



**CITY OF BEAUMONT  
PLANNING DEPARTMENT  
DRAFT CONDITIONS OF APPROVAL**

**PLANNING COMMISSION DATE:** May 11, 2021

**PROJECT NAME:** ZENDAJA'S

**PROJECT NOS.:** PP2020-0325 & CUP2020-0055

**DESCRIPTION:** A request for a commercial development on an approximately 0.59-acre site, to construct and operate a 2,336 square foot quick service restaurant with a drive thru located in the Beaumont Gateway Plaza in the Community Commercial (CC Zone).

**APPLICANT:** JDA Associates, Inc.

**LOCATION:** South of 1<sup>st</sup> Street on the west side of Beaumont Avenue

**APN:** 418-290-016

Note: Any conditions revised at a hearing will be noted by ~~strikeout~~ (for deletions) and/or underline (for additions), and any newly added conditions will be added at the end of all conditions regardless of the Department originating the condition.

**STANDARD CONDITIONS**

1. The permit for the above referenced Plot Plan and Conditional Use Permits consists of all Conditions of Approval herein. All Conditions of Approval for PP2020-0352 & CUP2020-0055 and other related approvals are still in effect.
2. The use hereby permitted is for the establishment of a quick service restaurant with a drive thru located on south of 1<sup>st</sup> Street on the west side of Beaumont Avenue (APN
3. The Community Development Director may approve minor modifications to the site plan that are in substantial conformance to the approved project and that do not increase impacts. All copies of the revised plans shall be dated and signed by the Director and made a part of the record.
4. The permittee shall defend, indemnify, and hold harmless the City of Beaumont, the Beaumont Redevelopment Agency, its agents, officers, consultants, and employees from any claims, action, or proceeding against the City of Beaumont or its agents, officers, consultants, or employees to attack, set aside, void, or annul, an approval of the City of Beaumont, its advisory agencies, appeal boards, or legislative body concerning Plot Plan PP2020-0352 and Conditional Use Permit CUP2020-0055. The City of Beaumont will promptly notify the permittee of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense. If the City fails to promptly notify the permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Beaumont.

5. This approval is subject to the City of Beaumont Municipal Code Section 17.02.100 Conditional Use Permits and is subject to timing specified in Sections (J) Conditional Use Permit Time Limits, (K) Conditional Use Permit Lapse in Time, (L) Conditional Use Permit Renewal and (M) Lapsing in Conditional Use Permit.
6. This approval is subject to the City of Beaumont Municipal Code Section 17.02.170 Plot Plans and is subject to timing specified in Sections (I) Plot Plan Time Limits and (J) Plot Plan Lapse in Time.
7. Administrative Plot Plan and business license application review and approval are required prior to occupancy of the building or sales of any items.
8. Occupancy inspections will be required prior to the start of operations by the Building & Safety, Planning, Police, and Fire Departments. All inspections shall be performed and approved before a Certificate of Occupancy will be issued by the Building and Safety Department.
9. If any of the conditions of approval are violated, or if the use otherwise become a public nuisance as set forth in the Beaumont Municipal Code, the conditional use permit may be revoked as prescribed in the Municipal Code.
10. For Sales Tax Purposes, this location shall be the "Point-of-Sale" for all transactions conducted.
11. The Community Development Director shall monitor the subject use to ensure that the scale of the use does not exceed the limitations of the existing site improvements. In the event the Community Development Director determines that the scale of the use has exceeded site limitations, a hearing shall be scheduled before the Planning Commission to review the permit and consider modification or revocation thereof.
12. After 12 months of operation, the subject matter may, at the discretion of the Community Development Director, be scheduled for review by the Planning Commission. The Commission shall retain the authority to amend these conditions of approval at such time, or to modify the use or revoke the permit if substantial problems result from the operation.
13. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Building Department, Fire Department, Health Department, and any other necessary departments or agencies.

14. This permit shall be for the benefit of the applicant in whose name the permit was issued, for the specific approved location. The permit shall not be transferrable to another individual or location.
15. An anti-graffiti coating shall be provided on all block walls, and written verification from the developer shall be provided to the City of Beaumont Planning Department.
16. The project shall comply the outdoor lighting (night sky) requirements of Beaumont Municipal Code Chapter 8.50.
17. Outdoor lighting systems in the Commercial/Industrial zone shall be turned off or reduced in lighting by at least 50 percent beginning at 10:00 pm. or close of business, whichever is later, until dawn or the start of business, whichever is sooner. When possible, the lighting system shall be turned off rather than reduced in lighting level. Lighting shall be equipped with controls for photocell on and time off.
18. Conceptual signage has been included as part of this project but will require Planning and Building sign permits prior to installation. All signage shall be developed in conformance with the zoning ordinance of the Beaumont Municipal Code, Chapter 17.07 or the Beaumont Gateway Plaza sign program.
19. The hours of operation for the quick service restaurant with a drive shall be a from 9am to 11pm, 7 days a week.
20. Outdoor merchandise displays are not permitted as part of this project.
21. No outdoor activities are permitted within the parking area without an approved Temporary Use Permit.
22. No vehicles may be parked on sidewalks, parkways, driveways, or alleys.

### **BUILDING DEPARTMENT CONDITIONS**

23. It shall be unlawful for any person to engage in or permit the generation of noise related to landscape maintenance, construction including erection, excavation, demolition, alteration or repair of any structure or improvement, at such sound levels, as measured at the property line of the nearest adjacent occupied property, as to be in excess of the sound levels permitted under Chapter 9 of the Municipal Code, at other times than between the hours of 7:00 a.m. and 6:00 p.m. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this Chapter for the duration of the activity during the above described hours for purposes

of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed 55 dB(A) for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

### **FIRE DEPARTMENT CONDITIONS**

**With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognized fire protection standards:**

24. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the arrival of combustible materials on site. Reference 2019 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.
25. The existing FDC and PIV shall be relocated to a location on the address side of the project. Currently the landscape plan shows landscape that would prohibit or obstruct the FDC/PIV placement.
26. Fire Department Access: Prior to building permit issuance, provide a site plan showing the fire lanes. Access roads shall be provided to within 150 feet to all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 60,000 lbs. over two axels for commercial developments. Approved vehicle access, either permanent or temporary, shall be provided during construction Ref. CFC 503.1.1, 3310.1 and 503.2.1
27. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1
28. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.

29. Knox Box: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. Ref. CFC 506.1
30. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01

### **POLICE DEPARTMENT**

31. All exterior lighting on the site shall remain functional and be kept on during all hours of darkness. Exterior lighting shall be sufficient to illuminate the storefront during all hours of darkness. Any proposed outside lighting shall be in compliance with the City's Lighting Ordinance, Chapter 8.50, of the City of Beaumont Municipal Code.
32. The address of the business shall be clearly visible from the front of the building and shall be illuminated during hours of darkness.
33. Remove litter daily from the premises, adjacent sidewalks and parking lots under site's control and sweep/clean these areas weekly.
34. Remove graffiti from premises and parking lot.
35. Have no more than 33% of the windows covered with advertising or signs.
36. The applicant shall comply with all applicable local, county, state and federal regulations, including the City's Municipal Code and the California Business and Professions Code (B&P).

### **PUBLIC WORKS**

#### **GENERAL**

37. The following is a non-inclusive list of items that may be required by the Public Works Department:
- A. Plans:
    - i. Precise Grading Plan
    - ii. Erosion Control Plan

- iii. Sewer Improvement Plan
- iv. BCVWD Water Improvement Plan
- v. Storm drain Improvement Plan

B. Reports & Studies:

- i. Geotechnical Report
- ii. Soils Investigation Report w/ Infiltration study & Analysis
- iii. Final Water Quality Management Plan (F-WQMP)
- iv. Grading & Pad Certification
- v. Compaction Report

C. Permits and agreements:

- i. Permission to Grade and Construction agreements (if applicable)
- ii. Non-interference letters (if applicable)
- iii. WQMP Covenant and Agreement
- iv. City Grading Permit
- v. City Encroachment Permit, if necessary
- vi. Performance Bond, if necessary
- vii. Labor & Material Bond, if necessary
- viii. Maintenance Bond, if necessary

D. Survey Documents:

- i. Easement Dedications
- ii. Corner Record

38. The design of public infrastructure elements shall conform to the requirements of the City General Plan, Water Quality Management Plan, Master Plans, City of Beaumont Standards, Riverside County Transportation Department (RCTD) Road Improvement Standards & Specification, Caltrans Standard Specifications and the Standard Specifications for Public Works Construction, current edition, as required by the City Engineer.

39. The design of private site improvements and grading work outside of road right of way shall conform to the latest edition of California Building Code and the City of Beaumont standards and practices.

40. All required plans and studies shall be prepared by a Registered Professional Engineer, Registered Professional Geologist or Registered Professional Surveyor in the State of California, and submitted to the Public Works Department for review and approval.
41. The Applicant shall coordinate with affected utility companies and obtain any permits as necessary for the development of this project.
42. The Applicant is responsible for resolving any conflicts with existing or proposed easements. All easement(s) of record and proposed easements shall be shown on the final map, grading plan and improvement plans, where applicable.
43. The Applicant shall obtain an Encroachment Permit, as required, for all work within the public right-of-way.

#### MAPPING & SURVEYING

44. PRIOR TO START OF CONSTRUCTION: Where survey monuments exist, such monuments shall be protected or shall be referenced and reset, pursuant to Business and Professions Code, Sections 8700 to 8805 (Land Surveyors Act).
45. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT: The applicant shall verify and/or set all property corners, r/w corners, and centerline monuments. Subsequently, the applicant shall cause the surveyor to file the appropriate documents and records to the County of Riverside.
46. PRIOR TO ISSUANCE OF A GRADING PERMIT: The applicant shall provide an easement over, across and which provides ingress and egress to all private water quality, stormwater and drainage basins, to be dedicated to the City, for ingress, egress and right to inspect unless otherwise directed by the City Engineer.
47. PRIOR TO ISSUANCE OF AN ENCROACHMENT PERMIT: The Applicant, at its sole expense, shall obtain all right-of-way or easement acquisitions necessary to implement any portion or condition of this project, including public improvements; off-site grading & construction; offsite street requirements; offsite sewer requirements; storm drain improvements; or any other requirement or condition.

#### GRADING AND DRAINAGE IMPROVEMENTS

48. PRIOR TO ISSUANCE OF A GRADING PERMIT: The stormwater generated within the development shall be captured into appropriate drainage facilities. The stormwater shall be treated per the requirements of the WQMP, if applicable. The drainage facilities shall be designed to accommodate a 100-year storm flow event.
49. PRIOR TO ISSUANCE OF A GRADING PERMIT: The applicant shall design all storm drains, catch basins, and storm water structures with trash capture devices that conform with the approved trash capture list issued by the State Water Board.
50. PRIOR TO ISSUANCE OF A GRADING PERMIT: The applicant shall design temporary drainage facilities and erosion control measures to minimize erosion and silt deposition during the grading operation.
51. PRIOR TO ISSUANCE OF GRADING PERMIT: The applicant shall adhere to all Federal Emergency Management Agency (FEMA) regulations and requirements in the event that existing drainage patterns are affected by this development. The applicant shall submit to the City and to any governing Federal agency for review and approval, all necessary calculations.
52. PRIOR TO ISSUANCE OF A GRADING PERMIT: if necessary, a final project-specific Water Quality Management Plan (F-WQMP) shall be submitted to Public Works Department. The WQMP shall incorporate, but not limited to, the following: site design BMP's, applicable source control BMP's, treatment control BMP's, long term operation and maintenance requirements, and inspection and maintenance checklist. Maintenance and funding requirements shall be outlined in the WQMP for the maintenance of the development BMP's. The post construction Best Management Practices (BMPs) outlined in the approved final project-specific WQMP shall be incorporated in the improvement plans.
53. CONCURRENT WITH GRADING OPERATIONS: Any grading and/or utility excavations and backfilling, both on and off site, shall be done under the continuous direction of a licensed geotechnical/civil engineer who shall obtain all required permits and submit reports on progress and test results to the City Engineer for review and approval as determined by the City. Upon completion of all soils related work, the geotechnical engineer shall submit a final report to the City Engineer for review and approval, which may require additional tests at the expense of the applicant.
54. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY (COO): The Applicant shall provide adequate provisions to collect and convey all on-site drainage flows in a manner consistent with the historic drainage pattern and discharge in a manner which will not increase damage, hazard, or liability to adjacent or downstream properties.



55. PRIOR TO FOUNDATION TRENCHING: The applicant shall submit a soil compaction report to the City for review and approval.

56. PRIOR TO OBTAINING A BUILDING PERMIT: The applicant shall pay all applicable development fees as indicated on the fee schedule, current at the time of permit, available from the City, including, but not limited to the following:

- A. Fire Protection Impact
- B. Police Facilities Impact
- C. Public Facility
- D. Streets and Bridges Impact
- E. Traffic Signal Impact
- F. Railroad X'ing Impact
- G. General Plan
- H. Emergency Preparedness
- I. Recycled Water Facility
- J. Sewer Application
- K. Sewer Capacity
- L. Sewer Area Benefit Fees
- M. MSHCP
- N. TUMF

#### SEWER IMPROVEMENTS

57. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall construct sewer laterals from each structure to the nearest existing public sewer facility.

58. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall connect proposed lateral to the existing sewer mains per EMWD std. SB-176.

59. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall construct sewer laterals per EMWD std. SB-177 and State Department of Health requirements for water line and sewer line separations both horizontally and vertically.

60. PRIOR TO CONNECTING TO A PUBLIC SEWERAGE SYSTEM: The applicant shall pay all applicable sewer connection fees.

WATER IMPROVEMENTS

61. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall be responsible for obtaining potable water and reclaimed water for the development.
62. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall comply with the requirements of the Beaumont Cherry Valley Water District.
63. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall ensure all water valves and vault covers within paved areas are raised flushed with finished surface and painted after paving is completed.
64. PRIOR TO ISSUANCE OF OCCUPANCY PERMIT (COO): The applicant shall ensure all fire hydrants; air vacs and other above ground water facilities are placed outside of sidewalk areas. Water meter boxes and vaults, valve covers, etc. may be placed within sidewalks or paved areas provided such devices are set flush with the finished surfaces and are properly rated for chosen locations as approved by the City Engineer.

End of Conditions