



## Staff Report

**TO:** City Council  
**FROM:** Christina Taylor, Deputy City Manager  
**DATE:** November 15, 2022  
**SUBJECT:** Public Hearing and Consideration of a Request to Modify Conditions of Approval for Tentative Tract Map 32850 (TM2022-0009) and Consideration of a Third Amendment to a Settlement Agreement Exempt under CEQA Section 15061(b)(3)

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**Description** This item is continued from City Council meetings on October 18 and November 1, 2022. This is a request to amend the Conditions of Approval for Tentative Tract Map No. 32850 and consider a third amendment to an existing settlement agreement.

### Background and Analysis:

The applicant is requesting to modify conditions of approval placed on Tentative Tract Map No. 32850 that was originally approved by the City Council on July 19, 2005. The project initially proposed 108 residential lots ranging in size from 7,200 to 15,794 square feet, however, was reduced to 103 due to the existence of a gas line along the southerly property line. The conditions of approval were subsequently amended in 2007. The project in its current form is proposing 95 single family residential lots, a 0.77-acre lot for drainage purposes, and a 1.59-acre park site lot.

The 29.32-acre site is currently vacant. The property is located in an area which contains single family residences to the east and north, vacant land to the west, and the Childhelp Center is located to the south. The land uses, zoning, and General Plan land use designations of the project site and surrounding area are shown in the following Table.

	LAND USE	GENERAL PLAN	ZONING
PROJECT SITE	Vacant Land	Single Family Residential (SFR)	Residential Single Family (RSF)
NORTH	Single Family Residences	Single Family Residential (SFR)	Residential Single Family (RSF)

<b>SOUTH</b>	Childhelp USA	County of Riverside	County of Riverside
<b>EAST</b>	Single Family Residences (Seneca Springs)	Single Family Residential (SFR)	Seneca Springs Specific Plan (SP)
<b>WEST</b>	Vacant Land	Urban Village (UV)	County of Riverside

Staff and project representatives have worked diligently to address concerns identified by the project representatives. Staff is recommending the condition modifications as follows:

1.4 This conditionally approved tentative map will expire two (2) years after the original approval date, unless extended as provided by the Beaumont Municipal Code, the State Subdivision Map Act or by a development agreement. Action on a minor change and/or revised map request will not extend the time limits of the tentative map. Approval of the tentative map by the City Council will occur on April 5, 2005. ~~The subject map shall expire on March 12, 2023, per the second amendment to the Settlement Agreement entered into in February 2022.~~

3.7 The subdivider is obligated to provide fully improved park space at a ratio of number of lots x 3.2 persons per household x 5 acres per 1,000 population. Said conditions of approval require park improvements and/or fees, and these requirements shall be applicable on a pro- rata basis for this subdivision. The plans for the required park area shall be approved prior to ~~recording of the final map~~ the issuance of the first residential building permit.

3.16 The minimum net lot size in this subdivision shall be 7,200 square feet. ~~The minimum usable pad depth shall be 90 feet.~~

4.1(d) ~~All residential building pads shall have a minimum depth of 90 feet and pad width of 70 feet exclusive of any slope in excess of two feet in vertical height.~~

5.9 A minor plot plan for all residential buildings, garages and accessory buildings shall be submitted to the Planning Director accompanied by applicable filing fees for a plot plan not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the City of Beaumont. ~~The minor plot plan shall be reviewed and approved by the City Council., per the City Council at the April 17, 2007, City Council meeting.~~ The meeting shall be publicly noticed in a newspaper of general circulation not less than 10 days prior to the hearing, in addition

to notifying property owners within a 300-foot radius of the subject property. The minor plot plan shall contain the following elements:

- a. A final site plan (1"=30' minimum scale precise grading plan) showing all lots, building footprints, setbacks, walls, fencing, the floor plan and elevations of individual lots.
- b. One (1) color and materials sample board containing precise color texture and material swatches or photographs (which may be from supplier's brochures). Indicate on the sample board the name, address and phone number of the preparer and the project applicant, the tract number, and the manufacturer and product numbers when feasible (trade names also acceptable).
- c. One (1) set of architectural elevations colored to represent the selected color combinations, with symbols keyed to the color and materials sample board. Brief written color and material descriptions shall be located on the colored elevations. No landscaping or other enhancements shall be shown on the elevations. Enhanced or upgraded rear and side facing architectural features shall be included for dwelling units adjacent to and visible from public roadways.
- d. Five (5) sets of photographic or color laser prints (8 X 10 in.) of the sample board and colored elevations shall be submitted for permanent filing.

The Minor Plot Plan shall require the approval of the ~~Director of Planning~~ City Council prior to issuance of building permits for lots included within the plot plan, including permits for model home complexes. The submittal and approval of plot plans may be phased provided:

- a. A subdivision phasing plan has been submitted to and approved by the Planning Director and Public Works Director.
- b. A separate plot plan shall be submitted to the Planning Director for each approved tract phase accompanied by the appropriate filing fees.

5.13 A minimum of 50 Residences residences within the subdivision shall be limited to single-story residences, ~~consistent with the plotting exhibit approved by the City Council on April 17, 2007.~~

Along with the modifications shown above, non-substantive language cleanup has been incorporated into the conditions and is shown in the redline version included as Attachment A to this report.

In addition to the amended conditions, a third amendment to an existing settlement agreement is proposed (Attachment B). The original settlement agreement was entered into on November 17, 2020. The first amendment was in February 2021 and the second amendment was in February 2022. The third amendment to the settlement agreement will include the following:

1. Except as otherwise set forth in this Agreement, Owner shall develop the Property in compliance with applicable provisions of the Beaumont Municipal Code for residential single-family homes and residential single-family zone development standards.
2. Pad elevations on two story homes shall be at least 16 feet below the top of the six foot block wall at the rear of the lots along Manzanita Road and the Western subdivision boundary. Buildings shall not exceed 28 feet in height.
3. The minimum lot area for lots within the Property shall be 7,200 square feet.
4. All lots within the Property shall provide a minimum 20 feet front setback for one- or two-story structures from the public right of way to the house. In no event shall a residence be situated in such a manner as to result in a distance of less than 20 feet between the back of the sidewalk and the face of the garage door.
5. All lots shall provide a minimum 15 feet average flat rear yard setback for one- or two-story structures and no less than 20 feet rear yard setback to a property line.
6. The number of two-story single family residential homes on the Property shall not exceed 45.
7. Except as the conditions of approval are amended herein, all conditions of approval for development of the Property, as set forth in attachment "A" hereto, shall remain in full force and effect.
8. Owner shall not request any further modifications to this Agreement or the conditions of approval for development of the property.
9. Except as amended herein, all other terms of the Agreement and any amendments thereto shall remain in full force and effect. Owner shall not request or be

granted any further extensions of the time to complete its application and cause the recordation of the Final Tract Map.

On September 13, 2022, the Planning Commission conducted a public hearing regarding the subject application. The Commission discussed the merits of the application and indicated their concurrence with the requested modifications as presented to City Council on October 18, 2022. The conditions as presented and as shown in Attachment A to this report reflect further discussions between the applicant and staff.

### **Public Notice and Communications:**

Property owners located within a 300-foot radius of the project site were notified of the public hearing on September 23, 2022, with a 10-day hearing notice in addition to a public notice in the Press Enterprise (see Attachment F). The Planning Department has received one comment email from the public prior to the Planning Commission meeting which is provided as Attachment G to this staff report. Any comments received prior to the time of the scheduled City Council hearing will be provided to the Council at the time of the meeting.

### **CEQA Review:**

From the standpoint of the California Environmental Quality Act (CEQA), an Initial Study and Negative Declaration were prepared in 2004 and adopted by City Council on July 19, 2005, determined that although the project could have a significant effect on the environment, there will not be a significant effect in this case. The modifications of conditions and settlement agreement amendment are exempt through CEQA Section 15061(b)(3). The proposed modifications will not impact the previous analysis.

### **Fiscal Impact:**

The fiscal impact for review, processing and the preparation of the Planning Commission and City Council staff reports is estimated at approximately \$2,500

### **Recommended Action:**

Hold a Public Hearing; and

Approve the modifications to the conditions of approval for Tentative Tract Map No. 32850; and

Approve the third amendment to the settlement agreement for Tentative Tract Map 32850

**Attachments:**

- A. Redlined Conditions of Approval
- B. Third Amendment to the Settlement Agreement
- C. Tentative Tract Map No. 32850
- D. Aerial Photograph
- E. Applicant's letter dated August 16, 2022
- F. Proof of Publication
- G. Mary Daniel email dated September 4, 2022

Incorporated herein by Reference:

- City of Beaumont General Plan
- City of Beaumont Zoning Ordinance
- Project Site's Riverside Conservation Authority Multi-Species Habitat Conservation Plan Informational Map
- Contents of City of Beaumont Planning Department Project File Tentative Tract Map No. 32850, TM2022-0009, PLAN2022-0767, Negative Declaration 04-ND-22, and LAFCO 2005-105-2.