



STAFF REPORT
1/4/2023

TO: Planning Commission Chair and Commissioners

FROM: Gabriel Perez, Development Services Director

SUBJECT: Taco Shop 760 – Alcohol Sales and Entertainment Establishment Permit

SPECIFICS: Conditional Use Permit (CUP) No. 360 (Modification) to change the hours of operations related to the on-sale, service and consumption of beer, wine, and distilled spirits (Type 47) and Entertainment Permit No. 23-01 to permit limited entertainment within a 2,756 square-foot restaurant located at 48975 Grapefruit Blvd, Suite #3. Applicant: Alejandra Barcelo

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. PC 2023-03 (CUP No. 360 Modification) and Resolution No. PC 2023-04 (Entertainment Permit No. 23-01) recommending that the City Council:

- Modify Conditional Use Permit (CUP) No. 360 related to liquor sales license (Type 47, On-Sale Beer, wine and distilled spirits– Eating Place) operating until 12 a.m. Monday through Wednesday and until 1:30 a.m. Thursday to Saturday at the Taco Shop 760 eating establishment.
- Approve an entertainment establishment permit to allow for recorded music, karaoke on Thursday, and live performances by a musical group of 3-4 persons Fridays through Saturday located at 48975 Grapefruit Blvd, Suite #3

BACKGROUND:

Taco Shop 760 is currently operating as a restaurant within an existing commercial tenant space (Suite #3) located in the Plaza Mi Pueblo commercial center located on .58 acres at 48975 Grapefruit Blvd (APN 603-250-012). Plaza Mi Pueblo includes four retail suites, which includes Ana Perez Realtor, Kingz Barbershop, and Ink Devotion Tattoo and Body Piercing. Suite #3 was previously occupied by El Pecado Crafted Mexican Food. On January 4, 2023, the Planning Commission approved CUP 360 for Taco Shop 760 to operate with a Type 47 On-Sale license for the sale of beer, wine and distilled spirits, but limited hours of operation between 8 a.m. to 10 p.m. The applicant originally stated in their CUP application that they proposed new hours with closing at 12 a.m. Monday through Wednesday and until 1:30 a.m. Thursday to Saturday. Staff inadvertently excluded discussion on the new proposed hours in the staff report for Planning Commission consideration. The applicant also proposed karaoke and live music and is required

to obtain an entertainment establishment permit for consideration at a public hearing of the City Council.

DISCUSSION/ANALYSIS:

The applicant, Alejandra Barcelo, submitted a request for a CUP to allow the on-sale of liquor (beer, wine and spirits) at the Taco Shop 760 restaurant. 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.

The subject site is located within Census Tract 9404 with a population of 6,242 person, where ABC concentration standards allow a maximum of 5 on-sale licenses, where 16 active licenses exist. When it is determined by ABC that there is an undue concentration of on-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 2 – On-Sale Alcohol Licenses

On-Sale Alcohol License within Census Tract 9404			
	Business Name	Address	License Type
1	FRATERNAL ORDER OF EAGLES AERIE NO 2594	46425 TYLER ST	51 (Club)
2	FRATERNAL ORDER OF EAGLES AERIE NO 2594	46425 TYLER ST	58 (Special On-Sale General)
3	Danniel Kim	49939 HARRISON ST	40 (On-Sale Beer – Bar, Tavern)
4	SPOTLIGHT 29 CASINO	46200 HARRISON ST	47 (On-Sale General – Eating Place)
5	SPOTLIGHT 29 CASINO	46200 HARRISON ST	68 (Portable Bar License)
6	SPOTLIGHT 29 CASINO	46200 HARRISON ST	77 (Event Permit)
7	SPOTLIGHT 29 CASINO	46200 HARRISON ST	58 (Caterer’s Permit)
8	TAQUERIA ALLENDE	49715 HARRISON ST	41 (On-Sale Beer and Wine – Eating Place)
9	SANTA FE RESTAURANT	46425 TYLER ST	47 (On-Sale General – Eating Place)
10	ASADERO LOS CORRALES	46425 TYLER ST	41 (On-Sale Beer and Wine – Eating Place)
11	EASTERN BUFFET	49939 HARRISON ST	41 (On-Sale Beer and Wine – Eating Place)
12	PIZZA HUT	46200 HARRISON ST	41 (On-Sale Beer and Wine – Eating Place)
13	CARNITAS LA PIEDAD RESTAURANT INC	49625 US HIGHWAY 86	48 (On-Sale General – Public Premises)
14	CARNITAS LA PIEDAD RESTAURANT INC	49625 US HIGHWAY 86	58 (Caterer’s Permit)
15	MARISCOS GUAMUCHIL INC	49405 GRAPEFRUIT BLVD	47 (On-Sale General – Eating Place)
16	TACO SHOP 760 CORP	48975 GRAPEFRUIT BLVD, STE 3	58 (Caterer’s Permit)

17	CHICAS GENTLEMENS CLUB	46156 DILLON RD	48 (On-Sale General – Public Premises)
18	CHICAS GENTLEMENS CLUB	46156 DILLON RD	58 (Caterer's Permit)
19	MARISCOS EL PATRON	84400 INDIO BLVD	47 (On-Sale General – Eating Place)
20	MI LINDO SINALOA	49291 GRAPEFRUIT BLVD, STE 2	58 (Caterer's Permit)
21	MI LINDO SINALOA	49291 GRAPEFRUIT BLVD, STE 2	47 (On-Sale General – Eating Place)

*Surrendered licenses are counted by ABC towards the concentration of ABC licenses.

Additionally, on-sale establishments may not fall within 700 feet of a church, school, park, playground, residence or another existing on-sale use as measured from property line to property line. The subject site is within 700 feet of the Islamic Society of Palm Springs and about 200 feet to the nearest residence on Las Cruces Street. The subject site is also within 700 feet of another on-sale establishment (Eastern Buffet – 570 foot distance). Staff contacted the Lieutenant Vasquez with the Riverside County Sheriff regarding any concerns for the proposed business that the Planning Commission may want to consider when making findings or including conditions of approval for the CUP. Lieutenant Vasquez did not identify any concerns with the business and does not recommend any conditions of approval. No comments have been received from the public with any concerns about approval of the proposed conditional use permit for Type 47 alcohol sales.

The floor plan for Taco Shop 760 restaurant includes a bar area for seating and a substantially sized dining area of 978 sq. ft. Beer, wine and distilled spirits are proposed be displayed on a wall display near the bar area. A refrigerator behind the bar will also store beer and wine. A fenced outdoor dining area for the restaurant is located directly in front of the restaurant entrance and separated from the restaurant by a breezeway.

The Planning Commission on January 4, 2023 was able to make the Conditional Use Permit findings to approve Taco Shop 760 on-sale alcohol sales (beer, wine and distilled spirits) within the 700 foot limitation of churches and residences, but the Commission was not informed of the applicant's new proposed hours of operation and proposed entertainment uses. Condition of approval # 5 of CUP No. 360 limits restaurant hours of operation between 8:00 a.m. to 10:00 p.m. The applicant proposes operating until 12 a.m. Monday through Wednesday and until 1:30 a.m. Thursday to Saturday. Additionally, the applicant proposes recorded music, karaoke on Thursday nights, and live performances by musicians of 3-4 persons Fridays through Saturdays. No use of the restaurant for dancing is proposed. Staff circulated the request to Riverside County Sherriff for comment and there are no concerns about the added hours of operation and the proposed entertainment uses. Staff has conditioned the project to ensure that amplified music and the live musician performances occur inside the restaurant suite at all times to ensure compliance with the City's noise ordinance.

Environmental Setting:

The subject business is on a site within an existing commercial center at 48975 Grapefruit Boulevard substantially surrounded by urban uses, with adjoining zoning and land uses as follows:

North: Quick Quack Car Wash / (C-G, General Commercial)

South: Avenue 49 and Center for Employment training / (C-G, General Commercial)

East: Grapefruit Boulevard and Union Pacific Railroad / (M-S, Manufacturing Service)

West: Quick Quack Car Wash/ (C-G, General Commercial)

Site Plan / Parking and Circulation:

The site is fully developed and includes all required on-site parking.

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.

ALTERNATIVES:

- 1) Adopt Resolution No. PC 2023-03 and Resolution No. PC 2023-04 recommending that the City Council approve a modification to CUP 360 and Entertainment Establishment Permit No. 23-01 with the findings and conditions as recommended by Staff.
- 3) Not approve Resolutions No. PC 2023-03 and PC 2023-04. Request that staff prepare Planning Commission Resolutions recommending to the Council denial of the proposed permits. Under this alternative, CUP No. 360 for on-sale alcohol (beer, wine and distilled spirits) would remain active but under existing limited hours of operation and no permitted entertainment.
- 3) Continue this item and provide staff and the applicant with direction.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission recommend to the City Council approval of the modification to Conditional Use Permit No. 360 and Entertainment Permit No. 23-01 with the findings and conditions listed in Resolution No. PC 2023-03 and Resolution No. PC 2023-04. Staff recommends that the Planning Commission make the finding that the public convenience or necessity is justified to issue the on-sale beer, wine and distilled spirits license as alcoholic beverages are offered in combination with a bonafide eating place that already is in the possession of a Type 1 license (On-Sale Beer and Wine – Eating Place). Furthermore, The Sherriff's

Department has not raised concerns about approving modification of the Conditional Use Permit for Type 47 alcohol sales or the Entertainment Permit No. 23-01.

Attachments:

1. Resolution No. PC 2023-03 (CUP No. 360 Modification)
Exhibit A – Conditions of Approval
2. Resolution No. PC 2023-04 (Entertainment Permit No. 23-01)
Exhibit A – Conditions of approval
3. Vicinity Map
4. Taco Shop 760 Floor Plan