



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

550 E 6th Street, Beaumont, Ca  
**Tuesday, June 25, 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.*

- |  |         |
|--|---------|
| <b>1. Approval of Minutes</b>  | 3 - 5   |
| Recommended Committee Action(s):   |         |
| 1. Approve minutes dated May 28, 2019.   |         |
| <a href="#">PC Minutes 05.28.19</a>  |         |
| <b>2. Conduct a Public Hearing and Consider Conditional Use Permit CUP2019-0032 a Request to Allow a Fitness Center at 652 E 6th Street, Unit C, in the Commercial General (CG) Zone</b> | 7 - 14  |
| Recommended Committee Action(s):   |         |
| 1. Hold a Public Hearing, and  |         |
| 2. Approve Conditional Use Permit CUP2019-0032, subject to the findings herein and the proposed conditions of approval.  |         |
| <a href="#">PC Item 2</a>  |         |
| <b>3. Proposed Amendment to Table 17.03-3 Permitted Uses in Base Zone District</b>   | 15 - 37 |

**and Addition of Chapter 17.18 Regarding Wireless Telecommunications Facilities**

Recommended Committee Action(s):

1. Hold a Public Hearing, and
2. Forward a recommendation of approval of the ordinance to the City Council.

[PC Item 3](#)

**4. Consider a Request for a One-Year Extension of Time to the Approval of Plot Plan PP2018-0103** 39 - 40

Recommended Committee Action(s):

1. Approve a one-year extension of time for the approval of Plot Plan PP2018-0103.

[PC Item 4](#)

**5. 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)** 41 - 43

Recommended Committee Action(s):

1. Continue Public Hearing to a date uncertain.

[PC Item 5](#)

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

**Adjournment of the Planning Commission of the June 25, 2019 Meeting at \_\_\_\_ p.m.**

The next regular meeting of the Beaumont Planning Commission is scheduled for Tuesday, July 9, 2019, at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall.

Beaumont City Hall – Online [www.BeaumontCa.gov](http://www.BeaumontCa.gov)



**MINUTES**  
**Planning Commission Meeting**  
**Council Chambers**  
**550 E 6th St. Beaumont, Ca**  
**Regular Session: 6:00 PM**  
**Tuesday, May 28, 2019**

**REGULAR SESSION**

**CALL TO ORDER at 6:00 p.m.**

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

Pledge of Allegiance

Approval/Adjustments to Agenda: **None**

Conflict of Interest Disclosure: **None**

**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.*

**No speakers.**

**ACTION ITEMS/PUBLIC HEARINGS/REQUESTS**

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

1. Plot Plan PP2019-0196 for a Proposed Apartment Complex for Special Needs Populations Consisting of 47 One-Bedroom Units and 1 Three-Bedroom Managers Unit, Parking, Open Space and Community Building on a 1.5 Acre Parcel Located on the East Side of Allegheny Avenue, North of 6th Street in the Commercial General (CG) Zone, Planning Area 7 of the City of Beaumont Housing Element (APN # 419-150-050)

**Public hearing opened at 6:03 p.m.**

**C. Snyder** – *Representing the applicant, answered questions of the Commission.*

**Public hearing closed at 6:25 p.m.**

**Motion by Vice Chair St. Martin**

**Second by Commissioner Barr**

**Commissioner Stephens**

**Commissioner Barr**

**Commissioner Smith**

**Vice Chair St. Martin**

**Chairman Tinker**

**To approve Plot Plan PP2019-0196 for a proposed apartment complex for special needs populations subject to the findings and attached conditions of approval, and Forward a recommendation of approval of the Density Housing Agreement to the City Council with the change to the condition of the video surveillance to extend the retention to 90 days.**

**Approved by a unanimous vote.**

2. Plot Plan PP2018-0154 and Mitigated Negative Declaration for a Proposed Storage Yard for Freeway Construction and Maintenance Materials on 2.83 Acres Located at 310 Elm Street in the Manufacturing (M) Zone (APN 417-110-023, -022 and 417-130-013)

**Public hearing opened at 6:30 p.m.**

*P. McClung – Resident. Expressed concerns with access to water lines and correct the property lines.*

*P. Ortiz – Applicant. Has concerns with item 91 on the environmental document in regards to the sound barrier and requests a change to the specific requirements or the sequence.*

*R. Fitch – Representative of the applicant. Asked for clarification of property lines and location of water lines.*

*T. Medina – Resident. Concerned with current water lines that run under the proposed project and the current water runoff issue.*

*D. Snow – Owner of the property of the proposed project. Spoke in favor of approving the project.*

*A. McClung – Resident. Stated that the residents on Olive Ave. may not have received notice of the project.*

*C. Winter – Representative of the Environmental Study. Clarified the requirement of the sound barrier requirement.*

**Public hearing closed at 7:00 p.m.**

**Motion by Commissioner Smith**

**Second by Commissioner Stephens**

Commissioner Stephens

Commissioner Barr

Commissioner Smith

Vice Chair St. Martin

Chairman Tinker

**To approve the substitution of condition 91 of the environmental study to state “Prior to the issuance of a grading permit the applicant shall provide evidence that the equipment utilized to clear the site shall not generate noise levels above 55 dBA, per the City’s interior noise standard”**

**Motion by Commissioner Smith**

**Second by Vice Chair St. Martin**

Commissioner Stephens

Commissioner Barr

- Commissioner Smith
- Vice Chair St. Martin
- Chairman Tinker

**To approve Plot Plan 2018-0154 and Mitigated Negative Declaration for a proposed storage yard for freeway construction and maintenance materials subject to the findings and attached conditions of approval with added conditions that restricts truck traffic on Third Street, and a requirement of resolution of the water line easement issue on the property.**

#### **Community Development Director Comments**

*Asked for availability of a special meeting on June 25<sup>th</sup>. Possible cancellation of the June 11<sup>th</sup> meeting. Gave an update of the General Plan.*

#### **ADJOURNMENT**

**Adjournment of the Planning Commission of the May 28, 2019 Special Meeting at 7:20 p.m.**

The next regular meeting of the Beaumont Planning Commission is scheduled for Tuesday, June 11, 2019, at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall.

Beaumont City Hall – Online [www.BeaumontCa.gov](http://www.BeaumontCa.gov)



Staff Report

TO: Planning Commissioners

FROM: Christina Taylor, Community Development Director

DATE: June 25, 2019

SUBJECT: Conduct a Public Hearing and Consider Conditional Use Permit CUP2019-0032 a Request to Allow a Fitness Center at 652 E. 6<sup>th</sup> Street, Unit C, in the Commercial General (CG) Zone

APPLICANT: Beyond Fitness

**Background:**

The Municipal Code of the City of Beaumont requires the approval of a conditional use permit by the Planning Commission for fitness centers to operate. 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, 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.

**Analysis:**

The proposed facility is currently operating in the City of Banning but would like to relocate to the City of Beaumont. The facility will offer personal training and group fitness classes. The group classes will be Monday - Friday mornings at 5am, 6am and 9am and evenings at 5pm, 6pm and 7pm. A Saturday morning class will also be offered at 8am. Personal training will be offered by appointment. There will be 3 employees at the facility and the typical class size is about 20 people.

The proposed location is in a 3-unit, multi-tenant center at the north west corner of E. 6<sup>th</sup> Street and Maple Avenue. Adjacent uses include multi-tenant buildings to the north, east, and south and the City Hall parking lot to the west all in the Commercial General (CG) zone. The building is approximately 4,500 square feet and is currently occupied by Frijoles restaurant in Unit A. Unit B is vacant, and Unit C is the proposed location for Beyond Fitness. As this property is in the Commercial General (CG) zone, a wide variety of retail, professional, medical and personal-service businesses are allowed. The proposed fitness

center is considered a personal-service and is consistent with the land use category. There are 42 shared parking spaces on the site. Frijoles has been operating at this site for many years with several different types of business periodically occupying the other suites. The site is parked at a ratio of 1:107sf. Based on the proposed class times, and volume of business observed at the center, staff has determined that the parking on-site is adequate to accommodate the proposed use.

The proposed location is suitable for the use. Consideration of a Conditional Use Permit allows for periodic review if the Commission so chooses and provides for revocation of approvals through a public hearing before the Planning Commission if the business operation begins to create adverse impacts or becomes detrimental to the community.

**Findings:**

The Planning Commission may approve and/or modify a Conditional Use Permit in whole or in part, with or without conditions, provided, all 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;

*Fitness centers 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 fitness center 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 fitness center 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 fitness center 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 fitness center 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 fitness center must comply with the proposed conditions of approval 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 and 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 fitness center will not induce new environmental impacts as a result.*

**Recommendation:**

1. Hold a Public Hearing; and
2. Approve Conditional Use Permit No. CUP2019-0032, 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. CUP2019-0032  
CONDITIONAL USE PERMIT FOR A  
FITNESS CENTER AT 652 E. 6<sup>TH</sup> STREET,  
UNIT C IN THE COMMERCIAL GENERAL  
(CG) ZONE.**

**PLANNING COMMISSION  
APPROVAL DATE:**

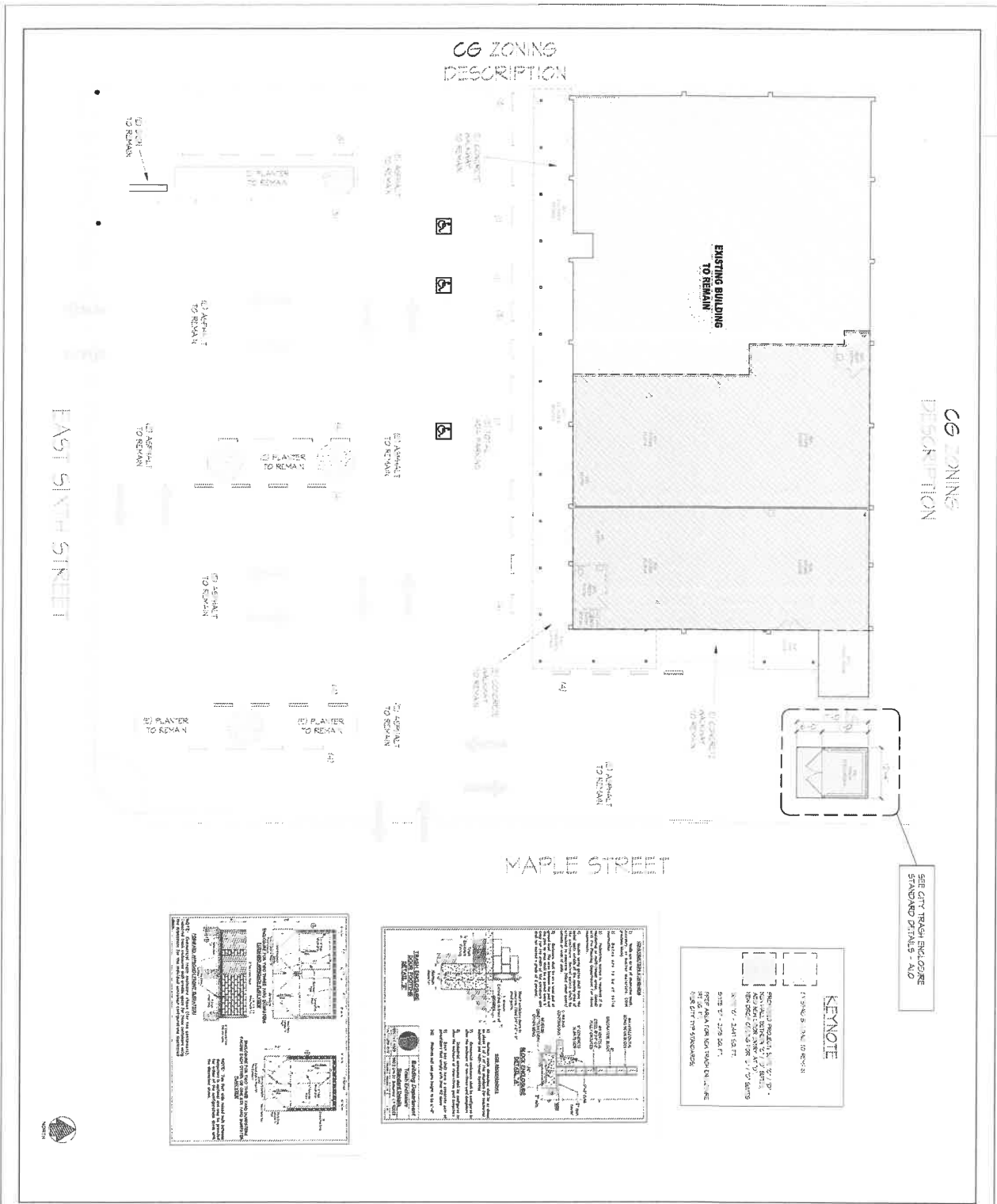
**DRAFT**

**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 fitness center. Any expansion of the use or additional uses are subject to separate review and approval.
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. CUP2019-0032. 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.

**Conditions of Approval**  
**CUP2019-0032**  
**Page 2**

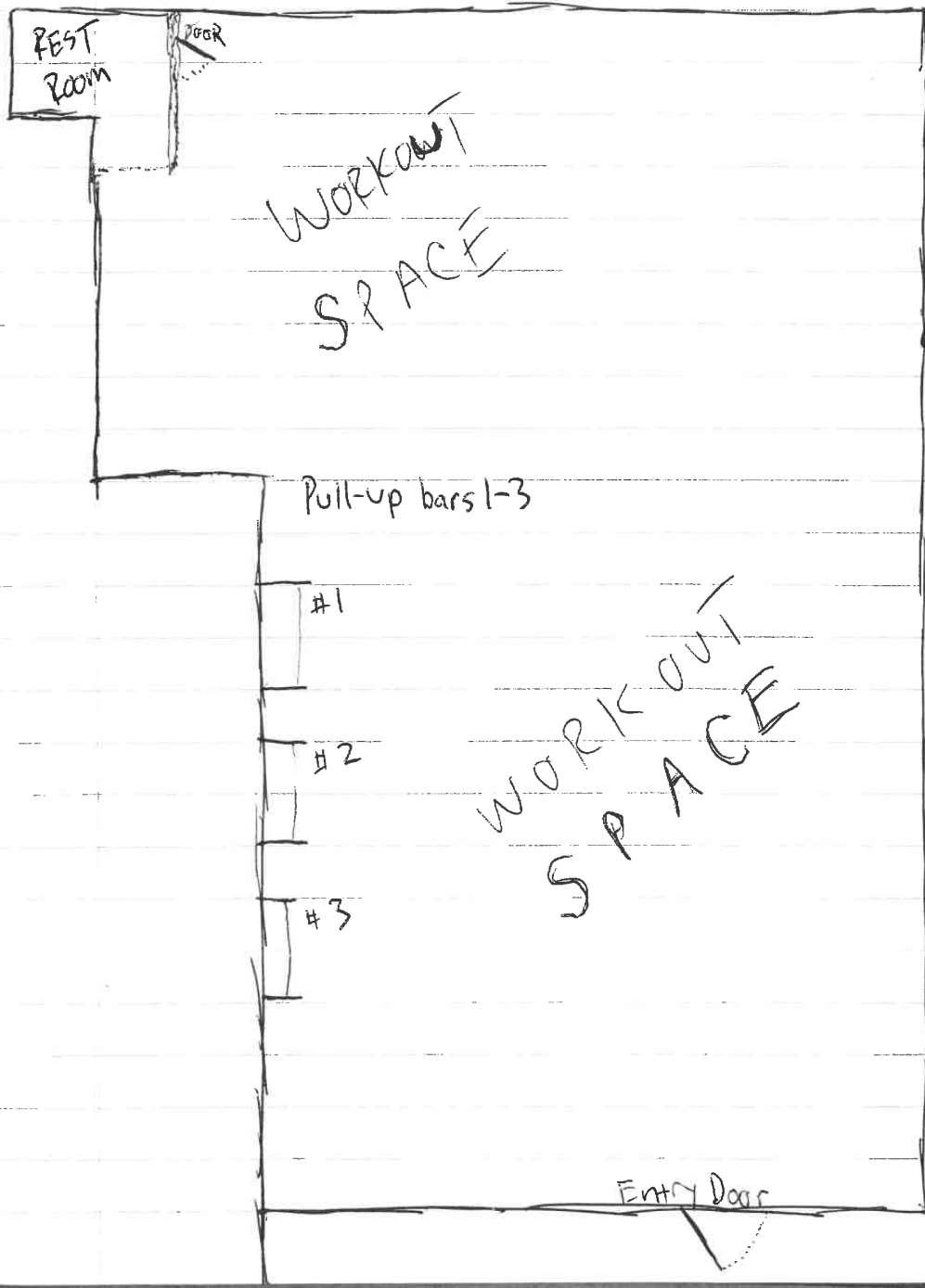
6. All subsequent submittals required by these conditions of approval, including but not limited to improvement plans and building plans, shall be subject to the payment of review fees by the permittee as set forth herein.
7. A valid business license shall be maintained in force at all times.
8. Any 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. An Administrative Plot Plan/New Business application packet is required to initiate review of occupancy at the proposed location.
14. 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.



<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>07/27/24</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>2</td> <td>08/01/24</td> <td>ISSUE FOR PERMITS</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	07/27/24	ISSUE FOR PERMITS	2	08/01/24	ISSUE FOR PERMITS	<p>ENGINEER / DEMOLITION / NEW SITE / TRASH ENCLOSURE PLAN / DETAILS</p> <p>SCALE: 1/8"=1'-0"</p>	<p>NEW DIVIDED WALL / NEW ENTRY DOOR FOR SUITE "D1" / TRASH ENCLOSURE EXTENSION AT METAL GATES</p> <p>FOR</p> <p>Z HYNARA INVESTMENTS, LLC</p> <p>462 E. 8TH ST., SUITE 101 - "D1"</p> <p>DEALMONT, GA 30220</p>
NO.	DATE	DESCRIPTION									
1	07/27/24	ISSUE FOR PERMITS									
2	08/01/24	ISSUE FOR PERMITS									

**Pérez Collaborative Drafting Consultants**

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Staff Report

TO: Planning Commissioners  
FROM: Community Development Director  
DATE: June 25, 2019  
SUBJECT: Proposed Amendment to Table 17.03-3 Permitted Uses in Base Zone District and Addition of Chapter 17.18 Regarding Wireless Telecommunications Facilities

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**Background and Analysis:**

At the April 16, 2019 City Council meeting, the Council engaged in a discussion regarding wireless telecommunications facilities within the City. The majority of the discussion was related to wireless telecommunication facilities proposed within the City's right-of-way, however it was determined that there is a need for guidelines and standards for facilities proposed on private property.

The Municipal Code Chapter 17.03.120 of the City of Beaumont includes Table 17.03-3 for Permitted Uses in Base Zone Districts. The purpose of these tables and the zoning code is to regulate uses throughout the City and ensure compatibility in and among zones. The table currently allows cellular communication facilities and cellular stealth as conditionally permitted uses in the Recreation and Conservation (RC), Commercial General (CG), Community Commercial (CC), Manufacturing (M) and Commercial Manufacturing zones. Non-stealth facilities require a conditional use permit in the stealth zones with the exception of the Recreation and Conservation zone.

In order to provide clarity in the code and promote camouflaged wireless designs, staff is recommending that the cellular communication facility and cellular non-stealth be removed from the permitted use table. Staff is also recommending that "cellular - stealth" be modified to read as "wireless telecommunication facility - stealth", which is consistent with industry language.

The Permitted Uses for Overlay Zone District (Table 17.03-4) currently requires a conditional use permit for "Cellular Communication Facilities (stealth)". The overlay districts do not currently allow non-stealth facilities. No changes are proposed to Table 17.03-4.

The draft ordinance provides guidance to staff and applicants regarding the requirements and guidelines for future wireless applications within the City limits. Aspects of the draft

ordinance include sections regarding processing, distances, application requirements, standards and guidelines and removal of facilities.

The proposed ordinance, Section 17.18.180.B, also includes language regarding small cell devices in the right-of-way (ROW) and requires that applicants must provide a valid certificate of public convenience and necessity, an administrative plot plan for aesthetics, and an encroachment permit. Because the ROW does not have a zoning or land use designation, small cell devices could not be added to the permitted use tables. In addition, staff determined that an administrative plot plan would be an appropriate application, as other planning applications such as conditional use permits, require findings that the project is consistent with the zoning and General Plan.

Table 17.03-3 Permitted Land Uses For Base Zone Districts									
	RC	PF	RR	RSF	RMF	CG	CC	M	CM
<b>Wireless Telecommunication Facilities</b>									
Cellular Communication Facilities	G	N	N	N	N	G	G	G	G
Cellular Wireless Telecommunication Facility - Stealth	C	N	N	N	N	C	C	C	C
Cellular - Non-Stealth	N	N	N	N	N	C	G	N	N

It is important to note that zones in which cell sites can be conditionally permitted limits heights between 35'-50' feet and the majority of major facilities have varying heights that typically exceed the current height limits established in the commercial and manufacturing zones. Each project that exceeds the prescribed height limit will be required to concurrently apply for a modification of standards (minor variance) or variance depending on the amount of height that is requested unless the City provides exceptions for wireless masts. The City may want to consider establishing a maximum height exception for wireless masts in each zone and/or requiring justification for the proposed height.

Staff has also received comments from a member of the public that requested that the minimum setback from residential be reduced to 150 feet, instead of the proposed 200 feet and that wireless telecommunications facilities be conditionally permitted in residential zone that meet certain development standards. The member of the public was notified of the upcoming Planning Commission and City Council meetings and was encouraged to attend and provide comments at that time.



In order to approve a zoning text amendment, the Municipal Code Chapter 17.020.080 (I) requires that the City Council make the following findings to be made:

1. That the proposed zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan; and
2. That the proposed zoning ordinance text amendment will not adversely affect surrounding properties; and
3. That the proposed zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this zoning Ordinance.

All of these findings can be made in a positive manner.

**Recommendation:**

1. Hold a public hearing; and,
2. Forward a recommendation of approval of the ordinance to the City Council.

**Attachments:**

- A. Draft Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BEAUMONT, CALIFORNIA  
AMENDING TABLE 17.03-3 "PERMITTED USES FOR BASE ZONE DISTRICTS"  
AND  
ADDING CHAPTER 17.18 "WIRELESS TELECOMMUNICATIONS FACILITIES," OF  
THE BEAUMONT MUNICIPAL CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT,  
RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

**SECTION 1. CEQA.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment and the proposed text amendments constitute a minor alteration in a land use limitation under CEQA Guidelines Section 15305, and such a land use limitation is a permissible exercise of the City's zoning powers.

**SECTION 2. Severability.** The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

**SECTION 3. Prosecution of Prior Ordinances.** Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Beaumont Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

**SECTION 4.** The City Council hereby amends Title 17, Table 17.03-3, entitled "Permitted Uses for Base Zone Districts" to the Beaumont Municipal Code, to modify the table as follows.

Table 17.03-3 Permitted Land Uses For Base Zone Districts									
	RC	PF	RR	RSP	RMF	CG	CC	M	CM
Cellular Communication Facilities	€	N	N	N	N	€	C	C	C
Cellular--Wireless Telecommunication Facility -- Stealth	C	N	N	N	N	C	C	C	C
Cellular--Non-Stealth	N	N	N	N	N	€	€	€	€

**SECTION 5.** The City Council hereby amends Title 17, Chapter 17.18, entitled "Wireless Telecommunication Facilities" to the Beaumont Municipal Code, to read as specifically set forth in Exhibit "A", which Exhibit is attached hereto and made a part hereof.

**SECTION 6. Effective Date and Publication.** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Beaumont, California, approves an amendment to the City Code.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2019, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:  
NOES:  
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julio Martinez, Mayor

Attest: \_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
John O. Pinkney, City Attorney

**Exhibit A**

**WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE**

- Section 17.18.110. Purpose and authority
- Section 17.18.120. Definitions
- Section 17.18.130. Applicability
- Section 17.18.140. Exempt facilities
- Section 17.18.150. Nonconforming facilities
- Section 17.18.160. Distances
- Section 17.18.170. Processing procedures
- Section 17.18.180. Application requirements
- Section 17.18.190. General development standards and guidelines for wireless facilities
- Section 17.18.200. Additional development standards for wireless facilities
- Section 17.18.210. Public property facilities
- Section 17.18.220. Review, modification, and revocation of permits
- Section 17.18.230. Removal of facilities
- Section 17.18.240. Severability

**17.18.110 Purpose and intent.**

- A. Purpose. The purpose of this chapter is to regulate the location and design of wireless telecommunication facilities.
- B. Intent. The intent of this chapter is to facilitate the orderly development and deployment of wireless telecommunication facilities in a manner that promotes the public health, safety, and welfare of the city's residents and is consistent with the goals and policies of the City of Beaumont's General Plan. It is furthermore intended that, the protection of property values and the enhancement of the city's aesthetic appearance be achieved by maintaining the architectural and structural integrity of wireless telecommunication facilities and the protection of views from obtrusive and unsightly accessory structures. It is further the intent of this chapter to create reasonable regulations in conformance with the provisions of the Telecommunications Act of 1996 and other applicable federal law while ensuring access to telecommunication services and promoting fair competition among telecommunication service providers. Additionally, the intent includes establishing regulations that do not preclude antennas from receiving a signal of acceptable quality or unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of such antennas.
- C. The city has found and determined that the regulations established in this chapter are necessary to attain the purpose and intent as stated. These regulations shall supersede any applicable provisions of the Beaumont Municipal Code pertaining to such wireless telecommunication facilities, including antennas, support structures, and accessory structures.

17.18.120 Definitions.

For the purposes of this article, and where not otherwise inconsistent with the context of a particular section, the following words, terms, phrases, abbreviations, and derivations shall have the meanings given herein. The word "shall" is always mandatory and not merely directory. If a definition is not listed in this section, Section 17.14.030 of the Beaumont Municipal Code shall be referenced.

*Antenna* means a device or system of wires, poles, rods, dishes, disc or similar devices used for the transmission and/or receipt of electromagnetic waves.

*Antenna structure* means an antenna, any structure designed specifically to support an antenna, and/or any appurtenances mounted on such structure or antenna.

*Camouflaged facility* means any wireless telecommunication facility which is designed to blend into the surrounding land, typically one that is architecturally integrated into a building or other concealing structure, also known as a disguised or stealth facility.

*Cell* means the coverage area through which wireless receiving and transmitting equipment from a particular cell site successfully propagates.

*CEQA* means the California Environmental Quality Act, Section 21000 et seq. of the Public Resources Code of the State of California.

*City* refers the City of Beaumont, California.

*Colocated or colocation* means the location of multiple antennas which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall, or building.

*Commercial mobile service* means any mobile service that (1) is offered in return for monetary compensation, (2) is available to the public or a substantial portion of the public, and (3) provides subscribers with the ability to access or receive communication from the public switched telephone network. Commercial mobile service includes, but is not limited to, paging service, wireless data transmission, cellular telephone service, specialized mobile radio service (SMR), and personal communications services (PCS).

*Fixed wireless service* means any service providing radio communication to or from antenna structures at fixed and specified locations which are not designed to be moved during operation and which offers the ability to access or receive communication from the public switched telephone network.

*Ground mounted* means a wireless telecommunication facility that is mounted to a monopole or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.

*Lattice tower* means a tower-like structure used to support antennas and comprised of up to two or more steel support legs.

*Microwave communication* means the transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 2GHz to 300GHz frequency spectrum).

*Mobile service* means any temporary service providing radio communication to or from at least one antenna that is designed to be moved during operation or used during halts at unspecified locations; or as otherwise defined in 47 USCS Section 153 and interpreted by the Code of Federal Regulations and the Federal Register.

*Monopole* means a structure composed of a single spire, pole, or tower used to support antennas or related equipment.

*Mounted* means any manner of attachment, support, or connection, whether on the ground or on a structure.

*Multipoint distribution service* means a microwave communications service that delivers video programming directly to subscribers, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or as otherwise defined by Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretive decisions thereof issued by the Federal Communications Commission.

*Radio communication* means the transmission and/or reception of impulses, writing, signs, signal, pictures, and sounds of all kinds through space by means of electromagnetic waves.

*Roof mounted* means a facility that is mounted on any structure that is not specifically constructed for the purpose of supporting antennas, does not meet the definition of a ground, wall, or utility mounted facility, and is typically mounted on the roof of a building.

*Satellite antenna* means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and orbitally-based uses. This definition is meant to include, but not limited to, what are commonly referred to as satellite earth stations, TVROs (Satellite Television Receiving Antenna), and satellite microwave antennas.

*Structure* is as defined in section 17.14.030.

*Surplus space or surplus capacity* means that portion of usable space on a utility pole or other telecommunication facility which has the necessary clearance from other users, as required by the orders and regulations of the California Public Utilities Commission to allow its use by a telecommunication carrier.

*Telecommunication* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

*Utility mounted* means a facility that is mounted to an existing above-ground structure that is specifically designed and originally installed to support electrical power lines, cable television lines, street lighting, traffic signal equipment, park lighting or a structure on public or private property deemed by the city to be similar in nature.

*Wall mounted* means a facility that is mounted on any vertical surface or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna: the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the antenna is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

*Wireless telecommunication carrier, wireless carrier, or carrier* means 1) any owner, by way of fee ownership, lease, or management agreement of any wireless telecommunication system or wireless telecommunication facilities, or 2) the direct or indirect provider of wireless telecommunication services whether the wireless telecommunication service is offered by the owner of the wireless telecommunication system, an affiliate, or related entity, by way of ownership, lease, control, or operation of a wireless telecommunication system. A person shall be deemed a wireless telecommunication carrier, even if it does not directly provide wireless telecommunication services, if it rents or leases a wireless telecommunication system and/or wireless telecommunication facilities to another person which provides wireless telecommunication services.

*Wireless telecommunication accessory equipment, wireless accessory equipment, accessory equipment, or equipment* means any equipment installed, mounted, operated, or maintained in close proximity to an antenna structure or to receive, transmit, or store signals or information received by or sent from an antenna. For the purposes of this chapter, facilities are categorized by the manner in which antennas are mounted and not by the placement of accessory equipment. It is presumed that all facilities shall include accessory equipment, which shall not affect how the facility is mounted.

*Wireless telecommunication facility, wireless facility, or facility* means an antenna structure and any accessory structure or accessory equipment that is used in connection with the provision of wireless telecommunication service.

*Wireless telecommunication service, wireless service, or service* means any type of service providing radio communications that satisfies the definition of commercial



mobile service, fixed wireless service, wireless video service, wireless cellular service, or wireless voice service.

*Wireless video service* means any service providing radio communication which delivers video programming.

17.18.130 Applicability.

Subject to the exemptions established in section 17.18.140 and 17.18.210, wireless telecommunication facilities shall comply with the provisions of this chapter as follows:

- A. All wireless telecommunication facilities which are erected, located, or modified within the city on or following the effective date of this section shall comply with the provisions of this chapter.
- B. All wireless telecommunication facilities for which a conditional use permit application was determined by the city to be complete prior to the effective date of this section but did not receive approval of the conditional use permit prior to the effective date of this ordinance shall comply with the provisions of this chapter.
- C. All wireless telecommunication facilities for which a conditional use permit, building permits and any extension thereof have expired shall comply with the provisions of this chapter.

17.18.140. Exempt facilities.

- A. The following uses shall be exempt from the provisions of this chapter until such time as federal regulations are repealed or amended to eliminate the necessity of the exemption:
  - 1. Any antenna structure that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof issued by the Federal Communications Commission.
  - 2. Any antenna structure that is two meters (78.74 inches) or less in diameter located in a commercial or industrial zone and is designed to transmit or receive radio communication by satellite antenna.
  - 3. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive multipoint distribution service, provided that no part of the antenna structure extends more than 12 feet above the principal building on the same lot.

B. The following uses shall be exempt from the provisions of this chapter, so long as the antenna structure complies with all other zoning requirements:

1. Any antenna structure that is designed and used solely to receive UHF, VHF, AM, and FM broadcast signals from licensed radio and television stations.
2. Any antenna structure that is designed and used solely in connection with authorized operations of an amateur radio station licensed by the FCC (i.e., a "HAM" radio transmission).

17.18.150. Nonconforming facilities.

- A. All wireless telecommunication facilities for which a request for final approval or equivalent certificate was completed by the city prior to the effective date of this article shall be subject to Chapter 17.08 of the Beaumont Municipal Code regarding non-conformities and any additions and/or modifications to the facility or its use shall comply with the provisions of this chapter.
- B. All wireless telecommunication facilities for which a conditional use permit was approved by the city prior to the effective date of this chapter and a request for final approval or equivalent certificate has been completed by the city within 90 days of the effective date of this article shall be subject to Chapter 17.08 of the Beaumont Municipal Code regarding non-conformities and any additions and/or modifications to the facility or its use shall be subject to the provisions of this chapter.
- C. All wireless telecommunication facilities constructed or erected prior to the effective date of this chapter that are in violation of applicable laws, ordinances, or other regulations shall be considered an illegal nonconforming facility and shall be subject to abatement as a nonconforming use pursuant to Chapter 17.18 of the Beaumont Municipal Code.

17.18.160. Distances

- A. For the purposes of this chapter, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed wireless telecommunication facility to the relevant property line at a point five feet above the ground.

17.18.170. Processing procedures.

- A. All stealth and non-stealth facilities shall be permitted in the applicable zone subject to the following table:

Zone	Stealth Facility	Non-Stealth Facility
RC, CG, CC, M, CM, 6 <sup>th</sup> St, BAO & UVO	CUP	Not permitted
PF, RR, RSF & RMF	Not permitted	Not permitted

B. All conditional use permits required for stealth facilities shall be subject to the city's design review committee. No application for a wireless telecommunication facility shall be considered by the planning commission prior to receiving the design review committee's recommendation. Wireless telecommunication facilities within the city right of way shall only be permitted to applicants holding a valid certificate of public convenience and necessity and shall require an administrative plot plan and encroachment permit provided that aesthetic impact shall be the sole criteria under the administrative plot plan application for consideration.

17.18.180. Application requirements.

- A. Each applicant applying for a conditional use permit to construct, locate, mount, operate, and maintain a telecommunication facility shall submit a completed conditional use permit application per the requirements of section 17.02.100 of the Beaumont Municipal Code.
- B. In addition to the requirements of section 17.02.100 for submittal of a conditional use permit application, each submittal to construct, locate, mount, operate, and maintain a wireless telecommunication facility shall provide, as part of the application submittal, supplemental information as required in this section and determined by the community development director to be necessary to provide sufficient information to meet the intent of this chapter.
- C. Each application shall contain an accurately dimensioned site plan that shows
1. The location of the entire facility, including antenna structure, accessory structures and support equipment;
  2. The location of all guy-wires;
  3. The location of all above and below ground wiring and connection cables;
  4. The location of existing and proposed easements on the property affecting any part of the facility;
  5. The location, size and type of existing and proposed landscaping; and
  6. The distance between the antenna structure and any existing or proposed accessory structures and supporting equipment.
- D. Each application shall provide accurately dimensioned elevations that show

1. Each side of the entire facility, including antenna structure, accessory structures and support equipment, with dimensions identified;
  2. The height of any existing and proposed structure(s) and support equipment; and
  3. The height of any panels, microwave dishes, or antennas.
- E. Each application shall contain a letter of justification accompanied by written documentation that explains the applicant's efforts to locate the facility in accordance with the screening and site selection criteria contained in sections 17.18.190 and 17.18.200.
- F. Each application shall contain a narrative, photographs, and a map that discloses the exact location and illustrates the type and construction of any and all existing facilities that are owned, operated or used by the applicant within the city, or within one mile of its borders, as well as any proposed or planned sites within said boundary that may reasonably be known to the applicant at the time the application is made.
- G. Each application shall contain a narrative and appropriate map that disclose the purpose of the facility and the service to be provided, the geographic area(s) within the city that will be serviced by the proposed facility, and the geographic area(s) bordering the city, if any, that will be serviced by the proposed facility.
- H. Each application shall contain a radio-frequency (RF) report prepared by a qualified RF engineer to demonstrate that the proposed facility, as well as any colocated facilities, complies with current Federal RF emission standards. This RF report shall also include signal strength exhibits, including calculations and measurements under maximum loading conditions.
- I. Each application shall contain computerized visual assessments or other exhibits equivalent in form and manner acceptable to the planning director showing the before and after visual appearances of the proposed facility.
- J. Each application shall contain a description of the required maintenance visits to the site and security proposed to protect the site from vandalism and trespass.
- K. Each application shall contain a preliminary environmental review in accordance with the city submittal requirements, with special emphasis placed on the nature and extent of visual and public health and safety impacts to the extent permitted by federal law.
- L. Each application shall contain evidence of any required licenses and approvals to provide wireless telecommunication service.
- M. Applicants are separately required to obtain all applicable federal, state and local permits, including building and construction permits that may be required prior to

erecting or installing the facility, including, but not limited to, a certificate of public convenience and necessity for a facility in the public right of way.

- N. Each application shall provide any other necessary information as may be required by the planning director.
- O. The community development director shall determine applicable entitlement processing fees and deposits for the application, as established by city council resolution, including any applicable contract staff fees and/or deposits for the purpose of review of the application.
- P. Any application that is improperly submitted or fails to contain all of the information as required by the Beaumont Municipal Code, including this chapter, shall be deemed incomplete.

17.18.190. General development standards and guidelines for wireless facilities.

- A. Development standards for stealth facilities. All wireless telecommunication facilities shall comply with each of the following requirements:
  - 1. A facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage.
  - 2. Any and all accessory equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within a building, an enclosure, or underground vault in a manner that complies with the development standards of the zone in which such accessory equipment is located. In addition, if equipment is located above ground, it shall be visually compatible with the surrounding buildings and natural features and either shrouded by sufficient landscaping or natural features to screen the equipment from view or designed to match the architecture of adjacent buildings. If accessory equipment will be visible from a residential area or an arterial street, the applicant shall provide a solid masonry block wall that will screen the equipment or other material that is determined acceptable through the approval process.
  - 3. The facility's exterior finish shall be comprised of non-reflective material(s) and painted, screened, or camouflaged to blend with the materials and colors of surrounding buildings or structures.
  - 4. All screening used in connection with a wall mounted and/or roof mounted facility shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached.

5. All antennas shall be designed to prevent unauthorized climbing.
  6. Facilities shall not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies.
  7. The applicant and the property owner if different from the applicant shall consent to future colocation of other facilities on or with the applicant's facility, unless technological or structural requirements preclude that colocation.
  8. For the purpose of determining setback requirements, a wireless telecommunication facility shall be considered a principal structure and shall comply with the setback requirements of the zone in which it is located. Except that if a wireless telecommunication facility is located within 200 feet of a residential zone, then it shall comply with the setback requirements for such residential zone.
- B. Development guidelines for wireless facilities. In review of all wireless telecommunication facilities, the city shall, in addition to the above requirements, consider the following guidelines in conjunction with the processing of a conditional use permit:
1. The proposed facility should blend into the surrounding environment or be architecturally integrated into a concealing structure.
  2. The proposed facility should be screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. Any such improvements shall be appropriate for and compatible with the site and surrounding area.
  3. The total size of proposed facility should be compatible with the surrounding and supporting structures.
  4. If feasible, the location of the proposed facility should conform to the following in order of preference:
    - a. Colocated with an existing facility or located at a pre-approved location.
    - b. Attached to an existing structure such as an existing building, communication tower, church steeple or utility.
    - c. Located in an industrial zone.
    - d. Located in a commercial zone.

Deleted: a

5. The proximity of the proposed facility to residential structures and to boundaries of residential zones.
6. The availability of suitable alternative locations for the facility.
7. The nature of existing uses on adjacent and nearby properties.
8. Proposed ingress and egress to the facility.

17.18.200. Additional development standards for stealth facilities.

A. Additional development standards for stealth facilities. In addition to the requirements of section 17.18.190, the following requirements shall apply to wireless facilities:

1. All wireless facilities.
  - a. No portion or extension of a wireless facility shall protrude beyond property lines or extend into any portion of property where such facility is not itself permitted; provided, however, that the city may approve the location of guy wires in a required setback if such approval is consistent with the guidelines and requirements set forth in this chapter.
  - b. Construction of new lattice towers and the extension or expansion of an existing lattice tower shall not be permitted.
  - c. If a proposed wireless facility cannot be colocated, it must be sited at least 1,500 feet from any existing wireless facility unless the approving authority finds that a shorter distance is required for technological reasons, or that it would result in less visual obtrusiveness in the surrounding area. If the approving authority finds that colocation is not a feasible option and that a new facility may be located less than 1,500 feet from an existing wireless facility, the new facility should be located at least 500 feet from the existing facility.
  - d. A wireless facility should not be located within 200 feet of any property containing a residential use.
2. Ground mounted facilities.
  - a. A ground mounted facility shall not be located in a required parking area, vehicle maneuvering area, vehicle/pedestrian circulation area

or area of landscaping such that it interferes with, or in any way impairs, the utility or intended function of such area.

- b. A ground mounted facility should be located in close proximity to existing above ground utilities, such as electrical tower or utility poles (not scheduled for removal or under-grounding in the next 18 months), light poles, trees of comparable height, water tanks and other areas where the facility will not detract from the image or appearance of the city.
- c. No part of a ground mounted facility should be located in any required setback.
- d. A ground mounted facility shall not be permitted unless the approving authority finds that based upon evidence submitted by the applicant, no existing building or support structure can reasonably accommodate the proposed the facility. Evidence supporting this finding may consist of any of the following:
  - 1) No existing buildings or support structures are located within the geographic area proposed to be served by the applicant's facility.
  - 2) Existing buildings or support structures are not of sufficient height or structural strength to satisfy the applicant's operational or engineering requirements.
  - 3) The costs, fees, or contractual provisions required by a property owner, or by an incumbent wireless telecommunication service provider, in order to collocate a new antenna array on an existing building or structure, or to adapt an existing building or structure for the location of the new antenna array, are unreasonable.
  - 4) There are other limiting factors that render existing buildings and structures unsuitable for use by the applicant.
- e. A ground mounted facility shall be secured from access by the general public with a fence or other form of screening approved by the approving authority.
- f. A ground mounted facility shall be covered with a clear anti-graffiti material of a type approved by the community development director. The community development director may grant an exception to this requirement if the applicant demonstrates to the satisfaction of the community development director that the design of the facility is adequate to prevent graffiti.



- g. No ground mounted facility shall exceed the maximum building height for the applicable zone in which it is located unless both of the following findings are made by the approving authority:
  - 1) The applicant has satisfactorily demonstrated that exceeding the height limitation is necessary for operation of the facility; and
  - 2) The facility is colocated, or contains adequate space suitable for future colocation, and the height in excess of zoning requirements is necessary to the proposed shared use.

3. Roof mounted facilities.

- a. A roof mounted facility may only exceed the height of the building on which it is mounted by a maximum of 15 feet, but only if one of the following findings is made by the approving authority:
  - 1) The applicant has satisfactorily demonstrated that the proposed height is the minimum necessary for proper operation of the facility.
  - 2) The facility is colocated, or contains adequate space suitable for future colocation, and the height in excess of the existing building is necessary for the proposed shared use.
- b. A roof mounted facility that extends above the existing height of the building on which it is mounted shall be screened by a material and in a manner that is compatible with the existing design and architecture of the building.
- c. A roof mounted facility, requiring the placement of any guy wires, supporting structures, or accessory equipment shall be located and designed so as to minimize the visual impact as viewed from surrounding properties and public streets, including any pertinent public views from higher elevations.

4. Utility mounted facilities.

- a. A utility mounted facility shall not exceed the maximum building height for the applicable zone in which it is located unless the approving authority determines the applicant has satisfactorily

demonstrated that exceeding the height limitation is necessary for proper operation of the facility.

- b. A utility mounted facility shall not exceed the height of the existing utility pole or structure by more than four feet unless the approving authority determines the applicant has satisfactorily demonstrated that exceeding the four-foot limitation is necessary for proper operation of the facility.
- c. A utility mounted facility shall not protrude or extend horizontally more than 18 inches from the existing utility pole or structure unless the approving authority determines the applicant has satisfactorily demonstrated that exceeding the 18-inch limitation is necessary for proper operation of the facility or required by the owner of the existing utility pole or structure.

17.18.210. Public property facilities.

A. Private telecommunication facilities located on city-owned or operated property, other than public rights of way.

- 1. Privately owned or operated telecommunication facilities may be located on property owned or operated by the city, subject to the city council's approval of a negotiated lease agreement between the telecommunication service provider and the city or its representative. Telecommunications facilities to be located on city-owned or operated property shall not be required to obtain a conditional use permit under the provisions of sections 17.18.100 et seq. The lease agreement shall set forth requirements for a wireless facility which are substantially consistent with the development standards and conditions of sections 17.18.100 et seq and Chapter 5.36. The lease agreement shall also contain operating covenants substantially consistent with the objectives of sections 70.18.100 et seq and Chapter 5.36. in order to protect the public health, safety and welfare.
- 2. Notwithstanding subsection (1) above, the lease agreement approving the location of privately owned or operated telecommunications facilities on city-owned or operated property shall be subject to all applicable environmental regulations including but not limited to the California Environmental Quality Act and the Western Riverside County Multiple Species Habitat Conservation Plan.

B. Public telecommunication facilities.

- 1. The location, installation, and operation of any telecommunication facilities or other communication facilities owned or operated by the city on property owned or operated by the city, or within its right-of-way shall not be subject to the provisions of this article.

2. The location, installation, and operation of any telecommunication facilities or other communication facilities owned or operated by any other governmental entity other than the city on property owned or operated by the City, or within its right-of-way, shall be subject to the provisions of subsection (a) above, unless the city council, by four-fifths vote of its membership and a finding of public necessity, exempts the facility from such requirements.

17.18.220. Review, modification, and revocation of permits.

- A. Any permit granted or approved pursuant to this chapter shall be granted or approved by the city with the reservation of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. Changed circumstances include, but not limited to, the following in relation to the approved facility as described and diagramed in the approved application materials: increased height or size of the facility; additional impairment of the views from surrounding properties; change in the type of antenna or supporting structure; changed color or materials; substantial change in location on the site; and an effective increase in signal output above or near the maximum permissible exposure limits imposed by the revised radio frequency emissions guidelines by the federal communications commission.
- B. The reservation of right to review any permit approved hereunder by the city is in addition to, and not in lieu of, the right of the city to review, suspend, revoke, or modify any permit approved hereunder for any violations of the conditions imposed on such permit.
- C. Upon review, any changed circumstance as determined by the community development director shall require the application and approval of a modification to the original administrative plot plan or conditional use permit, provided that any modification to accommodate collocated facilities may be approved administratively.
- D. Any review, suspension, revocation, or modification of a permit shall be in accordance with the procedures set forth in section 17.02.070 for an administrative plot plan and section 17.02.100 for a conditional use permit.

17.18.230. Removal of facilities.

- A. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the community development director in writing in the event that use of the facility is discontinued for any reason. In the event that discontinued use is permanent, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by

such removal, and restore the premise as appropriate such as to be in conformance with applicable zoning codes. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued, and shall be performed in accordance with all applicable health and safety requirements. For the purposes of this paragraph, a discontinued use shall be permanent unless the facility is likely to be operative and used within the immediately following three-month period.

- B. A facility that is inoperative or unused for a period of six continuation months shall be deemed abandoned. Written notice of the city's determination of abandonment shall be provided to the operator of the facility and the owner(s) of the premises upon [which] the facility is located. Such notice may be delivered in person, or mailed to the address(es) stated on the facility permit application, shall be deemed given at the time delivered or placed in the mail. A written notice of the city's determination of abandonment shall be mailed or delivered to the operator of the facility at the address stated in the relevant permit application.
- C. The operator of the facility and the owner(s) of the property on which it is located, shall within 30 days after notice of abandonment is given either (1) remove the facility and restore the premises, or (2) provide the planning department with written objection to the city's determination of abandonment and request for hearing before the planning commission. If a written objection is timely received and a hearing is properly requested, the hearing shall be set and notice given as prescribed in section 17.02.050. The operator and/or owner shall be given the opportunity to provide evidence that the facility was in use during the relevant six-month period and that it is presently operational. The operator and/or owner shall be given the opportunity to cross-examine any witness providing evidence to the contrary. The planning commission shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator notice of its determination.
- D. The city may remove the abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable Code at any time: 1) after 30 days following the notice of abandonment, or 2) following a notice of decision by the planning director, if applicable, subject to the owner/operator's right of appeal under this Code. The city may, but shall not be required to, store the removed facility (or any part thereof). The owner of the premises upon which the abandoned facility was located, and all prior operators of the facility shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the city promptly after demand therefore is made. The city may, in lieu of storing the removed facility, convert it to the city's use, sell it, or dispose of it in any manner deemed by the city to be appropriate.
- E. The operator of the facility, and the owners of the premises upon which it is located shall be in violation of this chapter for failure to timely comply with any requirements hereunder. Each such person shall be subject to penalties for each such violation, pursuant to this Code.

- F. Until the cost of removal, repair, restoration and storage is paid in full, a lien shall be placed on the personal property and any real property on which the abandoned facility was located, for the full amount of the cost of removal, repair, restoration and storage. The planning director shall cause the lien to be recorded in the Riverside County Recorder's Office.

17.18.240. Severability.

- A. If any provisions or clause of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Chapter provisions, clauses or applications thereof which can be implemented without the invalid provision, clause or application thereof, and to this end the provisions and clauses of this Chapter are declared to be severable.



Staff Report

TO: Planning Commissioners

FROM: Community Development Director

DATE: June 25, 2019

SUBJECT: Consider a Request for a One-Year Extension of Time to the Approval of Plot Plan PP2018-0103

APPLICANT: Dawn Residential

**Background and Analysis:**

On August 14, 2018, the Planning Commission approved an application from Dawn Residential to build an approximately 17, 000 square foot building with office space and outdoor storage located on Viele Avenue north of 4<sup>th</sup> Street in the Manufacturing (M) zone.



The applicant is currently working with the Public Works, Building and Safety and Fire Departments through the plan check process but has not yet pulled a permit. As such, the applicant is requesting a one-year extension on the plot plan approval. The Beaumont Municipal Code Chapter 17.02.070(J) allows the Commission to extend a plot plan approval for one-year if the request is made prior to the expiration date. The current expiration date is August 14, 2019, and the applicant has met the criteria for requesting an extension.

If the Commission approves this request, the new expiration date will be August 14, 2020. All conditions of approval remain in effect and applicable to the project.

**Recommendation:**

1. Approve a one-year extension of time for the approval of Plot Plan PP2018-0103.



**Nicole Wheelwright**

Item No. 5

**From:** smithandyork <smithandyork@aol.com>  
**Sent:** Wednesday, May 29, 2019 3:10 PM  
**To:** Christina Taylor; gmu100164@yahoo.com; vickyv@thatcherengineering.com  
**Subject:** Re: CUP 2017-0001 - Outdoor RV vehicle storage - Brookside Ave. 163801

Christina,

I appreciate you taking the time to speak with me the other day and to clarify the Condition Use Permit process.

The applicant, Colorado River Mobile Homes, LLC is respectfully requesting that their item be removed from the June 11, 2019 Planning Commission meeting agenda.

During a recent phone conversation with Beaumont/Cherry Valley Water District it was determined that the 24 acre parcel is not within the water district boundaries. The applicant needs time to meet with the Water District to determine if they are willing and able to provide fire protection water to this project and if they are willing to have this property annexed into their district.

The applicant will notify you when they would like the item placed back on the Planning Commission agenda.

Thank you for your consideration in this regard and I ask that you please contact me at 760-401-3748 if you have any questions or need anything further from the applicant at this time.

Respectfully submitted,

John A Smith

For Colorado River Mobile Homes, LLC

-----Original Message-----

From: Christina Taylor <Ctaylor@beaumontca.gov>  
To: Vicky Valenzuela <vickyv@thatcherengineering.com>  
Cc: smithandyork@aol.com <smithandyork@aol.com>; GMU100164@yahoo.com <GMU100164@yahoo.com>  
Sent: Wed, May 22, 2019 12:06 pm  
Subject: RE: CUP 2017-0001 - Outdoor RV vehicle storage - Brookside Ave. 163801

Hi Vicky,

I just wanted to follow up and see if your client wants to have the public hearing on June 11<sup>th</sup> as was requested in the continuance. If not we can continue it again. I just need to know your clients wishes so I can handle it on the agenda.

Thanks.

**CHRISTINA TAYLOR**  
*Community Development Director*

City of Beaumont  
550 E. 6th Street, Beaumont, Ca 92223  
Desk (951) 572-3212 | Fax (951) 769-8526  
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**From:** Vicky Valenzuela <[vickyv@thatcherengineering.com](mailto:vickyv@thatcherengineering.com)>  
**Sent:** Monday, April 08, 2019 8:43 AM  
**To:** Christina Taylor <[Ctaylor@beaumontca.gov](mailto:Ctaylor@beaumontca.gov)>  
**Cc:** [smithandyork@aol.com](mailto:smithandyork@aol.com); [GMU100164@yahoo.com](mailto:GMU100164@yahoo.com)  
**Subject:** CUP 2017-0001 - Outdoor RV vehicle storage - Brookside Ave. 163801

Christina, good morning,

As a follow up to my voicemail this morning, be advised that we have been notified by the applicant to request a continuance from the Planning Commission hearing scheduled for tomorrow evening. Please see attached letter for further details. We ask that you please forward this letter to Planning Commission, and let us know if you need anything further from us or the applicant at this time.

Be advised that a representative for the applicant, John Smith, will be in attendance at the hearing tomorrow to witness any discussion or testimony that may be given.

Please call me should you have any questions.

Thank you,

**Vicky Valenzuela**  
*project manager*

**thatcher engineering & associates, inc.**  
1461 ford street, suite 105. Redlands, ca 92373  
phone: 909.748.7777 fax: 909.748.7776  
hours: monday – thursday 8a-12p,1p-5p  
[www.thatcherengineering.com](http://www.thatcherengineering.com)

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**From:** Christina Taylor [<mailto:Ctaylor@beaumontca.gov>]  
**Sent:** Tuesday, April 02, 2019 5:17 PM  
**To:** Vicky Valenzuela  
**Cc:** [smithandyork@aol.com](mailto:smithandyork@aol.com); [GMU100164@yahoo.com](mailto:GMU100164@yahoo.com); Kristin Tissot  
**Subject:** RE: Brookside RV 163801

Here you go.

**CHRISTINA TAYLOR**  
*Community Development Director*

City of Beaumont  
550 E. 6th Street, Beaumont, Ca 92223  
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