



## Staff Report

**TO:** City Council  
**FROM:** Carole Kendrick, Planning Manager  
**DATE** May 16, 2023  
**SUBJECT:** Consideration of (PLAN2023-0920) Assignment and Assumption of a Development Agreement (06-DA-01) for the Sunny Cal Specific Plan

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**Description** Assignment and Assumption of a Development Agreement No. 06-DA-01 between the City of Beaumont and CV Communities, LLC.

### **Background and Analysis:**

The Sunny-Cal Specific Plan, Annexation, Sphere of Influence Amendment and Environmental Impact Report were approved by the Beaumont City Council on August 21, 2007, which provided the backbone zoning and environmental framework for 560 dwelling units on approximately 200 acres including 31.6 acres of parkland, trails, and open space.

On September 18, 2007, the Pre-Annexation and Development Agreement (06-DA-01) between the City of Beaumont, Sunny Cal Egg & Poultry, Inc. and Manheim, Manheim & Berman became effective (see Attachment B).

An Assignment and Assumption of the Development Agreement between CV Communities, LLC, was approved on the consent calendar by the City Council on December 18, 2012, and became effective on December 21, 2012 (see Attachment C).

The subject property was annexed into the City of Beaumont under the Local Agency Formation Commission (LAFCO) number 2014-10-5 and Resolution No. C-02-18 with an effective date of February 15, 2018. However, Planning Area No. 3 consisting of 43.44 acres and 116 dwelling units was not annexed, leaving the project with 156.56 acres and total unit count of 444.

The subject properties were purchased by Exeter Cherry Valley Land, LLC on April 9, 2021, and the property owner is requesting Assignment and Assumption of the existing Development Agreement. Section 20.1 of the Development Agreement states that “the owner shall have the right to sell, assign or transfer the agreement and any and all of its rights, duties and obligations hereunder, in whole or in part, to any person or entity at

any time during the term of this Agreement; provided however, in no event shall the rights, duties and obligations conferred upon by the Owner pursuant to this Agreement be at any time so transferred or assigned except through a transfer of an interest of the Owner in the Property or a portion of thereof. An Assignment shall not be effective without the City's prior approval, which shall not be unreasonably withheld, to ensure that the Assignment will not prevent the orderly development of the project consistent with the Agreement or Development."

The Development Agreement is currently 15 years into the 25-year term. The expiration date of the Sunny Cal Development Agreement is September 18, 2032.

### **Environmental Documentation:**

From the standpoint of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared and certified in 2007 for the Sunny-Cal Specific Plan, and the later Addendum in 2014, assessing the environmental impacts of the project. The EIR and the findings made by the City Council remain valid. This Assignment and Assumption of the Development Agreement is not subject to CEQA, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. 14 CCR Section 15061(b)(3).

### **Findings:**

The guidelines for Development Agreements are established in City of Beaumont Resolution No. 1987-34. This resolution requires City Council to make the following findings:

1. The proposed agreement is consistent with the objectives, policies, general land use and programs specified in the General Plan.

*The proposed Assignment and Assumption of the Development Agreement is consistent with the General Plan and its goals, objectives and policies.*

2. The proposed agreement facilitates land uses which are compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the real property is located.

*The proposed Assignment and Assumption of the Development Agreement has no impact on zoning or land use on the property or in the surrounding area. There are no*

*proposed changes to the zoning, land use or project approvals as a result of this Assignment.*

3. The proposed agreement is in conformity with public convenience, general welfare and good land use practice.

*The proposed Assignment and Assumption of the Development Agreement has no impact on land use or compatibility with the surrounding area.*

4. The proposed agreement will not be detrimental to the health, safety and general welfare.

*Approval of the Assignment and Assumption of the Development Agreement will have no impact on the health, safety or welfare of the City, the surrounding area or its residents. The proposed Assignment and Assumption of the Development Agreement, through the imposition of conditions will ensure the existing and proposed infrastructure can adequately serve the public.*

5. The proposed agreement will not adversely affect the orderly development of property or the preservation of property values.

*Approval of this Assignment and Assumption of the Development Agreement will help facilitate the orderly development of infrastructure and related facilities. Approval of this proposed Assignment and Assumption of the Development Agreement will not have a negative effect on orderly development or preservation of property rights and is agreed to by both the City and the property owner.*

There are no unusual or changed circumstances at this site which would affect the entitlements or consideration of amendment to the Development Agreement. All of the required findings can be made in a positive manner.

**Fiscal Impact:**

The cost of staff time and legal review for the preparation of this report is covered by the flat fee of \$3,521.16 for an Assignment of Development Agreement.

**Recommended Action:**

Approve the Assignment and Assumption of the Sunny-Cal Development Agreement 06-DA-01 with Exeter Cherry Valley Land, LLC.

**Attachments:**

- A. Proposed Assignment and Assumption of Development Agreement
- B. Original 2007 Pre-Annexation and Development Agreement
- C. 2012 Assignment and Assumption of Development Agreement
- D. Sunny Cal Land Use Plan

**Incorporated Herein by Reference:**

- City of Beaumont General Plan
- Project Site's Riverside Conservation Authority Multi-Species Habitat Conservation Plan Informational Map
- Contents of the City of Beaumont Planning Department Project Files for the Sunny-Cal Specific Plan, Environmental Impact Report, 13-TTM-005, 16-GPA-001, 16-RZ/PZ-001, 05-ANX-01, 14-EIR-0 and PLAN2023-0920