

RESOLUTION NO. PC 2022-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 350 TO ALLOW OFF-SAE BEER, WINE, DISTILLED SPIRITS FOR THE 5,170 SQUARE FOOT “AMPM” CONVENIENCE STORE (ABC LICENSE TYPE 21- OFF-SALE GENERAL) IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 48055 GRAPEFRUIT BLVD. (APN 603-220-056); GSC & SON CORPORATION, APPLICANT.

WHEREAS, GSC & SON Corporation filed an application for Conditional Use Permit No. 350 (CUP 350) to allow a 5,170 square foot eating place with service of beer, wine and distilled spirits (ABC License Type 21 – Off-Sale General) in an existing commercial building located at 48055 Grapefruit Blvd.; Assessor’s Parcel No. 603-220-056 (“Project”); and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on CUP No. 350 on March 16, 2022 at the Coachella Permit Center, 53-990 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 utilizes an ABC Type 20 – Off-Sale Beer and Wine and will accommodate the proposed ABC Type 21- Off-Sale General; 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. 350, subject

to the findings and conditions of approval listed below.

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT NO. 350:

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 retailers located in major crosstown corridors, retail districts balance the need to provide convenient access and parking for motorists providing an attractive shopping environment. The proposed Type 21 Off-Sale General liquor license support the type of established as convenient store located at the major arterial supporting 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 convenient store subject to obtaining a conditional use permit to sell alcoholic beverages. The proposed use in the C-G zone 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.
2. 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 has all infrastructure available on-site for the convenient store. The project was part of a commercial center that was approved by Planning Commission as Architecture Review 12-07, CUP 254 and CUP 256, therefore the project conforms to the on-site parking pursuant to the City Parking Ordinance Chapter 17.54.
3. Although the AMPM Type 21 Off-Sale General establishment does fall within seven hundred (700) feet, measured from property line to property line of Rancho Las Flores Park and residences at the Carver Tract Neighborhood located outside of Coachella city limits. establishment is not fronting with no direct access to the nearby residences and park rather it is oriented towards the major arterial, Grapefruit Blvd.
4. Although the AMPM Type 21 Off-Sale General establishment does fall within seven hundred (700) feet, measured from property line to property line, of a convenient store, with a Type 21 Off-Sale General, 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. The establishment provides benefit to the immediate neighborhood, as it is the one of the facilities offering food and services to the neighborhood at the most northwest city boundary. The establishment will have 4.5 percent display and storage of alcoholic beverage which is less than the requirement of 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.

5. The AMPM Type 21 Off-Sale General establishment at the location will not adversely affect the economic welfare of the nearby community since general access to the establishment 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. The project has been condition to provide general upkeep of the perimeter landscape along the entire commercial center to an acceptable 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 install sidewalk along the southeast portion of the commercial center specifically the frontage (along Grapefruit Blvd.) of the vacant parcel APN: 603-220-057.
6. 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.
7. 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 Type 21 – Off-Sale General Alcohol License. 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 interference with traffic on surrounding public streets or roads. Existing vehicular approaches from Avenue 48, Dillon Road, and Grapefruit Blvd. will be utilized for the project. Existing on-site vehicular parking is sufficient.
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. 350:

1. Conditional Use Permit No. 350 is an approval for the on sale of beer, wine and distilled spirits in an existing commercial facility AMPM convenient store. 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. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval prior to establishment of the Type 21 License and sale of distilled spirits. The proposed CC&Rs shall contain the Association's/Owner's maintenance obligations with respect to various facilities including, but not limited to, right-of-way and private landscaping, private streets, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity. The City of Coachella shall be listed as an express third party beneficiary and be reviewed and approved by the City Attorney's office prior to recordation.
4. The CUP No. 350 will be considered effective upon replacement of on-site missing, dead or decaying landscaping and removal of the abandoned pylon frame to the satisfaction of the Code Enforcement Manager and Development Services Director. The applicant shall arrange a field inspection with the Code Enforcement Manager and Development Services Director to affirm that this conditional approval was addressed. The Development Services Director will confirm with the CA Alcohol Beverage Control that this condition has been satisfied at that the CUP No. 350 is considered affective.
5. The site landscaping shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as soon as practicable, and in accordance with the approved landscape plan.
6. The applicant shall install and continue the sidewalk along the southeast portion of the commercial center specifically the frontage (along Grapefruit Blvd.) of the vacant parcel APN: 603-220-057.
7. Any break in service, meaning the closure of the convenience convenient store for a period of 180 consecutive days, will result in the expiration of this CUP.
8. 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.

9. 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.
10. Hours of operation will continue the same operating hours, which open for 24 hours.
11. 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.

PASSED APPROVED and ADOPTED this 16th day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Virgen
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. PC2022-07 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 16th day of March 2022 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary