COUNTY OF RIVERSIDE
13 Riverside Branch

14 CHERRY VALLEY PASS ACRES AND
15 NEIGHBORS, a California non-profit
16 corporation; and CHERRY VALLEY
17 ENVIRONMENTAL PLANNING GROUP, a
18 California non-profit corporation,

Petitioners,

v.

19 CITY OF BEAUMONT, a municipal
20 corporation;

Respondent.

21 TAHITI GROUP; JACK D. VANDER
22 WOUDE; LEONARD B. OLINGER;
23 LEONARD B. OLINGER TRUST; JOSEPH
24 DIAMOND; BEATRICE DIAMOND;
25 NOBLE CREEK MEADOWS; DIANE C.
26 ONEY as trustee of the D. DONALD LONIE,
27 JR. FAMILY TRUST; R. F. BIANCHI
28 TRUST; ALLIED GROUP, INC.; and ROES
100 through 200, inclusive,

Real Parties in Interest

BY FAX

No. RIC 427282

Case Filed Under the Environmental Quality Act

SETTLEMENT AGREEMENT AND
FINAL STIPULATED JUDGMENT
[Cal. Pub. Res. Code §§21167.4(c), 21168.5;
Cal. Civ. Proc. Code § 1085]

Trial Date: April 7, 2006

584270.1

- 1 -

SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

1 This Settlement Agreement and Final Stipulated Judgment is entered into by and between
2 Petitioners CHERRY VALLEY PASS ACRES AND NEIGHBORS and CHERRY VALLEY
3 ENVIRONMENTAL PLANNING GROUP (collectively "Petitioners") on the one hand, and on
4 the other hand Respondent CITY OF BEAUMONT ("City") and Real Parties in Interest NOBEL
5 CREEK MEADOWS, LLC, erroneously sued herein as NOBLE CREEK MEADOWS, TAHITI
6 GROUP and JACK D. VANDER WOUDE; OLINGER RIVERSIDE LIMITED
7 PARTNERSHIP, erroneously sued herein as LEONARD B. OLINGER and LEONARD B.
8 OLINGER TRUST; DIAMOND RIVERSIDE LIMITED PARTNERSHIP, erroneously sued
9 herein as JOSEPH DIAMOND and BEATRICE DIAMOND; and FIESTA DEVELOPMENT, as
10 successor in interest to Diane C. Oney as Trustee of the D. Donald Lonie Jr. Family Trust and
11 BEK Consulting Engineers, Inc., (collectively "Real Parties in Interest"). Petitioners, City, and
12 Real Parties in Interest are referred to collectively as "the Parties." The settlement and judgment
13 relate to the petition Petitioners filed under the California Environmental Quality Act ("CEQA")
14 on March 17, 2005 ("the Action"), concerning a proposed 965 unit residential development in
15 Beaumont, California, which the developers currently call "Noble Creek Vistas" ("the Project").

16 RECITALS

17 A. Petitioners are California non profit corporations located in Cherry Valley
18 California.

19 B. City is the lead agency for the Project that is the subject of the petition.

20 C. OLINGER RIVERSIDE LIMITED PARTNERHSIP, DIAMOND RIVERSIDE
21 LIMITED PARTNERSHIP, NOBEL CREEK MEADOWS, LLC., and FIESTA
22 DEVELOPMENT, as successor in interest to Diane C. Oney as Trustee of the D. Donald Lonie
23 Jr. Family Trust and BEK Consulting Engineers, Inc., own the property which comprises the
24 Project which is the subject of this action, as identified more specifically on Exhibit A, attached
25 hereto.

26 D. TAHITI GROUP, JACK D. VANDER WOUDE are proponents of the Project.

27 E. On or about February 15, 2005 the Beaumont City Council certified the Noble
28 Creek Vistas Specific Plan EIR, approved certain Conditions of Approval, adopted a Statement of

584270.1

1 Overriding Considerations, and filed a Notice of Determination with the Riverside County
2 Recorder in connection with the Project. On March 17, 2005, Petitioners filed this Action
3 challenging City's certification of the EIR and approval of the Project.

4 F. Each of the Parties believes that it is in their best interest and in the public interest
5 to settle this case without further litigation.

6 AGREEMENT

7 NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises
8 and agreements contained herein, and for other good and valuable consideration the receipt and
9 sufficiency of which is hereby acknowledged, it is agreed as follows:

10 1. Jurisdiction. This Court has jurisdiction of the subject matter of the Action and each of
11 the Parties hereto.

12 2. Modifications. This Agreement, upon being executed by all the parties and approved
13 by the Court, shall constitute binding and enforceable modifications of the Conditions of
14 Approval issued by the City on February 15, 2005, for the Project.

15 City and Real Parties in Interest commit to the following modifications to the Conditions
16 of Approval for the Project:

- 17 A. The Project will contain no more than 648 residential units, each of which shall be
18 a detached single family home.
- 19 B. At least 50% of all homes backing up on Brookside Avenue and 50% of all homes
20 backing up on Beaumont Avenue will be single story homes.
- 21 C. At least 25% of all lots backing up on Brookside Avenue and at least 25% of all
22 lots backing up on Beaumont Avenue will be minimum 15,000 square feet in size.
23 The remainder of lots backing up on those two streets will be a minimum 10,000
24 square feet in size.
- 25 D. All homes will be constructed and certified under the California Green Builder
26 program as described on the California Green Builder website,
27 www.cagreenbuilder.org, as of March 10, 2006. Real Parties shall provide
28 Petitioners with a copy of all communications with the California Green Builder

1 program regarding the Project within five (5) days of sending or receipt, including
2 without limitation the completed California Green Builder Application form and
3 the California Green Builder Project Certificate. City shall not issue any
4 certificates of occupancy for the Project until the Project has received the
5 California Green Builder Project Certificate.

6 E. There will be a 40 foot landscape buffer from the western edge of the Beaumont
7 Avenue right of way to the Project boundary, with a berm along the project wall,
8 and a meandering sidewalk within the landscape buffer, as reflected in the diagram
9 attached as Exhibit C.

10 F. There will be a permeable surface in a 25 foot radius around the deodar cedar trees
11 (except in those areas on the street side of the trees in which there is a distance of
12 less than 25 feet to the street).

13 G. The 11 foot right of way along the west side of Beaumont Avenue shall be
14 designated a landscape right of way.

15 H. There will be a landscape buffer along the southern edge of Brookside Avenue
16 right of way to the Project boundary. The width of the buffer will be 38 feet.
17 There will also be a landscape buffer along the southern edge of Noble Creek
18 Parkway. The width of this buffer will range from 18 to 38 feet to accommodate
19 Noble Creek as it crosses Brookside Avenue, as reflected in the diagram attached
20 as Exhibit D.

21 I. The landscape buffers and landscape right of way described above will utilize
22 drought resistant plants consistent with City landscape standards. The landscape
23 buffers, landscape right of way and deodar cedars shall be maintained by the
24 Community Facilities District ("CFD") that is being established in accordance
25 with the Project Conditions of Approval. Should the CFD be dissolved for any
26 reason, the Project Conditions of Approval will require that there be a
27 Homeowners Association (consisting of all homeowners within the Project) that
28 will become activated upon the dissolution of the CFD and which will have

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

responsibility for the landscape and tree maintenance described in this Paragraph 2, as well as all other obligations of the CFD, in perpetuity.

J. Each of the modifications identified in this Paragraph 2 shall be reflected in the modified Project Conditions, attached hereto as Exhibit B, and summarized in a notification of this settlement in the form attached as Exhibit E, which shall be recorded against the properties that comprise the Project such that they will run with the land and be binding on future owners.

K. Within 15 days of the effective date of this Agreement, City will take action to modify the Project Conditions of Approval and Project Specific Plan to reflect the modifications set forth in this section.

3. Additional Commitments of the City and Real Parties in Interest. City and Real Parties in Interest agree to do the following:

A. City and the Real Parties in Interest will provide Petitioners with advance notice of all significant events and/or actions proposed to be taken by the City relating to the Project, including without limitation, submission of subdivision maps, improvement plans, and any other submissions relating to the Project requiring City review and/or approval.

B. Real Parties in Interest will provide access to and dedicate approximately 15 acres of land to the City for use by the Beaumont Cherry Valley Water District ("Water District") to construct recharge facilities along the Noble Creek. As a condition of such dedication, City will require that such land not be fenced and that such land will be made available for recreational purposes. The Water District will construct and maintain the recharge facilities in the manner similar to those on its property located along the east side of Beaumont Avenue between Brookside Avenue and Cherry Valley Boulevard. If the Water District does not accept the gift of land referred to in this paragraph, the land will be given to the Beaumont Cherry Valley Recreation and Parks District to be used as parkland, to be maintained by the CFD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- C. Real Parties will comply with the Conditions of Approval and all City Code requirements in connection with construction of parks and open space on the Project. The specific location and size of the parks will be finalized upon the preparation of the tract maps for individual tracts comprising the Project.
- D. The City shall not issue any certificates of occupancy for the Project until the improvements contemplated by the Specific Plan to the following streets and intersections have been completed: the intersections of Beaumont Avenue and Oak Valley Parkway, Beaumont Avenue and Cougar Way, Beaumont Avenue and Brookside Avenue and Beaumont Avenue and Cherry Valley Boulevard. Specifically, the improvements will result in compliance with the level of service required in the mitigation measures approved by the City for the Project
- E. Real Parties in Interest and City agree to maintain the deodar cedar trees along the west side of Beaumont Avenue through the CFD referenced in paragraph 2I, above, and to replace trees that die with deodar cedar trees. The City will maintain the deodar cedar trees along the east side of Beaumont Avenue upon the completion of the annexation proceedings, whereby the area is annexed into the City, and replace trees that die with deodar cedar trees.
- F. Real Parties in Interest agree to retain a certified arborist to study the condition of the deodar cedar trees along Beaumont Avenue from Oak Valley Parkway to Cherry Valley Boulevard, and recommend ways to improve their condition and prolong the longevity of the trees. Petitioners will participate in the study of the deodar cedar trees through the selection of the arborist who will perform the study. If the Real Parties in Interest and Petitioners cannot agree on an arborist, each will select an arborist, and the two selected arborists will in turn select the arborist who will perform the study. Petitioners shall have an opportunity to review and comment on a draft of the arborist's study and recommendations and provide comments regarding same. Petitioners shall have no approval authority over the

1 recommendations of the arborist. The selection of the arborist and the study are to
2 commence within 60 days of the execution of the settlement agreement.

3 4. Monetary Payments and Dismissal.

4 A. Within 15 days of the effective date of this Agreement Real Parties in Interest shall
5 pay to Petitioners and its attorneys, Law Offices of Robert C. Goodman, the sum
6 of \$225,000 as compensation for Petitioners' attorneys fees, costs, expenses and
7 other efforts in prosecuting the Action.

8 B. The obligation of the Real Parties in Interest to make the monetary payment
9 required by this Paragraph 4 are joint and several.

10 C. Petitioners shall dismiss this action within 10 days of the receipt of the settlement
11 funds.

12 5. Effective Date. This Agreement shall become effective on the date it is filed with the
13 Riverside County Superior Court.

14 6. Commitments of the Petitioners. As long as City and the Real Parties in Interest are in
15 compliance with this Agreement and the modified Project Conditions of Approval and Project
16 Specific Plan they will not: (a) oppose the Project, the annexation proceedings or the tentative tract
17 maps submitted by the individual property owners; and (b) will not institute any further actions or
18 challenges to the Project either under their own names or under the name of any other organization
19 or through their members.

20 7. No Admission, Denial of Liability. This Agreement and the payments and other terms
21 provided for herein are made, executed, given and accepted as part of a compromise and
22 settlement of disputed claims. No provision(s) of this Agreement, nor any acceptance of the
23 benefits thereof, by or on behalf of any of the Parties hereto shall be construed or deemed to be
24 evidence of an admission of fact, matter, thing or liability of any kind to any other Party.

25 8. Notice. All notices concerning this agreement shall be in writing, shall be deemed given when
26 received, and shall be delivered by mail, facsimile or overnight delivery to:

27 Petitioners:
28 Patsy Reeley

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Cherry Valley Acres & Neighbors
P.O. Box 3257
Beaumont, California 92223

Walt Beckman
Cherry Valley Environmental Planning Group

Cherry Valley, CA 92223

With a copy to:
Robert C. Goodman
177 Post Street, Suite 750
San Francisco, CA 94108

City:
City of Beaumont
c/o Ernest Egger
550 East 6th Street
Beaumont, CA 92223

With a copy to:
Joseph Aklufi
Aklufi & Wysocki
3403 Tenth Street
Suite 610
Riverside, CA 92501

Real Parties in Interest:
Nobel Creek Meadows, LLC
c/o Jack D. Vander Woude
P.O. Box 5441
San Bernardino, CA 92412

With a copy to:
Leonard Polyakov
Newmeyer & Dillion, LLC
895 Dove Street, 5th Floor
Newport Beach, CA 92660

Vien Tran
Fiesta Development
470 E. Harrison Street
Corona, CA 92879-1314

Olinger Riverside Limited Partnership
c/o Dr. Leonard Olinger
462 N. Linden Drive
Beverly Hills, CA 90212

1 With a copy to:
2 Roger H. Howard
3 Christensen, Miller, et al.
4 10250 Constellation Blvd., 19th Floor
5 Los Angeles, CA 90067

6 Diamond Riverside Limited Partnership
7 c/o Beatrice Diamond
8 233 S. Spaulding Drive
9 Beverly Hills CA 90212

10 With a copy to:
11 Edward F. Quigley
12 Cox, Castle & Nicholson, LLP
13 2049 Century Park East, 28th Floor
14 Los Angeles, CA 90067-3284

15 9. Entire Agreement. This Agreement is the entire agreement between the Parties with
16 respect to resolution of the subject matter hereof and supersedes any and all prior or
17 contemporaneous oral and written agreements and discussions between or among any of them.
18 The Parties hereto acknowledge and agree that there are no conditions, covenants, agreements or
19 understandings between or among any of them except as set forth in this Agreement and the
20 exhibits hereto. This Agreement may be amended, and the requirements set forth herein
21 modified, only by a further signed writing of all Parties.

22 10. Successors. This Agreement is binding upon and shall inure to the benefit of each of
23 the Parties hereto and (as appropriate) their respective parent companies, subsidiaries, affiliates,
24 predecessors, successors, divisions, shareholders, directors, officers, employees, attorneys, agents,
25 representatives, heirs and assigns.

26 11. Controlling Law. This Agreement is to be executed and delivered within the State of
27 California, and its validity, construction and performance, as well as the rights and obligations of
28 the parties hereunder, shall be governed, construed and enforced in accordance with the laws of
the State of California, without regard to principles of choice of law.

12. Fair Interpretation. This Agreement is the product of negotiations between the Parties
and their respective attorneys, and shall be given fair interpretation. Each of the Parties hereto has
cooperated and participated in the drafting and preparation of this Agreement. Accordingly, the

1 parties hereby acknowledge and agree that this Agreement shall not be construed or interpreted in
2 favor of or against any party by virtue of the identity of its preparer.

3 13. Mutual Representations and Covenants. Each of the Parties to this Agreement
4 represents, warrants and agrees as follows:

5 A. Each Party has received independent legal advice from its attorney with respect to
6 the advisability of making the settlement provided for herein and the advisability
7 of executing this Agreement.

8 B. Each Party hereto represents and warrants that there has been no assignment, sale
9 or transfer, by operation of the law or otherwise, of any claim, right, cause of
10 action, demand, obligation, liability or interest released by any of them as provided
11 herein.

12 14. Authority to Enter Into Agreement. Each Party executing this Agreement represents
13 and warrants that it has the authority to bind the respective party and needs no further authority to
14 bind the respective Parties to the rights, duties and obligations set forth herein.

15 15. Counterparts. Each Party (i) hereby agrees that a facsimile or other electronic copy
16 (such as a ".pdf"/"Adobe Acrobat" copy) of the signature of the person executing this Agreement
17 on behalf of such Party may be used for any and all purposes, with the same force and effect as an
18 original of such signature, (ii) intends to be bound by the facsimile or other electronic copy of
19 such signature, (iii) is aware that the other Party will rely on the facsimile or other electronic copy
20 of such signature, and (iv) hereby acknowledges such reliance and waives any defenses to the
21 enforcement of this Agreement based on a facsimile or other electronic copy of such signature.

22 16. Continuing Jurisdiction. By signing this Settlement Agreement and Final Stipulated
23 Judgment, the parties hereby move the court pursuant to Section 664.6 of the Code of Civil
24 Procedure to enter judgment pursuant to the terms of this settlement. This Judgment shall go into
25 effect immediately upon entry hereof. Entry is authorized immediately upon filing. The parties
26 hereby request and acknowledge that the Superior Court will retain jurisdiction over this matter
27 pursuant to Section 664.6 of the Code of Civil Procedure to enforce the terms of the Agreement
28 until performance in full of its terms.

584270.1

- 10 -

SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: ~~March~~ *May 5*, 2006

Cherry Valley Acres & Neighbors

By: *Patsy J. Reeley*
Patsy Reeley

Dated: ~~March~~ *May 5*, 2006

Cherry Valley Environmental Planning Group

By: *Walt Beckman*
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

584270.1

- 11 -

PAGE 2/2 RCVD AT 5/17/2008 5:05:54 PM Pacific Daylight Time SVR:NB-FAX024 DNIS:7009 CSID:9096822619 DURATION (mm-ss):00:54

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: ^{May} March 15, 2006

City of Beaumont

By: Brian E. DeLo

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

584270.1

- 11 -

SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: ^{May} ~~March~~ ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

584270.1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

11/16
15/16
Fiesta Development

By: *[Signature]*

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

05/17/2006 17:42 FAX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: *Leonard B. Olinger*
Leonard B. Olinger
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

SM270.1

- 11 -

SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

05-15-06

02:43pm

From-COX, CASTLE, & NICHOLSON

310-277-7989

T-965 P.009/004 F-188

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: Beatrice Diamond
Beatrice Diamond

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED, ADJUDGED AND DECREED. This Court shall retain jurisdiction over this matter pursuant to Section 664.6 of the Code of Civil Procedure to supervise, interpret, and enforce the terms of this Final Stipulated Judgment.

Dated: 5/24/06

STEPHEN D. CUNNISON
Hon. Stephen Cunnison
JUDGE OF THE SUPERIOR COURT

Exhibit A

The Project that is the subject matter of this Agreement is known as the Noble Creek Vistas Specific Plan as approved by the City Council of the City of Beaumont on February 15, 2005 and consisting of the following County of Riverside Assessor's parcels:

406-290-028	Bianchi Properties, Ltd.
406-290-034	Mike and Donna Bell
406-290-035	Pure Rock Community Church
406-070-024	Nobel Creek Meadows, LLC
406-070-038	Diamond Riverside Limited Partnership and Olinger Riverside Limited Partnership
406-070-046	Diamond Riverside Limited Partnership and Olinger Riverside Limited Partnership
406-080-011	Fiesta Development
406-080-032	Fiesta Development

Exhibit B

[Revised] CONDITIONS OF APPROVAL

**NOBLE CREEK VISTAS
SPECIFIC PLAN
REVISED CONDITIONS OF APPROVAL (3/21/06)**

GENERAL CONDITIONS

1. The following conditions of approval are for the **NOBLE CREEK VISTAS SPECIFIC PLAN** and consist of **Conditions 1 through 36 inclusive**.
2. The Noble Creek Vistas Specific Plan shall consist of the following, components as approved through City of Beaumont City Council Resolution No. 2005-_____.
 - a. Approved Noble Creek Vistas Specific Plan Text (final document incorporating all changes made through public hearing process).
 - b. Exhibits "A" and "B," Final Environmental Impact Report, Findings of Fact and Mitigation Monitoring Program.
 - c. Exhibit "C": Specific Plan Conditions of Approval.
 - d. These Revised Conditions of Approval.

All mitigation measures as contained in the Final EIR shall be conditions of approval for the project. Subsequent to the completion of the public hearing process, the Applicant shall finalize the Specific Plan to incorporate all changes and modifications, and provide the Director with 25 bound and one reproducible copies of the Specific Plan text and exhibits, and the Final Environmental Impact Report.

3. If any of the following conditions of approval differ from the specific plan text or exhibits, the conditions enumerated herein shall take precedence.
4. Mitigation measures for impacts to the Beaumont Unified School District and any other districts which may ultimately serve the project shall be identified prior to the recordation of implementing tentative subdivision maps in accordance with the State laws and City Council policies in effect at the time of application submittal.
5. The development standards contained in the approved Specific Plan shall become the prevailing land use regulations for the areas contained within the Noble Creek Vistas Specific Plan. These regulations will have full force of the Zoning Ordinance of the Beaumont Municipal Code through application of the SPA (Specific Plan Area) Zone. Where conflicts exist between approved Specific Plan and the Beaumont Zoning Ordinance, the Specific Plan regulation shall prevail. Subject to the vesting effect of the Development Agreement, where conflicts existing between the Specific Plan and the provisions of the

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 3

Municipal Code, other than the Zoning Ordinance, the provisions of the Municipal Code shall prevail.

6. Development applications for development portions of the Specific Plan area which incorporate common areas shall be accompanied by design plans for the common area. Such plans shall specify the location and extent of landscaping and irrigation systems. Additionally, all circulation components (vehicular, pedestrian and/or equestrian) shall be indicated, and the approximate locations of structures or groups of structures shall be indicated.
7. A parcel map filed for the purposes of phasing or financing shall not be considered a development application for the purpose of these conditions. Tentative Tract Maps No.28988 and 29267, which have been held in abeyance due to litigation related to prior efforts to develop the subject site, shall be subject to a new approval date of February 15, 2005, subsequent to which the initial two-year approval duration shall ensue.
8. The Planning Director may require special studies or reports in connection with implementing development applications for each planning area, if and to the extent reasonably necessary for appropriate review of a development application or as required under applicable law. Such reports may include, where appropriate:

Study/Report

- a. Preliminary Soils and Geotechnical Report
 - b. Erosion and Sedimentation Control Plan
 - c. Streetscape, parkway and median landscape plan
 - d. Fencing and wall plan
 - e. Traffic and circulation assessment to document adequacy/function of proposed improvements
 - f. Fuel modification plan
 - g. Acoustical Study
 - h. Cultural Resource Assessment
9. Common areas identified in the Specific Plan (i.e., parks, entry features, parkways, medians

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 4

and open space features) shall be designed, developed, owned and maintained through the City's Community Facilities District (CFD), with all developers/landowners and subsequent occupants in the project responsible for a pro rata share of the cost of CFD formation, design and development of common facilities and parks, and for the long-term maintenance of such improvements. The project developers also will create a Noble Creek Vistas Homeowners Association (HOA) of which each homeowner in the Specific Plan shall belong. Should the CFD be dissolved for any reason the HOA will become activated and will have the same responsibilities as the CFD, including without limitation, the design, development, ownership and maintenance of all common areas identified in the Specific Plan.

10. Prior to issuance of a building permit for the construction of any use contemplated by this approval, any developer shall first obtain clearance from the Planning Department that all pertinent conditions of approval of the specific plan have been satisfied for the subject phase of development.
11. If and to the extent required by applicable law, an environmental assessment shall be conducted for each subsequent development applications including, but not limited to, parcel map, tract, change of zone, plot plan, use permit, variance or specific plan amendment. Said environmental assessment shall, to the greatest extent feasible under the California Environmental Quality Act (CEQA), utilize the evaluation of impacts addressed in the EIR prepared for the Noble Creek Vistas Specific Plan. The Noble Creek Vistas Specific Plan EIR shall be used as a Program EIR in evaluating subsequent discretionary entitlement actions.
12. The Noble Creek Specific Plan shall remain unmodified (except for modifications requested by the Applicant and approved by the City) for 15 years. Should the entire project not be built out in that period of time, the City shall be entitled to adopt specific plan amendments for any portion of the project which has not been constructed within 15 years.
13. The Applicants (or their successors-in-interest, as the case may be) shall defend, indemnify, and hold harmless the City of Beaumont, its agents, consultants, officers, and employees from any third-party claim, action or proceeding against the City of Beaumont or this agents, consultants, officers, or employees to attach, set aside, void or annul an approval of the City of Beaumont, its advisory agencies, appeal boards or legislative body concerning the Noble Creek Vistas Specific Plan. The City of Beaumont will promptly notify the Applicants or their successors of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense.
14. The Applicants shall defend, indemnify and hold harmless the City of Beaumont and its employees, agents, consultants, officers and contractors from any third-party claim, action or proceeding related to the environmental documentation pursuant to the California

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 5

Environmental Quality Act associated with the Noble Creek Vistas Specific Plan.

15. In accordance with Section 711.4 of the California Fish and Game Code, the Applicants/subdividers are obligated to pay a filing fee to defray cost incurred by the Department of Fish and Game in managing and protecting fish and wildlife trust resources. The Applicants/subdividers are also obligated to pay a documentary handling fee to defray costs incurred by the City of Beaumont in implementing the Department of Fish and Game filing fee program. These fees shall be paid to the County Clerk if the County of Riverside at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code. Applicants shall not be entitled to exercise their rights under the Specific Plan or the Development Agreement until such fees have been paid. The amount of the fees shall be in accordance with legally adopted fees at the time of the filing of the notice of determination.

LAND USE CONDITIONS

16. The Specific Plan may be developed up to a maximum yield of 648 dwelling units, each of which shall be a detached single family home. Densities for each Planning Area shown in Figure 1 of the supplement to the Specific Plan shall be determined through the appropriate development application, but not limited to, the following:
 - a. Adequate availability of services;
 - b. Adequate access and circulation;
 - c. Sensitivity to land forms;
 - d. Innovation in housing types, design, conservation, or opportunities; and
 - e. Sensitivity to neighborhood design through appropriate lot and street layouts.
17. The following standards shall govern development of the specified components of the Specific Plan's land use plan:
 - a. The minimum lot size throughout the project shall be 6,000 square feet, and each Planning Area shall have an average lot size of at least 7,500 square feet.
 - b. A minimum of 25 percent of the developable residential lots established in Planning Area 8 and a minimum of 25 percent of the developable residential lots established in Planning Area 11 shall be at least 7,200 square feet in size.
 - c. A minimum of 25 percent of the developable residential lots established in Planning Area 7 shall be at least 7,200 square feet in size.
 - d. A minimum of 75 percent of the developable residential lots established in Planning Area 7 shall have rear setbacks with a minimum average depth of 20 feet.
 - e. All residential lots which back up to Beaumont Avenue (Planning Areas 2 and 10) shall be at least 10,000 square feet in size. At least 25% of all lots backing up to

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 6

- Beaumont Avenues shall be minimum 15,000 square feet in size.
- f. All residential lots which back up to Brookside Avenue shall be at least 10,000 square feet in size. At least 25% of all lots backing up to Brookside Avenue shall be minimum 15,000 square feet in size.
 - g. At least 50% of all homes backing up to Beaumont Avenue and at least 50% of all homes backing up to Brookside Avenue shall be single story homes.
 - h. All homes within the Specific Plan are to be constructed and certified under the California Green Builder program as described on the California Green Builder website, www.cagreenbuilder.org as of March 10, 2006. The City will not issue any certificates of occupancy for the homes within the Specific Plan until the California Green Builder certificates are obtained for those homes.i. A multi-purpose trail, subject to the design approval of the Planning Director, shall be provided along the entire Brookside Avenue frontage.
 - j. Fencing materials within the project shall be limited to materials such as masonry, stucco, tubular steel or vinyl, as approved by the Director of Planning. Wood fencing shall not be permitted within the project.
 - k. There will be a 40 foot landscape buffer from the western edge of the Beaumont Avenue right of way to the Project boundary, with a berm along the project wall, and a meandering sidewalk within the landscape buffer.
 - l. There will be a permeable surface in a 25 foot radius around the deodar cedar trees (except in those areas on the street side of the trees in which there is a distance of less than 25 feet to the street).
 - m. The 11 foot right of way along the west side of Beaumont Avenue shall be designated a landscape right of way.
 - n. There will be a 40 foot landscape buffer along the southern edge of Brookside Avenue right of way to the Project boundary. There will be a landscape buffer ranging from 18 to 38 feet along the southern edge of Noble Creek Parkway.
 - o. The landscape buffers and landscape right of way described above will utilize drought resistant plants consistent with City landscape standards. The landscape buffers, landscape right of way and deodar cedars shall be maintained by the CFD as described in paragraph 9, above.
18. Lots created pursuant to this specific plan shall be in conformance with the development standards of the SPA zone as established by this Specific Plan and the corresponding Planning Area standards for each Planning Area.
 19. All grading within the specific plan shall be performed in accordance with the following conditions and development criteria:
 - a. All grading shall take place in accordance with the City's adopted policies in effect at the time permits are issued and the grading criteria contained in the Specific Plan.

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 7

- b. Where cut and fill slopes are created in excess of 5 feet in vertical cut height or 3 feet in vertical fill height, detailed landscaping and irrigation plans shall be submitted to the City prior to approval of grading plans. The plans will be reviewed for type and density of ground cover, seed mix, plant materials, staking details, and sizes and irrigation systems.
20. Applicants shall incorporate the following defensible space concepts into the design of projects which shall be included within all development plans and reviewed and approved by the City Police Department prior to approval of implementing projects:
 - a. Circulation for pedestrians, vehicles and police patrols.
 - b. Lighting of streets, walkways, bikeways, and commercial and industrial areas.
 - c. Visibility of doors and windows from the street and between buildings.
 - d. Fencing heights and materials.
21. In the event that, during or following grading of the project site or portions thereof, economic or other conditions prevent the Developer(s) from continuing with the project within a reasonable amount of time, as determined by the City, the City shall so notify the Developer(s) who shall contact the City Planning Department to identify necessary activities that the Developer must implement to protect public safety and minimize/prevent environmental degradation, particularly due to wind and water erosion. The Developer(s) shall be required to reimburse the City for the cost of activities to satisfy this condition.
23. Each developer shall use its best efforts to ensure that all construction contractors and subcontractors properly dispose of all wastes generated in permitted landfills or with a licensed recycling company. If any improper dumping of construction waste occurs, the developer of the portion of the Specific Plan area from which such wastes were taken shall guarantee reimbursement to the City of costs incurred by it associated with clean up, proper disposal, any necessary revegetation and legal penalties and remedies.
24. Construction areas shall be fenced as required by the City to preclude the creation of an attractive nuisance and to limit access to and disturbance of sensitive habitat areas.
25. An obsolete exhibit is contained in the Specific Plan document for Planning Area 2. Said exhibit shall be replaced with the correct exhibit in the final document.
26. Any front setbacks which may be proposed which are less than 20 feet, such as for side-entry garages as provided for in the Specific Plan, shall be subject to the review and approval of the Planning Commission in the form of a Plot Plan.

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 8

CIRCULATION PLAN CONDITIONS

27. The Circulation Plan contained in the Specific Plan shall be modified as follows:
- a. The cross-section for Beaumont Avenue shall be modified to reflect a divided two-lane roadway, based upon the County of Riverside standard for an industrial collector, with a right-of-way of 78 feet and a curb-to-curb width of 52 feet.
 - b. The cross-section for Noble Creek Parkway shall be modified to reflect a divided two-lane roadway, based upon the County of Riverside standard for an industrial collector, with a right-of-way of 78 feet and a curb-to-curb width of 52 feet.
 - c. The City shall not issue any certificates of occupancy for the Project until the improvements contemplated by the Specific Plan to the following streets and intersections have been completed: the intersections of Beaumont Avenue and Oak Valley Parkway, Beaumont Avenue and Cougar Way, Beaumont Avenue and Brookside Avenue and Beaumont Avenue and Cherry Valley Boulevard. Specifically, the improvements will result in compliance with the level of service required in the mitigation measures approved by the City for the Project

PHASING CONDITIONS

28. Construction of the development permitted hereby, including recordation of final subdivision maps, may be conducted progressively in stages, provided adequate vehicular access, infrastructure and public services are provided for all dwelling units and non-residential land uses in each stage of development, and further, provided that such phase of development conforms substantially with the intent and purpose of the Specific Plan Master Phasing Program and subsequent amendment as determined by the Planning Director.

PARKS AND RECREATION CONDITIONS

29. Development of the property shall be accompanied by the concurrent phased dedication and improvement of not less than 15.44 acres of fully improved and usable park area. That phased dedication shall be to the City for maintenance by a Community Facilities District or other suitable maintenance entity as determined by the City, and shall be accomplished as described below. Due to the non-definitive nature of the Specific Plan's parks program, the following requirements shall be applicable to each individual development within the Noble Creek Specific Plan area:

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 9

- a. It is recognized that the Noble Creek Specific Plan is composed of several ownerships, and that park facilities shown in the Specific Plan are not proportionately assigned to the development areas which correspond with individual ownerships. As a result, the design, development and maintenance of park facilities shall be accomplished by the City through its Community Facilities District, and funded by the landowners and ultimate occupants of the project.
 - b. Prior to, or concurrent with, the recordation of any final subdivision map, the respective developer shall have the necessary assurances and financial commitments in place to ensure compliance with the applicable park requirements.
30. Prior to recordation of the first implementing subdivision map, Applicants shall obtain City (and, if necessary, LAFCO) approval for the formation of a Community Facilities District or other appropriate financing mechanism, as determined by the City, to ensure the perpetual maintenance of dedicated lands for parks and recreational purposes, and for maintenance of other landscaped areas contained within public rights-of-way, or held in fee title by the City of Beaumont.

INFRASTRUCTURE CONDITIONS

31. Drainage and flood control facilities and improvements shall be provided in accordance with Riverside County Flood Control and Water Conservation District requirements. A detailed engineered hydrology study shall be submitted for the approval of the Public Works Director prior to the recordation of any subdivision map.
32. An amendment to CEQA required the preparation of a program to ensure that all mitigation measures are fully and completely implemented. The Environmental Impact Report (EIR) prepared for the Noble Creek Specific Plan imposes certain mitigation measures on the project. Certain conditions of approval for the Noble Creek Specific Plan constitute self contained reporting/monitoring programs for certain mitigation measures. At the time of approval of subsequent development applications, further environmental reporting/monitoring programs may be established if additional mitigation is determined to be necessary through further environmental review. The mitigation monitoring program for the Noble Creek Specific Plan EIR is hereby incorporated and performance of the mitigation measures set forth therein is a condition of approval of the Specific Plan.
33. Through Community Facilities District No. 93-1, an assessment district and/or through payment of development impact fees, the Developer shall be responsible for funding the project's fair share infrastructure and facility costs, as will be determined by the City of Beaumont Comprehensive Public Facilities Financing Plan.

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

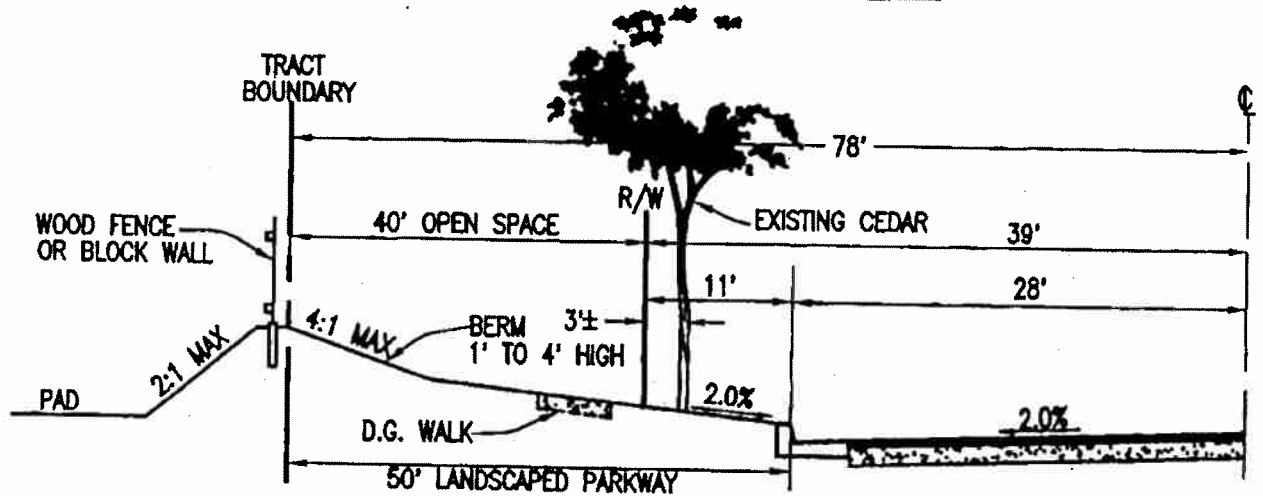
Page 10

34. Right-of-way shall be provided for and dedicated for the ultimate improvement of all roadways within or adjoining the project area in accordance with the City of Beaumont General Plan Circulation Element and the Noble Creek Vistas Specific Plan.
35. Prior to the recordation of any subdivision map for any properties fronting Beaumont Avenue, a detailed alignment study shall be prepared for the review and approval of the Planning Director and Public Works Director. The alignment study shall be accompanied by a report prepared by a qualified arborist and any recommendations necessary to protect the long-term health and viability of the trees.
36. As portions of property which adjoin the portion of Cougar Way, west of Beaumont Avenue, are developed, full-width road improvements shall provided therewith.

Exhibit C

BEAUMONT AVENUE CONCEPTUAL PLAN

STREET SECTION EXHIBIT



TYPICAL HALF-SECTION BEAUMONT AVENUE

NO SCALE

Exhibit D

BROOKSIDE AVENUE TRANSITION TO NOBLE CREEK PARKWAY
CONCEPTUAL PLAN

BROOKSIDE TRANSITION EXHIBIT

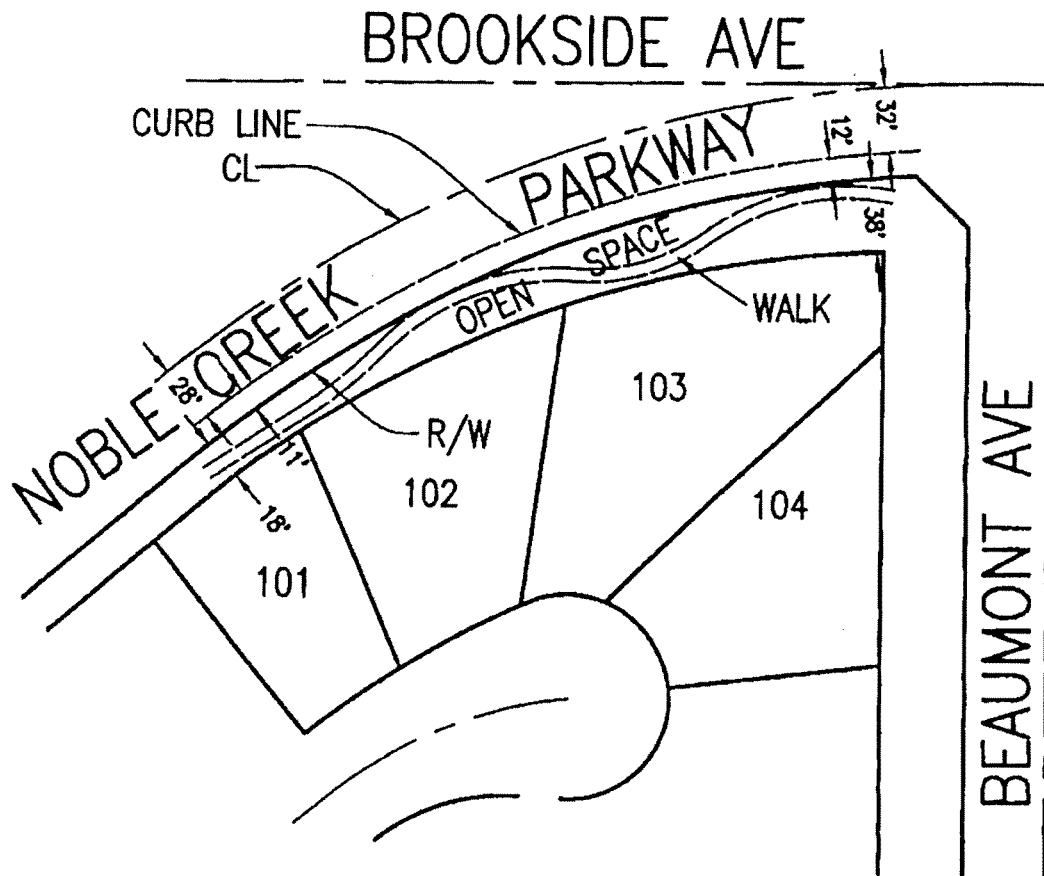


Exhibit E

[Sample] NOTIFICATION OF SETTLEMENT

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Robert C. Goodman, Esq.
Law Offices of Robert C. Goodman
177 Post Street, Suite 750
San Francisco, CA 94108

Space Above This Line for Recorder's Use

MEMORANDUM OF SETTLEMENT AGREEMENT

To Whom It May Concern:

A. [Property Owner] own real property, commonly known as _____ in the County of Riverside, California, and more particularly described in Exhibit A hereto ("the Property").

B. The Property, and certain property adjacent to it is part of the Noble Creek Vistas project ("the Project"), and was the subject of an action brought in the Riverside County Superior Court, captioned *Cherry Valley Pass Acres and Neighbors v. City of Beaumont, et al.* (Case No. RIC 427282) ("the Action")

C. The parties to the Action entered into a Settlement Agreement and Final Stipulated Judgment (the "Settlement Agreement"), which was entered by the Court on _____, 2006. The Settlement Agreement affects the Property. A copy of the Settlement Agreement is attached hereto as Exhibit B.

D. The parties to the Settlement Agreement agreed to certain modifications of the Conditions of Approval for the Project, originally approved by the City Council of the City of Beaumont on February 15, 2005, as more fully set forth in the Settlement Agreement. The Settlement Agreement provides that certain commitments made therein shall be binding upon each successive owner of the Property, and shall run with the land. Interested parties in the Property should consult legal counsel regarding the legal implications of the Settlement Agreement.

E. Nothing in this Memorandum is intended, nor shall it be construed, to alter, amend, modify or supersede any of the terms of the Settlement Agreement.

Dated: _____, 2006

By

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2006 before me, the undersigned, a Notary
Public in and for the State of California, duly commissioned and sworn, personally appeared _____
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose
name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same
in his/her authorized capacity, and that by his/her signature on the instrument the person, or entity upon
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

[seal]

1 PROOF OF SERVICE BY MAIL

2 I, Daniel An, declare as follows:

3 I am employed in the City and County of San Francisco, California. I am over the age of
4 eighteen years and not a party to the within action. My business address is 177 Post Street, Suite 750,
5 San Francisco, California 94108, which is located in the county where the mailing described below took
6 place.

7 I am readily familiar with the regular collection and processing practices at my place of
8 business for mailing with the United States Postal Service. Correspondence so collected and processed is
9 deposited with the United States Postal Service that same day in the ordinary course of business.

10 On May 18, 2006, at San Francisco, California, the following document:

11 **SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT**

12 was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully
13 prepaid, addressed to:

14 Leonard Polyakov
15 Karen J. Lee
16 Newmeyer & Dillion LLP
17 895 Dove Street, Fifth Floor
Newport Beach, CA 92660

Joseph S. Aklufi
Aklufi & Wysocki
3403 Tenth Street, Suite 610
Riverside, CA 92501

18 and that envelope was placed for collection and mailing on that date following ordinary business
19 practices.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed at San Francisco, California,
22 May 18, 2006.



23 Daniel An
24
25
26

PROOF OF SERVICE BY MAIL

I, Daniel An, declare as follows:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 177 Post Street, Suite 750, San Francisco, California 94108, which is located in the county where the mailing described below took place.

I am readily familiar with the regular collection and processing practices at my place of business for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 19, 2006, at San Francisco, California, the following document:

**NOTICE OF ENTRY OF SETTLEMENT AGREEMENT
AND FINAL STIPULATED JUDGMENT**

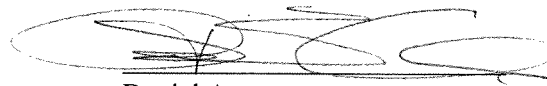
was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed to:

Leonard Polyakov
Karen J. Lee
Newmeyer & Dillion LLP
895 Dove Street, Fifth Floor
Newport Beach, CA 92660

Joseph S. Aklufi
Aklufi & Wysocki
3403 Tenth Street, Suite 610
Riverside, CA 92501

and that envelope was placed for collection and mailing on that date following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California,
June 19, 2006.



Daniel An



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Press-Enterprise** on the dates indicated below.
If changes are needed, please contact us prior to deadline at **(951) 368-9229**.

Notice ID: HvEPwb4r9zwezfzllXNgH | **Proof Updated: Mar. 17, 2025 at 03:24pm PDT**
Notice Name: HOP, Suspension and Resolution Noble Creek

See Proof on Next Page

FILER	FILING FOR
Jillian Fountain jfountain@beaumontca.gov (951) 572-3237	The Press-Enterprise
Columns Wide: 4	Ad Class: Legals
03/20/2025: City Notices	305.40
	Subtotal \$305.40
	Tax % 0
	Total \$305.40

NOTICE IS HEREBY GIVEN, that the City of Beaumont will conduct a public hearing to consider the matter described below. The City of Beaumont's public hearing will be held at 6:00 p.m. on Wednesday April 9, 2025 and Tuesday, April 15, 2025, at 550 East Sixth Street, Beaumont, California.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING CHAPTER 17.11 "GENERAL DEVELOPMENT STANDARDS", SECTION 17.11.110 HOME OCCUPATIONS OF THE BEAUMONT MUNICIPAL CODE

And

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, SUSPENDING ENFORCEMENT OF BEAUMONT MUNICIPAL CODE SECTION 17.11.050 AND PROVIDING A REDLINE VERSION FOR CONSIDERATION AS PART OF THE ZONING CODE UPDATE

And

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA REPEALING THE NOBLE CREEK VISTAS SPECIFIC PLAN.

This meeting will be open to the public and will be recorded for livestreaming on the City's official YouTube webpage. Please use the following link during the meeting for live stream access:

[BeaumontCa.gov/Livestream](https://www.beaumontca.gov/Livestream)

Public comments will be accepted using the following options:

1. Emailed comments will be read aloud during the corresponding item of the meeting. Please submit your comments to NicoleW@BeaumontCa.gov
2. In person public comments.
3. Call-in comments using a designated public comment phone line (951) 922-4845. Planning Commission and City Council will conduct a public hearing to receive testimony and comments from all interested persons. Public comments shall not exceed three minutes unless otherwise authorized by City Council. Comments can be submitted any time prior to the meeting as well as during the meeting until the end of the corresponding item.

The Press-Enterprise

Published: 3/20/25

RESOLUTION NUMBER - _____
AN RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
BEAUMONT RECOMMENDING REPEAL OF THE NOBLE CREEK VISTAS
SPECIFIC PLAN (PLAN 2025-0204)

WHEREAS, on or about February 15, 2005, the Beaumont City Council passed Resolution 2005-11 certifying the Noble Creek Vistas Specific Plan (“NCVSP”) EIR No. 01-1 and approving NCVSP Specific Plan No. 01-1;

WHEREAS, on March 17, 2005, an action was filed challenging the City’s certification of the EIR entitled Cherry Valley Pass Acres and Neighbors v. City of Beaumont (no. RIC 427282) (“Action”) which was settled in its entirety pursuant to a Settlement Agreement and Final Stipulated Judgement approved by the court on May 31, 2006 (“Settlement Agreement”);

WHEREAS, NCVSP was republished and/or approved as of October of 2006; and

WHEREAS, NCVSP was amended in or about June of 2014; and

WHEREAS, Beaumont Municipal Code Section 17.03.140 provides that the adoption and amendment of specific plans are subject to Section 17.03.140 and Section 65450 et seq. of the California Government Code; and

WHEREAS, Government Code Section 65453 provides that a specific plan shall be prepared, adopted, and amended (including repeal) in the same manner as a general plan, except that a specific plan may be adopted by ordinance or resolution as often as deemed necessary by the City Council;

WHEREAS, on April 9, 2025, the Planning Commission conducted a noticed public hearing regarding the repeal of the NCVSP. After duly conducting the hearing, the Commission adopted Resolution No. 2025-____ recommending to the City Council its repeal of the NCVSP.

WHEREAS, Prior to adopting or amending a general plan or specific plan, the city council shall hold at least one public hearing, notice of which shall be given pursuant to government Code Section 65090.

WHEREAS, certain land consisting of approximately 41.26 acres in Planning Area 2 within the NCVSP has been acquired by the San Gorgonio Pass Water Agency for recharge ponds, not originally contemplated by the NCVSP;

WHEREAS, the City acquired 29.33 acres within the NCVSP for the purpose of entitling and building constructing a police station;

WHEREAS, because of the changed circumstances and other reasons the NCVSP is no longer feasible for the development of the land within its boundaries;

WHEREAS, the NCVSP should be repealed for the reasons stated in the foregoing Recitals and for other reasons contained in the record;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Beaumont as follows:

Section 1. Recitals

The above recitals are hereby incorporated herein by this reference.

Section 2. Administrative Record.

The Planning Commission has considered all of the evidence submitted into the administrative record for the recommendations listed in this Resolution, including but not limited to, the following:

- (a) Beaumont, California – Code of Ordinances and Beaumont General Plan;
- (b) The Noble Creek Vistas Specific Plan (“NCVSP”), and documents associated therewith, and Exhibit “A” thereto (Maps of the Specific Plan pg 8-10, 14-15 of SP) as well as the amendment dated June of 2014;
- (c) All environmental documents, including but not limited to, the Environmental Impact Report (“EIR”), public comments in response to the EIR, and final EIR;
- (d) Settlement Agreement;
- (e) Staff Report;
- (f) Staff presentation at the public hearing conducted at the Planning Commission meeting;
- (g) Testimony and/or comments from interested parties submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the Planning Commission meeting;
- (h) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearing conducted at the Planning Commission meeting.
- (i) All other documents in the possession of the City and relevant to this Resolution.

Section 3. Environmental Findings.

Further, the Repeal of the Specific Plan Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that the proposed action will not have any effect or any substantial effect on the environment. The proposed Repeal returns the development standards that were previously existing prior to the adoption of NCVSP as amended. No new changes to the development standards in these areas would be made. The return of these standards to those previously existing or thereafter amended will not have an environmental impact.

Section 4. Findings for Specific Plan.

The Planning Commission has considered all of the evidence submitted into the administrative record for the proposed repeal of the Noble Creek Vistas Specific Plan and in accordance with 17.03.140 of the Beaumont, California – Code of Ordinances, bases its recommendation of repeal of the NCVSP on the following findings.

- (a) The subject property is no longer physically suitable for the land use designation(s) and the anticipated land use development(s) identified in the NCVSP;
- (b) The NCVSP is now outdated and no longer feasible for development. Repeal of the NCVSP will not adversely affect surrounding properties in that it will return to its previous state, which was previously compatible with the surrounding neighborhood;
- (c) Repeal of the NCVSP will not affect the public interest, health, safety, convenience, or welfare of the City.

Section 5. Repeal of Specific Plan

The Planning Commission recommends that the City Council repeal the Noble Creek Vistas Specific Plan.

Section 6. Severability

That if any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 7. Effective Date

That this Resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Beaumont, California, held on the 9th day of April 2025, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Phil Southard, Chairman