

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
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**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 prezoned 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 I-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 I-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 I-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

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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

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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.

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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

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- 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.

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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 replace 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

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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

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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.