



## Staff Report

**TO:** Planning Commissioners

**FROM:** Carole Kendrick, Senior Planner

**DATE:** January 12, 2021

**SUBJECT:** **Conditional Use Permit CUP2020-0054 for a Request for an ABC Type 47 (On-Sale General Eating Place) Liquor License to Sell Beer, Wine and Distilled Spirits and a Public Convenience and Necessity (PCN) for the 2nd Street Cinema located at 1491 E. 2nd Street (APN 419-260-057) in the San Gorgonio Village Specific Plan.**

**APPLICANT:** Beaumont Cinema LLC

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### **Background and Analysis:**

The applicant is requesting approval of an application that was submitted on December 10, 2020, for a request to obtain a Type 47 (on-sale general eating place) liquor license to sell beer, wine and distilled spirits and a Public Convenience and Necessity (PCN) for the Second Street Cinema located at 1491 E. Second Street in the San Gorgonio Village Specific Plan.

The Beaumont Municipal Code requires the approval of a conditional use permit by the Planning Commission for alcohol sales. 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 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.

**Project Setting:**

The 4.33-acre site is currently under construction with existing parking fields to the north and west. The area is newly constructed or under development with curb, gutter and sidewalk on First Street, Second Street and Commerce Way. The parcel to the north is currently being developed as a Sherwin Williams retail paint store and Kohl’s is located to the west. To the east of the site on the other side of Commerce Way is the newly constructed San Gorgonio Village shopping center that includes In-N-Out, Raising Cane’s, Grocery Outlet, Five Below and several inline tenants. The Seneca Springs residential community is located to the south of the subject site with single and two-story residences.

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.

	<b>LAND USE</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>
<b>PROJECT SITE</b>	Second Street Cinema (under construction)	GC (General Commercial)	SP (San Gorgonio Village Specific Plan)
<b>NORTH</b>	Sherwin Williams (under construction)	GC (General Commercial)	SP (San Gorgonio Village Specific Plan)
<b>SOUTH</b>	Single Family Residences	SFR (Single Family Residential)	SP (Seneca Springs Specific Plan)

<b>EAST</b>	Kohl's	GC (General Commercial)	SP (San Gorgonio Village Specific Plan)
<b>WEST</b>	San Gorgonio Village Commercial Shopping Center (various tenants)	GC (General Commercial)	SP (San Gorgonio Village Specific Plan)

**Site Plan/Site Design:**

The existing commercial shopping center currently consists of three (3) retail commercial buildings, the existing Kohl's retail store, and the 39,000 square foot Second Street Cinema and the 5,000 square foot Sherwin Williams that are currently under construction. All parcels in the shopping center are currently under separate ownership. The Second Street Cinema is located on the southeast corner of the shopping center, as shown in the attached aerial photograph (Attachment E)

**Lighting:**

There is existing street lighting on First Street, Second Street and Commerce Way and on-site lighting is provided throughout the parking lot. Staff has determined that adequate lighting is provided on site for pedestrians to safely navigate in the evening hours.

**Circulation and Parking:**

The shopping center currently has three (3) driveways on First Street, three (3) driveways on Second Street and one (1) on Commerce Way. A portion of the shopping center is existing, and the remainder of the center is currently being developed and provides adequate parking in front of the building and throughout the site.

**Hours of Operation:**

The subject site is currently under construction and is anticipating an opening in Spring 2021. The cinema is proposing hours between 11am to 10pm, seven (7) days a week, as indicated in the applicant statement of operations (see Attachment F).

## **Alcohol Sales:**

The applicant is also proposing the sale of alcohol in the proposed cinema with an On-Sale Type 47 (beer, wine and distilled spirits only) State of California Alcohol license. 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 (PCN) determination will be required. The applicant has provided a letter to justify the need for the PCN which is included as Attachment F to this staff report.

According to Alcohol Beverage Control, three (3) On-sale licenses are allowed in Census Tract 438.20, based on current population ratios, and currently there are 3 On-sale licenses issued to following businesses (see Attachment G):

- Chili's Bar and Grill
- Pieology Pizzeria
- Wingstop

ABC also has recommended separation requirements from sensitive uses. The proposed 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 1,700 feet from San Gorgonio Middle School and 950 feet from Seneca Springs Park. The subject site is located approximately 8,200 feet from the Deeper Life Ministries.

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. First Street has a 50-foot centerline, for a total street width and right-of-way width of 100 feet. The subject site, as measured from building to building is located approximately 150 feet from the nearest residential home.

The applicant has indicated that will be offering beer and wine on-tap and select cocktails. Patrons pass through the concession stand one time and are limited to two (2) drinks during the purchase. Patrons also provided with a wristband indicated that they are over 21 and purchased alcohol. The theaters will be monitored by staff called "hawkers" every 20 minutes consistent with ABC conditions.

### **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 December 17, 2020. Staff from the various City departments provided written comments that have been incorporated into the proposed conditions of approval.

### **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 CUP2020-0054 is consistent with the General Commercial 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 CUP2020-0054 has no value as habit for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit CUP2020-0054 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.

### **Public Communications Received:**

Property owners located within a 300-foot radius of the project site were notified of the public hearing on January 1, 2021, 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.

### **Planning Commission Authority:**

The General Commercial zone allows alcohol sales as conditionally permitted uses, 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 San Gorgonio Village Specific Plan. The specific plan section 3.2 refers back to the General Commercial zoning, which is no longer a zoning designation in the Municipal Code. The updated zoning includes two commercial zoning designations, Commercial Neighborhood and Community Commercial, which both allows alcohol sales and service 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 SP (San Gorgonio Village Specific Plan) in which section 3.2 refers back to the General Commercial zoning, which is no longer a zoning designation in the Municipal Code. The updated zoning includes two commercial zoning designations, Commercial Neighborhood and Community Commercial, which both allows alcohol sales and service subject to a Conditional Use Permit. The site is located in an area that is surrounded by currently zoned SP that include the San Gorgonio Village Specific Plan and Seneca Springs 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 site is currently under construction consistent with the San Gorgonio Village Specific Plan. The proposed project is in a predominately commercial area that is developed or under construction and is suitable for commercial development.*

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

*The site is currently under construction consistent with the San Gorgonio Village Specific Plan. The subject property is zoned SP (San Gorgonio Village Specific Plan) in which section 3.2 refers back to the General Commercial zoning, which is no longer a zoning designation in the Municipal Code. The updated zoning includes two commercial zoning designations, Commercial Neighborhood and Community Commercial, which both allows alcohol sales and service subject to a Conditional Use Permit.*

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 SP (San Gorgonio Village Specific Plan) and the land use designation is and General Commercial (GC). The proposed project is predominately surrounded by property that is currently zoned SP (San Gorgonio Village Specific Plan) and designated as General Commercial by the current General Plan, with the exception of the Seneca Springs development to the south with is zoned Specific Plan (SP) and has a general plan land use designation of Single Family Residential (SFR). The site is surrounded by developed land or land that is currently under construction. The proposed uses are compatible with the surrounding commercial and residentially 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 First Street, Second Street and Commerce Way.*

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 established in the San Gorgonio Village Specific Plan, which is intended to protect the public interest, health, safety, convenience, or welfare. The cinema and alcohol sales 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 project does not include review of the design and elevations; however the applicant has provided the building elevations that are compatible with the commercial development to the north, east and west, that compliments the character of the commercial properties that are developed in the area along Second Street.*

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 standard service typically provided in cinema/theatre uses 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 operating facility but shall be complied with prior to issuance of a building permit for all projects for which no building permit has been issued upon the effective date of this provision.

*There are no existing Conditional Use Permits for the subject site and therefore would not invalidate any an existing entitlement. The proposed use is subject to the San Gorgonio Village Specific Plan and Conditional Use Permit findings.*

**Recommended Action:**

Hold a public hearing,  
Approve Conditional Use Permit CUP2020-0054, 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 December 9, 2020 regarding the statement of operations and the findings for Public Convenience or Necessity (PCN)
- G. ABC License Report for Census Tract 438.21
- H. Census Tract 438.21 Boundary Map
- I. Proof of Publication

**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 CUP2020-0054