



**STAFF REPORT**  
**4/20/2022**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Nikki Gomez, Associate Planner

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

**SPECIFICS:** Conditional Use Permit No. 350 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:**

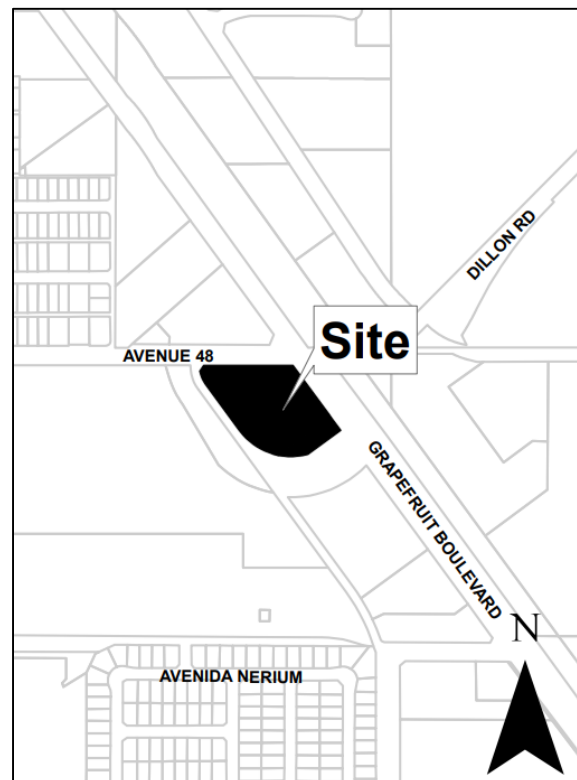
Staff recommends that the Planning Commission adopt Resolution No. PC 2022-07 approving Conditional Use permit No. 350 to allow a liquor sales license (Type 21 On Sale General Alcohol License) at AMPM convenient store located at 48055 Grapefruit Blvd. pursuant to the findings and conditions of approval 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 convenient store currently utilizes Type 20 Off -Sale Beer and Wine license type with the California Department of Alcohol Beverage Control since September 2017. The project was initially scheduled to go before the Planning Commission on April 6, 2022. The applicant requested for the proposed project to be continued on a certain of April 20, 2022 as the applicant needed more time to review and evaluate the conditions of approval.

**DISCUSSION/ANALYSIS:**

The applicant, GSC & Son Corporation, 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 at the Carver Tract Neighborhood located outside of Coachella city limits.

- 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:**

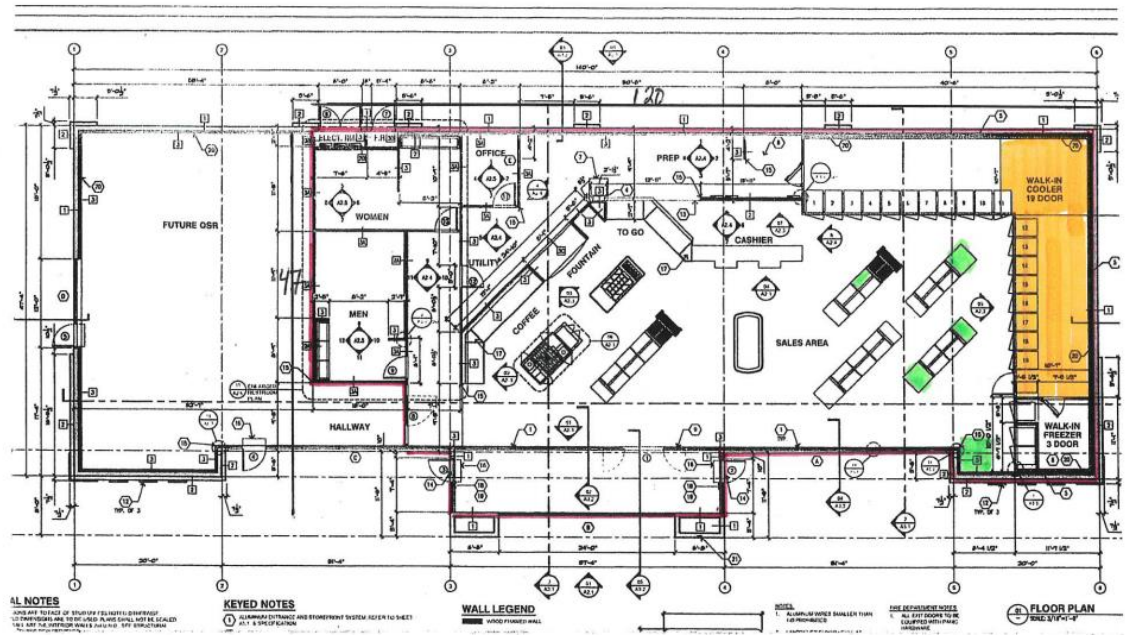
Staff recommends that the Planning Commission makes the finding that the public convenience or necessity is justified to issue the off-sale beer, wine and distilled spirits license as the convenient store offers goods and services in the nearby neighborhood.

- (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 facilities offering food and services to the neighborhood at the most northwest city boundary.

- (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.



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 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. However, staff added conditions to the project since it is within a commercial center along an entryway commercial corridor to the City of Coachella. Condition # 4 is 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, Condition # 6 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. Although the establishment is within 700 feet from the park and residential uses, the establishment does not front or have direct access to the nearby residences or park. Rather the establishment is oriented towards the major arterial, Grapefruit Blvd.

- 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 Martinez with the Riverside County Sheriff regarding any concerns or complaints for the AMPM convenient store License change from Type 20 to a Type 21 Liquor License. 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.

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. As shown on the existing conditions photos, attachment 4 of the report, the landscape perimeter requires landscaping maintenance. There are some portions along the landscaping perimeter where there is missing plant material that may have died, but never replaced. In addition, there is an abandoned tall metal monument sign that has remained after the construction of the commercial center. In comparison the landscaping on the new gas station, Tower Market across Avenue 48, the project site shows lack of landscaping plant material and maintenance. Therefore, staff is has included conditions to ensure the applicant maintain the landscaping along the perimeter of the entire commercial center especially since it is the first commercial center along the entry way to the City of Coachella.

### 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

1. Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission approve Conditional Use Permit No. 350 with the findings and conditions listed in Resolution No. PC 2022-07, and in the attached resolution.
2. Deny the proposed project.
3. Continue this item and provide staff and the applicant with direction.

### Attachments:

1. Resolution No. PC 2022-07  
Exhibit A - Conditions of Approval
2. AMPM Convenient Store Floor Plan
3. Vicinity Map
4. Existing Conditions