



STAFF REPORT
6/2/2021

TO: Planning Commission Chair and Commissioners

FROM: Luis Lopez, Development Services Director

SUBJECT: Paradise Liquor – Alcohol Sales Request

SPECIFICS: Conditional Use Permit No. 338 to allow liquor sales as part of a proposed 2,500 square foot convenience store (ABC Type 21, Off-Sale General) in an existing commercial building located at 50-223 Cesar Chavez Street, Suite “B” in the C-G (General Commercial) zone. Paradise Liquor, Inc. (Applicant)

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. PC 2021-08 approving Conditional Use permit No. 338 and Variance No. 21-02 to allow a liquor sales license (Type 21, Off-Sale, General) at “Paradise Liquor” located at 50-223 Cesar Chavez Street, Suite “B” pursuant to the findings and conditions of approval contained in the staff report and attached resolution.

BACKGROUND:

The subject site is a vacant commercial tenant space located within a 1.08-acre neighborhood commercial center located at the southwest corner of Westerfield Way and Cesar Chavez Street. The tenant space was previously occupied by “Radio Shack” for many years, but has remained empty for several years. The parking lot serving this commercial center is located in the rear portion of the site which is adjacent to an existing multifamily residential apartments complex.

DISCUSSION/ANALYSIS:

The applicant, Paradise Liquor, Inc. has submitted a request for Conditional Use Permit to allow the off-sale of liquor (beer, wine and spirits) in conjunction with a new 2,500 square foot convenience grocery market. The owner has stated that this will allow local residents to have “grab and go” capabilities without having to go to the larger markets for their grocery items (i.e., Cardenas, 99 Cents Store, Smart & Final, etc.). As such, they envision that the store will serve the neighborhood commercial use of the immediate neighborhoods to the east and west of the property.

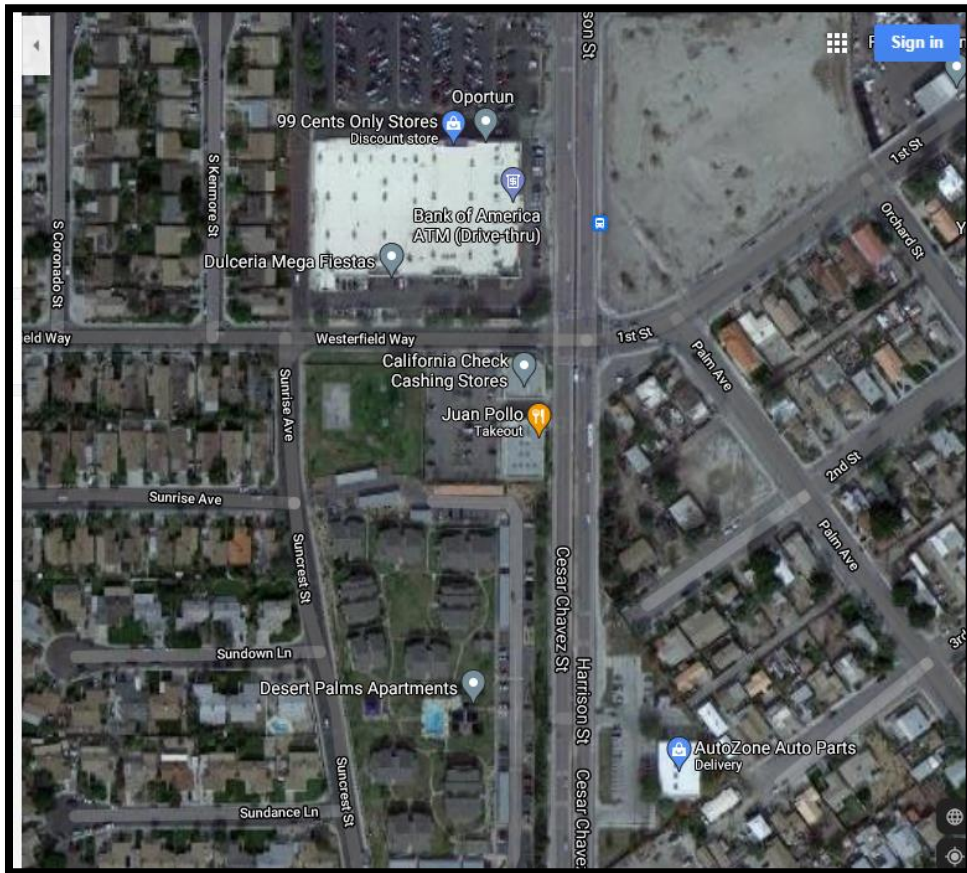
The zoning designation of the commercial center where the store is proposed is within the C-G (General Commercial) and allows retail sales and grocery stores by right. Several years ago the City adopted an ordinance requiring a conditional use permit for any off-sale alcohol sales

establishment, with additional land use regulations contained in Section 17.74.015 of the Zoning Code. The additional land use regulations state as follows:

Section 17.74.015C-2

- 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*
- 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.*

The proposed liquor sales store is located within 200 feet away from the playground located on the west side of the parking lot, and within 700 feet away from other residential uses on the east side of Cesar Chavez Street. The aerial photograph below shows the location of the commercial center at the southwest corner of Westerfield Way and Cesar Chavez Street. Currently there is one off-sale alcohol license within 700 feet located at the “99 Cent Store” at 50-249 Cesar Chavez Street, Suite J.



Paradise Liquor (next to Juan Pollo and CA Check Cashing)

Section 17.74.015C of the Zoning Code allows the City to allow off-sale liquor establishments (liquor stores) that are less than 700 feet from playgrounds, residential property, and other liquor stores, provided the following additional findings are made:

- 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:*
 - (A) *The establishment provides a substantial benefit to the immediate neighborhood not provided by another existing establishment within the restricted distance; and*
 - (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;*
- c. *That the requested establishment at the proposed location will not adversely affect the economic welfare of the nearby community; and*
- 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.*

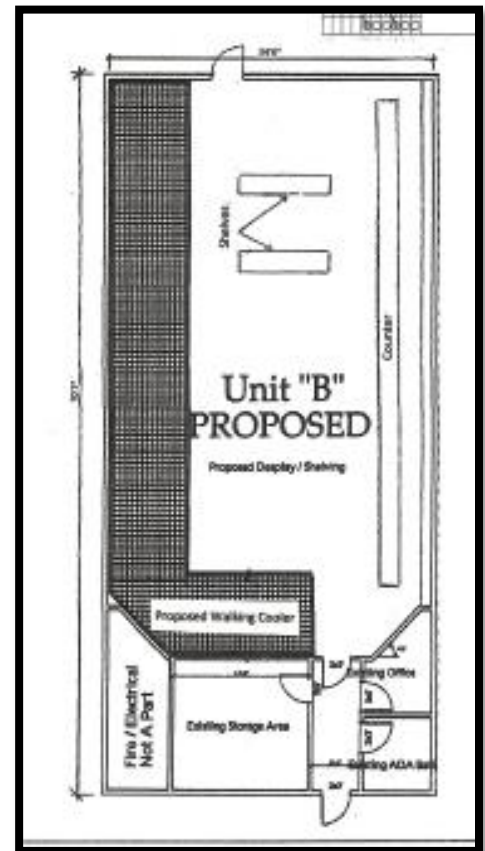
The floor plan for the Paradise Liquor business is shown to the right. The floor plan shows a large walk-in cooler along the long side of the tenant space. The owner has stated that a variety of non-alcoholic beverages and food items will be displayed for sale, in addition to alcoholic beverages, in the coolers. Additionally, there will be several gondolas in the open sales area of the store to display packaged foods, canned food items, dry goods, and similar convenience store items.

In order to allow the proposed liquor sales within 700 feet of the existing playground, residential uses, and 99-Cent Store off-sale alcohol establishment, the Planning Commission must make the above special findings, in addition to the normal CUP findings of fact.

Staff believes that this store will provide a convenient “grab and go” option for many residents in the vicinity that do not wish to travel and take extra time to go into the larger supermarkets in the larger vicinity. Accordingly, staff has prepared findings for approval of the CUP as proposed.

Hours of Operation:

The applicant has not indicated specific hours of operation for the convenience store. The City Municipal Code does not legislate any hour of operation restrictions, per se. However, staff is



concerned that the late evening hour sale of alcoholic beverages could have an adverse effect on the adjoining residential uses to the west. Accordingly, staff recommends that the hours of operation for the business be limited to 7:00 am to 10:00 pm Sunday through Wednesday, and 7:00 am to 11:00 pm Thursday through Saturday.

Environmental Setting:

The subject site is a small commercial center located at the southwest corner of Westerfield Way and Cesar Chavez Street and is substantially surrounded by urban uses, with adjoining zoning and land uses as follows:

North: Cardenas Shopping Center, multi-tenant uses / (C-G, General Commercial)

South: Multifamily Residential / (R-M, Residential Multifamily)

East: Single-family residential / (C-G, General Commercial)

West: Playground/ Single Family Residential / (R-M, Multifamily Residential)

Site Plan / Parking and Circulation:

The site is fully developed with one driveway access from Westerfield Way and an additional driveway along Cesar Chavez Street. The site provides ample parking spaces for all the existing uses at the commercial center.

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

Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission approve Conditional Use Permit No. 338 with the findings and conditions listed below, and in the attached resolution.

FINDINGS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 338:

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 and envisions neighborhood commercial uses mixed with high-density residential uses. The liquor sales establishment will be part of a convenience store that will provide for the sale of grocery items to serve adjoining residents.

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 grocery stores subject to obtaining a conditional use permit to sell alcoholic beverages. The proposed use is on a major commercial thoroughfare street within a multi-tenant site that is 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 commercial tenant space is within an existing commercial center with all infrastructure available on-site for the proposed grocery convenience store. Additionally, there is adequate ingress and egress into and out of the existing 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 for the sale of alcoholic beverages in conjunction with a convenience grocery store with limitations on hours of operation. 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. 338:

1. Conditional Use Permit No. 338 is an approval for the sale of alcohol in conjunction with a proposed 2,500 square foot convenience grocery 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. Any break in service, meaning the closure of the convenience grocery store use for a period of 180 consecutive days, will result in the expiration of this CUP.

4. 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.
5. All plan submittals for interior renovations of the proposed convenience grocery store shall be the responsibility of the applicant; this includes plan submittals to the City of Coachella Building Division, and the Riverside County Fire Marshall's Office.
6. 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.
7. 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.
8. The applicant shall pay all fees at the time fees are due and comply with all requirements of other outside agencies.
9. 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. The applicant shall not place any signs on west side of the building facing the playground adjacent to the parking lot serving the business, such that any brands of alcohol are visible from the playground.
10. The sale of alcoholic beverages is approved under this CUP is for a 2,500 square foot convenience store that provides a variety of grocery food items and dry goods. The operator shall work with the City's Police Department to deter theft of beer and wine items from the refrigerated display areas.
11. Hours of operation for the convenience store may be from 7:00 a.m. to 10:00 p.m. Sunday thru Wednesday and from 7:00 am to 11:00 pm Thursday through Saturday. 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.
12. 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.

Attachments: Resolution No. PC 2021-08
Applicant Memo
Correspondence