



Staff Report

TO: Mayor, and City Council Members
FROM: Carole Kendrick, Senior Planner
DATE: March 3, 2020
SUBJECT: **Public Hearing and Consideration of An Interim Urgency Ordinance for a Temporary Moratorium Prohibiting Tire Sales and Tire Repair Establishments**

Background and Analysis:

The City is in the process of completing a general plan update. As part of this process, goals and policies are being revised, a downtown specific plan and zoning consistency analysis and update is also being prepared. Through the general plan update, downtown specific plan and zoning analysis, staff has determined there are some uses that do not support the intent of the current goals and policies and may conflict with potential land use changes as part of the update process.

The current zoning code does not expressly address tire sales in the zoning matrix, however the definitions under Section 17.14.030 include tire sales under “vehicle repair garage” and “vehicle service.” The full definitions for both are provided below.

Vehicle Repair Garage. Any site and improvements used for the repair and maintenance of automobiles, motorcycles, light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), or other similar passenger vehicles licensed by the State Department of Motor Vehicles. This classification shall not include the repair or maintenance of motor homes or commercial vehicles as defined in Section 3-7.901 of this Zoning Code. "Motor vehicle repair garage" shall be construed broadly to include the place where the following types of commonly-known garage or shop activities occur: tune-up and muffler work, parts and tire sales and installation, wheel and brake work, engine and transmission overhaul, and installation of car alarms and car stereos. "Motor vehicle repair garage" shall not include automobile wrecking, dismantling, or salvage, motor vehicle body and fender shops, or *tire* retreading or recapping.

Vehicle, Service. A business establishment primarily engaged in the retail sale of vehicle fuel station and lubricants. This classification includes facilities having service bays for vehicle service and repair. Such service and repair may include the sale of tires, batteries, and other parts and products related to the operation of a motor vehicle; minor tune-up; lubrication and parts replacement; non-mechanical car-washing, polishing, and waxing; and other light work related to preventive maintenance and upkeep, but may not include maintenance and repair of large trucks or other large vehicles, or body and fender work on any vehicles.

Previous requests for tire sales and/or tire repair uses were allowed under vehicle repair or service or standard retail sales. However, tire sales and tire repair typically generate noise impacts, aesthetic concerns, fire safety issues and ongoing or frequent outdoor displays. Due to the over-concentration of tire sales and tire repair businesses within the City of Beaumont, particularly in the downtown area, staff is requesting City Council establish a temporary moratorium in order to allow staff adequate time to amend the zoning code to list these uses specifically, determine if a conditional use permit should be required, and create development standards to address impacts associated with tire sales and tire repair uses.

The proliferation of tire sales and tire repair establishments do not support the intent of the current goals and polices of the existing general plan that include:

- Community Development Goal 3 – The City of Beaumont will maintain and, where appropriate, expand the City’s commercial base.
 - Community Development Element Policy 12 – The City of Beaumont will continue to promote the development of larger, more efficient, commercial retail centers as opposed to “strip commercial” along the City’s traffic corridors.
- Community Development Goal 4 - The City of Beaumont will promote the expansion of industrial and other employment generating land uses.
 - Community Development Element Policy 15 - The City of Beaumont will continue to promote the maintenance and preservation of industrial activities and business that contribute to the City’s economic and employment base.
 - Community Development Element Policy 16 - The City of Beaumont will encourage the continued expansion of the City’s industrial districts to accommodate economic development and growth.

- Community Development Element Policy 17 - The City of Beaumont will promote the development of modern and attractive business activities that will enhance the City's economic well-being.
- Safety Goal 6 – The City of Beaumont will strive to control the adverse effects of noise in the environment.
 - Safety Element Policy 24 – The City of Beaumont will protect public health and welfare by eliminating existing noise problems and by prevent significant degradation of the future acoustic environment.
 - Safety Element Policy 25 – The City of Beaumont will incorporate noise considerations into land use planning decisions.

There are approximately 12 business licenses for tire sales and tire repair businesses, eight (8) of which are in the downtown. A downtown specific plan is currently being prepared in conjunction with a general plan update. In the draft specific plan, the downtown area will include a variety of use areas. The draft downtown specific plan is proposing tire sales as a permitted use in the Sixth Street corridor area, which has four (4) existing tire businesses. There are an additional four (4) existing tire businesses currently operating in other downtowns areas where, in the future, they will not be a permitted use and will become non-conforming if the downtown specific plan is adopted as currently proposed.

In an effort to maintain consistency with the current and future goals, policies and land uses, and allow time to address safety impacts, staff would like time to evaluate tire related uses to ensure that future development will be cited appropriately and developed with appropriate standards in place.

At the direction of the City Council, at their February 4, 2020, staff has been directed to propose a 45-day moratorium to restrict the processing of entitlements or building permits to construct any and all tires sales and tire repair establishments.

Staff is recommending City Council approve an interim urgency ordinance for a moratorium on tire sales and tire repair establishments. This ordinance will put a hold on the issuance of any entitlements or permits for new applications which do not have a complete application after the effective date of the ordinance.

Fiscal Impact:

Staff time to prepare this report and legal counsel consultation is approximately \$500.

Recommended Action:

Hold a Public Hearing, and
Waive the full reading and adopt by title only, "An Interim Urgency Ordinance of
The City of Beaumont, Enacting A Temporary Moratorium Prohibiting Tire Sales
and Tire Repair Establishments, Pursuant to Government Code Section 65858."

Attachments:

- A. Interim Urgency Ordinance