

**RESOLUTION NO. 2022-10**

**A RESOLUTION OF THE CITY OF COACHELLA CITY COUNCIL APPROVING AMENDMENTS TO ARCHITECTURAL REVIEW 20-03 AND CONDITIONAL USE PERMIT 321 TO ALLOW THE CONSTRUCTION OF A 2,028 SQ. FT. DRIVE-THRU COFFEE SHOP AND A 4,088 SQ. FT. MINI-MARKET WITH ALCOHOL SALES AND 24 HOUR OPERATION ON 3.1 ACRES OF A 5.9 ACRES OF VACANT LAND LOCATED AT THE NORTHEAST CORNER OF FIRST STREET AND CESAR CHAVEZ STREET. (APN 778-020-007 AND 778-010-017) COACHELLA RETAIL REALTY ASSOCIATES, LP (APPLICANT).**

**WHEREAS**, Coachella Retail Realty Associates, LP filed an application for Conditional Use Permit (CUP 346), CUP 347, Architectural Review (AR) 21-12 and amendments to CUP 321, AR 20-03, and Tentative Parcel Map (TPM) 37940 to allow the construction of a 2,028 sq. ft. drive-thru coffee shop, 2,600 sq. ft. drive-thru restaurant, and a 20,422 sq. ft. supermarket located at the northeast corner of First Street and Cesar Chavez Street (APN 778-020-007 and 778-010-017); and

**WHEREAS**, on October 14, 2020, the City Council of the City of Coachella held a duly noticed and published Public Hearing and considered the Architectural Review 20-03 and Conditional Use Permit 321 as presented by the applicant, adopting Resolution 2020-55 with the findings, conditions, and staff recommendations; and

**WHEREAS** on December 15, 2021 and January 5, 2022, the Planning Commission of the City of Coachella held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties; and

**WHEREAS** on January 26, 2022, the City Council of the City of Coachella held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties; 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 Planning Division completed an initial environmental assessment of the above matter and in accordance with the California Environmental Quality Act (CEQA) recommends the City Council determine the project will not result in any new environmental effects that were not previously analyzed as part of the original project under Environmental Initial Study 07-16 on May 7, 2008 for Fountainhead Plaza for all phases of the project.

**WHEREAS**, the proposed change could not adversely affect the general health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Coachella, California hereby resolve as follows:

**Section 1.** Incorporation of Recitals

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council as fully set forth in this resolution.

**Section 2.** CEQA Findings

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council and the facts outlined below, the City Council hereby finds and determines that the proposed project will not result in any new environmental effects that were not previously analyzed as part of the original project under Environmental Initial Study 07-16 on May 7, 2008 for Fountainhead Plaza for all phases of the project.

**Section 3.** Conditional Use Permit and Architectural Review Findings

With respect to the modifications to Conditional Use Permit 321 and Architectural Review 21-03, the City Council finds as follows for the proposed for the 2,028 sq. ft. drive-thru coffee shop:

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the Coachella General Plan 2035, except as recognized that the project has vested rights as to the number of drive-thru restaurants and service stations previously vested under CUP No. 233 and AR No. 07-20. Staff requested direction from the Planning Commission at the June 3, 2015, Planning Commission hearing through a policy discussion item on the agenda. The site has a Downtown Center land use designation that allows for a range of retail uses. The proposed uses on the site are in keeping with the policies of the Downtown Center land use classification and the Project is internally consistent with other General Plan policies for this type of development.

2. The proposed uses will be located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area. The proposed project is in compliance with the applicable development standards of the City's Zoning Code. The applicant proposes to amend the approved site plan by eliminating two tenant spaces (4,500 sq. ft). of a multi-tenant retail building and instead retain a 2,028 sq. ft. drive-thru Coffee Shop and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market with alcohol sales and 24 hour operations on 3.1 acres of vacant land, in accordance with section 17.74.010 of the Coachella Municipal Code.

3. Consideration is 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 the development. The proposed development consists of an amended site plan and architectural elevations that proposes to eliminate two tenant spaces (4,500 sq. ft). of a multi-tenant retail building and instead retain a 2,028 sq. ft. drive-thru Coffee Shop and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market with alcohol sales and 24 hour operations on 3.1 acres of vacant land, in accordance with section 17.74.010 of the Coachella Municipal Code. The proposal which will provide City residents and regional residents with an alternative food service and an additional service station with a convenience store which will provide convenience to motorist within the region. The proposed use is compatible with existing adjacent uses, which include similar land uses and large commercial development sites.

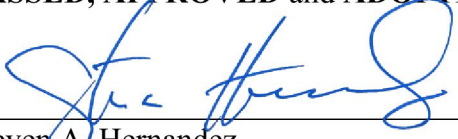
4. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole. The proposed development will be compatible with the neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this project propose a building with similar architectural features to the adjoining existing architectural theme of the commercial center as well as adjoining commercial development within the immediate vicinity of the proposed site. The surrounding properties to the south and to the east are vacant and can provide for similar commercial development. As such, the proposed buildings will be in keeping with the scale, massing, and aesthetic appeal of the existing neighborhood and future development.

5. The proposed use will include three new vehicular approaches to the property designed to improve off-site and on-site vehicular circulation for existing traffic on surrounding public streets or roads. Evidence of this is reflected in the provided site plan design. The three new proposed drive isles and internal circulation have been reviewed and approved by the Fire Department and the Engineering Department.

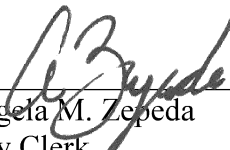
#### **Section 4.** City Council Approval

Based on the foregoing recitals and findings above, and the written and oral comments, facts and evidence presented, the City of Coachella City Council approves modification to Conditional Use Permit 321 Architectural Review 20-03 for the Fountainhead Plaza Phase II development and subject to the Conditions of Approval as set forth in Resolution No. 2020-55 and as modified by the Conditions of Approval as set forth in "Exhibit A"

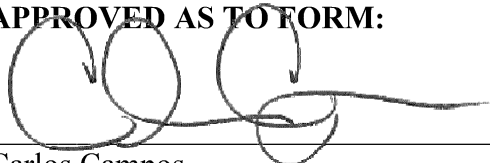
**PASSED, APPROVED and ADOPTED** this 26<sup>th</sup> day of January 2021.

  
\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )


**I HEREBY CERTIFY** that the foregoing Resolution No. 2022-10 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 26<sup>th</sup> day of January 2022, by the following vote of Council:

AYES:            Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez,  
                    and Mayor Hernandez.

NOES:           None.

ABSENT:        Councilmember Beaman Jacinto.

ABSTAIN:       None.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**CONDITIONS OF APPROVAL  
CONDITION USE PERMIT 321 (modification) AND ARCHITECTURAL REVIEW 20-03 (modification) FOUNTAINHEAD PLAZA (STARBUCKS AND 7-ELEVEN)**

**CONDITIONS OF APPROVAL FOR AR 20-03:**

\*Modified conditions are in “Bold” and deleted text is in “strike-out.”

45. ~~Temporary Certificates of occupancy may be issued to allow businesses to open, prior to,~~ **Prior to issuance of certificate of occupancy** all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City. **A Temporary Certificate of Occupancy may be issued prior to completion of aforementioned improvements.**
  
81. A minimum of 10 date palm trees ~~California or Mexican Fan palms~~ of a minimum 10 to 15 foot brown trunk height shall be planted at the intersection of First Street and Cesar Chavez Street.
  
90. **The Conditions of Approval of Resolution No. PC 2021-25 (CUP 346 and CUP 347 and AR No, 21-12) Exhibit A are incorporated herein as conditions of approval for Conditional Use Permit 321 and Architectural Review No. 20-03 by reference.**