

**RESOLUTION NO. PC 2022-30**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 355 TO ALLOW ON-SALE BEER, WINE, AND DISTILLED SPIRITS SERVICE FOR THE 4,590 SQUARE SANTA FE RESTAURNAT EATING PLACE (ABC LICENSE TYPE 47 – ON-SALE BEER, WINE, DISTILLED – GENERAL), IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 49305 GRAPEFRUIT BLVD, PEDRO PADILLA, APPLICANT.**

**WHEREAS**, Pedro Padilla Ayon filed an application for Conditional Use Permit No. 355 (CUP 355) to allow a 4,590 square foot eating place with service of beer and wine (ABC License Type 47 – On Sale Beer, Wine and Distilled Spirits – On-Sale) in an existing commercial building located at 49305 Grapefruit Blvd; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 355 on July 26, 2022 at the City of Coachella City Hall Council Chambers, 1515 Sixth Street, 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 adequate in size and shape to accommodate the proposed restaurant with on-sale beer and 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. 355, subject to the findings and conditions of approval listed below.

**FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT NO. 355:**

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 because the proposed restaurant use with alcohol sales is within the Suburban Retail District land use designation according to the General Plan 2035, which allows for restaurant uses.
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 cocktail lounges subject to obtaining a conditional use permit to sell alcoholic beverages. The proposed use in an existing commercial shopping center and has operated as a restaurant for several years with adjoining commercial uses. 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 existing restaurant. Due to the location within an existing shopping center parking is existing within the center and the subject commercial suites have been occupied with restaurant uses. Traffic impacts were evaluated in relation to the environmental review of the existing shopping center upon original approval.
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 no concerns about the operations of this establishment including service of on-sale alcohol. The Sherriff's Department not recommend conditions related to public safety concerns. As such, there will be no 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. Vehicular approaches already exist within the shopping center from Grapefruit Boulevard and are sufficient to serve the subject building pad and restaurant use.
6. The City of Coachella has determined 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 service of liquor will occur in conjunction with an existing business in an existing commercial building.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 355:**

1. Conditional Use Permit No. 355 is an approval for the on sale of beer, wine and distilled spirits in conjunction with the Santa Fe Restaurant eating place. This approval is based on the floor plan submitted for the proposed project. Violation of any of the conditions of approval shall be cause for revocation of the Conditional Use Permit.
2. Alcohol sales must be commenced within 12 months of the effective date of this Conditional Use Permit unless a request for an extension of time is reviewed by the Planning Commission. A request for time extension shall be filed in a timely manner with applicable fees.
3. Any break in service, meaning the closure of the restaurant use for a period of 180 consecutive days, will result in the expiration of this CUP.
4. The applicant will agree to defend and indemnify the City of Coachella against all claims, actions, damages, and losses, including attorney fees and costs, in the event that anyone files legal challenges to the approval of this project on the basis of the California Environmental Quality Act (CEQA). Prior to the issuance of building permits, the applicant shall execute a standard indemnification agreement subject to review by the City Attorney.
5. The use shall meet the standards within the limits established by the Coachella Municipal Code as related to emissions of noise, odor, dust, vibration, wastes, fumes, or any public nuisances arising or occurring incidental to the establishment or operation.
6. Hours of operation for the restaurant may be from 8:00 a.m. to 1:00 am Thursday through Saturday, with last call for alcohol service at 12:30 a.m. Hours of operation of the restaurant Monday through Wednesday may be from 8:00 a.m. to 10 p.m.
7. The applicant shall comply with all requirements imposed by the State Department of Alcoholic Beverage Control and a review of this conditional use permit will be required if the business results in an increase in floor area.
8. The applicant may not conduct entertainment related activities such as live bands, DJ's or other entertainment activities as defined in the Coachella Municipal Code without first obtaining an entertainment establishment permit from the City of Coachella with approval from the Coachella City Council.
9. Conditional Use Permit No. 355 shall not be considered effective until the applicant has obtained all required tenant improvement permits from the County Health Department, Fire Department, and Coachella Building Division.
10. The proposed outdoor patio shall not be utilized for outdoor dining or alcohol service until all permits have been issued by the City of Coachella Building Division and California Department of Alcohol Beverage Control.

**PASSED APPROVED and ADOPTED** this 26<sup>nd</sup> day of July 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Virgen  
Planning Commission Chairperson

**ATTEST:**

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Gabriel Perez  
Planning Commission Secretary

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

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

**I HEREBY CERTIFY** that the foregoing Resolution No. PC2022-30 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 26<sup>th</sup> day of July 2022 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gabriel Perez  
Planning Commission Secretary