



Staff Report

TO: Planning Commissioners
FROM: Carole Kendrick, Planning Manager
DATE: September 14, 2021
SUBJECT: **Conduct a Public Hearing for Conditional Use Permit CUP2021-0060 for Consideration of a Request for an ABC Type 41 (On-Sale Beer and Wine - Eating Place) Liquor License to Sell Beer and Wine and a Public Convenience and Necessity (PCN) for the Senorial Mexican Restaurant Located at 704 E. Sixth Street (APN 418-051-005) in the Downtown Mixed-Use zone**

APPLICANT: Raul and Gudelia Naranjo

Background and Analysis:

The applicant is requesting approval of an application that was submitted on August 11, 2021, for a request to sell beer and wine at the Senorial restaurant and a Public Convenience and Necessity located at 704 E. Sixth Street in the Downtown Mixed-Use (DMU) zone.

The Municipal Code of the City of Beaumont requires the approval of a conditional use permit by the Planning Commission for restaurants with 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.

Project Setting:

The 0.43-acre site is currently developed with a building and parking areas with frontages on Sixth Street and Maple Avenue. The Sixth Street and Maple Avenue

frontages are improved with curb and gutter. The surrounding properties are developed with commercial or public uses. 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	Senorial Mexican Restaurant	Downtown Mixed Use (DMU)	Downtown Mixed Use (DMU)
NORTH	City of Beaumont Fire Station	Downtown Mixed Use (DMU)	Downtown Mixed Use (DMU)
SOUTH	Florist	Downtown Mixed Use (DMU)	Downtown Mixed Use (DMU)
EAST	Palm Plaza Retail Center	Downtown Mixed Use (DMU)	Downtown Mixed Use (DMU)
WEST	Retail Center including Frijoles & Beyond Fitness	Downtown Mixed Use (DMU)	Downtown Mixed Use (DMU)

Site Plan/Site Design.

The existing structure was constructed in 1960 and was mostly recently utilized by the Country Junction Restaurant. The applicant is proposing a restaurant with on-site sale of beer and wine with operating hours from 8:00 am to 9:00 pm Monday through Sundays.

Alcohol Sales:

The applicant is also proposing the sale of alcohol in the proposed restaurant with an On-Sale Type 41 (beer and wine – eating place) 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.

According to Alcohol Beverage Control, one (1) On-sale licenses are allowed in Census Tract 440, based on current population ratios, and currently there are 10 On-sale licenses issued to following businesses (see Attachment F):

- New York Pizzeria
- Casa Palacios
- Mr. Taco
- Grumpy Toms Pizzeria
- Frijoles
- Tacos and Beer
- Craft Lounge Tap Room and Bottleshop
- La Casita Nueva Mexican Grill
- Ramona's Mexican Café
- Players Lounge

ABC also has recommended separation requirements from sensitive uses. The proposed use is located within 600 feet, as measured from property line to property line, from existing public or private schools and public parks. The subject property is located 400 feet from Palm Innovation Academy and 450 feet from Stewart Park. The subject site is located approximately 300 feet from the Center for Spiritual Living Beaumont.

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 approximately 159 feet from the nearest residential home located to the north on Maple Avenue.

Development Review Committee (DRC):

The Development Review Committee reviewed the project for design on August 19, 2021. Staff from the various City departments provided written comments that have been incorporated into the proposed conditions of approval.

Planning Commission Authority:

The Downtown Mixed-Use zone allows restaurants with alcohol sales as conditionally permitted uses, per Table 17.19-1, 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.

Public Communications:

Property owners located within a 300-foot radius of the project site were notified of the public hearing on September 3, 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.

Environmental Documentation:

This project is exempt from review under 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 CUP2021-0060 are consistent with the Downtown Mixed Use designation and all applicable General Plan policies as well as the applicable zoning designation of Downtown Mixed Use; the proposed project site is located within the boundaries of the City of Beaumont; Conditional Use Permit CUP2021-0060 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit CUP2021-0060 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 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.

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 not proposing new construction and is consistent with the Zoning Code, subject to the approval of a Conditional Use Permit. The Downtown Mixed-Use zone allows alcohol sales in conjunction with a restaurant, 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 DMU (Downtown Mixed Use) which allows alcohol sales in conjunction with a restaurant subject to a Conditional Use Permit. The site is located in an area that is surrounded by Downtown Mixed-Use zoning 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 fully developed and was previously utilized as a restaurant, consistent with what is proposed. The proposed project is in a commercial area that is developed and is suitable for a restaurant serving alcohol.

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

The site is fully developed and was previously used as a restaurant and the proposed use is compatible with the land uses on the site and the surrounding area. The Downtown Mixed-Use zone allows alcohol sales in conjunction with a restaurant, 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 DMU (Downtown Mixed-Use) and the land use designation is and DMU (Downtown Mixed-Use). The proposed project is surrounded by property that is currently zoned DMU (Downtown Mixed-Use) and designated as Downtown Mixed-Use by the current General Plan. The site is surrounded by developed land. 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 6th Street, 2nd Street and Maple 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 Downtown Mixed-Use (DMU). 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 is requesting on-site alcohol sales in conjunction with a restaurant, which is required to comply ABC (Alcohol Beverage Control) that is intended to protect the public interest, health, safety, convenience, or welfare. The

alcohol sales in conjunction with a restaurant 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 is requesting alcohol sales at an existing restaurant and is not proposing any modifications to the building design and elevations and therefore would continue to preserve the image, character, and 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.

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 restaurants 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 Conditional Use Permit findings.

Recommended Action:

Hold a public hearing,
Approve Conditional Use Permit CUP2021-0060, 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. Site Plan

- B. Draft Conditions of Approval
- 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. 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 CUP2021-0060 &
PP2021-0387