

RESOLUTION NO. 2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA APPROVING OF A MODIFICATION TO CONDITIONAL USE PERMIT NO. 360 TO ALLOW ON-SALE BEER, WINE, AND DISTILLED SPIRITS SERVICE FOR THE 2,756 SQUARE FOOT TACO SHOP 760 OPERATING UNTIL 12 A.M. MONDAY THROUGH WEDNESDAY AND UNTIL 1:30 A.M. THURSDAY TO SATURDAY (ABC LICENSE TYPE 47 – ON- SALE BEER, WINE AND DISTILLED SPIRITS – EATING PLACE), IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 48975 GRAPEFRUIT BLVD, SUITE 3 (APN 603-250-012); ALEJANDRA BARCELO, APPLICANT.

WHEREAS, Alejandra Barcelo filed an application for Conditional Use Permit No. 360 (CUP 360) to allow a 2,756 square foot restaurant with service of beer, wine, and distilled spirits (ABC License Type 47 – On Sale Beer, Wine and Distilled Spirits) in an existing commercial building located at 48975 Grapefruit Blvd; Assessor’s Parcel No. 603-250-012 (“Project”); and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on CUP No. 360 on January 4, 2023 at 1515 6th Street, Coachella, California regarding the proposed Project and approved CUP No. 260; and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing for a modification to CUP No. 360 on February 15, 2023 at 1515 6th Street, Coachella, California regarding expanded hours of operation and consideration of Entertainment Permit No. 23-01 recorded music, karaoke on Thursday, and live performances by a musical group of 3-4 persons Fridays through Saturday recommending approval to the City Council; and,

WHEREAS, the City Council conducted a duly noticed public hearing for a modification to CUP No. 360 and Entertainment Permit No. 23-01 on March 8, 2023 at 1515 6th Street, Coachella, California; and,

WHEREAS, at the City Council 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 pursuant to Chapter 17.74 of the Coachella Municipal Code.

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 restaurant with on-sale beer, wine, and distilled spirits; 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 City Council of the City of Coachella, California does hereby approve Conditional Use Permit No. 360 (modification), subject to the findings and conditions of approval listed below.

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 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) as the proposed on sale service of liquor will occur in conjunction with an existing business in an existing commercial building

Section 4. Conditional Use Permit Findings

With respect to Conditional Use Permit No. 360 (modification), the City Council finds as follows for the proposed on-sale alcohol request:

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 Suburban Retail District land use designation according to the General Plan 2035, which allows the intended physical character to provide convenient access and parking for motorists while also providing an attractive shopping environment. The on sale offerings of beer, wine and distilled spirits at Taco Shop 760 will provide a unique service to the Suburban Retail District and citywide that accomplished the goals of the General Plan.
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 restaurants with alcohol service subject to obtaining a conditional use permit to sell alcoholic beverages. The proposed use is located on Grapefruit Boulevard and 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 building with all infrastructure available on-site for the existing restaurant and an existing commercial parking lot.
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. The Riverside County Sheriff indicated that there are no concerns about the operations of this establishment, including service of on-sale beer. The Sherriff's Department does not recommend conditions related to public safety concerns. As such, there are no anticipated 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 as the commercial center that the subject business is located in is already existing and traffic and vehicular approaches were already considered and approved by the City Engineer and the Planning Commission. 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) as the proposed on sale service of liquor will occur in conjunction with an existing business in an existing commercial building.
6. Although the Taco Shop 760 restaurants does fall within seven hundred (700) feet, measured from property line to property line, of a use for religious worship (Islamic Society of Palm Springs), and residential use, the benefit of the restaurant outweighs the distance restrictions and the public convenience or necessity is justified to issue the on-sale beer, wine and distilled spirits license as the restaurants will offer a wide selection of food in a commercial center on a major corridor envisioned to have such uses. The Islamic Society of Palm Springs is 273 feet to the west and separated by three parcels. The nearest residence is approximately 150 feet to the Southwest and is separated by Avenue 49.
7. Although the Taco Shop 760 establishment does fall within seven hundred (700) feet,

measured from property line to property line, of an existing liquor, off-sale use (Eastern Buffet) the benefit of the supermarket outweighs the distance restrictions and the public convenience or necessity is justified to issue the on-sale beer and wine license as the restaurant will offer a wide selection of food products and increase the availability of restaurant establishments to Coachella residents and within walking distance to the immediate neighborhood. A condition of approval for CUP 360 requires that not greater than 20 percent of the gross floor area or 1,500 sq. ft. whichever is less is dedicated to a bar or storage, sales, and display of liquor/alcoholic beverages and said area is separated by physical barriers from the main seating area for serving meals.

8. The restaurant establishment at the location will not adversely affect the economic welfare of the nearby community, but rather would expand the availability of jobs and would serve as an anchor for the commercial center, which would also provide jobs and increase the City's sales tax revenues.
9. 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 business is located in an existing commercial center that was approved under Architectural Review and included high quality Spanish Architectural design.

Section 5. 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 hereby approves Conditional Use Permit No. 360 (modification) subject to and amended by conditions of approval in "Exhibit A."

PASSED APPROVED and ADOPTED this 8th day of March 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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. 2023-12 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 8th day of March 2023 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza
Deputy City Clerk