

RESOLUTION NO. PC 2023-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 371 TO ALLOW ON-SALE OF BEER AND WINE, FOR THE 2,646 SQUARE FOOT LA NORIA FONDA CENADURIA (ABC LICENSE TYPE 41-ON-SALE BEER & WINE) IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 49613 CESAR CHAVEZ STREET (APN 603-270-024); ANA GABRIELA COTA, APPLICANT.

WHEREAS, Ana Gabriela Cota filed an application for Conditional Use Permit No. 371 (CUP 371) to allow a 2,646 square foot eating place with service of beer and wine (ABC License Type 41 – On-Sale Beer & Wine) in an existing commercial building located at 49613 Cesar Chavez Street.; Assessor’s Parcel No. 603-270-024 (“Project”); and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on CUP No. 371 on November 15, 2023 at the Coachella City Hall, 53990 Enterprise Way, Coachella, California regarding the proposed Project; and,

WHEREAS, at the Planning Commission hearing, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

WHEREAS, the Project is permitted pursuant to Chapter 17.74 of the Coachella Municipal Code.

WHEREAS, the proposed use is necessary or desirable for the development of the community, is consistent with the objectives of the City’s General Plan and is not detrimental to the existing uses or the uses specifically permitted in the zone in which the proposed use is to be located; and,

WHEREAS, the proposed site is part of an existing commercial center and the establishment currently does not serve alcoholic beverages, but can accommodate for the proposed ABC Type 41- On-Sale Beer & Wine; and,

WHEREAS, the site for proposed use relates properly to streets which are designed to carry the type and quantity of traffic to be generated by the proposed use; and,

WHEREAS, the proposed project is exempt from the California Environmental Quality Act, as amended; and,

WHEREAS, the conditions as stipulated by the City are necessary to protect the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Coachella, California does hereby approve Conditional Use Permit No. 371 subject to the findings and conditions of approval listed below.

Section 1. Incorporation of Recitals

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

Section 2. CEQA Findings

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as an “Existing Facilities” project (CEQA Guidelines, Section 15301a) as the proposed on-sale of beer and wine will occur in an existing private commercial structure involving negligible or no expansion of existing or former commercial use on the property.

Section 3. Conditional Use Permit Findings

With respect to Conditional Use Permit No. 371, the Planning Commission finds as follows for the existing restaurant with sale of beer and wine (ABC License Type 41 – On Sale Beer and Wine):

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the general plan since the existing restaurant use with alcohol sales is within the Neighborhood Center land use designation according to the General Plan 2035, which allows the intended physical character to provide convenient access and parking for motorists with the need to provide a comfortable, walkable environment for shoppers and diners. The on-sale offerings of beer and wine at La Noria Fonda Cenaduria will provide a unique service to the Neighborhood Center and citywide that accomplish the goals of the General Plan.
2. The proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing character of the general vicinity and shall not change the essential character of the same area because the proposed use is within a zoning designation of ‘C-G’ (General Commercial) which permits liquor sales subject to obtaining a conditional use permit to sell alcoholic beverages. The proposed use is located on Cesar Chavez Street and is compatible with the adjoining commercial uses and the conditional use permit can be revoked if any of the conditions of approval are violated.
3. Consideration has been given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities, to harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of development, because the existing commercial tenant space is within an existing commercial building with all infrastructure available on-site for the proposed convenience store and the existing commercial parking lot.

4. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole. As conditioned, the proposed use will provide for the sale of alcoholic beverages. The Riverside County Sheriff indicated that there are no concerns about the operations of this establishment, including service of on-sale beer and wine. The Sheriff's Department does not recommend conditions related to public safety concerns. As such, there are no anticipated hazardous or disturbing effects to the existing and neighboring uses.
5. The proposed use provides vehicular approaches to the property designed for reasonable minimal interference with traffic on surrounding public streets or roads as the commercial center that the subject business is located in is already existing and traffic and vehicular approaches were already considered and approved by the City Engineer and the Planning Commission.
6. Although the La Noria Fonda Cendauria restaurant falls within seven hundred 700 feet, measured from property line to property line, of three Type 41 on-sale liquor uses, Sushi and Mariscos Guamuchil Restaurant (395 feet), Taqueria Allende (539 feet) and Carnitas La Piedad Restaurant (275 feet), and residential uses, the benefit of the restaurant outweighs the distance restrictions and the public convenience or necessity is justified to issue the on-sale beer and wine license as the restaurant will offer outdoor dining in the commercial center on a major corridor envisioned to have such uses and the serving of alcohol would be ancillary to the serving of food. A condition of approval for CUP 371 requires that not greater than 5% of the sales floor area, or 1,000 square feet, whichever is less, shall be used for the display or sale of alcoholic beverages and the restaurant abides by this regulation. No amplified music will be played.
7. The convenience store establishment at the location will not adversely affect the economic welfare of the nearby community, but rather would expand the availability of jobs and would serve as an anchor for the commercial corridor, which would also provide jobs and increase the City's sales tax revenues.
8. The exterior appearance of the structure of the existing 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. The business is located within an existing private commercial structure.

Section 4. Planning Commission Approval

Based on the foregoing recitals and findings above, and the written and oral comments, facts and evidence presented, the City of Coachella Planning Commission approves Conditional Use Permit No. 371 project subject to and amended by conditions of approval in "Exhibit A."

PASSED APPROVED and ADOPTED this 15th of November 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ruben Gonzalez
Planning Commission Chairperson

ATTEST:

Gabriel Perez
Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. PC2023-27 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 15th of November 2023 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary