



**STAFF REPORT**  
**4/19/2023**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Eva Lara, Planning Technician

**SUBJECT:** AM PM – Type 21 Alcohol Sales

**SPECIFICS:** Conditional Use Permit No. 364 to allow liquor sales as part of a proposed 5,170 sq. ft. “AMPM” convenience store (ABC License Type 21, Off-Sale General) in an existing commercial building located at 48055 Grapefruit Blvd. in the C-G (General Commercial) zone. GSC & Son Corporation (Applicant)

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**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. PC2023-08 approving Conditional Use permit No. 364 to allow a liquor sales license (Type 21 On Sale General Alcohol License) at the AMPM convenience store located at 48055 Grapefruit Blvd. pursuant to the findings and conditions of approval contained in the attached resolution.

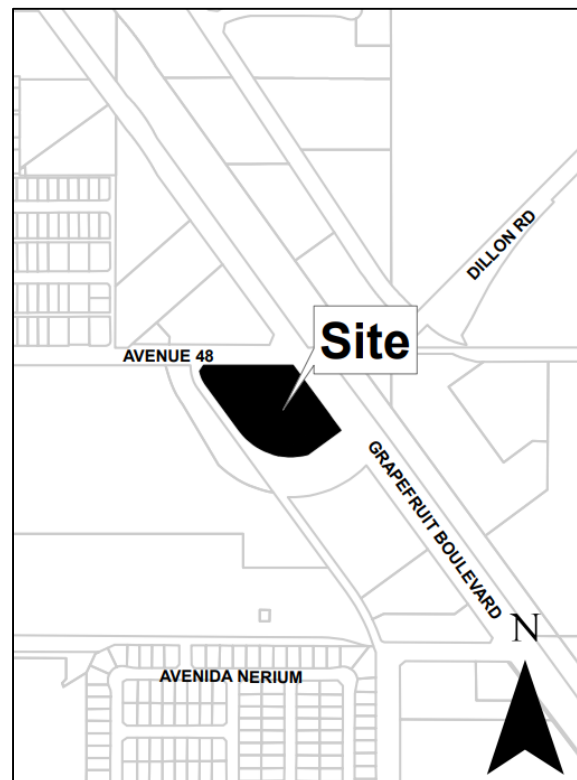
**BACKGROUND:**

The subject site is an existing commercial tenant space located within a 1.7-acre commercial building located at 48055 Grapefruit Blvd. The AMPM convenience store currently utilizes Type 20 Off -Sale Beer and Wine license type with the California Department of Alcohol Beverage Control (ABC) since September 2017.

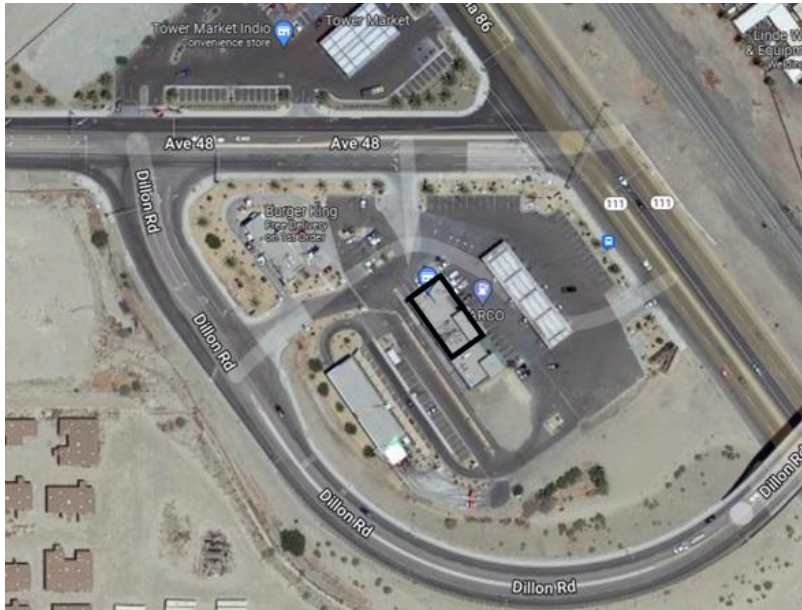
In March 2022, the applicant applied for a Type 21 On Sale General Alcohol License with the City; however, the applicant withdrew the application in June 2022 due to related concerns over the abandoned sign removal, landscape maintenance and sidewalk improvements conditioned in CUP 350 and Resolution No. PC 2022-07.

**DISCUSSION/ANALYSIS:**

The applicant, GSC & Son Corporation, has submitted a request for a Conditional Use Permit



(CUP) to allow the off sale of liquor (beer, wine and distilled spirits) at the AMPM convenient store. The AMPM convenient store currently holds Type 20 off-sale beer and wine license, which will be surrendered once the Type 21 is issued.



The zoning designation of the commercial center where the store is proposed is within the C-G (General Commercial) and allows liquor sales with approval of a CUP. 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 off-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; and**

The establishment is within 700 feet of Rancho Las Flores Park and residences.

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

The establishment is within 700 feet of other off-sale establishments, which is the Tower Market across the street north of Avenue 48; however, the Tower Market is not within the City of Coachella jurisdiction but within the City of Indio.

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

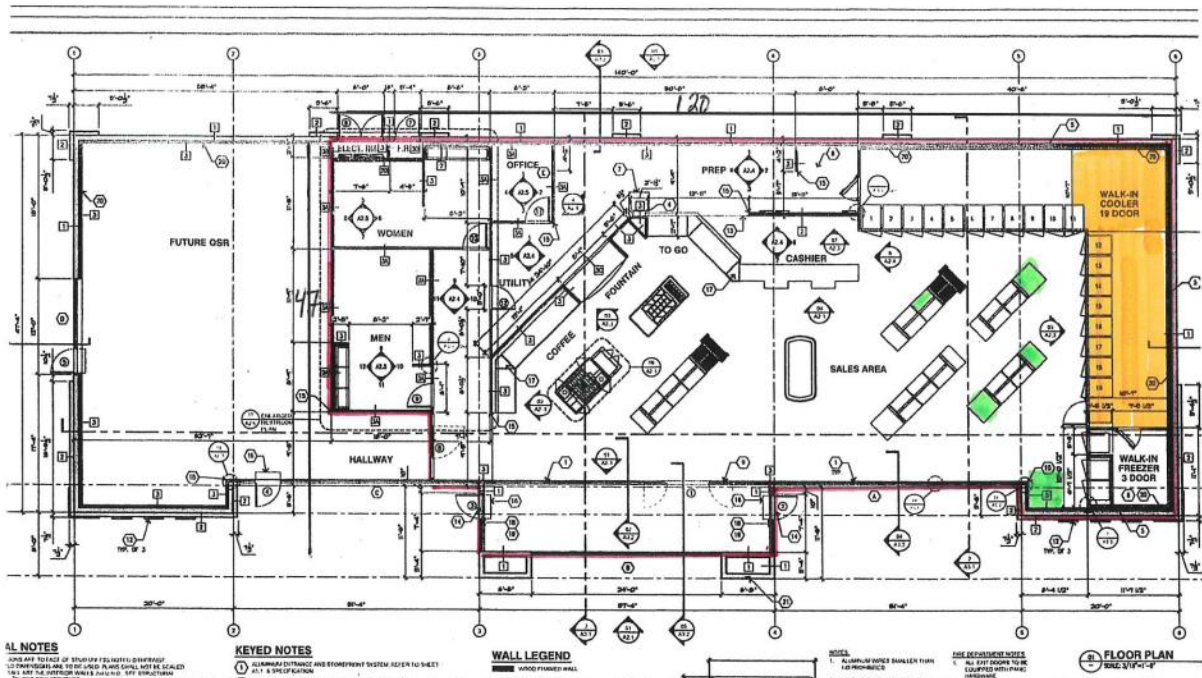
Staff recommends that the Planning Commission makes the finding that the public convenience or necessity is justified to issue the off-sale beer, wine and distilled spirits license as the convenient store offers goods and services in the nearby neighborhood.

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

The establishment provides benefit to the immediate neighborhood, as it is the one of the only facilities in the City of Coachella offering food and fueling services to the neighborhood at the most northwest city boundary. There is an existing convenience store to the North, Tower Market, that also provides the sale of food items, alcoholic beverages, and fuel.

- (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 and picture shown below shows the location of the display and storage of the beer, wine and distilled spirits, which is 4.5 percent, which does not exceed the five percent or the 1,000 sf for the display and storage of alcoholic beverages.



**ALL NOTES**  
 1. ALL PARTS OF THIS PLAN SHALL BE TO SCALE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
**KEYED NOTES**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
**WALL LEGEND**  
 1. WOOD FINISHED WALL  
**NOTES**  
 1. ALL PARTS OF THIS PLAN SHALL BE TO SCALE UNLESS OTHERWISE NOTED.  
**DEPARTMENT NOTES**  
 1. ALL PARTS OF THIS PLAN SHALL BE TO SCALE UNLESS OTHERWISE NOTED.  
**FLOOR PLAN**  
 1. ALL PARTS OF THIS PLAN SHALL BE TO SCALE UNLESS OTHERWISE NOTED.

Total Square Footage: 5,170 square feet  
 Liquor storage: 192 square feet  
 Liquor display: 43.5 square feet

G & SON CORPORATION  
 DBA: AMPM  
 48055 Grapefruit Blvd.  
 Coachella, CA 929236

- c. That the requested establishment at the proposed location will not adversely affect the economic welfare of the nearby community; and**

Moreover, 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, rather is it a change of a type of liquor license. The establishment is within a commercial center along a major arterial (Grapefruit Blvd.) which provides essential services for nearby residents like food and fuel. However, staff added conditions to the project since it is within a commercial center along an entry way commercial corridor to the City of Coachella. One of the conditions is to provide general upkeep of the perimeter landscape along the entire commercial center to a first-class condition. This includes the removal of dead or trash debris and replacement plant material of along the perimeter landscape of the commercial center. Another condition is to complete the sidewalk network along the vacant southeast frontage of the commercial center along Grapefruit Blvd. (APN: 603-220-057)

- 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 AMPM convenient store was built along with the other structures within the site. In addition, a condition has been added to include the requirement of providing Covenants, Conditions and Restrictions (CC&R) and name the City as third-party beneficiary containing obligation of maintenance obligations such as private landscaping, private streets, sidewalks and other pertinent items.

- D. 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 9404.00, where ABC concentration standards allow a maximum of 3 of off-sale licenses, where 12 exists as shown on Table 1. When it is determined by ABC that there is an undue concentration of off-sale licenses, the Planning Commission must make findings that the public convenience or necessity justifies the issuance of the liquor license to the establishment.

**Table 1 – Off-Sale Alcohol Licenses**

<b>Off-Sale Alcohol License within Census Tract 9404.00</b>			
<b>Business Name</b>		<b>Address</b>	<b>License Type</b>
1	Food 4 Less 517	49241 Grapefruit Blvd.	21 (General)
2	Coachella Travel Center	46155 Dillon Rd.	20 (Beer and Wine)
3	Victory Liquor & Sports Goods	49968 Cesar Chavez St.	21 (General)
4	CVS Pharmacy	84010 Avenue 50	21 (General)
5	Garibaldi Meat Market	49975 Harrison St.	20 (Beer and Wine)
6	Coachella Florist	49889 Harrison St.	20 (Beer and Wine)
7	Family Dollar	49681 Harrison St.	20 (Beer and Wine)
8	Coachella Oil Corporation	46651 Dillon Rd.	20 (Beer and Wine)
9	Smart & Final Store 718	49978 Harrison St.	21 (General)
10	Baja Meat Market	47570 Van Buren St.	21 (General)
11	ARCO AMPM	48055 Grapefruit Blvd.	20 (Beer and Wine)
12	Tower Market	84417 Indio Blvd.	21 (General)

Per ABC, If the applicant surrenders the current type 20 upon issuance of the type 21, a PCN letter is required. The applicant’s intent is to surrender existing Type 20 and replace it with the new Type 21 license, if approved by the Planning Commission.

Staff contacted the Lieutenant Vazquez with the Riverside County Sheriff regarding any concerns or complaints for the AMPM convenient store License change from Type 20 to Type 21 Liquor License that the Planning Commission may want to consider when making findings or including conditions of approval for the CUP. Lieutenant Martinez did not identify any concerns with the applicant for the AMPM Convenient Store and does not recommend any conditions of approval.

Hours of Operation:

The AMPM convenient store will continue the same operating hours, which is open for 24 hours, every day of the week.

Environmental Setting:

The subject site is within an existing commercial building at 48055 Grapefruit Blvd substantially surrounded by urban uses, with adjoining zoning and land uses as follows:

North: Tower Market/City of Indio

South: Lighthouse Marijuana Dispensary / (C-G, General Commercial)

East: Highway 111 & Railroad

West: Lighthouse Marijuana Dispensary / (C-G, General Commercial)

### Site Plan / Parking and Circulation:

The site is fully developed with three points of access, one from Grapefruit Blvd., second one from Avenue 48 and third one from Dillon Road. The site provides ample parking spaces for the existing commercial center. No modifications to the site are proposed with this request. The subject site does not provide a direct access point to the nearby Rancho Las Flores Park and is separated by the Dillon Road grade separation and the Glenroy hotel site.

### Landscape:

There is an approved landscape plan for the Coachella Gateway commercial center, which includes the AM PM, Burger King, Car Wash, and future commercial building on existing vacant pads (Attachment 5). The Development Services Department initiated efforts to bring existing shopping centers citywide into compliance with approved landscape plans and ensure regular landscape maintenance in a first class condition. Staff has also revisited landscape conditions for projects requesting new entitlements to ensure landscape areas are improved and that maintenance agreements between the city and owner are in place to ensure long-term maintenance occurs according to City expectations.

During an April 2023 walk-through by Staff, it was observed that landscape areas were recently re-planted for AM PM consistent with the approved landscape plan. There are areas on this pad that need to be improved as Staff observed removed trees. In the remainder of the commercial center, the landscape areas need to be improved for consistency with the original landscape plans. An extensive amount of removed and missing shrubs were observed in the remainder landscape areas. The landscape areas shown on the landscape plan for future pads would be required upon the construction of those future commercial buildings. Staff met with the applicant April 12, 2023 to discuss staff concerns regarding landscape maintenance and the applicant expressed interest in improving all landscape areas. Conditions of approvals # 3, 4, 5 are included in Resolution No. PC 2023-08 to specifically address landscape improvements and maintenance.

### **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.

### **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. 364 with the findings and conditions listed in Resolution No. PC 2023-08.

1. Adopt Resolution No. PC 2023-08 approving Conditional Use Permit No. 364 with the findings and conditions as recommended by Staff.
2. Deny the proposed Conditional Use Permit and not permit the sale of distilled spirits.
3. Continue this item and provide staff and the applicant with direction.

Attachments:

1. Resolution No. PC 2023-08
2. Vicinity Map
3. AM PM Convenient Store Floor Plan
4. Existing Conditions Photos
5. Landscape Plan