



## Staff Report

**TO:** Planning Commissioners

**FROM:** Carole Kendrick, Planning Manager

**DATE:** November 9, 2021

**SUBJECT:** **Plot Plan (PP2021-0386) and Conditional Use Permit (CUP2021-0059) for Consideration of a Request to Demolish the Former Denny's Restaurant and Construct a 2,200 Square Foot Coffee Shop with a Drive-Thru on 0.64 Acres Located on Fourth Street, East of Beaumont Avenue in the Community Commercial Zone. APNS: 418-190-003 and a Portion of 418-190-004 and -005**

**APPLICANT:** Orum Capital

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### Background and Analysis:

The applicant is requesting approval of two (2) applications that were submitted on July 30, 2021. The individual requests are broken down below:

**Plot Plan No. PP2021-0386** 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 2,200 square quick service coffee shop with a drive-thru located at 449 E. Fourth Street. Fast food restaurants with a drive-thru uses are permitted per Beaumont Municipal Code Section 17.02.100 and Table 17.03-3.

**Conditional Use Permit No. CUP2021-0059** 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 in the Community Commercial zone. The table also identifies two (2) footnotes for restaurants with drive-thru uses, which are as follows:

2. These uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in 12<sup>th</sup> grade or below, day care center, or youth center.
3. New fast-food restaurants should not be located within 1,000 feet of another fast-food restaurant.

The subject site is not located within 1,000 feet of any of the sensitive receptors identified in footnote No. 2. The proposed drive-thru will be located slightly over 100 feet from the existing Del Taco drive-thru restaurant, however the Beaumont Municipal Code language states that it should be 1,000 feet and not shall, which provides flexibility on a case-by-case basis. Due to the location, access and site constraints, a non-drive-thru use would likely not be feasible at this location.

The applicant did process a Preliminary Review (PLAN2020-0547) application in late 2020 to obtain written comments from staff on the conceptual design and has also entered into a purchase agreement to purchase a portion of two (2) of the City owned parcels to the south (APNS: 418-190-004 and 418—190-005). The purchase agreement was approved by the City Council in August of this year.

**Project Setting:**

The 0.64-acre site includes one (1) privately owned parcel and a portion of two (2) City owned properties. The site is currently improved with a vacant restaurant (Denny’s) with a rolled asphalt curb on the Fourth Street Frontage with no other improvements. The subject properties are surrounded by commercial uses to the north and west, and vacant land to the south and east.

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), and
- 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.

	<b>LAND USE</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>
<b>PROJECT SITE</b>	Existing Vacant Restaurant	GC (General Commercial)	CC (Community Commercial)
<b>NORTH</b>	Motorcycle Repair Shop	GC (General Commercial)	CC (Community Commercial)

<b>SOUTH</b>	Vacant Land	GC (General Commercial)	CC (Community Commercial)
<b>EAST</b>	Vacant Land	GC (General Commercial)	CC (Community Commercial)
<b>WEST</b>	Del Taco Restaurant	GC (General Commercial)	CC (Community Commercial)

**Site Design:**

The site currently is developed with a vacant restaurant that is proposed to be demolished to accommodate a 2,200 square foot Starbucks coffee shop with a drive thru. The building is situated on the eastern half of the subject parcel and the drive thru wraps around the building in a horseshoe design with the entrance on the south side of the building and exiting on the north side of the building.

The new parking field will be located on the western portion of the property and to the south of the proposed building. The site can be accessed from a new proposed driveway located on Fourth Street or via an access agreement with the property to the west (Del Taco). The project has also been conditioned to construct half-width improvements on Fourth Street that include curb and gutter, sidewalks and commercial driveway entrance.

The attached Development Plans (Attachment A) 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 cantilever awnings, brick 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 brown and black for accent colors. The project is proposing parapet roofs

with varied heights between 20 to 25 feet with cornice treatments, as shown in Attachment A.

### **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 22 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 22 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 4:30am to 10pm, 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 August 12, 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 PP2021-0386 and Conditional Use Permit CUP2021-0059 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; Plan PP2021-0386 and Conditional Use Permit CUP2021-0059 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Plan

PP2021-0386 and Conditional Use Permit CUP2021-0059 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.

### **Public Communications:**

On October 29, 2021, property owners located within a 300-foot radius of the project site were notified of the public hearing. In addition, a notice was published in the Press Enterprise newspaper with a 10-day advanced notice of the hearing. 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:**

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 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.

### **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 partially developed. 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 partially developed land. 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.*

### **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 partially developed. 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 partially developed with a Del Taco drive-thru-restaurant to the west, American V-Twin motorcycle repair shop to the north*

*and vacant land to the east and south. 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 partially 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 4<sup>th</sup> 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 area.*

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.

**Recommended Action:**

Hold a public hearing,  
Approve Plot Plan PP2021-0386 and Conditional Use Permit CUP2021-0059, 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. Development Plan
- B. Draft Conditions of Approval
- C. General Plan Land Use Designation Map

- D. Zoning Map
- E. Aerial Photograph
- F. Applicant's letter regarding the statement of operations
- G. 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 PP2021-0386,  
CUP2021-0059 and PLAN2020-0547