



Staff Report

TO: City Council
FROM: Christina Taylor, Deputy City Manager
DATE: February 21, 2023
SUBJECT: Determination of Use Per Beaumont Municipal Code Chapter 17.02.020

Description Determination of use for a “cigar lounge” as required per Beaumont Municipal Code Chapter 17.02.020.

Background and Analysis:

The Beaumont Municipal Code Chapter 17.02.020 states “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.”

Planning staff has received interest in establishing a cigar lounge within the downtown area. A cigar lounge is not specified in the Municipal Code as a permitted use. Beaumont Municipal Code Chapter 17.02.020 (F) specifies “Before permitting or classifying an unlisted use the director shall first determine 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;
- (3) The proposed use is similar to one or more uses in the zone; and
- (4) The director shall notify the planning commission and city council of determination of use.

Staff has reviewed the alcohol service and sales and entertainment uses allowed City wide as well as those allowed in the downtown area. Current uses including bars and lounges and billiard halls are permitted or conditionally permitted in a variety of commercial zones throughout the City. Staff considers a cigar lounge to be similar to bars and lounges currently listed in the municipal code, meeting requirement three (3) above. The classification of cigar lounges as an entertainment use or as a typical bar or

lounge would meet the objectives of the commercial zones and would be complimentary to other uses, especially in the downtown, meeting objectives one (1) and two (2).

Objective two (2) requires the proposed use to be compatible with other uses permitted in the zone. Since a specific location has not yet been identified, staff recommends through this determination, cigar lounges must be located in a commercial zone and be subject to Conditional Use Permit approval by the Planning Commission. The Conditional Use Permit process allows staff from all City departments to review and provide conditions of approval on project or use prior to the proposal being considered for approval. This will ensure location and operational standards are compatible with surrounding uses and are made clear to the applicant prior to a Planning Commission hearing. The Conditional Use Permit process also requires a public hearing, allowing opportunity for the public to provide input on the proposal.

Objective four (4) states “The director shall notify the Planning Commission and City Council of determination of use.” This staff report to City Council serves as the Director’s determination and meets objective four (4). If approved by City Council, a report will be provided to Planning Commission notifying the Commission of the determination.

Fiscal Impact:

None.

Recommended Action:

Concur with staff’s determination of use for cigar lounges as presented in the staff report.