

**RESOLUTION NO. PC2021-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA APPROVING CONDITIONAL USE PERMIT NO. 339 TO ALLOW THE SALE OF ALCOHOL (ABC LICENSE TYPE 41 - BEER AND WINE) IN CONJUNCTION WITH PREPARED MEALS, AT AN EXISTING 944 SQUARE FOOT RESTAURANT LOCATED AT 84-705 AVENUE 50, SUITE 1 (DBA: TACOS PERICOS) IN THE C-G (GENERAL COMMERCIAL) ZONE; JOSE ALBERTO NIEBLAS-SANCHEZ, APPLICANT.**

**WHEREAS**, Jose Alberto Nieblas-Sanchez filed an application for Conditional Use Permit No. 339 (CUP 339) to serve beer and wine for on-site consumption with prepared meals, at an existing 944 square foot bona fide restaurant (dba: Tacos Pericos) located at 84-705 Avenue 50, Suite 1; Assessor's Parcel No's. 768-163-016 ("Project"); and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 339 on June 2, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding CUP 339; 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, subject to obtaining a conditional use permit, pursuant to Chapter 17.26 of the Coachella Municipal Code and subject to certain required findings; and,

**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 development; 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. 339, subject to the findings and conditions of approval listed below.

**FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT NO. 339:**

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 Neighborhood Center land use designation according to the General Plan 2035, which allows the intended physical character to provide a comfortable, walkable environment for shoppers and diners. The restaurant will provide its patrons the choice of alcoholic beverages as they dine in the premises.
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 eating establishment such as the existing restaurant with the approval of a conditional use permit to sell/serve alcoholic beverages (Beer and Wine ABC License, Type 41). The proposed use is on a multi-tenant site that can be compatible with the adjoining commercial uses and 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 restaurant is within an existing commercial center with all infrastructure available on-site for the existing 944 square foot restaurant. Additionally, there is adequate ingress and egress into and out of the existing commercial center to maintain the adequacy of the traffic circulation system serving the proposed use.
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 an additional choice of beverage for its patrons. The proposed project will have adequate parking to serve the needs of its patrons and the restaurant use with alcoholic beverages use will serve the residents of the City as well as residents from the adjoining neighborhoods. 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, because all approaches are in full use for the patrons of the commercial center and no alterations are

proposed as part of the request to sell and/or serve alcohol at the existing 944 square foot restaurant and no negative effects exists.

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). The project involves minor alterations to interior partition walls, and existing electrical, plumbing, and mechanical systems within an existing commercial building.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 339:**

1. Conditional Use Permit No. 339 is an approval for the sale of alcohol in conjunction with prepared meals. 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. This approval shall not become effective for any purposes until any appeal period has passed, the applicant has received a Notice of Action with modified conditions, if any, and the applicant has obtained a business license. The additional 944 square feet expansion has received a final and a Certificate of Occupancy has been issued for the expansion.
4. Any break in service, meaning the closure of the bona fide restaurant use for a period of 180 consecutive days, will result in the expiration of this CUP.
5. 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.
6. All plan submittals for interior renovations of the existing restaurant are the responsibility of the applicant; this includes plan submittals to the City of Coachella Building Division, the Riverside County Fire Marshall’s Office; and the Riverside County Office of Environmental Health.
7. The applicant shall be responsible for informing all subcontractors or other business entities providing services related to the project of their responsibility to comply with all pertinent requirements in the Coachella Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City.

8. 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.
9. The applicant shall pay all fees at the time fees are due and comply with all requirements of other outside agencies.
10. Any sign approval for the project is a separate process requiring the issuance of a sign permit and building permit and it is subject to review and approval by the Development Services Department and Building and Safety.
11. The sale of alcoholic beverages is approved under this CUP for the bona fide restaurant with Type 41 On-Sale Beer and Wine ABC License for a cumulative of 944 square feet. The operation of the restaurant shall also be in conformance with Section 17.74.015 of the City of Coachella Municipal Code as outlined below for the bona fide restaurant:
  - a) The sale of food and non-alcoholic beverages for consumption on or off the premises; and
  - b) the sale of liquor/alcoholic beverages for consumption on premises only; and
  - c) Where at least twenty (20) percent of the gross floor area of the building is designed, equipped and used exclusively for the storage and preparation of food and non-alcoholic beverages for consumption; and
  - d) Where at least fifty (50) percent of the gross floor area of the building is designed, equipped and used exclusively for seating of patrons for the purpose of serving meals. "Meals" shall mean the usual assortment of foods commonly ordered at various hours of the day for breakfast, lunch or dinner, and not merely appetizers or snacks. "Patrons" shall mean persons who come to a bona fide public eating establishment for the purpose of actually ordering and obtaining a meal therein; and
  - e) Where not more than twenty (20) percent of the gross floor area, or one thousand five hundred (1,500) square feet, whichever is less, is dedicated to a bar or the storage, sales and display of liquor/alcoholic beverages and said area is separated by physical barriers from the main seating area for serving meals.
12. Hours of operation for the restaurant may be from 9:00 a.m. to 9:00 p.m. Monday thru Sunday. The business shall offer the sale of prepared meals at all hours of operation. The last call for alcohol sales shall be 30 minutes before closing time.
13. The applicant shall submit an updated waste water survey, pursuant to City standards, for the review and approval of the City's Environmental Programs Coordinator.

14. 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 used for the display of liquor; or a ten-percent increase in the display space of liquor.

**PASSED APPROVED and ADOPTED** this 2<sup>nd</sup> day of June 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Virgen  
Planning Commission Chairperson

**ATTEST:**

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Yesenia Becerril  
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. PC2021-07 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 2<sup>nd</sup> day of June 2021 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Yesenia Becerril  
Planning Commission Secretary