



PLANNING COMMISSION REGULAR MEETING

550 E 6th Street, Beaumont, CA

Tuesday, November 10, 2020 - 6:00 PM

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.

AGENDA

REGULAR SESSION

6:00 PM

MEETING PARTICIPATION NOTICE

This meeting will be conducted utilizing teleconference communications and will be recorded for live streaming as well as open to public attendance subject to social distancing and applicable health orders. All City of Beaumont public meetings will be available via live streaming and made available on the City's official YouTube webpage. Please use the following link during the meeting for live stream access.

BeaumontCa.gov/Livestream

Public comments will be accepted using the following options.

1. Written comments will be accepted via email and will be read aloud during the corresponding item of the meeting. Public comments shall not exceed three (3) minutes unless otherwise authorized by City Council. Comments can be submitted anytime prior to the meeting as well as during the meeting up until the end of the corresponding item. Please submit your comments to: **NicoleW@BeaumontCA.gov**
2. Phone-in comments will be accepted by joining a conference line prior to the corresponding item of the meeting. Public comments shall not exceed three (3) minutes unless otherwise authorized by City Council. Please use the following phone number to join the call:
(951) 922-4845
3. In person comments subject to the adherence of the applicable health orders and social distancing requirements.

In compliance with the American Disabilities Act, if you require special assistance to participate in this meeting, please contact the City Clerk's office using the above email or call **(951) 572-3196**.

Notification 48 hours prior to a meeting will ensure the best reasonable accommodation arrangements.

CALL TO ORDER

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

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 Committee 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 it to the Committee Chair or Secretary. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person. State Law prohibits the Committee 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

Recommended Action:

Approve minutes dated October 13, 2020 and October 27, 2020.

2. Public Hearing for Conditional Use Permit CUP2020-0053 – A Request for Planning Commission Consideration of the Operation of Massage Establishment Located at 1384 E. Sixth Street, with Consideration of an Environmental Exemption Pursuant to CEQA Guidelines Section 15301 (Existing Facilities)

Recommended Action:

Hold a Public Hearing; and

Approve Conditional Use Permit No. CUP2020-0053, subject to the proposed conditions of approval; and

Direct staff to prepare a Notice of Exemption for the applicant to record with the County Clerk.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

The next regular meeting of the Beaumont Planning Commission is scheduled for Tuesday, December 8, 2020, at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall

Beaumont City Hall – Online www.BeaumontCa.gov

PLANNING COMMISSION REGULAR MEETING

550 E 6th Street, Beaumont, CA
Tuesday, October 13, 2020 - 6:00 PM

MINUTES

REGULAR SESSION

6:00 PM

CALL TO ORDER at 6:05 p.m.

Present: Vice Chairman Stephens, Commissioner Colindres, Commissioner Smith, Commissioner St. Martin, Chairman Tinker present at 6:13 p.m.

Pledge of Allegiance

Approval/Adjustments to Agenda: **None**

Conflict of Interest Disclosure: **Commissioner Colindres has a conflict with Item No. 2 due to the location of his business being within 200 feet of the business.**

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA):

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 Commissioner St. Martin

Second by Commissioner Smith

To approve Minutes dated September 8, 2020

Approved by a unanimous vote.

2. Conditional Use Permit CUP2020-0048 & Variance V2020-0079 – A Request for Planning Commission Consideration of the Operation of a 31 Bed Residential Care Facility Serving as a Drug Rehabilitation Facility Within an Existing 11,790 Square Foot, Two-Story Building and a Variance Requesting Reduced Parking Requirements Located at 210 W. 6th Street, with Consideration of an Environmental Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities)

Commissioner Colindres recused himself for this item.

Public Hearing opened at 6:23 p.m.

V. Monroe - *No concerns with the business type, however asked for additional patrol.*

B. Alzate - *Applicant answered questions of the commission.*

D. Georgalos - Co-applicant further clarified answers to the questions of the commission.
Public Hearing closed at 6:46 p.m.

Motion by Vice Chair Stephens

Second by Commissioner Smith

To approve Conditional Use Permit No. CUP2020-0048 & Variance No. V2020-0079, subject to the proposed conditions of approval and direct staff to prepare a Notice of Exemption for the applicant to record with the County Clerk, with added conditions regarding the renovation of the wall facing the residential property behind the property, hours of outdoor activities, assigned parking for staff and ensure fire sprinkler requirement.

Approved by a unanimous vote.

3. Plot Plan PP2017-0017 – A Request for Planning Commission Consideration of a Plot Plan for the Construction and Operation of a 8,619 Square Foot Church Constructed in Two (2) Phases and the Conversion of an Existing 2,594 Square Foot Single Family Residence to Administration Offices Located at 1406 E. Sixth Street, with Consideration of an Environmental Exemption pursuant to CEQA Guidelines Section 15332 (In-Fill Development)

Public Hearing opened at 7:17 p.m.

TR Design Group - Applicant answered questions of the commission.

Public Hearing closed at 7:35 p.m.

Motion by Commissioner Smith

Second by Commissioner St. Martin

To approve Plot Plan No. PP2017-0017, subject to the proposed conditions of approval; and direct staff to prepare a Notice of Exemption for the applicant to record with the County Clerk with the amended conditions of allowing a transfer of ownership of the permit, an exception of temporary use permits for after hour events, and adjustment to the pavement requirements.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Special Planning Commission Meeting to be held on October 27th for the General Plan Public Hearing.

Award of Contract to the Housing Element project will be at the City Council Meeting of October 20th. Upcoming Parking Strategy Project.

ADJOURNMENT at 7:47 p.m.

PLANNING COMMISSION REGULAR MEETING

550 E 6th Street, Beaumont, CA

Tuesday, October 27, 2020 - 6:00 PM

MINUTES

REGULAR SESSION

6:00 PM

CALL TO ORDER at 6:05 p.m.

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

Pledge of Allegiance:

Approval/Adjustments to Agenda: **None**

Conflict of Interest Disclosure: **None**

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA):

No speakers

ACTION ITEMS / PUBLIC HEARINGS / REQUESTS

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

1. City of Beaumont General Plan Update, Zoning Code Amendments and Draft Environmental Impact Report

Public Hearing opened at 8:01 p.m.

B. Miller - *Expressed concerns and asked for further look and improvements on the east end of Sixth Street. Improvements including sewer service.*

R. Bogh - *Supports staff with their recommendation on his property.*

T. Daniel - *Expressed concerns with pending development planned on his property and the proposed zoning changes.*

J. Quattlebaum - *A representative of McDonalds Restaurant, expressed concerns with the rezone of the current McDonalds location, resulting in a non-conformance standing. Asked to work with staff on some flexibility.*

G. Lancing - *Representing the developer on the property on south Viele, shared the information of a fault line in the area and shared concerns of the difficulty of building residential use in that area.*

Motion by Commissioner Smith

Second by Commissioner Colindres

To recommend that City Council adopt the General Plan Update (Beaumont 2040 Plan) and adopt the revised Zoning Ordinance and Zoning Map, with staff's

recommended changes;

Recommend to the City Council certification of a Final PEIR in compliance with CEQA and:

- a. *The draft Project PEIR has been completed in compliance with the California Environmental Quality Act (CEQA),*
- b. *There are no environmentally superior alternatives to the Project that will avoid or substantially lessen the significant environmental effects as identified in the Draft PEIR,*
- c. *Concur with the findings and mitigation measures contained in the Draft EIR, and*
- d. *The City Council adopts a Statement of Overriding Considerations (SOC) prior to certification of the PEIR.*

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Shared that this item will be brought before the City Council on November 3rd and November 17th. Also shared that the Council recently awarded a contract for a housing element consulting service. Announced a Parking Strategies meeting to be held October 28th.

ADJOURNMENT at 8:38 p.m.



Staff Report

TO: Planning Commissioners

FROM: Carole Kendrick, Senior Planner

DATE: November 10, 2020

SUBJECT: **Public Hearing for Conditional Use Permit CUP2020-0053 – A Request for Planning Commission Consideration of the Operation of Massage Establishment Located at 1384 E. Sixth Street, with Consideration of an Environmental Exemption Pursuant to CEQA Guidelines Section 15301 (Existing Facilities)**

APPLICANT: Molchanok Cruz

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 nine (9) active massage therapy business licenses at seven (7) locations.

- Massage by Lori, 737 Beaumont Ave., Ste. A (Shear Wonders Salon)
- Beaumont Massage Therapy, 795 E. 6th Street, Ste. K (Blade Designs)
- Sole So Happy/Tony @ Sole So Happy, 1676 E. 6th Street, Ste. B
- Golden Massage, 890 W. Oak Valley Pkwy., Ste. C

- Tikva Krindle Massage Therapy, 1648 Midnight Sun Drive
- The Royal Massage, 795 E. 6th Street, Suite M
- Patti Styles Massage Therapist, 701 Highland Springs Avenue, Suite 9
- Kaelyn Baldivid, 701 Highland Springs Avenue, Suite 8

The Commercial General/Sixth Street Overlay zone use table (17.03-4) allows massage establishments subject to the approval of a Conditional Use Permit. The Beaumont Municipal Code Section 17.02.100. requires the approval of a Conditional Use Permit by the Planning Commission for certain uses, due to the nature of the use, intensity, or size require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. 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.

The Planning Commission can either approve, conditionally approve or deny the conditional use permit proposals and may establish conditions of approval for the business' operations to ensure that it will not be a detriment to the community.

Description:

The applicant is requesting approval of a Conditional Use Permit for the operation of a massage establishment located on the north side of Sixth Street and west of American Avenue. The subject site is approximately 0.66 acres and contains two (2) existing single-story buildings that County records show was constructed in 1952 and annexed into the City limits in 1970. The main structure was originally a single-family residence that was converted to a commercial use. Staff has been able to locate records on second building but based on historical photographs was constructed prior to 1996. Previous uses include an antique store and several massage operations. The site is currently improved with curb and an asphalt parking lot.

The project setting can also be seen in the following materials attached to this staff report:

- General Plan Land Use Map (Attachment C)
- Zoning Map (Attachment D)
- Aerial Photograph (Attachment E)

The land uses, zoning, and General Plan land use designations of the project site and surrounding area are shown in the following Table.

	LAND USE	GENERAL PLAN	ZONING
PROJECT SITE	Single Story Converted Residence	General Commercial (GC)	Commercial General (CG) in the 6 th Street Overlay
NORTH	Extra Space Storage	Multiple Family Residential (MFR)	Residential Multiple Family (RMF)
SOUTH	Carson Trailers	General Commercial (GC)	Commercial General (CG) in the 6 th Street Overlay
EAST	American Town Center (various commercial) & Multiple Family Residential	General Commercial (GC) and Multiple Family Residential (MFR)	Commercial General (CG) in the 6 th Street Overlay and Residential Multiple Family (RMF)
WEST	Vacant Land	General Commercial (GC) and Multiple Family Residential (MFR)	Commercial General (CG) in the 6 th Street Overlay and Residential Multiple Family (RMF)

Analysis:

The applicant is proposing to operate a massage establishment within an existing building that provides three (3) private massage rooms, a lobby area, kitchen, bathroom and laundry/storage area. The project will utilize the front building and the square footage is currently unknown and not provided on the County Assessor’s information. Based on previous applications, it is estimated that the building is approximately 1,600 square feet.

The applicant currently has no employees and initially be the only operator at the subject site. Typical appointments are between 30 minutes to one (1) hour and the services available include Thai, Thai combination, hot stone or deep tissue massages.

The proposed site plan does not include the secondary building located behind the primary building and is not considered part of the proposed application.

The attached Development Plan (Attachment B) include the site layout and floor plan.

The Police Department and Code Enforcement Division have indicated that the location has not had any code violations or calls for service related to previous massage operations. The massage business is required to renew their license annually with the City and demonstrate that it continues to operate in accordance with all of the facility and operational requirements outlined in Beaumont Municipal Code Chapter 5.44

Circulation and Parking:

Commercial parking requirements are broken down into 13 categories. The Community Development has the authority under Section 17.05.040.B. to make a determination that an unspecified land use not specifically listed in the parking table is similar to another. The proposed use is considered similar to a medical or dental office use and requires one (1) space per 250 square feet, per Table 17.05-1.

The site is currently developed and provides six (6) parking spaces that are located to the north of the primary building that are accessible by a 35-foot-wide driveway from Sixth Street. Based on the approximate square footage, the project would require six (6) parking spaces using the medical/dental office category.

Hours of Operation:

The applicant is proposing a massage establishment with operating hours from 9:00 am to 10:00 pm, seven (7) days a week, however the Municipal Code restricts the hours of operation for massage operations to occur between 9:00 am and 8:00 pm. The project has been conditioned to operate within the hours established by Beaumont Municipal Code, Section 5.44.090.A.2 (see Condition No. 16)

Massage Requirements:

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. 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.

Multi-Species Habitat Conservation Plan (MSHCP):

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

Development Review Committee (DRC):

The Development Review Committee reviewed the project on October 29, 2020. Staff from the various City departments provided written comments that have been incorporated into the proposed conditions of approval.

CEQA Review:

This project is exempt from review under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 in that information contained in the project file and documents incorporated herein by reference demonstrates that: Conditional Use Permit No. CUP2020-0053 is consistent with the General Commercial (GC) General Plan designation and all applicable General Plan policies as well as the applicable zoning designation of Commercial General (CG) base zone and the Sixth Street Overlay; the proposed project site is located within the boundaries of the City of Beaumont; CUP2020-0053 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that CUP2020-0053 will result in significant effects related to traffic, noise, air quality or water quality in that the proposed design incorporates and otherwise is subject to air and water quality resource agency design requirements to avoid harmful effects; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 01 (Existing Facilities) Categorical Exemption under the CEQA Guidelines. Additionally, none of the exceptions provided in CEQA Guidelines Section 15300.2 apply to this project.

Public Communications Received:

Property owners located within a 300-foot radius of the project site were notified of the public hearing on October 30, 2020, with a 10-day hearing notice in addition to a public notice in the Press Enterprise. At the time of report preparation, the Planning Department has not received any letters of comment from the public in favor or opposition to the project. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Commission at the time of the public hearing.

Conditional Use Permit 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 uses conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance.

The site is currently developed with two existing single-story structures and is generally consistent Development Standards for the Commercial General (CG) zone and the 6th Street Overlay. The zoning allows massage operations subject to a Conditional Use Permit.

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

The subject property is zoned General Commercial (GC) within the 6th Street Overlay which allows massage operations subject to a Conditional Use Permit. The site is located in an area that includes Commercial General (CG) properties to the east, west and south, and Residential Multiple Family (RNF) to the north, east and west. The proposed use is consistent with the character of the Commercial General (CG) zone and the 6th Street Overlay.

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

The site is currently developed with two existing single-story buildings, curb and asphalt parking that was previously utilized as a massage operation from 2018 to 2020 and an antique store in 2006. The proposed project is in a predominately commercially and multiple family zoned area that is developed with existing

commercial developments or multiple family units. The applicant is not proposing any changes and is requesting to continue to utilize the building for a massage operation which is physically suitable for the use.

4. The proposed uses are compatible with the land uses presently on the subject property.

The site is currently developed and was previously utilized with a similar use, as a massage establishment, and is zoned Commercial General within the 6th Street Overlay and the proposed use are allowed subject to approval of a Conditional Use Permit.

5. The proposed uses 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.

The zoning and land use designation for the project site is Commercial General (CG) within the 6th Street Overlay. The proposed project is surrounded by property that is Commercial General and Residential Multiple Family within the 6th Street Overlay and designated as General Commercial and Multiple Family Residential by the General Plan. The site is surrounded by developed land to the north, south and east with existing commercial structures or multiple-family residences. Vacant land is located to the west of the site. The proposed use is compatible with the surrounding commercial and multiple family residential zoned properties as it will massage services in a semi-residential environment.

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 served by the Beaumont-Cherry Valley Water District for water services and the City of Beaumont for sewer disposal system. Electricity will be provided by Southern California Edison and natural gas will be provided by the Southern California Gas Company. Solid waste and refuse services are provided by Waste Management, Inc. on behalf of the City of Beaumont. The site can be adequately served and will not be detrimental to public health and safety.

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

There is adequate access to the site as determined by the City's public safety departments. The site has frontage and access from 6th Street.

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

The proposed project is in conformance with the General Plan for the City of Beaumont. The land use designation for the project site is General Commercial (GC). The proposed development is consistent with the General Plan policies.

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

The proposed project is located within an existing building that generally meets the development standards under the Commercial General zoning and 6th Street Overlay, which is intended to protect the public interest, health, safety, convenience, or welfare. The massage operation will provide services from 9:00am to 10pm, 7 days a week in a semi-residential environment that will not be detrimental to public health, safety or welfare.

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

The project as proposed will utilize an existing single-story building that was constructed in 1952 when the property was located in the County of Riverside and was annexed into the City of Beaumont on January 26, 1970. The applicant is not proposing any modifications to the existing design or elevations and is requesting to operate a massage business consistent with previous uses on the site.

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.

This use will not have an adverse effect on humans or the environment for any population. The proposed project will provide massage services in a semi-residential environment to serve the Beaumont population.

Recommended Action:

Hold a Public Hearing; and
Approve Conditional Use Permit No. CUP2020-0053, subject to the proposed conditions of approval; and
Direct staff to prepare a Notice of Exemption for the applicant to record with the County Clerk.

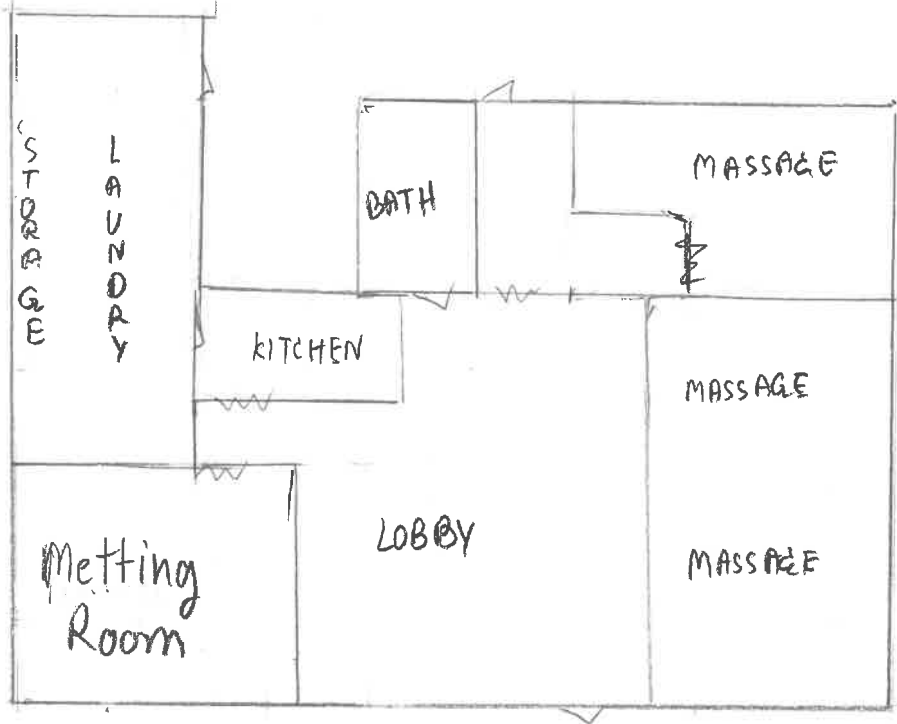
Attachments:

- A. Draft Conditions of Approval
- B. Development Plan
- C. General Plan Land Use Designation
- D. Zoning Map
- E. Aerial Photograph
- F. Proof of Publication

Incorporated herein by Reference:

City of Beaumont General Plan
City of Beaumont Zoning Ordinance
Project Site's Riverside Conservation Authority Multi-Species Habitat Conservation Plan Informational Map
Contents of City of Beaumont Planning Department Project File PP2018-0143, PP2020-0313 and CUP2020-0053

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

PLANNING COMMISSION DATE: November 10, 2020

PROJECT NAME: Bua Lotus Thai Massage

PROJECT NOS.: CUP2020-0053

DESCRIPTION: Operation of a massage establishment within an existing single-story building located at 1384 E. 6th Street in the Commercial General (CG) Zone within the 6th Street Overlay.

APPLICANT: Molchanok Cruz

LOCATION: 1384 E. 6th Street

APN: 419-232-017

PROJECT

Note: Any conditions revised at a hearing will be noted by ~~strikeout~~ (for deletions) and/or underline (for additions), and any newly added conditions will be added at the end of all conditions regardless of the Department originating the condition.

STANDARD CONDITIONS

1. The permit for the above referenced Conditional Use Permit application and all Conditions of Approval herein.
2. The use hereby permitted is for the operation of a massage establishment within an existing single-story building for the property located at 1384 E. 6th Street.
3. The Community Development Director may approve minor modifications to the site plan that are in substantial conformance to the approved project and that do not increase impacts. All copies of the revised plans shall be dated and signed by the Director and made a part of the record.
4. 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 CUP2020-0053. 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.

5. 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.
6. 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.
7. Administrative Plot Plan application review and approval is required prior to occupancy of the building.
8. 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.
9. 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.
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 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.
11. 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.
12. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Building Department, Fire Department, Public Works Department, and any other necessary departments or agencies.

CUP2020-0053
Conditions of Approval
Page 3

13. 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 per Beaumont Municipal Code, Section 5.44.140.
14. Any modifications not considered in substantial conformance with CUP2020-0053 are subject to separate review and approval by the Planning and Building Departments and may require additional permits and fees.
15. Prior to the issuance of a Certificate of Occupancy for the project site or activity being commenced thereon, pursuant to Conditional Use Permit CUP2020-0053, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
16. The hours of operation for the approved use shall be from 9am to 8pm, seven (7) days a week, per Beaumont Municipal Code, Section 5.44.090.A.2.
17. Any uses not specifically permitted as part of, or not determined to be in substantial conformance by the Community Development Director, to this Conditional Use Permit (CUP2020-0053), shall require submittal and approval of an application to modify the Conditional Use Permit.
18. Signage is not approved as part of this project. Signage, in accordance with the Zoning Ordinance, may be approved at a later time under a separate permit.
19. Standard parking spaces require a minimum depth of 19 feet per Beaumont Municipal Code Table 17.05-2.

MESSAGE ESTABLISHMENT CONDITIONS

20. Per Beaumont Municipal Code, Section 5.44.130 no person permitted to operate a massage establishment under this Chapter shall operate under any name or conduct business under any designation not specified in the certified massage establishment permit or operator permit and City business license.
21. Per Beaumont Municipal Code, Section 5.44.090.A. the following operational requirements shall be applicable to all massage establishments located within the City:
 - a. Massage establishments shall comply with all applicable Code requirements, including but not limited to obtaining a business license.
 - b. No massage establishments shall be open for business between the hours of 8:00 pm and 9:00 am. A massage begun any time before 8:00 pm must

CUP2020-53
Conditions of Approval
Page 4

nevertheless terminate at 8:00 pm. The hours of operation shall be displayed in a conspicuous place in the reception and waiting area and in any front window clearly visible from outside of the massage establishment. Patrons shall be permitted in the massage establishment only during the hours of operation.

- c. During the hours of operation, patrons shall be permitted therapy rooms only if at least one duly authorized certified massage professional is present on the premises of the massage establishment. Patrons shall not be permitted in any employee break room.
- d. During the hours of operation, visitors shall not be permitted in any massage therapy room except:
 - i. As a parent or guardian who is a minor child;
 - ii. As a minor child of a patron who is a minor child; or
 - iii. As a conservator, aid, or other caretaker of a patron who is elderly or disabled.
- e. Except as otherwise provided herein, visitors shall not be permitted in massage therapy rooms, break rooms, dressing rooms, showers, or any other room or part of the massage establishment premises other than the reception and waiting area or the restroom.
- f. A list of services, the length of services, and the cost of such services shall be posted in an open and conspicuous public place on the premises or provide to patrons before services are rendered. No massage establishment operator shall permit, and no person employed or retained by the massage establishment shall perform or offer to perform, any services or request or demand any fees other than those posted.
- g. Each massage establishment shall require all patrons to sign in before receiving service with their full name and the date of their visit. Each massage establishment shall post in the reception and waiting area a notice containing the following text in upper case two-inch high letters: "SOLICITATION OF PROSTITUTION IS A CRIME IN THE STATE OF CALIFORNIA AND WILL BE REPORTED TO LAW ENFORCEMENT." Any person practicing massage therapy in the massage establishment shall be required to notify the Beaumont Police Department of a patron who solicits or attempts to solicit prostitution at the massage establishment.
- h. Each holder of a certified massage establishment permit or operator permit shall display that permit in an open and conspicuous places on the premises visible from the entrance and/or reception and waiting area of the massage establishment. Any person who practices massage therapy shall carry with them their CAMTC issued certification card at all times while on the premises of a massage establishment for the purpose for practicing massage therapy.

22. Per Beaumont Municipal Code, Section 5.44.090.B the following physical and code requirements shall be applicable to all massage establishments located within the City:

- a. One main entry door shall be provided for patron entry to the massage establishment, which shall open to an interior reception and waiting area. All patrons and any persons other than individuals employed or retained by the massage establishment shall be required to enter and exit through the main entry door. Unless the massage establishment is a sole proprietorship or employs or retains only one employee, the main entry door shall be unlocked at all times during business hours.
- b. No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.
- c. Minimum lighting equivalent to at least one 40-watt light shall be provided in each massage therapy room or cubicle.
- d. A minimum of one ADA compliant and handicap accessible toilet and washbasin shall be provided in every massage establishment.
- e. A massage table shall be used for all massage therapy, with the exception of "Thai," "Shiatsu," and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully clothed. Massage therapy tables shall have a minimum height of 18 inches.
- f. Beds, floor mattresses, and waterbeds are not permitted on the premises of the massage establishment, and no massage establishment shall be used for residential or sleeping purposes.
- g. All locker facilities that are provided for the use of patrons shall be fully secured for the protection of the patron's valuables, and each patron shall be given control of the key or other means of access.
- h. Minimum ventilation shall be provided in accordance with the Building Code of the City.
- i. All restrooms or washbasins shall be provided with hot and cold running water, soap, and single-service towels in wall-mounted dispensers.
- j. The massage establishment shall comply with all applicable state and local building standards and requirements, and the fire code.
- k. Except as otherwise provided in the Code, all plumbing and electrical installations shall be installed under permit and inspection of the building inspection department and such installations shall be installed in accordance with the California Building Code and the California Plumbing Code.

23. Per Beaumont Municipal Code, Section 5.44.090.C the following health and safety requirements shall be applicable to all massage establishments located within the City:

- a. The massage establishment shall at all times be equipped with an adequate supply of clean, sanitary towels, coverings, and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering, or linen has been used once, it shall be deposited in a closed receptacle, and not used again until properly laundered and sanitized. Clean towels, coverings, and linens shall be stored in closed, clean cabinets when not in use. Heavy white paper may be used in lieu of towels, coverings, or linen, provided that the paper is used once for each patron and then discarded into a sanitary receptacle.
- b. All massage therapy rooms or cubicles, wet and dry heat rooms, restrooms, shower compartments, hot tubs, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day when the premises have been or will be open and such facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.
- c. The walls in all rooms where water or steam baths are given shall have washable, mold-resistant surfaces.
- d. All liquids, creams, or other preparations used on or made available to patrons shall be kept in clean and closed containers, and according to the instructions for storage and use. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream, or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way so as to not contaminate the remaining portion.
- e. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage therapy and said instruments shall be disinfected and sterilized after each use.
- f. Pads used on massage tables shall be covered with durable, washable plastic or other acceptable waterproof material.
- g. All bathrobes, bathing suits, and/or other garments that are provided for the use of patrons shall be either fully disposable and not used by more than one patron or shall be laundered after each use.
- h. All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and not used by more than one patron or shall be fully disinfected after each use.
- i. No patrons shall be allowed to use any shower facilities of the massage establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-

flops that are provided for the use of patrons shall be either fully disposable and not used by more than one patron or shall be fully disinfected after each use.

- j. The patron's genitals, pubic area, anus, and areola must be fully covered at all times while any individual employed or retained by the massage establishment to practice massage therapy for compensation, or any other employee or operator of the massage establishment, is in the massage therapy room or cubicle with the patron. No massage therapy shall be provided to a patron that results in contact with genitals, pubic area, anus, or areola of the patron.
- k. No alcoholic beverages shall be sold, served, or furnished to any patron; nor shall any alcoholic beverages be kept, possessed, or consumed on the premises of the massage establishment.

24. Per Beaumont Municipal Code, Section 5.44.090.D the following attire and physical hygiene requirements shall be applicable to all employees and any other persons who work permanently or temporarily on the premises of the massage establishment within the City, including but not limited to, all persons who are employed or retained to practice massage therapy or bodywork for the massage establishment:

- a. No person shall dress in:
 - i. Attire that is transparent, see-through, or substantially exposes the person's undergarments;
 - ii. Swim attire, unless providing a water-based massage modality approved by the CAMTC;
 - iii. A manner that exposes the person's breasts, buttocks, or genitals;
 - iv. A manner that constitutes a violation of Section 314 of the California Penal Code.
- b. No massage establishment operator, employee, or visitor shall, while on the premises of a massage establishment and while in the presence of any patron, customer, employee or visitor, expose his or her pubic areas, areola, breasts, buttocks, or genitals.
- c. All persons shall thoroughly wash their hands with anti-bacterial soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g. abraded or cut), or where a skin infection or eruption is present.

25. Per Beaumont Municipal Code, Section 5.44.100:

- a. Any and all investigating officials of the City shall have the right to enter massage establishments from time to time during regular business hours to

CUP2020-53
Conditions of Approval
Page 8

make reasonable inspections and observe and enforce compliance with building, fire, electrical, plumbing or health regulations and this Code. A warrant shall be obtained whenever required by law.

- b. The massage establishment operator shall take immediate action to correct violation noted by the investigating official. A re-inspection will be performed within 30 days to ensure that each violation noted by the investigating official has been corrected.

BUILDING DEPARTMENT CONDITIONS

26. Any modifications to the existing use, structure and site requires construction drawings to be submitted to the Building Department for plan review, permits and inspections.
27. It shall be unlawful for any person to engage in or permit the generation of noise related to landscape maintenance, construction including erection, excavation, demolition, alteration or repair of any structure or improvement, at such sound levels, as measured at the property line of the nearest adjacent occupied property, as to be in excess of the sound levels permitted under Chapter 9 of the Municipal Code, at other times than between the hours of 7:00 a.m. and 6:00 p.m. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this Chapter for the duration of the activity during the above described hours for purposes of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed 55 dB(A) for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

FIRE DEPARTMENT CONDITIONS

With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognized fire protection standards:

28. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the

CUP2020-0053
Conditions of Approval
Page 9

arrival of combustible materials on site. Reference 2019 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

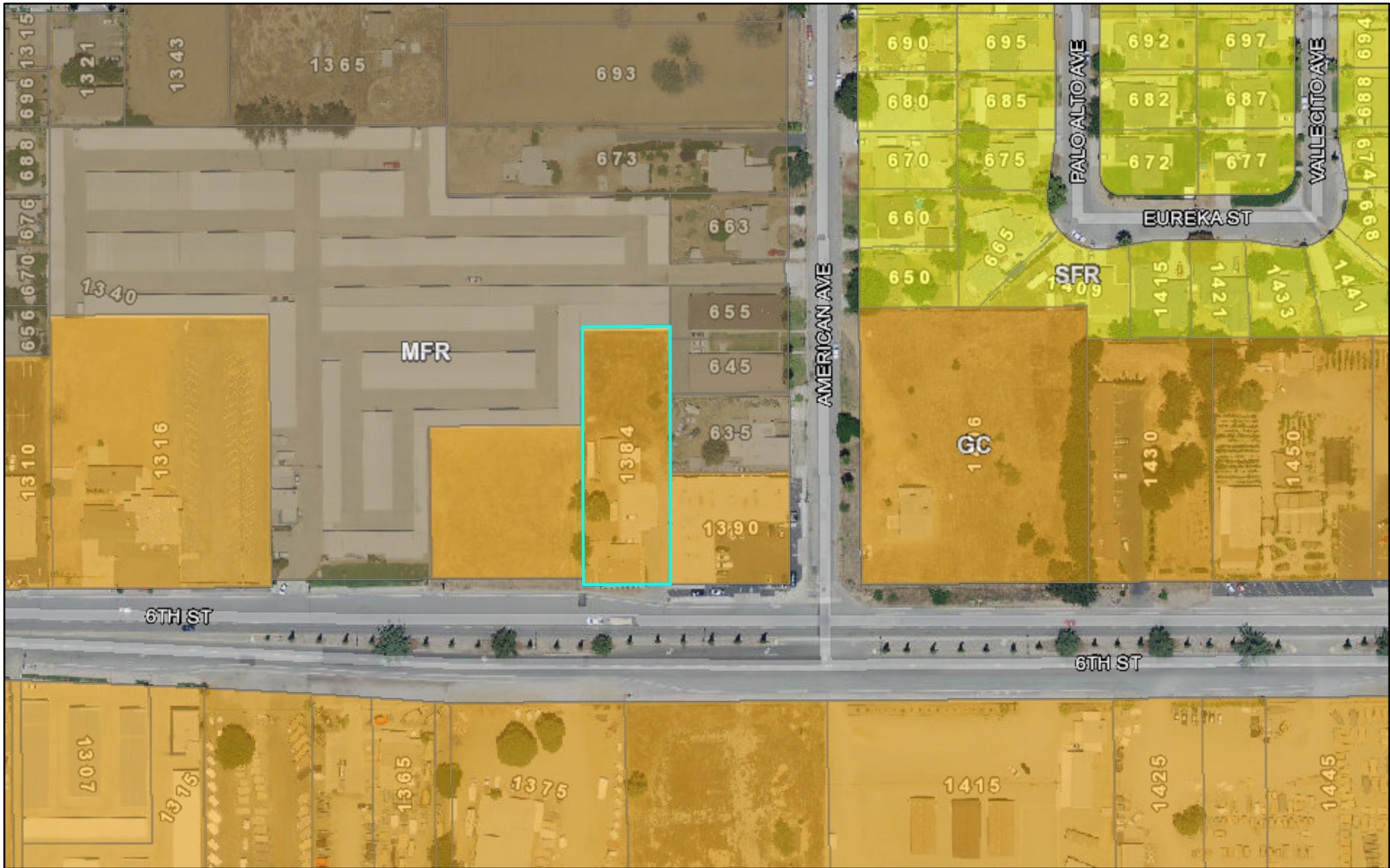
29. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
30. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01
31. 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 section- 906.1.
32. 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

POLICE DEPARTMENT

33. The address of the business shall be clearly visible from the front of the building and shall be illuminated during hours of darkness.

End of Conditions

CUP2020-0053 General Plan Land Use



10/16/2020 8:57:07 AM

General Plan

Rural Residential

Single-Family Residential

Multi-Family Residential

General Commercial

Community Commercial

Industrial

Commercial Industrial Overlay

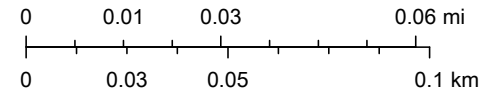
Urban Village Overlay

Beaumont Avenue Overlay

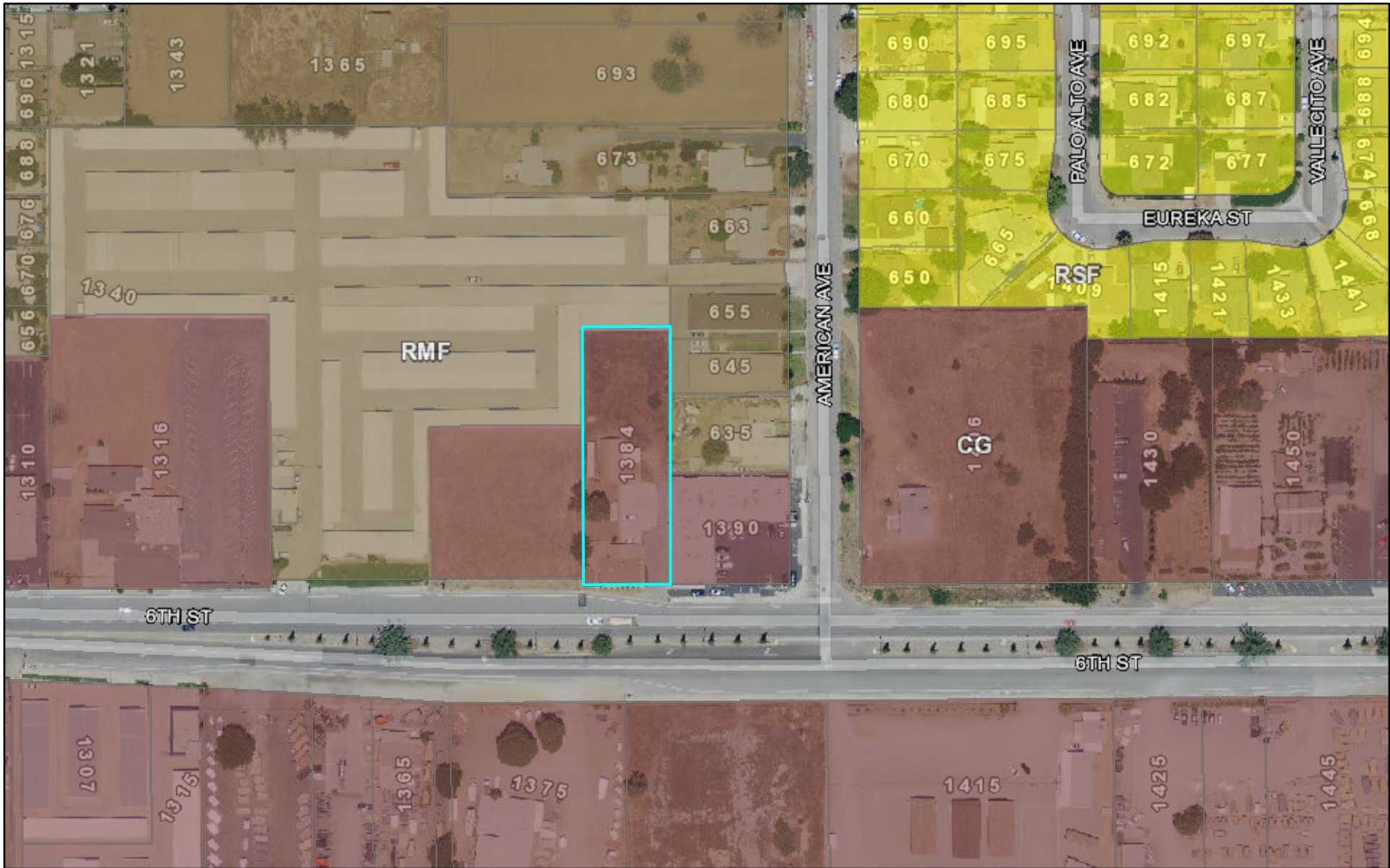
Public Facilities

Recreation and Conservation

1:2,257

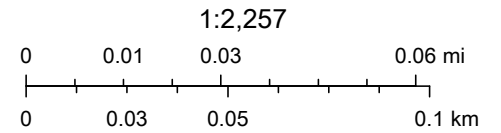


CUP2020-0053 Zoning Map



10/16/2020 8:55:36 AM

- | | | | |
|---------------------------|--------------------------|--------------------------|--------------------------|
| Zoning | Residential Multi-Family | Commercial Community | Beaumont Avenue Overlay |
| Rural Residential | Specific Plan Area | Commercial Manufacturing | Mineral Resource Overlay |
| Residential Single-Family | Commercial General | Manufacturing | Public Facilities |



CUP2020-0053 Aerial Photograph

Item 2.



Legend

-  Parcels
-  County Centerline Names
-  County Centerlines
-  Blueline Streams
-  City Areas
-  World Street Map



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

Notes

0 188 376 Feet

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THE PRESS-ENTERPRISE

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Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

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I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

10/30/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: October 30, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

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LEGAL ADVERTISEMENT

NOTICE IS HEREBY GIVEN, that the City of Beaumont will conduct public hearings to consider the matter described below. The Planning Commission's public hearing will be held at 6:00 p.m. on Tuesday, November 10, 2020 at 550 East Sixth Street, Beaumont, California.

CONDITIONAL USE PERMIT 2020-0053 (BUA LOTUS THAI MASSAGE), Conduct a public hearing and consideration of a request to allow a massage operation located at 1384 E. 6th Street (APN 419-232-017) in the Commercial General (CG) Zone within the 6th Street Overlay. The proposed application exempt from the provisions of the California Environmental Quality Act (Class 01 - Existing Facilities).

This meeting will be conducted utilizing teleconference communications and will be recorded for live streaming as well as open to public attendance subject to social distancing and applicable health orders. All City of Beaumont public meetings will be made available via live streaming and made available on the City's official YouTube webpage. Please use the following link during the meeting for live stream access:
BeaumontCa.gov/Livestream

The applicant for this project is **Molchanok Cruz**

Public comments will be accepted using the following by 1) Written comments will be accepted via email and will be read aloud during the corresponding item of the meeting. Comments can be submitted any time prior to the meeting as well as during the meeting up until the end of the corresponding item. Please submit your comments to: NicoleW@BeaumontCa.gov, 2) Phone-in comments will be accepted by joining a conference line prior to the corresponding item of the meeting, 3) In person comments subject to the adherence of the applicable health order and social distancing requirements. Public comments shall not exceed (3) minutes unless otherwise authorized by City Council.

Carole Kendrick
Senior Planner

Press-Enterprise: 10/30

Item 2.