



STAFF REPORT
11/15/2023

TO: Planning Commission Chair and Commissioners

FROM: Eva Lara, Planning Technician

SUBJECT: La Noria Fonda Cenaduria – Alcohol Sales

SPECIFICS: Conditional Use Permit No. 371 to allow liquor sales as part of a proposed 2,646 sq. ft. restaurant, “La Noria Fonda Cenaduria” for an ABC License (Type 41, On-Sale of Beer and Wine), in an existing commercial building located at 49613 Cesar Chavez Street. in the C-G (General Commercial) zone. Ana Gabriela Cota (Applicant)

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. PC2023-27 approving Conditional Use Permit No. 371 to allow a liquor sales license (Type 41, On-Sale of Beer and Wine) at La Noria Fonda Cenaduria restaurant located at an existing commercial building at 49613 Cesar Chavez Street pursuant to the findings and conditions of approval contained in the attached resolution.

BACKGROUND:

La Noria Fonda Cenaduria is a restaurant in service for the past eight years in the same location. For the last eight years, the applicant has purposely not served alcohol, but due to the recent decline in sales, the applicant believes serving beer and wine will boost sales. Moreover, the applicant attributes the recent decline in sales is to the increase of street vendors that sell food and adding beer and wine will increase their customer base.



DISCUSSION/ANALYSIS:

The applicant, Ana Gabriela Cota, has submitted a request for a Conditional Use Permit (CUP) to allow the on-sale of liquor (beer and wine) at the La Noria Fonda Cenaduria restaurant.

The zoning designation of the commercial center where the restaurant is located is within the C-G (General Commercial) and allows liquor sales with CUP approval. In December of 2016, the City adopted an ordinance requiring a conditional use permit for any off-sale and on-sale alcohol sales establishment, with additional land use regulations contained in Section 17.74.015 of the Zoning Code. The Conditional Use Permit findings are required to be made by the Planning Commission.



Section 17.74.015(C)(2) of the Municipal Code establishes that on-sale establishments must comply with the following requirements:

- a. **The establishment does not fall within seven hundred (700) feet, measured from property line to property line, of a use for religious worship, school (public or private), park, playground, residential or any similar sensitive use;**

The establishment is within 700 feet of the Coachella Mobile Home Park (abutting with the rear property line and it's about 2-minute walk to front entrance) and Kingdom Hall of Jehovah's Witness Church (688 feet).

- b. **The establishment does not fall within seven hundred (700) feet, measured from property line to property line, of an existing liquor, on-sale use;**

The establishment is within 700 feet of three establishments with a Type 41 ABC License: Sushi and Mariscos Guamuchil Restaurant (395 feet), Taqueria Allende (539 feet) and Carnitas La Piedad Restaurant (275 feet).

The planning commission may find that the public benefit outweighs the distance restrictions of subsections (a) and/or (b) above, upon additional findings that:

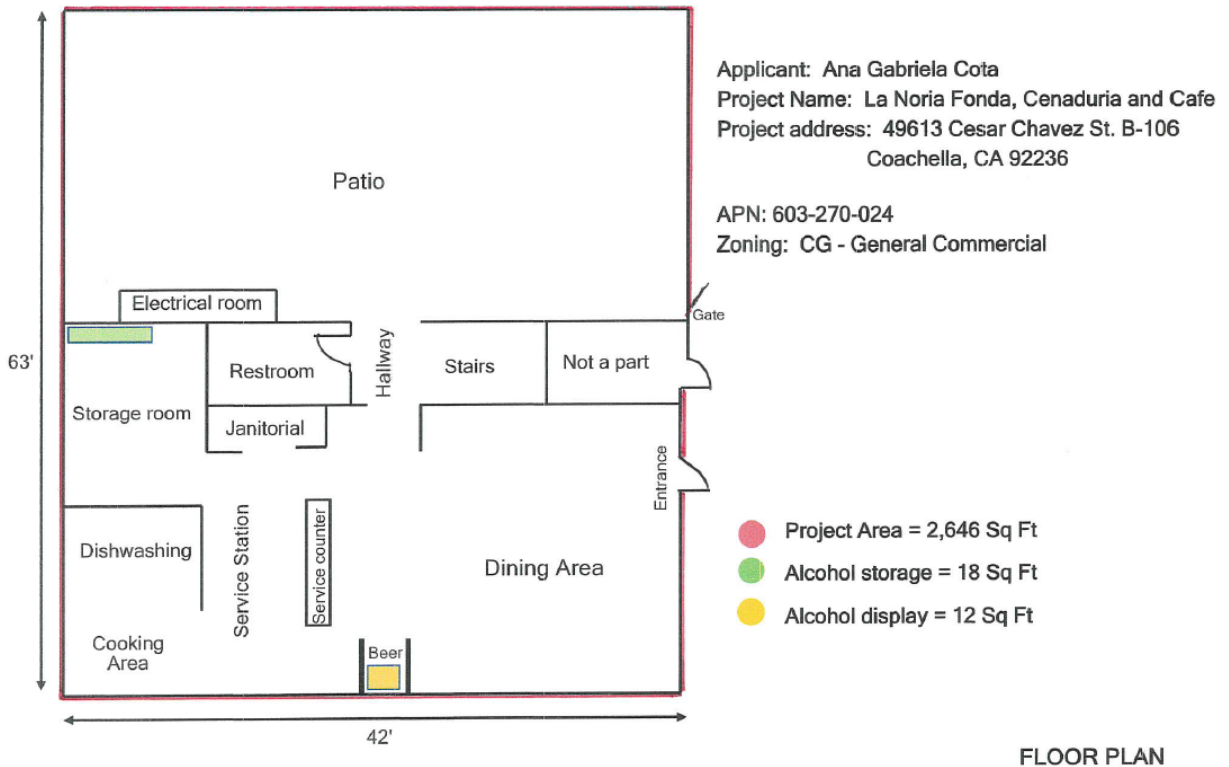
Staff recommends that the Planning Commission make the finding that the public convenience or necessity is justified to issue an on-sale beer and wine license.

(A) The establishment provides a substantial benefit to the immediate neighborhood not provided by another existing establishment within the restricted distance;

The establishment provides benefit to the immediate neighborhood as it is the one of the only establishments in the City of Coachella serving food with an outdoor patio dining experience. The patio is enclosed all around with two secured exists (following ABC regulations). Moreover, the establishment is not a bar nor club, but a restaurant that regularly serves meals and alcohol is served as an ancillary offering. Per the owner, no amplified or live music is proposed.

(B) Not greater than five percent of the sales floor area or one thousand (1,000) square feet, whichever is less, shall be used for the display or sale of alcoholic beverages;

The floor plan shown below shows the location of the display and storage of the beer and wine which is two percent of the floor area and does not exceed the five percent or the 1,000 sf for the display and storage of alcoholic beverages.



(C) That the requested establishment at the proposed location will not adversely affect the economic welfare of the nearby community;

The establishment will not adversely affect the economic welfare of the nearby community since the applicant is not establishing or introducing a new liquor license in the area. The establishment is within a commercial center along a major arterial (Cesar Chavez Street)

which provides essential services and dining for nearby residents and would continue to be an establishment that primarily serves meals to customers.

- (D) That the exterior appearance of the structure of the proposed establishment will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.**

There will be no alterations to the exterior facade of the establishment, the La Noria Fonda Cenaduria is within an existing commercial building.

- (E) Additionally, if the California Department of Alcoholic Beverage Control (ABC) notifies the City that the proposed establishment is either (1) subject to the State law moratorium/limit on the number of liquor licenses that may be issued within the city under California Business and Professions Code Section 23817.7 or, (2) is in an area of "undue concentration" of liquor licenses, as defined in California Business and Professions Code Section 23958.4; the planning commission must additionally find that the public convenience or necessity nonetheless justifies the issuance of the liquor license to the establishment.**

The subject site is located within Census Tract 9404, where ABC concentration standards allow a maximum of 5 on-sale licenses, where 17 exist as shown on Table 1. When it is determined by ABC that there is an undue concentration of on-sale licenses, the Planning Commission must make findings that the public convenience or necessity justifies the issuance of the liquor license to the establishment. It is also important to note that the City does not grant or have discretion with ABC licenses to businesses on tribal land.

On-Sale Alcohol License within Census Tract 9404			
	Buisness Name	Address	License Type
1	TAQUERIA ALLENDE	49715 HARRISON ST	41 (On-Sale Beer & Wine)
2	CARNITAS LA PIEDAD RESTAURANT	49625 US HIGHWAY 86	41 (On-Sale Beer & Wine)
3	MARISCOS GUAMUCHIL RESTAURANT	49405 GRAPEFRUIT BLVD	41 (On-Sale Beer & Wine)
4	Fraternal Order of Eagles	46425 TYLER ST	51 (Club)
5	Fraternal Order of Eagles	46425 TYLER ST	58 (Caterer's Permit)
6	SANTA FE RESTAURANT	49305 GRAPEFRUIT BLVD	47 (On-Sale General)
7	ASADERO LOS CORRALES	49975 HARRISON ST	41 (On-Sale Beer & Wine)
8	EASTERN BUFFET	49211 GRAPEFRUIT BLVD	41 (On-Sale Beer & Wine)
9	PIZZA HUT	49211 GRAPEFRUIT BLVD	41 (On-Sale Beer & Wine)
10	CARNITAS LA PIEDAD RESTAURANT	49625 US HIGHWAY 86	58 (Caterer's Permit)
11	TACO SHOP 760	48975 GRAPEFRUIT BLVD	41 (On-Sale Beer & Wine)
12	TACO SHOP 760	48975 GRAPEFRUIT BLVD	47 (On-Sale General)
13	TACOS LOS OLIVAREZ	84400 INDIO BLVD, INDIO	41 (On-Sale Beer & Wine)
14	SPOTLIGHT 29 CASINO	46200 HARRISON ST	77 (Event Permit)
15	SPOTLIGHT 29 CASINO	46200 HARRISON ST	68 (Portable Bar)
16	SPOTLIGHT 29 CASINO	46200 HARRISON ST	58 (Caterer's Permit)
17	SPOTLIGHT 29 CASINO	46200 HARRISON ST	47 (On-Sale General)

Staff contacted Lieutenant Vazquez with the Riverside County Sheriff Department regarding any concerns with the Type 41 (On-Sale Beer & Wine) license for the La Fonda Cenaduria Restaurant to see if there are any concerns the Planning Commission may want to consider when making findings or include in the conditions of approval for the Conditional Use Permit. Lieutenant Vazquez did not identify any concerns with the applicant for the La Fonda Cenaduria restaurant and does not recommend any comments for the conditions of approval.

Hours of Operation:

Sunday – Thursday: 8AM to 10:30PM
Friday & Saturday: 8AM to 11:30PM

Patio Hours:

Monday – Sunday: 8AM to 10:30PM

Environmental Setting:

The subject site is within an existing commercial building at 49613 Cesar Chavez Street substantially surrounded by urban uses, with adjoining zoning and land uses as follows:

North: Gateway Shopping Center / (C-G, General Commercial)

South: Coachella Shopping Center (Coachella Ranch Market Center) / (C-G, General Commercial)

East: Taco Mark / (C-G, General Commercial)

West: Coachella Mobile Home Park (R-M, Residential Multi-Family)

Site Plan / Parking and Circulation:

The site is fully developed and with appropriate on-site parking. In commercial districts, one parking space is required for each 250 square feet of gross floor area. The subject site has a gross floor area of 2,646, which would require the subject site to provide 10.5 parking spaces. The existing shopping center parking lot provides adequate parking for use.

ENVIRONMENTAL REVIEW:

Staff has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as “Existing Facilities” (CEQA Guidelines, Section 15301). The proposed project consists of the operation, licensing and minor alteration of an existing private commercial structure involving no expansion of existing or former commercial use on the property. The subject site has been used for commercial retail establishments and no expansions of floor area are proposed.

ALTERNATIVES

1. Adopt Resolution No. PC 2023-27 approving Conditional Use Permit No. 371 with the findings and conditions as recommended by Staff.
2. Deny the proposed Conditional Use Permit and not permit the Type 41 ABC License.
3. Continue this item and provide staff and the applicant with direction.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission approve Conditional Use Permit No. 371 with the findings and conditions listed in Resolution No. PC 2023-27.

Attachments:

1. Resolution No. PC 2023-27, Exhibit A – Conditions of Approval
2. Vicinity Map
3. Site Plan
4. Floor Plan
5. Site photos