



Staff Report

TO: City Council
FROM: Christina Taylor, Deputy City Manager
DATE: November 15, 2022
SUBJECT: Second Reading of Proposed Amendments to Beaumont Municipal Code Chapter 17.02 "Administration", Chapter 17.03.120 "Permitted Uses for Base Zone Districts," and Chapter 17.19.120 "Downtown Districts"

Description Recommended changes to the Beaumont Municipal Code to help facilitate business activity in the downtown area and City wide.

Background and Analysis:

Planning and Economic Development staff have been attending downtown business meetings and Economic Development Committee (EDC) meetings in an effort to learn about the issues facing the business community in the City of Beaumont.

After attending both downtown business meetings, numerous EDC meetings, attending site specific meetings in the downtown area and having discussions with business owners and operators in the City, staff has identified several items within the Beaumont Municipal Code that can be modified to reduce the barrier of entry to doing business within the City. The proposed modifications to the zoning code are as follows:

- Revision to the Administrative Plot Plan Process (Attachment A),
- Modification of footnotes in Table 17.19-1 (Attachment C),
- Addition of brewery, distillery and other alcoholic beverage production with or without onsite sales, tasting or consumption (Attachments B & C), and
- Addition of public parking lots or structures (Attachment C).

Two additional zoning code amendments proposed are as follows:

- Change self-storage facilities from Not Permitted (N) to Conditionally permitted (C) in the Urban Village Zone (Attachment B), and
- Addition of a use determination option for uses not identified in the permitted use tables (Attachment A).

Changes to Chapter 17.02 Administration (Attachment A)

The proposed revision to the Administrative Plot Plan process is intended to streamline the new business application process. The current application is approximately 26 pages and the code requires any business going into any existing structure and change of ownership to fill out the entire package. The complexity of the application has proven to be challenging for businesses of all sizes and scopes to navigate. The proposed changes to the Administrative Plot Plan process will require a business license but not a full Administrative Plot Plan application unless there is a change in building occupancy classification. In addition to the proposed change to the code, staff is also modifying the application itself to be more reflective of current informational needs.

Staff is proposing to remove the Administrative Plot Plan requirement for model home complexes and temporary uses. The revision would instead require a Minor Plot Plan for real estate offices used for the sales of homes and temporary offices used to operate a business on the same site under is construction for permanent structures in conjunction of an approved plot plan. The Minor Plot Plan is a more appropriate mechanism for review of long term, temporary uses which are development related.

B. *Type of Plot Plan Application.* The Community Development Director shall determine the type and scope of application required of any applicant for a proposed use.

1. An administrative plot plan application, not requiring a public hearing, shall be required for the following:

a. **Occupancy or assumption of a structure where building occupancy classification will change from the previously established or permitted use.**

Occupancy or assumption of an existing use or business which conforms to this Zoning Ordinance **and does not change building occupancy classification does not require an Administrative Plot Plan but does require an updated Business License**

b. Site plans for a single-family dwelling unit on an existing legal lot and other residential projects with two to four dwelling units on one legal lot.

c. Development plans that are exempt from the California Environmental Quality Act.

~~d. Model home complexes and temporary real estate sales offices used exclusively for the first sales of homes.~~

~~e. Temporary uses, unless a conditional use permit is required or the Community Development Director determines that Planning Commission approval is required due to the uniqueness, size, and/or location of the proposed temporary event~~

2. A Minor Plot Plan, not requiring a public hearing and containing information as required by the Planning Director and subject to approval by the Planning Director, shall be required for the following:
 - a. Model home complexes and temporary real estate offices used for the sales of homes
 - b. Temporary offices used to operate a business on the same site under is construction for permanent structures in conjunction of an approved plot plan
3. A plot plan application, requiring a public hearing conducted by the Planning Commission, shall be required for the following:
 - a. Any use which is subject to the provisions of the California Environmental Quality Act.
 - b. Any use which exceeds the limitations applicable to the administrative plot plan application process, as set forth in this Zoning Ordinance (Section 17.02.070(B)1).

The final change proposed to the Administration section of the zoning code is the addition of a proposed determination option for uses not identified in the code. Currently, the municipal code has no provision to allow uses similar in nature to specifically listed uses without a zoning code amendment. This causes significant and generally unnecessary delays in the development process. The proposed change would allow the Community Development Director to make a determination if a proposed use not specifically listed is sufficiently similar to a permitted or conditionally permitted use. The proposed language is as follows:

F. The Community Development Director, upon written request or upon their own initiative, when a use is not specifically listed as a permitted use or conditional use under a particular zone, and when that use is proposed or classification is requested, shall determine whether the use is sufficiently similar to a listed use in the particular zone to justify a finding that it should be deemed a permitted use or a conditional use in one or more zones. Before permitting or classifying an unlisted use, the director shall first determine that all of the following conditions exist:

- (1) The proposed use would meet the objectives of the zone;
- (2) The proposed use and its operation are compatible with the uses permitted in the zone; and
- (3) The proposed use is similar to one or more uses in the zone.
- (4) The director shall notify the planning commission and city council of determination of use.

The Planning Commission considered this item which included discussion on process if the Commission or Council disagrees with the determination made by staff on an administrative application and alternative options to the report after determination. The Commission has forwarded a recommendation of approval with the request that Council further discuss the process.

Proposed Change to Table 17.03-3 of Chapter 17.03 Zoning Map and Zone Districts (Attachment B)

Staff is proposing addition of brewery, distillery and alcoholic beverage production with or without an onsite consumption component. These uses are not currently identified in the zoning code. Staff has received a number of inquiries regarding establishing these uses within the City. The uses are proposed subject to Conditional Use Permit approval by the Planning Commission as there are licensing requirements set by the State of California Department of Alcohol Beverage Control. The conditional use permit process also allows staff and the Commission to evaluate location, operation, compatibility and other factors when determining if a use is appropriate in a given location.

Discussion was held at Planning Commission and the Commission’s recommendation is as follows:

Alcohol Service and Sales	RC	PF	RR	RSF	RTN	RMF	CN	CC	M	UV
Brewery or Distillery	N	N	N	N	N	N	N	N	C	N
Brewery, Distillery or other Alcoholic Beverage Production with onsite tasting and consumption	N	N	N	N	N	N	C	C	C	C

The other change proposed to the zoning table is related to Mini-Storage, Mini-Warehouse, Self-Storage or Public-Storage. Currently, these uses are only permitted in the Manufacturing (M) zone. Staff is proposing to allow these uses in the Urban Village (UV) zone subject to Conditional Use Permit approval by the Planning Commission. The uses would also still be required to meet the standards established in the Storage Ordinance found in Beaumont Municipal Code Chapter 17.11.150. The proposed change is requested by staff for two reasons:

- 1) Existing Mini-Storage, Mini-Warehouse, Self-Storage or Public-Storage uses in the Urban Village (UV) zone are unable to expand or modify their footprint because these uses are now considered non-conforming. Allowing the existing uses to expand subject to Conditional Use Permit approval by the Planning Commission, provides the opportunity for improvement to the site and expansion of an existing service to the residents of the City.

There are parcels in the southeast portion of the Urban Village (UV) zone which are irregularly shaped and are subject to environmental constraints. These properties could fit the criteria in the Storage Ordinance for potentially hosting a Mini-Storage, Mini-Warehouse, Self-Storage or Public-Storage. Allowing these uses subject to Conditional Use Permit approval by the Planning Commission, provides an opportunity for parcels which may not otherwise be utilized to provide a service to the community and to expand the infrastructure and improvements in the general area.

Discussion was held at Planning Commission, and the Commission recommends City Council consider limiting the Conditional Use Permit allowance to properties fronting Western Knolls Avenue. This would be addressed through a footnote on Table 17.03-3 as follows:

Manufacturing and Industrial	RC	PF	RR	RSF	RTN	RMF	CN	CC	M	UV
Mini-Storage, Mini-Warehouse, Self-Storage or Public-Storage ⁸	N	N	N	N	N	N	N	N	P	N C ⁸

⁸ Only applies to properties fronting Western Knolls Avenue

Proposed Change to Table 17.19-1 Downtown Zone Districts (Attachments C)

The remaining proposed code amendments are to Chapter 17.19 Downtown Zone Districts. The first proposed change mirrors the change to Table 17.03-3, the addition of brewery, distillery and alcoholic beverage production with or without an onsite consumption component. These uses are not currently identified in the downtown area. Staff has received a number of inquiries regarding establishing these uses within the City. The uses are proposed subject to Conditional Use Permit approval by the Planning Commission as there are licensing requirements set by the State of California Department of Alcohol Beverage Control. The conditional use permit process also allows staff and the Commission to evaluate location, operation, compatibility and other factors when determining if a use is appropriate in a given location.

Discussion was held at Planning Commission and the Commission's recommendation is as follows:

Alcohol Service and Sales	DMU	BMU	SSMU	SSMU-R	LC	DMF
Brewery or Distillery	N	N	C	N	C	N
Brewery, Distillery or other Alcoholic Beverage Production with onsite sales, tasting or consumption	C	C	C	C	C	N

The next proposed change to Table 17.19-1 is the addition of Public Parking Lots or Structures. This proposal has come out of EDC as well as addressed in the City's Parking Management Master Plan. Adding public parking lots and structures as permitted uses, helps facilitate the City's vision of having "park once and walk" opportunities throughout downtown.

The Planning Commission held discussion on this item and staff is bringing forth the recommendation of allowing the uses subject to Conditional Use Permit approval by the Planning Commission.

Public and Quasi-Public Uses	DMU	BMU	SSMU	SSMU-R	LC	DMF
Public Parking Lots or Structures	C	C	C	C	N	N

The third proposed change is to allow or conditionally allow uses listed on the remaining 4 lines in the table.

Personal Services						
Commercial Pet Grooming Services	P	N P	P	N	P	N
Tattoo/Body Piercing Services	N C	N C	C	C	C	N
Recreation and Entertainment						
Billiard and Pool Halls	C	N C	C	N	C	N
Dance Studios	C	N C	C	N	C	N

The final proposed change is to the footnotes for Table 17.19-1. The changes requested are as follows:

Footnotes:

- ² Use is not allowed on parcels fronting 6th Street and Beaumont Avenue **unless approved by the Planning Commission through the Conditional Use Permit process.**
- ³ Use is limited to 2,500 square feet **unless approved by the Planning Commission through the Conditional Use Permit process.**
- ⁴ These uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in 12th grade or below, day care center, or youth center. **Staff will remove footnote 4 from Bars and Cocktail Lounges**
- ⁷ Use is limited to 5,000 square feet **unless approved by the Planning Commission through the Conditional Use Permit process.**
- ⁸ Use is limited to 10,000 square feet **unless approved by the Planning Commission through the Conditional Use Permit process.**

The changes above have come out of talks with businesses and staff analysis of existing and proposed uses. Staff has encountered numerous cases where existing businesses cannot expand due to the strictly defined cap on square footage for certain use types. Providing the opportunity for consideration by the Planning Commission for uses which may not fit the specific criteria still allows the opportunity to present for consideration uses which would otherwise not be reviewed based on size alone.

In cases where the proposed use is already subject to a Conditional Use Permit, the consideration of the increase in square footage can be considered at the same time, if requested.

This item was presented before the Planning Commission at their October meeting. A public hearing was held and the language presented includes recommendations from the Commission.

This is the second reading of this item presented and approved at the November 1, 2022, Council meeting. The adjustments requested at the November 1, 2022, meeting are reflected herein.

Fiscal Impact:

Cost to prepare this staff report and other documents is included in the approximately \$1,500 amount shown in the staff report for the first reading.

Recommended Action:

Waive the full second reading and adopt by title only, "An Ordinance of the City Council of the City of Beaumont Amending Beaumont Municipal Code Chapter 17.02 "Administration", Chapter 17.03.120 "Permitted Uses for Base Zone Districts", and Chapter 17.19.120 "Downtown Districts."

Attachments:

- A. Ordinance Adopting revisions to the municipal code
- B. Redline Beaumont Municipal Code Chapter 17.02 Administration
- C. Redline Beaumont Municipal Code Table 17.03-3
- D. Redline Beaumont Municipal Code Table 17.19-1