



## Staff Report

**TO:** Planning Commissioners

**FROM:** Carole Kendrick, Senior Planner

**DATE:** September 8, 2020

**SUBJECT:** **Plot Plan 2020-0276, Conditional Use Permit 2020-0046, Conditional Use Permit 2020-0047, Tentative Tract Map No. 37938 (PM2020-007) and Environmental (ENV 2020-0012) Commonly Referred to as "Eighth and Highland Springs" Located on the Southwest Corner of Eighth Street and Highland Springs Avenue (APN 419-150-034) in the Community Commercial (CC) Zone**

**APPLICANT:** Evergreen Devco, Inc.

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### Background and Analysis:

The applicant is requesting approval of several applications that were submitted on April 1, 2020. The individual requests are broken down below:

**Plot Plan 2020-0276** 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 restaurant located on the southwest corner of Eighth Street and Highland Springs Avenue.

**Conditional Use Permit No. 2020-0046** is required by the Beaumont Municipal Code per Section 17.02.100 and Table 17.03-3 for particular uses. Gas/service stations and restaurants with a drive-thru are uses subject to a conditional use permit. Convenience stores are permitted in the Community Commercial zone.

The gasoline/service station is proposing to construct and operate six (6) fuel pumps with 12 fueling positions and a 3,096 square foot canopy located on the northeast portion of the property. A 4,088 square foot convenience store is proposed on the southeast portion of the subject property and will be operated by 7-Eleven.

The drive-thru restaurant is proposing a 3,500 square foot building with a single lane drive-thru lane located on the south and east side of the building. The proposed restaurant is located on the western half of the subject property.

**Conditional Use Permit No. 2020-0047** is a request for an off-sale general license (Type 20) for the sale of beer and wine 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 17.03-3.

**Tentative Parcel Map No. 37938 (PM2020-0007)** is a request to subdivide 2.08 acres into two (2) lots numbered lots and one (1) lettered lot. Parcel 1 is 1.14 acres and occupies the east half of the subject property and will accommodate the 7-Eleven gas station and convenience store. Parcel 2 is 0.87 acres and is located on the western half of the property for the future quick service restaurant (QSR) with a drive thru. Lot A is 0.08 acres and is a 10-foot-wide and is adjacent to Eighth Street on the north side of the property. Lot A provides additional right-of-way and will be utilized for a portion of the landscaping fronting on Eighth Street.

**Environmental (ENV2020-0012) (SCH#2020070513)** 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 applicant also processed a preliminary review application for the proposed project with two (2) alternatives that included the gas station, convenience store and a retail tire store or quick service restaurant with a drive thru. The conceptual site plans were reviewed by the Development Review Committee on October 3, 2019, and staff provided written comments to the applicant on October 11, 2019, with a recommendation to use the QSR alternative due to the pending moratorium regarding retail tire sales, which is now in effect.

### **Project Setting:**

The 2.08-acre site is currently vacant with existing natural vegetation. There is existing curb and gutter on Eighth Street and Highland Springs Avenue. A storm drain is existing on Highland Springs Avenue with sidewalk over the storm drain as well as on the corner of the Eighth Street and Highland Springs. No other sidewalks on the site have been constructed. The parcel to the north is an existing single story medical and dental office building, to the west is the Palm Grove skilled nursing facility that is also single story. To the north of the site is the Sundance Corporate Center that is partially

constructed and will accommodate a variety of professional offices and commercial uses in eight (8) buildings that range from single to three (3) stories. East of the subject property is the San Gorgonio Memorial Hospital within the Banning City limits.

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)
- Site Photographs (Attachment G)

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>	Vacant Land	CC (Community Commercial)	CC (Community Commercial)
<b>NORTH</b>	Sundance Corporate Center	SPA (Sundance Specific Plan)	SPA (Sundance Specific Plan)
<b>SOUTH</b>	Medical & Dental Offices	CG (Commercial General)	GC (General Commercial)
<b>EAST</b>	San Gorgonio Memorial Hospital	City of Banning	City of Banning
<b>WEST</b>	Palm Grove Healthcare Skilled Nursing Facility	RMF (Residential Multiple Family)	MFR (Multiple Family Residential)

**Site Design:**

The proposed project consists of two (2) retail commercial buildings with a total square footage of 7,588 square feet to be constructed in two (2) phases. The commercial

project includes the construction of a 4,088 square foot convenience store with beer and wine sales, six (6) fuel pumps that provide 12 fueling stations under a 3,096 square foot fuel canopy on Parcel 1 that will be constructed as part of Phase 1. The applicant will be constructing all the off-site improvements and 7-Eleven will be constructing the on-site improvements on Parcel 1 and the full driveway on Eighth Street that includes a small portion of Parcel 2.

Parcel 2 is the second phase of the project that is proposing a 3,800 square drive-thru restaurant. The drive-thru restaurant pad has not identified an end-user at this time, but the proposed design includes a single drive thru lane that begins on the south side of the building and wraps along the east side of the building.

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

### **Architecture:**

The proposed project will utilize a contemporary style of architecture that includes varied rooflines to create visual interest. The exterior accents include tile accent bands in the 7-Eleven corporate colors, canvas awnings, decorative lighting, decorative scoring, recessed building areas and stone veneers. The building also proposes multiple planes on the north, south and east elevations to add variety and has building heights that vary between 19 to 23 feet.

The proposed retail project consists primarily of stucco and stone veneers. Exterior finish treatments are comprised of a mixture of paint stucco in beige, tan and brown tones, canvas materials in a beige tone. The project is proposing a parapet roof with cornices and varied heights between 19 to 23 feet.

### **Circulation and Parking:**

A Traffic Impact Analysis was prepared by Urban Crossroads on March 9, 2020. The retail project is proposing one (1) driveway on 8<sup>th</sup> Street and one (1) driveway on Highland Springs Avenue. Both driveways will only allow for right-in, right-out turning movements. The traffic analysis recommended that project install a stop control on the northbound approach and a right turn lane on 8<sup>th</sup> Street driveway and a stop control on the eastbound approach and right turn lane on Highland Springs Avenue. 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 21 parking spaces. Fast food restaurants are calculated at one (1) space per 100 square feet of gross floor area. The proposed drive-thru restaurant will require a minimum of 35 parking spaces. The project is required to provide 56 parking spaces and is proposing 89 spaces not including the 12 fueling spaces under the canopy.

### **Hours of Operation:**

The convenience store and gas station are proposing a 24-hour operation. General deliveries for the convenience store will occur on a daily basis between 6 am and 2 pm and fuel deliveries are dependent on the truck's schedule.

The quick service restaurant does not have a tenant currently identified; therefore, operational characteristics are not available. However, the applicant would like to secure a 24-hour operation for the future quick service restaurant user.

### **Alcohol Sales:**

The applicant is also proposing the sale of alcohol in the proposed convenience store with an Off-Sale Type 20 (beer and wine only) State of California Alcohol license. According to Alcohol Beverage Control, two (2) Off-sale licenses are allowed in Census Tract 438.18, based on current population ratios, and currently there are four (4) Off-sale licenses issued to Stater Bros, Food 4 Less and Beaumont Gas Mart on 6<sup>th</sup> Street and Highland Shell located on Highland Springs Avenue (see Attachment I). 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 1,500 feet from Sundance Elementary School and 1,300 feet from the Church of Latter Day Saints in Banning. The nearest park is Mountain View Park and is approximately 2,600 feet from the project site, however there is a tot lot located approximately 1,300 feet from the site. Both parks are located within the Sundance Specific Plan.

### **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 23, 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. 100-114).

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 July 29, 2020 through August 28, 2020 and is included as Attachment A to this staff report. Staff did not receive any written comments during the public review period but did receive one (1) phone call from the San Geronio Memorial Hospital that was looking for my information on the project that was provided.

### **Public Communications Received:**

Property owners located within a 300-foot radius of the project site were notified of the public hearing on August 28, 2020, 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 Community Commercial zone allows gas/service stations and drive-thru fast food restaurants 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.

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.

The Beaumont Municipal Code, Section 16.04.020 designates the Planning Commission as the “advisory agency” charged with reviewing and making recommendations on all proposed parcel map land divisions and tentative subdivision maps in the City. Section 16.24.050.A authorizes the Planning Commission to conditionally approval or disapprove all tentative parcel maps and tentative subdivision maps and land divisions and submit to the City Council for final approval.

Due to the Tentative Parcel Map requiring City Council approval, the project as whole will move forward to City Council and the City Council’s decision is final. In recommending approval or denial of the proposed Plot Plan, Conditional Use Permits and Tentative Parcel Map, the Commission must make the required “findings” pursuant to the Beaumont Municipal Code.

### **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 gas/service stations and drive-thru fast food restaurants 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) which allows gas/service stations and drive-thru restaurants subject to a Conditional Use Permit. The site is located in an area that includes Commercial General (CG) properties to the south, Residential Multiple Family (RMF) to the west, Sundance Specific Plan (SPA) to the north, and City of Banning to the east 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 and 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 but is zoned Community Commercial 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 and land use designation for the project site is Community Commercial (CC). The proposed project is surrounded by property that is Commercial General, Multiple Family Residential and Specific Plan zoned and designated as General Commercial, Multiple Family Residential and Single Family Residential by the General Plan. The site is surrounded by developed land or land currently under construction. The proposed uses are compatible with the surrounding commercial multiple family residential and Specific Plan 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 8<sup>th</sup> Street and Highland Springs 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 Community Commercial (CC). 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 gas station, drive-thru fast food restaurants 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 ongoing commercial development to the north and will maintain an updated image that compliments the character of the commercial properties that are developed in the area along 8<sup>th</sup> Street and Highland Springs Avenue.*

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, fast food restaurants, 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 Community Commercial (CC) zone. The zoning allows gas/service stations and drive-thru fast food restaurants 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 Community Commercial (CC). 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 site is depressed from the existing alignment of Desert Lawn Drive and the I-10 on-ramp and freeway. The project is proposing to raise the grade of the site and realign Desert Lawn Drive to accommodate the development. The project is in a commercial area that is partially developed with commercial uses on the northwest side of the I-10 Freeway and Oak Valley Parkway 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 and land use designation for the project site is Community Commercial (CC). The proposed project is surrounded by property that is commercial and manufacturing zoned and designated as commercial and industrial by the General Plan. The site is surrounded by vacant land and the I-10 Freeway, which has an eastbound ramp located north of the project site. The proposed uses are compatible with the adjacent freeway and surrounding commercial and manufacturing 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, and  
Forward a recommendation of approval to the City Council to adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Plot Plan PP2020-0276, Conditional Use Permit CUP2020-0046, Conditional Use Permit CUP2020-0047 and Tentative Parcel Map 37938 (PM2020-0007), subject to the attached Conditions of Approval.

**Attachments:**

- A. Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
- B. Draft Conditions of Approval

- C. Development Plan
- D. Tentative Parcel Map No. 37938
- E. General Plan Land Use Designation Map
- F. Zoning Map
- G. Aerial Photograph
- H. Applicant's letter dated August 27, 2020 regarding the statement of operations and the findings for Public Convenience or Necessity (PCN)
- I. ABC License Report for Census Tract 438.18
- J. Census Tract 438.18 Boundary Map
- K. 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 PP2020-0276, CUP2020-0046, CUP2020-0047 & Tentative Parcel Map 37938 (PM2020-0007) and ENV2020-0012