



Staff Report

TO: Planning Commissioners
FROM: Carole Kendrick, Planning Manager
Katie Jenson, Assistant Planner
DATE: October 11, 2022
SUBJECT: **Conditional Use Permit 2022-0065 for the New Construction and Operation of a 655 Square Foot Quick Service Coffee Shop with a Drive Thru and Walk-Up Take-Out Window for 'Ziggi's Coffee' on a 0.717-Acre Parcel Located in the Beaumont Gateway Plaza in the Community Commercial (CC) Zone. (APN: 418-290-023)**
APPLICANT: Jack Lanphere

Background and Analysis:

The applicant is requesting approval of one (1) application that was submitted on April 14, 2022. The project proposes to construct a 655 square foot building on an existing partially developed property. The proposed building will be used for a quick service drive-thru coffee shop which includes walk-up takeout orders with no indoor dining but does include two (2) outdoor tables on a 0.717-acre parcel located on the south side of First Street, west of Beaumont Avenue.

Conditional Use Permit No. CUP2022-0065 is required by the Beaumont Municipal Code per Section 17.02.100 and Table 17.03-3 for particular uses. Restaurants with a drive-thru are uses subject to a Conditional Use Permit in Community Commercial Zone.

The subject property is part of a larger planned development called the Beaumont Gateway Plaza that was approved on December 12, 2006. The overall development allowed for a gas station with a 1,400 square convenience store and a car wash, two (2) drive thru restaurants with 3,200 square feet each, 6,935 square foot multiple tenant building for retail and service uses and 33,000 square feet dedicated to research and development uses.

On February 12, 2008, the Planning Commission approved a modification to the Beaumont Gateway Plaza to modify the research and development uses to a 10-bay

carwash facility and 14-bay automobile service facility showroom. The approved site plan is provided as Attachment G to this staff report.

The applicant did process a Preliminary Review (PLAN2021-0702) application in late 2021 to obtain written comments from staff on the conceptual design. The main concerns raised during the preliminary review process included providing restroom facilities, a trip generation letter and the requirement for a Preliminary Water Quality Management Plan (PWQMP).

The applicant formally submitted their application in April 2022, post adoption of the updated General Plan and Zoning Code update. The subject use is located within the Community Commercial (CC) Zone and has a General Plan land use designation of General Commercial.

The in addition to the requirement of a Conditional Use Permit, the updated Zoning Code includes several footnotes to Table 17.03-3, that identifies two (2) footnotes for restaurants with drive-thru uses, which are as follows:

2. These uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in 12th grade or below, day care center, or youth center.
3. New fast-food restaurants should not be located within 1,000 feet of another fast-food restaurant.

The subject site is slightly located under 100 feet from Mojave River Academy, which is an Independent Study Charter School. The Academy does not provide any onsite instruction, so there is no interference with the receptors identified in footnote No. 2. The proposed drive-thru will be located slightly under 100 feet from the existing Jack in the Box drive-thru restaurant, however the Beaumont Municipal Code language states that it should be 1,000 feet and not shall, which provides flexibility on a case-by-case basis. Due to the location, access and site constraints, a non-drive-thru use would likely not be feasible at this location. In addition, the site is located behind existing buildings and provides limited visibility.

Project Setting:

The 0.717-acre site is primarily undeveloped pad with parking and drive aisle on the eastern portion of the property. The subject site is located within a retail shopping center that includes curb, gutter, sidewalk, off-site landscaping improvements that were installed when the center was originally constructed. The parcel to the south is currently

vacant commercially zoned property. To the north is the existing developed 84 Lumber, to the west is the existing So Cal Gas Company, to the east is the existing developed Beaumont Gateway Plaza that includes the Mojave River Academy, Subway, a Shell gas station, convenience store and carwash, Jack in the Box drive-thru restaurant, and a future Zendaja’s drive-thru restaurant.

The project setting can also be seen in the following materials attached to this staff report:

- General Plan Land Use Map (Attachment C)
- Zoning Map (Attachment D)
- Aerial Photograph (Attachment E)

The land uses, zoning, and General Plan land use designations of the project site and surrounding area are shown in the following Table.

	LAND USE	GENERAL PLAN	ZONING
PROJECT SITE	Vacant Land	GC (General Commercial)	CC (Community Commercial)
NORTH	84 Lumber	GC (General Commercial)	CC (Community Commercial)
SOUTH	Vacant Land	GC (General Commercial)	CC (Community Commercial)
EAST	Beaumont Gateway Plaza	GC (General Commercial)	CC (Community Commercial)
WEST	So Cal Gas Company	I (Industrial)	M (Manufacturing)

Site Design:

The site currently is a primarily vacant pad within an existing developed shopping center. The center comprises of six (6) parcels. The subject property is in the

northwest corner of the overall planned development and will complete the development along Beaumont Avenue frontage. The subject property includes existing developed parking spaces and a drive aisle that are located on the west side of the Shell Gas Station. The project will modify the existing on-site improvements on the subject parcel to provide adequate circulation and parking.

The project is proposing to construct a 655 square foot quick service coffee shop with a drive thru and walk-up take-out window. This project will not provide indoor seating but will provide two (2) tables for outdoor seating. The building is situated in the northwest corner of the subject parcel with the drive-thru on the south side of said building. The drive thru wraps around the center of the parcel in a horseshoe design with the entrance and exit on the south end of parcel. Upon entering the dual drive thru on south end of the parcel it wraps along the west side of the building and merges into one (1) lane, leading you to the window on the southside of the building, and exits on the east. The walkup area for takeout is located on the eastside of the building with access by a paved pathway from the parking lot area located on the east side of the parcel.

The new parking fields are located to the southeast of the of the building. As previously mentioned, there is existing parking that is under the ownership of the subject parcel. The site is accessed from existing driveways for the center that are located on Beaumont Avenue and First Street.

The attached Development Plans (Attachment B) include the site layout, grading, elevations and conceptual landscaping.

Architecture:

The building design is contemporary and modern, while complementing the existing adjacent buildings. The color palette consists of earth tones that blend in the adjacent buildings, presented in predominantly two shades of color: A light tan and a medium dark brown.

The building features two (2) accents of materials which consist of a warm, earth tone colored stone wainscot veneer, and portions of horizontal corrugated metal panels that bring a unique and modern character to the building, in addition to decorative scoring and cantilever awnings.

Circulation and Parking:

Per Beaumont Municipal Code Table 17.05-1 fast food restaurants are calculated at one (1) space per 100 square feet of gross floor area, but not less than 10 spaces. The proposed drive-thru restaurant will require a minimum of 10 parking spaces. The Municipal Code table also includes footnote 1 that requires a minimum standard vehicle stacking capacity in a drive-thru lane at eight (8) vehicles. The project is proposing to provide 16 parking stalls and stacking for 14 vehicles exceeding the minimum stacking requirement established by the Beaumont Municipal Code. In addition, the applicant prepared a stacking study to demonstrate that the proposed project provides adequate stacking (see Attachment I).

Hours of Operation:

The quick service restaurant is proposing hours between 7am to 7pm, seven (7) days a week, as indicated in the applicant statement of operations (see Attachment F).

Multi-Species Habitat Conservation Plan (MSHCP) :

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

Development Review Committee (DRC):

The Development Review Committee reviewed for the project for design on April 21, 2022, and August 18, 2022. Staff from the various City departments provided written comments that have been incorporated into the proposed conditions of approval.

Environmental Documentation:

This project is exempt from review under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 in that information contained in the project file and documents incorporated herein by reference demonstrates that: Conditional Use Permit CUP2022-0065 is consistent with the General Commercial General Plan designation and all applicable General Plan policies as well as the applicable zoning designation of Community Commercial; the proposed project site is located within the boundaries of the City of Beaumont; Conditional Use Permit CUP2022-0065 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit CUP2022-0065 will result in significant effects related to traffic, noise, air quality or water quality in that the proposed design incorporates and otherwise is subject to air and water quality

resource agency design requirements to avoid 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 32 (In-Fill Development) Categorical Exemption under the CEQA Guidelines. Additionally, none of the exceptions provided in CEQA Guidelines Section 15300.2 apply to this project.

In addition, a Negative Declaration was prepared and adopted on December 12, 2006, under 06-ND-06 for the overall project. The project as proposed is consistent with the previously adopted Negative Declaration.

Public Communications Received:

Property owners located within a 300-foot radius of the project site were notified of the public hearing on September 30, 2022, 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. A proof of publication is included as Attachment H to this staff report.

Planning Commission Authority:

The Community Commercial zone allows fast food restaurants with a drive thru as a conditionally permitted use, per Table 17.03-3 subject to approval of a Conditional Use Permit. The Beaumont Municipal Code Section 17.02.100.F authorizes the Planning Commission to approve, conditionally approve, or deny the application.

Conditional Use Permit 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 uses conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance.

The project is subject to and is consistent with the Development Standards for the Community Commercial (CC) zone. The zoning allows fast-food restaurants with a drive-thru subject to a conditional use permit.

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

The subject property is zoned Community Commercial (CC) allows fast-food restaurants with a drive-thru subject to a Conditional Use Permit. The site is located in an area that is surrounded by currently zoned Community Commercial (CC) properties and will not impair the integrity or character of the zone.

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

The project is in a commercial area that is primarily developed with the exception of the vacant lot to the south which is part of the overall planned development referred to as the Beaumont Gateway Plaza. The is generally flat and is located in a partially developed project and is suitable for commercial development.

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

The project is in a commercial area that is primarily developed, with the exception of a vacant lot to the south that is part of the overall planned development. The is generally flat, partially developed and is suitable for commercial development.

5. The proposed uses 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.

The zoning for the project site is Community Commercial (CC) and the land use designation is and General Commercial (GC). The proposed project is surrounded by property that is currently zoned Community Commercial and designated as General Commercial in the General Plan. The site is surrounded by developed land, with the exception of the vacant lot to the south which is part of the overall planned development referred as the Beaumont Gateway Plaza. The proposed uses are compatible with the surrounding commercial zoned properties.

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 served by the Beaumont-Cherry Valley Water District for water services and the City of Beaumont for sewer disposal system. Electricity will be provided by

Southern California Edison and natural gas will be provided by the Southern California Gas Company. Solid waste and refuse services are provided by Waste Management, Inc. on behalf of the City of Beaumont. The site can be adequately served and will not be detrimental to public health and safety.

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

There is adequate access to the site as determined by the City's public safety departments. The site has access from Beaumont Avenue and First Street.

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

The proposed project is in conformance with the General Plan for the City of Beaumont. The land use designation for the project site is General Commercial (GC). The proposed development is consistent with the General Plan policies.

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

The proposed project meets all the development standards under the Community Commercial zoning, which is intended to protect the public interest, health, safety, convenience, or welfare. The quick service restaurant with a drive-thru will provide a convenience for the public that will not be detrimental to public health, safety or welfare.

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

The proposed design and elevations are compatible with the commercial development to the east and will provide a consistent image that compliments the character of the commercial properties that are developed in the Beaumont Gateway Plaza.

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.

This use will not have an adverse effect on humans or the environment for any population. The proposed project will provide a quick service restaurant to serve all income levels of the population.

12. This subsection G shall apply only to the uses identified in Chapter 17.03. This subsection shall not invalidate any conditional use permit for an operation facility but shall be complied with prior to issuance of a building permit for all projects which no building permit has been issued upon the effective date of this provision.

Recommended Action:

Hold a public hearing,
Conditional Use Permit CUP2022-0065, subject to the attached Conditions of Approval, and
Direct staff to prepare a Notice of Exemption for the applicant to file with the Riverside County Clerk Recorder.

Attachments:

- A. Draft Conditions of Approval
- B. Development Plan
- C. General Plan Land Use Designation Map
- D. Zoning Map
- E. Aerial Photograph
- F. Applicant's letter dated April 14, 2022, regarding the statement of operations
- G. Beaumont Gateway Plaza 06-PP-06 Approved Site Plan
- H. Proof of Publication
- I. K2 Traffic Stacking and Trip Generation Study

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 CUP2022-0065, PLAN2021-0702, 06-PP-06 & 06-ND-06