

**RESOLUTION NO. PC 2022-26**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 358 AND AMENDMENT TO ARCHITECTURAL REVIEW NO. 15-12 FOR A MODIFICATION TO THE EXISTING MCDONALD'S RESTAURANT DRIVE THROUGH TO ACCOMMODATE ADDITIONAL VEHICLE QUEUING LOCATED ON .83 ACRES AT 50090 CESAR CHAVEZ STREET, SARAREE JIRATTIKANCHOTE, APPLICANT.**

**WHEREAS**, Sararee Jirattikanchote filed an application for Conditional Use Permit No. 358 (CUP 358) and amendment to Architectural Review (AR) No. 15-12 to reconfigure an existing McDonald's restaurant drive through in an existing commercial center located at 50090 Cesar Chavez Street; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 358 and AR No. 15-12 on November 2, 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 (Conditional Uses) 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 traffic and parking; 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 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 a "Replacement or Reconstruction" project (CEQA Guidelines, Section 15303) as the project would replace existing drive through facilities on the same site where existing drive through facilities currently exist. The subject site is .83 acres having reciprocal access and combined street frontage within the Fountainhead Plaza commercial center.; 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. 358, 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 a “Replacement or Reconstruction” project (CEQA Guidelines, Section 15303) as the project would replace existing drive through facilities on the same site where existing drive through facilities currently exist. The subject site is .83 acres having reciprocal access and combined street frontage within the Fountainhead Plaza commercial center.

**Section 4.** Conditional Use Permit Findings

With respect to Conditional Use Permit No. 358, the Planning Commission finds as follows for the proposed freestanding sign request:

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 except as recognized that the project has vested rights as to the existing drive-thru lane for the restaurants as it was approved prior to the new General Plan being adopted. The site has a General Commercial (C-G) land use designation that allows for quick-serve restaurants with a drive-thru subject to Conditional Use Permit approval which is the underlying entitlement for the existing McDonald's Restaurant.
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 restaurant uses. 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 pad has been occupied by the existing restaurant building. The proposed drive through reconfiguration would remove 15 parking spaces but would result in a parking surplus of two spaces pursuant to the Coachella Municipal Code Parking Ordinance. 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 drive through fast food establishment sales with a drive through configuration that will avoid traffic back-ups and conflicts.
  - The owner is responsible for making site modifications if there are observed problems with the new drive through configuration.
  - Landscape areas will be rehabilitated to comply with Zoning Ordinance requirements and a landscape agreement will be entered into with the City of Coachella to ensure landscape maintenance occurs in a first class condition.
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 Cesar Chavez, First Street and Oates Lane and are sufficient to serve the subject building pad and restaurant use.
6. 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 a “Replacement or Reconstruction” project (CEQA Guidelines, Section 15303) as the project would replace existing drive through facilities on the same site where existing drive through facilities currently exist. The subject site is .83 acres having reciprocal access and combined street frontage within the Fountainhead Plaza commercial center.

#### **Section 4.** Architectural Review Findings.

With respect to the amendment to Architectural Review No. 15-12, the Planning Commission finds as follows for the proposed freestanding sign request:

1. Compatibility with neighboring property. The existing condition of the McDonald’s drive through results in negative traffic impacts to neighboring properties and the interim modification has resulted in negative aesthetics for the commercial center. The proposed drive through reconfiguration would result in positive traffic impacts

to neighboring properties

2. The Zoning Ordinance development standards allows for drive through establishments with the approval of a conditional use permit.
3. The proposed sign would not impact traffic congestion as the proposed drive through configuration would accommodate queuing vehicles and prevent vehicle back-ups that may affect circulation within the commercial center and public streets.
4. That approval of the Architectural Review No. 15-12 will not adversely effect any element of the general plan as the general plan does no prescribe sign standards or appearance.

**Section 5.** 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. 358 and Architectural Review No. 15-12 project subject to and amended by conditions of approval in “Exhibit A.”

**PASSED APPROVED and ADOPTED** this 16<sup>th</sup> day of November 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. PC2022-26 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 16<sup>th</sup> day of November 2022 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gabriel Perez  
Planning Commission Secretary