



**STAFF REPORT**  
**9/18/2024**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Gabriel Perez, Development Services Director

**SUBJECT:** AM PM – Type 21 Alcohol Sales Conditional Use Permit No. 364 (Mod)

**SPECIFICS:** Request to modify conditions of approval for CUP 364 for liquor sales as part of the operation of a 5,170 sq. ft. “AMPM” convenience store (ABC License Type 21, Off-Sale General) in an existing commercial building located at 48055 Grapefruit Blvd. in the C-G (General Commercial) zone. GSC & Son Corporation (Applicant)

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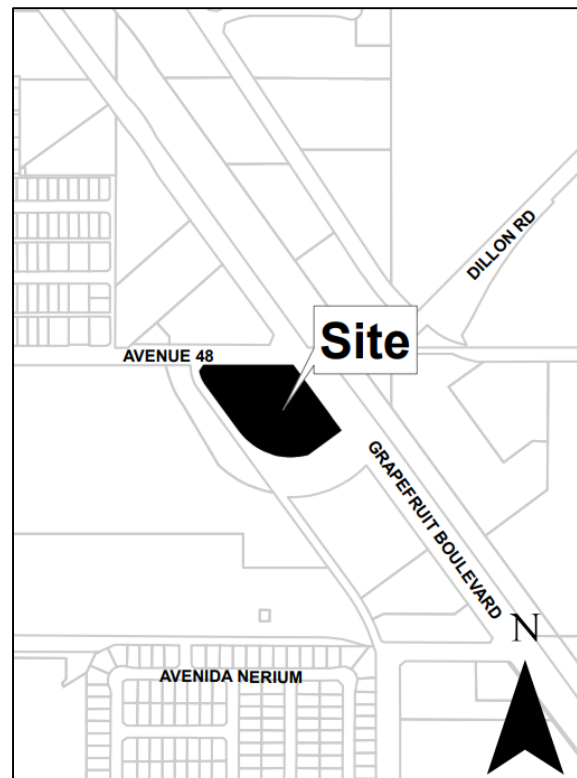
**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. PC2024-21 approving A modification to Conditional Use Permit (CUP) No. 364 to allow a liquor sales license (Type 21 On Sale General Alcohol License) at the AMPM convenience store located at 48055 Grapefruit Blvd. pursuant to the findings and conditions of approval contained in the attached resolution.

**BACKGROUND:**

The subject site is an existing commercial tenant space located within a 1.7-acre commercial building located at 48055 Grapefruit Blvd. The AMPM convenience store currently utilizes Type 20 Off-Sale Beer and Wine license type with the California Department of Alcohol Beverage Control (ABC) since September 2017.

On April 19, 2023 the Planning Commission approved CUP No. 364 for Type 21 Off-Sale license that would allow the applicant to include the sale of spirits and a one year time extension was approved by the Planning Commission until April 19, 2025. The CUP conditions of approval required maintenance and improvements to the site with milestones that the applicant did not want to pursue. The Planning Commission approved a new



commercial multi-tenant building on July 17, 2024 for the remainder vacant lot at the commercial center that include the same conditions of approval that the applicant objected to complete with CUP No. 364. The applicant requests the modification to CUP No. 364 in order to remove the conditions of approval that are also included with CUP No. 354 and Architectural Review (AR) No. 24-02.

**DISCUSSION/ANALYSIS:**

The applicant, GSC & Son Corporation, has an approved Conditional Use Permit (CUP) to allow the off sale of liquor (beer, wine and distilled spirits) at the AMPM convenient store. The AMPM convenient store currently holds Type 20 off-sale beer and wine license, which will be surrendered once the Type 21 license by CA Department of Alcohol Beverage Control (ABC) is issued. The AMPM convenient store will continue the same operating hours, which is open for 24 hours, every day of the week.

Staff is supportive of the applicant's request to modify conditions of approval of CUP No. 364 as the new "Starbucks" commercial multi-tenant building is required to fulfill the same conditions that include landscape maintenance, sidewalk improvements, pylon sign modifications, and new street light. The applicant has submitted civil engineering and building construction plans to the City's Building Division and Engineering Department for plan check. The following are conditions of approval that are requested to be removed from the CUP No. 364 conditions of approval:

3. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association's/Owner's maintenance obligations with respect to various facilities including, but not limited to, right-of-way and private landscaping, private streets, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity. The City of Coachella shall be listed as an express third-party beneficiary and be reviewed and approved by the City Attorney's office prior to recordation. Recordation of the amended CC&Rs with the City listed as a third-party beneficiary shall occur prior to issuance of a Type 21 license from CA Alcohol Beverage Control.
4. The CUP No. 364 will be considered effective upon replacement of on-site missing, dead or decaying landscaping and removal of the abandoned pylon frame to the satisfaction of the Code Enforcement Manager and Development Services Director. The applicant shall arrange a field inspection with the Code Enforcement Manager and Development Services Director to affirm that this conditional approval was addressed. The Development Services Director will confirm with the CA Alcohol Beverage Control that this condition has been satisfied at that the CUP No. 364 is considered affective.
6. The applicant shall install and continue the sidewalk along the southeast portion of the commercial center specifically the frontage (along Grapefruit Blvd.) of the vacant parcel APN: 603-220-057 within 6 months of the approval of CUP 364.
12. The existing abandoned metal freestanding sign at the corner of Grapefruit Blvd and Avenue 48 shall be removed prior to issuance of a Type 21 ABC License.

13. The applicant shall install a new Street Light to provide lighting for the new sidewalk extension along the frontage of the southeast portion of the commercial center (along Grapefruit Blvd.) of the vacant lot 603-220-057 within 6 months of the approval of CUP 364.

Once the Planning Commission approves the modifications to the conditions of approval, City staff can immediately provide clearance to ABC that the CUP is considered effective.

**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 a modification to CUP No. 364 with the findings and conditions listed in Resolution No. PC 2024-21.

1. Adopt Resolution No. PC 2024-21 approving Conditional Use Permit No. 364 (Modification) with the findings and conditions as recommended by Staff.
2. Deny the proposed CUP modifications and maintain existing conditions of approval of CUP No. 264
3. Continue this item and provide staff and the applicant with direction.

Attachments:

1. Resolution No. PC 2024-21  
Exhibit A – Conditions of Approval
2. Vicinity Map
3. AM PM Convenient Store Floor Plan
4. Existing Conditions Photos
5. Landscape Plan
6. April 19, 2023 Staff Report for CUP No. 364