



## Staff Report

**TO:** Planning Commissioners  
**FROM:** Carole Kendrick, Senior Planner  
**DATE:** January 12, 2021  
**SUBJECT:** **Plot Plan 2019-0253, Conditional Use Permit 2019-0042, Conditional Use Permit 2019-0043 and Environmental (ENV 2020-0013) Commonly Referred to as “Beyond Beaumont” Located on the Southwest Corner of Sixth Street and Pennsylvania Avenue (APN 418-122-028) in the Sixth Street Overlay with a Base Zone of Commercial General (CG)**

**APPLICANT:** Beyond Food Mart, Inc.

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### Background and Analysis:

The applicant is requesting approval of several applications that were submitted on December 4, 2019. The individual requests are broken down below:

**Plot Plan 2019-0253** is required by the Beaumont Municipal Code per Section 17.02.070 to establish a new land use. The proposed land use includes a gas station, convenience store and drive-thru carwash located on the southwest corner of Sixth Street and Pennsylvania Avenue.

**Conditional Use Permit No. 2019-0042** is required by the Beaumont Municipal Code per Section 17.02.100 and Table 17.03-4 for particular uses. Gas/service stations and carwashes are uses subject to a Conditional Use Permit. Convenience stores are permitted in the Sixth Street Overlay with a base zone of Commercial General.

The gasoline/service station is proposing to construct and operate eight (8) fuel pumps with 16 fueling positions and a 4,310 square foot canopy located on the northern portion of the property, with fuel provided by 76. A 5,185 square foot convenience store is proposed on the southern portion of the subject property and will be operated by Beyond Food Mart.

The drive-thru carwash is proposing a 1,404 square foot building with a single lane drive-thru lane that wraps around the convenience store with the entry on the east side of the building and exits on the west side of the building.

**Conditional Use Permit No. 2019-0043** is a request for an off-sale general license (Type 21) for the sale of beer, wine and distilled spirits at the proposed convenience store and a finding of Public Convenience and Necessity determination. The proposed sales of alcohol require a Conditional Use Permit per Beaumont Municipal Code Table 17.03-4.

**Environmental (ENV2020-0013) (SCH#2020110001)** due to the scope of the project, an Initial Study was prepared in compliance with the California Environmental Quality Act (CEQA) and determined that mitigation was required. Please see the Environmental Documentation section in this staff report for more information.

The project was originally scheduled for review by the Planning Commission on December 8, 2020, however due to questions regarding Condition Nos. 71 and 118 related to widening the westbound off-ramp of the I-10 Freeway. Staff has modified the conditions to allow for a cash in lieu of the improvements and requires that the applicant enter into an improvement agreement with the City, as shown in Attachment L.

The modified condition language is as follows:

**PRIOR TO ISSUANCE OF FIRST OCCUPANCY PERMIT (COO):** The applicant shall enter into an improvement agreement with the City and provide a cash in lieu of construction for 100% of the estimated cost at the time of deposit, to improve the west-bound off-ramp from the I-10 freeway as identified in the approved Traffic Impact Analysis report, summarized as follows:

- i. Widen the I-10 westbound off-ramp to provide for one exclusive left turn lane and one exclusive right turn lane

### **Project Setting:**

The 1.39-acre site is currently vacant with existing natural vegetation, with the exception of the existing Auto Zone Sixth Street driveway and the easterly parking field located on the subject parcel (418-122-028). There is existing curb and gutter on Sixth Street. Pennsylvania Avenue has no street improvements. No sidewalks currently exist on the subject property. The parcel to the north is an existing commercial building that was previously used for automotive repairs and tire sales, and to the west is Auto Zone.

Vacant land is located to the south and east of the subject property is the Beaumont Market and the Beaumont Auto Spa.

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

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

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>EXISTING GENERAL PLAN</b>	<b>PROPOSED GENERAL PLAN</b>	<b>ZONING</b>
<b>PROJECT SITE</b>	Vacant Land and portion of Auto Zone parking lot	GC (General Commercial)	SSMU (6 <sup>th</sup> Street Mixed Use)	CG (Commercial General) within the 6 <sup>th</sup> Street Overlay
<b>NORTH</b>	Corona Tire and Muffler	GC (General Commercial)	SSMUR (6 <sup>th</sup> Street Mixed Use Residential)	CG (Commercial General) within the 6 <sup>th</sup> Street Overlay
<b>SOUTH</b>	Vacant Land	GC (General Commercial)	SSMU (6 <sup>th</sup> Street Mixed Use)	CG (Commercial General) within the 6 <sup>th</sup> Street Overlay
<b>EAST</b>	Beaumont Market & Beaumont Auto Spa	GC (General Commercial)	SSMU (6 <sup>th</sup> Street Mixed Use)	CG (Commercial General) within the 6 <sup>th</sup> Street Overlay
<b>WEST</b>	Auto Zone	GC (General Commercial)	SSMU (6 <sup>th</sup> Street Mixed Use)	CG (Commercial General) within the 6 <sup>th</sup> Street Overlay

**Site Design:**

The proposed project consists of one (1) 5,185 square foot retail commercial convenience store with off-sale beer, wine and distilled spirit sales, a 1,404 square foot

attached carwash, eight (8) gasoline pumps with 16 fueling positions and a 4,310 square foot canopy. The site encompasses all of Assessor's Parcel Number (APN) 418-122-028 that includes approximately 40 feet of the existing Auto Zone driveway on Sixth Street, the north/south drive aisle and the easterly parking field, which can be seen on the conceptual grading plans (Attachment C), the zoning map (Attachment E) and the aerial photograph (Attachment F).

The applicant is proposing to expand the existing Sixth Street driveway to 35 feet, remove a portion of the Auto Zone landscape planter to provide adequate circulation for both the existing and proposed uses, and relocate a portion of the Auto Zone parking spaces from the north side of the easterly parking field to the south side of the easterly parking field. The proposed modifications are all located on the subject property and the existing and proposed uses provide adequate parking based on the use requirements. The applicant is also proposing to relocate the existing Auto Zone trash enclosure onto the parcel that contains the Auto Zone building (APN: 418-122-027).

The project will improve the frontage along East Sixth Street and Pennsylvania Avenue with curb, gutter, sidewalk and landscaping. A parking field is located on the northern portion of the property and is separated from the gasoline pumps and canopy by a 28-foot-wide drive aisle to the south. The canopy is 39' x 110'6" and is oriented in an east/west position. The gasoline pumps are provided in two (2) rows of four (4) pumps with a north/south orientation.

The convenience store is proposed on the southern portion of the subject property and provides customer access from the northern elevation. The attached carwash proposes a 65-foot long tunnel that is located to the west of convenience store and provides a 12-foot wide drive-thru lane that horse shoes around the convenience store with entry taking place on the east side and the carwash customers exiting to the west side of the convenience store. A five (5) foot landscape buffers separates the carwash drive-thru lane and the southern property line.

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

### **Architecture:**

The proposed project will utilize a modern style of architecture that includes varied rooflines and building planes to create visual interest. The exterior accents include the Beyond trademark "Pin" that is produced by 3form and is the same material used for the LAX pylons. The "Pin" has a maximum height of 29 feet and is internally illuminated

and has been conditioned to comply with the dark sky ordinance (see Condition Nos. 18 and 21). A nighttime rendering for another location has been provided by the applicant to show the level of illumination (see Attachment No. K). Exterior accents include cantilever metal awnings, decorative lighting, decorative scoring in a modern pattern and several recessed areas to create visual interest.

The building also proposes six (6) planes on the north (storefront) and multiple planes on the south, east and west side of the building for a 360-degree architectural effect. The north elevation includes five (5) separate glass front areas, with a larger glass area for the entry that extends up to 14 feet. Metal trellis are provided over each window area, as well as over the recessed areas of the building on the west elevation and over the carwash exit.

The proposed convenience store and carwash project consists primarily of stucco, perforated metal panels and cement board lap siding designed to look like wood. Exterior finish treatments are comprised of a mixture of paint stucco in white, beige, tan and brown tones, perforated metal panels are proposed in a beige tone and the lap siding in a mixture brown and tan tones. The project is proposing a parapet roof with varied heights between 18 to 27 feet and the “Pin” at a height of 29 feet.

The fuel canopy will utilize perforated metal panels for the canopy, similar to the materials proposed for the convenience store. The canopy will be supported by a metal frame with acrylic coat that will be back lit in a white tone. The metal supports are a modern geometric design that graduate towards the canopy. The canopy also provides geometric architectural aspects to carry through the modern theme.

### **Circulation and Parking:**

A Traffic Impact Analysis was prepared by Ganddini on July 29, 2020. The retail project is proposing to share the existing driveway on Sixth Street with Auto Zone and construct one (1) driveway on Pennsylvania Avenue. Both driveways will only allow for right-in, right-out turning movements. The traffic analysis requires that the applicant widen the I-10 Freeway off-ramp to provide one exclusive left turn lane and one exclusive right turn lane (see Condition No. 118). The project is also required to pay the Transportation Uniform Mitigation Fee (TUMF), Development Impact Fees (DIF) and/or fair share fees consistent with the City’s requirements.

Per Beaumont Municipal Code Table 17.05-1. gasoline service stations are required to provide one (1) parking space per each 200 square feet of gross floor area, plus any additional spaces required for accessory uses such as retail or food service. The

proposed service station requires 26 parking spaces. For reference the existing Auto Zone requires one (1) parking space per each 200 square feet of gross floor area for a total of 37. The project is required to provide 63 parking spaces, which includes the existing Auto Zone, and is proposing 67 spaces not including the 16 fueling spaces under the canopy.

In addition, the carwash provides queueing for ten (10) vehicles which exceeds the minimum requirement of stacking eight (8) vehicles that the Beaumont Municipal Code Table 17.05-1 (footnote 1) requires for drive-through uses.

### **Hours of Operation:**

The convenience store and gas station are proposing a 24-hour operation and the carwash is proposing hours between 7am to 8pm. General deliveries for the convenience store will occur Monday through Saturday between 7am and 5pm and fuel deliveries are dependent on the truck's schedule.

### **Alcohol Sales:**

The applicant is also proposing the sale of alcohol in the proposed convenience store with an Off-Sale Type 21 (beer, wine and distilled spirits only) State of California Alcohol license. According to Alcohol Beverage Control, one (1) Off-sale license is allowed in Census Tract 440, based on current population ratios, and currently there are 10 Off-sale licenses issued to following businesses (see Attachment I):

- Ziggy's Spirit Shoppe
- El Rancho Liquor
- Stop and Shop Liquor
- Beaumont 76
- Arco AM/PM
- USA Gas
- Shopping Bag Market and Liquor
- Mike's Market
- Maya Chevron
- Plaza Liquor Mart

Therefore, a Public Convenience and Necessity (PCN) determination will be required, and the applicant has provided a letter to justify the need for the PCN which is included as Attachment H to this staff report.

The proposed use is located at least 600 feet, as measured from property line to property line, from existing public or private schools, public parks, or places of worship. The subject property is located approximately 1,650 feet from Palm Elementary School and 1,350 feet from the Deeper Life Ministries at 1390 E. Sixth Street. The nearest park is Stewart Park and is approximately 2,000 feet from the project site.

**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 19, 2019, and May 21, 2020. Staff from the various City departments provided written comments that have been incorporated into the proposed conditions of approval.

**Environmental Documentation:**

An Initial Study/Mitigated Negative Declaration was prepared for the project in accordance with the provisions of the California Environmental Quality Act (CEQA). The Initial Study/Mitigated Negative Declaration document was based upon the City standard checklist and addressed a full range of environmental topics.

The findings of environmental process are that all significant issues can be mitigated to a level of insignificance with respect to local and regional standards and thresholds. In order to achieve the level of insignificance, a series of mitigation measures are proposed (Condition Nos. 102-118).

To ensure that these measures are properly enacted, a mitigation monitoring program is necessary and would be enforced during the construction and operation of the project, if approved.

The Draft Initial Study/Mitigated Negative Declaration was circulated for a 30-day public review period from November 2, 2020, through December 2, 2020 and is included as Attachment A to this staff report. Staff did not receive any calls or written comments during the public review period.

### **Public Communications Received:**

Property owners located within a 300-foot radius of the project site were notified of the public hearing on November 27, 2020, with a 10-day hearing notice in addition to a public notice in the Press Enterprise.

No comments were received prior to or at the December 8, 2020, Planning Commission. The proposed project was continued to January 12, 2021, and no comments have been received 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 Community Commercial zone allows gas/service stations and carwashes as conditionally permitted uses, per Table 17.03-4, 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.

A Plot Plan is required per Section 10.02.070 to establish a new land use, or to assume an existing land use, consistent with the zoning of the proposed location and requires a public hearing conducted by the Planning Commission. The Beaumont Municipal Code Section 17.02.070.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 Commercial General (CG) zone within the Sixth Street Overlay. The zoning allows gas/service stations and carwashes 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 Commercial General (CG) within the Sixth Street Overlay which allows gas/service stations and carwashes subject to a Conditional Use Permit. The site is located in an area that is surrounded by currently zoned Commercial General (CG) 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 site is vacant, with the exception of the AutoZone improvements on the western edge of the subject property and is relatively flat. 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 vacant, with the exception of the AutoZone improvements on the western edge of the subject property and is zoned Commercial General within the Sixth Street Overlay and the proposed uses are allowed subject to approval of 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 Commercial General (CG) in the Sixth Street Overlay and the land use designation is and General Commercial (GC). The proposed project is surrounded by property that is currently zoned Commercial General within the Sixth Street Overlay and designated as General Commercial by the current General Plan. The site is surrounded by developed land with the exception of the property to the south that is currently vacant and processing entitlements through the City. 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 Sixth Street and Pennsylvania Avenue.*

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 Commercial General zoning and Sixth Street Overlay, which is intended to protect the public interest, health, safety, convenience, or welfare. The gas station, carwash and retail uses 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 north, east and west, and will provide an updated image that compliments the character of the commercial properties that are developed in the area along Sixth 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 wide range of goods and services including gas, and other transportation related services to serve all income levels of the population.*

### **Plot Plan Findings:**

1. The proposed use is permitted, or is substantially similar to a use permitted, within the subject zone and complies with the intent of all applicable provisions of the Zoning Ordinance.

*The project is subject to and is consistent with the Development Standards for the Commercial General (CG) zone within the Sixth Street Overlay. The zoning allows gas/service stations and carwashes subject to a Conditional Use Permit.*

2. The proposed use is consistent with the objectives, policies, general plan land uses and programs of the general plan and any applicable specific plans.

*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.*

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

*The project is in a commercial area that is developed with commercial uses surrounding the site, with the exception of vacant land that is located to the south that is currently processing commercial entitlement applications through the City. The is generally flat and is suitable for commercial development.*

4. The location, size, design and operating characteristics of the proposed uses is compatible with existing land uses within the general area in which the proposed use is located.

*The zoning for the project site is Commercial General (CG) in the Sixth Street Overlay and the land use designation is and General Commercial (GC). The*

*proposed project is surrounded by property that is currently zoned Commercial General within the Sixth Street Overlay and designated as General Commercial by the current General Plan. The site is surrounded by developed land with the exception of the property to the south that is currently vacant and processing entitlements through the City. The proposed uses are compatible with the surrounding commercial zoned properties.*

5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed land use would not be detrimental to the public convenience, health, safety or general welfare;

*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.*

6. The approval of the plot plan permit for the proposed uses is in compliance with the requirements of the California Environmental Quality Act and there would be no significant adverse impacts upon environmental quality and natural resources that cannot be reasonably mitigated and monitored.

*A Mitigated Negative Declaration was prepared for the project by Lilburn Corporation and determined that any project impacts can be reasonably mitigated as shown in Attachment A.*

**Recommended Action:**

Hold a public hearing;

Adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Plot Plan PP2019-0253, Conditional Use Permit CUP2019-0042 and Conditional Use Permit CUP2019-0043, subject to the attached Conditions of Approval; and

Direct staff to prepare a Notice of Determination for the applicant to file with the Riverside County Recorder.

**Attachments:**

- A. Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

- B. Draft Conditions of Approval
- C. Development Plan
- D. General Plan Land Use Designation Map
- E. Zoning Map
- F. Aerial Photograph
- G. Applicant's letter dated November 29, 2020 regarding the statement of operations and the findings for Public Convenience or Necessity (PCN)
- H. ABC License Report for Census Tract 440
- I. Census Tract 440 Boundary Map
- J. Proof of Publication
- K. Night view of standard Beyond Food Mart
- L. Draft Improvement Agreement

**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 PP2019-0253, CUP2019-0042, CUP2019-0043 and ENV2020-0013