



## Staff Report

**TO:** Planning Commissioners  
**FROM:** Carole Kendrick, Senior Planner  
**DATE:** March 10, 2020  
**SUBJECT:** **Conduct a Public Hearing and Consideration of Conditional Use Permit No. CUP2020-0044 for a Request to Allow Ongoing Live Entertainment and Onsite Food Vendors at the Craft Lounge at 690 Beaumont Avenue Located within the Beaumont Avenue Overlay (BAO) Zone and to Amend Conditional Use Permit No. 2018-0017 Condition of Approval #2 to Expand the Sale of Alcoholic Beverages from the Current Hours of 12:00 pm to 11:00 pm to the Proposed Hours of 10:00 am to 1:00 am**

**APPLICANT:** James Garcia

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### **Background and Analysis:**

The Municipal Code Section 17.02.100.F of the City of Beaumont requires the approval of a conditional use permit by the Planning Commission for live entertainment per Table 17.03-4. The Planning Commission may also modify a conditional use permit in whole or part, with or without conditions, provided that all of the required findings are made (Section 17.02.100.G.1-12).

The purpose of this requirement is to establish a formal review of such proposals, which involves conducting a public hearing and giving written notice to property owners within a 300-foot radius of the site. Through the conditional use permit process, the Planning Commission has the opportunity to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through conditions, can be made compatible. The Planning Commission can either deny or approve the proposal and may establish conditions of approval for the business' operations to ensure that it will not be a detriment to the community.

The applicant is requesting approval for ongoing live entertainment located inside of the building, temporary food vendors located outside of the building and the public right-of-way but within the property lines, and to extend the hours in which alcohol can be sold from 10am to 1am.

The business has been providing live entertainment since July 15, 2019 consistent with their temporary use permit, that allows no more than 45 events within a calendar year. City staff has not received any comments or complaints regarding the intermittent live entertainment that has been occurring on site.

In addition to live entertainment, the applicant has also invited food vendors to set up within the limits of the property to provide food options to patrons. As part of the request, the applicant would like to continue providing

The State of California, Alcoholic Beverage Control Agency (ABC) is charged with regulating businesses which involve the sale of alcoholic beverages. In order for an applicant to obtain the approval of ABC, the local City must first issue a “certificate of public convenience or necessity.” As provided for in the Municipal Code, the Planning Commission’s approval of a conditional use permit satisfies this requirement.

The subject site is an existing bar with a current ABC license that was issued on February 6, 2019, however a modification will be required in order to extend the sales hours. City staff has not received any comments or complaints related to alcohol sales on the site.

The Craft Lounge has been in operation since 2019 under Conditional Use Permit CUP2018-0017. The building was constructed in 1962 and has six (6) suites that include a hair salon, an insurance office, a mattress and recliner store, and a vacant suite. There are residential uses located to the east, west and north. Beaumont Glass and Door is located to the south of the multi-tenant building.

The project setting can also be seen in the following materials attached to this Project Analysis:

- General Plan Land Use Map (Attachment No. C)
- Zoning Map (Attachment No. D)
- Aerial Photograph (Attachment No. E)

	<b>LAND USE</b>	<b>ZONING</b>	<b>GENERAL PLAN</b>
<b>PROJECT SITE</b>	The Craft Lounge	BAO (Beaumont Avenue Overlay)	BAO (Beaumont Avenue Overlay)
<b>NORTH</b>	Single Family Residence	BAO (Beaumont Avenue Overlay)	BAO (Beaumont Avenue Overlay)

<b>SOUTH</b>	Commercial	BAO (Beaumont Avenue Overlay)	BAO (Beaumont Avenue Overlay)
<b>EAST</b>	Multiple Family Residential	BAO (Beaumont Avenue Overlay)	BAO (Beaumont Avenue Overlay)
<b>WEST</b>	Multiple Family Residence	BAO (Beaumont Avenue Overlay)	BAO (Beaumont Avenue Overlay)

The applicant currently has a Type 42 on sale beer and wine (public premises) and 77 event permit. Type 42 and 77 licenses are defined by the Alcohol Beverage Control as:

**On-sale beer and wine – Public Premises** (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain. Food service is not required.

**Event Permit** This permit allows certain licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises that is owned or under the control of the licensee.

The building is suitable for a bar establishment and has been operating without incident. The expanded hours for alcohol sales would be complimentary to the primary use of the suite as a bar.

The key issues related to approval of alcohol sales involve the appropriateness of the location and the nature and manner of operations to be conducted. With regard to location, the site is zoned Beaumont Avenue Overlay (BAO) and is currently operating as a bar with a Type 42 beer and wine license. Alcohol sales are allowed in the Beaumont Avenue Overlay zone subject to a Conditional Use Permit and the applicant is requesting a modification to the existing Conditional Use Permit (CUP2018-0017).

The conditional use permit form of approval allows the City to monitor the subject use and to initiate proceedings for revocation of the permit if the conditions are violated or if the use otherwise becomes a public nuisance. Sufficient protection exists for maintenance of the public health, safety, and welfare.

**Site Plan/Site Design.** The existing commercial shopping center currently consists of a commercial building with multiple suites. As shown in the attached Aerial Photograph (Attachment E), the Craft Lounge is currently located in the northernmost suite.

**Lighting.** There is existing street lighting on Beaumont Avenue and building lighting on the east elevation of the building facing the parking lot. The Applicant is not proposing any changes to the site lighting at this time. Staff has determined that adequate lighting is provided on site for pedestrians to safely navigate in the evening hours.

**Circulation and Parking.** The existing building has one (1) driveway located on 7<sup>th</sup> Street that provides an area for off-street parking. On street parking is also allowed along Beaumont Avenue and 7<sup>th</sup> Street adjacent to the building.

**Hours of Operation.** The bar is currently operating between 3pm and 10pm, Monday, Wednesday, Thursday and Sundays, and 3pm to 11pm on Friday and Saturday. The existing conditions of approval limit alcohol sales between the hours of 12pm to 11pm (Condition No. 2 of CUP2018-0017). The applicant is requesting to expand the alcohol sales hours to 10am to 1am to capture packed beer sales early in the day and to continue to serve patrons later in the evening hours.

**Census Tract Information:**

The California Department of Alcoholic Beverage Control (ABC) is the regulatory agency that issues licenses for the sale of alcoholic beverages. According to Alcohol Beverage Control, one (1) On-sale license is allowed in Census Tract 440, based on current population ratios, and currently there are 11 on-sale licenses issued within this Census Tract, which are listed below. The on-sale license report is attached as Attachment F and a map showing the boundaries of the Census Tract is included as Attachment G.

- La Casita Nueva Mexican Grill
- New York Pizzeria
- Tacos & Beer
- Beaumont Mexican Grill & More
- Frijoles
- Casa Palacios Mexican Restaurant
- Craft Lounge Taproom and Bottleshop
- Ramona's Mexican Café
- Mr. Taco
- Players' Lounge
- Grumpy Tom's

ABC's threshold for issuing On-Sale licenses is one retail license for each 1,060 people within a Census Tract. When this threshold is exceeded, the Census Tract is deemed

to have “undue concentration,” or more licenses issued than recommended. Therefore, a Public Convenience or Necessity determination was required and provided under CUP2018-0017.

ABC also has recommended separation requirements from sensitive uses. The existing use is located at least 600 feet, as measured from property line to property line, from existing public or private schools and public parks. The subject property is located 650 feet from Palm Elementary School and 700 feet from Stewart Park. The subject site is located approximately 300 feet from the Beaumont Presbyterian Church; however, the church is located on the northeast corner of Euclid Avenue and 7<sup>th</sup> Street and will not be impacted by the expanded hours of alcohol sales at this location.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. The subject site, as measured from building to building is located less than 100 feet from the nearest residential home, however the adjacent residential uses are separated from the use by either an alley or a public street.

#### **PUBLIC COMMUNICATIONS RECEIVED:**

Property owners located within a 300-foot radius of the project site were notified of the public hearing on February 28, 2020 with a 10-day hearing notice in addition to a public notice in the Press Enterprise. At the time of report preparation, the Planning Department has not received any letters of comment from the public in favor or opposition to the project. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Commission at the time of the public hearing.

#### **ENVIRONMENTAL DOCUMENTATION:**

The project is exempt from provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 in that information contained in the project file and documents incorporated herein by reference demonstrates that: Conditional Use Permit CUP2020-0044 is consistent with the Beaumont Avenue Overlay General Plan designation and all applicable General Plan policies as well as the applicable zoning designation; the proposed project site is located within the boundaries of the City of Beaumont; Conditional Use Permit CUP2020-0044 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit CUP2020-0044 will result in

significant effects related to traffic, noise, air quality or water quality in that the proposed project incorporated and otherwise is subject to air and water quality resource agency design requirements to avoid an harmful effects; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 01 (Existing Facilities) Categorical Exemption under the CEQA Guidelines. Additionally, none of the exceptions provided in CEQA Guidelines Section 15300.2 apply to this project.

## **FINDINGS:**

The Planning Commission may approve and/or modify a Conditional Use Permit in whole or in part, with or without conditions, provided that all of the following findings of fact are made:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance.

*Bars and live entertainment are conditionally permitted in the zoning ordinance. Approval of this use would be consistent with conditionally allowable uses.*

2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

*The Beaumont Avenue Overlay allows for bars and live entertainment subject to conditional use permit approval. Allowing live entertainment and expand alcohol sales hours in this zone would be consistent with existing and surrounding uses in the area and would not impair the zone's integrity.*

3. The subject site is physically suitable for the type of land use being proposed.

*The site is currently operating as The Craft Lounge with on-site sale of alcohol (beer and wine). The site has been providing intermittent live entertainment under a previous Temporary Use Permit (PLAN2019-0311) and can physically accommodate ongoing live entertainment and expanded hours for alcohol sales. The site is a multi-tenant center with a variety of uses, operational hours and shared parking spaces. The site has adequate access for circulation and emergency response. This application has been reviewed by the City's public safety officers and is found to be compatible.*

4. The proposed use is compatible with the land uses presently on the subject property.

*The multi-tenant center is anticipated to a variety of uses and operating hours. Allowing the expansion of the hours for beer and wine sales and ongoing live entertainment would be compatible with existing business at the site. The center was previously designed to accommodate a variety of retail and service-oriented business.*

5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.

*A bar with live entertainment is compatible with current and future land uses in the Beaumont Avenue Overlay zone. The zone is intended to provide for the general public a variety of uses including retail, food service and commercial businesses. The use is also consistent with what will be allowed in the future area zoning and in the general plan update.*

6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

*The site is adequately served by all public utilities.*

7. There would be adequate provisions for public access to serve the subject proposal.

*The site was constructed to accommodate a variety of users. There is adequate access to the site to serve the public and provide for public safety access as was determined through project review and the conditions of approval.*

8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the City of Beaumont General Plan.

*The proposed use is consistent with the overall General Plan and its contents. The City strives to provide a variety of businesses for its residents, job opportunities, and improvements to the aesthetics of the City. Allowing this use in the Beaumont Avenue Overlay zone works toward achieving these goals.*

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare.

*The proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare because as conditioned, the alcohol sales and live entertainment must comply with guidelines established by the City's public safety departments.*

10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.

*The center is existing, and the applicant is not proposing any changes to the elevations therefore there will be no impact to the image, character or visual quality of the neighborhood.*

11. The Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations.

*The proposed use will enhance the existing bar by providing live entertainment and expanded sales hours to patrons. The bar occupies the northwest suite of an existing building. The live entertainment component is incidental to the primary use. There will be no new environmental impacts as a result.*

*Incorporated herein by Reference:*

- *City of Beaumont General Plan*
- *City of Beaumont Zoning Ordinance*
- *Project Site's Riverside Conservation Authority Multi-Species Habitat Conservation Plan Informational Map*
- *Contents of City of Beaumont Planning Department Project File CUP2020-0044, CUP2018-0017 & PLAN2019-0311*

**Recommended Action:**

Hold a Public Hearing, and  
Approve Conditional Use Permit CUP2020-0044, subject to the proposed conditions of approval and the findings stated herein, and  
Direct staff to prepare a Notice of Exemption for the applicant to record with the County Clerk.



**Attachments:**

- A. Draft Conditions of Approval
- B. Floor Plan
- C. General Plan Land Use Designation Map
- D. Zoning Map
- E. Aerial Photograph
- F. ABC License Report for Census Tract 440
- G. Census Tract 440 Boundary Map
- H. Applicant Letter dated February 3, 2020
- I. Proof of Publication