

**RESOLUTION NO. PC 2023-20**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 366 TO ALLOW ON-SALE BEER, WINE, AND DISTILLED SPIRITS SERVICE FOR THE 2,463 SQUARE SUSHI MARISCOS GUAMUCHIL RESTAURNAT EATING PLACE (ABC LICENSE TYPE 47 – ON-SALE BEER, WINE, DISTILLED – GENERAL), IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 49405 GRAPEFRUIT BLVD, MAYRA BOJORQUEZ, APPLICANT.**

**WHEREAS**, Mayra Bojorquez filed an application for Conditional Use Permit No. 366 (CUP No. 366) to allow a 2,463 square foot eating place with service of beer, wine and distilled spirits (ABC License Type 47 – On Sale Beer, Wine and Distilled Spirits – On-Sale) in an existing commercial building associated with an operating restaurant located at 49405 Grapefruit Blvd; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 366 on July 19, 2023 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. 366, 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 off-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. 366, the Planning Commission finds as follows for the proposed convenience store with sale of beer and wine (ABC License Type 47 – On-Sale Beer, Wine and Distilled Spirits – Eating Place):

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. Although the Susi Mariscos Guamuchil does fall within seven hundred (700) feet, measured from property line to property line, of two on-sale alcohol uses (Santa Fe Restaurant, Mi Lindo Sinaloa and Santa Fe Restaurant), and residential uses, the benefit of the convenience store outweighs the distance restrictions and the public convenience or necessity is justified to issue the on-sale beer, wine and distilled spirits license as the restaurant will offer a wide selection of food in a commercial center on a major corridor envisioned to have such uses. Santa Fe restaurant is approximately 80 feet to the North in the same shopping center. Mi Lindo Sinaloa is approximately 176 feet to the Southwest and is within the Coachella Shopping Center. The nearest residence is approximately 186 feet to the south but located within a walled mobile home complex with an entrance 529 feet away from the restaurant. A condition of approval for CUP 366 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.
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 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. The business is located within an existing private commercial structure.
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.

**PASSED APPROVED and ADOPTED** this 19<sup>th</sup> day of July 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ruben Gonzalez  
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. PC2023-20 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 19<sup>th</sup> day of July 2023 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gabriel Perez  
Planning Commission Secretary