



Agenda
City of Beaumont Planning Commission
Regular Session 6:00 PM

550 E 6th Street, Beaumont, Ca
Tuesday, May 14, 2019

Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packets are available for public inspection in the City Clerk's office at 550 E. 6th Street during normal business hours

Any Person with a disability who requires accommodations in order to participate in this meeting should telephone the City Clerk's office at 951 769 8520, at least 48 hours prior to the meeting in order to make a request for a disability related modification or accommodation.

Page

REGULAR SESSION

CALL TO ORDER

Chairman Tinker, Vice Chairman St. Martin, Commissioner Smith, Commissioner Barr, Commissioner Stephens

Pledge of Allegiance:

Approval/Adjustments to Agenda:

Conflict of Interest Disclosure:

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA)

Any one person may address the Planning Commission on any matter not on this agenda. If you wish to speak, please fill out a "Public Comment Form" provided at the back table and give to the City Clerk. There is a three (3) minute time limit on public comments. There will be no sharing or passing of time to another person. State Law prohibits the Commission from discussing or taking actions brought up by your comments.

ACTION ITEMS/PUBLIC HEARINGS/REQUESTS

Approval of all Ordinances and Resolutions to be read by title only.

1. Approval of Minutes

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Recommended Committee Action(s):

1. Approve minutes dated April 9, 2019 and April 23, 2019

[PC Minutes 04.09.19](#)

[PC Minutes 04.23.19](#)

2. Consider Conditional Use Permit CUP2019-0025 a Request to Allow a Massage Establishment at 795 E 6th Street, Suite M, in the Commercial General (CG) Zone

7 - 27

Recommended Committee Action(s):

1. Hold a Public Hearing, and
2. Approve Conditional Use Permit CUP2019-0025, effective June 7, 2019, subject to the findings herein and the proposed conditions of approval.

[Item 2](#)

3. Conditional Use Permit CUP2019-0029 for an Off-Sale General License (Type 21) for Sale of Beer, Wine and Liquor at a Grocery Store Located at 1575 E 2nd Street, in the San Geronio Village Specific Plan (Grocery Outlet)

29 - 40

Recommended Committee Action(s):

1. Hold a Public Hearing, and
2. Approve Conditional Use Permit CUP2019-0029, subject to the proposed conditions of approval and the findings stated herein.

[Item 3](#)

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Adjournment of the Planning Commission of the May 14, 2019 Meeting at ____ p.m.

The next meeting of the Beaumont Planning Commission is scheduled for Tuesday, May 28, 2019, at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall.

Beaumont City Hall – Online www.BeaumontCa.gov



MINUTES
Planning Commission Meeting
Council Chambers
550 E 6th St. Beaumont, Ca
Regular Session: 6:00 PM
Tuesday, April 9, 2019

REGULAR SESSION

CALL TO ORDER at 6:02

Present: Chairman Tinker, Vice Chairman St. Martin, Commissioner Smith, Commissioner Barr, Commissioner Stephens

Pledge of Allegiance

Approval/Adjustments to Agenda: Item 2 is requested to be continued

Conflict of Interest Disclosure: **None**

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA)

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No speakers

ACTION ITEMS/PUBLIC HEARINGS/REQUESTS

Approval of all Ordinances and Resolutions to be read by title only.

1. Approval of Minutes

Motion by Smith

Second by Stephens

Commissioner Stephens

Commissioner Barr

Commissioner Smith

Vice Chair St. Martin

absent **Chairman Tinker**

To approve Minutes dated February 12, 2019 and February 26, 2019

Approved by a 4-0 vote.

2. Conditional Use Permit CUP2017-0001 a Request to Establish an Outdoor Recreational Vehicle (RV) Storage Facility on a 24.77 Acre-Site Located on the South Side of Brookside Avenue West of Deodar Road (APN 400-010-011) in the Residential Single Family (RSF) Zone and Adoption of a Mitigated Negative Declaration (SCH# 2019029071)
Item continued to June 11, 2019

3. Conditional Use Permit 219-0027 for a for a Type 41 On-Site Sale of Beer and Wine at 1680 E 6th Street (Fuego Cravings)
Open public hearing at 6:07 p.m.
Close public hearing at 6:07 p.m.
Motion by Commissioner Barr
Second by Commissioner Stephens
 Commissioner Stephens
 Commissioner Barr
 Commissioner Smith
 Vice Chair St. Martin
 absent_ Chairman Tinker
To approve Conditional Use Permit No. 2019-0027, subject to the findings herein and the conditions of approval.
Approved by a 4-0 vote.

Community Development Director Comments

Asked the commission for availability of a special meeting for April 23, 2019.

ADJOURNMENT

Adjournment of the Planning Commission of the April 9, 2019 Meeting at 6:10 p.m.

The next regular meeting of the Beaumont Planning Commission is scheduled for Tuesday, May 14, 2019, at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall.

Beaumont City Hall – Online www.BeaumontCa.gov



MINUTES
Planning Commission Meeting
Council Chambers
550 E 6th St. Beaumont, Ca
Regular Session: 6:00 PM
Tuesday, April 23, 2019

REGULAR SESSION

CALL TO ORDER at 6:00 p.m.

Present: Chairman Tinker, Commissioner Smith, Commissioner Barr, Commissioner Stephens

Absent: Vice Chairman St. Martin

Pledge of Allegiance

Approval/Adjustments to Agenda: **None**

Conflict of Interest Disclosure: **None**

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA)

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No speakers.

ACTION ITEMS/PUBLIC HEARINGS/REQUESTS

Approval of all Ordinances and Resolutions to be read by title only.

1. Consider Proposed Sign Permit PLAN2019-0275 for the Construction of an Internally Illuminated Monument Sign at 650 Oak Valley Parkway in the Residential Single-Family (RSF) Zone

Motion by Commissioner Smith

Second by Commissioner Barr

Commissioner Stephens

Commissioner Barr

Commissioner Smith

absent **Vice Chair St. Martin**

Chairman Tinker

To approve Sign Permit Application PLAN2019-0275, for the proposed construction of a monument sign at Fellowship in the Pass church located at 650 Oak Valley Parkway in the Residential Sign-Family (RSF) zone as shown on the sign proposal.

Approved by a 4-0 vote.

2. Tentative Parcel Map No. 37660 TPM2019-0004 Consideration of a Request to Subdivide Approximately 14.61 Acres into 7 Lots Ranging in Size from .97 Acres to 4.23 Acres for Finance and Conveyance Purposes, Located on the East and West Sides of Commerce Way between 2nd and 1st Streets in the San Gorgonio Village Specific Plan

Public Hearing opened at 6:14 p.m.

M. Bush – *representing the applicant, answered questions of the commission.*

Public Hearing closed at 6:20 p.m.

Motion by Commissioner Barr

Second by Commissioner Stephens

Commissioner Stephens

Commissioner Barr

Commissioner Smith

absent_ Vice Chair St. Martin

Chairman Tinker

To recommend to the City Council, approval of Tentative Parcel Map 37660 for a two-year period based upon the findings stipulated herein, subject to the attached conditions of approval.

Community Development Director Comments

Request of a special meeting for May 28, 2019.

ADJOURNMENT

Adjournment of the Planning Commission Special Meeting of April 23, 2019 at 6:21 p.m.

The next regular meeting of the Beaumont Planning Commission is scheduled for Tuesday, May 14, 2019, at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall.

Beaumont City Hall – Online www.BeaumontCa.gov

Staff Report

TO: Planning Commissioners
FROM: Christina Taylor, Community Development Director
DATE: May 14, 2019
SUBJECT: Conduct a public hearing and consider Conditional Use Permit CUP2019-0025 a request to allow a massage establishment at 795 E. 6th Street, Suite M, in the Commercial General (CG) zone.
APPLICANT: Wen Nie

Background:

Senate Bill 731 (SB 731) (2008) authorized the creation of the California Massage Therapy Council (a nonprofit public benefit corporation), which shifted the regulation of massage therapists from local jurisdictions to statewide voluntary certification, and significantly limited local land use control of massage uses. Assembly Bill 1147 (AB 1147), The Massage Therapy Act of 2014, amended SB 731 to give local government greater authority to regulate massage establishments and create a more robust regulatory system for massage professionals and establishments.

On May 7, 2019, the City Council adopted Ordinance No. 1106 which amended Table 17.03-3 'Permitted Uses in Base Zone District' and Table 17.03-4 'Permitted Uses in Overlay Zone Districts' within Chapter 17, 'Zoning' of the Beaumont Municipal Code" allowing massage establishments in certain commercial zones subject to Conditional Use Permit approval by the Planning Commission.

The City of Beaumont currently has eight (8) active massage therapy business licenses at six (6) locations.

- Massage by Lori, 737 Beaumont Ave., Ste. A (Shear Wonders Salon)
- Vitality Medical Massage, 851 E. 6th Street, Ste. C1 (Huntress)
- Relaxing Time Thai Therapeutic Massage, 1384 E. 6th Street
- Beaumont Massage Therapy, 795 E. 6th Street, Ste. K (Blade Designs)
- Sole So Happy, 1676 E. 6th Street, Ste. B
- Golden Massage, 890 W. Oak Valley Pkwy., Ste. C

The Municipal Code of the City of Beaumont requires the approval of a conditional use permit by the Planning Commission. The purpose of this requirement is to establish a formal review of proposals, which involves conducting a public hearing and giving written

notice to property owners within a 300-foot radius of the site. Through the conditional use permit process, the Planning Commission has the opportunity to determine if the proposed use, or the location of that use, is compatible with surrounding uses, or through conditions, can be made compatible. The Planning Commission can either deny or approve the proposal, and may establish conditions of approval for the business' operations to ensure that it will not be a detriment to the community.

This is the first Conditional Use Permit for a massage establishment since the adoption of Ordinance No. 1106. This ordinance takes effect June 7, 2019.

Analysis:

The subject tenant space is located in a multi-tenant center on the south side of 6th Street between Maple and Palm Avenues. Adjacent uses include multi-tenant buildings to the north, east, and west all in the Commercial General (CG) zone. To the south is the Kozy Trailer Park which is also zoned Commercial General (CG).

The proposed massage facility would offer body and foot massage therapy by licensed massage therapists. The massage establishment will consist of two (2) massage therapists. The therapists are California Massage Therapy Council (CAMTC) certified. CAMTC ensures that all massage practitioners and massage therapists complete sufficient training at approved schools and that the approved schools are providing a high level of training. All certified massage practitioners and massage therapists are required to meet the state's educational requirements and pass an extensive background check. These State certifications will be verified by the City's Police Department as part of the Massage Establishment Business License process (BMC, Ch. 5.44).

The tenant space includes a lobby/reception area, a restroom, 2 single-occupant massage rooms and 2 double-occupant massage rooms. The applicant is proposing hours of operation Monday – Saturday 9am – 9pm.

The property is in the Commercial General (CG) zone. This zone allows for a wide variety of retail, professional, medical and personal-service businesses. The proposed massage establishment is considered a personal-service and is consistent with the land use category.

In order to begin operation, the establishment will be required to follow the approval process for compliance with the Beaumont Municipal Code Chapter 5.44 in addition to obtaining a Conditional Use Permit. Many of the items addressed in BMC Ch. 5.44 relate to operational issues that either must be vetted under the separate review process described in the municipal code or followed in the day-to-day operations of the business. The most significant of these include CAMTC licensing requirements for technicians, recordkeeping requirements, health and hygiene provisions, video surveillance requirements and prohibited conduct, procedures and equipment.

The proposed location is suitable for the use. There is one massage therapy business operating at this location. The Conditional Use Permit requirements and many of the BMC Ch. 5.44 requirements can be addressed prior to opening the business. Additionally, if the business operation begins to create adverse impacts or becomes detrimental to the community, enforcement actions under BMC 5.44 or the potential modification and/or revocation of the conditional use permit through a public hearing before the Planning Commission can be used to achieve compliance.

Findings:

The Planning Commission may approve and/or modify a Conditional Use Permit in whole or in part, with or without conditions, provided, all of the following findings of fact are made:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance;

Massage establishments are conditionally permitted in the Commercial General zone. Approval of this use would be consistent with conditionally allowable uses and the intent of the zone.

2. The proposed use would not impair the integrity and character of the zone in which it is to be located;

The Commercial General (CG) allows for service-oriented businesses. A massage establishment is subject to conditional use permit approval in this zone. Allowing this use in this zone would be consistent with existing and surrounding uses in the area and would not impair the zone's integrity.

3. The subject site is physically suitable for the type of land use being proposed;

The location of the proposed use as a massage establishment is physically suitable. The site is a multi-tenant center with a variety of uses, operational hours and shared parking spaces. The site has adequate access for circulation and emergency response. This application has been reviewed by the City's public safety officers and is found to be compatible.

4. The proposed use is compatible with the land uses presently on the subject property;

The multi-tenant center has a variety of uses and operating hours. Allowing a massage establishment at the location would be compatible with other existing business at the site. The center is designed to accommodate a variety of retail and service-oriented business.

5. The proposed use 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;

A massage establishment is compatible with current and future land uses in the Commercial General (CG) zone. This zone is intended to provide for the general public

a variety of uses including retail, food, personal services and commercial businesses. The use is also consistent with what will be allowed in the future area zoning and in the general plan update.

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 adequately served by all public utilities. The business has completed an industrial wastewater survey and will be required to comply with appropriate pretreatment measures to ensure there is no public health or safety concerns

7. There would be adequate provisions for public access to serve the subject proposal;
The site was constructed to accommodate a variety of users. There is adequate access to the site to serve the public and provide for public safety access as was determined through project review and the conditions of approval.

8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the City of Beaumont General Plan;

The proposed use is consistent with the overall General Plan and its contents. The City strives to provide a variety of businesses for its residents, job opportunities, and improvements to the aesthetics of the City. Allowing this use in the Commercial General (CG) zone works toward achieving these goals.

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare; and

The proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare because as conditioned, the massage establishment must comply with guidelines established by the City's public safety departments and the Municipal Code.

10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.

The center is existing as approved meets the City's development guidelines. The proposed use is required to comply with center guidelines as well as City guidelines for improvements if required.

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.

The proposed use will add to the mix of available personal service businesses already offered in the City. The allowance of a massage establishment will not induce new environmental impacts as a result.

Recommendation:

Staff recommends that the Planning Commission:

1. Hold a Public Hearing; and
2. Approve Conditional Use Permit No. CUP2019-0025, effective June 7, 2019, subject to the findings herein and the proposed conditions of approval.

Attachments:

- A. Draft Conditions of Approval
- B. Site Plan and Floor Plan

**CITY OF BEAUMONT
PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT
NO. CUP2019-0025
CONDITIONAL USE PERMIT FOR A
MESSAGE ESTABLISHMENT AT 795 E. 6TH
STREET, SUITE M IN THE COMMERCIAL
GENERAL (CG) ZONE.**

**PLANNING COMMISSION
APPROVAL DATE:**

DRAFT

STANDARD CONDITIONS

1. The permit for the above referenced Conditional Use Permit and property consists of all Conditions of Approval herein.
2. The use hereby permitted is a massage establishment.
3. The permittee shall defend, indemnify, and hold harmless the City of Beaumont, the Beaumont Redevelopment Agency, its agents, officers, consultants, and employees from any claims, action, or proceeding against the City of Beaumont or its agents, officers, consultants, or employees to attack, set aside, void, or annul, an approval of the City of Beaumont, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. CUP2019-0025. The City of Beaumont will promptly notify the permittee of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense. If the City fails to promptly notify the permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Beaumont.
4. This approval is subject to the City of Beaumont Municipal Code Section 17.02.100 Conditional Use Permits and is subject to timing specified in Sections (J) Conditional Use Permit Time Limits, (K) Conditional Use Permit Lapse in Time, (L) Conditional Use Permit Renewal and (M) Lapsing in Conditional Use Permit.
5. The development and uses entitled pursuant to the permit shall comply with the Beaumont Municipal Code and all other applicable City of Beaumont ordinances and state and federal codes. The development of the premises shall conform substantially with that as shown on the approved site plan, unless otherwise amended by these conditions of approval.
6. All subsequent submittals required by these conditions of approval, including but not limited to improvement plans and building plans, shall be subject to the payment of review fees by the permittee as set forth herein.

Conditions of Approval
CUP2019-0025
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7. A valid business license shall be maintained in force at all times.
8. Any new signage on the site is subject to a sign permit application from the City.
9. For Sales Tax Purposes, this location shall be the “Point-of-Sale” for all transactions conducted.
10. The Community Development Director shall monitor the subject use to ensure that the scale of the use does not exceed the limitations of the existing site improvements. In the event that the Director determines that the scale of the use has exceeded site limitations, a hearing shall be scheduled before the Planning Commission to review the permit and consider modification or revocation thereof.
11. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Public Works Department, Building Department and Fire Department.
12. This approval shall be for the benefit of the specific approved location. The permit shall not be transferrable to another location.
13. All conditions of the Beaumont Municipal Code Chapter 5.44 (attached) shall be met prior to issuance of a business license.
14. An Administrative Plot Plan/New Business application packet is required to initiate review of occupancy at the proposed location.
15. Any modifications to the suite are subject to separate review and approval by the Planning and Building Departments and may require additional permits and fees.
16. This Conditional Use Permit shall not be effective until June 7, 2019.

Chapter 5.44 - MASSAGE ESTABLISHMENTS

5.44.010 - Purpose.

The purpose of this chapter is to require the licensing and issuance of a permit as a condition for the conduct of massage services and massage establishments in the City, and to set forth the standards for governing the issuance of the permits, rules and regulations under which such permits shall remain in force, the issuance of a license therefor, and providing a punishment for operation of a massage establishment or rendering of massage services without a duly issued and valid permit and license.

(Ord. 438 §1, 1972)

5.44.020 - Definitions.

- A. For the purpose of this chapter, the following words and phrases are defined as follows:
1. *"City Health Officer"* means the Health Officer of the county or his authorized representative.
 2. *"Massage"* means a method of exerting pressure on or friction against, stroking or kneading the body by manual or mechanical means.
 3. *"Massage establishment"* means any establishment wherein massage is given, engaged in or carried on or permitted to be given, engaged in or carried on and any business of giving baths of any kind, nature or sort whatsoever where the body is rubbed or there is any manipulation of the body or similar procedures given.
 4. *"Masseur"* means any person who engages in the practice of massage as defined in this section. Masseur shall also include masseuse, as the use of the masculine gender shall include in all case the feminine gender as well.
 5. *"Person"* means any natural person, firm, partnership, corporation or association.
- B. The definitions set out in subsection A of this section shall not include hospitals, nursing homes, sanitarium, persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direction of any such persons in any such establishment.

(Ord. 438 §2, 1972)

5.44.030 - Permit required.

It is unlawful for any person to engage in, conduct or carry on in or upon any premises in the City, the operation of a massage establishment as defined in this chapter without first having obtained a permit from the Police Department issued pursuant to the provisions of this chapter.

(Ord. 438 §3, 1972)

5.44.040 - Filing and fee provisions.

Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application with the Chief of Police upon a form provided by the Chief of Police, which application shall be accompanied by the payment of a fee as provided by resolution establishing fees and charges therefor by the City Council.

(Ord. 438 §4, 1972)

5.44.050 - Application for permit for massage establishment.

The application for a permit to operate a massage establishment shall set forth the exact nature of massage to be administered, the proposed place of business and facilities therefor, the name and address of each applicant, and in addition to the foregoing, the applicant for a permit shall furnish the following information:

- A. The social security number of the applicant,
- B. The two previous business and residence addresses immediately prior to the present or proposed business address of the applicant,
- C. Written proof that the applicant is over the age of 18 years,
- D. Written statements of at least three bona fide residents of the City that the applicant is of good moral character,
- E. The applicant's height, weight, color of eyes and hair, and sex,
- F. Two portrait photographs at least two inches by two inches,
- G. Business occupation or employment of the applicant for the three years immediately preceding the date of the application,
- H. The massage or similar business license history of the applicant; whether such person in previously operating in this City or another City or state under license has had such license revoked or suspended, the reason therefor, and the business activity or occupation of applicant subsequent to such action or suspension or revocation,
- I. All criminal convictions and the reasons therefor;
- J. A certificate from a medical doctor stating that the applicant has within 30 days immediately prior thereto been examined and found to be free of any contagious or communicable disease,
- K. The applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage technicians is taught, the term "state approved school" means and includes

any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage which has been certified by the State of California Department of Education, Bureau of School Approvals. The Chief of Police shall have the right to confirm the fact that the applicant has actually attended classes in a state approved school;

- L. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.
- M. Nothing contained in this chapter shall be construed to deny to the Chief of Police the right to take the fingerprints and additional photographs of the applicant nor shall anything contained in this chapter be construed to deny the right of the Chief of Police to confirm the physical description of the applicant;
- N. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation. The names and residence addresses of each of the officers, directors and each stock holder owning more than ten percent of the capital stock of the corporation. If the applicant is a partnership or association, the application shall set forth the name or residence addresses of each of the partners and/or associates including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply. A corporation, partnership or association shall be deemed to have complied with the provisions of subsection K of this section if the managing director or partner or managing employee of the business has the required diploma or certificate of graduation.

(Ord. 438 §5, 1972)

5.44.060 - Masseur permit.

Any person who engages in the practice of massage as defined in this chapter shall file an application with the Chief of Police upon a form provided by the Chief of Police and shall pay an investigation fee as provided in the resolution establishing fees and charges located in the office of the City Clerk.

(Ord. 438 §6, 1972)

5.44.070 - Application form for masseur.

The application for a masseur permit shall contain the following:

- A. Name and residence address;
- B. Social security number and driver's license number;
- C. Applicant's height, weight, color of eyes and hair, if any, date of birth, and sex;

- D. Two portrait photographs at least two inches by two inches;
- E. Written evidence that the applicant is over the age of 18 years (copy of birth certificate);
- F. Business, occupation or employment of the applicant for the three years immediately preceding the date of the application;
- G. Whether such person has ever been convicted of any crime except misdemeanor traffic violations. If any person mentioned in this section has been so convicted, a statement must be made giving the place and court in which the conviction was had, the specific charge under which the conviction was had, the specific charge under which the conviction was obtained, and then sentence imposed as a result of such conviction;
- H. The Chief of Police shall have the right to take fingerprints and a photograph of the applicant with the right of the Chief of Police to confirm the information submitted;
- I. The applicant must have a diploma or certificate of graduation from a state approved school wherein the method, profession and work of massage is taught. The term "state approved school" means and includes any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage which has been certified by the State of California, Department of Education, Bureau of School Approvals. The Chief of Police shall have a right to confirm the fact that the applicant has actually attended classes in a state approved school.
- J. Every application for a permit shall be verified by the applicant under penalty of perjury.

(Ord. 438 §7, 1972)

5.44.080 - Facilities necessary.

No permit to conduct a massage establishment shall be issued unless an inspection conducted pursuant to Section 5.44.090 reveals that the establishment complies with each of the following minimum requirements:

- A. Construction of rooms used for toilets, tubs, saunas, steam baths and showers shall be performed in accordance with the provisions of the Uniform Building Code of the City;
- B. Lighting shall be provided which is not less than the minimum required by the Uniform Building Code of the City. In addition, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron;
- C. Ventilation shall be provided which is not less than the minimum required by the Uniform Building Code of the City;
- D. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided;

- E. Hot and cold running water shall be provided at all times;
- F. Closed cabinets shall be provided which cabinets shall be utilized for the storage of clean linen;
- G. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room or the operators of the massage establishment may elect to place, such persons of the same' sex in separate enclosed rooms or booths having adequate ventilation to an area outside the room or booth while massage services are being performed;
- H. Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one wash basin shall be provided by every massage establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate massage room or rooms/ separate dressing and separate toilet facilities shall be provided for male and female patrons.
- I. All walls, ceilings, floors, pools, showers, bath tubs, steam rooms, and all other physical facilities of the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned after each use;
- J. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted;
- K. A minimum of one separate wash basin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be permanently installed dispensers.

(Ord. 438 58, 1972)

5.44.090 - License applicant investigation.

The Chief of Police, upon receiving an application for a massage establishment permit, shall refer the application to the City Building Inspector, the City Fire Department and the City Planning Department, which department shall inspect the premises proposed to be devoted as a massage establishment and shall make separate written recommendations to the Chief of Police concerning compliance with the respective requirements within 14 days after receipt of the aforementioned approval.

(Ord. 438 §9 1972)

5.44.100 - Approval by City Health Officer.

The Chief of Police shall also submit a copy of the application to the City Health Officer, who shall thereupon conduct an investigation into the personal health and health history of the applicant, and shall require proof that the applicant is free from all communicable diseases. The applicant shall also furnish an acceptable report of a chest X-ray showing freedom from tuberculosis. The Health Officer may also, in his discretion, order a physical examination of any person engaged in the massage practice. Before any license or permit shall issue under this chapter, the Health Officer shall first sign his approval to the application therefor and return the form to the Chief of Police. Should the Health Officer fail to approve the license or permit application, he shall, with the return application form, set forth fully in writing his reason therefor based on the following grounds:

- A. That the applicant has communicable or venereal disease; or
- B. That the applicant's personal health history would make him poor risk in the massage practice; or
- C. That the premises fail to meet the sanitation standards required by this chapter; or
- D. That the applicant is currently in violation of any or some health regulation contained in the ordinance codified in this chapter or other ordinances of the City.

(Ord. 438 §10, 1972)

5.44.110 - Time within which to grant or deny permit.

- A. Within 30 days after the filing of an application for a permit, the City Clerk shall review the application together with the reports and the recommendations of the Police Chief, Fire Chief, City Planning Commission and Health Officer and shall grant the permit or shall notify the applicant that he proposes to deny the application. Notice thereof shall be in writing and sent by mail postage prepaid to the applicant's mailing address as set forth in the application. In the event of denial, the applicant may appeal to the City Council in accordance with the provisions of this chapter.
- B. For the purpose of permitting the applicant to correct minor defects, on request of the applicant and his assurance that the matters objected to will be corrected, the City Clerk may extend the time within which he is otherwise required to act on the permit application for a period not to exceed 30 days.

(Ord. 438 § 11, 1972)

5.44.120 - Application fee.

At the time of filing an application for a permit or renewal thereof, the applicant shall pay a fee in accordance with the following:

- A. For each initial permit, the sum of \$100.00 plus \$25.00 for each person other than an individual applicant to be employed by the massage establishment;
- B. For each renewal permit, the sum of \$50.00 plus \$25.00 for each person other than an individual applicant to be employed by the massage establishment;
- C. Nothing contained in this chapter shall constitute a waiver of the requirements of Division I of this title requiring the issuance and possession of a business license;
- D. Subject to revocation or suspension, the permit shall expire on that date set forth as the expiration date on the permittee's business license issued pursuant to Division I of this title. The permit may be renewed annually upon application accompanied by the renewal fee. Applications for renewal shall be subject to all of the provisions of this chapter.
- E. All permits issued under this chapter are nontransferable; however, a change of location of a massage establishment may be permitted provided all ordinances and regulations of the City are complied with and provided a change of location fee of \$50.00 is paid to the City.

(Ord. 438 §12, 1972)

5.44.130 - Issuance of permit.

The Chief of Police shall issue a massage establishment and/or masseur permit if all of the provisions of this chapter have been met, unless he finds:

- A. That the operations as proposed by the applicant, if permitted, would not comply with all applicable ordinances and laws including but not limited to the City's building, health, zoning and fire ordinances or regulations adopted by the City Health Officer;
- B. That the applicant and/or any other person who will be directly engaged in the management, operation or employ as a masseur in the operation of the applicant's establishment or otherwise, has been convicted of:
 1. An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code of the state,
 2. An offense involving the use of force and violence upon the person of another that constitutes a felony,
 3. An offense involving sexual misconduct with children,
 4. An offense as defined under Sections 311 through 311.7, 647(a), 647(b), 647a,

647b, 314, 315, 316, or 318 of the Penal Code of the state;

- C. If it reasonably appears that the location of the business after review of the reports required in Section 5.44.090 is not a suitable place in which to conduct or maintain such business or calling, or the applicant requesting such permit does not want the issuance thereof.

(Ord. 438 §13, 1972)

5.44.140 - Masseur permit required.

No operator of a massage establishment as defined in this chapter shall employ any masseur on the premises unless and until such person has been granted a masseur permit by the Chief of Police as provided in this chapter. The operator of such establishment must maintain a register of all persons so employed and their permit number, which register shall be available for inspection at all times during regular business hours.

(Ord. 438 §14, 1972)

5.44.150 - Revocation or suspension of permit.

Any permit issued for a massage establishment or any masseur permit may be revoked or suspended by the Chief of Police after a hearing conducted pursuant to the next succeeding section on any of the following grounds:

- A. Violation of any of the provisions of this chapter;
- B. Failure or refusal to permit any duly authorized officer of the City to inspect the premises or the operations therein;
- C. Immoral conduct or activities at the permittee's place of business;
- D. Operation, management or maintenance of permittee's place of business without regard for public health or the health of patrons or customers or without due regard to proper sanitation or hygiene;
- E. Conviction of any crime requiring registration under Section 290 of the Penal Code of the state;
- F. Violation of Sections 311 through 311.7, 647(a), 647 (b), 647a, 647b, 650 1/2, 314, 315, 316 or 318 of the Penal Code of the state.

(Ord. 438 §15, 1972)

5.44.160 - Hearing and appeal.

- A. Prior to the revocation and suspension of any permit issued pursuant to the provisions of

this chapter, a hearing shall be held by the Chief of Police. Written notice of the grounds for the hearing as well as its time and place shall be mailed to the permittee seven days in advance of the hearing. Within 24 hours after the conclusion of the hearing the Chief of Police shall mail written notice to the permittee of his decision.

- B. The decision of the Chief of Police may be appealed to the City Council in accordance with the provisions of Section 5.44.170.

(Ord. 438 §16, 1972)

5.44.170 - Appeal to the City Council.

An appeal may be taken to the City Council by any person aggrieved by an order of the Chief of Police concerning the denial, suspension or revocation of a permit. The right of appeal is subject to the conditions and procedures set forth in this section:

- A. *Procedures—Time Limitations.* An appeal to the City Council shall be made by filing a petition in triplicate with the City Clerk not later than ten days from the decision of the Chief of Police or the mailing thereof, whichever is later. The petition shall set forth the grounds of appeal and the reasons why such appeal should be granted. Upon receipt of the petition, the City Clerk shall immediately forward a copy to the Chief of Police and within ten days following the filing of appeal the petition shall be placed on the agenda of the City Council. If the City Council will not have held a meeting within the aforesaid ten-day period, then the petition shall be received by the City Council at its next regularly scheduled meeting. Upon receipt of the petition, the City Council shall set the matter for hearing and give the appellant notice of a time and place for the hearing. The notice shall be given in person or by mail not later than ten days prior to the hearing. The hearing shall be held not later than 30 days following receipt of the petition by the City Council.
- B. *Action by City Council.* In considering and ruling upon the appeal of the petitioner, the City Council shall judge the merits of the appeal based upon those grounds set forth in Sections 5.44.130 and 5.44.150 of this chapter. The City Council may reverse or affirm wholly or partly or may modify any decision, determination, or requirement of the Chief of Police and may make such decisions or determinations or impose such conditions as the facts warrant, and may order that a permit be granted, suspended, or revoked in accordance with their ruling. The decisions of the City Council shall be final. Any hearing may be continued from time to time.
- C. *Stay or Order.* The filing of an appeal to the City Council stays all proceedings in furtherance of the action appealed from until determination of the appeal as provided in this chapter.

(Ord. 438 §17, 1972)

5.44.180 - Display of permit and ordinance.

Every person to whom or for whom a permit shall have been granted shall display the permit and shall post and continually keep posted a copy of the ordinance adopting this chapter in a conspicuous place so that the same may be readily seen by persons entering the premises where the massage, bath or treatment is given.

(Ord. 438 §18, 1972)

5.44.190 - Sale or transfer.

Upon sale or transfer of a massage establishment, the permit and license therefor shall be null and void.

(Ord. 438 §19, 1972)

5.44.200 - Name and place of business.

- A. No person granted a permit issued pursuant to this chapter shall operate under any name or conduct his business under any designation not specified in his permit.
- B. Permittees shall notify the Police Department of any changes in name or address of home or business. In case of any change of location or extension of the place of the business, inspection thereof shall be made as required in this chapter before use of the same for the purpose of the business and an amended permit within 30 days shall be issued, if indicated, in order to show clearly the address or place of such new location or extension. No fee shall be charged either for such inspection or for such amended permit.

(Ord. 438 §20, 1972)

5.44.210 - Daily register.

Every person who engages in or conducts a massage establishment as defined in this chapter shall keep a daily register, approved in form by the Police Department, of all patrons, the hour of patron's arrival, the room or cubicle assigned to the patron, if any, and masseur who massaged the patron. The daily register shall at all times during business hours be subject to inspection by the Health Officer and by the Police Department and shall be kept on file for one year.

(Ord. 438 §21, 1972)

5.44.220 - Inspections.

The Police Department and the Health Officer shall from time to time make an inspection of each massage establishment in the City for the purpose of determining compliance with the provisions of this chapter.

(Ord. 438 §22, 1972)

5.44.230 - Unlawful conduct.

It is unlawful for any person to massage any other person, or give or administer any bath or baths, or to give or administer any of the other things mentioned in this chapter which would violate the provisions of Section 5.44.150. Any violation of this provision shall be deemed grounds for the revocation of the permit granted under this chapter.

(Ord. 438 §23, 1972)

5.44.240 - Employees.

It shall be the responsibility of the holder of the permit for the massage establishment or the employer of any such persons purporting to act as masseurs, to insure that each person employed as ~ masseur shall first have obtained a valid permit pursuant to this chapter. It is unlawful for the owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.

(Ord. 438 §24, 1972)

5.44.250 - Applicability to existing business.

The provisions of this Chapter shall be applicable to persons now engaged in the business regulated in this chapter. Existing businesses of the kind referred to in this chapter shall conform with all provisions of this chapter.

(Ord. 438 §25, 1972)

5.44.260 - Time limit for filing application for permit.

Persons now engaged in the business referred to in this chapter and in Section 5.44.250, as an operator of a massage establishment shall file for the permit required by Section 5.44.030 within 30 days of the effective date of the ordinance codified in this chapter; failure to do so shall make continued operation of the place of business a violation of Section 5.44.280.

(Ord. 438 §26, 1972)

5.44.270 - Rules and regulations.

The Chief of Police may make and enforce reasonable rules and regulations in connection with enforcement functions not in conflict with, but to carry out, the intent of this chapter.

(Ord. 438 §27, 1972)

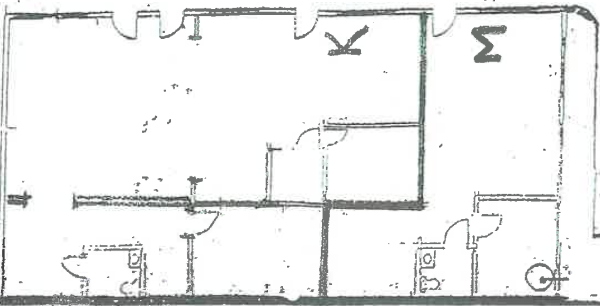
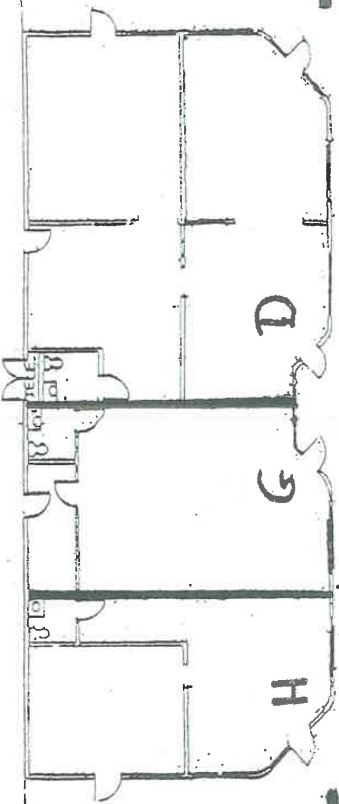
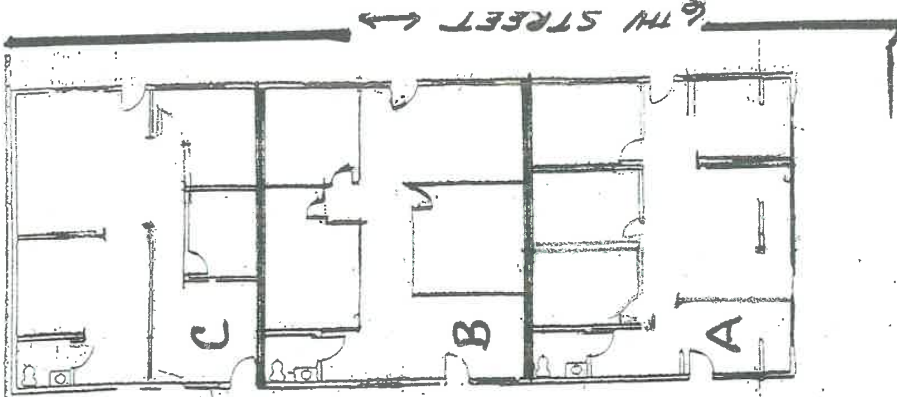
5.44.280 - Violation—Penalty.

- A. Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage establishment or room who does or practices any of the other things or acts mentioned in this chapter without first obtaining a permit and paying for a license to do so from the City or violates any provision of this chapter shall be guilty of a misdemeanor.
- B. Any owner, operator, manager, or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a masseur as defined in this chapter who is not in possession of a valid permit or who allows such an employee to perform, operate, or practice within such a place of business is guilty of a misdemeanor, and upon conviction such person shall be punished by the imposition of a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. Revocation of a license or permit shall not be a defense against prosecution.

(Ord. 438 §28, 1972)

OTC
06/2015

ALLEY



GATE

Storage room

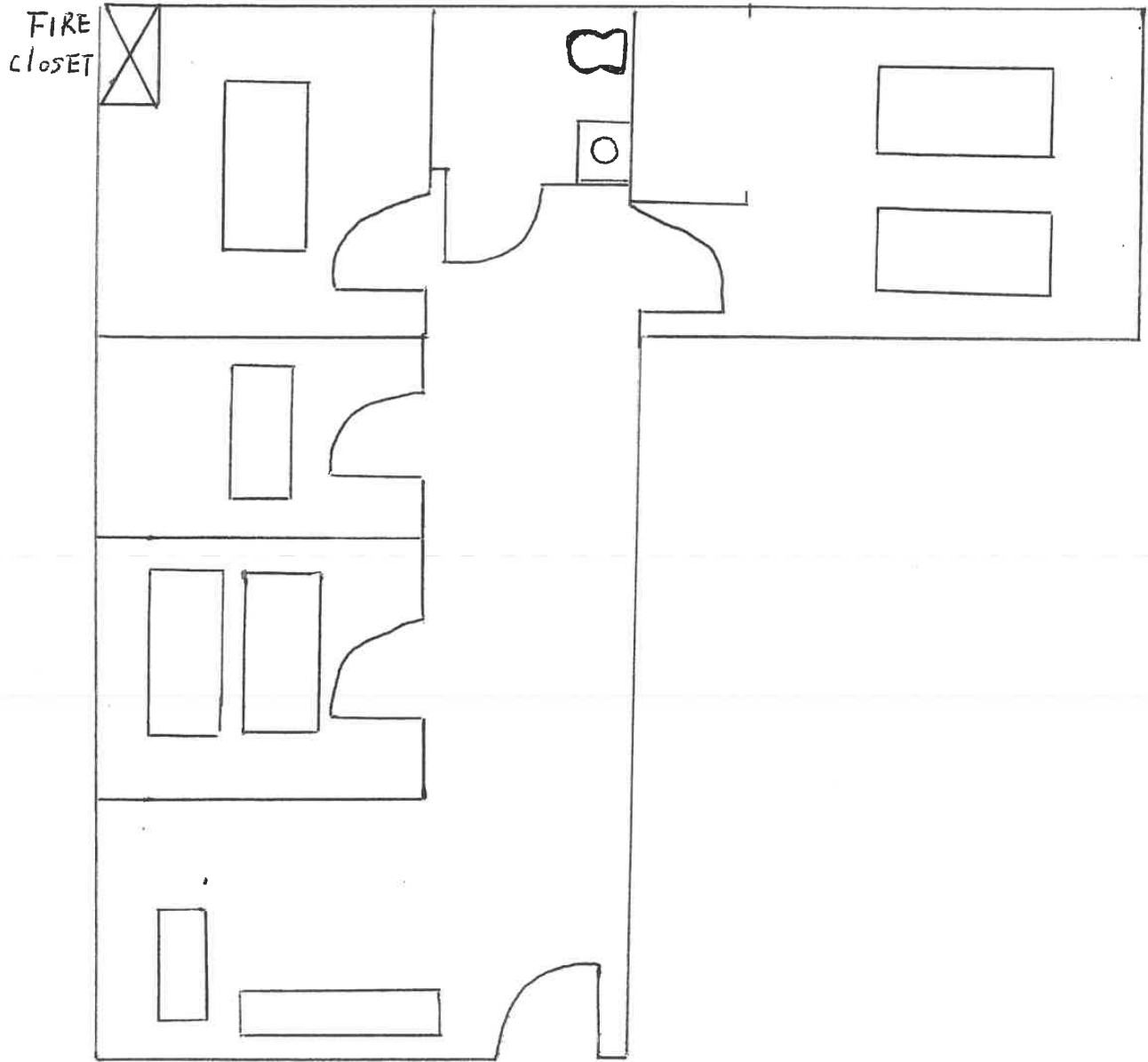
MAIL

FIRE HYDRANT

PALM AVE.

OTC

OAK TREE CENTER
 79.1 East Sixth Street
 Beaufort, CA 92703
 (541) 338-8600 (ext. 8 Palm)



OTC-M
1000 SF

Staff Report

TO: Planning Commissioners
FROM: Christina Taylor, Community Development Director
DATE: May 14, 2019
SUBJECT: Conditional Use Permit CUP2019-0029 for an Off-Sale General License (Type 21) for sale of beer, wine and liquor at a grocery store located at 1575 E. 2nd Street, in the San Gorgonio Village Specific Plan (Grocery Outlet).
APPLICANT: Katy Schardt, Grocery Outlet

Background and Analysis:

The Municipal Code of the City of Beaumont requires the approval of a conditional use permit by the Planning Commission for alcohol sales. The purpose of this requirement is to establish a formal review of such proposals, which involves conducting a public hearing and giving written notice to property owners within a 300-foot radius of the site. Through the conditional use permit process, the Planning Commission has the opportunity to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through conditions, can be made compatible. The Planning Commission can either deny or approve the proposal and may establish conditions of approval for the business' operations to ensure that it will not be a detriment to the community.

The State of California, Alcoholic Beverage Control Agency (ABC) is charged with regulating businesses which involve the sale of alcoholic beverages. In order for an applicant to obtain the approval of ABC, the local City must first issue a "certificate of convenience and necessity." As provided for in the Municipal Code, the Planning Commission's approval of a conditional use permit satisfies this requirement.

The subject site is a grocery store in the San Gorgonio Village Specific Plan where a grocery store is a permitted use. The building is currently under construction where Grocery Outlet will occupy an 18,000 square foot building with approximately 12,000 square feet dedicated to the grocery store use and the remaining square footage used for stocking, storage, offices and employee areas. The applicant is requesting Type 21 general liquor sales license. A Type 21 license is defined by the Alcohol Beverage Control as:

OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.

The building is suitable for a grocery store and the issuance of an Off-Sale General license by the State. The license would be complimentary to the primary use of the suite as a grocery store. The proposed license would limit the sale of alcoholic beverages to the hours of operation which are proposed to be 7am – 11pm, 7 days per week.

The key issues related to approval of alcohol sales involve the appropriateness of the location and the nature and manner of operations to be conducted. With regard to location, the site is zoned SPA (Specific Plan Area) and is inside a commercial center. Additionally, there are no schools or parks in the immediate vicinity which would render this use objectionable; thus, it is believed that the nature of operations will be suitable.

The conditional use permit form of approval allows the City to monitor the subject use and to initiate proceedings for revocation of the permit if the conditions are violated or if the use otherwise becomes a public nuisance. Sufficient protection exists for maintenance of the public health, safety, and welfare.

ENVIRONMENTAL DOCUMENTATION:

The proposed application is exempt from the California Environmental Quality Act (CEQA) Process and does not require an initial study to be conducted.

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 use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance;
The off-site sale is conditionally permitted in the zoning ordinance. Approval of this use would be consistent with conditionally allowable uses.
2. The proposed use would not impair the integrity and character of the zone in which it is to be located;
The Specific Plan Area allows for grocery stores and defers to the municipal code for regulations of alcohol sales subject to conditional use permit approval. Allowing off-site alcohol sales in this zone would be consistent with existing and surrounding uses in the area and would not impair the zone's integrity.
3. The subject site is physically suitable for the type of land use being proposed;
The proposed use of the location as a grocery store allowing the off-site sale of alcohol is physically suitable. The site is a multi-tenant center with a variety of uses, operational hours and shared parking spaces. The site has adequate access for

circulation and emergency response. This application has been reviewed by the City's public safety officers and is found to be compatible.

4. The proposed use is compatible with the land uses presently on the subject property;

The site is currently vacant but is under construction as part of a multi-tenant shopping center. The establishment of a grocery store allowing the off-site sale of alcohol at the location is compatible with other proposed business at the site. The center is designed to accommodate a variety of retail and service-oriented business.

5. The proposed use 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;

A grocery store allowing the off-site sale of alcohol is compatible with current and future land uses in the Commercial Community (CC) and Specific Plan Area (SPA) zones. These zones are intended to provide for the general public a variety of uses including retail, food service and commercial businesses. The use is also consistent with what will be allowed in the future area zoning and in the general plan update.

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 adequately served by all public utilities. The business has completed an industrial wastewater and food service user surveys and will be required to comply with appropriate pretreatment measures to ensure there is no public health or safety concerns

7. There would be adequate provisions for public access to serve the subject proposal;

The site was constructed to accommodate a variety of users. There is adequate access to the site to serve the public and provide for public safety access as was determined through project review and the conditions of approval.

8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the City of Beaumont General Plan;

The proposed use is consistent with the overall General Plan and its contents. The City strives to provide a variety of businesses for its residents, job opportunities, and improvements to the aesthetics of the City. Allowing this use in the Specific Plan Area (SPA) zone works toward achieving these goals.

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare; and

The proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare because as conditioned, the grocery store must comply with guidelines established by the City's public safety departments

10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.

The center as approved meets the City's development guidelines. The proposed use is required to comply with center guidelines as well as City guidelines for improvements.

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.

The proposed use will add to the mix of available grocery shopping options in the City. The additional store with alcohol sales, provides competition and allows for more choice by the City's population. The grocery store will be occupying one of many buildings in the shopping center. The sale of alcohols is incidental to the primary use. There will be no new environmental impacts as a result.

Recommendation:

1. Hold a Public Hearing and;
2. Approve Conditional Use Permit CUP2019-0029, subject to the proposed conditions of approval and the findings stated herein.

Attachments:

- A. Conditions of Approval
- B. Site Plan
- C. Floor Plan

**CITY OF BEAUMONT
PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT
NO. CUP 2019-0029 CONDITIONAL USE PERMIT
FOR A TYPE 21 LICENSE FOR
OFF-SITE SALE OF ALCOHOL IN CONJUNCTION
WITH A GROCERY STORE
LOCATED AT 1575 E. 2ND STREET, IN THE SAN
GORGONIO VILLAGE SPECIFIC PLAN**

**Planning Commission
Approval:**

DRAFT

STANDARD CONDITIONS

1. The permit for the above referenced Conditional Use Permit and property consists of all Conditions of Approval herein. All Conditions of Approval for 06-SP-02, 06-PP-19 and other related approvals are still in effect.
2. The use hereby permitted is for the establishment of a Type 21 Off-site sale of beer, wine and distilled spirits at 1575 E. 2nd Street, in the San Gorgonio Village Specific Plan.
3. The permittee shall defend, indemnify, and hold harmless the City of Beaumont, the Beaumont Redevelopment Agency, its agents, officers, consultants, and employees from any claims, action, or proceeding against the City of Beaumont or its agents, officers, consultants, or employees to attack, set aside, void, or annul, an approval of the City of Beaumont, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. CUP 2019-0029. The City of Beaumont will promptly notify the permittee of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense. If the City fails to promptly notify the permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Beaumont.
4. This approval is subject to the City of Beaumont Municipal Code Section 17.02.100 Conditional Use Permits and is subject to timing specified in Sections (J) Conditional Use Permit Time Limits, (K) Conditional Use Permit Lapse in Time, (L) Conditional Use Permit Renewal and (M) Lapsing in Conditional Use Permit.
5. The Planning Commission herewith grants a “certificate of convenience and necessity” for Type 21 – Off-Sale of Beer, Wine and Distilled Spirits License for sales at 1575 E. 2nd Street in the San Gorgonio Village Specific Plan.
6. The sale of alcoholic beverages shall be limited to the hours of operation.

7. Administrative Plot Plan and business license application review and approval are required prior to occupancy of the building or sales of any items.
8. The conditions as established by the State of California, Alcohol Beverage Control, shall be fully complied with in the operation of the business.
9. Occupancy inspections will be required prior to the start of operations by the Building & Safety, Planning, Police, and Fire Departments. All inspections shall be performed and approved before a Certificate of Occupancy will be issued by the Building and Safety Department.
10. If any of the conditions of approval are violated, or if the use otherwise become a public nuisance as set forth in the Beaumont Municipal Code, the conditional use permit may be revoked as prescribed in the Municipal Code.
11. For Sales Tax Purposes, this location shall be the "Point-of-Sale" for all transactions conducted.
12. The Community Development Director shall monitor the subject use to ensure that the scale of the use does not exceed the limitations of the existing site improvements. In the event the Community Development Director determines that the scale of the use has exceeded site limitations, a hearing shall be scheduled before the Planning Commission to review the permit and consider modification or revocation thereof.
13. After 12 months of operation, the subject matter may, at the discretion of the Community Development Director, be scheduled for review by the Planning Commission. The Commission shall retain the authority to amend these conditions of approval at such time, or to modify the use or revoke the permit if substantial problems result from the operation.
14. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Building Department, Fire Department, Health Department, ABC and any other necessary departments or agencies.
15. This permit shall be for the benefit of the applicant in whose name the permit was issued, for the specific approved location. The permit shall not be transferrable to another individual or location.

Conditional Use Permit No. CUP 2019-0029
Conditions of Approval
Page 3

16. All signage shall be developed in conformance with the zoning ordinance of the Beaumont Municipal Code, the San Gorgonio Village Specific Plan Sign Program and Alcohol Beverage Control requirements.

POLICE DEPARTMENT CONDITIONS

17. All exterior lighting on the site shall remain functional and be kept on during all hours of darkness. Exterior lighting shall be sufficient to illuminate the storefront during all hours of darkness. Any proposed outside lighting shall be in compliance with the City's Lighting Ordinance, Chapter 8.50, of the City of Beaumont Municipal Code.
18. The address of the business shall be clearly visible from the front of the building and shall be illuminated during hours of darkness.
19. There shall be no loitering permitted on the premises. It is the responsibility of the applicant to enforce no loitering.
 - a. Police officers, sheriff's deputies, and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours without a search warrant or probable cause. It is legal and reasonable for licenses to exclude the public from some areas of the premises. However, licensees cannot and must not deny entry to, resist, delay, obstruct or assault a peace officer (Sections 25616, 25753, and 25755 B&P 148 and 241(b) PC).
 - b. Operating Standards, Retail – The following requirements apply:
20. Post "No Loitering" signs upon written notice from the ABC.
21. Remove litter daily from the premises, adjacent sidewalks and parking lots under licensees control and sweep/clean these areas weekly.
22. Remove graffiti from premises and parking lot.
23. Have no more than 33% of the windows covered with advertising or signs.
24. The applicant shall have security cameras operating at all times when the business is operating. Security camera quality, lighting and positioning must be capable of providing

facial recognition in key areas in and around the facilities, including the parking lot area, during operational hours. During hours of operation, a staff member shall be present who has the authority to meet law enforcement's request to view and/or copy images captured on video surveillance system. All images must be recorded and retained for at least 30 days. The exact location and quantity of all security cameras shall be subject to approval by the Police Department prior to final occupancy.

25. The applicant shall comply with all applicable local, county, state and federal regulations, including the City's Municipal Code and the California Business and Professions Code (B&P).
26. No alcoholic beverage shall be displayed or offered for sale outside the building or any public entrance.
27. Exterior signage/advertisements promoting or indicating the availability of alcoholic beverages or tobacco shall be prohibited. Exterior signage indicating the availability of alcoholic beverages or tobacco shall be limited to the name of the business.
28. Exposed neon signage is strictly prohibited along the exterior windows. This includes "open/closed" sign for business.

FIRE DEPARTMENT CONDITIONS

29. Provide 2A10BC Fire Extinguishers throughout the site. See fire department for locations and mounting height.
30. Fire sprinklers and fire alarm system are required for this building. Plans shall be submitted to the Office of the Fire Marshal in the City of Beaumont.
31. **F1. FIRE FINAL** - and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code, California Fire Code, and other related codes which are in force at the time of building plan submittal.
32. **F2. PREMISES IDENTIFICATION/COMMERCIAL BUILDING NUMBERS** - Prior to issuance of Certificate of Occupancy or building final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for building(s) up to 25 feet in height, and 24 inches in height for building(s) exceeding 25 feet in height. All addressing must be legible, of a contrasting color with the background,

and (6) inches in height for suite identification on contrasting background. During construction of this project, the site address shall be clearly marked with a minimum of 24 inch numbers. Unobstructed lighting of the address (s) shall be by means approved by the Fire Prevention Bureau, and Police Department. In multiple suite centers (strip malls), business shall post the name of the business on the rear door (s). CFC Chapter 5, section 505.1 & Riverside County Fire Ordinance 787.8

33. **F3. SAFETY PRECAUTIONS** - Approval of the safety precautions for buildings being constructed, altered or demolished shall be required by the Fire Code Official in addition to other approvals for specific operations or processes associated with such construction, alteration or demolition. Structure, facilities and conditions which in the opinion of the fire code official, constitute a distinct hazard to life or property. The fire code official is authorized to order the posting of signs in a conspicuous location in each structure. The posting of signs shall not be obscured, removed, defaced, mutilated, or destroyed.
34. **F4. FIRE DEPARTMENT INSPECTION APPROVAL** - Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Code Official and such construction or work shall remain accessible and exposed for inspection purposes until approved.
35. **F5. AUTHORITY TO INSPECT** - The Fire Prevention Bureau shall maintain the authority to inspect as often as necessary for buildings and premises, including such other hazards or appliances designated by the Fire Code Official for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.
36. **F6. ALTERATIONS** - Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation.
37. **F7. FIRE EXTINGUISHERS** - Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire extinguishers shall be mounted no higher than 5 feet above finished floor, measured to the top of the extinguisher. Extinguishers must have current CSFM service tags affixed; or within one year if from the date of month and year manufacture. Higher Hazards shall require a higher hazard fire extinguisher. CFC Chapter 9, section 906.1

38. **F8. BUILDING OPENINGS** - Access to building openings and roofs shall be maintained readily accessible for emergency access by the fire department. Finished grade to be flat and accessible on all sides of the building where ground ladder access is the only means to reach the highest point on the building from the exterior. Obstructions will not be placed as to interfere with ground ladder placement. CFC Chapter 5, section 504.1 & RVC Ordinance 787.8

DRAFT

SITE SUMMARY: PARCEL D

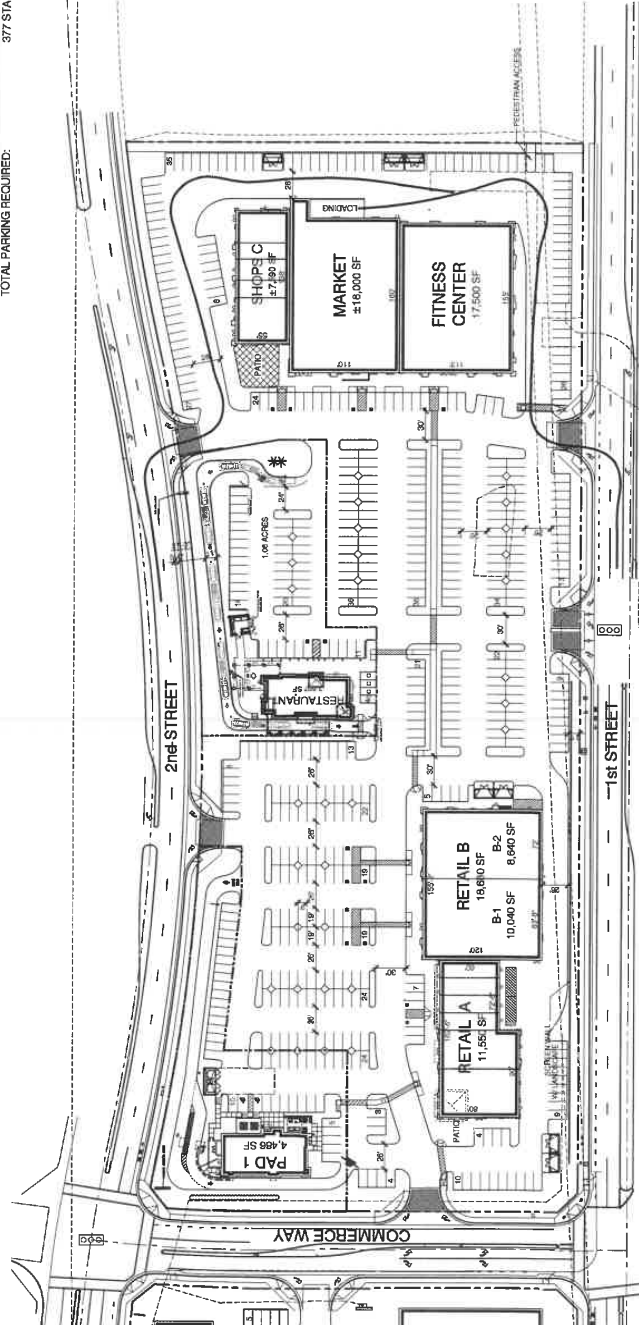
SITE AREA: 1/4-10.31 AC +/- 448,178 S.F.
 BUILDING AREA: 81,672 S.F.
 LAND / BUILDING: 4.52/1
 COVERAGE: 18.18%

PARKING SUMMARY

PARKING PROVIDED: 542 STALLS
 PARKING RATIO: 6.64/1,000

PARKING REQUIRED

RETAIL (1/250): 293 STALLS
 REST. (1/100): 64 STALLS
 TOTAL PARKING REQUIRED: 377 STALLS



**SAN GORGONIO VILLAGE
 BEAUMONT, CA**

SITE PLAN
 Scheme J



DATE: 11.05.16
 MGS JOB #: 18088.01

REVISIONS

NO.	DATE	DESCRIPTION

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111 Pacific, Suite 200
 Irvine, California 92618
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 0-949.553.1117 mgsarchitect.com

WOOD INVESTMENT
 2920 AIRWAY AVE SUITE A-9
 COSTA MESA, CA 92627



GROCERY OUTLET

pergain market

ARCHITECT
MBH
 1155 S. GATEWAY AVENUE
 BEAUMONT, CA 94701
 TEL: 925.763.1210
 FAX: 925.763.1211

PROJECT NUMBER
SAN GORGONIO MARKET
1ST & COMMERCE WAY
BEAUMONT, CA 92223

STORE NUMBER
406

DATE
 10/31/18

FINAL VERSION #0
FIXT
 10/31/18

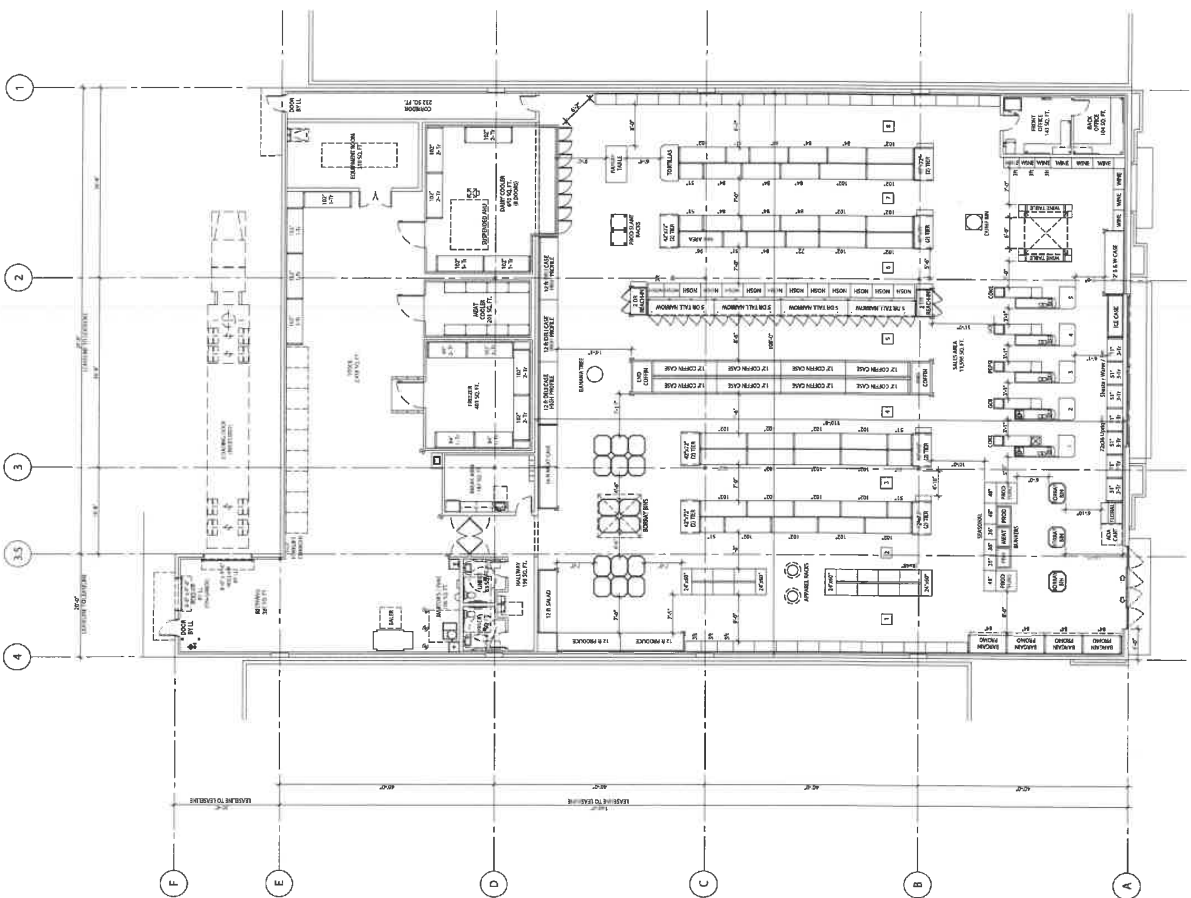
GROCERY OUTLET - STORE #406
 BEAUMONT, CA
 FINAL - VERSION #0 - 10/31/18

BUILDING AREAS (GROSS)
 SALES 11,938 SQ.FT.
 B.O.H. (RESTROOMS, UTILITIES, HALLWAY & EMPLOYEE/BREAK AREA) 1,202 SQ.FT.
 STOCK + RECEIVING 4,860 SQ.FT.
 SHELL 18,000 SQ.FT.

BUILDING AREAS (NET)
 MERCHANDISING 11,596 SQ.FT.
 STOCK ROOM (EXCLUDING WALKINS & JANITOR'S/EVAC AREA) 2,418 SQ.FT.

SYMBOL	DESCRIPTION
[Symbol]	MARK SHELL (EXCLUDING B.O.H.)
[Symbol]	GENERAL MERCH (SEE PLAN)
[Symbol]	APPROXIMATE PERCENTAGE OF DISPLAY AREAS
[Symbol]	APPROXIMATE PERCENTAGE OF STOCK ROOM
[Symbol]	SEASONAL (SEE PLAN)
[Symbol]	INT. SIGNAGE (SEE PLAN)
[Symbol]	WINE PERIMETER (SEE PLAN)
[Symbol]	CANDY PERIMETER (SEE PLAN)
[Symbol]	HOLDING BOXES (SEE PLAN)

GENERAL MERCH	HBC PERIMETER
SEE CODES OF MATERIALS	SEE CODES OF MATERIALS
SEASONAL	CANDY PERIMETER
INT. SIGNAGE	WINE PERIMETER
ALCOHOL SALES	HOLDING BOXES



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