



**BEAUMONT PLANNING DEPT.**  
550 E. 6th Street  
Phone (951) 769-8518  
BeaumontCa.gov

Application No.: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
  
Concurrent Projects: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### PLANNING APPLICATION

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Appeal      | <input type="checkbox"/> Annexation                      | <input type="checkbox"/> Conditional Use Permit                        |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Development Agreement/Amendment | <input type="checkbox"/> Sign Program/Amendment                        |
| <input type="checkbox"/> Plot Plan Application  | <input type="checkbox"/> Pre-Application Review          | <input type="checkbox"/> Sign Review                                   |
| <input type="checkbox"/> Extension of Time      | <input type="checkbox"/> Specific Plan / Amendment       | <input type="checkbox"/> Minor Plot Plan                               |
| <input type="checkbox"/> Tentative Parcel Map   | <input type="checkbox"/> Tentative Tract Map             | <input type="checkbox"/> Variance                                      |
| <input type="checkbox"/> Pre-Zone/Re-Zone       | <input type="checkbox"/> Zoning Ordinance Amendment      | <input checked="" type="checkbox"/> Other <u>Application of Waiver</u> |

#### Project Description

General Description of Proposed Project: Development of a 2-story apartment building with 15 units.

See letter supporting appeal and request for waiver and/or in lieu fee at \$400 per foot for 16 feet or \$6,400.

Has this project received Pre-Application Review Comments? ☒ Yes ☐ No Date: \_\_\_\_\_  
Other Related Cases: \_\_\_\_\_

#### Property Information

Project Address or Location: 1360 E. 6th St  
Assessor Parcel Number(s): 419-232-039  
Total Site Acreage: 0.68 ac Bldg. Sq. Footage: 14,706 SF  
Current Land Use: vacant Proposed Land Use: apartment project  
Current Zoning: Sixth St. Mixed Use Residential (SSMVR) Proposed Zoning: Sixth St. Mixed Use Residential (SSMVR)  
Current General Plan: Downtown Mixed Use (DMU) Proposed General Plan: Downtown Mixed Use (DMU)

#### Contact Information

Applicant Information –The applicant is the designated contact to receive materials from the City.

Applicant Name: Andresen Architects  
Applicant Address: 17087 Orange Way  
City, State, Zip: Fontana, CA 92235  
Contact Name: Mercedes Chevere  
Phone Number: 909-355-6688 Email: mcercedes.chevere@aafirm.com  
Applicant's Interest in Property: ☐ Own ☐ Rent Other: kcatanzarite@catanzarite.com

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## PLANNING APPLICATION

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### Property Owner Information (Consent Affidavit required if Applicant is not the Property Owner)

Owner Name: Kenneth J. Catanzarite  
Owner Address: 2331 W. Lincoln Ave  
City, State, Zip: Anaheim, CA 92801  
Phone Number: 714.231.2350 Email: kcatanzarite@catanzarite.com

### Business Owner Information (if applicable)

Owner Name: Aegis Builders, Inc.  
Owner Address: 2331 West Lincoln Ave.  
City, State, Zip: Anaheim, CA 92801  
Contact Name: Ken Catanzarite  
Phone Number: 714.231.2350 Email: kcatanzarite@catanzarite.com

### Architect/Engineer Information

Business Name: Andreson Architects  
Business Address: 17087 Orange Way  
City, State, Zip: Fontana, CA 92335  
Contact Name: Doug Andreson  
Phone Number: 909-355-6688 Email: doug.andreson@aaifirm.com

### Notifications

1. Electronic submittal of applications, submittal documents and payments is preferred.
2. Appointments are required for in-person submittal. Contact the Planning Department at 951-769-8518 for scheduling.
3. Acceptance of the application at the counter **does not** represent a complete application. Government Code Section 65943 provides 30 days in which the City can review the application and determine completeness. The applicant will be sent a letter during this time period with either a statement of completeness or a list of additional items that are necessary to complete the application.
4. If projects include a legislative item required to be heard by the City Council, all other concurrent applications for the project will also be heard by the City Council.

### Authorizations

Print Applicant Name Kenneth J. Catanzarite

Applicant Signature  Date April 9, 2025

### Attachments

1. Property Owner Consent Affidavit (Not required for Pre-Application Review applications).
2. Checklist of Submittal requirements – varies by application type.

After 6 months without activity or written communications, the City of Beaumont shall deem the application abandoned, in which a new application and fees will be required.

KENNETH J. CATANZARITE  
PRESIDENT

DIRECT DIAL:  
(714) 678-2100

AEGIS BUILDERS, INC.  
LICENSE # 865663  
2331 WEST LINCOLN AVENUE  
ANAHEIM, CALIFORNIA 92801  
(714) 535-7999  
FACSIMILE: (714) 520-0680

E-MAIL ADDRESS:  
KCATANZARITE@CATANZARITE.COM

DIRECT FAX:  
(714) 399-0577

April 9, 2025

**Via Email Only**

City of Beaumont

Attention: Jillian Fountain, Associate Planner

Beaumont Civic Center

550 E. Sixth St.

Beaumont, CA 92223

[jfountain@beaumontca.gov](mailto:jfountain@beaumontca.gov)

**Re: Appeal to Beaumont City Counsel (If Actually Required) of March 26, 2025 Planning Commission Approval of Plot Plan PP2023-0591 ("Plot Plan") - for a Proposed 15-Unit Apartment Complex, Commonly Referred to as "Aegis Beaumont" Located at 1360 East Sixth Street (APN 419-232-039) (the "Project") With Waiver of Condition of Approval #86 Allowing Owner-Developer to Maintain West Power Pole (the "Waiver").**

**Timeliness of Appeal: Pursuant to 17.02.060 fifteen days from March 26, 2025 is April 10, 2025.**

Honorable City Clerk:

Owner Kenneth J. Catanzarite and Developer Aegis Builders, Inc. appeals, if actually required, the March 26, 2025 approval of the Project Plot Plan with the express waiver of condition #86. See link: <https://www.youtube.com/watch?v=cke9EIUsroI> at You Tube video minute mark 44.30 through end of hearing finding that a waiver of Condition #86 was modified to allow Developer to "maintain the western pole and underground the rest" (the "Waiver"). Developer fully incorporates the record before the Planning Commission and the content of the You Tube video.

The Waiver followed 20 plus minutes of detailed discussion at the Close of the Public Hearing at minute mark 26:50 wherein developer and the Planning Commission members discussed a host of issues including the site lines, pictures of the West pole (See Exhibit "B" attached), the costs of moving the West pole 11 feet on Developers property, the visual impact and concluded a Waiver would be granted with the approval based upon among other considerations:

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1. The practicalities of Condition #86 of moving the West pole merely 11' to be within 5' of the property line which would be costly, involve delay and make no difference in the visual appearance in front of the Project.
2. Developer's frontage is 170.5 feet and within the meaning of BMC 12.18.070.
3. Developer will comply with condition #86 and underground 153 feet of the 170.5 feet otherwise required if the West pole were moved to within 5' of the property line which is 90% of the objective. A waiver to maintain the West pole where presently located is appropriate.
4. The West pole is the last in a line of 16 poles stretching 1,915 feet (.36 miles) in front of other properties not owned by developer. Removing one pole 11 feet on the property reducing the line run 11 feet/1915 feet or .5% of the line run distance.
5. Undergrounding the wires between the East pole which is within 1.5' of the property line and the West pole 153 feet within 16 feet of the property line meant Developer was substantially complied at 90% with the objective of the City.
6. A later underground district if formed would include the West pole and the lines running the remaining 16' to the property line.
7. The cost from SCE and practicality of moving one pole 11' or even 15' would not change the street scene in front of the Developer's property.

Owner-Developer appeals as a precaution because City staff took the position that the Planning Commission itself could not grant a Waiver or other modification of #86 because it was based upon a City ordinance. Nevertheless, the Planning Commission in fact granted the Waiver and indicated that City Counsel *if necessary* would need to consider the Waiver.

Importantly, moving the West pole 11' additional feet from 153 feet to 164 feet is totally meaningless and wasteful. The Project cost is \$1.7 million. Critically moving the pole would add \$204,000 or add 12% more to costs without any advantage whatsoever. There would be no change to the "attractive neighborhoods and streetscapes" by allowing Developer to maintain the West pole clearly a fact recognized by Planning Commission.

**Error No. 1: Planning Commission's Approval of the Plot Plan With the Waiver is Exclusively Within Its Powers Under BMC 17.02.030 and Table 17.02.**

BMC 17.02.030 and Table 17.02 contains no limitations on the Planning Commission's power and authority to approve the Plot Plan and in the process to Waive or otherwise modify condition #86. There is simply no basis for staff to have said as they did so at hearing that since the Waiver or other modification of #86 involved a City Ordinance, including without limitation BMC 12.18.030, 12.18.070 and 12.18.080, Planning Commission could only make a recommendation. Not true, and as such this Appeal is wasteful of Developer's time and resources as well as that of the City in that Planning Commission approved the Plot Plan with the Waiver which ends the matter. It is the City that was required to contest the Planning Commission's action and it has failed to do so timely. Therefore the matter is concluded.

Developer requests an immediate finding that there is no reason or necessity for this Appeal, that the Project Plot Plan is approved with the Waiver and to refund the filing fee.

**Error No. 2: Without Waiving Error No. 1, the Planning Commission's Approval of the Plot Plan with the Waiver Was Within the Sound Discretion of Planning Commission to Recommend That City Counsel Approve the Waiver to Allow Developer to Maintain the West Pole.**

Planning Commission considered carefully the facts and circumstances of the Project and the practicalities of what in substance would be forcing Developer to move the West Pole 11' to be within 5' of the property line at a cost of \$200,000 after having undergrounded from the East Pole (within 5' of the property line) or 143' and 93% of the total overhead wire distance. Planning Commission took into consideration BMC 12.18.030, 12.18.070 and 12.18.080 and at minimum made the recommendation that Developer be permitted to maintain the West pole.

This ordinance is new and has not been interpreted. A fair reading of 12.18.080 requires context particularly in view of **General Plan** Policy 7.8.3:

“When feasible place new utilities underground to promote attractive neighborhoods and streetscapes and reduce wildfire risk.”

As set out in Exhibit “A” the West pole is a mere 16' off the property line and per the March 26, 2025 hearing is the 16<sup>th</sup> pole in a line of poles stretching over 1,915 feet, a third of a mile, only 15 feet of which is on our property is a hardship. then we argue hardship because to underground 1 pole on our property at 200,000 when it would be less costly if did all 16 at one time and it makes no difference to the street scene. Developer encourages the City if it feels a compelling need to establish a district to economically conduct the work and then allocate the pro-rata costs to the Project at a later date.

Developer requests an immediate finding that the Planning Commission recommendation that Developer be permitted to maintain the West pole and underground to the East pole as a modification to Condition #86.

**Error No. 3: The West Pole May be Maintained Because it is an Exempt Utility Device As Described in BMC 12.18.16.**

BMC 12.18.16 provides:

12.18.060 - Exempted utility devices.

The following existing overhead utility lines shall be exempted from the requirement to placed underground as otherwise required in this chapter:

...

C.Appurtenances and associated equipment including, but not limited to, surface

mounted transformers and switches, pedestal mounted terminal boxes and meter cabinets which may be left in place above ground.  
(Ord. No. 1169, § 2(Exh. A), 2-6-2024)

As shown in the photos attached as Exhibit “B” there is a transformer on the West pole depicted in picture 2 and a close up at picture 3. A fair reading of the ordinance allows the West pole to remain its transformer.

Developer requests an immediate finding that the West pole on Developer’s property be classified as an exempt utility device pursuant to BMC 12.18.16 and as a result Developer be permitted to maintain the West pole and underground to the East pole as a modification to Condition #86.

**Error No. 4: Because Project Frontage is 170.5 Feet, The West Pole May be Maintained With an In Lieu Fee Based Solely Upon All In Costs per Lineal Foot - in this Case 16 Feet at \$400 Per Foot or \$6,400 Total Which Developer Accepts.**

The City quoted an in lieu fee that included the cost of taking out the pole at \$200,000 plus \$400 per lineal foot of line costs which equates to \$2,112,000 per mile.

The Ordinance applicable does not allow for a separate allocated cost for the pole removal.

12.18.070 - Exemption and deferral of certain improvements.

The City hereby exempts from the provisions of this chapter the following permits, developments or improvements of private property meeting any one of the following criteria:

...

G. Whenever the owner or developer of a subject property is required to underground existing overhead utility lines under this chapter but the length of the project frontage is less than 300 feet, the City may in its discretion allow the owner or developer to pay a fee to the City that is equal to the unit cost of placing the existing overhead utility lines underground multiplied by the length over which the undergrounding is required, not to exceed 300 feet, in lieu of such undergrounding. The unit price for undergrounding any utility lines shall be based upon the most recent unit price for undergrounding utility lines as established by the applicable utility company that would otherwise be responsible for placing the existing overhead utility lines underground. The owner or developer shall obtain a written statement of the unit price for undergrounding the required utility lines from the applicable utility companies serving the subject property and submit it to the City for determination of the amount of the in-lieu fee. The burden is imposed on the owner or developer of the subject property to disclose at the time of application their intent to pursue an in-lieu fee, with such intent to be incorporated into the City's permit or development approval associated with the development or improvement.

*Underline emphasis added.*

Published information for undergrounding follows:

#### IV. Underground Conversion Costs<sup>1</sup>

What is the typical cost range for conversion of overhead electric lines to underground per mile?

According to PG&E, SCE and SDG&E, the costs for undergrounding overhead distribution infrastructure can range anywhere from \$1.8 million to \$6.1 million per mile. These costs represent all costs associated with the undergrounding effort: trenching, conduit, substructures, cabling and connections, meter panel modifications, cutover work, and finally removal from service of poles and wires.

The City's quoted number of \$400 per lineal foot is within the range of published conversion costs at \$2,112,000 per mile.

Developer proposes that it pay an in lieu fee of \$400 per lineal foot of \$6,400 as a modified condition #86 and that the West pole be maintained as is.

Developer requests an immediate finding that Developer be permitted to maintain the West pole and underground to the East pole as a modification to Condition #86 by payment of an in lieu fee of \$400 per lineal foot for 16 feet or \$6,400.

#### Conclusion

For the reasons stated above and based upon the record from the March 26, 2025 hearing Developer requests that this appeal be sustained on any of the four above grounds assigning error.

Very truly yours,

**AEGIS BUILDERS, INC.**

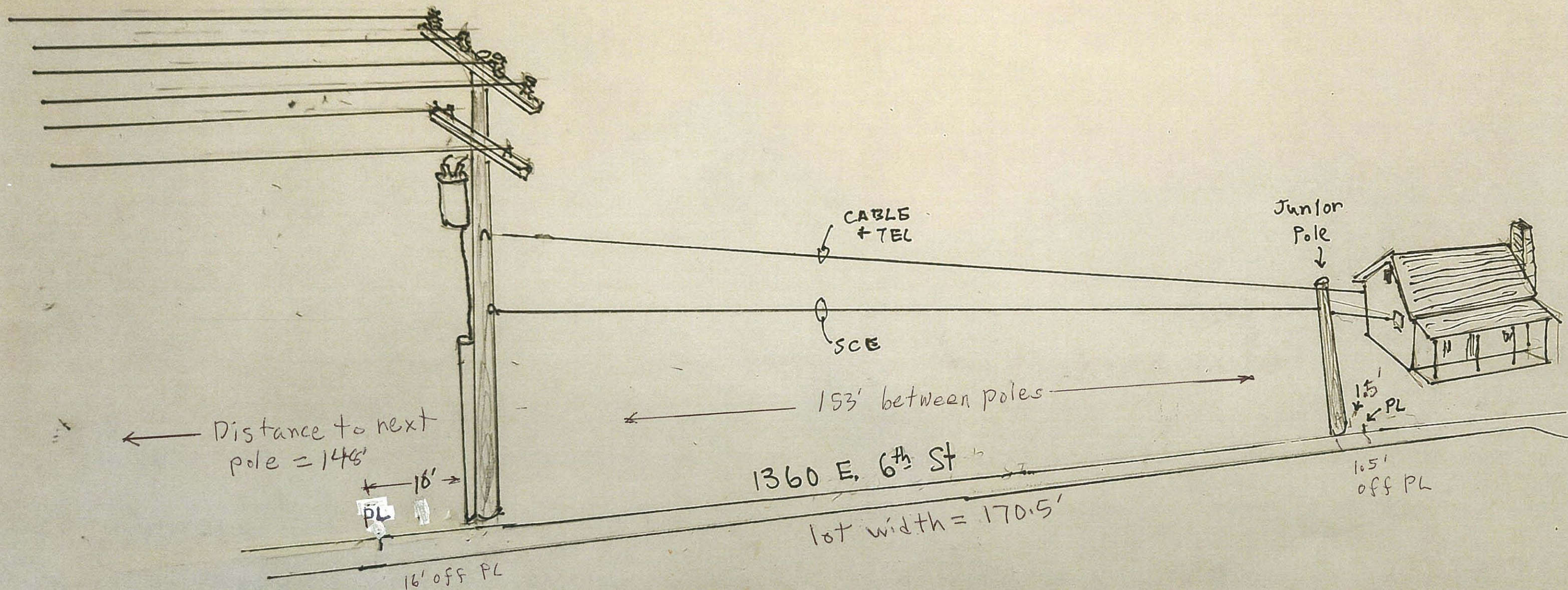


Kenneth J. Catanzarite

Exhibit A



HIGH VOLTAGE & TEL  
MICHIGAN ST 1915' = .36 miles  
←



← 6<sup>th</sup> Street



Exhibit B

PP2023-0591  
Site Photographs



Looking North from E. Sixth Street



Looking West



Looking North from E. Sixth Street