



Staff Report

TO: Planning Commissioners
FROM: Carole Kendrick, Planning Manager
DATE: May 11, 2021
SUBJECT: **Plot Plan 2020-0325 and Conditional Use Permit 2020-0055 for the Construction and Operation of a 2,336 Square Foot Quick Service Restaurant (QSR) with a Drive Thru for Zendaja's on a 0.59-Acre Parcel Located in the Beaumont Gateway Plaza in the Community Commercial (CC) Zone. (APN: 418-290-016)**

APPLICANT: JDA Associates, Inc.

Background and Analysis:

The applicant is requesting approval of two (2) applications that were submitted on December 11, 2020. The individual requests are broken down below:

Plot Plan 2020-0280 is required by the Beaumont Municipal Code per Section 17.02.070 to establish a new land use. The proposed land use includes a new 2,336 square quick service restaurant (QSR) with a drive-thru located on the west side of Beaumont Avenue, south of 1st Street in the Beaumont Gateway Plaza. Fast food restaurants with a drive-thru and professional office uses are permitted per Beaumont Municipal Code Section 17.02.100 and Table 17.03-3.

Conditional Use Permit No. 2020-0049 is required by the Beaumont Municipal Code per Section 17.02.100 and Table 17.03-3 for particular uses. Restaurants with a drive-thru are uses subject to a Conditional Use Permit. Convenience stores are permitted in the Community Commercial zone.

The subject property is part of a larger planned development called the Beaumont Gateway Plaza that was approved on December 12, 2006. The overall development allowed for a gas station with a 1,400 square convenience store and a car wash, two (2) drive thru restaurants with 3,200 square feet each, 6,935 square foot multiple tenant building for retail and service uses and 33,000 square feet dedicated to research and development uses.

On February 12, 2008, the Planning Commission approved a modification to the Beaumont Gateway Plaza to modify the research and development uses to a 10-bay carwash facility and 14-bay automobile service facility showroom. The approved site plan is provided as Attachment G to this staff report.

The applicant has been working with staff since September of 2020 and formally submitted their application in December 2020, prior to the adoption of the updated General Plan and Zoning Code update. The subject use was considered under the Zoning Code in effect at the time in addition to the previously approved overall planned development.

Staff notes these items, as the new Zoning Code includes several footnotes to Table 17.03-3, more specifically Footnote 2 states that these uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in the 12th grade or below, day care center, or youth center. Footnote 3 states that new fast-food restaurants should not be located within 1,000 feet of another fast-food restaurant.

Project Setting:

The 0.59-acre site is undeveloped pad within a retail shopping center and curb, gutter, sidewalk, off-site landscaping and drainage swales lined with rock, were installed when the center was originally constructed. The parcels to the south, east and west are currently vacant commercially zoned properties. To the north is the existing developed shopping center that includes the Mojave River Academy, Subway, a Shell gas station, convenience store and carwash, and a Jack in the Box drive-thru restaurant.

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	Vacant Land	GC (General Commercial)	CC (Community Commercial)
NORTH	Mojave River Academy & Subway	GC (General Commercial)	CC (Community Commercial)
SOUTH	Vacant Land	GC (General Commercial)	CC (Community Commercial)
EAST	Vacant Land	GC (General Commercial)	CC (Community Commercial)
WEST	Vacant Land	GC (General Commercial)	CC (Community Commercial)

Site Design:

The site currently is a vacant pad within an existing developed shopping center. The center comprises of six (6) parcels. The subject property is in the southeast corner of the overall planned development and will complete the development along Beaumont Avenue frontage. The parcel includes some existing developed parking spaces that are located on the west side of the Mojave River Academy and Subway Building.

The project is proposing to construct a 2,336 square foot quick service restaurant with a drive thru. The building is situated in the southeast corner of the subject parcel and the drive thru wraps around the building in a horseshoe design with the entrance on the west side of the building and exiting on the east side of the building.

The new parking fields are located to the north and west of the of the building. As previously mentioned, there is existing parking that is under the ownership of this parcel. The site is accessed from existing driveways for the center that are located on Beaumont Avenue and 1st Street.

The attached Development Plans (Attachment B) include the site layout, grading, 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. Exterior accents include metal awnings, stone veneers, cornice treatments to create visual interest. The buildings also propose multiple planes for an increased architectural effect.

Exterior finish treatments are comprised of a mixture of painted stucco in beige and tan tones with green and black for accent colors. The project is proposing parapet roofs with varied heights between 14 to 24 feet with cornice treatments, as shown in Attachment B.

Circulation and Parking:

Per Beaumont Municipal Code Table 17.05-1 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 24 parking spaces. The Municipal Code table also includes footnote 1 that requires a minimum standard vehicle stacking capacity in a drive-thru lane at eight (8) vehicles. The project is proposing to provide 26 parking stalls and stacking for eight (8) vehicles consistent with the Beaumont Municipal Code.

Hours of Operation:

The quick service restaurant is proposing hours between 9am to 11pm, seven (7) days a week, as indicated in the applicant statement of operations (see Attachment F).

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 January 7, 2021 and February 25, 2021. Staff from the various City departments provided written comments that have been incorporated into the proposed conditions of approval.

Environmental Documentation:

This project is exempt from review under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 in that information contained in the project file and documents incorporated herein by reference demonstrates that: Plot Plan PP2020-0325 and Conditional Use Permit CUP2020-0055 are consistent with the General Commercial General Plan designation and all applicable General Plan policies as well as the applicable zoning designation of Community Commercial; the proposed project site is located within the boundaries of the City of Beaumont; Plot Plan PP2019-0325 and Conditional Use Permit CUP2020-0055 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Plot Plan PP2019-0325 and Conditional Use Permit CUP2020-0055 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 32 (In-Fill Development) Categorical Exemption under the CEQA Guidelines. Additionally, none of the exceptions provided in CEQA Guidelines Section 15300.2 apply to this project.

In addition, a Negative Declaration was prepared and adopted on December 12, 2006 under 06-ND-06 for the overall project. The project as proposed is consistent with the previously adopted Negative Declaration.

Public Communications Received:

Property owners located within a 300-foot radius of the project site were notified of the public hearing on April 30, 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. A proof of publication is included as Attachment H to this staff report.

Planning Commission Authority:

The Community Commercial zone allows fast food restaurants with a drive thru as a conditionally permitted use, 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.

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 fast-food restaurants with a drive-thru 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) allows fast-food restaurants with a drive-thru subject to a Conditional Use Permit. The site is located in an area that is surrounded by currently zoned Community Commercial (CC) 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 project is in a commercial area that is primarily vacant with the exception of the development to the north which is part of the overall planned development referred to as the Beaumont Gateway Plaza. The is generally flat and is located in a partially developed project and is suitable for commercial development.

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

The project is in a commercial area that is primarily vacant, with the exception of a development to the north that is part of the overall planned development. The is generally flat, partially developed and is suitable for commercial development.

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 Community Commercial (CC) and the land use designation is and General Commercial (GC). The proposed project is surrounded by property that is currently zoned Community Commercial and designated as General Commercial in the General Plan. The site is surrounded by vacant land, with the exception of the development to the north which is part of the overall planned development referred as the Beaumont Gateway Plaza. 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 Beaumont Avenue and 1st Street.

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 Community Commercial zoning, which is intended to protect the public interest, health, safety, convenience, or welfare. The quick service restaurant with a drive-thru 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 and will provide a consistent image that compliments the character of the commercial properties that are developed in the Beaumont Gateway Plaza.

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 quick service restaurant 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 operation facility but shall be complied with prior to issuance of a building permit for all projects which no building permit has been issued upon the effective date of this provision.

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 fast-food restaurants with a drive-thru 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 primarily vacant with the exception of the development to the north which is part of the overall planned development referred to as the Beaumont Gateway Plaza. The is generally flat and is located in a partially developed project 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 Community Commercial (CC) and the land use designation is and General Commercial (GC). The proposed project is surrounded by property that is currently zoned Community Commercial and designated as General Commercial in the General Plan. The site is surrounded by vacant land, with the exception of the development to the north which is part of the overall planned development referred to as the Beaumont Gateway Plaza. 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.

The project is exempt from CEQA under Section 15332 In-Fill Development Projects. There are no adverse impacts anticipated by this project.

Recommended Action:

Hold a public hearing; and,
Approve Plot Plan PP2020-0325 and Conditional Use Permit CUP2020-0055, subject to the attached Conditions of Approval.
Direct staff to prepare a Notice of Exemption for the applicant to file with the Riverside County Clerk Recorder.

Attachments:

- A. Draft Conditions of Approval
- B. Development Plan
- C. General Plan Land Use Designation Map
- D. Zoning Map
- E. Aerial Photograph
- F. Applicant's letter dated December 11, 2020 regarding the statement of operations
- G. Beaumont Gateway Plaza 06-PP-06 Approved Site Plan
- 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 PP2020-0325, CUP2020-0055, 06-PP-06 & 06-ND-06