

ORDINANCE NUMBER 2024-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT,
CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF BEAUMONT AND BEAUMONT POINTE
PARTNERS, LLC**

WHEREAS, City is a general law city and a municipal corporation of the State of California; and;

WHEREAS, BEAUMONT POINTE PARTNERS LLC (“Owner”) has a legal and equitable interest in approximately five hundred and thirty-nine point nine (539.9) acres of land located south of the 60 Freeway and west of Jack Rabbit Trail in the County of Riverside, State of California legally described and depicted on **Exhibit “A”** attached hereto and incorporated herein by this reference (“Property”); and

WHEREAS, the Subject Property is, or will be made, subject to the following entitlements: General Plan Amendment (PLAN2019-0284), Pre-Zoning the Property to specific plan (PLAN2019-0283); Beaumont Pointe Specific Plan (SP2019-0003); Beaumont Pointe Sign Program (PLAN2022-0856); (g) Vesting Tentative Parcel Map No. 38161 (PM2022-0014); Minor Amendment to the Western Riverside County Multiple Species Habitat Conservation Plan; and certification of Final Environmental Impact Report No. SCH No. 2020099007 (“FEIR”), (collectively the "Entitlements")

WHEREAS, the Project includes thirty point two (30.2) acres to be developed for commercial uses as “The Experience at Beaumont Pointe”, with community recreation, commercial, retail, restaurant and hospitality land uses, a 125- room hotel and related amenities; approximately two hundred and thirty two point six acres (232.6) acres to be developed with industrial uses to accommodate users such as industrial incubators, light manufacturing, parcel hub, warehouse/storage, fulfillment center, high cube warehouse, cold storage warehouse, and e-commerce operations; and approximately two hundred and seventy seven point one (277.1) acres of open space; and

WHEREAS the Project will provide jobs and industry in the City of Beaumont; and

WHEREAS the Project will provide a community benefit to the residents of the City of Beaumont; and

WHEREAS, the Developer is not requesting from the City, nor is the City providing, any form of financial assistance to locate, develop, construct and/or operate the Project in the City of Beaumont, and Developer agrees to comply with all conditions of approval; and

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Sections 65864 et seq. of the California

Government Code, (the "Development Agreement Statute") which authorizes cities to enter into property development agreements with any person(s) or entity(ies) having a legal or equitable interest in real property for the development of such real property in order to establish certain development rights in the real property; and

WHEREAS, the Development Agreement is intended to provide assurances to Developer that an approved Project may proceed subject to the specified policies, rules, regulations, and conditions of approval applicable to the Project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval, and provide assurances that City cannot otherwise unilaterally impose conditions of approval of the Project outside what is permitted by the Development Agreement; and

WHEREAS this Agreement will eliminate uncertainty in planning for and securing orderly development and occupancy of the Property, assure installation of necessary improvements, and ensure attainment of the maximum effective utilization of resources within the City at the least economic cost to its citizens; and

WHEREAS, the City Planning Commission held a public hearing on the Project on November 29, 2023 and continued the item to the January 10, 2024 Planning Commission agenda; and

WHEREAS, the City Planning Commission held a continued public hearing on the Project on January 10, 2024; and

WHEREAS, the City prepared the Final Revised EIR (the "FEIR") and, pursuant to Public Resources Code section 21092.5, the City provided copies of the FEIR to all commenting agencies and persons requesting copies of the responses; and

WHEREAS, the City Council of the City of Beaumont (the "City Council"), at its regularly scheduled public meeting on March 19, 2024, held a public hearing on the Project; and

WHEREAS, as contained herein and in Resolution No. _____, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, based on the foregoing recitals, City has determined that this Agreement is appropriate under the Development Agreement Statute and Beaumont City Council Resolution No. 1987-34 and consistent with the policies and programs of the City of Beaumont General Plan and any applicable specific plan; and

WHEREAS this Agreement is voluntarily entered into in consideration of the benefits to and the rights created in favor of each of the parties hereto and in reliance upon the various representations and warranties contained herein; and

WHEREAS, City, as "Lead Agency" under the California Environmental Quality

Act ("CEQA") and the CEQA Guidelines, has determined that the "Project," as more fully described in this Agreement, has been fully analyzed per CEQA under the FEIR for the Project, as supplemented by the Supplemental CEQA Memorandum prepared by T&B Planning, Inc. dated March 4, 2024 and all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES ORDAIN ASFOLLOWS:

SECTION 1. RECITALS

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. APPROVAL OF DEVELOPMENT AGREEMENT

That the City Council hereby approves the Development Agreement by and between the City of Beaumont and Beaumont Pointe Partners LLC ("Development Agreement"), a copy of which is attached hereto as **Exhibit "B"** and incorporated herein by this reference, subject to the terms and conditions stated therein and subject to the condition that the City Council and Beaumont Pointe Partners, LLC mutually execute an Asset Purchase Agreement and Ground Lease for the commercial parcel that is consistent with the terms of the Letter of Intent approved contemporaneously with this Ordinance within one hundred and eight days (180) days after the effective date of this Ordinance.

SECTION 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE OF ORDINANCE

That this Ordinance shall take effect thirty (30) days after its second reading by the City Council.

SECTION 5. EFFECTIVE DATE OF DEVELOPMENT AGREEMENT

The Development Agreement shall not be executed by the City until on or after the effective date of the Ordinance.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Beaumont Municipal Code as heretofore adopted by the City of Beaumont that are in conflict with the provisions of this ordinance are hereby superseded to the extent of such inconsistency.

SECTION 7. RECORDATION OF DEVELOPMENT AGREEMENT

The City Clerk is hereby directed to record the fully executed Development Agreement with the Riverside County Recorder no later than ten (10) days after its execution.

SECTION 8. CERTIFICATION

That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED THIS 19th day of March, 2024.

CITY OF BEAUMONT CITY COUNCIL

David Fenn, Mayor

ATTEST:

Nicole Wheelwright, Deputy City Clerk

APPROVED AS TO FORM:

EXHIBIT "A"
Legal Description

EXHIBIT "B"
Development Agreement