

**RESOLUTION NO. 2021-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA AFFIRMING PLANNING COMMISSION'S DECISION AND DENYING CONDITIONAL USE PERMIT NO. 338, A REQUEST FOR A 2,500 SQUARE FOOT CONVENIENCE STORE WITH LIQUOR SALES (ABC LICENSE TYPE 21 – OFF-SALE GENERAL) WITHIN 700 FEET OF PROPERTY USED FOR RESIDENTIAL PURPOSES, (CMC SEC. 17.74.015(C)(2).) (TO THE SOUTH AND EAST OF THE PROPOSED CONVENIENCE STORE), IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 50-223 CESAR CHAVEZ STREET, SUITE "B" (APN 768-050-003); PARADISE LIQUOR, INC., APPLICANT.**

**WHEREAS**, Paradise Liquor, Inc. filed an application for Conditional Use Permit No. 338 (CUP 339) to allow a 2,500 square foot convenience market/store with liquor sales (ABC License Type 21 – Off-Sale General) within 700 feet of property used for residential purposes (CMC Sec. 17.74.015(C)(2).) (to the east and south of the proposed convenience store) in an existing commercial building located at 50-223 Cesar Chavez Street, Suite "B"; Assessor's Parcel No. 768-050-003 ("Project"); and,

**WHEREAS**, the Planning Division completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and determined that the project is Categorically Exempt from CEQA 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. is exempt from the California Environmental Quality Act, as amended; and,

**WHEREAS**, the Project is permitted pursuant to Chapter 17.26 of the Coachella Municipal Code, subject to additional findings for Conditional Use Permits for liquor, on-sale and off-sale; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 338 on June 2, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding the proposed Project; and,

**WHEREAS**, the Planning Commission on June 2, 2021 voted to deny the proposed Project and on Jun 16, 2021 the Planning Commission approved Resolution No. 2021-12 to deny Conditional Use Permit 338; and,

**WHEREAS**, the applicant filed an appeal to the City Council of the Planning Commission's decision to deny CUP 338; and,

**WHEREAS**, the City Council conducted a duly noticed public hearing to consider the

appeal by Paradise Liquor, Inc. for CUP No. 338 on July 14, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding the proposed Project; and,

**WHEREAS**, at the City Council hearing, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Coachella, California does hereby affirms the Planning Commission decision to deny Conditional Use Permit No. 338, subject to the findings listed below.

**Section 1.** The above recitals are hereby incorporated by reference.

**Section 2.** At its regular meeting on July 14, 2021, the City Council conducted a public hearing on the appeal of the Planning Commission decision to deny Conditional Use Permit for the operation of a 2,500 square foot convenience market/store with liquor sales within 700 feet of property used for residential purposes (CMC Sec. 17.74.015(C)(2).) in an existing building located at 50-223 Cesar Chavez Street, Suite “B”, Assessor’s Parcel No. 768-050-003.

**Section 3.** Based upon the administrative record which includes the conditional use permit application, maps, and diagrams of the property, the oral and written evidence presented at the hearing, and upon the independent discretion and criteria enumerated by Section 17.74.015(C)(2) of the Coachella Municipal Code, the City Council finds as follows:

- A. The proposed off-sale use would not be located, operated and maintained so as to be compatible with the existing character of the general vicinity and would change the essential character of the same area because the proposed use would be located within 200 feet of a playground where the Municipal Code Section 17.74.015(C)(2)(a) requires that alcohol establishment not fall within 700 feet of a park or playground.
- B. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses and finding for the common public interest as a benefit to the community as a whole cannot be made due to the proximity of the proposed use to an existing playground within 200 feet at the Desert Palms Apartments multi-family complex where the Municipal Code Section 17.74.015(C)(2)(a) requires that alcohol establishment not fall within 700 feet of a residential use.
- C. The public benefit for the proposed use does not outweigh the distance restrictions in that the benefit provided by the proposed establishment to the immediate neighborhood is already served by existing retail establishments that includes the “99 Cent Store” with an off-sale alcohol license at 50-249 Cesar Chavez Street, Suite J and “Cardenas Markets” with off-sale beer, wine and liquor at 50037 Cesar Chavez Street.

**PASSED, APPROVED and ADOPTED**, this 14<sup>th</sup> day of July 2021.

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Steven A Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda  
City Clerk

**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. 2021-48 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 14<sup>th</sup> day of July 2021, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk